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TARGETED KILLING WITH DRONES?
IN DIALOGUE WITH TAMAR MEISELS

CILJANO UBIJANJE DRONOVIMA?
U DIJALOGU SA TAMAR MEJZELS

Tamar Meisels

TARGETED KILLING WITH DRONES? OLD ARGUMENTS, NEW TECHNOLOGIES

ABSTRACT

The question of how to contend with terrorism in keeping with our pre-existing moral and legal commitments now challenges Europe as well as Israel and the United States: how do we apply Just War Theory and International Law to asymmetrical warfare, specifically to our counter terrorism measures? What can the classic moral argument in Just and Unjust Wars teach us about contemporary targeted killings with drones? I begin with a defense of targeted killing, arguing for the advantages of pin pointed attacks over any alternative measure available for combatting terrorism. Assuming the legitimacy of killing combatants in wartime, I argue, there is nothing wrong, and in fact much that is right, with targeting particular terrorists selected by name, as long as their assassinations can be reasonably expected to reduce terrorist hostilities rather than increase it. Subsequently, I offer some further thoughts and comments on the use of remotely piloted aircrafts to carry out targeted killings, and address the various sources for discomfort with this practice identified by Michael Walzer and others.

KEYWORDS

drons, targeted killing, justification, asymmetrical warfare, terrorism

It is always a hard question whether new technologies require the revision of old arguments. Targeted killing isn't new, and I am going to repeat an old argument about it. But targeted killing with drones? Here the old argument, though it still makes sense, leaves me uneasy.¹

Michael Walzer

As the US and Israel continuously wage war on terror, they increasingly find themselves under attack for their policy of assassinating terrorist leaders. It has been argued that targeted killing violates international standards of legitimate warfare and that it is on a par with political assassination, or extra-judicial execution, and as such unequivocally banned by international law. In the extreme, it has been compared with the terrorist activity it purports to combat. Nevertheless, Former US President Obama repeatedly stated and demonstrated that targeted killing is his favored counter-terrorism measure. Israel, which has long resorted to this tactic, escalated its use after the outbreak of the second Intifada.

1 Walzer 2016: 12.

Targeted killing can be carried out by ground forces or by conventional airplanes, and it may involve the use of bullets, bombs or poison.² Mostly though, at least in the American case, targeted killings are performed by “drones”, operated at a distance. These are also the well-publicized cases of targeted killing, attracting the greatest public attention, not least because of the collateral damage they are reported to incur, and possibly due to the science fiction type images they invoke in popular imagination.

The question of how to contend with terrorism in keeping with our pre-existing moral and legal commitments now challenges Europe as well as Israel and the United States: how do we apply Just War Theory and International Law to asymmetrical warfare, specifically to our counter terrorism measures? What can the classic moral argument in *Just and Unjust Wars* (Walzer 1977) teach us about contemporary targeted killings with drones?

In a series of recent article and interviews, Michael Walzer takes up this new challenge, accepting some old arguments about targeted killing, while expressing reservations over the increased, and largely unsupervised use (overuse or misuse) of drones to perform this task at a distance, as well as unease over some choices of target (Walzer 2013; 2016).³

The following section briefly restates my own old argument for targeted killing, much of which is based on what I learned from Walzer’s *Just and Unjust Wars*. As is immediately apparent, I diverge slightly from Walzer in unequivocally adopting the ‘armed-conflict’ model as the only relevant framework for assessing our governments’ anti-terrorism strategies, rather than considering any law enforcement procedures, or any mixture of the two regimes.⁴ The subsequent section offers some further thoughts and comments regarding the specific use of remotely piloted aircrafts to carry out targeted killings, and addresses the various sources for discomfort with this practice identified by Walzer and others.

Targeted Killing

The key to the argument that targeted killing is legitimate under international law is the contentious proposition that a state of war, or armed conflict, exists between states and terrorist organizations. In the forthcoming arguments, I follow the American and Israeli Supreme Courts in maintaining that the relevant normative framework for considering counter-terrorism measures is that of an (international/non international) armed conflict, bringing the full privileges of belligerency into play.⁵ More generally, I suggest that where international law is unclear and

2 As in Israel’s failed targeting of Hamas leader Khaled Mashal in Jordan in 1997, when Mossad agents administered poison into Mashal’s left ear. Israel was subsequently compelled to hand over the antidote.

3 Michael Walzer, on Whether Drones Should Be Banned, *Berkley Center*, March 13th, 2013 <https://www.youtube.com/watch?v=Ky5iYOKORBA>.

4 Cf. Walzer, Walzer 2016: 13–14. See also the discussion of “*jus ad vim*” in Walzer 2006: xv–xvi.

5 For Israel, see: HCJ 769/02 Public Committee Against Torture in Israel v. Government of Israel (*Targeted Killings* Case) [2005] and HCJ 7015/02. For the US, see: E.g. Maxwell

indeterminate – that is, where alternative interpretations are possible – we ought to adopt an understanding of ‘armed conflict’ that does not exclude the new wars we are actually fighting.

Once at war, or engaged in armed conflict, any combatant may be killed under circumstances that far outstrip those that constrain ordinary self-defense (Gross 2004: 104). Terrorists are unquestionably combatants, albeit irregular combatants: they are the instigators, organizers, recruiters, commanders and operatives of an armed struggle. At the very least, terrorists belong to a type of unprotected civilians who are not unengaged in hostilities.⁶

Like political assassination, targeted killing aims at its victims narrowly and attempts to avoid collateral deaths. Ordinary citizens remain, so far as possible, immune from attack. While targeted killing shares this morally favorable aspect of political assassination, it avoids the normative shortcomings of assassination. First, targeted killing does not take aim at protected civilians who are unengaged in military activity. Second, unlike political assassination, targeting terrorists does not require a complex political evaluation of the victims cause, determining who is and who is not a political enemy; at most it requires a moral stand against terrorism. Terrorists are targeted for what they do – not for the causes they serve. Targeted killing shares the moral advantages of political assassination – the line it draws between liable targets and ordinary civilians – without retaining its problematic aspects. The terrorists’ paramilitary status serves to distinguish targeted killing from political assassination, which targets civilian officials. Military objective – preventing and combatting terrorism rather than punishment – serves to distinguish targeted killing from “extra-judicial execution”.

In the context of war, it is somewhat puzzling even to consider a judicial option – capture and trial of terrorists – as a first and preferable (albeit often impractical) option.⁷ Exhausting the difficult and costly option of arrests is not legally required.⁸ In war, the law authorizes the use of lethal force as first resort against enemy persons and objects within the parameters of the armed conflict (Corn 2009: 1347–1348). There is no wartime requirement to attempt capture and trial of combatants in war, rather than killing them as a first resort. Arguably, “unlawful combatants”, as opposed to soldiers, may also be targeted in unconventional settings, including civilian surroundings such as their homes and in their beds, because there is no other realistic way of combatting them, no front line to be considered. Terrorists defy all conventional rules that confine combat to the battlefield, and are therefore unentitled to their reciprocal protections (Statman 2003a: 196). They force armies to combat them in the midst of civilians, or else relinquish the fight altogether.

2012: 49, Blum and Heymann 2010: 157. Former President Barack Obama, Speech at the National Defense University.

6 This was the terminology adopted by former Israeli Supreme Court Justice Aharon Barak in HCJ 769/02 Public Committee Against Torture in Israel v. Government of Israel (*Targeted Killings* Case) [2005], esp. paragraph 31.

7 Cf. Walzer 2016: 13, who does not accept the war model in all cases, and argues that it would be better to bring terrorists to trial, though this is not always a reasonable option.

8 HCJ 769/02 [Dec. 11 2005]. Para. 40.

In the United States, the debate over targeting terrorists concerns two distinct types of military strategy, often carried out by drones: “personality strikes” and “signature strikes” (Heller 2013: 90). Strictly speaking, only personality strikes are targeted killings. They involve the listing and subsequent assassination of previously identified named individuals (Waldron 2015: 2). Israel, as well as the US, openly engages in personality strikes when it targets leading figures in Hamas. Signature strikes, by contrast, are mostly US drone attacks that target groups of men who have certain behavioral characteristics associated with terrorist activities or membership in Al Qaeda or its affiliates, but whose identities are unknown. As Andrew Altman explains, “Their ‘signature’ behavior functions as if it were the uniform of an enemy force, opening them to lethal attack, in the eyes of the U.S. government”. (Altman 2014: 3–4)

The majority of strikes launched by the US appear to have been signature strikes, and most of the CIA strikes apparently fall into this category (Altman 2014: 3–4), (though it may be the case that signature attacks were cut back towards the end of the Obama administration) (Walzer 2016: 17). Whether or not signature strikes (particularly as carried out by the US) are justifiable in the course of combating terror, they are much more like “untargeted killing”, as most wartime killings are. Jeremy Waldron points out that in some cases, “drones pass over areas like insurgent or terrorist training camps where, it is presumed, any young man present especially if he is armed is deemed a legitimate target whether he has been specifically identified or not.” (Waldron 2015: 2) These are not individualized killings, and actually appear quite similar to conventional wartime targets. In other contexts, where targets are not clearly paramilitary, or analogous to a military base or camp, it cannot be legitimate to automatically count all males of military age as liable combatants.⁹ In such cases, individualization of the target may actually be required, determining liable targets for “personality strikes”.

Judged under a wartime regime, there is nothing wrong, and in fact much that is right, about targeting individual terrorists – whether by name, or simply because of their part in hostilities. Killing terrorists is a legitimate and desirable military objective. In terms of proportionality, it is a good to be weighed against any regrettable harm to civilians.

Regarding civilians and their surroundings, much critical attention has been focused on the collateral damage incurred in the course of targeting operations, as well as on the specifically American use of drones and their effect on the surrounding population. In war, however, armies are authorized to attack and kill enemy combatants in ways that foreseeably cause death and injury to civilians, as long as the anticipated harm to civilians is not disproportionate “in relation to the direct and concrete military advantage anticipated” (Altman 2014: 19). In fact, when targeted killings are carried out with due care, they actually cause far less collateral damage than many conventional wartime tactics. This is the very essence of the case for pinpointed attacks.

In principle then, targeting terrorists in the course of an armed conflict as a preventive, rather than a punitive, measure is a legitimate defensive act, subject to

⁹ Cf. Walzer 2013. For the Israeli Court discussion of “direct part in hostilities” see H CJ 769/02 Para 33–40.

the usual necessity, proportionality and reasonable chance of success conditions. Moreover, judged as a wartime tactic, targeted killing is a particularly limited and fastidious form of combat and is therefore often morally preferable to alternative modes of belligerency commonly employed in war.

In practice, care and caution regarding choice of target and enemy civilians are crucial to the justification of targeted killing (Walzer 2016: 14). Both the Israeli Supreme Court and the Obama administration publicly affirmed various conditions. Whether high standards are actually met in practice is a further issue of contention (Walzer 2016: 15–18). Opposition to targeted killing often points to the lack of clarity surrounding the decision-making procedure and to the manner in which attacks are carried out. Such worries include suspicion of government power, fear of its abuse, lack of transparency, mistakes, misjudgments, use of unmanned aircraft, killing by “remote control” (Walzer 2016: 15–18). All these are secondary arguments against targeted killing (which does not make them any weaker). They do not principally oppose the killings themselves but rather express concern about their execution in practice, as well as about the feasibility of carrying out such operations legitimately. At the very least, they call for institutional guarantees against abuse of government power and related dangers.

None of these objections present conclusive arguments against the permissibility of targeting terrorists. Such concerns can, and should, be resolved in keeping with the general wartime framework in which these attacks are carried out. That is, we should require the standards of care and caution for enemy combatants and civilians, as well as the extent of oversight of administrative power, that we would normally require during wartime (e.g. review by a legal advisors) and in accordance with the standards applied to any other act of war.

One such requirement is reasonable chance of success. What is the point of targeted killing? “These Killings are part of a strategy of disruption and decapitation directed against terrorist organizations.” (Waldron 2011). Does this work? Opponents suggest, that such killings actually solicit acts of retaliation, deepen hostility and mistrust by antagonizing surrounding populations, encourage radicalization and jeopardize the chance of peace, escalating, enhancing and prolonging conflicts, rather than reducing terrorism (Gross 2003: 352, 356–358; Gross 2004: 100–103, 113; Gross 2010: 111).

Judging the expediency of targeted killing is admittedly fraught with difficulties. “Thwarted attacks remain unobserved, and counterfactuals – attacks that would have been launched had there never been a firm assassination policy – are difficult to gauge.” (Gross 2003: 357; Gross 2004: 101; Gross 2010: 114–117). As Daniel Statman points out, however, “Morally speaking, wars are a risky business. Still, according to just war theory, one is allowed to use lethal measures if there are good reasons to believe they will be efficient in self-defense.” (Statman 2003b: 778). In keeping with just war theory, we need not be absolutely sure that the strategy we employ is conducive to our defense; we need only employ it in good faith on the general assumption that it has a reasonable hope of success, and show good cause for this belief (Statman 2003a: 193; 2015: 9).

What causes might we have for this belief? Proponents of targeted killing readily admit that assassinations do not annihilate terrorism in one fell swoop. No one

argues that it presents an overall solution to terrorism. Those of us who support it believe that assassinating terrorists is a successful means of reducing terrorist hostility, at least in the long run, as it acts both as a deterrent (rather than punishment) and as an impediment in the face of terrorist organizations and their leaders. Such killings weaken terrorist groups, cause demoralization among their members, force them into hiding, and restrict their movements and activity. Underground terrorist movements with little internal structure often rely on the personal charisma or professional skills of the leaders and key figures of certain organizations. It is reasonable to believe that killing such individuals will gradually make it harder for the terror machinery to function (Statman 2003a: 192; 2003b: 778).

Moreover, assessing the efficacy of assassination policies involves evaluating not only their long-term (rather than merely immediate) effects but also their psychological impact. Terrorist leaders faced with personal danger often conceal themselves in the midst of civilian populations and reposition themselves constantly. The consistent and vivid threat posed by the “long arm” of their enemy, which is out there waiting to pluck them out of any place perhaps when they least expect it, presents a considerable emotional and practical obstacle. Wanted arch-terrorists do not go about their business as usual. Instead, they move around incessantly hoping to confound their enemy, presumably at considerable cost to their missions and public image. Left to their own devices there is every probability that terrorists will resume their activities. Finally, targeted killing has at least one definite consequentialist benefit; namely, it carries with it a far lower risk of *bad* moral results than any other available military strategy. Targeted killing is our best shot at combating terrorism at the lowest cost to human life (Statman 2003b: 778; 2003a: 193; Gross 2004: 99, 113; Gross 2010: 101).

Drones

What about collateral harm and resentment caused by drone warfare, as well as further objections directed at the use of unmanned aerial vehicles “killing by remote control” (Strawser 2013)? Although there is no essential connection between the use of drones and the principled argument over targeted killing, the two issues are at least contingently connected and the moral debate about drones is very much entangled with the debate about the morality and the legality of targeted killing (Statman 2015: 8). Some disentangling is in order.

First and most obviously: regardless of academic debate, drones are here to stay. To quote the recent American film *Good Kill*: “Drones aren’t going anywhere. In fact they’re going everywhere”.¹⁰ Perhaps quite soon everyone will have them (Walzer 2013, 2016: 18), though the feasibility of non-state actors successfully operating drone programs in American or Israeli skies appears most unlikely.¹¹

¹⁰ *Good Kill* (2014), <http://www.imdb.com/title/tt3297330/>.

¹¹ The popular notion that anyone can buy a drone is comically reflected in the BBC series *Episodes*, where Matt Leblanc tells Sean he’s thinking of buying a drone, to do drone stuff. <https://www.youtube.com/watch?v=VT3wRBueTJY> (*Episodes*, Season 4, episode 7). I doubt this potential is a source for concern. It seems a far cry from watching the tops of birds to launching successful drone warfare against mighty nations like Israel and the United States.

And this is the second point about drones – they are inherently a-symmetrical weapons favoring states, both morally and strategically. Arguably, this is actually one of their advantages. Running an effective drone program requires sophisticated satellite systems, large infrastructure and trained manpower, where state-level air superiority is already established and working in cooperation with the drone operations. Despite the remote-control imagery, Walzer explains, “drones are actually flown from bases fairly near their targets and it requires some 170 people to maintain the drones and get them into the air.” (Walzer 2016: 15) Given the expense and complexity of running an effectively lethal drone-system, as well as the anti-aircraft defenses operated in Israel and the U.S, drones would be entirely ineffective, not even particularly desirable, in the hands of non-state actors or their patrons aiming to kill civilians.¹²

Drones are not suitable weapons for individuals or terrorist organizations flying over countries with anti-aircraft capability. They are a weapon of states, particularly good states aspiring to distinguish combatants from civilians, though we know that good states will not always act well. Such asymmetry may seem unfair, but it is actually a moral point in favor of drones. In terms of upholding traditional *jus in bello*, drones are useful to the “good guys”. They are precision weapons, offering the possibility of careful compliance with the laws of war, to those who wish to comply. They are not particularly advantageous for engaging in wholesale killing or terrorism; less sophisticated low-tech weapons will suffice to do that trick.

Strategically, western style liberal democracies and their leaders are vulnerable to the threat of terrorism against civilians, as well as to terroristic abuse of the laws of war that occurs when terrorists use their own civilian as human shields in order to deter attacks by nations committed to the principle of distinction. Anti-aircraft warfare, on the other hand, is not one of our weaknesses (if they get drones, we’ll shoot them down). Without complete state-level air superiority, drones are incredibly ineffective. They are slow, and can easily be shot down by even the most basic anti-aircraft defenses. Drones offer a built-in advantage to states that try to distinguishing between combatants and civilians over murderous terrorist organizations that kill indiscriminately.

12 B. J. Strawser explains: Many speak of drones not as individual weapons, but more as “drone systems.” Each drone flight involves the drone itself (or drones, usually many drones working in tandem), but also involves the integrated satellite systems that navigate them and communicate with them anywhere on the planet, the ground uplink stations themselves that send and receive this communication, as well as sophisticated secondary satellite systems the piloting teams draw upon for navigation. It is this – the large infrastructure that is required for even minimally successful drone operations – that is only plausible for states to possess; and far out of the reach of even the most well-funded non-state actor groups. Additionally, without state-level air superiority, drones are incredibly ineffective. They are slow, lumbering planes that can easily be shot down by even the most basic anti-aircraft defenses. They would be like shooting down a slow moving, low flying Cessna, or even easier. The only reason they are effective where we use them is because we use them in places where complete air superiority is already established and working in cooperation with the drone operations. Non-state actors almost never have this. As such, even if they somehow COULD co-opt the massive infrastructure needed for an effective drone program (which I don’t think they could), their drones would be pathetically and easily shot down out of the sky almost instantly.

Third, given the previous points (drones are not going away, and they are essentially a weapon for (relatively) good states) the relevant question is how – not if – to use them. The laws and customs of war supply the answer: aim narrowly at identified combatants, sparing civilians whenever possible. Drones have this capacity to refine, rather than dull our moral sensibilities, and enhance compliance with the laws about distinction and proportionality, minimizing collateral damage. If they are not used to this end, then human are at fault, not the machines they employ.

Many of the earlier arguments about targeted killing pertain to the use of drones as well. Assuming the war model and last resort, Statman poses and answers the appropriate question: “Are civilians put at higher risk of harm by the use of drones than by the use of alternative measures?” (Statman 2015: 2; 2014: 41) Here again:

The crucial point to remember here is that the alternative to the use of drones is not the avoidance of violence altogether, which would entail zero-risk to civilians but the use of other, more conventional, lower-tech measures, such as tanks, helicopters, and so on. (Of course, if the use of force were not necessary, there would be no justification for using force even when no harm to civilians was to be expected). But such imprecise measures would almost certainly lead to more civilian casualties rather than to fewer.¹³

More critical of drone warfare generally, Jeff McMahan nonetheless concedes that the advantage of remotely controlled weapons is their ability to be highly discriminating in the targets they destroy:

What differentiates the newer models of remotely controlled weapons from traditional long-range precision-guided munitions is that they allow their operators to monitor the target area for lengthy periods before deciding whether, when, and where to strike. These are capacities that better enable the weapons operators to make morally informed decisions about the use of their weapons. (McMahan 2013: ix)

Similarly, Walzer notes, drones “combine the capacity for surveillance with the capacity for precise attack” (Walzer 2013).

Solving one moral problem, however, may in this case entail another. Drones that hover above for lengthy periods of time enable better informed moral decisions but what about the psychological collateral harms they inflict, as the costs of increased precision is offloaded onto surrounding civilians “Living under Drones”.¹⁴

The undoubtedly terrifying experience of daily life under the continuous buzzing of circling predator drones overhead, monitoring their target area for lengthy periods of time, is by now well documented, as well as quite easily imaginable.¹⁵ Israelis, in particular, cannot be impervious to this argument that counts psychological harm to civilians in wartime proportionality calculations. This type of damage

¹³ Statman 2014: 42; 2015: 2.

¹⁴ *Living under Drones: Death, Injury, and Trauma to Civilians from US Drone Practices in Pakistan*, International Human Rights and Conflict Resolution Clinic, Stanford Law School; Global Justice Clinic, NYU School of Law (September, 2012). <http://chrgj.org/wp-content/uploads/2012/10/Living-Under-Drones.pdf>

¹⁵ *Ibid.* See esp. Chapter 3, 59–101. This is the core section of the report, including first hand accounts describing the emotional trauma, as well as the total disruption of every aspect of private and social life, caused by drone attacks in Pakistan. See also the testimony in Appendix A.

to civilians has been repeatedly appealed to by Israel in justifying massive military incursions into the Gaza strip, in response to relatively few casualties on the Israeli side. Both in 2008-9 and more recently, Israel has effectively suggested that its proportionality calculus accounts not only for the physical costs inflicted by Hamas, but also the psychological implications to its southern population living under the continuous threat of Hamas rocket attacks. Advocating for Israel in these matters commonly involves reference to the devastating, life-disrupting, emotionally traumatic and economic costs to terrorized civilians, rather than merely to the number of actual fatalities on the ground (Dershowitz 2009). And what is true when making ‘the case for Israel’, must apply with even greater force in the case of civilians under drones in Pakistan and elsewhere.

I have no experience of living under drones, and only short-term experience of living under ineffective Hamas rocket attacks (as well as Scud missiles from Saddam Hussein’s Iraq in 1991). Despite the statistically low risk, shrieking rockets (not to mention buzzing drones) imminently threatening sudden death or injury from the skies, is admittedly quite an unsettling and unnerving experience, most notably for children. All the more so, I can only imagine, in the case of effective lethal aerial vehicles circling in the sky for extended stretches of time, threatening to strike at any moment.¹⁶ Waldron is quite right to point out that the relevant perspective for assessing the terrorizing effects of drones is that of the people who actually endure them, rather than professional risk assessments (Waldron 2015: 14).

Terror on the ground (far more so in Pakistan than in Tel Aviv) must be accounted for in any proportionality calculation, whether *ad bellum* (as in the Israeli case) or *in bello*, when the US chooses its weapons for combating terror. Nevertheless, psychological harm to civilians, just like any other collateral damage in war, has to be balanced alongside, and as against, other considerations such as military objectives and the costs of alternative weapons.

One significant factor in comparing terrorized populations with the terrifying effects of drones is the question of intent. Is the harm to civilians intentional, or is it a side effect of a legitimate objective? In the case of terror bombings, civilian casualties are intended directly, providing a just cause for war, as are the additionally terrorizing effects of these murderous attacks. Similarly (though not entirely equivalently), drones ought not to be deployed deliberately to “hover visibly and audibly precisely in order to terrify the villagers, so that they expel Taliban militants hiding among them” (Walzer 2016: 16). In the case of drones, psychological harm is justifiable to the extent that it is incurred sincerely as an undesirable side-effect of the war on terror. Moreover, unlike physical collateral damage, justifiable solely with reference to military objective, the frightening effects of drones are primarily the by-product of their surveillance capacity, focusing their aim and minimizing concrete harm to civilians.

Consider the following important point by Walzer in response to Stanford/NYU Clinics’ reports. Notwithstanding clear evidence of constant fear and buzzing drones, Walzer notes that... the very effectiveness of drone attacks raises questions about these

¹⁶ See *Living under Drones*, p. 81, where one man describes this harrowing experience, describing the reaction to the sound of the drones as “a wave of terror” coming over the community: “Children, grown-up people, women, they are terrified... They scream in terror.”

accounts of the fear they provoke. Attacking drones must hover at such high altitudes that they can't be seen or heard. If they didn't do that, the intended targets, who presumably know they are targets, would simply stay out of sight" (Walzer 2016: 16).

Walzer adds:

Even the most nuanced accounts are contradictory: Gusterson quotes reporters who liken the sound of drones to "lawnmowers in the sky," but then describes a successful killing that happened "without warning".¹⁷

Undeniably, reconnaissance drones hover (and hum) at lower (visible and audible) altitudes. But they do so precisely in order to allow for accurate targeting of a particular individual. So while, "The buzz of a distant propeller is a constant reminder of immanent death",¹⁸ it should also serve as a reminder of our attempt to spare civilians.

Is there nonetheless something about killing at a distance that makes drones particularly objectionable or prone to misuse? Historically, hurling flying cannon balls, tearing people apart across the battlefield, must also have seemed like terrifying remotely controlled weapons in their time. Unmanned Aerial Vehicles, however, are entirely distanced from the battlefield and offer their operators (though not necessarily everyone involved in maintaining the drones and getting them airborne) (Walzer 2016: 15) the advantage of risk-free combat. Various writers have suggested that riskless warfare is a bad in itself, either because it renders one's opponent non-threatening and therefore non-liable to attack in self-defense (Kahn 2002: 3),¹⁹ or else because it is dishonorable, unfair, and lacking in military valor.²⁰ Some objections to drone strikes – those concerning asymmetrical warfare, distant engagement, the loss of old fashioned military virtues and defenseless targets facing a faceless death – apply equally to long range missiles²¹ and, though perhaps to some lesser degree, also to aerial bombardment by manned aircrafts.

A number of answers have been put forth to these objections, most notably by B.J Strawser and Danny Statman. Drones are economical: morally, they have the capacity to minimize casualties among civilians and combatants; financially, they are relatively cost-effective for states to produce and deploy in relation to inhabited planes carrying out similar missions, freeing shared resources for welfare expenditure (Strawser 2010: 344). Consequently, Strawser argues for a moral duty to employ UAV's as opposed to exposing soldiers to unnecessary risk, contending "that in certain contexts UAV employment is not only ethically permissible, but is, in fact, ethically obligatory" (Strawser 2010: 344).²² Statman points to the motivational benefits of safe warfare in enlisting risk-averse nations to take part in humanitarian military interventions (Statman 2015: 3; 2014: 42–43).

In "Targeted Killing and Drone Warfare", however, Walzer worries that this capacity for riskless warfare makes drones dangerously tempting. The ability to

17 Walzer 2016: 16, note 10, with reference to Gusterson 2016.

18 Waldron 2015: 14 citing first hand report by David Rohde, "Reuters Magazine: The Drone Wars," *Reuters*, January 26, 2012.

19 For discussion of this argument, see: McMahan 2013: xi-xii, and in Statman 2015: 4; 2014: 44.

20 Cf. Waldron 2015: 4–5, Statman 2015: 5; 2014: 43–44.

21 See Statman 2015: 8; 2014: 44.

22 See also Strawser 2013: 3–24, 17–20.

kill the enemy without risking our soldiers makes killing too easy, leading to a relaxation of the targeting rules and actually increasing general unfocused warfare (Walzer 2013). Moreover, unlike soldiers in conventional wars, drones and their remote operators cannot demonstrate “due care” for civilians by assuming risks on their behalf.²³ Walzer invites “us to imagine a war in which there won’t be any casualties (on our side), no veterans who spend years in VA hospitals, no funerals. The easiness of fighting with drones should make us uneasy. This is a dangerously tempting technology” (Walzer 2016: 15). This diagnosis appears painfully plausible – zero risk warfare encourages trigger happiness.

The appropriate remedy is less clear, bearing in mind the images of war paralytics and body bags invoked by Walzer’s comment. It seems entirely preposterous, even slightly grotesque and obscene, to place our young soldiers, and probably also enemy civilians, in greater physical danger by reverting to lower tech weapons. Walzer does not suggest this. In fact, the only appropriate response in keeping with *jus in bello* is actually more targeted warfare: using drone capacity to focus the aim as narrowly as humanly and technologically possible, attempting to hit the enemy-target and preferably no one else. Any other use of drones is clearly unacceptable, as is any other use of a sling shot, or a bow and arrow. Complaints about the misuse and over-use of drones (Walzer 2016: 12, 15–18; 2013), intentionally or negligently terrorizing populations (Waldron 2015: 14), ought rightly to be aimed at particular policies and policy makers, rather than at the technology.

Targeting Terror with UAV’s

Assassinating avowed terrorists in the course of an armed conflict as a preventive, rather than punitive, measure is a legitimate act of self-defense, no less, and perhaps more so, than killing soldiers in combat. Certainly, it is more defensible than related acts of political assassination, which we tend to condone when we share the assassin’s judgment of his victim. In the case of terrorists, there is little possibility of disagreement among liberals concerning the moral evaluation of the targets in light of the horrific nature of their deeds. While the debate over the expediency of targeted killing remains inconclusive and contested, there are at least good reasons to believe that targeting terrorists is conducive to defense, which is all that can be reasonably required of any military strike. Moreover, since military operations – specifically those aimed at terrorists – are often something of a gamble, targeted killing (with drones or otherwise) bears the distinct moral advantage of aiming narrowly at combatants and minimizing civilian casualties.

The legal and moral status of irregular combatants is neither on a par with the status of soldiers nor comparable to that of civilian criminals. While it is difficult to specify precise limits for distinguishing irregular combat from some forms of organized crime, it seems clear that organizations dedicated to an ongoing violent struggle against Israel or the U.S., and now also Europe, are not civilian criminal organizations. Whether we call them “irregulars” or “unlawful combatants”, or

23 On “due care” for civilians and Walzer’s requirement that soldiers take demonstrative risks in order to prevent excessive harm to civilians, see Walzer 1977: 155–156, and Walzer, Margalit 2009: 6.

simply describe them as “civilians performing the function of a combatant”, terrorists are active agents of an armed struggle.²⁴

As direct participants in hostilities, terrorists are not entitled to the due process protections of the criminal justice system and are subject instead to the liabilities and vagaries of the wars in which they willingly partake. Trying and sentencing offenders is a job for the law courts rather than the army. Targeted killing in the course of an ongoing low-intensity conflict is, by contrast, a form of combat rather than punishment or revenge; as such, it need not comply with any procedural requirements for trying those accused of crimes committed in the past.

At the same time, irregulars who do not abide by the laws of war are not entitled to the specifically conventional protections accorded to lawful combatants, such as the right not to be targeted in civilian locations or to the status of prisoner of war when captured (all are naturally entitled to human rights). Terrorists are legitimate targets for military attack whether they are targeted by name or by deed, at all times and places, subject only to necessity and proportionality.

The legal standard of proportionality in war requires that the military objective be attained at the lowest possible cost to genuine civilians. Due care for civilians during targeting missions involves weighing the value of each target as against the harm to their surroundings and taking relevant precautions concerning the location and precise timing of attack, selecting appropriate methods and weapons, and possibly introducing a degree of oversight consistent with the supervision of other wartime measures. Beyond conventional tactics, named killing may warrant some institutional guarantees against abuse and ulterior motives because of the individualized nature of the killing and its affinity with assassination. Secondary concerns notwithstanding, named killing exhibits the greatest conformity with the *jus in bello* requirement of distinction.

Unmanned aerial vehicles have the capacity to perform this task at a distance, focusing lethal harm at a liable target while minimizing collateral deaths, provided of course that we program them to do just this. If we do not, the fault is not in our drones, but in ourselves. Unlike many conventional weapons (though not unlike long range missiles and aerial bombing), drones pose no danger to their operators. Some count this as a point in their favor, while others worry about the dangers of riskless warfare. This dispute is largely academic. Either way, no state in its right mind would give up the strategic superiority offered by drones. Not only are drones safe to use, but we also need not worry too much about their proliferation. Drones are essentially weapons of powerful states.

While it is true that a single predator may not be all that expensive, running a drone program requires a huge complicated, massive infrastructure around it. Additionally, drones are only effective where complete air superiority is established, as is the case with the US drone program in Afghanistan, Pakistan and Yemen. Non-State actors don't have this. Without state-level air superiority, slow flying drones are easily (pathetically and almost instantly) shot down.²⁵

24 H CJ 769/02 [Dec. 11 2005], esp. paragraph 31.

25 I am very grateful to B. J. Strawser for discussion, and esp. for his detailed explanations of the technical complexity of running an effective drone system.

Moreover, drones are not only weapons of states, but particularly effective for those states that care about complying with discrimination and proportionality, since drones are very good at that. This type of asymmetry or double standard – enabling law abiding states to fight safely against terrorists who cannot respond in kind – is a good thing. The surgical killing of identified enemy combatants is as good as war gets, certainly compared to the common practice of killing young conscripts in battle and incurring large scale collateral damage.

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Tamar Mejjzels

Ciljano ubijanje dronovima? Stari argumenti, nove tehnologije

Apstrakt

Pitanje kako se boriti s terorizmom u skladu s našim postojećim moralnim i zakonskim obvezama sada izaziva Europu, kao i Izrael i Sjedinjene Američke Države: kako primeniti teoriju pravednog rata i međunarodno pravo na asimetrični rat, posebno na naše protivterorističke mere? Šta nas može klasični moralni argument u pravednim i nepravednim ratovima naučiti o savremenim ciljanim ubistvima dronovima? Počinjem odbranom ciljanog ubijanja, raspravljajući o prednostima napada sa tačno određenim ciljem nad bilo kojom alternativnom merom koja je na raspolaganju za borbu protiv terorizma. Pretpostavljajući legitimnost ubijanja boraca u periodima rata, tvrdim da nema ničega lošeg, i zapravo da ima mnogo toga što je dobro, s ciljanjem određenih terorista odabranih po imenu, sve dok se može razumno očekivati da će se njihovim ubistvom smanjiti teroristička neprijateljstva, a ne povećati. Nakon toga, nudim neka dalja razmišljanja i komentare o korišćenju daljinski upravljanih letelica za izvršavanje ciljanih ubistava i bavim se različitim izvorima nelagode s tom praksom koje su identifikovali Majkl Volzer i drugi.

Ključne reči: dronovi, ciljano ubijanje, opravdanje, asimetrični rat, terorizam

COMMENTS ON TAMAR MEISELS' "TARGETED KILLING WITH DRONES? OLD ARGUMENTS, NEW TECHNOLOGIES"

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In her apologetic approach to drones and targeted killings of terrorists, Tamar Meisels claims that "targeted killing is our best shot at combating terrorism at the lowest cost to human life." In my view, this perspective is heavily limited as it rests on a simplistic identification of combating terrorism with killing terrorists. *Mutatis mutandis*, it assumes that there is this thing, namely terrorism, represented by a certain – finite – number of terrorists. Hence, the faster and more precise we are in killing them, the faster we will defeat terrorism, once we *kill'em all*.

Insofar as one subscribes to such framework and measures the efficiency of anti-terrorism by the number of dead terrorists or, more precisely, the ratio between killed terrorists, civilians and "our guys", the use of drones, indeed, appears to be comparatively more successful and efficient than its more traditional and technologically less advanced counterparts. Hence, Meisels sees practically no faults in drones apart from a single observation – "their psychological impact". In her words, "drones that hover above for lengthy periods of time enable better informed moral decisions but what about the psychological collateral harms they inflict, as the costs of increased precision is offloaded onto surrounding civilians 'Living under Drones'" Her concern notwithstanding, Meisels still believes that such damage is a small price to pay: "Nevertheless, psychological harm to civilians, just like any other collateral damage in war, has to be balanced alongside, and as against, other considerations such as military objectives and the costs of alternative weapons."

However, what such view fails to account for is a more broad and long-term effect of such "psychological impact". It is rather clear that those brought up under the sound and fury of drones will not be ardent followers of those that send it, but rather of those at the receiving end. Hence, "the psychological impact" of drones is not limited simply to unpleasant feelings it evokes in civilians on the territory where they are used. More so, such impact is bound to be far deeper, reaching into the hearts and minds of those civilians and bringing them closer to the causes that spur terrorist enterprises. The effect is thus to be precisely the opposite of the intended one – devices employed to kill 1 terrorist are likely to recruit 10 or 100 more in his place.

The opponents of this view could perhaps refute it as speculative. Yet, our historical present speaks strongly in its favor. In the past decade and a half, we have witnessed the employment of the most sophisticated and brutal military machinery and killing devices against terrorism that the world has ever seen. *Good states* – as Meisels calls them – have thrown at them everything they have. And, yet, the terrorists managed not only to survive, but to rise in numbers, acquire a sizable territory in the Middle East and to exponentially spread the number of their attacks throughout the World, including the most advanced Western countries. And that is, because, of course, there is no predefined, limited number of terrorists. Here, as I believe, lies the ultimate limitation of Meisels’ argumentation – it is futile to discuss the effectiveness of killing machines without asking broader questions about the causes, sentiments, reasons, mechanisms, etc. behind terrorism. For terrorism is not going to be defeated by the *kill'em all* approach. In the Greek myth, Hercules once faced the Lernaean Hydra, a multi-headed monster that, each time he would cut her head off, regrew a couple of more in its place. That is, in my view, the ultimate “psychological impact” of drones and killing machines. It took Hercules some time and efforts to understand that, ultimately, his mighty sword is not only inefficient, but altogether counterproductive.

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Many will feel uncomfortable with Tamar Meisels’s conclusion that killing terrorists with drones is permissible. Yet, there is little to criticize in this paper, because the most contentious parts of the argument are presupposed and understandably fall outside its scope. I will briefly sum up the argument, and then suggest two minor internal objections and a way to address its assumptions.

The paper aims to establish that targeted killing with drones is morally permissible in principle. Assuming that a state of legitimate war exists against terrorist organizations, targeted killing can be justified because it helps restricting their operational capacity by assassinating and intimidating charismatic leaders and operatives or forcing them into hiding. Targeted killing is not only useful, but also permissible because in war there is no legal requirement to capture combatants, because it does not kill at random, and because it reduces collateral damage. Thus, targeted killing appears justifiable according to traditionalist just war theory. Drones are only slightly different because they allow for (almost) riskless war, and because their buzzing causes psychological collateral damage on civilians. Yet these reasons are not strong enough to overcome the moral advantages of minimizing collateral damage to civilians.

While the author is right in criticizing those who think that drones should never be employed, we must be cautious about optimistic considerations that ‘they are inherently a-symmetrical weapons favoring states, both morally and strategically’ (Meisels, 2017: 15). Perhaps a distinction needs to be made between highly advanced US and Israeli military drones, and airborne improvised explosive devices. The low cost, low operational skill requirement, off-the-shelves availability make airborne I.E.D. an ideal weapon for terrorists. This seems to be the opinion of the Pentagon,

which sent technical specialists to Iraq, Syria and Afghanistan to protect US and local troops from ISIS drones (Schmitt, 2017). Meisels thinks drones are going to be ineffective unless ‘state-level air superiority’ is achieved (Meisels, 2017: 15), but J. D. Johnson, a retired general who previously commanded the threat-defeat agency, thinks that terrorist drones constitute a very real danger: ‘these things are really small and hard to detect, and if they swarm in groups, they can overload our ability to knock them all down’ (Schmitt 2017). Due to their efficiency, there is also room to challenge the author’s conviction that drones are weapons that only favor those ‘moral states’, who wish to minimize collateral damage. While it is true that drones allow for precision strikes, the lower construction and operational costs and human risks could potentially allow swarms of drones to inflict efficient destruction on a mass scale.

Another important point to clarify is that Meisels’ paper defends the permissibility of drones only in principle. Following Walzer (2016), she agrees that there are problems due to an excessive and unscrutinized employment of drones. The use of drones needs to satisfy the three conditions of *ius in bello* to be warranted. It needs to ‘discriminate’ between civilian and military operatives, it needs to be ‘proportional’ to the military advantage achieved, and it needs to be ‘necessary’, i.e. the least harmful means feasible to an end (Lazar 2017). These conditions are required because harming others is considered intrinsically bad, and therefore it is only allowed when it can be justified by positive reasons that count in its favor – either some greater good achieved or some graver evil averted (Lazar 2012). The same standard should be used to assess drone operations: drones should not inappropriately target civilian lives, their use should be proportional, and intended to avoid bigger harms terrorists may commit. Indeed, it is hard to see how drones fare worse than missiles or manned bombers on all these three standards. Drones in fact let operators monitor the target for ‘lengthy periods before deciding whether, when, and where to strike’ (McMahan 2013: ix). While these capacities allow operators to take a more morally informed decision, they do not ensure that they select the ‘morally right’ option. Only when the right decision is indeed to strike, we could conclude that drones’ ‘employment is not only ethically permissible, but is, in fact, ethically obligatory’ (Strawser 2010: 344), insofar as it minimizes unnecessary casualties. Meisels is right in remarking that when this is not the case, ‘humans are at fault, not the machines they employ’ (Meisels 2017: 17). This concession certainly makes her claim more plausible, but perhaps less sharp than it could be. Restricting the argument to the permissibility in principle makes its conclusion ultimately contextual.

Finally, a brief suggestion regarding the assumptions. The argument assumes a traditionalist account of just war, which allows for killing enemy combatants in circumstances that far outstrip self-defense. It further concedes that a legitimate state of war against terrorist organizations exists and that terrorists count as military or paramilitary combatants. Meisels’s paper could not have reasonably defended all these assumptions, but it might have made them more explicit. Particularly, it might have been helpful to refer to the author’s own definition of terrorism as “intentional random murder of defenseless non-combatants, with the intent of instilling fear of mortal danger amidst a civilian population as a strategy designed to advance political ends” (Meisels 2009: 348). On this basis, it would have been relatively easy to suggest that terrorism constitutes a rightful ground for war as a case of national defense, and that terrorists count as military combatants.

Overall, Meisels's conclusion, that killing terrorists with drones is permissible, seems sound. There is no easy way to reject just the use of drones without challenging the use of other weapons, or even some general assumptions of traditionalist just war theory. At best, it defends a convincing argument, at worst, an invitation to radically challenge its assumptions.

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Your general argument is that the use of drones does not pose particular moral controversies which do not apply to the use of other weapons, such as long-range artillery or high-flying military jets, where the operators also work in a relatively 'risk-less' environment when fighting a technologically inferior adversary. You further argue that the use of drones is in fact less morally challenging than the use of more basic weapons, because drones are not suitable for terrorist use, they are highly selective and particularly well adapted to scrupulous use by 'good states'.

How does this type of argument apply to the moral psychology of war, specifically to the ethics and mindset of specific soldiers who operate drones? While it may be true that a pilot flying at a high altitude and releasing guided missiles is not really at any kind of direct risk from an adversary equipped with anti-aircraft cannons with limited range, the pilot still has to be able to fly the plane, to operate the missiles, he or she has to be there, experience the environment. The same, even more, is the case with the operators of long range artillery pieces: they hear the noise, the firing, smell the explosives, they have an experience of war, even from a relatively long distance. However, drone operators have no experience of war at all: they drive to work in the morning, stop by to buy a burger, operate drones from an office-like environment, and then drive back home for supper and to watch their favorite soap opera. There is a very tangible sense in which this is not a 'normal' situation for a soldier, and this casts all kinds of moral issues: how does one judge one's actions, and how are one's actions judged by others, if one is not really a soldier, but a bureaucrat with relatively limited skills, operating a drone from an office? How does that impact the values of the military profession? Perhaps most importantly, what kind of soldiers will we get if the armies start relying on drones progressively (and they are on the way to do so)? Does this mean that anyone could be a drone operator, even those people who could never withstand the rigors of the battlefield? How can we count on their integrity, toughness and firmness of moral values? And in what sense do they share the military ethos, or do they undermine it?

Predrag Krstić

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Thank you for the inspiring lecture. I believe that you have convincingly shown that all objections regarding the use of drones are groundless if we seriously take into account the profits they provide and – if we accept this kind of budgeting. I

will focus here only on one argument, because it presents a unique opportunity to confront views. Namely, when you consider the claim according to which “riskless warfare is a bad one in itself, either because it makes one’s opponent non-threatening and therefore non-liable to attack in self-defense, or else because it is dishonorable, unfair, and lacking in military valor” (23), you rightly observe that such claims usually exclude the historical dimension which would reveal that hurling, flying cannon, long range missiles, and even aerial bombardment by manned aircrafts, must have also seemed like terrifying remote control weapons at the time they appeared. This is the case because throughout history we had various degrees of “asymmetrical warfare, distant engagement, the loss of old-fashioned military virtues and defenseless targets facing a faceless death.” (23) If I reconstruct the position correctly, this type of critique of riskless warfare basically holds that the main advantage of Unmanned Aerial Vehicles, namely the risk-free combat, is in fact the weakest point of the pro-UAV argument. To a lesser degree, this type of reasoning can also be found in Walzer: he worries about the easiness of killing enemies without risking our soldiers, about the dangerous temptation of riskless warfare that relaxes the targeting rules and actually increases general unfocused warfare (Walzer 2016), or, as you wittily summarize: “zero risk warfare encourages trigger happiness” (24). It seems that your answer here is also quite sufficient: using drone capacity to focus on the goal as narrowly, humanely and technically as possible, trying to hit the enemy target and preferably none else, and any other use of drones is clearly unacceptable, as is any other use of a sling shot, or a bow and arrow. Therefore, complaints about misuse and over-use of drones, intentionally or negligently terrorizing populations, should be aimed at specific policies and policy makers, rather than at the technology (25).

However, Aleksandar Fatić has a different position: the use of drones fails to satisfy any of the four conditions for the justified use of military – the drone operator needs no courage whatsoever; in riskless and costless drone attacks there is no willingness to make sacrifices for the cause soldiers fight for; there are no questions of justice, but only a technological task for the drone operator, like a computer game where there is no immediate awareness of justice or injustice as a factor of decision-making; finally, to conduct offensive military operations by the drones, one needs no virtues, no humility, and one does not have a sense of oneself as a part of the military moral community (Fatić 2017: 352-353). In response to similar objections, you refer to B. J. Strawser and Danny Statman (Statman 2015) and point out that, morally, drones have the capacity to minimize casualties among civilians and combatants, and financially, they are relatively cost-effective for states to produce and deploy in a relationship that is inhabited for the implementation of similar missions, freeing up shared resources for welfare expenditures (25). Therefore, according to Strawser’s argument, it is necessary to employ UAVs as opposed to exposing soldiers to unnecessary risk, that is, “in certain contexts UAV employment is not only ethically permissible, but is, in fact, ethically obligatory.” (Strawser 2010: 344). Do you think we are dealing here with a different understanding of morals? Fatić insists on the applied military ethics - which is corrupted by the corporatization of warfare. Do you find such account of the moral cost of deploying drones wrong? Or inappropriate? Or just obsolete?

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Tamar Meisles analyzes the use of drones in targeted killing as a strategy to fight terrorist organizations.

The author points out with clear argumentation the many advantages that the targeted killing can offer during a war. Indeed, the implementation of increasingly sophisticated technological instruments brought new hope as well as addressed the need to spare civilian innocent lives. So targeted killing in general, and the drone warfare in particular “offer – according to the author – the possibility of careful compliance with the laws of war, to those who wish to comply”.

Meisles focuses on the targeted killing of a member of a terrorist organization and makes explicit several presuppositions of her argumentation. More specifically, she defines the targeted killing of a terrorist as an act of war and preventive defense. She also clarifies that the targeted killing of a terrorist is different in kind from the political assassination because, she says, “Terrorists are targeted for what they do – not for the causes they serve”. However, she also admits, “terrorists are unquestionably combatants”.

I would like to focus on this aspect of Meisles’ paper because, in my opinion, this definition of ‘terrorist’ is not trouble-free. Indeed, a combatant is part of a conflict, somebody who fights under a particular “flag” and, therefore, by definition, the reasons that push the combatant to fight are deeply relevant (from a legal point of view). For instance, if a driver kills ten pedestrians because he (or she) is driving under the influence of psychoactive substances, likely he (or she) will be charged with vehicular manslaughter. On the contrary, if he (or she) declares that the he (or she) is fighting for the ISIL, immediately the legal definition of the crime will change. So, terrorists are targeted because they are terrorists, not only because of what they do, but also because they are doing that to serve a cause. Indeed, they are terrorists exactly in order to do what they do (massacres of innocent people) because they serve a (fanatic, extremist, hateful) cause. Thus, the cause they serve is relevant, more precisely, the fact that a mass murderer acts because he or she is serving a cause is a necessary (but not sufficient) condition for considering that mass murder a terrorist attack (and not simply the terrible effect of a psychopathic behavior). Unfortunately, exactly for this reason, in some borderline cases, the distinction between a political assassination and the assassination of a terrorist can be unclear. Indeed, in history many politicians started their career in organizations considered terrorist organizations.

This is, of course, not a good reason to stop fighting terrorists, but it is better to avoid to play their game. In addition, indeed, Meisles’ words “Terrorists are targeted for what they do – not for the causes they serve” suggest the correct way to deal with terrorists that operate in a national territory. That is: stop thinking of them as combatants and start thinking at them just as criminals. If we consider them combatants, automatically we acknowledge that they serve a cause and indirectly we acknowledge their actions as something different from a mass murder, in this way we start using their code, their categories. Red Brigades were not

at war with Italy, Cosa Nostra is not at war with Italy: can as considered be both are criminal organizations that caused severe damage to the State. However, this is not a good reason to adopt targeted killing. Terrorists are, of course, a special kind of criminals and their reasons for actions are particularly relevant to qualify their crimes. They can be terribly well-organized and well-armed, or they can be crazy people infatuated with a despairing ideology, they can be even pawns of a foreign State. However, when they act as individuals in a national context, they should be judged according to the norms of the state legal system i.e. as criminals. Even the worst of criminals has the right to be tried in accordance with the law. Therefore, targeted killing is a short cut apparently reasonable, but that could lead us to a wrong direction, it leads us to play the game of the terrorist organization, it leads us to accept them as opponents, as combatants exactly in accordance with the categories of the terrorist organization. Targeted killing should not be an option if we really want to fight for the defense of the values we share, that include the Rule of Law (Nader 2015).

Meisels affirms that killing a terrorist “is a legitimate and desirable military objective”. I think that a State that is a victim of frequent terroristic attacks by a complex and unfortunately widely supported terrorist organization, cannot hope to solve its problems through targeted killing. The only desirable objective is to find a way to contrast this organization through the intelligence, to monitor the social impact of the organization and to obtain the consent of the local population. This goal is unreachable if that State relies only on a dehumanizing (even if apparently effective) technological instrument (Galtung 1989).

In conclusion, exactly like Meisels, I think that drones could help us in fighting terrorism. It is, for instance, advisable that their capacity of surveillance (of specific individuals and in accordance with precise procedural norms) be exploited, maybe in the future we will be able to use them to capture terrorists or other sorts of criminals. However, the use of drones for targeted murders means exactly to betray the values the drones and the armies of western countries are supposed to protect.

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My question concerns one of Tamar Meisels’ key arguments in her recent paper: Meisels argues that the broader context of the contemporary military strategy of targeted killing with drones practiced by the United States and Israel – namely, the ‘war on terror’ – can be defined as essentially only a slight variation of the conventional war (i.e. war between sovereign states). On the grounds of this argument, Meisels further claims that the war on terror should be subject to the same legal regulations and normative constraints that are today applied to conventional warfare (the Geneva Convention, the ‘just war theory’, etc.). When applied to the concrete issue of targeted killing with drones, this logic implies that some of the most problematic aspects of drone strikes – the quite substantial number of civilian casualties – can be justified as ‘collateral damage’, a term used within conventional war theory to justify civilian casualties on the grounds that a particular course of action that caused civilian deaths was ‘essential for accomplishing a given mission’.

In my view, there is one crucial problem with this line of normative reasoning: the normative equating of the ‘war on terror’ with conventional warfare. Namely, concepts such as ‘collateral damage’, which rest on an ultimately utilitarian, or ‘instrumentalist’ justification, make sense within theories of conventional warfare precisely because modern conventional wars (leaving aside pre-modern examples such as the Thirty Years’ War) are *temporally limited phenomena* (they last a few years, or maybe even a decade, but they are essentially *short* and *intense*). Because of their short and intense nature, one can argue that conventional wars must tolerate phenomena such as ‘collateral damage’, for two reasons: first, if the actions that bring about ‘collateral damage’ are strategically essential missions, they contribute to a particular conventional war’s being *even shorter*, i.e. they contribute to its imminent ending; and, second: it can reasonably be expected that instances of ‘collateral damage’ in a given conventional war will be *few*, limited in number – in other words, they can be treated as an inevitable ‘aberration’ from standard warfare.

However, the ‘war on terror’ is, in my view, a categorially different phenomenon from conventional warfare. As we are approaching its 20th anniversary, it seems quite clear that this ‘war’ cannot be treated as a ‘limited’ phenomenon in temporal terms – that is, as a ‘war’ within which there is any clear understanding, let alone realistic prospect, of what it means to ‘win’ it, or ‘bring it to completion’. When reflecting on the two decades of the war on terror and the ‘progress’ achieved so far, I believe we can reasonably conclude that its internal logic renders it a temporally ‘open’ phenomenon – we can hypothetically envisage a ‘victory’, but there is no clear prospect of the latter in the empirical world, or any clear understanding of the best possible ‘strategy’ for winning it. In that respect, the concept of ‘collateral damage’ is fundamentally undermined in its normative logic, i.e. it is rendered meaningless: namely, both the premise that collateral damage is justifiable because the operations that produce it are essential for a swift and decisive ‘victory’ in war, and the premise that instances of collateral damage will be ‘few’, limited in number, are no longer tenable in the context of the ‘war on terror’. On the contrary, we can reasonably assume that no single military action (drone strike, for example) will be ‘essential’ for winning the war, and that the instances of ‘collateral damage’ will, as time goes by, become innumerable – in other words, they will become a *regularity*; their normative feature of being essentially an ‘aberration’ will no longer exist. For these reasons, I contend that the concept of ‘collateral damage’ cannot be used to justify civilian casualties of drone strikes and, more broadly, that drone strikes cannot be justified as ‘essential’ to winning the ‘war on terror’, as the latter cannot be defined as a ‘war’ in any conventional sense of the term.

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My question and preliminary comment on Tamar Meisels’ text in a certain way follow in the vein of Marjan Ivković’s comments. First, I would offer two suggestions from Michael Walzer’s work that might potentially help in reconstructing and strengthening Tamar Meisels’ argument for the use of drones. The first can

be found at the end of Walzer's "Targeted Killing and Drone Warfare" from 2013 (*Dissent*) where he brings up something "very simple:" "Imagine a world, which we will soon be living in, where everybody has drones." The second suggestion, in a new way perfectly maximalist, refers to Walzer's intention that drones become something more than they are or could be – for all to have them and for them to become "the only game in town" or a "powerful illusion." Specifically, that something useful could truly be done with them and that they have the "possibility of winning wars or defeating insurgencies from the air" (Walzer 2016: 18).

If we accept that in our cities or countries there are persons or perhaps small groups that will not participate in "democratic" or "patriotic games," who are therefore ready to randomly destroy already constituted groups or portions of a city – Meisels mentions "unlawful or irregular combatants" (Meisels 2017: 6, 26–27), and a hundred years ago, Husserl spoke of a kind of "pseudo-citizen" – and if they were all named with a quasi-Kantian phrase "unjust enemies," then a right to war against them would be infinite ("*jus belli contra hostem injustum est infinitum*"; Kant 2016: 1372), the "illusion of victory," of which Walzer speaks, would be entirely trivial and negligible. If "a drone strike against X would not be an assassination, or an extrajudicial execution, or a deprivation of life without due process of law, as prohibited by the Fifth Amendment" (Nagel 2016), then the collection of these actions in continuity could represent the unconditional condition for the improvement of common life in the city, in cities, in the world at large. Introducing the "unjust enemy," and Kant speaks about my (or our) "right to his goods, person and life; to use them as means to my ends," is an introduction into an entirely different understanding of war and victory in war. Kant's defensive instrument (let us call it Kant's even though he borrows it from other jurists), which in places and certain contexts looks truly terrifying, can be reconstructed and recognized in various pseudo legal institutions such as *herem*, *homo sacer* or piracy. The single phrase and status of "unjust enemy" implies the open right to be pursued, recognized, and destroyed. It seems to me that the origin of Walzer's first suggestion is at this point: the problem is not that everyone has a toy that flies over the city, but that everyone has the right to use them in a specific way, to dole out justice and kill. Since the city is filled with weapons available, for example in America, to everyone (an equally worrisome fact), my attention would rather be directed above all to the clear manifestation of one who disposes of drones and completely transparently performs certain actions. I would advocate, for example, that only certain states – for example the member states of the Security Council of the UN – be allowed the right to use drones and conduct with them certain controlled and transparent actions. Further, all actions conducted would have to be announced and would have to have even the thinnest veil of secrecy removed. Transparency of action would reduce random victims. The one conducting violence must be manifestly responsible for it. Otherwise, drone actions have a religious character (conducted by one who appears no longer); citizens are hostages, targets of unjust enemies, forced to suffer violence for which centers of power have not taken responsibility. Most importantly, however, citizens have a reduced right to public gathering or grouping in city space. Would this transparency in conducting drone action maintain their efficiency?

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Jeremy Waldron has recently claimed: ‘There is something about the targeting of named individuals that ought to give us pause, particularly if it is adopted as a regular practice’ (Waldron 2016: 297-298). In a similar vein, but with regard to drones, Micheal Walzer has argued: ‘[...] targeted killing with drones? Here the old argument, though it still makes sense, leaves me uneasy’ (Walzer 2016: 12). In her challenging paper ‘Targeted Killing with Drones? Old Arguments, New Technologies’, Tamar Meisels invites us to overcome this uneasiness felt by Waldron in regard to targeted killing and by Walzer in regard to drones targeting terrorists. Her main point is that the most common objections against targeting terrorists, notably with drones, are unsuccessful. ‘Judged under a wartime regime, there is nothing wrong, and in fact much that is right, about targeting individual terrorists’ (8). Furthermore, drones ‘have this capacity to refine, rather than dull our moral sensibilities’ (17). Briefly, according to Meisels there is nothing wrong with the targeted killing of terrorists, and to accomplish this task the use of drones is permissible if not strongly recommended. In the following, I will not address all of the arguments advanced by Meisels to support her position. Rather, I will focus on two problematic questions of her paper, the first one about targeting terrorists *per se*, while the second one concerning drones. If my objections were sound, then those in line with Waldron and Walzer would have some reasons not to overcome their uneasiness with both the targeted killing of terrorists and drones.

My first objection addresses the normative framework that Meisels employs to assess the targeted killing of terrorists. Meisels claims: ‘the *armed-conflict* model’ is ‘the only relevant framework for assessing our governments’ anti-terrorism strategies’ (3). She then gives the impression that no strong justification is needed to support this claim. One could simply rely either on legal authorities – ‘I follow the American and Israeli Supreme Courts’ (4), or on self-validating claims – ‘terrorists are unquestionably combatants’ (4). Nonetheless, the first justification is too narrow, since ‘legal justifications [...] may be designed simply to block or answer particular legal objections, leaving broader ethical issues untouched’ (Waldron 2016: 299). Complementarily, the second justification fails in that the status of terrorists is highly disputed rather than unquestioned. As a matter of fact, there are two theoretical reasons leading us not to treat terrorists as combatants, thereby questioning the applicability of the *armed-conflict* model. First, the combatant status confers some rights that clearly do not apply to terrorists. For example, combatants are ‘guaranteed immunity from legal prosecution for acts [...] that would ordinarily be criminal’; ‘they are also granted legal rights to [...] release at the end of the war if they are captured’ (McMahan 2012: 144). Terrorists, though, cannot have either the former or the latter right. Second, ‘combatants have a legal duty not to conduct intentional attacks against civilians’ (McMahan 2012: 144), while terrorists, because of what they are, carry out intentional attacks precisely against civilians. In short, terrorists do not quite seem combatants. In light of this, one can now understand why Meisels ends up defining terrorists as ‘irregular’ (4) or ‘unlawful combatants’ (6). Yet this categorization is objectionable too. Besides its unclearness, I am also

concerned with the consequences that its adoption by the administration of both Bush and Obama has brought about so far: either the killing of several individuals, or their indefinite imprisonment matched with the denial of any right, even those against torture. If these consequences are not simply the effect of the misuse of the category ‘irregular’ or ‘unlawful combatant’, but rather the aims that this category is supposed to fulfill (Kenneth 2004), then there are strong reasons to oppose its use (Waldron 2012).

The appropriateness of the *armed-conflict* model for the assessment of the targeted killing of terrorists is also questionable for both moral and strategic reasons. Strategically, the killing of terrorists as a tactic of first rather than last resort prevents us from discovering information about other terrorists or planned terrorist operations (McMahan 2012: 149). Morally, if applied within liberal democracies against those citizens engaged in terrorist activities, the *armed-conflict* model would create the puzzling situation in which different groups of citizens acting through the same means in order to accomplish the same aim, e.g. the destabilization of the state through attacks against civilians, are treated differently. For example, in Italy the members of the Red Brigades would be treated as criminals, while the members of the IS as combatants. However, this different treatment would be unjustifiable on the grounds that it differentiates citizens because of the different original nationality of the group to which they belong, rather than their actions (I am assuming that the terrorists of the IS are citizens of the attacked state). A non-discriminating position would then argue for the extension of the *armed-conflict* model, in order to capture the members of the Red Brigades too. This proposal, though, would reduce the jurisdiction of the criminal law vis à vis the laws of war, and could be coherently further broadened (e.g. why not treating Mafia members as terrorists?), thereby weakening those constitutional guarantees protecting citizens from the executive power.

If these considerations are sound, then the use of the *armed-conflict* model needs further justification compared to that provided by Meisels, notably if it is to provide the normative framework on which the legitimacy of targeting terrorists is built. Also, for the reasons advanced, absent further justifications, the *law-enforcement* rather than the *armed-conflict* model should be the default option in dealing with terrorists; police rather than military action is to be preferred.

My second objection refers to drones. Meisels claims that ‘running an effective drone program requires [...] state-level air superiority’, therefore drones ‘are a weapon of states, particularly good states aspiring to distinguish combatants from civilians’ (14-16). I find this claim incomplete. A more accurate version of it would be rephrased as follows: since drones require state-level air superiority, they can only be used by *powerful* states aspiring to distinguish combatants from civilians. Moreover, when employed beyond borders, drones can be used exclusively against those terrorists hiding themselves in *weak* states, i.e. states whose sovereign powers are not effective, either internally or externally. In other words, drones are meaningful only within an international system in which the sovereignty of those weak states not violating human rights is formally rather than substantively recognized and respected by the international community. Hence, besides refining rather than dulling our moral sensibilities, drones also confirm rather than challenge the current

international imbalances of power. This is certainly not a sufficient reason to oppose their use. Yet it gives a sense to our uneasiness with drones and also provides a basis for advocating the establishment of an international drone accountability regime (e.g. Buchanan, Keohane 2015).

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Reading “Targeted Killing with Drones? Old Arguments, New Technologies”, I cannot but share Michael Walzer’s uneasiness regarding drone warfare. But I also am uneasy with the very key premise on which Tamar Meisels bases her argumentation, that is, that the struggle against terrorism is a war.

Meisels fully endorses the American and Israeli Courts’ claim that counter-terrorism measures are framed in a context of armed conflict. There is an ongoing war between some States and some terrorist groups and, in this belligerent framework, “terrorists are unquestionably combatants” (2) and are given a paramilitary status. If we accept this premise, her argumentation stands, and even seems the logical development of the arguments. But, shouldn’t we take a step back to reflect on this premise?

Despite the fact that there are many insightful criticisms against the conceptualisation of ‘war against terrorism’ (Burke 2003; Lakoff 2006; Hafetz internet), Meisels accepts this idea. Why is the terrorism/counter-terrorism struggle considered as a war in this text? What are Meisels’ arguments to consider it as a war? As she claims, she follows the Supreme Courts of the United States of America and of the State of Israel, and that authority is what sustains her axiomatic premise of terrorism/counter-terrorism as a war.

Does this struggle have the common traits of a traditional war? Meisels (3) claims that “terrorists defy all conventional rules that confine combat to the battlefield”. So, how do the traditional privileges of belligerency apply to this different warfare scenario? Would they not need to be revised after careful assessment? Even accepting that this struggle is a war, is it not dangerous to apply old arguments to new belligerent situations?

As terrorists defy all conventional rules, they are not considered as soldiers, but as “unlawful combatants” (3). They are always combatants, day and night. So, I wonder, are they susceptible to being killed at home, with their family, because they are never off duty? Meisels (2) adopts the terminology used by former Israeli Supreme Court Justice Aharon Barak: terrorists are “a type of unprotected civilians who are not unengaged in hostilities”. This way of conceptualizing a terrorist is highly problematic. What is not being unengaged? What is being (un)engaged in hostilities? Is having and supporting certain political ideas not being unengaged? Is having personal ties with terrorists not being unengaged? If so, is the family of the terrorists considered also terrorists, as they may be seen as not unengaged in their relatives’ activities – or as they may be, even inadvertently, enabling the terrorists?

To be considered as a civilian, as a non-terrorist, one has to distinctly disengage oneself from hostilities. How does one do that? How far does the accusation of being engaged in hostilities go? Judith Butler reflects on this issue in several

of her texts (2004, internet a). Butler is concerned about the dangers of the black and white framework that this belligerent stance about the so called ‘war on terror’ generates. Accusations of supporting terrorism are easily made (Butler, internet a), and are encouraged by claims such as George W. Bush’s famous sentence: ‘You are either with us, or with the terrorists’. After the 2015 Paris attacks, Butler (internet a) wrote: “Those commentators that seek to distinguish among sorts of Muslim communities and political views are considered to be guilty of pursuing ‘nuances’. Apparently, the enemy has to be comprehensive and singular to be vanquished, and the difference between Muslim and jihadist and ISIL becomes more difficult to discern in public discourse”.

In *Precarious Life*, Butler is concerned about the post-9/11 ‘heightened vulnerability and aggression’(xi), and she advocates responses that do not rely on violence. She criticises the Bush Administration for its resort to violence and its erosion of civil rights, as well as the media for its dehumanization of the Other, which makes their lives ‘unknowable’ and their deaths ‘ungrievable’. I wonder, do drones not contribute, more than other means of targeted killing, to this dehumanization of the Other?

According to Meisels, “In the context of war, it is somehow puzzling even to consider a judicial option – capture and trial of terrorists – as a first and preferable (albeit often impractical) option”. Thus, it is clear: killing is the best first resort. Would then Meisels endorse a counter-terrorist death squad such as the GAL (Grupos Antiterroristas de Liberación/Anti-Terrorist Liberation Groups), that operated in Spain in 1983-1987 and was formed by Spanish officials who targeted and killed members of ETA, and other not unengaged civilians (terrorists?) related to those?

Spanish citizens know very well that these measures only escalated the violence. Is declaring a war on terror the preferable solution to terrorism? Can we not think about other types of measures that do not involve war and targeted killing, with drones or not? Butler (2004) offers another way of looking at conflict that does not escalate violence. She advocates the necessity to examine the causes of conflicts and to address them and invites us to face our exposure to violence and our complicity to it. What is a community that is built on the basis of violence? Also, she warns of the dangers posed by the suspension of law to protect national security, as her analysis of Guantanamo Bay shows. Her ethical proposal is to respond to the demand from the Other, recognizing us as vulnerable and precarious beings whose lives are intertwined with one another. In her more recent book, she argues that an ethics of cohabitation must be constructed, as it is “not from a pervasive love for humanity or a pure desire for peace that we strive to live together. We live together because we have no choice” (Butler 2015: 122). Also, she argues that “I suppose it is first important to honor the obligation to affirm the life of another even if I am overwhelmed with hostility. This is the basic precept of an ethics of nonviolence, in my view” (Butler, internet b). Drones, and more broadly targeted killing, go against this vision of deescalating conflict that I share with Butler.

These are some of the questions that the reading of this paper has raised – questions that, I believe, should be addressed before accepting the idea of killing human beings as a first and preferable resort.

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While I agree with Tamar Meisels' general claim that drones are a new reality of warfare that cannot be wished away or ignored, I nevertheless think that this new technology also creates *new* kinds of problems that are often overlooked. First, I am concerned whether modern democracies currently have the capacity to adequately control the rules of drone attacks. Namely, the way in which drones are deployed hinders the public debate on this new technology. Drone strikes are usually fragmented events unevenly distributed in time, which makes the public assessment of this type of warfare much harder (compared to more conventional forms of military intervention). For example, it is reasonable to suppose that in democratic societies there will be some sort of public backlash if the media reports that its army had a large number of civilian casualties in one conventional air strike. However, could we suppose that this will still be the case if the same number of civilian casualties were killed in 30 drone attacks conducted *over the period* of six months? In that sense, given this "extreme deployability" of drones over a long period of time, how do we address the issue of tracking efficiency and reporting on collateral damage to the public?

Second, I would like to question the technological optimism of Tamar's paper. Namely, she claims that drones "...are precision weapons, offering the possibility of careful compliance with the laws of war, to those who wish to comply" (15). However, the superior precision of this new technology seems to depend on imprecisions in defining the legitimate targets for drone strikes. Take for example the Justice Department's definition of imminent threat which says that the United States does not require to have a clear evidence that a specific attack on the US will take place in the immediate future (Friedersdorf, Internet). The same goes for the definition of legitimate targets for UAV; all military-age males near terrorists are, in the eyes of the Justice Department, combatants (Balko, Internet). Both terms play a crucial role in estimating the precision of every drone strike. However, with this type of deliberately contradictory and vague definitions of imminence and combatants, one could make almost any weapon into a "precision weapon"?

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In her paper "Targeted Killing with Drones? Old Arguments, New Technologies" Meisels offers the following claim to justify targeted killings conducted through the use of drones as the most efficient and just method of eliminating terrorists: "Targeted killing aims at its victims narrowly and attempts to avoid collateral deaths. Ordinary citizens remain, so far as possible, immune from attack... targeted killing does not take aim at protected civilians who are unengaged in military activity... unlike political assassination, targeting terrorists does not require a complex political evaluation of the victims' cause, determining who is and who is not a political enemy." (Meisels 2017). If we agree with the presumption that 'drones are here to stay' regardless of the moral/academic debates which they stimulate (an undeniable fact which must be taken into consideration) and if we accept the claim that

targeted killing is legitimate under international law if we assume that states are in constant war against terrorist organizations (which gives them the right of extrajudicial elimination of militants), the claim that targeted killings via drones will reduce civilian casualties to the greatest possible extent, being that the technology involved in such operations involves the most accurate weapons available, can still be challenged.

Although at face value it seems that more accurate weapons minimize unwanted civilian casualties, such an assumption fails to consider the potential changes that targeted killings may cause in terrorists' strategic behavior. As drones make hiding in remote areas harder and more dangerous than before, terrorists are more likely to start taking civilians and whole towns as hostages in order to use them as human shields against potential aerial attacks. This could lead to a potential territorialization of terrorist activity, a sort of behavior that is already well exemplified by ISIS, where male citizens of occupied towns become mobilized and militarized against their will, while the proximity of women and children that reside in such towns makes it harder for drones to eliminate terrorists without killing civilians. In the long run, such territorial strategies, which seem to be a logical response by terrorist organizations facing the threat of drones, may lead to more towns and villages being occupied by terrorists, which is likely to lead to a greater civilian death toll.

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I come from the anti-militarist tradition of thought, the one which is often rejected on the basis of its un-realism. I emphasize this in order to point to the argument which states that wars are in themselves a necessary occurrence and that, by being realistic about their inevitability, we need to strive to offer the strongest ethical prescriptions about how they ought to be waged. Such realism is present in both your and Walzer's articles, if they differ in all other significant points. If Walzer's paper is primarily against the use of drones, his realism comes to the fore in the conclusion he offers: I am thinking of his call for the establishment of moral rules by the first country to use drones on a large scale, the US, his call to proclaim and observe a code for this kind of warfare (Walzer 2016: 21). In your text, the realism of drone warfare is very strongly asserted ("First and most obviously: regardless of academic debate, drones are here to stay"). In addition, in countering Walzer's apocalyptic argument that we may imagine the world where everybody has drones, you point to the fact that drones "are inherently a-symmetrical weapons favouring states, both morally and strategically", emphasizing that this is actually one of their main advantages.

Such war-related realism does not only justify the endless circle of production of new asymmetries and concomitant mushrooming of ever new terrorist groups, but is, in its essential asymmetry, fated to remain forever irregular, i.e. unregulatable. The strongest state that uses them, may devise, according to Walzer's injunction and your own statements, certain forms of legal arguments which would either curtail or enhance the use of drones. Such legal arguments would concern themselves with what James Whitman defined as *jus victoriae* (Whitman 2014). However, it seems

to me that any claim to morality of this radically new *jus victoriae* needs to also entail a certain moral imperialism. You say: “Such asymmetry may seem unfair... [but in actual fact it is not because] drones are useful to the ‘good guys’”. This “unfairness” is not only related to the fact that there is no pitched battle anymore, or any kind of symmetrical chance of winning and losing. Drones entail a certain kind of superiority of those that use them, or as you say, they “are essentially weapons of powerful states”, only to proceed that “this type of asymmetry or *double standard* – enabling law abiding states to fight safely against terrorists who cannot respond in kind – is a good thing” [emphasis mine]. I am not, of course, taking sides with the terrorists. What I want to stress here are the costs of war-related realism. Does being *real* about war has to include acceptance of certain normative imperialism, which then becomes an integral part of our ethical prescriptions?

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“TARGETED KILLING WITH DRONES? OLD ARGUMENTS, NEW TECHNOLOGIES”:

Responses to A. Pavlović, C. Burelli, A. Fatić, P. Krstić, O. Loddo, M. Ivković,
P. Bojanić, D. Pala, M. Abadía, S. Prodanović, J. Pavlović, and A. Zaharijević

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I greatly appreciate the helpful comments and suggestions offered by all the respondents, and the interest they have shown in my short lecture on Targeted Killing and Drones. There seems to be considerable agreement with parts of my argument, and also some overlap between the commentators on various points on which they disagree with me. I thank the respondents for the opportunity to further develop some of the arguments I made briefly in my lecture, and to correct others. In the following, I will reply to what I take to be the major points of disagreement, grouped together by topic. I apologize in advance if I have missed something, or responded insufficiently to any of the finer points of these critiques.

Undue Optimism

I want to begin with what I take to be the most problematic aspect of my original paper, what Srđan Prodanović politely dubbed my “technological optimism”. The opening comment pertinently elaborates on this point when Carlo Burelli questions my comment that drones “...are inherently a-symmetrical weapons favoring states, both morally and strategically”. I plead guilty to the charge of excessive optimism. I will try to redeem myself by clarifying and modifying my original argument in precisely the way Burelli helpfully suggests.

In my paper, I was responding to Michael Walzer’s warning to “imagine a world, in which we will soon be living, where everybody has drones.” (Walzer 2016: 18) I argued there that given the expense and complexity of running an effective drone program, drones offer a built-in advantage to powerful states who are capable of operating such large-scale schemes. I also suggested that this asymmetry favors law abiding states who can (and should) use their superior military capabilities to comply with the rules about distinction and proportionality. I was too quick in assuming that terrorists will have a hard time using drones effectively in skies in which they do not maintain state-level air superiority and against adversaries who employ sophisticated anti-aircraft defenses. The asymmetry I pointed to may have been overstated, though I strongly suspect that powerful states will maintain their advantage in this new type of warfare.

Notwithstanding, there is a growing concern among military experts, as well as scholars, that smaller, less sophisticated off-the shelf drones that are rapidly becoming readily available, may be used by terrorist organizations to carry out indiscriminate attacks. Burelli cites J. D. Johnson, a retired general who previously commanded the threat-defeat agency, who believes that terrorist drones constitute a very real danger: pointing out that, “these things are really small and hard to detect, and if they swarm in groups, they can overload our ability to knock them all down” (Schmitt 2017, in Burelli’s comments).

As Burelli suggests, my argument would be improved by acknowledging this concern, without losing its central force. He is quite right to point out that a distinction needs to be drawn between highly advanced US and Israeli military drones, and airborne improvised explosive devices. The low cost, low operational skill requirement, off-the-shelves availability make airborne I.E.D. an ideal weapon for terrorists. This seems to be the opinion of the Pentagon, which sent technical specialists to Iraq, Syria and Afghanistan to protect US and local troops from ISIS drones (Burelli, citing from Schmitt 2017). Burelli is also right that I was wrong to assume that “drones are going to be ineffective unless ‘state-level air superiority’ is achieved” (Meisels 2017: 15).

Nevertheless, my basic point about asymmetry remains: while terrorist drones may not be ineffective, the asymmetry in capabilities that I pointed to will probably remain. While perhaps not ineffective, terrorist drones are probably going to be less efficient than a massive drone program run by a super power like the United States, or a regional super power such as Israel. Moreover, as terrorist capabilities improve (if they do improve), so undoubtedly will the technology of detecting them and shooting them down.

I do not want to belabor this point both because I am not an expert on the emerging technology, and because I have already strayed irresponsibly into the realm of predictions. More importantly, I cannot figure out how imagining what may come to pass when everyone has drones affects the ethical debate over targeted killing with drones in the present. Terrorists will do what they can, with whatever means at their disposal, totally irrespective of what we do or do not do with drones.

To recap: at present, drones favor states that wish to minimize collateral damage and should be used to that effect. I acknowledge that “lower construction and operational costs and human risks could potentially allow swarms of drones to inflict efficient destruction on a mass scale” (Burelli), but I deny this has any normative bearing on what we ought to do in our struggle with terrorism. Terrorists may soon be able to harness drone technology effectively to their fiendish purposes of carrying out indiscriminate murderous attacks. I cannot predict the extent to which we might be capable of refining our anti-aircraft defenses to contend with this threat. I fail to see the connection between these warnings and our ethical questions about if and how to use drones right now. ISIS is not likely to refrain from drone technology if only we would do the same.

Targeted Killing

Burelli further points out regarding my argument that “the most contentious parts ... are presupposed and understandably fall outside its scope”. He correctly observes

that I defend targeted killing in principle, rather than necessarily supporting any possible or actual policy. I also have no objection to Buchanan and Keohane's proposal for a regime of accountability, mentioned by Davide Pala, or to the call for transparency raised by Petar Bojanić, though I have no idea how practicable any of those suggestions are.

The Status of the Conflict

First and foremost, among the many objections to my principled argument, however – for Burelli and Pala, Marjan Ivković, Olimpia Loddo, and Mónica Cano Abadía – is my adoption of the armed conflict model as the framework for discussing TK and drones. All are absolutely right to question this premise, because it has far reaching ramifications: The rules about deliberate killing are starkly different in armed conflict than they are in peacetime. In war, members of the military are permitted to kill, maim and capture. They enjoy a privileged status which renders them immune from prosecution for such acts that would normally count as murder, criminal-assault; kidnapping, and so on. No proportionality restriction applies to killing enemy combatants during wartime, so long as there is any military advantage to doing so (Walzer 1977: 138–147; Hurka 2005)¹ and “[t]here is no ‘last resort’ requirement on operations aimed at killing the enemy in war: a legitimate target can be permissibly killed, even if capture would be costless.” (Altman 2010: 6).² Armies are also entitled to cause levels of collateral damage that would be intolerable in a domestic peacetime setting (Marjan Ivković is deeply concerned about the legitimacy of applying this wartime license to TK).

These privileges of belligerency hold only in wartime. And here lies the trouble with targeted killing, emphasized strongly by many of the commentators, as well a variety of scholars: it may be defensible as a wartime tactic, but not as a peacetime measure. Killing belligerents in the course of war is common practice; but drawing up kill lists in a domestic peacetime setting is not.

Which set of rules apply when states fight terrorists? This question has been hotly debated by lawyers and philosophers (Blum and Heymann 2010: 155–165).³ Does a state of war exist between Israel or the United States and various terrorist organizations, as the political and military leaders, as well as the Supreme Court judges, of these states assert?

I'm not going to repeat the long list of Israeli and American political, military and legal authorities that adopt this normative standpoint.⁴ Several of the

1 That this is the unanimous view within traditional JWT is conceded even by McMahan 2009: 18, 22–23, 29–30, who criticizes this view.

2 See also Gross 2010: 106.

3 Determining the appropriate framework for discussion – laws of war vs. domestic peacetime rules, is raised and discussed by nearly all of the contributors to: *Targeted Killing – Law and Morality in an Asymmetrical World*, E.g.: Altman 2010: 5–8, Maxwell 2010: 36–8, Ohlin 2010: 60–61, McMahan 2010: 135–155, throughout. Finkelstein 2010: 156–83.

4 E. g. Former President Barack Obama, Speech at the National Defense University <https://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>

commentators already criticized me for relying too heavily on the rulings of the American and Israeli courts. I only note that the Israeli Court is a world leader in legal discussions of these timely issues, and its judges are unusually familiar with the real-world experience of terrorist threats.⁵ Justice Barak's ruling on Targeted Killing has been described as "probably the most comprehensive judicial decision ever rendered addressing the legal framework of the "war on terrorism" (Blum and Heymann 2010: 156). Other scholars simply assume various aspects of the Israeli high court decision as the current legal standard (e. g. Maxwell 2010: 44).

Of course, one need not accept the interpretation of the Israeli (or the American) court regarding the applicability of the laws of armed conflict to counter terrorism. Pala cites Jeremy Waldron in agreement, arguing that "legal justifications [...] may be designed simply to block or answer particular legal objections, leaving broader ethical issues untouched" (Waldron 2016: 299). The Israeli court itself notes a number of alternative interpretations that have been raised in the legal literature, including some that involve a mixture of different legal regimes.

Some scholars have pointed out that the laws of war, traditionally applicable to old fashioned wars between states, are not a perfect fit for dealing with asymmetrical struggles with terrorists, and accordingly inappropriate for assessing our governments' response to terrorism.⁶ Similarly, Marjan Ivković argues in his comments that a crucial problem with my line of reasoning is "the normative equating of the 'war on terror' with conventional warfare.....", pointing out that wars are temporally limited phenomena while terrorism seems open ended. In another useful comment, Olimpia Loddo describes terrorism as a crime, rather than an act of war. Terrorists, Loddo argues, are "a special kind of criminal".

Terrorism has also been described in the literature as a 'super-crime', a grave and deadly criminal activity incorporating some characteristics of warfare, but crime nonetheless.⁷ Consequently, Palo continues the criticism of my normative framework stating that, "absent further justifications, the *law-enforcement* rather than

HCI 769/02 Public Committee Against Torture in Israel v. Government of Israel (*Targeted Killings* Case) [2005] (Par. 16) http://elyon1.court.gov.il/Files_ENG/02/690/007/a34/02007690.a34.pdf

HCI 7015/02 Ajuri V. IDF Commander
http://www.hamoked.org/files/2010/110_eng.pdf

Benjamin Netanyahu's address to the United States Congress, September 20th, 2001, in Netanyahu, *Fighting Terrorism* 2001: xxiv: "Victory over terrorism is not, at its most fundamental level, a matter of law enforcement or intelligence..."

Maxwell 2010: 37–38; Daskal and Vladeck 2014: 120; www.cfr.org accessed August 5, 2015. For further discussion of the US's *non-international* armed conflict model and the applicability of Protocol 2, see the Blum and Heymann 2010: 157 and Maxwell 2010: 40–41, 49–50.

5 As Justice Barak described himself and his colleagues in the *Beit Sourik* judgment (on the security fence), "We are members of Israeli society. Although we are sometimes in an ivory tower, that tower is in the heart of Jerusalem, which is not infrequently hit by ruthless terrorism...." HCI 2056/04, *Beit Sourik Village Council vs. The Government of Israel*, paragraph 86, http://elyon1.court.gov.il/Files_ENG/04/560/020/A28/04020560.A28.pdf (cited in HCI 769/02, Paragraph 63).

6 E.g. in Finkelstein 2010, and Meyer 2010. See also Fletcher 2003: 3–9.

7 The term "super-crime" comes from Fletcher 2006: 894, 900.

the *armed-conflict* model should be the default option in dealing with terrorists; police rather than military action is to be preferred.” On this understanding, Terrorism ought, by and large, to be handled in keeping with law enforcement procedures, albeit subject to adjustments required by the specifics of the situation.⁸

From this criminal law perspective, targeted killing is often criticized as grossly violating the basic rights of the accused, deviating inexcusably from the most minimal standards of “due process” required of any well-functioning liberal state (Altman 2010: 5–6). Loddo comments that: “Targeted killing should not be an option if we really want to fight for the defense of the values we share, that include the Rule of Law (Nader 2015, in Loddo)”. By contrast, some advocates of the Laws of Armed Conflict (LOAC) framework retort by stressing the real-world inadequacy of domestic law enforcement measures in combating terrorists operating overseas, and emphasizing states’ unquestionable responsibility to protect their own citizens (Altman 2010: 6).

It seems to me that the most powerful objection to the law enforcement framework is not legal or philosophical, nor even practical. It is the common-sense observation that terrorists clearly operate within the military, rather than the civilian-criminal, sphere. Terrorists, like other irregular forces, confront a state, or states, against which they conduct their attacks. Their goals are political, and they strive to attain them by killing members of the states and regimes they oppose (Benjamin Netanyahu 2001: 7–8).⁹ “Thus [Andrew Altman writes], Al Qaeda attacks the United States for its support of Israel and the Saudi regime, seeking to drive America out of the Middle East.” (Altman 2010: 7–8).

Moreover, there may be far less distinction between interstate wars and war against terrorist organizations than first meets the eye. As Altman points out, “terrorist organizations are often supported by friendly governments that provide resources such as money, forged documents, weaponry, training camps, and safe haven.” (Altman 2010: 8)¹⁰ Israel’s Prime Minister, Benjamin Netanyahu, made this very point in his 2001 address to Congress, little more than a week after 9/11. Consequently, “Victory over terrorism is not, at its most fundamental level, a matter of law enforcement or intelligence”. (Netanyahu 2001: xxiv) It is a war against terrorists and their supporting states.

To repeat: my argument is confined to assessing the relative merit of targeted killing as a wartime tactic. Judged as an act of war, targeted killing is a particularly limited and fastidious form of combat, and as such often morally preferable to alternative modes of belligerency commonly employed during wartime.

Even this limited point, however, holds only within the armed conflict model -- as Burelli, Ivković Pala, Loddo, and Abadía, quite rightly observe -- as well as on the further assumption that the targets are in fact combatants, and as such legitimate wartime objectives. It is to this related point of contention that I now turn. The best way to address Davide Pala’s and Mónica Cano Abadía’s misgivings

8 See Altman’s summary of this approach in his introduction to *Targeted Killing*, Altman 2010: 5–6.

9 See also Altman 2010: 7.

10 Benjamin Netanyahu’s address to the United States Congress, September 20th, 2001, in Netanyahu 2001: xiii.

regarding my attribution of “unlawful combatant” status to terrorists, as well as the normative consequences I derive from this label, is to draw on some of my previous work on this issue.

Combatants – Lawful and Unlawful

The routine way of determining those who may and may not be killed in war is to distinguish between combatants (i.e. uniformed soldiers as well as irregular belligerents) on the one side, and unarmed civilians on the other. Clearly, the combatant/non-combatant distinction, which renders immunity to the latter, cannot facilitate arguments against targeting terrorists. As Walzer has pointed out recently:

Military leaders are obviously legitimate targets in wartime. A sniper sent to a forward position to try to kill a visiting colonel or general is engaged in targeted killing, but no one will accuse him of acting extra-judicially and therefore wrongly.... Individuals who plan, or organize, or recruit for, or participate in a terrorist attack are all of them legitimate targets. (Walzer 2013)

In the Israeli case, typical Palestinian targets have included: Ibrahim Bani Odeh, a well-known bomb maker; Fatah leader Hussein Abayyat; Yahiya Ayyash, the famous “engineer”, assassinated in Gaza in 1996; Tanzim leader Raed Karmi; Mahmoud Abu Hanoud, a high-ranking Hamas commander assassinated in November 2001; Hamas leader Salah Shhada assassinated by Israel in July 2002.

By their own admission, these and other terrorists are not civilians: they are the instigators, organizers, recruiters, commanders and operatives of an armed struggle. Terrorists controversially regard themselves as “freedom fighters” or guerrilla warriors, but never claim to be unengaged in combat. On the contrary: terrorist leaders and the organizations they represent are always proud to publicly accept responsibility (as opposed to guilt) for the atrocities they plan and execute -- bin-Laden or “card carrying” members of Hamas, to cite extreme examples.

Like all belligerents, terrorists are legitimate wartime targets. Aside from the obviously warlike character of the activity in which they are engaged, and for which they are pursued, they themselves do not deny the military nature of their deeds; indeed, they take pride in it. More often than not, they bear militaristic titles of command, as do various “military commanders” of Hamas. Al-Awlaki is reported to have held the rank of “regional commander” within Al-Qaeda. At times, terrorists wear military-style uniforms or identifying dress (as Yasser Arafat often did) though they remain irregulars, unprotected by the rules of war. On no account can they be considered civilian criminals, nor do they sincerely profess to this status.

Location

Monica Abadia has asked me if “They [terrorists] are always combatants, day and night. So, I wonder, are they susceptible to being killed at home, with their family, because they are never off duty?”

This is an excellent question because, in fact, targeted killings are often carried out in civilian settings (e. g. at the terrorists’ desks, in their cars, or even in their beds) and this in fact distinguishes these killings from conventional combat. While

soldiers may be killed anywhere at their base or in a military vehicle, they may not be killed in civilian locations, e.g., when on leave, back home, or vacationing with their families. Why is it legitimate to kill an enemy officer in his office or on the way to it but totally illegitimate to kill him in a hotel? How does the change in location serve to provide immunity to an otherwise legitimate wartime target? And should such immunizing rules apply to irregular combatants who do not abide by them?

The limitation on targeting combatants in civilian settings is the product of convention, though one with a morally significant rationale, that of limiting the cycle of violence in wartime to the battlefield and its immediate vicinity (Statman 2003: 196). Assassinating terrorists in non-military settings admittedly defies such conventions. Terrorists are often assassinated in their homes, or hideaways. Sheik Ahmed Yassin was assassinated on his way out of a mosque.

The rule about location is based on the morally worthy aspiration to separate the battlefield from the home-front, protecting civilians and their surroundings, limiting the harm, and the destruction of war (Statman 2003: 196). These legal protections are largely artificial, though they have some very good utilitarian justifications: Protected locations safeguard civilians. Conventions of this kind, however, require mutuality.

Terrorists who do not maintain conventional rules, specifically those rules that confine fighting to the battlefield and uphold civilian immunity, are un-entitled to their protection. Moreover, in the case of terrorism, it is doubtful whether there even is a front line or conventional battlefield to be considered. When a soldier relinquishes an opportunity to shoot his opponent while the latter is relaxing behind enemy lines, he retains the realistic prospect of confronting him or his indistinguishable comrades, in a more conventional context when the battle resumes. Terrorist leaders and operatives ‘on the run’, however, do not ordinarily expose themselves to such risks. Unlike the soldier who may honorably spare his enemy when engaged in non-belligerent activity only to confront him again on tomorrow’s battlefield, the opportunity to combat terrorism on the conventional front line will, by definition, never arise at all. By fighting among civilians, terrorists create intolerable battle situations intentionally designed to render the separation between civilians and military settings impossible to maintain. The very existence of a battlefield setting as distinct from the home-front depends on both sides adhering to this distinction. Otherwise, as Statman notes, “the side adhering to them would simply be yielding to the side that refuses to follow them” (Statman 2003: 196).

So, my answer to Ms. Abadia’s pertinent question is yes. Terrorists are legitimate targets for military attack whether they are targeted by name or by deed, at all times and places, subject only to necessity and proportionality.

The traditional conventions of war, those agreed on at The Hague and Geneva conventions, explicitly accord equal rights and obligations to all uniformed soldiers as well as to those members of resistance movements who assume the risks of overt combat and abide by the laws of war. They do not clearly apply to members of organizations who habitually abstain from the legal requirements to fight overtly and follow the laws of war. Consequently, Israel and the US assume, terrorists are never immune from attack, not even in their homes or in their beds. Like soldiers, they may be killed during armed conflict at any time, whether armed or unarmed,

whether posing a grievous threat or idly standing by.¹¹ Unlike soldiers, however, they may also be killed in purely civilian settings. Aside from their unprotected legal status, the moral rationale for this license concerns the lack of reciprocal rule keeping. Irregulars do not expose themselves to conventional risks, nor do they themselves uphold any conventions concerning the appropriate contexts for combat.

Direct Participation:

If one adopts the terminology of the Israeli court whereby terrorists are “civilians who are not unengaged in hostilities”, Abadia asks:

“What is not being unengaged? What is being (un)engaged in hostilities? Is having and supporting certain political ideas not being unengaged? Is having personal ties with terrorists not being unengaged? If so, is the family of the terrorists considered also terrorists, as they may be seen as not unengaged in their relatives’ activities – or as they may be, even inadvertently, enabling the terrorists?”

Determining who is a direct participant in hostilities is analogous to identifying legitimate targets, which is admittedly no easy task (Altman 2012: 28–29). Undeniably, both Israel and the US take a wide view of what is meant by “direct participant”, but this cannot be a limitless view either.¹² The class of “direct participant” can properly only include active members of terrorist organizations who pose a continuous threat. Israel’s Supreme Court ruling was clear on this point:

a civilian taking a direct part in hostilities one single time, or sporadically, who later detaches himself from that activity, is a civilian who, starting from the time he detached himself from that activity, is entitled to protection from attack. He is not to be attacked for the hostilities which he committed in the past. (HCJ 769/02 [Dec. 11 2005]. Paragraph 39)¹³

Consequently, the Israeli court recognized that “there is no escaping going case by case”, calling for a careful evaluation of each and every potential target (HCJ 769/02, *ibid*, Paragraph 34).

Speaking at the National Defense University, Former President Obama made a similar point, stating that “America does not take strikes to punish individuals; we act against terrorists who pose a continuous and imminent threat to the American people, and when there are no other governments capable of effectively addressing the threat.”

11 On the license to kill enemy combatants, see Walzer 1977, Fletcher 2003: 107, 139–142; Statman 2003: 195, Dershowitz 2004.

12 The criteria for direct participation are extremely controversial. See ICRC 2008: 997. Available at: <http://www.icrc.org/eng/resources/documents/article/review/review-872-p991.htm>

The interpretation of “direct participation” has been a serious issue of contention with regard to Israel and the United States’ policy on targeted killing. See e. g.: Eichensehr 2007: 1873–1881.

<http://www.yalelawjournal.org/comment/on-target-the-israeli-supreme-court-and-the-expansion-of-targeted-killings>

13 See also the court’s lengthy discussion of direct participation in Paragraph 34–40. http://elyon1.court.gov.il/Files_ENG/02/690/007/a34/02007690.a34.pdf.

Abadía continues: “To be considered as a civilian, as a non-terrorist, one has to distinctly disengage oneself from hostilities. How does one do that?” The answer is simple: Civilians do not have to do anything at all to disengage themselves from combat! The default position of both international law and just war theory is civilian status. This mantle of protection can only be lost by voluntarily opting to engage continuously in blatantly threatening combat activity.

Efficiency:

In his opening comments, Aleksandar Pavlović argues that by arguing that TK is our best shot at combating terrorism at the lowest cost to civilians, I am adopting a “simplistic identification of combating terrorism with killing terrorists...” The right way to combat terrorism in the long run, Pavlović suggests, is by “asking broader questions about the causes, sentiments, reasons, mechanisms etc. behind terrorism”, rather than antagonizing the hearts and minds of innocent men and women around the world, e.g. by exposing them to the long term psychological effects of living under drones. Terrorists are not some finite number of enemies who can just be killed off one by one; In fact we are, by our own actions, creating new terrorists, Pavlović argues. Not dissimilarly, Olimpia Loddo contends that we “cannot hope to solve its problems through targeted killing. The only desirable objective is to find a way to contrast this organization through the intelligence... and to obtain the consent of the local population”. In keeping with this line of thought, Monica Abadía recommends non-violence; and finally, Adriana Zaharijević advocates an anti-militarist tradition of thought.

Following Judith Butler, Abadía warns against the escalation of violence, and urges us to find alternative measures that do not involve war and targeted killing, with drones or otherwise. Perhaps we ought to fight terrorism by responding to the demands of the other, “recognizing us as vulnerable and precarious beings whose lives are intertwined with one another” (Butler in Abadía), whatever that means... Perhaps we could try to confront Islamist extremism, suicide terrorism, mass murderous organizations, genocidal threats, by adopting “an ethics of cohabitation”, or by honoring “the obligation to affirm the life of another even if I am overwhelmed with hostility.” (Butler, in Abadía’s comments).

I have argued that combatting terrorism is a form of warfare, and that in war, it is better to kill combatants by the most accurate and “surgical” means available, sparing civilians whenever possible. I never suggested that killing people – combatants or civilians – is preferable to non-militaristic alternatives. Targeted killing (any killing) remains indefensible as against realistic prospects of negotiating international disagreements. From any just war perspective, targeting one’s opponents does not fare well as “an alternative to negotiating with them or respecting their human rights or allowing them to take part in national politics.” (Waldron 2015: 6) Where civilized diplomacy and a peaceful resolution of hostilities are feasible, targeted killing is a nonstarter.

If the terrorism of Al Qaeda, the Taliban, ISIS, or Hamas, can be overcome peacefully – by “compromise, negotiation, the addressing of grievances, and so on” (Waldron 2015: 34) – this is a *jus ad bellum* argument against resorting to war as a

last resort. It is not an argument against targeted killing (or drone warfare) specifically, any more than it is an argument against bullets or bayonets. The debate over targeted killing - for or against - is primarily a *jus in bello* issue (or else it is a *jus ad vim* issue),¹⁴ that begins after the decision to resort to force has already been made. Once the fighting begins, targeted killing is an option to be considered in comparison with other available measures within the military's tool kit.

I have argued that targeted killing does well in comparison with other forms of combat in terms of achieving legitimate military goals, as well as complying with the requirements of distinction and proportionality. My argument is insufficient to counter all the good moral reasons for pacifism, or the questionable practical wisdom of relying on Judith Butler for an effective counter terrorism strategy.

Military Valor:

Aleksandar Fatić's arguments against the use of drones are very well represented in these comments by Predrag Krstić, who focuses in depth on one single point: drone operators "do not exhibit courage, willingness to make sacrifices for their cause; there are no questions of justice, but only a technological task... like a computer game where there is no immediate awareness of justice or injustice as a factor of decision-making; finally...one needs no virtues, no humility, and one does not have a sense of oneself as a part of the military moral community (Fatić 2017: 352–353)".

As Krstić points out, I already addressed this point towards the end of my lecture, as he notes, with reference to Strawser and Statman. I stand by what I say there, with only a couple further comments in response to Krstić.

First, I have not seen any conclusive hard evidence to the effect that drone operators regard their task as a-moral (lacking in questions of justice) or with a computer game, "joystick" mentality, though this is sometimes argued by philosophers. Given the tremendous attention that TK with drones is given in the American press, universities, and even in film, it would in fact be incredible to find that drone operators do not view their mission as involving issues of justice. But I cannot speak for drone operators.

Second, Krstić asks me if I "think we are dealing here with a different understanding of morals? Fatić insists on the applied military ethics" (Krstić). I respond hesitantly by suggesting that Fatić's may be more of a virtue ethics approach to war, whereas I am addressing the use of drones from an International Law of Armed Conflict and a conventional Just War Theory perspective, both of which are largely influenced by utilitarian considerations alongside duty based principles of human rights and human dignity.

Finally, while many of the commentators have challenged me for rejecting "soft power" options, I remain adamant in my belief that war on terrorism is unavoidable. At the same time, while I am no pacifist, (or anti-militarist like Adriana Zaharijević), I do believe that war is a terrible business. As such, there can be no justification for enhancing its "hellishness" (in Walzer's words) by reverting to weapons that might increase civilian or military casualties just in order to live up to some

14 For *jus ad vim*, the just use of force short of war, see Walzer 2006: xv-xvi.

medieval fairy-tale code of valour, courage, humility or what not. It is precisely because war is not a game, that we should adopt the measures that kill most economically, if kill we must.

Just & Unjust Enemies:

I have reserved one of the deepest insights for last. In his insightful comment, Petar Bojanić suggests that my use of the terms “unlawful combatants” and “irregulars”, alongside familiar labels such as “terrorists”, “criminals”, “enemy combatants”, “unjust aggressors”, etc. bear affinity to Kant’s notion of an “unjust enemy” who may be pursued indefinitely, globally and even preemptively. If so, Bojanić suggests, we need not worry about the temporally unlimited framework of the war on terror, emphasized by Marjan Ivković in his comment about the temporal limits of conventional warfare as apposed to “the war on terror.” A war against a Kantian unjust enemy is indeed different from conventional warfare in this sense that it is neither time bound nor in any way limited. It is instead (as I understand Bojanić’s use of it) total and indefinite.

I am not entirely sure how to respond to this comment, or if I have understood it fully. It has indeed been argued (though not by me), that terrorists are a sort of international outlaws, “enemies of mankind” – *hostis humani generis* – a term once reserved for sea pirates, to be destroyed wherever they are found. (Leiser 1986: 155–156) I think this captures an important point about the evil that is terrorism and the legitimacy of combatting it, and the importance of international cooperation and legislation aimed at rooting out terrorism, just like piracy, wherever it raises its ugly head. I do not think we are entitled to fight terrorism by unlimited measures.

I have argued that assassinating avowed terrorists in the course of an armed conflict as a preventive, rather than a punitive, measure is a legitimate act of self-defense. I also defended the view that terrorists are unlawful combatants. But to say that targeting terrorists is a legitimate wartime practice is not to say that any feasible case of TK is necessarily justified, that it should be practiced in a wholesale fashion, or that in the war on terror anything goes.

I’d like to conclude with a quote from former Israeli Supreme Court Justice Aharon Barak’s decision on targeted killing. While the court justified the practice of TK in principle, (as well as denying terrorists lawful combatant status if captured) they also called for a very careful case by case evaluation of any such operations. In a series of other rulings, the Israeli court has been adamant that captured terrorists reserve their right to humane treatment.¹⁵ “Unjust enemies”, “unlawful”, “irregular combatants”, “criminals”, or just lacking in combatant status, captured terrorists reserve their right not to be subjected to grievous physical pain and pressure, to receive proper care and treatment, to be kept in a humane environment, and to avoid false imprisonment, or endless concealed incarceration. Consequently, while the lawless status of irregular combatants ought to be legally distinguished from their lawful counterparts, this distinction will not necessarily

15 E. g. H CJ 5100/94 The Public Committee Against Torture in Israel vs. The State of Israel et al. http://www.hamoked.org/files/2012/115029_eng.pdf

bear the precise significance that some self-interested state leaders wish to accord to it, nor should it always supply them with the licenses they seek to acquire.

After concluding that terrorists are unlawful combatants, or civilians engaged in hostilities, Justice Barak adds a passage which I think should always be taken into account when considering measures for combating terrorism. Requiring that each proposed case of assassination be considered with the utmost care and decided on a case by case basis, Justice Barak concludes: “Needless to say, unlawful combatants are not beyond the law. They are not ‘outlaws’. God created them as well in His image; their dignity as well is to be honored; they as well enjoy and are entitled to protection, even if most minimal, by customary international law”.¹⁶

Tel Aviv, January 2018

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II

STUDIES AND ARTICLES

STUDIJE I ČLANCI

Srdan T. Korać

DEPERSONALISATION OF KILLING Towards A 21st Century Use Of Force “Beyond Good And Evil?”

ABSTRACT

The article analyses how robotisation as the latest advance in military technology can depersonalise the methods of killing in the 21st century by turning enemy soldiers and civilians into mere objects devoid of moral value. The departing assumption is that robotisation of warfare transforms military operations into automated industrial processes with the aim of removing empathy as a redundant ‘cost’. The development of autonomous weapons systems raises a number of sharp ethical controversies related to the projected moral insensitivity of robots regarding the treatment of enemies and civilian population. The futurist vision of war as a foreign policy instrument entirely ‘purified’ of the risk of morally wrong actions is in opposition with the negative effects of the use of drones. The author concludes that the use of lethal robots in combat would eventually remove enemy soldiers and civilians from the realm of ethical reasoning and deprive them of human dignity. Decision to kill in military operations ought to be based on human conscience as the only proper framework of making decisions by reasoning whether an action is right or wrong.

KEYWORDS

warfare, military interventions, depersonalisation, drones, lethal robots, autonomous weapons systems, ethics of war, international relations

Robotic warfare: Towards removing prosocial behaviour as the ‘cost’ of military operations?

Many archaeological finds depicts scenes of – as much as epic poetry and prose are telling stories about – famous military endeavours that show an even spatio-temporal distribution of use of force as a means of resolving disputes between groups, communities and nations.¹ Aside from the mythological and poetic hyperbole woven into such scenes, warfare as one of humanity’s oldest social activities testifies to the ancient entwinement of tools, technology and creative thinking when it comes to the effective use of material and human resources made at moments of societal wealth available to the ruling elites. The main aim of military leaders has always

1 The article presents findings from a study conducted as a part of the project “Serbia in contemporary international relations: The strategic directions of development and consolidation of the position of Serbia in international integration – foreign policy, economics, legal and security perspectives” funded by the Ministry of Education, Science, and Technological Development of the Republic of Serbia (grant No. OI179029).

been to discover means of fighting and conceive tactics that would carry the day against the hostile force, at minimum sacrifice. Certain 'leaps' in technological development – the bow and arrow, cannon, rifle, airplane, missile, etc. – enabled the conduct of military operations from an ever-greater distance, or at least to commence without 'hand-to-hand' combat, that is to say, when the opposing land units have not yet come into direct contact with one another (Creveld 2000; Howard 2009). For instance, the increased shot accuracy of cannons and rifles in the 18th and 19th centuries opened a new chapter in military history, enabling an attack against the enemy from greater distance, keeping one's own men safe. Technological development has also rendered weapons more destructive, such that in the middle of the 20th century, the cataclysmic potential of nuclear weapons pushed to the absurd its utility as a foreign policy tool within limits of common sense. The only possibility was to possess and pile up this type of weapon to deter potential adversaries from an attack in a strategic game of 'mutual assured destruction'.

From the point of view of the individual soldier, however, combat is no less violent – it remains 'slaughter', much as before. The difference is that the advanced military technologies renders the enemy less visible, that is, no longer 'in one's sights'. This means that killing has been displaced, made 'remote', and ever-more mediated. That being said, even today, it is not possible to achieve a permanent and strong land presence without occupation of territory and immediate conflict at short distance. This is especially true of the asymmetric wars of the 21st century, where the most complex operations are conducted by foreign interventionist troops, mostly in urban environments against myriad of non-state armed groups cunningly intermixed with the local population (Münkler 2010: 190–194).

Historically, the politics of army discipline sums up a series of gestures and techniques directed at shaping man into an endurance and finely tuned 'killing machine', drawing on the masculinisation of men and inculcation of warrior attributes into an individual's value system, as well as a social division of war roles into 'typically' male and female. Still, the huge amount of energy necessary for extreme masculinisation, that is, successful socialisation that is military training, would be unnecessary if people were born naturally aggressive (Jindy Pettman 1996: 66). Overwhelming war experience testifies to the moral disquiet soldiers feel when, for example, they have to shoot at sleeping enemy soldiers or anyone who, however potentially dangerous in general, does not pose a threat at that moment. The strong malaise means that the soldier perceives the killing of a sleeping foe unnecessary and deeply wrong (Brigety II 2007: 17–19). In the constant debate about whether aggression as initiator of war is an innate character trait or not, we lean toward the position confirmed through a sufficient number of empirical studies in the field of evolutionary psychology and primatology, according to which man is not genetically predisposed to war, but does so through a process of socialisation; otherwise, men would happily go into battle and would not reluctantly kill other human beings (Waal 2013: xi; Ferguson 2013: 126). Our perception of violence/war as intrinsic to human nature is the result of cognitive bias caused by media portrayals of the 'dark' side of human nature driven by an ad revenue-heavy business model. This warped perspective of social reality overemphasises events of small probability, ascribes to them great emotional impact, and creates an image of life in times of

insurmountable dangers and security risks. After the construction of this image, we accept only those new facts that fit easily into such a worldview (Payne 2015: 24–25).

The findings of multiple scientific studies conducted in the field of evolutionary psychology since the 1980s suggest that morality is innate. Not in the sense that there is a specific gene for morality, but that we naturally act in a morally laudable direction. The long process of natural selection has crafted a psychological mechanism for prosocial behaviour, based on the recognition that survival is only possible with mutual help and cooperation (Joyce 2006: 13). Evolution has made people predominantly social, friendly, benevolent, honest, etc. Through trial and error, over the course of thousands of years, the brain has produced various responses to variable environmental stimuli, gradually developing prosocial emotions of love, empathy and altruism. From these prosocial emotions issued the tendency of people to reach for moral reasoning, even in the face of the most extreme situations on the edge of life and death. Natural selection has helped strengthen empathy with others, at the heart of man's capability to act morally. Cognitive functions and emotions are deeply bound systems, on a biological, psychological and phenomenological plane, meaning that normative judgments are not always rational or the result of conscience, but rather are strongly influenced by emotions and intuition. Emotions are evaluations of the world not as it is, but as it ought to be. They help us recognise that there is a moral problem in a given situation. Emotions are the foundation of self-consciousness comprising our subjectivity, meaning that they are part of our acceptance of responsibility for who we are and how we act towards others. Thus, pride and shame are the most important guides in the process of our self-expression and self-realisation. True personality achieves self-realisation through harmony with the personal character by striving to live according to the standards of a given value system: each successful attempt to behave in accordance with these standards makes us proud, and conversely, each deviation carries shame (Döring 2007: 385).

Emotions and empathy, as drivers of prosocial behaviour and moral sensitivity, are a major obstacle to killing in war. This makes them the undesirable personality characteristics in a soldier who is to fight in interventionist troops deployed far from her/his homeland, particularly in the context of contested democratic legitimacy of the intervention itself. In the period of late capitalism and the dominance of the instrumental mind as measure of all things, empathy for military planners is a disturbance factor to the efficiency of a military operation. Cristina Masters lucidly notes that the application of advanced technological solutions in the military has resulted in the desirable military attributes of a soldier being constituted according to criteria borrowed from a scientific-technological discourse (2010: 178–179). Military planners now view soldiers through the prism of their weaknesses, that is, as vulnerable beings, prone to stress and trauma, and therefore mistakes and inefficiency. They see their unreliability in contrast to the 'perfection' of personal computers and other sorts of brand new machines and devices. The human body, or *wetware* in contemporary military terminology, is the weakest element of the triad comprising *hardware*, embodied in the wide array of high technology, and *software*, embodied in information and communication technologies. Hence the onus on development of military technology that would supplant the biological and

emotional deficiencies of the body with the introduction of the superior, diversified interface, in time, entirely removing the soldier from the battlefield.

Burdened by earlier tragic experiences, the current century has also shed perspective regarding the threshold of social acceptance of war victims, illustrated in the chant *No Body Bags*. In the post-industrial poliarchies with global ambitions and capability, it has become increasingly difficult to politically justify the need for citizens to lose their lives in wars in distant regions across the planet, of which they have barely even heard. This is all the truer when these conflicts result in stalemates, from which strong public reactions demand the cessation of military operations to avoid further casualty, which undermines the possibility of achieving the given military, and ultimately, foreign policy goals (Sauer & Schörning 2012: 368–369). The politics of minimalising human victims of one's own troops has been operationalised in the form of 'warfare without risk', accomplished in the three previous decades by employing private military and security companies, drawing on a combination of air and guerrilla operations, and maximising the efficiency of weaponry by perfecting its precision (Sauer & Schörning 2012: 369). One direction of development of new military technology has been aimed at strengthening psychological and physical abilities through the human augmentation and performance enhancement (bionics, prosthetics, brain-computer interfaces, nootropics, gene editing, neurotechnology) as well as by connecting soldiers digitally via satellite communication with a command system based on real-time data-share on the battlefield (Lucas 2010: 290–291). These are plans to create a soldier-cyborg, that is, a hybrid of a human organism and technological (inorganic) implants, all based on a vision of transhumanism, the goal of which is surpassing man as he is now by completely integrating him into machine, advocated by innovators and scientists from Silicon Valley (Bricis, Internet).

The latest technological developments have also opened numerous opportunities for replacing the human fighting force on the battlefield with semi-autonomous and fully autonomous weapons systems, which cracks a door towards outsourcing the 'dirty work' of war to intelligent machines.² The best-known representative of semi-autonomous systems is the drone, that is, an unmanned aircraft that serves a variety of purposes, such as reconnaissance, patrolling, intelligence gathering and combat. Unmanned aircraft can be piloted remotely (Remotely Piloted Aircraft – RPA) from a land control station by a pilot and crew, connected to a command centre and communication infrastructure; or they can be autonomous (Unmanned Air Vehicle – UAV), following a pre-programmed set of action (USAF Headquarters 2014: 13–15). Seeing as they are not limited by the psychophysical abilities of the pilot or the fatal risk of being shot down, drones have a significant advantage compared to ordinary aircrafts. They fly longer, continuously, at higher altitudes and with no fatigue to a human body.³ Still, remote control of unmanned aircraft is not literally

2 To be fair, the history of military experiments with unmanned aircrafts goes back to World War I, and several kinds were used in combat in the course of World War II. For a brief overview of development projects of semi-autonomous and autonomous weapons systems, see Singer 2009.

3 Due to limited scope of this analysis, I exclude the issue of vulnerability of semi-autonomous and autonomous weapons systems in the form of electromagnetic interference and cyber-attacks to satellite and information infrastructure.

‘without pilot’, since each drone is operated by a highly-trained ground-control crew that could number as many as 300 people (Joshi & Stein 2013: 56).

Ascribing characteristics of independence to a type of unmanned aircraft can somewhat confuse or mislead a reader. The aircraft in question is a semi-autonomous system, previously programmed for execution of specific operational and tactical tasks within given parameters, in which the human presence is reduced mostly to oversight. Fully autonomous weapons systems would be only those capable to follow the three basic principles of robotics: perception, intelligence and execution. The task of the robot is to oversee and select relevant data from the environment, and then based on those data and using artificial intelligence, decide on its own how to react and how to execute its chosen course of action using the tools at its disposal (Serbin 2014: 57–60). A semi-autonomous system connects two separate functions – perception and execution – in between which still stands man equipped with a computer. By contrast, a fully autonomous weapons system would be capable of responding to information from the environment acquired through sensors, and use the acquired knowledge to decide on the optimal course of action adapted to current circumstances (the man-out-of-the loop model). An illustration of the use of a robot in combat would be one drone to observe the battlefield from its edge, revealing and indicating a relevant target, and then passing on the coordinates of the target’s position to another drone, which would then destroy the target. This would overcome the obstacles that issue from a human’s limit in information processing speed (Arkin 2010: 333–334).

Given the plans Washington has for the development of air, land and sea drones in the coming period, we should not underestimate the influence of the global corporate unmanned vehicle lobby. The Association for Unmanned Vehicle Systems International (AUVSI) numbers over 7,500 representatives of public institutions, companies and academic community across more than 60 countries.⁴ Part of the defence market directed at the US military budget line items dedicated for improvement of sensory systems on drones is slowly recovering after the 2008 recession. In the coming years, the US government intends to spend several billion dollars on that sector alone (Rockwell 2017: 26). The decision of the US military to begin developing a new generation of unmanned land vehicles – having shown significant use value for seeking out and removing landmines, clearing land communication and identifying objects in Iraq and Afghanistan – yet another lucrative market has opened up for private sector (Tuttle 2017: 38–42).

The most important document of the US military is the recently adopted Strategy for Robotic and Autonomous Systems. In the long-term (2031–2040), this strategy foresees the construction and engagement of autonomous land and aircraft systems that would allow for the concentration of commanders exclusively on the overall process of execution of combat operations, instead of control of robots in executing individual tasks (U.S. Army 2017: 9–11). The Strategy places importance

4 According to information available on its official web page, the basic goal of AUVSI is to represent the interests of producers of unmanned systems and robots to national governments, regulatory bodies, media and the public, as well as to see that the interests of its members are taken into consideration in the legislative procedure, above all in the US, but also globally (www.auvsi.org/who-auvsi).

on the development of mini-robots for scouting and intelligence gathering as vanguard for lethal robots, particularly in urban areas, as well as on the development of transporter-robots for delivery of supplies, allowing for a quick shift to combat action during the entering the field of engagement, an improvement of tactical possibilities of manoeuvring during combat actions, decentralisation of operation command, as well as taking far greater risks.

In addition to the strong corporate interest that stands behind the very profitable industrial niche on the rise, opening the futurist vision of war as a means of foreign policy, ‘purified’ from risk of unethical behaviour, would allegedly minimise the need for establishing legal and moral responsibility. Given that robots have been transformed from mere weapons into perfect warriors programmed to avoid typical human errors in combat engagement, the impact and efficiency of interventionist troops deployed across the planet would be far greater than now – or at least this is what we are led to believe by representatives of the robotic industry and some military planners. The goal of our analysis is to show how robotisation, as the next wave of a technological revolution in warfare, could, in the 21st century, lead to entirely depersonalised acts of killing, as well as strengthen the structural violence of the US and other great powers towards poor countries on the global ‘periphery’. The starting premise is that depersonalisation of the enemy – a consequence of robotisation – will make easier internal legitimisation and execution of military interventions, thus making the use of force an instrument of choice for accomplishing imperial foreign policy objectives.

Industrialised warfare: The triumph of the practice of conducting ‘everywhere wars’

Thinking about robotisation of warfare is intertwined with efforts to remove conscience as much as possible (if not entirely) from the practice of killing. In the late capitalism, warfare becomes a sort of industrial process devoid of meaningful value and social symbolism (having in the past accompanied war as a collective endeavour vital for the destiny of a political community). A good basis for understanding industrialised killing as a new social practice is the study on the nature of evil, by the Norwegian philosopher Lars. F. H. Svendsen, in which he analyses factors that could induce even psychologically healthy and benevolent individuals to agree to evil. Apart from representing the other in such a way that the committing of evil has for us a good rather than a bad meaning, a second factor relevant for our analysis is the distancing between our evil actions and others who are the objects of those actions (Svendsen 2010: 184–185). Distancing is most often achieved by depicting the enemy not only in a negative light, but also abstractly, in order to then create in the mind of the soldier a clear distinction between the act of killing justified by reasons of defence and the criminal act of killing that seeks merely to destroy a human being (Zimbardo 2004: 34–38). The ongoing specialisation of battle within the industrialised process of killing appears as a new form of distancing from the enemy in technologically advanced warfare. It creates the illusion that we are not directly participating in a morally wrong action, since military operation is broken down into numerous tasks and mediated by computers and sensors dedicated

to individual missions of gathering intelligence and recognition of targets. This seemingly value-neutral characteristic of discrete work assignments of technical nature obscures the moral dimension of the industrialised process of killing. New military technologies have created a paradox that Grégoire Chamayou ironically names ‘necroethics’ – an idea of careful killing of the enemy with surgically precise weapons that allegedly minimises unintended civilian victims and the suffering of soldiers (2015: 135–149).

Chamayou’s necroethics conceptualises the problematic trend of dronification of US foreign policy, which has marked the first decade of the 21st century and the global fight against terrorism, defined as an increase of – albeit opaque – use of drones and drawing on the practice of so-called targeted killing in Pakistan, Afghanistan, Iraq, Yemen and Somalia (McCrisken 2013: 97–122; Shaw 2013: 536–559). I will not wade into international legal and political issues arising from the dronification of the US counter-terrorism policy, yet I do wish to emphasise the ethically controversial nature of 21st century warfare based on a morally disengaged and unempathic logic of video games and carrying that logic into future robotic warfare. The current legitimisation of increased use of drones boils down to the argument of strengthening the efficiency and capability of military operations. Terrorists hiding in remote and inaccessible areas are more easily removed from the air than captured by engaging land troops, since the latter would inevitably – as historical practice has patently shown – be more expensive and result in more human cost to the US and their allies. Instead of imprisoning, interrogating and placing on trial – a process potentially susceptible to sharp criticism in the media – the public and civil society organisations (as seen in the case of Guantanamo), the politics of quiet removal one by one alleged terrorist is conducted far from the eyes of a Western TV audience. Thus, for military planners and political actors, the dronification of military interventions in poor and failed states with insignificant military capabilities represents a convenient ‘shortcut’ on the road to reduction of financial and political costs of conducting imperialist politics.

The normalisation of the targeted killing as part of the so-called strategy of low-intensity conflict could be the cornerstone of future robotic warfare and step towards a more violent foreign policy of the United States and other great powers aimed at ‘uncooperative’ (rogue) states. Some authors claim that robotisation will spur politicians to make more common use of armed conflict as a means of resolving international disputes and achievement of foreign policy goals, since they could more easily justify military interventions to their voters (Altmann & Sauer 2017: 117–142). Indeed, the nature of the War on Terror has already opened Pandora’s Box of manipulation strategies regarding internal political legitimisation of military interventions in the form of punitive expeditions with unsustainable objectives and vague criteria of success. Derek Gregory thinks that the change in the way the United States has conducted wars since the events of September 11th, 2001 has led to a new planetary militarisation. Due to the evenly distributed security risks and globalised threats, the use of armed forces has been expanded to areas far from current battlefields, inaugurating a practice of everywhere wars, characterised by asymmetry and paramilitarism (Gregory 2011: 238–250).

I consider the merging of everywhere wars with virtualised ‘joystick’ warfare a plausible policy option for the future, since it could viably replace a foreign policy

projection of force to ‘insurgency zones’ even in remote, border areas of the planet, in which prolonged engagement of interventionist land troops would for various reasons be complicated and unsustainable.⁵ It is therefore unsurprising that the United States and other great powers have already redirected significant resources for the purpose of reorganising their national armed forces. By reducing the scope of standing troops they have strengthened special forces units and started developing fully autonomous weapons systems.

Would the robots be awakened by nightmares of crimes committed: A warfare without conscience?

There has been lively futurological debate over the pros and cons of the application of artificial intelligence. Scholars and experts are sharply divided in envisioning possible social consequences, that is, how human’s interaction with fully autonomous robots might look like. As always, when there is talk of revolutionary changes impossible to clearly see from the present moment, predictions move in the range from sky-high optimism to utter pessimism, followed by references to literary and philosophical considerations of dystopias. Along those lines, Roy Amara, a scientist and the cofounder of the Institute for the Future, headquartered in Silicon Valley, notes the human tendency to overestimate the effects of new technology in the short run, and underestimate it in the long run (Amara’s Law) (Brooks, Internet). This thought seems to us a solid, if anecdotal, further guide in delving into the novelties brought by the robotisation of warfare and the use of force in the 21st century international politics.

The leading arguments supporting the relying on lethal robots in future wars could be summarised in the claim that robots can be programmed using the rules of the law of international armed conflict and systematic teachings on just war (Arkin 2010: 332–341). This would allegedly avoid situations in which due to an unsound information and due to chaos of battle, commanders and soldiers make poor decisions with fatal outcomes. Further, as machines devoid of emotion, robots would not take vengeance against civilians for killed fellow fighters. This assumption is not without basis. In asymmetric conflicts of the 21st century, the greatest challenge from the ethical perspective of command and execution of military operations is proper distinction between combatants and civilians on the battlefield. The fog of war – the lack of perfect situational awareness – that occurs when hostile fighters wear civilian clothing and are mixed in with the local population clearly opens the question of sound decision-making in situations requiring quick reactions to specific, unpredictable and ambivalent risk threats, dramatically complicating complying with the rules of international armed conflict. Soldiers psychologically burdened by complex conditions of urban warfare can have a difficult time quickly and correctly assessing whether perceived unknown individuals are part of hostile troops or simply civilians (and thus incapable of fighting), or perhaps civilians who have a

⁵ This is confirmed by strategic defense guidelines published by the US military in 2012, which foresee problems with the USA’s capability to ensure military capacities necessary for large scale and long-term operations (US Department of Defense 2012).

certain role in the hostile combat action, that is, the extent of that role (e.g. are they only performing reconnaissance or are they directly engaged in the battle). This uncertainty is not an accidental characteristic of armed struggle; it often acquires endemic proportions. Mistakes that occur in split second decisions are common. And although hypothetically speaking killing in war can be just, in the chaotic reality of the battlefield, unsound assessments could lapse into war crimes or result in failure of the operation, which would eventually undermine foreign policy goals. For instance, an attack on innocent civilians as vulnerable and unarmed persons has always been considered an act morally egregious and alien to the ideals of military courage and honour (Lazar 2010: 211).

Not all scholars and experts agree with the claim that robotisation would contribute to a more humane military operations. On the contrary, after the United Nations began discussion about semi-autonomous and fully autonomous weapons systems, at a gathering in Melbourne in August 2017, more than a hundred leading robot manufacturers and artificial intelligence pioneers, publically called on the UN to ban the systems' development and application and thus prevent a new arms race with unforeseen consequences to civilian populations and humanity in general (Gibbs, Internet). The philosopher, Aleksandra Przegalinska warns of the possibility, often described in plots of novels and sci-fi films, of the robots at one point acquiring feelings of subjectivity and agency and beginning to follow entirely independently chosen aims, thus beginning to shape the world according to their own aims – much as humans have had throughout history (Bricis, Internet). Although this will not take place in the near future, Przegalinska notes that it is important for us now to properly understand how machines learn and acquire knowledge, in order to be able one day to have insight into what is happening within robots and prevent a dystopian situation of the machines' emancipation from people – however much it may at present appear a figment of imagination.

A proper understanding of how artificial intelligence works is of vital importance not least for solving the issue of speed of making decisions should the human being remain part of the decision-making loop. Robots are much faster at processing enormous amounts of data, meaning that man is the slowest link in the chain of command, and could thus come into collision with the preprogrammed dynamic of decision-making and giving orders to deployed units, jeopardising the combat task (Sloan 2015: 110). Equally important are potential dilemmas in decision-making of the commander in cases when, for example, due to being out of order, the robot reveals secret information to the enemy or must be excluded from combat or else communication with it must be cut off. A further problem is how to program a robot to act on the battlefield such as to apply principles of discrimination and proportionality as demanded by the law of international armed conflict. A robot ought not break any of Isaac Asimov's Three Laws of Robotics, according to which a robot may not injure a human being, nor, through inaction, allow a human being to come to harm (Asimov 2004: 25–45). Still, lethal robots, should they acquire some kind of form of self-awareness, could decide that they 'no longer wish' to be instrumentalised as machines in human service or, in the worst-case scenario, declare us obsolete in the pursuit of their own goals. It is no surprise then that Heather M. Roff speaks of a strategic problem of robotisation, i.e., the possibility

of loss of human control over the conduct of military operations, even the entire war, should we equip robots with artificial intelligence to decide independently on strategic, operational and tactical levels (2014: 211–227). Robots would thus turn from a weapons system into soldiers and commanders who use a built-in computer algorithm to decide on the legitimacy of destruction of particular targets.

Increased reliance on intelligent machines in the greater part of combat could inevitably mutate warfare as social practice. It could cease to be a collective endeavour of a political community, worthy of sacrifice and grounded in a feeling of solidarity emanating from a sense of belonging together. Johnson and Axinn argue that killing with emotions is morally superior to killing without emotions, because military honour demands a clear will to assume a risk of sacrifice of health and life (2013: 136). This is the will that lies at the foundation of duties inherent to the military profession, the following of which indicates the presence of an intentionality with an emotional component overcoming selfish goals (*ibid.*). Thus, ethical decision-making as a basis of human action in relation to the hostile troops and civilians is unimaginable without the presence of conscience (Morkevicius 2014: 3–19). Without a conscience, it is not possible to apply the logic of just war doctrine, as it encompasses not only the question of human rights, but also the problem of devotion to virtue in severe situations inherent to war. These virtues – e.g. empathy, honour and fairness – although not explicitly listed in the law of international armed conflicts, are substantive for ethical decision-making in battle since they provide the guidelines for behaviour that supports the confirmation of the self-concept, which is a substantial human need, as well as constant dialogue of an individual with her/his social environment based on shared values. Robert Sparrow claims that it would be essentially morally wrong to send robots to fight against enemy soldiers because of the absence of interpersonal relationship between attackers and attacked; the value attached to human life demands this minimal level of interpersonal communication (2007).

In a future warfare where combat is the province of robots, the lives of hostile soldiers and civilian population will be denigrated as insufficiently worthy of sacrifice of one's own soldiers. This would violate Kant's categorical imperative that obliges us to always use humanity, as much in our own person as in the person of every other, as to act to other humans as ends and never merely as means (Kant 2002: 46–47). Rationality gives humans inherent dignity, independent of how they are valued by other people (Kant 1991: 255–256). We treat other people as mere means when, using force, manipulation or deception, we coerce them into serving goals they would otherwise not accept as their own, turning them into useful things devoid reason and free will. Treating another person as an end in itself means allowing her/him, as a rational being, to independently decide on her/his actions and goals she/he wish to achieve. The only means allowed in attempting to influence them is the strength of our argument. The introduction of lethal robots into military operations would be quite similar to setting high-tech 'mouse traps'. Being a machine, a robot would not be considerate of the dignity of hostile fighters as human beings, which means that – however successfully a robot might simulate human decisions – none of its decisions could be regarded ethical because they could not be ascribed to an autonomous person; that is, decisions would not be the acts

of free will, but rather would be driven by a built-in software algorithm (Johnson & Axinn 2013: 134–135). For instance, a decision to pardon an enemy soldier is associated with human emotions, meaning that we are more likely to surrender to a soldier than to a lethal robot.

In his seminal book *On Killing*, the American military historian and psychologist Lt. Col. (Ret.) Dave Grossman argues that the increase of distance between soldier and target on the battlefield lowers their empathic connection, which means that pulling the trigger becomes far easier than when we are face to face with the enemy soldier at short distance (1996: 97–133). Grossman brings to light well-hidden truth about the refusal of the majority men to kill in close combat situations – a common phenomenon throughout military history confirmed by massive empirical evidence. A soldier can convince himself that he is not killing human beings as long as he cannot see victims. Soldiers experience the greatest resistance when they see the enemy clearly or stare them in the eyes, when it becomes obvious that they are killing someone just like themselves. In fighting today's wars, the killing is done by software engineers, meaning that soldiers never have to face the hostile fighters through the gun sights; rather, this encounter takes place across a monitor and via the Global Positioning System (GPS). To the soldier's eyes, the death displays as a simple dot on a radar screen or a reading on a heat sensor screen (Masters 2005: 123). Therefore, the robotisation of killing would undermine the soldier's ability to demonstrate empathy towards the enemy and local civilians, that is, to identify, understand, and interpret correctly their emotions and needs.

The lack of ability to empathise with others sabotages our moral actions towards those in need. Martin Buber considered fundamental human activity in terms of two contrasting types of relations: 1) the relation I–Thou, constituted mutually between persons as equal and evenly worth, and 2) the relation I–It, which marks man's status as the only self-conscious subject in a static, lifeless world, a world of objects. As Buber puts it, "Through the Thou a man becomes I" (1937: 28). However, the widespread alienation in today's post-industrial poliarchies has gradually degraded the relation of I–Thou to relation I–It. On the global level, this degradation owes to the cultural distance between diverse societies across the planet and to a lack of sense of a common human destiny. Political decision-makers and military planners in the United States and its allies devalue the citizens of the world periphery through their objectivisation, transforming them into 'things' thrown out of the realm of good and evil and reducing them to 'targets' of a wide range of inhuman gestures – from indifference to target killing and 'collateral' victimisation. Treating human beings as objects or means for the achievement of one's own goals evidences of the lack of empathic bond and true compassion that characterise the relation I–Thou.

This is exactly what does emerge when the idea of warfare without risk is put into practice: now by using drones in military interventions and in the near future by deploying lethal robots. It indicates a normative 'Copernican Turn' with a view to the fundamental principles of military ethics. While its main purpose once was to protect life as efficiently as possible, the 21st century military technology is attempting to entirely discard individual responsibility of the soldier (Masters 2010: 184). The practice of warfare without risk has led to a profound downgrade in moral reasoning, relegating it to a dislocated reality of playing PC or PlayStation games.

The context of domestic comfort, the absence of societal condemnation and ensuing punishment, allows us to do in a war game things we would never do to people in a personal encounter. According to numerous testimonies of drone operators, the mental image of the target seen from the perspective of a moving guided missile does not foster the awareness that on the ground human beings are being killed. The operator only sees a radar reading and reacts to that signal (Power, Internet).

Following analogies of the dronification of military interventions coupled with the devoid of empathic ability of drone operators, the use of lethal robots would further depersonalise war by removing all human attributes from the human representation of the enemy – those traditional ‘trademarks’ of war and war strategies. The computer interface would switch a soldier into a warrior, except that now he would be completely displaced from the bloodbath of armed conflict. Fully autonomous weapons systems would make the border between fight simulation on a screen and its reality on the battlefield elusive, which could lead to a perverted transformation of a soldier into a kind of serviceman to the robot. The robots would, then, take on the warrior identity, that is, the role of defender and protector. Distance between attacker and attacked would no longer be largely physical, but now almost entirely only psychological.

The never-ending search for advancement in the routinised counter-insurgency industrial process of ‘search and destroy’ ignores the human dimension and turns humans into objects stripped of moral value. For instance, a large number of civilian victims in drone attacks have been caused by ‘double tap strikes’, a military tactic in which the same target (location) receives two consecutive strikes in a short time frame. Most common victims of the latter strike are civilians who have rushed to help. The result is that communities in Afghanistan and Pakistan are now wary of gathering and have curbed their movement, which makes not only the economy suffer, but has psychological effects caused by the insufferable expectation of sudden death. By introducing fully autonomous weapons systems, the devastating dronification policy against the civilian population of poor countries on the world periphery would last and intensify. Lethal robots would also choose potential human targets based on complex algorithms for recognition of patterns of suspicious behaviour of terrorists from a wanted list, which transfers control from that of space to following individuals and their activities that could indicate them being part of a terrorist network (Shaw 2013: 548). Robotisation would thus lead to the shift in managing security threats from the level of real behaviour of individuals to the domain of prediction of potential behaviour of the surveilled persons. As opposed to the soldier who can assess a situation on the ground visually, recognising that, for example, a local villager has lost his way in search of his flock, a lethal robot would, from the air, kill the unfortunate shepherd only based on indications that his movement coincides with an algorithm that notes suspicious insurgent activity.

Conclusion

The history of warfare indicates the numerous examples of applied technologies not being only passive and agency-neutral foreign policy instruments, but that they to an extent also appear as kinds of non-human ‘agents’, capable of affecting social

change and instigating military and political decision-makers to choose a different, even opposite, course of action. If the development of cutting-edge military *technologies continues* at current pace and the financial obstacles regarding production, reliability and efficiency are removed, lethal robots are likely to become a weapon of choice in the 21st century for the post-industrial democracies with global ambitions. To advocates of greater reliance on intelligent machines, fully autonomous weapons systems would indeed be an optimal policy tool for minimisation of human loss and the strategy of maintenance or even strengthening a global presence by ever-lasting low intensity wars conducted to discipline rebellious peripheral areas.

Robotisation emerges as a ‘logistical’ upgrade of military interventions if seen from the perspective of impact and efficiency, evaluated exclusively in quantitative indicators of cost-effectiveness so typical of the neoliberal model of running public affairs. A military intervention in that way only seemingly appears as a collective endeavour aimed at defending of common values embedded in strong moral symbolism – an illusion cunningly constructed through media manipulation. In fact, it is a question of organising war as a ‘production process’, more broadly contextualised in corporate paradigms and practices that supplant insubordinate contemporary citizens who refuse to sacrifice their lives without reserve for bare imperialist foreign policy interests. State budget investments in robotisation of warfare thus presents the logical – and perhaps even the only plausible – next step in softening negative reactions of the public to future everywhere wars, particularly when their democratic legitimisation becomes ever-more uncertain. The robotisation could facilitate further privatisation of violence on the global level by increasing the capacity of private military companies as strategic contractors of national defence departments. The merging of lethal robot technology and private entrepreneurship in meeting military demands, boosted by generous military budgets, might easily remove low intensity wars outside of the public eye. In this way, citizens of post-industrial polyarchies might remain entirely unaware of the destructive effects of national foreign policy in remote areas worldwide.

As Amara’s Law reminds us, humans are prone to overestimating the effects of new technology in the short and underestimating them in the long run, which means that the current hysteria fuelled by myriad predictions about the massive jobs loss due to the fast proliferation of robots is inflated. Still, the efforts of responsible political decision-makers and scientists must systematically be directed at timely design of effective ways of maintaining human control over social dynamics when robots as autonomous agents arrive one day. The question of whether we should delegate decisions about killing people to machines, declared in academic debates the vital moral dilemma of defence politics of the 21st century, is superfluous in my estimation. The planned upgrade of counter-insurgency interventionist troops with lethal robots would further depersonalise the practice of killing, cementing in the minds of both commanders and soldiers a distorted perception that combat takes place ‘beyond good and evil’ – in the realm of technological precision, purified of empathic ‘filth’ that arouses moral disquiet and bothers the conscience.

A soldier with a strong conscience, prone to stop and wonder about the moral dimension of an order he is required to execute, is not an efficient ‘worker’ from the perspective of successful imperial industrialised warfare. A morally compassionate

soldier disturbs the easy flow of the ‘production process’ (conduct of military intervention) and is replaced by robots. However, given that it is not likely that fully autonomous weapons systems will ever be capable to contextualise their action in the real environment in the way humans and animals do, the use of force in the 21st century international politics will inevitably be followed by a program ‘error’ built into robots: the lack of moral sensitivity and ethical reasoning in encounters with enemy and civilian population. This further opens a question regarding the possibility of identifying and sanctioning war crimes, something that could rub out the achievements in respecting the law of war reached during decades-long struggle for an effective international protection of human rights of those affected by armed conflicts.

Robotisation as the next phase in technological purification of warfare is likely to lead to the transformation of combat into unempathic automated industrial process that relieves human soldiers from the psychological burden of moral concerns. Industrialised warfare will degrade enemy soldiers and civilians to blips on a radar monitor, stripping them of human dignity along with any reason for it to be at the heart of ethical decision-making. For all these reasons, we think that machines – however much they might dispose of artificial intelligence one day – should not be given the capacity to decide on killing people. The decision to kill in the context of military operations must remain exclusively an act of human free will as the characteristic inherent to human conscience – the only possible basis for ethical reasoning about whether an action can be evaluated as right or wrong.

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Srdan T. Korac

Depersonalizacija ubijanja

Ka upotrebi sile u 21. veku „s onu stranu dobra i zla?“

Apstrakt

U članku se analizira kako robotizacija kao poslednji napredak u vojnoj tehnologiji može da depersonalizuje metode ubijanja u 21. veku pretvaranjem neprijateljskih vojnika i civila u puke objekte lišene moralne vrednosti. Polazna pretpostavka je da robotizacija ratovanja pretvara vojne operacije u automatizovane industrijske procese sa ciljem uklanjanja empatije kao suviše „cene“. Razvoj autonomnih oružanih sistema potiče brojne oštre etičke kontroverze vezane za projektovanu moralnu neosetljivost robota u pogledu postupanja sa neprijateljima i civilnim stanovništvom. Futuristička vizija rata kao instrumenta spoljne politike potpuno „pročišćenog“ od rizika moralno pogrešnih akcijama u suprotnosti je sa negativnim efektima korišćenja dronova. Autor zaključuje da bi upotreba smrtonosnih robota u borbi najzad uklonila neprijateljske vojnike i civile iz područja etičkog razmišljanja i lišila ih ljudskog dostojanstva. Odluka o ubistvu u vojnim operacijama trebalo bi da se temelji na ljudskoj savesti kao jedinom pravilnom okviru donošenja odluka promišljanjem da li je jedna akcija dobra ili loša.

Ključne reči: ratovanje, vojne intervencije, depersonalizacija, dronovi, smrtonosni roboti, autonomni oružani sistemi, etika rata, međunarodni odnosi

Željko Radinković

„SORGE UM DIE ERKANNTEN ERKENNTNIS“. DAS ONTISCHE VERSÄUMNIS DES DASEINS ALS MÖGLICHKEIT DES EXPLIZIERENS SEINER POSITIVEN BESTIMMUNGEN

ZUSAMMENFASSUNG

Der Beitrag beschäftigt sich mit Heideggers frühen Konzeptionen des Existentials Sorge, in denen er allmählich zu der Auffassung der Sorge als der Faktizität des Vollzugs der eigenen Existenz bzw. der eigenen Seinsmöglichkeiten gelangt. Dabei wird sichtbar, inwiefern sich Heidegger an dieser Stelle von den abstrakten Postulierungen von Sorge als der „Sorge um Gewissheit“ (Descartes), der „Sorge um die erkannte Erkenntnis“, aber auch von der Abstraktheit der phänomenologischen Ansätze wie etwa der von ihm selbst verwendeten formalen Anzeige abgrenzt. Von zentraler Bedeutung ist die Hervorhebung seiner Einsicht in den Umstand, dass solche Auffassungen der Sorge, die vor allem mit dem mathematischen Verständnis der Gewissheit durchsetzt sind, den ursprünglichen Zugang zu der Seinsfrage verdecken. Die Vorherrschaft des Theoretischen und die Idee der absoluten Geltung und der Evidenz bezeichnet Heidegger als das „Versäumnis“, die Seinsfrage zu stellen.

SCHLÜSSELWÖRTER

Sorge, Gewissheit,
Evidenz, Erkenntnis,
Existentialontologie

In der *Einführung in die Phänomenologische Forschung* von 1922/23 betonte Heidegger den faktischen Charakter der Sorge folgendermaßen: „Jede Sorge ist in ihrem Sein *faktische* Sorge, d.h. zum Wassein der Sorge gehört mit ihre *faktische* Konkretion ihres Seins. Die *Faktizität* gehört mit zum Dasein der Sorge selbst. Das drückt sich so aus, dass die Sorge eine Weise des Daseins ist. Dasein ist als solches faktisch“. (Heidegger 1994: 106) Ein Rückgang auf die geschichtliche Konkretion der Sorge ist deshalb keineswegs zufällig, sondern vielmehr „vom Sinn des Philosophierens gefordert [...], in dem Sinne, dass jeweilig diese Sorge in ihrer Ursprünglichkeit und historischen Entschiedenheit aufgesucht wird“. (Heidegger 1994: 107) Es genügt also nicht den faktisch-historischen Charakter des Selbstbezuges allgemein zu postulieren, oder ihn etwa deduktiv oder induktiv zu erschließen. Vielmehr kann das formal Angezeigte – hier die faktisch-sorgende Struktur des Daseins – nur in einem konkreten Vollzug der Seinsmöglichkeiten historisch gewordenen Sorgegestalten ausgewiesen werden.¹ Heidegger bestimmt diesen Vollzug auch als

1 Der Erschließungscharakter der konkreten Gestalt der ‚Sorge‘ führt im Zuge ihrer Interpretation zu der Bestimmung der Seinscharaktere eines Seienden, das in dieser

eine ausgezeichnete Art des Rückgangs. Der Rückgang vollzieht sich in der Weise der Rückerinnerung, jedoch nicht so, dass etwas, an das erinnert werden soll, nacherzählt wird. Die Rückerinnerung, die Heidegger hier meint, stellt eher ein „im Durchlaufen des bisherigen Ganges Sichklarerwerden“ über das bisher Durchlaufene dar. (Heidegger 1994: 109)

In dem Sinne wendet sich Heidegger einer konkreten Gestalt der Sorge zu, die er vor allem in den Bewusstseinsphilosophischen Ansätzen von Husserl und Descartes zu finden glaubt. Es handelt sich nämlich um das sorgende Interesse an der gesicherten Erkenntnis, von Heidegger in dieser Vorlesung hauptsächlich ‚Sorge um die erkannte Erkenntnis‘ (aber auch gelegentlich ‚Sorge der Gewissheit‘, ‚Sorge der Erkenntnis‘ sowie ‚Sorge des Erkennens‘) genannt. Diese Konkretion des sorgenden Umgangs bestimmt Heidegger als eine an das Ideal der mathematischen Strenge orientierte Verhaltensweise. So etwa wird ausgehend von Descartes die Gewissheit seiner selbst an der Idee der mathematischen Gewissheit orientiert. Daher auch die Bezeichnungen ‚Sorge der Gewissheit‘ und die ‚Sorge um die Allverbindlichkeit‘. Dadurch wird der sorgende Umgang mit sich selbst innerhalb eines bestimmten Problemkreises behandelt. Die ‚Sorge um erkannte Erkenntnis‘ sichert sich die Problematik und Methode, und verlegt jede prinzipielle Fragestellung in das thematische Feld ‚Bewusstsein‘. In der ihr eigentümlichen Tendenz zur erkenntniskritischen Klärung motiviert die ‚Sorge um die erkannte Erkenntnis‘ die Ausbildung des Bewusstseins als ihr Thema. Die Grundwissenschaft vom Bewusstsein soll die „Aufstellung der letzten Verbindlichkeit“ ermöglichen. Das reine, absolute Bewusstsein zeigt sich in dieser Vorhabe als das Ursprüngliche, als das Besorgte dieser ‚Sorge‘. Dabei offenbart sich gerade „in diesem letzten Grundsatz die spezifische Verlorenheit der Sorge an das Besorgte“. (Heidegger 1994: 104) Es liegt nämlich im Seinscharakter der ‚Sorge‘, „in ihrer Zeitigung“, d.h. in ihrem Vollzug aufzugehen. (Heidegger 1988: 103) Sie geht zunächst in der durchschnittlichen Alltätlichkeit auf, aber auch in den Selbstverständlichkeiten diverser Auslegungsweisen. Das Besorgte wird von der Sorge auf eigentümliche Weise expliziert, oder wie sich Heidegger ausdrückt, ‚ausgebildet‘. Dem von ihr ‚Ausgebildeten‘ ‚verschreibt‘ sich die ‚Sorge‘. Das von ihr abgehobene ist das Thema schlechthin, woran sie sich dann auch ‚verliert‘. Alles, was sie besorgt wird im Hinblick auf das primär abgehobene gedeutet. (Heidegger 1994: 58)

Unklar bleibt jedoch, ob etwa die Befolgung der Idee der mathematischen Strenge notwendig das Bewusstsein als das primäre Untersuchungsfeld der Philosophie nach sich zieht. Denkbar sind auch der Idee der mathematischen Strenge verpflichtete philosophische Ansätze, die nicht das thematische Feld ‚Bewusstsein‘ als die oberste Instanz der Letztverbindlichkeit annehmen, sondern andere Begründungsansätze verfolgen. Die Konzentration Heideggers auf die Bewusstseinsphilosophie und das grundsätzliche Fehlen der Auseinandersetzung mit anderen

konkreten ‚Sorge‘ besorgt wird: „Die Interpretation hat die Art und Weise des *Besorgtseins um etwas* zum Thema. Mit der Interpretation des Besorgtseins um etwas wird dieses etwas selbst als das *spezifische Worum der Sorge* sichtbar, das, um was die Sorge geht“. Das besorgte Seiende „offenbart sich in der Weise, wie es in der Sorge ‚da‘ ist“, und zwar nicht relativ auf die ‚Sorge‘, in der es erschlossen wird, sondern im „Wie des freigebenden Von-ihm-selbst-her-Begegnens des Seienden“. (Heidegger 1994: 57)

an die mathematische Gewissheit orientierten Ansätzen legt die Vermutung nahe, dass Heidegger der Husserlschen Ausführungen über das ‚reine Bewusstsein‘ als das Thema einer strengen Wissenschaft und die Aporien des Empirismus in einem eingeschränkten Rahmen gewisse Berechtigung nicht abgesprochen habe. Die psychologischen, anthropologischen und weltanschaulichen Begründungsversuche werden auch von Heidegger abgelehnt. Das Interesse Heideggers gilt jedoch nicht dem unterschiedlichen Grad der argumentativen Konsequenz der diversen Wissenschaftsbegründungsansätze, etwa der bewusstseinsphilosophischen und empiristisch-nominalistischen, sondern der spezifischen schon erwähnten Verlorenheit der ‚Sorge um die erkannte Erkenntnis‘, der Sorge um die strenge Gewissheit der Erkenntnis, an das von ihr Besorgte. Die Phänomenologie des Bewusstseins fragt nicht nach dem Sein des von ihr Besorgten, dem Bewusstsein nämlich, sondern setzt es in eigener sorgenden Tendenz zur absichernden Gewissheit als absolutes voraus. In *Sein und Zeit* wird Heidegger diesen Sachverhalt generell die ‚Seinsvergessenheit‘ nennen. Hier beschränkt er sich auf die Analyse einer bestimmten, ererkennenden Seinsart des Daseins. (Heidegger 1993: ...)

In diesem in der ‚Sorge um die erkannte Erkenntnis‘ vorherrschenden Seinsbezug offenbart sich zugleich die Verdeckung der Seinsfrage als solche. Das Seiende begegnet darin als real Seiendes, als Naturding und wird als solches zur fundierenden Schicht aller anderen Seinsweisen (z.B. Kultur, Geschichte) gemacht. Dadurch werden diese der Möglichkeit des Ausweisens ihrer Phänomenalität beraubt. Die schon in der sog. *KNS*-Vorlesung diagnostisierte ‚Verrantheit ins Theoretische‘ hat eine durchgehende „Verunstaltung der phänomenologischen Befunde“ zufolge. (Heidegger 1987: ...) Die ‚Idee absoluter Gültigkeit und Evidenz‘ orientiert sich infolge der transzendentalen Reduktion an das Bewusstsein als *das* Gegenstandsfeld der Phänomenologie, beschränkt also den phänomenologischen Blick auf einen bestimmten Seinsbezirk sowie einen bestimmten Wahrheitsbegriff. Die für diesen Seinsbezug charakteristische ‚Anordnung der Fragestellung‘ verschiebt den phänomenologisch motivierten Sachbezug auf ein Disziplininteresse. Der Begriff der Philosophie wird an der Idee einer Einheit der Disziplinen orientiert, für die sie eine Grunddisziplin darstellen sollte. Schließlich, dient das theoretische Erkennen als der Leitfaden aller Erkenntniszusammenhänge. Jede Form von Erlebniszusammenhang, wie etwa Werten und Handeln, wird am Leitfaden des theoretischen Erkennens expliziert. Weitere bestimmende Momente der ‚Sorge um die erkannte Erkenntnis‘ sind laut Heidegger ‚Rückschein‘, ‚Verfallen‘, ‚Vorwegbauen‘, ‚Verfängnis‘ und ‚Versäumnis‘. Sie alle sollen die verschiedenen Aspekte der defizienten Modi der Sorge charakterisieren. Das Moment des Rückscheins bezieht sich auf die unausdrückliche Verfallenheit der Sorge an das, was sie besorgt. Durch das ‚Rückschein‘ kommt die Sorge zu keiner Besinnung über den Charakter des Besorgten. Sie geht in sich selbst auf. Man verfällt an die Sorge selbst. Inmitten dieser Unausdrücklichkeit der an sich selbst verfallenden Sorge verschafft sie sich eine „eigentümliche Interpretation in der Form einer programmatischen Systematik“. (Heidegger 1994: 84) Solches ‚Vorwegbauen‘ mittels einer Festlegung auf eine bestimmte Auslegung gibt der Sorge eine spezifische Ausdrücklichkeit. Zugleich verschärft sich dadurch die Tendenz zum ‚Rückschein‘ und zur ‚Verfallenheit‘. Jedes Begegnende bestimmt sich lediglich als zu dem programmatisch aufgestellten

System zugehörig. Die Sorge ‚verfängt‘ sich in sich selbst, wodurch sie dazu kommt, „alles und jedes von hier aus zu bestimmen“. (Heidegger 1994: 85) Dasjenige, das sie nicht besorgt wird nicht etwa als das Abwesende, sondern „als etwas, das nicht zu sein hat“, bestimmt. (Ebd.) Im ‚Verfängnis‘, im ‚Sich-in-sich-selbst-verfangen‘ versäumt die Sorge gerade das, was sie zu besorgen beansprucht. Das Versäumte erweist sich weder als etwas der Sorge Äußerliches noch ist es einfach etwas Übersehenes. Vielmehr ist es ausgestoßen, es ist das, wogegen sich die Sorge in ihrer ‚Versäumnis‘ wehrt, es zu verstehen. Als das charakteristische Versäumnis der Husserlschen Bewusstseinsphilosophie bezeichnet Heidegger das konkret geschichtliche Dasein. In der Verlegenheit, dieses doch zu erfassen, wird es oft ‚rückscheinend‘ in der Analogie zu der gängigen Betrachtungsweisen der organischen Natur in den Blick genommen, d.h. es wird eine Morphologie oder Typologie der geschichtlichen Vorkommnisse entwickelt.

In der Vorlesung *Einführung in die phänomenologische Forschung* macht Heidegger dieses typische ‚Versäumnis‘ der Husserlschen Phänomenologie wiederholt am Beispiel der Husserlschen Kritik an der Hermeneutik Wilhelm Diltheys klar. Für Husserl, so Heidegger, sei Dilthey ein Relativist, dessen Historizismus die normative Aufgabe der Philosophie verfehlt. Dabei erweist sich das Anliegen Diltheys, das konkrete geschichtliche Dasein, in seinem Wesen Husserl fremd. Laut Heidegger übersieht Husserl, dass sich in der philosophisch-geschichtlicher Arbeit Diltheys so etwas „wie die Möglichkeit eines neuen und eigentümlichen Daseinsbewusstseins“ bildet. (Heidegger 1994: 92) Bei Husserl dagegen wird die Geschichte nur im Hinblick auf die Problematik einer bestimmten Erkenntnisaufgabe betrachtet, wodurch im Vorhinein die „Möglichkeit abgeschnitten ist, das geschichtliche Dasein selbst als solches zu sehen, ein ursprüngliches Verhältnis zum geschichtlichen Sein auszubilden. Die Frage, was geschichtliches Sein als solches sei, kann gar nicht innerhalb dieser Problemklärung auftreten“. (Heidegger 1994: 92) In der Kritik am „Historizismus“ Diltheys meldet sich in der Husserlschen Phänomenologie das Moment des ‚Rückscheins‘ und damit auch alle anderen Momente der sog. Verunstaltung der phänomenologischen Befunde.² Wie schon angedeutet, verbaut

2 In der Vorlesung *Einführung in die phänomenologische Forschung* ist die Kritik Heideggers an dem Methodeninteresse Diltheys hinsichtlich des Problems der Geschichtlichkeit noch nicht vernehmbar. Im Mittelpunkt der Kritik steht vor allem noch die von Heidegger diagnostizierte vorangeschrittene Entgeschichtlichung der Phänomene innerhalb der Husserlschen Phänomenologie. Dass auch in Diltheys Hermeneutik das Moment der ‚Versäumnis‘ in gewisser Weise wirksam ist, wird erst in *Sein und Zeit* ersichtlich. Diltheys Hermeneutik weist nämlich trotz aller Abgrenzungsbemühungen eine starke Orientierung an die naturwissenschaftliche Auffassung von der Morphologie des Organischen auf. Die teleologische Struktur des Organischen findet sich in Diltheys Verständnis der Texte bzw. seiner am Verhältnis von Teil und Ganzem interessierten Textinterpretation wieder. Damit bleibt sie – trotz aller methodischen Verselbständigung der Geisteswissenschaften – einem bestimmten Gegenstandsbereich verpflichtet. Sie ‚verfängt‘ sich sozusagen in sich selbst ohne Möglichkeit der Rückbesinnung. Die Geschichte wird vergegenständlicht und in der ganzen Forschung der Geschichte wird das Problem der Geschichtlichkeit zwar gelegentlich expliziert, in seiner Ursprünglichkeit kommt es jedoch nicht vor. Etwa aus diesem Grund rückt Heidegger in *Sein und Zeit* von der Position Diltheys weitgehend ab. Umso mehr nimmt er die Aufgabe in den Blick, die Differenz zwischen Ontischem und Ontologischem, zwischen Geschichte und Geschichtlichkeit zu bestimmen. Demnach soll die

man sich dadurch vor allem den Weg zu der Frage nach dem geschichtlichen Dasein. Dieses erweist sich als das eigentliche Versäumnis der Sorge um die erkannte Erkenntnis. „Geschichte ist um eine Stufe mehr degradiert als Materialgrube und Beispielsammlung für philosophische Einfälle. Die Tendenz, menschliches Dasein in den Griff zu bekommen, ist durchschritten.“ (Heidegger 1994: 93)

Im Vorwurf des Skeptizismus und Relativismus gegenüber dem Historizismus erweist sich laut Heidegger die ‚Sorge um die erkannte Erkenntnis‘ als die ‚Angst‘ vor dem Dasein. Denn, das, was sie versäumt, das Dasein nämlich, nimmt sie ausdrücklich in Anspruch. Demnach sei das Dasein das Unsichere und die Kritik nimmt es in die ‚Sorge‘ und verlangt „von der möglichen Aussicht auf unsicheres Dasein abzusehen“. (Heidegger 1994: 98) Die Absicherung des Daseins soll gemäß der in der ‚Sorge um die erkannte Erkenntnis‘ lebendigen Vormeinungen geschehen. In ihr seien nämlich mindestens drei Vormeinungen am Werk. Erstens, der Mensch sei immer darauf aus, die Wahrheit zu erfahren und zu bewahren. Zweitens, die Wahrheit ist gleichgesetzt mit der Gültigkeit. Drittens, die Wahrheit sei durch die theoretische Deduktion beweisbar und in ihrem Sein bestimmbar. Entscheidend ist hier, dass sich die Sorge um die Absicherung des Daseins mit der Sorge um die letztgültige und gerechtfertigte Erkenntnis verschränkt. Die Art des Fragens, die sich auf die wissenschaftliche Allverbindlichkeit hin orientiert, hat zu Folge, dass in der Sorge um die Absicherung des Daseins die Sachen primär als „Probleme, als in bestimmten Problemrichtungen vorgezeichnete gegenständliche Zusammenhänge“ begegnen. (Heidegger 1994: 101)

In den Husserlschen *Ideen zu einer reinen Phänomenologie und phänomenologischen Philosophie* (Husserl 1967) etwa zeichnet sich laut Heidegger diese Tendenz zur Absicherung deutlich ab. Folgend seinem Evidenzkonzept und dem an der Mathematik und den mathematischen Naturwissenschaften³ orientierten Wissenschaftsideal spricht Husserl hier von einer „Mathesis der Erlebnisse“, die die Vorhabe der Absehung von dem konkreten, historischen Bewusstsein noch verstärken soll. „Die sich aufdrängende Frage, ob es nicht im eidetischen Gebiete der reduzierten Phänomene (sei es im ganzen, sei es in irgendeinem Teilgebiete) neben dem beschreibenden auch ein idealisierendes Verfahren geben könne, das den anschaulichen Gegebenheiten reine und strenge Ideale substituiert, die dann gar als Grundmittel für eine Mathesis der Erlebnisse – als Gegenstück der beschreibenden Phänomenologie – dienen könnten, ist damit freilich nicht beantwortet.“ (Husserl 1967: 141) Was hier als eine noch zu klärende Frage der Phänomenologie dargestellt wird, ist laut Heidegger faktisch schon beantwortet. Denn, indem er sich vorgenommen hat, die phänomenologische Deskription zur mathematischen Strenge hinaufzuführen (Heidegger 1988: 71), nimmt Husserl noch einen radikalen Ausgangspunkt im *cogito* als Descartes ein, macht die ‚Sachen selbst‘ lediglich

Hermeneutik vorzüglich die „Selbstaufklärung [des] Verstehens und erst in abgeleiteter Form die Methodologie der Historie“ sein. Vgl. dazu Heidegger 1993, insb. S. 398.

3 Diese Vorbildfunktion der Mathematik ist laut Heidegger nicht nur für Husserl und die Moderne charakteristisch, sondern geht auf die Griechen zurück, „wo man Erkenntnis als die des Allgemeinen und – was als dasselbe gesehen wird – des Allgemeingültigen zu finden glaubt. [...] Sofern man nun die mathematische strenge nicht erreicht, resigniert man.“ (Heidegger 1988: 71)

zum Thema einer idealisierenden Wissenschaft und verstellt sich von vornherein die Möglichkeit, die Frage nach dem Seinscharakter des Daseins zu beantworten. (Heidegger 1994: 275)

Wie ist aber das Dasein zugänglich zu machen, wenn nicht auf dem Wege der anschaulich fundierten Evidenz? Wie oben schon angedeutet vermeidet es Heidegger vom ‚Erfassen‘ des Daseins zu sprechen. Denn, jedes ‚Erfassen‘, ob anschaulich oder begrifflich, läuft auf eine Vergegenständlichung des Daseins hinaus. In der Vorlesung *Einführung in die phänomenologische Forschung* benutzt Heidegger deshalb die Formulierung ‚Freigabe des Daseins‘. Das Dasein soll im Zuge der Explikation des Sinnes seines Seins freigegeben werden. Gemeint ist die ausdrückliche Zuwendung zu der Sorge des Daseins – in diesem Fall zu der Sorge des Erkennens – als einem Wie des Daseins, das in einem fundamentalen Zusammenhang mit dem steht, was sie besorgt, nämlich dem Dasein selbst. „Die Freigabe des Daseins ist nicht selbstverständlich und nicht ohne weiteres dadurch gegeben, das man leicht überblickbare Vorurteile abstellt.“ (Heidegger 1994: 278)

Die Explikation der Seinscharaktere des Daseins im Hinblick auf die ‚Sorge der erkannten Erkenntnis‘ besteht laut Heidegger darin, dass der ‚Nachweis des Versäumnisses als Aufweis des Daseins selbst nach seinem fundamentalen Bestimmung‘ genommen wird. (Heidegger 1994: 278f.) Das Aufzeigen des Versäumnisses des Daseins birgt in sich zugleich die Möglichkeit einer positiven Bestimmung der grundlegenden Strukturen des in Frage stehenden faktisch-historisch existierenden Daseins. Die Vorlesung *Einführung in die phänomenologische Forschung* geht jedoch über die Andeutung dieser Möglichkeiten kaum hinaus. Die aufgestellte These, dass die Phänomene wie ‚Sichvergreifen‘, ‚Beruhigung‘, ‚Maskierung‘ usw. aus ihrer Seinsferne auf das Sein des Daseins hinweisen, wird hier nicht weiter geprüft.

Es fehlt demnach auch jede eindeutige Aussage darüber, von welcher Art etwa dieser Zusammenhang sein könnte. Die Äußerungen in der *Einführung in die phänomenologische Forschung* geben sogar Anlass zu Vermutung, dass Heidegger den Ansatz bei den Verdeckungsweisen in erster Linie als ein methodisches Hilfsmittel verstanden wissen wollte. Dagegen sprechen seine Bestimmungen, dass sich in den drei Charakteren der ‚Sorge der Gewissheit‘ – der Seinsferne, des Ausbleibens der Zeitlichkeit und der ‚Einebnung‘ – eine eigentümliche Bewegtheit des Seins zeigt. Denn, in seinem Besorgen von etwas, in ihrem erkennenden Aus-sein auf etwas, besorgt die ‚Sorge der Gewissheit‘ auch ihr eigenes Dasein als ‚Auf-der-Flucht-sein‘ vor dem Dasein selbst. (Heidegger 1994: 284) Nicht nur dass damit der einheitliche Charakter des Phänomens der Sorge nicht zum Vorschein gekommen ist, sondern es sind hier noch nicht einmal alle Strukturelemente zur Sprache gekommen, deren Gleichursprünglichkeit aufgewiesen werden sollte. Und wenn Hermann Schmitz bemerkt, dass „die ontologische Bestimmung der Existenz der bei Heidegger früheren lebensphilosophischen voraus [hat], dass mit ihr die Notwendigkeit des Verfallens aus der Gesamtstruktur der Existenz einsichtig gemacht werden kann“⁴, ist dem nur bedingt zuzustimmen. Für *Sein und Zeit* mag das stim-

4 Schmitz 1996: 284. Schmitz kommt auf das Thema der konstitutiven Bedeutung des Verfallens in dem Kapitel ‚Die ontologische Bestimmung der Existenz‘ noch einmal zu sprechen: „In seiner frühen Lebensphilosophie gelingt es Heidegger nicht, die Grunderfahrung der bekümmerten Existenz im Sinne der ‚Regions- und Sachgebietsfremdheit des

men, denn die konstitutive Funktion des Verfallens ist dort klar herausgearbeitet worden.⁵ In den ‚ontologischen‘ Vorlesungen aus der Mitte der 20er Jahre zeichnet sich diese Einheitsstruktur zwar ab (‚Auf-der-Flucht-sein‘ als eine Seinsmöglichkeit), ein eindeutiger Nachweis dieser wird hier jedoch von Heidegger weder zur Aufgabe gemacht noch lässt er sich irgendwo ausfindig machen.

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Željko Radinković

„Briga o spoznatoj spoznaji“. Ontički propust tubića kao mogućnost ekspliciranja njegovih pozitivnih određenja

Apstrakt

Tekst se bavi ranim Hajdegerovim koncepcijama egzistencijala Brige, u kojima Hajdeger postepeno dolazi do shvatanja Brige kao fakticiteta sprovođenja sopstvene egzistencije, odnosno, sopstvenih mogućnosti bića. Ovde se pokazuje na koji način se Hajdeger na ovom mestu razgraničava od apstraktnih postulisanja Brige kao „Brige za izvesnost“ (Dekart), „Brige za spoznaju“, ali i apstraktnosti fenomenoloških pristupa poput, recimo, formalne naznake, koje i sam upotrebljava. Ovde je od centralnog značaja Hajdegerov uvid u to da ovakva shvatanja Brige, koja su pre svega prožeta matematičkim shvatanjem izvesnosti, prikrivaju izvorni pristup pitanju o biću. Prevladava onog teoretskog i ideje apsolutnog važenja i evidentnosti Hajdeger naziva „propustom“ da se postavi pitanje o biću.

Ključne reči: Briga, izvesnost, evidentnost, spoznaja, egzistencijalna ontologija

ich’, die rezessiv entfremdete strikte Subjektivität, für die er sich mit hartem Nachdruck einsetzt, mit der faktischen Lebenserfahrung, die von der Tendenz zum Abfall an die objektiven Bedeutsamkeiten der Umwelt bestimmt wird, in einer einheitlichen, einsichtig zusammenhängenden Struktur zusammenzudenken; es bleibt bei einer Konfrontation zweier divergenter Tendenzen, von denen keine in der anderen verwurzelt ist. Heidegger will aber den ‚Grundmangel‘, den er Dilthey vorhält, dass dieser ‚keine einheitlich präzise Fragestellung ausgebildet hat‘ (Heidegger 1994: 321), nicht wiederholen und strebt die einheitliche Durchbildung eines Gedankengebäudes aus einem Grundgedanken hervor an.“, Schmitz 1996: 218.

5 Z. B. „Das Dasein ist von ihm selbst als eigentlichem Selbstseinkönnen zunächst immer schon abgefallen und an die Welt verfallen.“ (Heidegger 1993: 175)

“Care for the recognized knowledge”. The ontic omission of existence as Possibility of explicating its positive determinations

Abstract

The article deals with Heidegger's early conceptions of existential concern, in which he gradually arrives at the conception of concern as the factuality of the realization of one's own existence or one's own possibilities of being. In the process, it becomes apparent to what extent Heidegger at this point of the abstract postulates of concern as the “concern for certainty” (Descartes), the “concern for the recognized knowledge”, but also of the abstractness of phenomenological approaches such as himself used formal display delimits. Of central importance is the emphasis on his insight into the fact that such views of concern, interspersed in particular with the mathematical understanding of certainty, obscure the original approach to the question of being. Heidegger describes the supremacy of the theoretical and the idea of absolute validity and evidence as the “omission” to pose the question of being.

Keywords: concern, certainty, evidence, cognition, existential ontology

Nenad Cekić

UTILITARIANISM AND THE IDEA OF UNIVERSITY A Short Ethical Analysis¹

ABSTRACT

The standard objection to the utilitarian vision of morality is that utilitarian so-called “Greatest-Happiness Principle” could justify counter-intuitive practices such as punishing and sacrifice of innocents, breaking of promises and manipulation. The underlying presumption is that the greatest cause (general utility, “happiness”) must be capable of justifying causing suffering of the few. The fact is that, in the upbringing and education of humans (children), some degree of manipulation is needed. Instead, in that process, we use concepts which belong to deontological prescriptions (“obligations,” “duties”) such as “Do not lie” or “Do not steal.” Our question is: Can we imagine the *University* guided by the simple utility principle. We must remember that a *University* is for adults, not for children. Why now not be open and at the *University* say that everything we do we do for the sake of hedonistic “happiness,” not for the sake of duty. That seems suspicious for several reasons. Maybe the most noteworthy objection is that Mill’s version of the utilitarianism tends to divide humanity into two classes: moral aristocracy, which seeks “higher pleasures,” and others who do not. Does that mean that utilitarians must organize *secret* utilitarian universities for moral aristocracy? Does it mean that moral aristocracy, according to the utility principle, should organize “deontological,” manipulative public universities for lower classes?

KEYWORDS

utilitarianism,
hedonism,
consequentialism,
university

1. Introduction

For more than a decade, the academic and intellectual community in South-East Europe has been faced with a call for a “reform” of the system of education, especially at higher levels. So far, nobody gives a complete and accurate picture what “the reform” should be, but concepts of “efficiency” and “productivity” are undoubtedly the essence in most of the offered explanations and justifications. However, it is notoriously unclear what in some academic areas utilitarian-like “efficiency” is. Does “efficiency” in education mean increasing *the number* of students who get *any* degree? What “efficiency” in *humanistic* disciplines and art is and how to evaluate it? How to estimate the effectiveness of education in basic *sciences* – fundamental physics, for example? Those questions certainly are vague. On the other

¹ Based on a presentation under the same title, at the International Conference “Idea of University”, Cres, Hrvatska, 23 - 26. Sep. 2012.

hand, the *utilitarian taste* of the proposed and ongoing reform is evident. The reason is that the “efficiency” in public affairs is associated with a concept of “utility.” That is nothing new. The “curricular battle” between utilitarians and conservative elites was alive in John Stuart Mill’s time (19th Century). As Elizabeth Anderson has noted, this conflict “was framed as a conflict between modern science and ancient arts” (Anderson 2009: 358). Nowadays, the conflict has changed its form, but the essence is the same. It is a tension between demands of “efficiency” and question of a public need for “broadly educated intellects.”

The goal of this paper is not political, but a philosophical one – to assess whether core ideas of utilitarianism are compatible with the idea of University. This brief analysis has three primary contentions:

- 1) A university is *not* “a factory of knowledge” or training camp. As Anderson puts it: “The fundamental purpose of a university is not to train professionals but to produce cultivate human beings” (Anderson 2009: 358). The University is an association of teachers, researchers, and students who are free to exchange and challenge various intellectual ideas. That freedom is based on three fundamental notions: *autonomy, integrity, and development of critical thinking*. It is a critical issue to examine whether these concepts could be based or even adequately explained on a utilitarian basis. Of course, in the contemporary theory of education, a practical utility of the institution of the university is widely recognized. However, even those who emphasize the fact that it has utility value admit the importance of further consequences of its existence: “The basic reality, for the University, is the widespread recognition that new knowledge is the most important factor in economic and social growth. We are just now perceiving that the university’s invisible product, knowledge, may be the most powerful single element in our culture, *affecting the rise and fall of professions and even social classes, of regions and even of nations*” (Kerr 2001: pp. vii-viii).
- 2) The university is an institution where individual *moral education* comes to an end. What sort of *moral education* university should provide – utilitarian, which, under some circumstances, could include indoctrination and manipulation, or some other?
- 3) The university is an *institution* with its own rules. Those rules may be not the utilitarian ones.

2. Back to the Beginning: Bentham and Mill

In the second chapter of his *Utilitarianism*, J. S. Mill wrote: “The creed which accepts as the foundation of morals, ‘utility’, or the ‘greatest happiness principle’, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness are intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure” (Mill 2007: 7). The same basic idea has been presented earlier by Jeremy Bentham. However, Bentham’s initial utilitarian concept was more radical but also theoretically clearer than Mill’s. Let us see what Bentham’s initial idea of “quantitative utilitarianism” was. A famous quote: “The utility of all these arts and sciences, —I speak

both of those of amusement and curiosity, —the value which they possess, is exactly in proportion to the pleasure they yield. Every other species of preeminence which may be attempted to be established among them is altogether fanciful. Prejudice apart, the game of push-pin is of equal value with the arts and sciences of music and poetry. If the game of push-pin furnishes more pleasure, it is more valuable than either. Everybody can play at push-pin: poetry and music are relished only by a few. The game of push-pin is always innocent: it were well could the same be always asserted of poetry. Indeed, between poetry and truth there is natural opposition: false morals and fictitious nature” (Bentham 2003: 94).

It is an important question whether happiness could be explained (only) in terms of pleasure. For that reason, some philosophers have offered revised characterizations of utilitarianism. For example, as a more accurate synonym for vague label “utilitarianism,” Bernard Williams proposed the term “eudemonistic consequentialism.” This concept might be helpful because most of the objections to the utilitarian approach to morality and ethics are, in fact, objections to the “consequentialistic” nature of utilitarianism. Of course, there are other forms of consequentialism, but utilitarianism is certainly the most influential one. The natural question now is: what is consequentialism? Bernard Williams’ explanation may be helpful: “No one could hold that everything, of whatever category, that has value, has it in virtue of its consequences. If that were so, one would just go for ever, and there would be an obviously hopeless regress ... If not everything that has value has it in virtue of consequences, then presumably there are some types of thing which have non-consequential value, and also some particular things that have such value because they are instances of those types. Let us say, using a traditional term, that anything has that sort of value, has *intrinsic* value. I take it to be the central idea of consequentialism that the only kind of thing that has intrinsic values is *states of affairs*, and that anything else that has value has it because it conduces to some intrinsically valuable state of affairs.” (Williams 1973: 82–83).

For Bentham and Mill, “intrinsic value” is ascribed to the which has *maximized overall happiness*. Bentham was a radical hedonist, so he thought that happiness could be calculated by measuring the quantity of pleasure and pain (“moral arithmetics”). It is a wide-accepted opinion that the *radical hedonistic* (quantitative) utilitarian approach to general morality has many problems. In the case of the university, it is a reasonable assumption that, for Bentham, the question about the need for the higher education is settled by his simple initial theoretical approach. Establishing of such a complex institution, as the university is, depends on the fact whether it produces more costs (pains) than benefits (general happiness). Moreover, an often-overlooked Bentham’s idea should be stressed. The real “representative” of the value (utility) in the human world is the money (Bentham 1882: 8–9). It follows that anything that should be estimated regarding social value must have some comparative market value measurable in some amount of money. The logic of that thinking tells us that the same method should be applied to the value of the university. In a case of the University that logic seems odd.

Mill tried to fix various problems of Benthamian “felicific calculus” by introducing a new idea – the idea of “qualitative utilitarianism.” Supposedly, if we can distinguish between pure physical, (“lower”) pleasures and “higher” (i.e., spiritual) pleasure the accusation of “vulgar” and “crude” hedonism addressed to the

utilitarians would vanish. In his response to accusations of vulgarity, Mill wrote: “When thus attacked, the Epicurean has always answered that it is not they, but their accusers who represent human nature in a degrading light since the accusation supposes human beings to be capable of no pleasures except those which swine are capable” (Mill 2007: 7 – 8).

Here is the further question. How to *distinguish* higher from lower pleasures?

Mill thought that he had an answer: “If I am asked what I mean by the difference of quality in pleasures ... there is but only possible answer. Of two pleasures, if there be one to which all or all most of all who have experience of both give a decided preference, irrespective of any feeling or moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their pleasure is capable of, we are justified in ascribing to the preferred enjoyment superiority in quality so far outweighing quantity to render it, in comparison, of small account” (Mill 2007: 8–9). It is not clear whether Mill was consistent in thinking that everybody is willing to admit the superiority of “higher pleasures.” There is a part of Mill’s work that strongly suggests that it is not the case. His thoughts on political freedom and culture (including education) are that part. Mill states: “The only real hindrance to the attainment of happiness by almost all people is the present wretched education, and wretched social arrangements” (Mill 2007: 13).

It is in the “moral influences” of education, at once “more important than all others” and “the most complicated,” that Mill perceives to be its greatest potential. Without appropriate influences, the young will not develop the “mental culture” necessary for the independence of thought and autonomy of action which is the proper moral state of human beings. Moreover, children are, in Mill’s opinion, inordinately selfish, not in the cold, calculating manner of some adults, but in always acting under the impulse of a present desire. It is, therefore, imperative to exploit the power of education to cultivate those desires whose satisfaction is at least compatible with the good of people. Those desires naturally include desires for the happiness of others (Mill 1989: 49; Cooper 2001: 107).

Classical utilitarianism and a university

Mill’s “defense” of utilitarianism has many problems. For our purpose, it is necessary to recognize the often unobserved fact that a “qualitative utilitarianism” has a strong tendency to divide mankind into two classes (or types of character): *intellectual and moral aristocracy* that seeks “higher pleasures” and others (“plebs”) who do not. It is not a mere interpretation of Mill’s opinion. We can find clear indications of that classification in Mill’s work: “One of the commonest types of character among us is that of a man all whose ambition is self-regarding; who has no higher purpose in life than to enrich or raise in the world himself and his family...If we wish men to practice virtue, it is worthwhile trying to make them love virtue, and feel it an object, and not a tax paid for leave to pursue other objects. It is worth training them to feel, not only actual wrong or actual meanness but the absence of noble aims and endeavours...” (Mill 2009: 350–351).

The question now is: *for whom* universities, from a utilitarian point of view, are made? Are they made for higher class only, or for, as Mill put it, for “collective mass of fellow creatures,” as well? If members of “lower class” do not have any interest in higher pleasures, it is a logical conclusion that they do not have much interest in traditional university education, especially in theoretical and humanistic sciences and “fine arts.” High-level education simply requires proper motivation that stems from seeking higher pleasures. On the other hand, “lower class,” at best, would be satisfied with a level of education needed for mastering some practical and lucrative skills. For that “class,” factories of practical skills or training campuses are all they need.

3. A Thought Experiment: “Utilitarian University”

Classical anti-utilitarian arguments typically take a form of short stories. Those stories usually have this inner structure: 1) the argument starts with a description of some moral dilemma whose consequences affect more than one person (i.e., the agent himself), 2) within that descriptive framework, an individual or social group must make a decision that involves enormous moral consequences, and 3) any action on utilitarian basis seems to go against “ordinary morality” and/or linguistic intuitions. Some of the most famous examples are “punishment” of innocent to avoid disastrous consequences (McCloskey 1972: 119–134), the so-called “desert island problem” – practices of secretly breaking promises to achieve the “greater good” (Narveson 1963: 63–67), or acting outrageously (e.g. killing the President) to obtain the best consequences (Locke 1976: 153–155). If the agent is a utilitarian in these cases, she must (respectively): punish an innocent man; break a promise, and kill the President. In those cases, there are two ever-present, *but not always visible*, “secret ingredients.” First, all those acts should be done *in total secrecy* (otherwise they would be ineffective or harmful to the “utilitarian project”). Second, if the action fails, a utilitarian agent has a particular obligation to do his best to hide the real truth, even by using manipulation and indoctrination, if necessary.

How this type of the argument looks like in a case of the university?

For the beginning let us say that some philosophers think that utilitarianism (in all forms) could have issues with the so-called *condition of publicity*: “It must be possible under any circumstances for us to promulgate it publicly without thereby violating that theory itself” (Bykvist 2010: 95). To put it differently: an adequate ethical theory *must not* require secrecy, but utilitarianism cannot avoid it. This condition is based on following Sidgwick’s remark: “[T]he utilitarian conclusion, carefully stated, seems to be this: The opinion that secrecy can make right an action that wouldn’t otherwise be so should itself be kept comparatively secret.” (Sidgwick 1981: 490).

In the spirit of these remarks, we can imagine this situation. A group of caring utilitarians would like to improve the existing educational system. They “realize” that a concept of the university in the current sense does not meet needs of a majority and contemporary criteria of efficiency. Consequently, they decide to do “the reform.” Because humanity is naturally divided into two classes (“utilitarian moral aristocracy” and “pebs”), it follows that *the utilitarians* should organize

secret utilitarian universities for the moral aristocracy and “public universities” for others. The reason for secrecy is to select “genuine” candidates without potentially harmful effects of public opinion and demands for “justice” or, in that case, “equality of opportunities.” At secret (“real”) universities for the moral aristocracy, education could be organized in an openly utilitarian manner. The point is obvious: members of utilitarian “moral aristocracy” naturally seek higher pleasures, and for that reason, they would not neglect humanistic disciplines, highly theoretical sciences, and art. What about lower class? The moral aristocracy, according to the utility principle, should organize public, fundamentally manipulative, universities for lower classes. Those institutions would not be “real” or “serious,” but could be (falsely) *called* “universities” for reasons of propaganda or “useful” manipulation. In fact, they would be “factories of practical skills.” Students and even most of the professors of those schools would not be aware of the utilitarian basis of their institutions because they have the “wrong” (e.g., deontological) idea of morality. Of course, those institutions are not “proper” universities. They have lower demands on “students” and “professors”; they are not concerned with any “theory” that could not lead to utility; “fine arts” are excluded from the curriculum, and so on. However, it does not matter. Why? Because all the “lower class” needs from education is a small degree of skills that enable members of it to make some money. Those men and women are blessed with ignorance, so they without any guilty conscience could indulge themselves in “lower pleasures” – eating a favorite food, drinking beer, watching ball games, having sex, and so on. Simply, complex institutions, such as the University, are of no interest to them.

What if such a project fails, say because somehow knowledge of the existence of secret universities for “higher class” becomes public and that triggers public outrage?

Nothing! Deny everything and cover up the truth! (*Recognition* of the failure would have disastrous consequences. Who would improve institutions if the plot is discovered?)

We can expand this argument in the following manner. “Benevolent utilitarians” for the sake of “social justice”, “equality of opportunity” and social *efficiency* could decide to publicly “abolish” *the institution of university* as “obsolete” and then: a) publicly organize “schools of skills”; and b) *secretly* organize “real” universities of their own. Secret universities could recruit their students almost as officers of secret services.

This case could go much further, but it would be unfair not to mention a typical utilitarian response to it. It comes to this: “stories” like the one presented above, are oversimplified, unrealistic and, consequently, theoretically irrelevant. Richard Hare, who was a utilitarian, thought that these cases could serve as arguments only against “crude one-level act-utilitarian” who “constantly figures as Aunt Sally in the writings of anti-utilitarians” (Hare 1981: 191).

4. Education, Indoctrination and Manipulation

It is fair to add that one of the *utilitarians* – Richard Hare – has warned us that we must admit the difference between education and indoctrination. He thinks that this difference does not lie in the content but in the method of education. That way

of thinking is nothing unusual in utilitarian tradition. We have already seen that Mill's original idea was that intellectual elite has *an obligation* to make the rest of humanity love intellectual and moral virtue. That process could (or should?) include manipulation and indoctrination because "lower class" does not have a natural tendency to develop a virtue. That conclusion is suggested by Mill's expression "*make them love virtue*" in his "Inaugural Address at St. Andrews" (quoted above).

Preference utilitarian Richard Hare allows *some* degree of manipulation and indoctrination to be necessary because infants and young adolescents are incapable of a higher level of "critical thinking." Hare's conclusion from that fact is: "If one wants to keep 'indoctrination' as a bad word, one cannot start using it of methods which everyone thinks legitimate, because inevitable" (Hare 1992a: 115). Furthermore, it seems that some degree of indoctrination is a necessity in *any* educational process, even in a moral one: "If a teacher is willing to engage in serious and honest discussion with his pupils to the extent that they are able, then he is not an indoctrinator even though he may also, because of their age, be using non-rational methods of persuasion. These methods are not, as is commonly supposed, bad in themselves; they are bad only if they are used to produce attitudes that are not open to argument. The fact that the teacher does not himself have such attitudes is the guarantee that he is not an indoctrinator."¹ Expectably, Hare offers the following comment as a safeguard: "Irrational attitudes cannot flourish when rational methods are seriously practiced" (Hare 1992a: 119). And, indeed, pedagogical manipulation (and indoctrination) is a *special case* of manipulation. We could put this essential observation in the following manner: "Pedagogical process is essentially manipulative, as education is in a way a process which manipulates people... The aim and goal of pedagogical manipulation are, however, different from what we usually associate with the concept of 'manipulation.' Its aim is not deceit or indoctrination but a state of affairs in which there is no longer any more reason for manipulation to go on. The aim is maturity and competence, which should comprise a command of factual knowledge and capacity to make good evaluations, both in the world of accepted values (in terms of success and happiness) and regarding their moral rightness and wrongness. This presupposes the capacity for autonomy and self-determination" (Babić 2005: 233).

It is evident that when Hare talks about "non-rational methods of persuasion" he, in fact, talks about manipulation. There is a reason for that cautiousness. A huge number of anti-utilitarian arguments in the philosophical literature was built upon a possibility that utilitarianism could justify or even require indoctrination and manipulation. That seems true for all variations of utilitarianism which represent a classic version of consequentialism.

Now we are facing the following question. If realizing the desirable state of affairs can justify indoctrination that is not in itself bad (and *it is not* because it is needed at least in low-level education), where are the boundaries of educational manipulation? If we are not careful enough, we could fall down the "slippery slope" and conclude that indoctrination and manipulation are in a case of education always necessary. The question is: how, from the utilitarian standpoint, one makes a distinction between education and indoctrination? Is any form of education *ipso facto* indoctrination (manipulation)? That is one problem. On the other hand, the very idea of "university" is closely connected with the concepts of "universality,"

“autonomy” and “integrity.” However, those concepts do not belong to utilitarianism. They are ideas usually used in Kantian (deontological) theories. Universality cannot “stand” secrets and manipulation. However, that is a Kantian, not a utilitarian idea.

5. Main problems for Utilitarian Justification of the Institution of University

Problems of utilitarian approach to private morality are necessarily linked with problems in public (interpersonal and institutional) sphere. We shall offer a short list of problems of utilitarian account of the institution of a university which has no pretension to be exhaustive. It aims to be illustrative.

5.1. The Problem of “Intrinsic Value”

Despite efforts made so far, it seems that there is no possible utilitarian approach that would assign intrinsic value to anything but to utility itself. In utilitarian/efficiency world all values must be instrumental. Still, moral judgment seems to point to something else: there are *some* things, such as the University that have intrinsic value. Pure “instrumental university” is not a “real” university because it lacks intrinsic values which characterize the institution of University – non-utilitarian pursuit of truth, genuine curiosity, or personal and collective exploration of the (physical and social) “world”. It could be “factory of knowledge,” “instrument of social recognition,” “training campus,” “factory of experts,” and so on, but not the university in itself. Mill saw University as a “preparation for the higher uses of life” (Mill 2009: 353). That means qualitative, not quantitative preparation.

Nowadays the hugely popular idea of quantitative analysis of researching and teaching process (so-called “scientometry”) at a university is in direct connection with a concept of brute (“measurable”) efficiency. However, if philosophy has taught us anything at all, it is that quality of something *cannot* be quantified. How to measure “quality” of *the institution* of the university? Even if it could be quantified, who will be “the judge” – “ideal observer,” Hare’s (moral) “archangel” or contemporary overenthusiastic “reformers”?

5.2. The Problem of Institutions

There is no doubt that the university is *an institution*, but what does it mean? Maybe answer to that question is following: the institution of the university is best perceived as an *institutional fact*. Institutional facts are not “brute facts” of naive naturalistic view of the world. John Searle says: “There is a certain picture we have of what constitutes the world. The picture is easy to recognize but hard to describe. The picture is easy to recognize but hard to describe. It is a picture of the world as consisting of *brute facts*, and of knowledge as really knowledge of brute facts. Part of what I mean by that is that there are certain paradigms and that these paradigms are taken to form the model of all knowledge ... The model for systematic knowledge of this kind is the natural sciences, and the basis for all knowledge of this kind is supposed to be simple empirical observation recording sense experiences” (Searle 1969b: 50). Institutional facts disturb this straightforward and rather

raw “naturalistic picture” of the human world. To understand what institutional fact is, we must notice the distinction between *constitutive* and *regulative* rules based on Kant’s distinction between constitutive and regulative principles. “Some rules regulate antecedently existing forms of behavior. For example, the rules of polite eating regulate eating, but eating exists independently of these rules. Some rules, on the other hand, do not merely regulate but create or define new forms of behavior: the rules of chess, for example, do not merely regulate an antecedently existing activity called playing chess; they, as it were, create the possibility of or define that activity. The activity of playing chess is constituted by action in accordance with these rules. Chess has no existence apart of these rules... Regulative rules regulate activities whose existence is independent of the rules; constitutive rules constitute (and also regulate) forms of activity whose existence is logically dependent on the rules” (Searle 1969a: 131).

If we all agree that *any institution* is based on some kind of rules the question here is: what kind of rules – regulative or constitutive? Searle has a ready answer to that question: “... the institutions ... are systems of constitutive rules ... What I called institutional facts are facts which presuppose such institutions” (Searle 1969a: 131). Institutions are usually not perceived as “means” aimed towards any “goal.” They are a *network of constitutive rules* and nothing else. Whether they have any utilitarian justification is quite another matter. Karl Popper has noted: “Only a minority of social institutions are consciously designed while the vast majority has just ‘grown,’ as the undesigned results of human actions” (Popper 1957: 65). If most of the institutions grow naturally, the utilitarian explanation does not match the facts. Seek for utility and efficiency must be *planned*.

Karl Popper has suggested that we should concern ourselves not so much with the maximization of happiness as with the minimization of suffering. “Minimization of suffering” is the central thesis of so-called “negative utilitarianism.” This argument is based on Popper’s conviction that all moral urgency has its basis in suffering or pain. According to him, we should replace the classic utilitarian formula “Maximize happiness” by the formula “Minimize suffering.” That formula can be made one of the fundamental principles of public policy. “Positive formula” (“Maximize happiness”) is potentially dangerous because it could lead to dictatorship (Popper 2013: 548). By “suffering” we must mean “actual pain,” not just unhappiness. This position is according to J. J. C. Smart illustrated by the case of University: “Suppose that we found a new university. We may hope that indirectly research will help to minimize pains, but that is not the only reason why we found universities. We do so partly because we want the happiness of understanding the world. But producing the happiness of understanding could equally well be thought of as removing the unhappiness of ignorance” (Smart 1973: 28–29).

All these insights tell us that we must be extremely cautious in attempts to found or improve some institution. “Radical reformism” often leads to holistic historicism, which can destroy existing institutions and even result in totalitarian utopia and justify terrible consequences. Karl Popper thought that human factor is the key: “The human factor is the ultimately uncertain and wayward element in social life and in all social institutions. Indeed, this is the element which ultimately cannot be completely controlled by institutions (as Spinoza first saw); for

every attempt at controlling it completely must lead to tyranny; which means, to the omnipotence of the human factor – the *whims of a few men, or even one*” (Popper 2013: 158). Humans are fallible. Future is often unpredictable, as well. That is the reason why, as an alternative to historicism, which requires *holistic social engineering*, Popper, by the concept of *negative utilitarianism* proposes an idea of *piecemeal social engineering*. Piecemeal social engineering means that society and crucial institutions cannot be adequately changed as a whole. Small and reversible changes should be made piece-by-piece to society to be best able to learn from the changes made. The unpredictability of the future and human behavior makes the effect of any larger changes random and untraceable. Small changes enable one to make limited, but testable and, therefore, falsifiable statements about the impact of social actions (Popper 1957: 58–95).

All these observations apply to the institution of the university, especially view of the necessity of cautiousness in modifying its constitutive rules. Ambitious over-all reforms in the field of education, which is one of the bases of an organized society, could lead to disastrous effects, even when good intentions guide them. Of course, it does not mean that changes cannot be needed. Even though Popper thought that institutions protect society, he thought that the existence of some institution would not itself guarantee infallibility: “We thus find that even the best institutions can never be foolproof ... Institutions are like fortresses. They must be well-designed *and* properly manned. But we can never make sure that the right man will be attracted by scientific research. Nor can we make sure that there will be men of imagination who have the knack of inventing new hypotheses. And ultimately, much depends on sheer luck, in these matters. For truth is *not manifest*, and it is a mistake to believe – as did Comte and Mill – that once the ‘obstacles’ (the allusion is to the Church) are removed, truth will be visible to all who genuinely want to see it” (Popper 1957: 157).

There are good reasons to agree with Popper’s cautious approach towards social changes. However, trouble for utilitarianism might be that even some utilitarians think that “negative utilitarianism” is not utilitarianism at all. Smart notes: “It seems likely that Popper is himself not a utilitarian, and so *a fortiori* not a negative utilitarian. For alongside the negative utilitarian principle he sets two principles, that we should tolerate the tolerant and that we should resist, and that we should resist tyranny. It is hard to see how these principles could be deduced from the negative utilitarian principle, for surely on this principle we should approve of tyrannical but benevolent world exploder. Such a tyrant would prevent infinite future misery” (Smart 1973: 29).

5.3 Autonomy

In his consideration of the issues of moral education Richard Hare wrote: “It must have occurred to many people to ask what the connection is between the psychological state, state of mind, state of character, or whatever, which is called ‘autonomy’ and what others call ‘the logical autonomy of moral discourse’... Autonomy as *an educational ideal* seems most often to mean a disposition to think in a certain way. Even when it is an action that is called autonomous, it is called that because of the nature of the thinking which has led up to it. By ‘thinking in a certain way,’

I mean, of course, not ‘thinking certain things’ but ‘doing one’s thinking in a certain manner.’ The manner is characterized...by two features corresponding to the two parts of the word ‘autonomy’: the thinking has to be done by man for himself (*autos*); and he has to do it in accordance with some regular procedure (*nomos*)” (Hare 1992a: 131). In another article, Hare wrote about the nature of the relationship between utilitarianism and education: “... [The] utilitarianism is, in its formal aspect, itself morally neutral. It does not tell us what in particular we ought to do. That is decided by applying the logic, as it is imposed by moral concepts, to the autonomous preferences (or as Kant put it *wills*) of people, including our own. All of us have to do the willing, but the logic compels us to will in concert, once we realize that we have to will universally for all similar situations whoever occupies whatever role in them. This is the formal aspect of utilitarianism, which is perfectly compatible with a possible interpretation of Kant” (Hare 1992b: 199). According to Hare, utilitarianism is content and sense neutral and thus *compatible* with the Kantian concept of autonomy. However, it seems entirely possible that Hare confused (purely formal) “categorical imperative” with (substantive) “golden rule.”

What is “the autonomy” in general? According to the classic (Kantian) point of view, the autonomy of a person is based upon respect for the human capacity to govern our lives according to rational principles. Kant’s own formulation is: “Autonomy of the will is the property of the will by which it is a law to itself (independently of any property of the objects of volition)” (Kant 2002: 58). Similarly, the University as an institution and legacy of the human race should be able to do the same. The autonomous university should be free and rationally self-governed human institution. Also, the university should be an institution that secures *personal* autonomy. An efficiency/utilitarian approach to the idea of the university now has two further problems.

- 1) If we directly apply utilitarian “greatest happiness principle” to the institution of the university, it cannot be autonomous. The reason is remarkably straightforward: the very concept of autonomy does not have any sense in utilitarian/efficiency approach to the institutions. The justifiability of any institution’s existence depends solely on the effects of institution’s operations. Dependence on consequences is in direct contradiction with the concept of autonomy because the efficiency principle dictates what some institution ought to do to maximize desirable consequences. It does not matter whether we deal with “act” or “rule” utilitarian approach. The principle is the same. Proponents of “rule” or “preference” utilitarianism (Hare) tried to connect utilitarianism with a general concept of education. However, this concept of highly specific and yet universal principles has its troubles. For the sake of argument, we could agree with Hare that the best rules would not be simple. For example, the best rule for promise-keeping would be of the form: “Always keep your promises except...” (where the list of exceptions would be very long). This type of reasoning led the American philosopher David Lyons to argue that a plausible formulation of rule-utilitarianism would make it recommend the same actions as act-utilitarianism, so the two kinds are “extensionally equivalent” so, therefore, there is no practical difference between the two (Lyons 1965: 137).

- 2) Autonomy requires freedom. True freedom requires adequate information. However, some desirable effects could be produced in a total lack of relevant information or use of propaganda and manipulation. That means that a utilitarian university could operate in secrecy. Furthermore, even utilitarian philosophers do not believe that education should be based on the open teaching of the principle of utility. It is almost unimaginable how utilitarian *moral* education looks. Surely, nobody teaches their children things like: “promote happiness” or “maximize utility.” Any moral education starts with *deontological* commands, not with a principle of utility. The consequence is the already mentioned possibility of utilitarian justification of any manipulation. If the very basis of morality cannot be public, how can we secure our freedom of any decision?

5.4. Integrity

Many philosophers believe in the idea of moral integrity. Even though the concept of personal integrity is common in moral language, it has no “real” or even “technical” definition. It is basic and extraordinarily intuitive. Very loosely, integrity can be characterized as moral firmness and persistence. It can also be seen as an integration of agent’s will, choices, and actions. This notion is a part of normal moral upbringing. It is a general presumption that personal integrity may have significant implications in the public sphere. The question now is: *which* social (e.g., family, business, religious, educational) and political (e.g., forms of government) structures and processes may affect personal integrity. They can do this either by promoting or by undermining features essential to having or practicing integrity. If the integrity is as central as recent work on the topic suggests, then ideally *all social institutions* that shape our lives should be structured in ways that promote integrity. In accordance with this thesis, Susan Babbitt says: “An adequate account of personal integrity must recognize that some social structures are of the wrong sort altogether for some individuals to be able to pursue personal integrity and that questions about the moral nature of society often need to be asked first before questions about personal integrity can properly be raised. Questions about integrity may turn out to be, not about the relationship between individual characteristics, interests, choices and so on, and society, but rather about *what kind of society* it is in terms of which an individual comes to possess certain interests, characteristics, and so on. This does not imply that questions about personal integrity are entirely moral, not having to do with idiosyncratic characteristics of individuals; instead, it suggests that the very meaning of personal integrity in particular cases sometimes depends upon more general considerations about *the nature of the society* that makes some idiosyncratic properties identifying and others not. The pursuit of adequate personal integrity often depends, not so much on understanding who one is and what one believes and is committed to, but rather understanding what one’s society is and imagining what it could be” (Babbitt 1997: 118).

Having this in mind, it is worth mentioning that a university is an institution that participates in the process of determination of “the nature of society.” There is no doubt that a university promotes integrity as a value. Trouble for the utilitarians is that the notion of integrity has almost no place in an account of any form of

utilitarianism. Even more: it is impossible to determine what integrity in a utilitarian system of values should be. Some moral philosophers even think that integrity sometimes *demand*s actions that are *contrary* to the principle of utility (Norman 1971: 100). Perception of the role of the university is that a part of its value is to help developing moral characters whose essential feature is integrity. Additionally, the institution of the university is usually seen as having its integrity – a kind of resistance to social or political pressure, regardless of the utility of that kind of behavior. That fact is almost inexplicable in utilitarian terms.

6. Concluding Remarks

It is an undeniable fact that the university is a highly useful institution. Scientific and hence technological progress is almost unimaginable without the idea of a university. Still, it seems that utilitarian explanation(s) of the origin, purpose and the way of organizing of a university does not seem highly plausible. There are several reasons for that. First, we are witnesses of “democracy of taste” in modern market-orientated society. Democracy of taste has not led us to any development of Millian “love for higher pleasures”. On the contrary, the real picture of modern society is pretty much Benthamian. Individuals who genuinely prefer “higher” pleasures that demand higher levels of education are a vast minority. Most of the students still consider university education more as an obligation than as any enjoyment. Second, rules that govern the institution of university almost have nothing with utility or efficiency. They *may* maximize overall happiness or satisfy most of the individual preferences, but that is not their purpose. Furthermore, there is no guarantee that the persistence of a university as an institution would maximize overall happiness or utility at all. That is a utilitarian *presumption*. We could easily imagine a realistic situation in which utilitarian logic requires tremendous changes in *constitutive rules* of the university. (University could become “obsolete,” and some other, “more efficient” institution could take its place.) Finally, the very concepts of universality, autonomy, and integrity, usually associated with the idea of the university have no utilitarian basis. Even more, they have no utilitarian explanation. That means that the university is generally perceived as an institution that has *intrinsic value*, not only instrumental one.

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Nenad Cekić

Utilitarizam i ideja univerziteta Kratka etička analiza

Apstrakt

Standarni prigovor utilitarnoj viziji moralnosti jeste da tzv. „princip najveće sreće“ može da opravda kontraintuitivne prakse kao što su kažnjavanje i žrtvovanje nevinih, kršenje obećanja i manipulaciju. Osnovna pretpostavka je da najveći razlog (opšta korisnost, „sreća“) mora biti sposoban opravdati uzrokovanje patnje nekolicine. Činjenica je da u okviru podizanja i obrazovanja ljudi (dece), neki nivo manipulacije jeste potreban. Umesto toga, u tom procesu mi koristimo pojmove koji pripadaju deontološkim propisima („obaveze“, „dužnosti“) kao što su „Ne laži“ ili „Ne kradi“. Naše pitanje je: možemo li zamisliti Univerzitet vođen jednostavnim principom korisnosti. Moramo zapamtiti da je Univerzitet za odrasle, ne za decu. Zašto se sada ne otvori i na Univerzitetu ne kaže da sve što radimo radimo zarad hedonističke „sreće“, a ne zarad dužnosti. To se čini sumnjivim iz nekoliko razloga. Možda prigovor najvredniji pažnje jeste da Milova verzija utilitarizma nastoji da podeli čovečanstvo u dve klase: moralnu aristokratiju, koja traži „viša uživanja“, i druge koji to ne traže. Da li to znači da utilitarci moraju da organizuju tajne utilitarijanske univerzitete za moralnu aristokratiju? Da li to znači bi da moralna aristokratija, prema principu korisnosti, trebalo da organizuje „deontološke“, manipulativne javne univerzitete za niže klase?

Ključne reči: utilitarizam, hedonizam, konsekvencijalizam, univerzitet

Marina Budić

SUICIDE, EUTHANASIA AND THE *DUTY TO DIE*: A KANTIAN APPROACH TO EUTHANASIA

ABSTRACT

The paper addresses the issues of euthanasia and thoroughly analyses Kantian response to the practice in question. In reference to Kant's views on many related issues, such as murder, suicide, autonomy, rationality, honor and the value of human life, the main goal of this paper is to offer an explanation for one probable Kantian view on euthanasia in general, as well as an explanation for a specific form of euthanasia with regard to those patients suffering from dementia. The author's arguments, according to which Kant could even argue that those persons who have begun suffering from dementia have a *duty to die*, have all been given special importance in this paper. The question is could and should this specific moral ever be allowed to become universal when considering the patients' willingness to commit suicide once they start suffering from dementia or perhaps once they start experiencing a loss of rationality? Should suicide even become a patient's *duty*? Furthermore, if a patient shows absolutely no intention or willingness of taking her/his own life, 'should' the doctor perform a non-voluntary euthanasia over the patient? This paper analyses the author's arguments which are actually in favor of aforementioned questions, and aims to examine the plausibility of the act as well as to criticize it. The issue of euthanasia is very important, because the key question is what in fact constitutes the fundamental value of human life, which lies at the heart of this problem.

KEYWORDS

Kant, euthanasia, rationality, honor, dignity, autonomy, dementia

Introduction

The first part of this paper exhibits and explicates the notion, meaning and different types of euthanasia. After that, I will try to present Kant's views on relevant issues, such as suicide, autonomy of thinking, rationality, honor and dignity, all based on the author's position on Kantian attitude towards euthanasia. The third part of this paper argues whether Kant was right to in claiming that people who suffer from dementia have a duty to die. Although, in principle, Kant took a stand against suicide, that didn't not prevent him from claiming that there are exceptions to this viewpoint, especially when it comes to honor and dignity. In the closing part of my paper, I am examining the plausibility and critiques of arguments that support the concepts of *duty to die* and euthanasia, with regard to patients suffering from dementia. This paper aims at bringing to the fore one unified and probable Kantian

view on euthanasia in general, as well as on a specific form of euthanasia concerning patients suffering from dementia. The issue of euthanasia is very important, because the key question is what in fact constitutes the fundamental value of human life that lies at the heart of this theory and what other forms of the subject's right to life.

Euthanasia

The word *euthanasia* comes from the words *eu* – meaning *good*, and *thánatos* – meaning *death*, and it was originally defined as a *calm and easy death* (Đerić 2013: 25). Euthanasia is *the practice of ending or depriving somebody of his/her own life*, which leads to peaceful and painless death. The meaning of the word *euthanasia* is this – hastening the death of those people who are incurably/terminally ill and who experience excruciating pain or torment for the sole purpose of alleviating the patients' physical suffering and agony (Singer 2003: 133). It is important to lay stress on the fact that the motive behind euthanasia is the ultimate benefit, i.e. welfare of the patient. This particular motivation is very significant, in addition to the autonomy of thinking and decision-making, because it is one of the key values when assessing the morality of euthanasia.

There are two main criteria that need to be considered when differentiating types of euthanasia. The first criterion entails the expressed will of the person, i.e., this criterion is based on the consent given on behalf of the person over whom euthanasia is to be performed. Therefore, we can distinguish between *voluntary*, *non-voluntary* and *involuntary euthanasia*. *Voluntary* euthanasia is performed at the request of a patient who voluntarily expresses a wish to die (Young, Internet). Euthanasia is also regarded as *voluntary* if a person is unable to express his/her wish to die, but who nevertheless expresses this wish. While a person is still in good health, he/she can make a written request for euthanasia, should he/she become incapable of expressing his/her decision to die, as well as in the situation when he/she feels pain, or no longer possesses mental abilities, while at the same time there is no reasonable hope of making a recovery.¹ This step can be taken because in some cases, people who want to die may be incapable of committing suicide.² *Non-voluntary* euthanasia means ending the patient's life without his/her

1 Here are some examples of this type of euthanasia: In the book called *Jean's Way*, Derek Humphry explained that his wife, Jinny, who was dying of cancer, asked him to quickly and painlessly end her life. They realized that this situation was drawing to a close/They realized she was soon to die, for which reason they agreed to it. Derek bought the pills and gave them to Jinny, who drank them and died. Dr. Jack Kevorkian, a pathologist from Michigan, went one step further in making a *suicide device* to help ailing patients to commit suicide. (Singer 2003: 134)

2 In 1973, George Zygmaniak was injured in a motorcycle accident near his home. He was taken to hospital where he found himself completely paralyzed from the neck down. He suffered agonizing pain, too. He told his doctor and his brother, Lester, he did not want to live that way. He asked both of them to kill him. Lester asked both doctors and medical staff about George's recovery prospects: he was told that he stood little chance of recovery. Then, he smuggled a pistol to hospital and told his brother: "I'm here to end your troubles, George. Do you agree?" George, who could not talk after undergoing surgery of airways, he nodded. Lester shot him straight in the forehead. The case of George Zygmaniak appears to be a

expressed will or permission. This happens when the patient's consent is not available for 'performance' of euthanasia. People who cannot/are not able to give their own consent include infants, who are incurably ill or have a severe disability, as well as those people who have permanently lost the ability to understand the decision behind euthanasia either because of an accident, illness or old age, and also if they previously failed to requested or refused euthanasia in such circumstances (Singer 2003:136). *Non-voluntary* euthanasia is also conducted when the patient's consent arises from the hypothetical will of that individual or from his family members (Turković, Roksandić Vidlička, Maršavelski 2010: 223–246). Therefore, in case of *non-voluntary* euthanasia, there is no direct request for euthanasia, but the decision to conduct/perform euthanasia is based on the assumption that this should be done. *Involuntary* euthanasia is performed when an individual is able to give his/her consent, but the consent is not given – a patient is able to give the consent for his/her death, but he/she does not give it, either because they are not even asked, or simply because they choose to continue to live irrespective of the agonizing circumstances. Thus, killing someone who failed to agree to be deprived of one's own life can be regarded as euthanasia only if the motive for killing that person is to prevent his/her unbearable suffering (Singer 2003: 136).

The second criterion with respect to differentiating various types of euthanasia is based on the distinction between *killing someone* and *letting someone die*. This factor defines moral weight as the basic difference between *doing* and *not doing*, between *actions* and *omissions* or *lack of action*. *Active euthanasia* is someone's active help in the process of dying, while *passive euthanasia* refers to allowing a person to die. The essential difference between these two types of euthanasia can be explained in this example- it is entirely one thing to switch off a person's life-sustaining medical devices, as opposed to unplugging devices when they are already switched off. Furthermore, when action is taken towards ending a person – such as discontinuation of life-sustaining treatments, then this is considered to be *active euthanasia*, whereas in case when no actions is taken to end a patient's then this is regarded as *passive euthanasia* (Đerić 2013: 260). *Passive* euthanasia can only include the lack of treatment needed to sustain life.³

clear example of voluntary euthanasia, although it was without some procedural safeguards suggested by the lawyers. For example, medical opinion about the patient's recovery prospects was merely of informative nature. Also, it did not attempt to carefully establish, before an independent witness, that George's desire for death was solid and rational, based on the best possible information about his situation. Killing was not performed by a doctor. The injection would be far less shocking compared to shooting. (Singer 2003: 135).

3 However, not all authors agree with this distinction, and some of them are questioning it. In his article, (Rachels 2012) argued that this distinction has no inherent moral value and that it leads to decisions about death based on insignificant factors. Rachel concludes that letting a patient die is the same as killing him/her, and that killing a vegetating patient is the same as letting a patient die. There is nothing moral or immoral in the act of active or passive euthanasia, but the morality or immorality of the act determines its motives and its consequences. (according to Pens 2007: 199). Therefore, the difference between passive and active euthanasia is not quite clearly defined. The behavior described in terms of doing or not doing (the distinction that supports the alleged difference between active and passive euthanasia) is often a matter of pragmatism, and not something that can be attributed by a deeper moral significance. (Young, Internet) One criticism of Rachel's point of view

Today, it is believed that voluntary euthanasia can be morally acceptable under these very restrictive conditions: (1) Only competent patients may ask the permission to die; (2) Patients' claims concerning a wish to die must be repeated, unambiguous, due and documented; (3) A doctor must consult another doctor in order to hear an independent opinion; (4) a patient must be in a state in which he/she is going through unbearable pain, without standing a slim chance of either improvement or recovery (Pens 2007: 173). It is very important to note that such conditions do not allow an incompetent patient to be deprived of his/her own life, nor they allow killing of patients with severe mental disorders to take place.

Euthanasia and Kantianism

In order to carefully consider possible thoughts Kant could have had about euthanasia, we should consider his views on suicide and murder, since these particular issues also involve death. However, we should bear in mind the fact that under no circumstances can assistance over the course of dying be morally equivalent to murder, because murder almost always means depriving a person of his/her own life, i.e., meaning that this individual who is being killed does not want to die and is neither a dying nor terminally ill patient (Pens 2007: 173). Although, in principle, Kant was against suicide, he also claimed that there were exceptions when it comes to honor and dignity. The authors often interpret the Kantian attitude towards euthanasia, based on Kant's attitude to suicide. In case of voluntary euthanasia, which is undertaken at the request of a competent and rational patient, remains a clear and unambiguous case of euthanasia, however, it is also interesting to analyze cases where a person is no longer rational and competent to give his/her consent for euthanasia. In order to provide a probable Kantian answer to issues arising from this type of euthanasia, it is also important to take into account Kant's views on dignity, rationality and honor.

Referring to the patient's autonomy of thinking and decision-making, it can easily be argued whether Kant would in fact approve of a voluntary euthanasia, and if he would oppose involuntary euthanasia. The autonomy of one's own thinking and decision-making process is one of the fundamental concepts of Kant's ethics, as well as the highest principle of morality.⁴ The *autonomy* stands for the specific ability of rational and self-conscious beings the ability to choose and to make decisions, as well as to act upon such decisions. If we choose to refer to the patient's *autonomy*, we can argue that patients have the right to make decisions about their own life and death independently, but it also needs to be said that this should be applied only when patients are still in their right mind. At the same time, this

was presented by Edwin and Gibbard (Hui, Gibbard 2010.). The authors emphasized that there are significant moral differences between passive and active euthanasia: firstly, the means by which killings are performed are different: in case of active euthanasia killing is direct and active, while letting a person die is indirect and passive. Secondly, the intention is different: killing implies a direct intent to cause death, while letting someone die is a consequence of the intention to avoid suffering and futile treatment.

4 Autonomy is "the characteristic of the will which constitutes a law for itself (regardless of any feature of any object of the will)." (Kant 2008: 92).

argument can be used as unjustifiable for involuntary euthanasia. Respect for the *autonomy* is a basic moral principle, which shows wrongdoing of killing a person who does not want to die. The act of killing a person, who does not choose to die, shows nothing but a lack of respect for the autonomy of that person. In addition, the choice between life and death is the most fundamental choice everyone has and everyone can make the choice from where all other choices emerge from. Therefore, depriving a person of one's own life, i.e., a person who does not choose to die represents a severe violation of the person's autonomy (Singer 2003: 76). Sjöstrand, Helgesson, Eriksson and Juth (2013) had all strived to show that the person's autonomy excludes non-voluntary and involuntary euthanasia, but that at the same time it includes validation of voluntary euthanasia. This means that the autonomy is a value that requires respect in the following way: If a patient wishes to undergo euthanasia, the medical doctor needs to carry it out, because by respecting the patient's wish, doctors show respect for the autonomy of the patient and for his decision. However, if the patient fails to show the slightest interest in undergoing euthanasia, in such case the doctor should not carry it out, since he would show a lack of respect for the patient's decision if he were to proceed with euthanasia. Therefore, it follows that reference to the person's autonomy can be used to justify voluntary euthanasia. Nevertheless, and we will see why later on, Kant finds voluntary euthanasia of a rational being to be wrong in principle. Some authors believe that death can still be the right Kantian answer- even in the form of suicide, such as when a person suffers from extreme dementia, because this suggests that such person would in this case neither lose his/her autonomy nor rationality (Sharp 2012: 231–235). This interesting assumption will be later discussed in more detail.

Euthanasia means *killing* those people who are incurably ill and endure unbearable suffering. Furthermore, if every killing is wrongful, and euthanasia is a form of killing, then what follows is that euthanasia is also wrongful – from where one can draw a conclusion that voluntary euthanasia is wrongful too (Brassington 2006: 571).

However, Brassington argues how such argument is wrong from Kant's standpoint. He is also of an opinion that there is no reason to claim that suicide and euthanasia are contrary to moral law (Brassington 2006: 571). In addition, he finds the premise that every killing is wrongful to be incorrect as well. We will learn that, according to Kant, there are circumstances in which suicide and murder can be morally justified.

Kant as an absolute non-supporter of suicide

Until recently, the interpreters considered Kant to be an absolute non-supporter of suicide (Cholbi 2014: 1). Robert Sharp believes that according to Kant, the prohibition of suicide is a moral duty that is to be applied categorically and without exception (Sharp 2012: 231). Therefore, it has been considered until recently that Kant believed that people who take their own lives are in fact violating the moral law.

The authors use Kant's argument of self-love to defend this assumption. In *Groundwork of the Metaphysics of Morals*, Kant claims that it is immoral to commit suicide in order to avoid a painful life, because the suicide is contrary to the natural law that supports life. According to Beckler, Kant here refers to self-love that has

the function of preserving life (Beckler 2012: 1). So, according to these interpretations of Kant's thought, it what follows is that suicide is immoral because it is contrary to the self-love which was there in the first place. Moreover, rational beings have a moral obligation to preserve their own lives because they possess a kind of immeasurable or priceless value that Kant calls *dignity*. To destroy a rational being, for the benefit of one's own well-being, means disrespecting that dignity. Michael Cholbi also believes that, in Kant's view, suicide represents an attack not only on one's body, but also on the very source of human moral value (Cholbi 2014: 1).

Also, the categorical imperative indicates that an act is forbidden when its maxima cannot become universal. According to Kant, our ethical action is based on certain principles or rules that indicate what we should do and why we should do it. Kant writes: 'The representation of an objective principle, insofar as it supports a will, is called a command (of reason), and the formula of the command is called an *imperative*.' (Kant 2008: 47)⁵ Kant calls this categorical imperative – the imperative of morality (Kant 2008: 52). Kant introduces several formulations of the categorical imperative.⁶ For this reason, it is especially important to focus on the following formulations below:

The first formulation of the categorical imperative reads as follows: '*Act only in accordance with the maxim which you can at the same time use, so that it becomes a universal law*.' (Kant 2008: 60) The imperative of morality can also be expressed in the formulation which that is classified as a second formulation of the categorical imperative, therefore: '*Act as if the maxims of your actions were to become a universal law of nature through your will*.' (Kant 2008: 61) A good example of using these formulations would be the following: 'If I do not want theft to become a universal law, then I should not steal.' This formulation requires that we always act in a way that will allow the maxim of our actions to become universal. The act of maxim becoming universal means that first we need to check whether we want the maxim to be applied universally and necessarily.⁷ Theorists distinguish two meanings in regard to *possibility for a maxim to become universal: logical and practical*.⁸

5 According to Kant, "all imperatives are commanded either *hypothetically* or *categorically*." Hypothetical imperatives are those that represent the practical necessity of one possible action as a means of achieving something else that is desired, so an action that is good only as a means for something else is in accordance with the hypothetical imperative. Kant determines the categorical imperative as the imperative that represents one action as objective as possible, without any other purpose; so, the action that is good in itself and which agrees with the reason (mind) is in accordance with the categorical imperative. Thus, the categorical imperative requires an unconditional action in a certain way, unlike hypothetical, which requires us to act in a certain way only if we want to satisfy certain desires, or some empirical good.

6 Interpreters often take Peyton's classification of the formulations of the categorical imperative. According to this classification there are five formulations. (Paton 1947, according to: Babić 1991: 8).

7 "The *law* carries the concept of unconditional necessity, both objectively and universally valid, and commands are laws that we must obey, that is, we must adhere to them even if our tendencies oppose to it." (Kant 2008: 53).

8 Through logical universalization we examine the *logical possibility* of universalizing some maxim. If that universalization is impossible, then the act that is subsumed under that maxim is forbidden completely, without any possible exception. With the help of practical

When formulated as the maxim, suicide as a concept can be tested using this criterion. If the maxim satisfies the criterion of becoming universal, this means that suicide is morally acceptable. This maxim could be the following one: *'I will commit suicide when my life becomes unbearable in a way that its censure means a better option for me'*. If this maxim was universally valid, i.e. if everyone acted in accordance with it, we would find ourselves in the situation in which everyone whose life seems unbearable can commit suicide. The idea behind such situation has no logical contradiction and it is logically plausible, which means that suicide meets the criterion of the *logical* possibility for a maxim to become universal. However, the *practical* possibility for a maxim to become universal can prove both problematic and unacceptable. It is clear that we do not want to find ourselves in the situation in which the maxim of suicide is universally valid, which suggests that everyone, who has a difficult life, chooses to commit suicide. However, if this is the maxim of a person who has just started experiencing difficulties with dementia, then in Kantian view it might be acceptable. This possibility will be further examined.

The claim that rational beings should only act according to the maxim that they want to use in making a universal law of it, means that our actions must have logical consistence and the capacity to be universally applied to all rational beings.⁹ The concept of duty to commit suicide is Kant's first example of an immoral act, because the man has a natural tendency for self-preservation and self-love - a man

universalization, we examine the possibility of universal desire of some maxim. It makes sense to wonder about this possibility only for the maxim that passed the test of logical universalization, i.e. one that is logically possible to universalize. (Babić 1991: 52.) Therefore, in a *logical* sense, maxim can be universalized if there is no contradiction in the fact that it is universally valid, and in *practical* terms, if we want it to be universally valid. An example of a maxim that is logically impossible to universalize is the maxim that, when it is useful to me, I can give a false promise. Therefore this maxim would mean only one thing: "If I ever find myself in a financial trouble, then I will borrow the money and make a promise to return the borrowed money, although I know I will never do it." (Kant 2008: 62.) We realize that this maxim "cannot be considered as a universal natural law, and as such it cannot be in accordance with itself, but it must necessarily contradict itself. If we suppose that it is a universal law that everyone who finds himself/herself in times of trouble should be able to promise whatever he/she pleases knowing that he/she will not keep it, in which case the promise it-self would become impossible as well as the end one might have in view of it, since no one would consider anything was promised to him/her and would ridicule all such statements as vain pretense." (Ibid., p. 63.) Therefore, we see that although I can benefit from a false promise, if my maxim would be universally valid, i.e. if anyone, when using it, would give a false promise, no one would believe it, and then there would no longer be the institution of promises. (according to Primorac 1978: 24.) An example of a maxim that is practically impossible to universalize is a maxim that, when I have no inclination for it, I can refuse to help someone when he/she is in trouble. The situation in which it applies universally, i.e. in which no-body helps a person in trouble, it is logically possible. But, since it is almost always true that sometimes in the future, I will be in a position to ask for help, so I will want it, and in such a situation I will probably not get it, and I do not want such a situation. (Primorac 1978: 25.) Not only does maxim need to satisfy the condition of universal definition, as well as the possibility of universalization in a non-contradictory world, it also has to be achievable in the world of nature. (Babić 1991: 14.)

⁹ In the *Groundwork of the Metaphysic of Morals* Kant defines a *duty* as the *necessity of one act from the respect for the law*. (Kant 2008: 27).

cannot love oneself if he no longer exists (Sharp 2012: 232). Kant examines the case of a man whose life became hopeless due to as a result of a series of distressing events, who therefore starts to wonder: 'Isn't it contrary to duty towards myself to take away my own life?' (Kant 2008: 62) Furthermore, Kant examines whether the maxim of a man's action – to take away one's own life can become a universal natural law if the evil man endurance is greater than the comfort he/she experiences. He realized that this maxim represents a contradiction in itself, for its application would mean violation of the same sense that should encourage us to live, thus this maxim cannot become a universal natural law.

What happens when we apply the categorical imperative to the maxim of euthanasia? The process of this maxim becoming universal: '*I should help someone die*', requires existence and fortification of the law which implies that everyone should be assisted when dying. This concept violates the natural law, because after some time if everyone was to get help to die, then there would be no one left to help other people. However, can this maxim be acceptable: '*I should help a person who is at his/her deathbed and who suffers an unbearable pain, and therefore desperately wants to die*', or can this become universal without contradiction? Moreover, can this maxim create a universal rule such as this – '*I should help anyone who is incurably ill, terribly suffering and freely chooses to die, die.*'? The answer is – no, we should not. However, what would Kant say about the following maxim: '*Motivated by self-love, when I can no longer take responsibility for my actions and can no longer contribute to the happiness of others, and if I need help of others on a daily basis, I may want others to supply my body with everything I need in order to continue living, regardless of how much I have burdened others.*'? (Rhodes 2007: 46) This case will also be further examined in the section that analyses Cooley's argument and the duty to die.

The third formulation of the categorical imperative is the following: '*Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means, but always at the same time as an end in itself.*' (Kant 2008: 74) If we were to apply this formulation to the maxim of a suicidal person, it would easily become apparent that we are required not to use anyone, including ourselves, as a mere means.

The fourth formulation reads as follows: '*The Idea of the will of every rational being is a will that forms universal law.*' (Kant 2008: 82) The emphasis here lies on the autonomy of thought as well as on a person, as the one who does not only follow the law, but also enact the law by him/herself (Johnson, Internet).

Kant writes:

... the one who is thinking about suicide will ask her/himself whether their action can exist along with the idea of humanity as an end in itself. If he/she destroys her/himself in order to avoid a distressing state, he/she then uses his/her 'personhood' only as a means for maintaining a tolerable state for the rest of his/her life. However, a man is not a thing that can be used only as a means, but he/she has to be an end in itself. Therefore, I should neither maim nor kill a man in my personhood. (Kant 2008: 74)

It should be noted that Kant claims how suicide should not be committed only to avoid suffering. Therefore, we can conclude that in Kant's opinion, euthanasia

would be wrong because the patient would treat himself/herself only as a means; he/she would use his/her own personhood to achieve a single goal of avoiding pain and suffering. Man would then ruin his rationality and the ability of moral action in an effort to avoid pain and suffering. It should be emphasized that Kant's position applies only to rational and mentally competent patients. If a person suffers from dementia and he/she lost a particular value, namely dignity, then according to Kant's understanding this would probably be allowed, since at the time in question, that person would not be motivated by avoiding suffering but by avoiding a dishonorable existence.

Furthermore, the *Groundwork of the Metaphysics of Morals* Kant points out that the first duty of a man is selfpreservation, as well as that by violating this duty, or by taking one's own life, is we commit a crime. These and the following passages also support the understanding of Kant as non- supporter of suicide:

The suicide *deprives him/herself of his/her person*. This is contrary to the highest duty we have to- wards ourselves, for it annuls the conditions with respect to all the other duties. Destroying the subject of morality in one's own person is the same as rooting out morality itself from the world, which is a purpose in itself; to dispose of a person as a mere means for some other purpose, means humiliating humanity in one's own person. (Kant 1993: 223)

Kant considered life to be worthwhile, because life is a condition in which we possess freedom, freedom of action and making choices. In the section '*On Suicide*,' from the *Lectures on Ethics*, Kant explains how people who are capable of committing suicide are considered neither dangerous nor indecent. According to Kant, such persons are capable of committing other crimes as well as they neither respect themselves, nor other people (Kant 1997: 146). In addition, Kant claimed that *personhood* is something sacred within ourselves, and that a man's life is a condition for everything else. A per-son who takes away his/her own life does not respect humanity and makes the thing of him/herself (Kant 1997: 147). For this reason, Kant considers suicide to be defective in general. However, there are circumstances in which a person is obliged to sacrifice one's own life for the sake of higher values. A discussion on this topic is tackled in the chapters below. What is necessary is to consider whether happiness also constitutes such a higher value. Kant writes the following on this:

The paradigmatic motivation for life (and living) is happiness. Can I take my own life because I cannot live happily? No, there is no need to live and be happy as long as I live; but it is important to live honorably, as long as I live. Suffering does not give a man the right to take his/her own life. A man should not sacrifice his own life for these things. (Kant 1997: 147)

Therefore, happiness is not one of the values that justify the act of suicide, which means that a person should not commit suicide simply because he/she is not happy.¹⁰

¹⁰ However, according to Kant, happiness is still one particular value. Happiness is a necessary goal that rational beings set for themselves. Only intelligent, rational beings are capable of achieving happiness. However, happiness itself does not have any particular value un-less it is enriched by morality, that is, happiness should be related to virtue.

Rationality, honor and dignity as values higher than life itself

Some contemporary authors (Brassington 2006, Cooley 2007, Sharp 2012) argued how Kant should not be considered as an absolute adversary of suicide. Kant considered honor, dignity and rationality as higher values than life itself, and believed that in some circumstances life should be sacrificed for the sake of these values.

In the section ‘On suicide’, from the *Lectures on ethics*, Kant writes the following:

Suicide can also have a plausible aspect, whenever the continuance of life rests upon such circumstances which may deprive that life of its value; when a man can no longer live in accordance with virtue and prudence, they must therefore put an end to their life out of honorable motives. Those who defend suicide from this angle, cite the example of Cato who killed himself once he realized that, although all people still relied on him, it would not be possible for him to avoid falling into Caesar’s hands; but as soon as he – the champion of freedom, had subverted himself, all the rest would think: If Cato himself subverts, what are we to do? However, if he was to kill himself, the Romans might yet dedicate their final efforts to defense for their freedom. So, what was Cato to do? It seems, in fact, that he saw his death as a necessity; his thinking was: ‘Since you can no longer live as Cato, you can no longer go on living at all.’ In this case, the suicide is a virtue. The man has the duty to preserve his honor. (Kant 1997: 145)

In these sections, Kant also argues that biological life has no absolute value, so that honor is more valuable. In the passage ‘*Care for one’s life*’, Kant writes:

Life, in itself and for itself, is not the highest good that is entrusted to us. Life is not some-thing that we ought to take care of. There are duties that are higher in value than the life itself that must be achieved by sacrificing one’s own life. A worthless man values his/her life more than his/her personhood. A man who has the inner worth will rather sacrifice his life, than commit a disreputable act; hence, he puts the worth of his personhood above the worth of his life. Contrary to that, a man without inner worth would rather commit a disreputable act than sacrifice his/her life. In that sense, a man lays special stress on value on his life, but he/she is no longer worthy to live, because he/she has dishonored humanity and dignity in his/her own person. (Kant 1997: 149)

Kant believes that honor and humanity are virtues that give a special value to a person. When a man loses these values, his biological life loses the importance and becomes worthless, since man is no longer capable of autonomous and virtuous action. Kant points out that humanity within our personality must be the object of the highest respect, and believes that a man has a duty to sacrifice his/her life, before shaming humanity in his/her personality. Kant argues of no importance for a person to live a long life, instead he gives the important reason that a person lives honorably and in a way that he/she does not make ashamed of human race dignity for the rest of the person’s life. If a person can no longer live in such a way, he/she should not live at all, because their moral life is already over. Moral life ends if it is no longer in accordance with the dignity of humanity (Kant 1997: 150). Therefore, the preservation of life is not the highest duty; a man often needs to give up his/her life in order to live in a decent way, i.e. to preserve his/her honor (Kant 1997: 151).

A probable Kantian attitude towards euthanasia, apart from the analogy with suicide, can be derived from Kant’s views on deliberate murder and punishment, i.e. the death penalty. Kant believes that retribution should be applied in case of a

deliberate killing. Hence, he proposes the death penalty for this type of crime. In the *Metaphysics of Morals*, Kant explains that if a person, who murdered someone can choose between death and slavery, an honorable man would choose death, whereas a dishonorable one would always choose prison. The first one— an honorable man, knows there is something that is to be appreciated more than the life itself— namely, the honor; the second one—a dishonorable man, believes that shameful life is better than death (Kant 1993: 135). According to Kant and based on the aforementioned, we can easily conclude that honor is more valuable than the biological life itself. One of Kant's theoreticians, Benjamin Yost, arrives at a conclusion that a man's life does not have an absolute value by in itself, but that the absolute value of life is expressed in our status of being beings with dignity.¹¹ While our existence *in the capacity of (qua)* free beings counts is regarded as an end in itself, it doesn't follow that our *lives* are end in itself. The fact that we are beings with dignity does not mean that our lives are priceless. Yost draws these conclusions from the Kant's understanding of what it means to act freely. According to Yost's interpretation of Kant's thought, a person who actualizes his/her freedom is a being who is capable of possessing and adopting something (*viz.* moral freedom or autonomy)... *which he/she values more than his/her life*, as their goal. Free beings do not consider their lives to be of an absolute value, and they recognize that there are situations when they must give up their lives for moral purposes.¹² While our dignity confers a high value on life, acting in accordance with dignity has an even higher value. So, while the life itself is a driving force behind freedom, the life as such is not an end-in-itself. Life has a value only when it serves our moral existence. Sometimes, the preservation of our moral existence depends on the elimination of our physical existence. Kant thought that when a man is dishonest, a man has a duty to give up his own life, before dishonoring the humanity in his own person.¹³ On this priority of honor, Kant writes the following:

...It is better to sacrifice life than to forfeit our morality. It is not necessary to live, but it is necessary that, for as long as we live, we do so honorably; but, one who can no longer live honorably is no longer worth of living. Living dishonorably extends our biological life at the cost of our 'moral life'.¹⁴

By representing the relativity of the value of life, we can only assume what Kant's attitude towards suicide and euthanasia would be like; if life does not have an absolute value, and it is not an end-in-itself, then there is no categorical prohibition of taking one's life, and there is no absolute right to life either. Concluding that there is no absolute right to life, would mean that suicide, as well as euthanasia, do not necessarily have to be wrong, especially when a patient is suffering from dementia and no longer possesses rationality nor dignity.

Moreover, while a murderer loses his/her honor and dignity, a patients suffering from dementia no longer possesses rationality, honor, dignity, and their life has no absolute value. The question that arises now is whether such patients should be

11 Dignity is a complex concept, but here it is sufficed to say that dignity is reflected in our status in the form of autonomous and free beings.

12 According to Yost 2010: 13.

13 Col 27: 377, according to Yost 2010: 17.

14 Col 27: 377, according to Yost 2010: 18.

subjected to voluntary, or even non-voluntary or involuntary euthanasia? In case of deliberate murder the situation is pretty clear, because according to the precept of retribution, the person who committed this crime faces the death penalty; therefore, should (and could) a demented person be killed?

Autonomy, rationality and personhood

According to Kant, dignity is '*the inner value of rational beings*' (Kant 2008: 83). Kant writes the following on this:

In the realm of purposes, everything has either a price or a dignity. Something that has a price is such that something else can be put in its place, as its equivalent; while something that is above any price and does not allow any other equivalent, is a dignity. (Kant 2008: 82)

According to Kant, dignity gives to one's life a particular value which, apart from rationality, separates a man and a particular individual from other beings. Autonomy is the basis of dignity and allows a person to act freely, and acting freely is the foundation of morality. Kant writes: '*Autonomy is the basis of dignity in human nature.*' (Kant 2008: 85)

'Every rational being, as a purpose in itself, has to be universally legislative in regards to all laws that this being can ever be subordinated to, for it is precisely the convenience of their maxims for general legislation that highlights a rational being as a purpose in itself; it is hence indisputable that their dignity, which rational being possesses unlike all other natural beings, entails that their maxim must always be understood from their own point of view, but at the same time from the point of view of every other rational being that is as a legislative being, therefore, called a person. (Kant 2008: 88)

According to Rhodes's interpretation, Kant believed that an individual is able to set goals and purposes, as well as to follow them in accordance with the moral law, in which the person's autonomy reflects itself; when an individual acts according to the moral law, that individual acts autonomously. *A person is* a term used for indicating an individual who has the ability to approve of the principles of their own actions (Rhodes 2007: 46). The author claims that, in Kantian sense, *a person* is a moral term. The term refers to those individuals who are responsible for their own actions and who are worthy of respect. To be a *person*, a man must act according to the reason and laws of reason. Beings who are not rational and whose existence does not depend on their will, but on the nature, have only relative value- as means, and are therefore referred to as *things*. Rational beings are defined as persons because their nature indicates that they are an end in itself (Rhodes 2007: 47).

When using the term *person*, Kant distinguishes individuals who are able to be moral beings from those who lack this ability.¹⁵ The term *human*, refers to the

¹⁵ In this sense, there are human beings who are not persons yet (for example, children), human beings who will never be persons (for example, deeply mentally disturbed people), human beings who are not persons at present, but who can become persons again (for example, unconscious, mentally ill), and human beings who were persons, but who will never again have this status again (for example, people in a state of dementia).

biological category, while the term *person* does not. The moral term *person* refers to dignity and respect, while the term *man (human)* does not apply to those beings (Rhodes 2007: 47). Therefore, we have to keep the distinction between physical and moral life in mind.

Euthanasia for people suffering from dementia

It is likely that Kant would not consider the patients in a state of dementia to be persons, since they possess only biological life, and not the moral one. They do not possess autonomy, rationality and dignity that form the basis of autonomous (moral) life. Accordingly, he could argue that, patients should be subjected to euthanasia in such circumstances, or he could argue that a person at the beginning of dementia should commit suicide before complete dementia starts developing. A patient suffering from dementia loses responsibility for his/her actions, from where we can conclude that he/ she can no longer be regarded neither as a rational nor moral being.

Over the past several years, some authors have argued how in the advent of dementia¹⁶, we can bypass Kant's usual response to suicide, because dementia destroys a man's ability to be a moral being (Cooley 2007, Beckler 2012). Several writers have argued how suicide should be morally required by all rational beings who know that they will very soon become irrational. In addition, Beckler argues that, according to Kant, patients approaching the severe form of dementia would have a moral duty to commit suicide before completely losing their rationality and personhood. He further explains that what follows is that physicians should perform euthanasia over patients who are suffering from dementia, and have lost the ability to choose suicide freely (Beckler 2012: 2). According to Sharp, and given certain Kantian assumptions, these arguments are fairly compelling. But Sharp worries that they open the door to much more unsettling (at least to him) possibilities, including but not limited to a duty to commit active non-voluntary euthanasia over those patients who refuse to commit suicide (Sharp 2012: 231).

As long as the patient does not suffer from dementia, this implication can be avoided by focusing on once possessed moral duties of the patient when he was a rational and autonomous being. However, when dementia forces the patient to cross the threshold between active moral agent and passive non-moral being, the Kantian restrictions on how other human beings must be treated, simply break down. Since the patient is no longer a rational being, in Kantian terms, Sharp argues that doctors do not have to treat the patient as a rational being and they may do with him/her whatever they feel is the most beneficial to those that have been affected (Sharp 2012: 231).

In his paper, Cooley states that when the continuation of life leads to loss of moral autonomy, the end of life becomes a moral duty (Cooley 2007: 37–44). Beckler agrees with Cooley because he thinks that, for Kant, rationality represents a feature which gives intrinsic dignity and worth to humans. This feature in particular

¹⁶ Dementia is a progressive or chronic syndrome rather than a disease in cognitive function. The key assumption is a permanent loss of higher thinking, i.e. reasoning.

consists of the following capacities- humans' capability to follow the rules, draw inferences, generalize and make free choices, as well as of their ability to give birth to universal law. In other words, a being has to be rational in order to follow the categorical imperative. Based on this and according to Beckler's opinion, the conclusion that the irrational being has no dignity logically follows (Beckler 2012: 2).

Cooley's argumentation and the *duty to die*

Proponents of the duty to commit suicide before becoming a victim of dementia, point out that Kant's moral principle focuses on human reasoning, a feature that is threatened by the syndrome in question- dementia itself, as well as on rationality and dignity as a keystone of Kant's arguments in favor of exceptions with respect to standard prohibition on suicide (Cooley 2007: 37–44). Dementia is a brain disorder that leads to loss of rationality, and according to Beckler's interpretation, that also means the loss of humanity to Kant. The author thinks that, according to Kant, the irrational agents have physical lives, but no moral lives. A physical life is the biological life of a body that is physically living; this is what we have in common with animals. However, a moral life involves reason, autonomy, and rationality; it is a moral life that differentiates a person from an animal (Beckler 2012: 2). Cooley states that a person, who becomes incompetent and loses moral life, is then reduced to the status of an animal, or even to status of an object. Rational individuals, who anticipate complete dementia, must choose between physical and moral life. Kant and other authors claim that moral life is more valuable than physical one. Therefore, Cooley concludes that a rational person has a moral duty to commit suicide by sacrificing his/her physical life, in order to preserve his/her moral life (Cooley 2007: 38)

In the previous section, we could see that Kant himself thinks that we should sacrifice our own lives for some other (higher) duty, especially when moral life has ended when it is no longer in keeping with the dignity of humanity. For Cooley, this means that maintaining a life requires a sacrifice of our moral dignity or autonomy, whereby we have a *duty to die* (Cooley 2007: 39). Since dementia is a long-term brain disorder that undermines human reasoning, often to the point of incompetence, those who suffer from this syndrome begin to lose rationality, autonomy and humanity. Cooley argues that they have a *duty to die* in order to avoid such fate. As a further support to his argument, Cooley cites Kant's example from the *Metaphysics of Morals*, about a madman who poses a danger to others simply because he lacks the autonomy to act as a moral being. This is what Kant thinks about the case:

One man started being afraid of water, as a result of being bitten by a rabid dog, and since he had never heard of anyone being cured of rabies, the man committed suicide. As he had explained in the letter he left behind, this man took his own life because he did not want to make other people unhappy, a decision he made in his rabies delirium, brought about by this attack. Kant 1993: 223.

In this passage Kant suggests that such a person should take his/her own life, rather than face the 'loss of personhood'. A man bitten by a rabid dog faces two options: either to live as a madman, or to commit suicide. In Kant's opinion not

only does the first option show disrespect for the personhood of a man, but it also poses a danger to others. The other option allows an individual to retain the status of a moral being before losing its dignity. Similarly to this, patients who are diagnosed with severe form of dementia have not committed any transgression, but it is morally justified for them to commit suicide, because they will lose their rationality, autonomy and dignity, and thus become *a burden* to others. By analogy, Cooley believes that Kant would ask the same of a person who faces dementia. For this reason, Cooley arrives at the conclusion that a moral being should always choose death before he/she becomes incompetent. This action of a moral being would show that if they can no longer continue to live as a person, then they should not settle for a lower moral status which they can prevent in the first place (Cooley 2007: 41).

Sharp's argumentation

Cooley only argues in favor of *killing* a person before dementia sets in. He is of an opinion that a patient who is in the complete state of dementia has no duties, because that patient is no longer a moral being, and hence does not have a duty to die. However, Sharp draws further conclusions. He believes that patients suffering from severe form of dementia lose their moral status, and thus are similar to objects. As a result, others are allowed to treat them as objects. Therefore, Sharp points out that patients suffering from dementia should be rejected in the same way as any other useless object, should such individuals become a burden to others. In his view, people with dementia pose a burden to society. Therefore, they should undergo euthanasia (Sharp 2012: 232). If they do not commit suicide before developing a severe form of dementia, it is other's people duty to carry out what the patient failed to do in the first place. Doctors should perform euthanasia over a patient suffering from fully developed dementia, in order to fulfill the ethical duty which the patient left unfulfilled.

Sharp also criticizes Cooley's point of view. Supposedly, Sharp explains that Cooley's argument depends on few major assumptions. The first assumption is that Kant shows a moral agency- in the sense of moral actions, as well as rationality and autonomy that moral agency implies in a form of attributes that separate humans from animals, and which assigns the inherent dignity and inner worth to human beings. Sharp deems this assumption correct (Sharp 2012: 232). Moreover, Cooley claims that there are different levels of *selfhood*, the highest of which is the *moral-self*- as fully rational, autonomous agent, and he believes this is the essential level when it comes to human dignity and worth (Cooley 2007: 41). Dementia causes a person to lose this moral-self, meaning that a person loses complete dignity that is inherent in a being. Sharp believes that Kant would likely agree with Cooley's standpoint, but he also believes that Cooley's next assumption is more difficult to defend, or at least that he has taken this assumption further than Kant may have intended (Sharp 2012: 233). Cooley makes further claim that a person should '*not settle for a lower moral status if they can prevent it.*' (Cooley 2007: 41) Sharp thinks that this is a point at which Cooley goes beyond the scope of Kant's initial thought with regard to this concept. While Kant does suggest that there are situations in which dishonor is worse than death (Kant 1979: 152–156), his view on conditions

which lead to such dishonor, remains unclear. According to Sharp, equating madness with dementia would be misleading. While dementia can pose a danger to others, it does not have to be always like that, meaning that with proper attention and precaution such dangers can become negligible. Furthermore, even if Cooley is right in following Kantian assumption according to which only a rational life deserves full dignity and respect, which we ascribe to human agents, this should not automatically imply that death is preferable to losing that status (Sharp 2012: 233). It seems to me that Sharp's argumentation is not quite right, as well as the notion that it should not be problematic to equate the state of a man, who is bitten by a rabid dog to a patient suffering from dementia. In both cases, we are talking about a loss of one's rational mind, and according to Kant's understanding, this poses the most problematic issue. According to Kant, it is irrelevant whether a person poses a danger or burden to others or not, when a decision is to be made on whether such person should continue to live or not. Consequentialism should be taken into account as well. Kant believes that the state of a patient suffering from dementia can be considered to be worse in the moral sense, as this would mean that this person has completely lost rationality and autonomy of thought. Under normal circumstances, Kant would not advocate needless killing of non-rational beings, since there would be no rational need to do so. This can even encourage bad wishes, which could in turn threaten the strength of our will. However, as Cooley points out, Kant does claim there is a *duty to die* in the case of the madmen, so that this person would no longer pose a threat to others. By equivocating that threat to a burden, which each one of us can impose on both society and loved ones, as well as by equivocating madness to dementia, Cooley is trying to establish if the patient *should die before* becoming fully demented. However, if the patient fails to perform the duty to die, Sharp argues that one can easily infer arrive at a conclusion that some sort of mercy death should be allowed. One might further infer conclude that if a patient fails to commit suicide before losing one's right mind, others should help the patient fulfill such a duty. Cooley, himself, denies a need to honor such directives, since the patient is no longer an autonomous moral agent. This is why suicide must be committed before reaching this point in time; Afterwards, it is too late to speak about the duties, as there is no moral agent left in that individual. So, who is the being that remains and what are our moral duties toward that being? If such a being was now something less of an animal, it would presumably share the status of plants. It is alive, but has absolutely no moral status whatsoever. By following this train of thought, Sharp argues that we could treat that patient just like any other object. If it is a burden, such being can then be discarded. There is no obligation to allow such a being to live as it has no moral status. Sharp claims that we can easily jump from this point to active euthanasia (Sharp 2012: 234).

Sharp claims the following: Cooley's approach leaves no room for duties toward non-rational beings. Cooley uses this to reject euthanasia, by pointing out that we can-not kill the patient simply because we do not have any duty towards non-rational beings. However, Sharp believes that such argument concerning euthanasia can be underpinned by such loss of status. By comparing demented patients to dangerous madmen, and presenting the loss of rationality as a loss of personhood that makes them something less than animals, Cooley leaves no room for keeping such patients alive. The potential wish of a patient suffering from dementia would

be irrational, so there is no need to respect such wishes. Since dementia is such that that suicide is preferable, anyone who is un-willing to acknowledge such duty is regarded irrational. Thereby, according to Sharp's argumentation, mercy death follows quite naturally. If being dead is better than being demented, then the way in which the patient dies should not over matter. The rational choice for the suffering patient is to avoid living as a non-person. If a person is rational, they appreciate their personality, rationality and dignity over their biological life, and they will not allow themselves to live dishonestly and without the said crucial values. If the patient is no longer capable of accomplishing this perfectly rational goal, then someone must do it for the patient (Sharp 2012: 234).

However, there are few problems with this reasoning. Firstly, the question that might impose on its own is in fact who we are to judge and how we can properly make judgments on when the patient is severely affected by dementia and therefore incapable of committing suicide, since this is the starting point from where euthanasia may become acceptable. Since rationality is difficult to quantify, different people will feel differently about the moment of lost competence in a patient, which can easily lead to premature euthanasia.¹⁷ Even if this problem can somehow be avoided, laying stress on using rationality as the only criterion for a valuable life is very important. Sharp is not convinced that a person with less rationality inherently deserves to be considered as a less of a man, and thus deserves to be treated less morally. This may be a general problem with Kantian ethics, but it becomes especially troublesome in this case, because it is a matter of life or death. Cooley's comments on advanced directives are, according to Sharp, equally problematic. If we can reject an advanced directive written by an (at the time) autonomous patient, simply because the patient is no longer autonomous, then such directives will carry no weight whatsoever. Thereby, as soon as a patient is no longer competent, his wishes, both past and present, no longer carry any weight. Sharp believes that Cooley has not found the best Kantian evidence for his claims (Sharp 2012: 235).

We must remember that dementia often occurs in various forms, so it is neither clear nor easy to establish when someone has lost his/her personhood. At some stages of dementia, some people can still learn something and still have weaker abilities; therefore, sometimes it is quite difficult to be certain whether a person is completely irrational or not and whether a person is completely demented or not. Some patients suffering from dementia clearly show the lack of any kind of autonomous functioning, but they are rare and represent the ultimate stage of this horrible disease (Sharp 2012: 235). Indeed, these examples show us that sometimes this is possible, and with this idea in mind, our observation should be limited to those patients who are clearly neither rational nor autonomous any more, i.e. that they are at the last stage of dementia.

Another problem is that not even patients themselves can be sure whether and when will complete dementia occur, so how can they possibly know when the right time is to commit suicide. Another problematic issue here is the assumption that

¹⁷ These considerations go beyond the scope of this paper, but it should be noted that dementia is a gradual process, and patients do not know the exact when they will become irrational. Since the suicide of the rational beings is immoral, the time must be carefully and precisely determined, which is very difficult to do. (Sharp 2012: 235).

life is not worth living if a person is not completely rational (Sharp 2012: 235). I find this assumption problematic in itself. However, it is in line with Kant's teachings and train of thought.

That being said and under the assumption that only fully competent and capable beings possess dignity and inner value, death still cannot be better solution than living as an irrational being. However, a utilitarian argument can be put to use here, since it is in accordance with the previous line of thought, from where it can be concluded that patients suffering from dementia are not human beings anymore, and this is how a judgment based on non-moral deliberations is formed here. It is clear that patients suffering from dementia pose a burden to society, both in a financial and emotional sense. The estimated costs for taking care of people with Alzheimer's disease, and other forms of dementia in the United States, add up to about two hundred billion dollars.¹⁸ In addition, dementia causes 'unnecessary' burden on patients' families. Family members interact with an individual who is not *fully* a person, but only a shadow of his/her former self. This leads to emotional tension in the family, because the family still love their family member and they show concern for his/her welfare, but such patient can no longer be loved nor even recognized by them. Therefore, what follows is that those who start suffering from dementia should commit suicide so that they would not represent a burden to their family members. This kind of action is in accordance with the Kant's duty of charity, which constitutes a moral obligation to act in the best interest of others (Beckler 2012: 3). In many cases, it is difficult to see how the continuation of patient's life, who finds him/herself in a state of dementia, can contribute to others. Furthermore, although family members and friends love this person suffering from dementia, those who live with such a patient have numerous responsibilities, and looking after such a patient in a state of dementia can prove to be extremely difficult and exhausting, both physically and mentally. It is necessary to notice that Sharp is now shifting from the Kantian to the consensualist argumentation.

In addition, dementia causes *unnecessary burden* to the patient's family. Therefore, those people who are expected or will suffer from severe form of dementia, should commit suicide in order to avoid being a burden to their family members, since their family members would have the responsibility to take care of them while they are in a *nonhuman* condition. For all the said reasons, if these patients were to stay alive, they would pose a burden to both society and to those who care about them, i.e., both financially and emotionally. These claims allow us to see why utilitarian would choose death over becoming such a burden. However, Kant rarely (if ever) considers financial and emotional factors when making moral claims.

Perhaps Cooley can claim that patients suffering from dementia are non-persons and thus removing these people from the moral equation altogether would be justified- since they no longer represent moral agents. Such a move would be consistent with the Kant's claim that morality applies only to rational beings. This statement indicates how all of us have a specific duty towards humanity, i.e. rationality of people- including ourselves, and how this duty does not extend towards non-human or non-rational beings and/or objects. Cooley can further argue that

18 Health Day News, 2012, according to Beckler 2012: 3. It is estimated that these costs will continue to rise.

since patients with are no longer human (or fully human), they may be treated according to non-moral deliberations, which can include both financial and emotional considerations. According to Kantian ethics, a fully rational being should never commit suicide, even if he or she becomes a burden to others, because moral agency is the sole value in a human life. Cost deliberations and even the quality of life of a person suffering from dementia, may be considered as arguments, only after one's capacity for rational agency has been completely lost. By claiming that, life simply is not worth living for human beings without such rational agency; Cooley unambiguously opens the door to mercy deaths. And from his viewpoint, Sharp is not convinced that he is able to shut this door. The step towards euthanasia appears not only as plausible, but also as clearly necessary. Once they are excluded from the community of rational beings, patients suffering from dementia can be treated in the same as we treat any non-living thing or animal (Sharp 2012: 233).

Consequently, this chapter helps us learn how some authors have stated that Kantian ethics requires suicide for those individuals who suffer from complete dementia. Moreover, it has been argued that doctors should be allowed to perform euthanasia over those suffering from severe form of dementia – as an act of charity, both towards the patient's family and towards the society as a whole (Beckler 2012: 5).

Cholbi's argumentation

We saw that theoreticians have argued that Kantianism requires: (1) that those with dementia or other rationality-eroding conditions should end their lives before their losing identity of moral agents; and (2) requires fully demented or those confronting future dementia to undergo non-voluntary euthanasia. Cholbi claims that, if properly understood, Kant's ethics has neither of these implications (1) as it wrongly assumes that rational agents' duty of self-preservation entails a duty of self-destruction once they become irrational, (2) further neglects Kant's distinction between duties to oneself and duties to others and wrongly assumes that duties can be owed to rational agents only over the course of their existence (Cholbi 2014: 1). So, in his paper Cholbi claims that those anticipating dementia do not have a duty to die, nor do others have the obligation to perform non-voluntarily euthanasia over demented. Unlike Sharp, he argues that those anticipating dementia do have a Kantian-based duty to die, from where one comes to understand that (1) others have the obligation to conduct euthanasia over those facing future dementia or (2) that others have to perform euthanasia over them once they become demented. The claim (1) overlooks the crucial fact that the duty in question is a duty to oneself and, therefore, not a duty others may permissibly enforce on a person's behalf (Cholbi 2014: 1). As for claim (2): while Kant's moral status on practical rationality entails that we have no obligations towards demented individuals per se, nevertheless, we have indirect duties that shape the morally proper responses to demented persons who are no longer rational. On no account are we permitted to disregard the prior advance directives of the demented, for failure to honor such directives can be categorized as a posthumous disregard of the rational agency of an individual who established the directive. Claim (2) is, therefore, wrong as well. Cholbi then returns to Cooley's argument with regard to Kantian duty to die. There he

diagnoses two shortcomings. Firstly, it does not come from the duty to preserve rational agents of existence of a duty to annihilate non-rational agents or a duty to annihilate rational agents who anticipate be-coming non-rational. Secondly, in analogizing the soon-to-be demented to those who opt to die rather than perform morally despicable acts, Cooley wrongly assimilates the loss of rational agency with the moral misuse of rational agency (Cholbi 2014: 2).

Cholbi's criticism of Cooley

We have seen that Cooley advocates for a Kantian duty to die, for all those faced with dilemma whether to live in a condition that does not allow them to be completely moral beings, or perhaps to choose to die instead. A good example of this is the case of Cato. Cato chooses to end his life instead of being Caesar's servant, i.e. he chooses to preserve his *moral life* over his *physical life*. As Cooley sees it, suicide is morally obligatory on Kantian grounds, when an agent whose moral agency is worthy of preservation is compelled to choose between taking his/her physical life and losing his moral life. This is precisely the case when those patients facing dementia find themselves in the following situation: 'As dementia takes root, individuals undergo slow but permanent loss of their rational capacities that constitute their moral agency and personhood. They will soon lose their moral lives, and thus must end their physical lives in anticipation of this loss.' Cooley sees the notion of suicide for all those affected by dementia as a duty which these people have – duty to die *physically before dying morally*, thus preserving their moral agency and dignity. However, Cooley cannot literally mean that those who anticipate dementia have a duty to end their lives, in order to preserve their moral agency and dignity. After all, suicide destroys the ability to preserve anything, including the agency of the personhood. For that reason, it would be more plausible to understand Cooley's premise as the one suggesting that such acts of suicide, prevents the soon-to-be affected by dementia from living in an undignified or demeaning condition, wherein their bodies continue to exist, but they live incapable of rationally governing their choices. In that sense, what is avoided by suicide is not an end of one's moral life, but an end of undignified condition- where a formerly rational individual would now be living as something less than a moral agent. The soon-to-be suffering from dementia must (allegedly) end his/her life in order to avoid such condition (Cholbi 2014: 2).

As explained above, Cooley's argument with regard to Kantian duty to die is based on the duty to prevent an individual from living in the condition of indignity that results in losing one's moral or rational agency. Cooley arrives at the conclusion that be-cause there is a duty to preserve such agency, there is a corresponding duty to annihilate non-rational agents as well as a duty to annihilate agents who anticipate losing their moral standing as persons owing to degeneration of their rational capacities. Hence, in his view, the soon-to-be demented have the obligation to end their lives so as to avoid the undignified condition of being alive while lacking moral agency. Cooley argues that the duty of suicide on the part of the soon-to-be demented stems from the claim that if the presence of some feature allows someone moral standing that requires the preservation of one's life, then

the absence (or the anticipated absence) of the same feature requires the destruction of one's life. Yet it is wrong to suppose that because W has a duty to respect or preserve X because X has feature F, then W has a duty to disrespect or destroy any being without feature F (or who expects to lose feature F).¹⁹ The negation of 'I have a duty to preserve X' is not 'I have a duty to destroy X', but 'I have no duty to preserve X'. And so, even if the possession of a particular feature F is the ground to preserve something, then the absence of F is not the ground to destroy that thing. The anticipated loss of feature F does not entail a duty to destroy that thing either (Cholbi 2014: 3). Hence, Kant's views on obligations regarding self-preservation and suicide do not impose themselves- views on how we, as people, have the obligation to destroy entities that lack something, or will come to lack something, as features that form these obligations Cholbi 2014: 3).

Cholbi argues that Cooley's comparison of those trying to avoid committing suicide to those avoiding dementia by committing suicide, is rather puzzling. These situations pose very different threats to one's moral agency. People falling into the first category are engaged in self-killing so as not to misuse that agency for immoral purposes. The latter are engaged in self-killing so as not to lose that agency. In addition, Kant's argument that suicide can be justified in the first case, leads us to believe that our physical lives matter less than our moral honor. After all, Cato, and other men wrongfully convicted of treason, refused to become non-agents if they would decide to live. They will fail to show adequate respect for both morality and their own rational agency, but they will still be rational agents. Where is the moral dishonor in losing one's moral agency to the mental deterioration of dementia? Cholbi argues that individuals who ends their lives, in a bid to avoid grievously wronging themselves, in fact destroy their rational agency in an attempt to avoid a violation of their dignity- and it is this 'indignity' that warrants their suicide (Cholbi 2014: 4). However, Cholbi argues that it a completely different story when it comes to a person who is anticipating dementia, for they will no longer have dignity at all. A person will stand a small chance of living in the morally undignified circumstances, which is why Kant provides justification for committing suicide. Therefore, the capacity that Cooley uses to acquit a person of his/her duty to die, in case of those who opt for acting immorally rather than die, is absent in those people anticipating dementia. As for people falling into the first category, choosing not to commit suicide would only mean they are *bad persons*. As for people in the second category, however, choosing not commit suicide would mean they have now become non-persons. The condition of those engaged in moral wrongdoing is 'undignified', whereas the condition of those suffering from dementia can be described more accurately as neither dignified nor undignified. Perhaps a word 'non-dignified' captures their condition in a better way: this is a condition which lacks those very capacities for which they were respected (or disrespected) for as individuals with dignity in the first place (Cholbi 2014: 3).

¹⁹ Cholbi provides analogy to illustrate this point: Suppose I discover the long-lost Rembrandt masterpiece on his attic. I know that I have a duty to preserve the image because of the size and importance of Rembrandt as an artist. However, if I discovered a copy of Rembrandt's image that does not mean that I have a duty to destroy the image simply because it lacks Rembrandt's greatness (according to Cholbi 2014: 3).

Nevertheless, despite this distinction between a person bitten by a rabid dog and Cato, on the one hand, and demented patients, on the other, I personally believe that Kant would allow suicide in both cases. In both examples, dignity and rationality are lost and this is what is relevant to Kant: assessing whether these individuals should continue to live or not, although in the first case a person may seem morally defective as he/she acts immorally.

In conclusion, Cholbi argues that Cooley's argument with respect to Kantian duty to die in terms of those who anticipate dementia is regarded as a mistake that conflates two distinct aspects of agency or dignity and wrongly assumes that the absence of those features that form the obligation of not committing suicide in fact entails an obligation to commit suicide. In addition, Cooley's framework, to which Sharp refers to, is suspicious, and even if it were plausible, it would not mean that individuals facing dementia have a duty to engage themselves in suicide (Cholbi 2014: 3)

Cholbi's criticism of Sharp

Sharp contends how Cooley's reasoning represents a 'dangerous trend in bioethics', wherein existing dementia or the expectation of dementia opens the door to non-voluntary euthanasia and various forms of abusive behavior towards the patients suffering from dementia. For the sake of this argument, if we suppose that Cooley is correct with regard to those people who are expected to suffer from dementia, then their Kantian-based duty is to die before a complete dementia sets in. Then, if we think of this duty as justified since it enables avoidance of the indignity that dementia represents, the conclusions might follow. Based on the claim that 'being dead is better than being demented', Sharp comes to a conclusion that mercy death- even if it is non-voluntary, would be obligatory if an individual suffering from progressive dementia was no longer able to end his/her own life. Even if the individual in question fails to give his/her consent for euthanasia, the euthanasia will automatically become 'acceptable' only if the individual in question 'has become too demented to fulfill the duty to commit suicide'.

Cholbi argues that Sharp's conclusion overlooks the crucial fact, which is in fact a duty *to oneself*. Duty to oneself, as Kant understood them, has a distinctive logic. Having in mind this logical sequence, the fact that an individual has an obligation to her-self/himself, does not necessarily mean that others must act according to this personal duty, therefore this does not mean that a duty in question must or even should be fulfilled. In Kant's taxonomy of duties, duties to oneself belong to duties of virtue and duties which (unlike duties of right) are not externally enforceable (Cholbi 2014: 3). To be more precise, duties towards someone are not duties that depend on agents in general, but are instead, duties that depend on the person to whom we owe such duty.²⁰ This is why violations of duties to oneself are considered to be *wrong*, that only an individual in question can be responsible for. For instance, take the central duty which, according to Kant, we all have as moral beings- a duty of moral self-perfection. One's duty of moral self-perfection is a

20 This is why the violation of these duties towards oneself is wrong so that only individuals can be responsible for their violation.

duty to strive for moral virtue, which, in turn, implies various subsidiary duties, such as subjecting one's moral deliberation to demands of conscience, as well as developing one's own talents, cultivating morally desirable dispositions- such as sympathy, etc. But these are not the duties others have towards me. This does not mean that others have failed to fulfill their obligations towards me, if they fail to develop my talents. Only I can fail in that sense (Cholbi 2014: 2).

With regard to a theory *duty to die* that Cooley identifies, the duty for a soon-to-be demented individual S to end his/her life is not a duty that is fulfilled the moment S dies. It is rather a duty that can only be fulfilled when S (and no one else) brings about her own death. Hence, if there is a duty to die, a sort of duty Cooley so heartily defends, that does not mean that others have a duty to kill those who have such a duty. Sharp is thus wrong in claiming the following: 'If a patient is no longer capable of accomplishing this perfectly rational goal [ending his/her life prior to developing full dementia], then someone must do it for the patient.' And while voluntary euthanasia (or assisted suicide) might be permissible on the grounds that such actions assist a person in his/her duty to die, then non-voluntary euthanasia of over those with a duty to die does not represent a morally proper response. Though they stand on the verge of losing their personhood and have a putative duty to die, it is, nevertheless, a violation of their humanity should be chosen to perform non-voluntary euthanasia over such patients (Cholbi 2014: 3).

Sharp also worries about the implications of Cooley's argument with respect to those who are already demented. Cooley's argument seems to imply that though alive, such individuals, being irrational have 'absolutely no moral status whatsoever', and there is no reason for keeping such patients alive,' including no reason as to why we should refrain from conducting non-voluntarily euthanasia over them. Sharp is certainly right in saying that the Kantian position on personhood and moral status means that we have no duties towards those suffering from dementia as the disease has already rendered them irrational. In Kant's view, the death of rational agency coincides with the death of a person and termination of moral status. However, Cholbi claims that Sharp is wrong in supposing that Kant's view disregards moral considerations as to how we treat the demented (Cholbi 2014: 3).

Cholbi believes that we may still have duties towards individuals suffering from dementia, even if dementia has destroyed the rational person they once were, and even if they are no longer rational beings we once knew. Sharp contends that, since people suffering from dementia are no longer competent and autonomous, we can ignore advanced directives which such individuals once had prior to their dementia, because 'their wishes, both past and present, no longer carry any weight'. However, Sharp's assertion relies on the controversial assumption that, because an autonomous individual no longer exists, it is not wrong to disregard the autonomous wishes made by him/her in terms of directives given prior to dementia. Cholbi argues that Kant himself seems to reject this assumption, as well as individuals' previous rational agencies, remains binding for us, regardless of what will happen to them (Cholbi 2014: 3).

Kant does not say enough here to resolve the question of postmortem acts of wrong-doing whether the wrong is done to the agent when he/she was dead or when he/she existed. However, the important point is that if we disregard the advanced directive of a person at T₂, when the advanced directive was established

at T1, and the person at T2 is now demented and non-rational, there is a point in time at which the person is wronged by what we did at T2, irrespective of whether the person existed at T2 or not. Thereby, Cholbi concludes that Sharp is wrong in supposing that by ignoring the prior advanced directive of a demented individual is morally warranted because their 'past wishes ... no longer carry any weight'. Cholbi believes that the arguments of this section show that even if we concede to Cooley's claims concerning a Kantian duty to die, Sharp is wrong in inferring that the demented, or the soon-to-be demented, are reduced to the moral status of mere things (Cholbi 2014: 3).

This Cholbi's argument can be viewed as plausible. It would be really difficult to differentiate patients suffering from dementia from other non-rational beings, such as animals or objects, even according to Kant. This seems to be a difficult task, because patients suffering from dementia once possessed their rationality, while other beings never did or would ever have it. Therefore, it would be problematic to ignore such individuals' previous wishes and goals, which they had when they were still rational, autonomous and intelligent beings. However, I believe that the euthanasia performed over such people, would not necessarily mean that their desires and goals, which they once had when they were rational and autonomous beings, have been ignored. Their wishes and goals from that time – prior to dementia are related to their lives at said space of time, and these do not have to be in contradiction with potential wishes they might have, if they once find themselves in a state of dementia and lose their rationality. As long as they pose a burden to other people, euthanasia should be performed.

In my opinion, Cholbi's argument is plausible from a logical point of view. However, as ethics is related to practical action, it is necessary to consider the issue of euthanasia in practical terms as well. Cholbi's criticism of Sharp seems right, because it tackles the duties we all have towards ourselves, and no *transfer* of duties has been discussed. Still, the question remains- what is to be done with patients suffering from dementia? Based on the arguments made by these authors, it can be concluded that, even if Kant would have 'allowed' that *duty to die* and duty to commit suicide are factual- those patients who show the first signs of dementia and patients who are already suffering from dementia should not be submitted to euthanasia- precisely because of the lack of such thing as transferred duties. However, if other reasons behind Kant's teachings were to present themselves, would that mean additional argumentation in favor euthanasia over these patients?

Conclusion

Based on Kant's views and arguments with respect to above-mentioned authors, I will try and do my best to draw conclusions on whether the Kantian solution to patients at their initial stage of dementia and patients already suffering from dementia in a form of suicide or killing is correct or perhaps not.

Firstly, let us take a look at a person who is at the initial stage of the disease. Let us take into account only those cases where it is established with certainty that a complete dementia will set in, from where a complete and permanent loss of rationality will take place. According to Cooley, if a person is aware that he/

she will soon become irrational and non-autonomous and that they will no longer have a moral life, he/she should namely commit suicide, i.e., it is his/her *duty to die*. In this particular case, it might seem problematic to advocate the Kantian duty to die. And what seems to be the key issue is that a person in question did not commit any offense or harm of any kind that would normally lead to death penalty. However, if a man is bitten by a rabid dog and should die, what follows is that a patient who is at the beginning of dementia should do exactly the same thing. Similar to a man bitten by a rabid dog, who loses rationality and autonomy (and begins to pose a danger to others), a patient suffering from dementia starts to lose the same values, for which reason he/she starts to pose a burden to others. In both cases, such people begin to lose and lack their rationality, autonomy and dignity, which can be regarded as the Kantian criterion for moral life. Consequently and in addition, a person suffering from dementia cannot achieve happiness. Patients with dementia can neither achieve moral, nor non-moral values. They are not rational anymore and they cannot set their life goals or achieve happiness. They are neither free nor autonomous beings that can act in accordance with the principle of morality. According to Kant, happiness is a *necessary purpose*, and only the rational (intelligent) beings can achieve it. If dignity, rationality and ability for moral life, as well as the ability to achieve happiness are all irreversibly lost, then the individual in question has no reason to live, for which reason such persons pose nothing but a burden to others.

Now, let us analyze the case of a patient already suffering from complete dementia. Is euthanasia the right Kantian solution in this case? If we answer affirmatively to this, there is no reason for not applying the related when it comes to the second hitherto discussed case. An individual suffering from dementia loses his/her moral life as well, which means that physicians should perform euthanasia over such patients, because they cannot take care of their own lives. Sharp argued that medical doctors should perform euthanasia over a patient suffering from dementia, in a bid to fulfill the moral duty, i.e., a duty left unattended by the ailing patient. I believe that euthanasia should be performed over such patients, but not for the reasons Sharp provides. This is because, as Cholbi pointed out, there is no transfer of one's duties, if a person, who is at the initial stage of dementia, should commit suicide- that person's duty shall not be transferable to someone else. However, I believe that euthanasia is an act which arises from a consequence, i.e., from the factual state in which a patient has lost his/her moral life and rationality. This argument can also be underpinned by the notion that such patients represent a burden to others, but that would most certainly be a utilitarian approach to this observation. In any case, I see no reason in sustaining someone's biological life if that being will no longer live as a person with moral life, and at the same time they may contribute to loss or poor quality of life of others to whom they may pose a burden. Kant says: "To sacrifice your own happiness (i.e. your real needs), to advance others, would in itself be a contradictory maxim if it were to become a universal law." (Kant 1993: 195)

We have no duty towards individuals suffering from dementia, as we do towards other people, since such individuals are no longer regarded as persons. However, we still have indirect duties towards them, and these arise from duties we have towards

our-selves as persons with dignity and humanity. Therefore, we should never torture these individuals. On the other hand, certainty that there is something to be done about individuals suffering from dementia still remains. Even though we have no conventional duties towards such individuals as we do towards other rational beings (because they are no longer those beings we used to know), we still have a duty towards ourselves and that is to act fairly and righteously towards ailing patients. A moral life of such individuals is over, since they no longer possess rationality, autonomy, responsibility or dignity, which all form the basis of moral action and moral life. In this case, what seems to follow is that we have a duty to conduct euthanasia over them, and thus act towards ending their biological life. Whether such people pose a threat or danger to others (just like a man bitten by a rabid dog) or not, the fact remains that they pose a burden to others, especially to their families who are expected to look after them either in anticipation or over the course of this illness. In addition, taking care of a person suffering from dementia can turn out to be a sacrifice or victimization of caregivers' own lives, which most certainly should not be regarded as or called *a duty*. Man has no duty to look after another irrational being, if such a thing would lead to sacrificing his/her life and well-being.

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Marina Budić

Samoubistvo, eutanazija i dužnost da se umre: kantovski pristup eutanaziji

Apstrakt

U radu se obrađuju pitanja eutanazije i detaljno se analizira kantovski odgovor na dotičnu praksu. U vezi s Kantovim stajalištima o mnogim srodnim pitanjima, kao što su ubistvo, samoubistvo, autonomija, racionalnost, čast i vrednost ljudskog života, glavni cilj ovoga rada jeste da se pruži objašnjenje za jedan uopšteno mogući kantovski pogled na eutanaziju, kao i objašnjenje za jedan određeni oblik eutanazije s obzirom na one pacijente koji pate od demencije. Argumenti autora, prema kojima je Kant čak mogao da tvrdi da su osobe koje su počele patiti od demencije imale *dužnost da umru*, u ovom radu su bili od posebne važnosti. Pitanje je da li bi se moglo i trebalo ikada dozvoliti da ovaj specifični moral postane univerzalan kada se razmatra želja pacijenata da počini samoubistvo, kada počnu patiti od demencije ili možda jednom kada počnu doživljavati gubitak racionalnosti? Da li bi samoubistvo trebalo čak da postane pacijentova *dužnost*? Nadalje, ako pacijent ne pokazuje apsolutno nikakvu nameru ili spremnost da oduzme sebi život, „treba li“ doktor obaviti nedobrovoljnu eutanaziju nad pacijentom? Ovaj rad analizira argumente autora koji zapravo podržavaju navedena pitanja i ima za cilj ispitivanje verodostojnosti tog čina kao i njegovo kritikovanje. Problem eutanazije je vrlo važan, jer je ključno pitanje šta u stvari konstituiše temeljnu vrednost ljudskog života, koja leži u srcu ovog problema, idrugih formičevkovogopravanaživot.

Ključne reči: Kant, eutanazija, racionalnost, čast, dostojanstvo, autonomija, demencija

III

INTERVIEW

INTERVJU

Mark Losoncz

CONVERSATION WITH ANTONIO NEGRI

Mark Losoncz: To begin with, let me ask you some questions concerning Eastern Europe... In the introduction to Paolo Virno's *Grammar of the Multitude*, Sylvère Lotringer claims that the Hungarian Revolution of 1956 was a decisive experience for *operaismo* and that it was a moment of crisis for the Italian Communist Party. What are your memories of this historic period?

Antonio Negri: In 1956 *operaismo* still didn't exist. It was founded in 1958-1959. The first issue of *Quaderni Rossi* was published in 1961. Nevertheless, the revolution in 1956 was an extremely important moment for the consciousness of Italian communists and leftists. This was the first crisis of the Party after World War II. Certain important intellectuals began to keep distance from the Party in 1956 – there was a higher level of consciousness regarding the bureaucratic nature of the Party and the Soviet regime in general than before. In Italy, the Party's hegemony (to use an Italian expression) over the intellectuals was very strong. The crisis in 1956 was not really a workerist crisis in the operaist sense. *Operaismo* was something different: it was not the result of an ideological crisis, but a crisis of reality itself (of the workers' relation to work). We didn't confront Stalinism, but capitalism (Agnelli, Fiat, etc.): the development of Italian industry was very intensive in the 1950s.

M. L.: But wasn't the Hungarian revolution perceived as an experience that meant to create council communism?

A. N.: Yes, absolutely... But the experience of the uprising of 1953 in East Germany was also important – it was the first “red [communist] sign”. These two experiences appeared in Italy as intellectual phenomena. *Operaismo* is a real and political movement – it isn't an ideology.

M. L.: I know that you were a Hegelian-Lukácsian thinker when you were young. You wrote a book on Hegel which was very much influenced by Lukács's interpretation and you also wanted to translate *History and Class Consciousness* to Italian.

A. N.: Eventually, I became the editor and my comrade, Giovanni Piana, the translator. This was in 1967. Yes, I read *History and Class Consciousness* when I was working on Hegel's philosophy of law. *The Young Hegel* by Lukács was also very important to me.

M. L.: It seems to me that today your theory shares something essential with Lukács's theory. It is the question of subjectivity. Lukács claimed that the subject

is born from the environment of absolute alienation, while you suggest that a certain authentic subject is already present beyond alienation. The Negrian subject does not participate in the dialectics of alienation from being-in-itself to being-for-itself.

A. N.: I consider capital to be a relation of force between capital and the subjected subject [*le sujet qui est assujéti*] who is still capable of resistance. This is the ambiguity of the workforce of the working class – and it was a crucial aspect in my interpretation of Marx’s *Capital*. It is a dualist model. Capital is neither the Leviathan, nor the Moloch. The consciousness of living labor is always already present, materially and immaterially, in physical and psychical sense. There is always an element of resistance, force, independence, and of a constructive and constituent alternative... And I have tried to find these ideas in Lukács’s writings as well. If you want to interpret Lukács according to the model of generalized alienation, you should take into consideration that this idea is under the influence of Lenin. It doesn’t explain the fact that the working class is capable of creatively breaking with the given. I don’t use the word “alienation” (I prefer to call it “suffering”) because it refers to everything and nothing at the same time. Furthermore, since Heidegger and his critique of technique, the concept of alienation has become something horrible. If we have an enemy today, it is Heidegger.

M. L.: It seems to me that there is a renaissance of the “objectivist” Lukács, especially in the Critique of Value (*Wertkritik*), for instance, in the writings of Anselm Jappe.

A. N.: I am completely against this tendency. I think that it is actually a reactionary element today. I can recognize it a little bit everywhere. For example, there are some very reactionary elements in the readings of Marx, a renewal of a quite deterministic concept of Marxian thinking. In my opinion, the workforce is always already cognitive and thus, it is the source of resistance. Today, value is further linked to the quality of work. According to the classical definition, ideology is that which is instrumental in destroying the experience of resistance of the subjective actors. There is something that can be called the “self-valorization” of capital, but capital isn’t the devil. Capital is an employer similar to me. There are no laws of capitalism; there are only norms that are created in order to command. Capital is an institution.

M. L.: You visited Yugoslavia many times during the 1950s. You participated in a seminar on self-management in 1956 and you have also been to Dubrovnik. What was the importance of the Yugoslavian experience for you?

A. N. [*laughs*]: None! I had no illusions... I was not a Trotskyist. However, it was important that Yugoslavia was a wonderful country and it had an exceptional war of resistance against the Nazis. They were lovable people who won their freedom and unity. It was a deep and significant ideal. Yugoslavia was one of the great socialist achievements that exceeded the national framework. I visited the factories. From a technical perspective, everything functioned in a traditional and backward way. Yet it was an anti-Stalinist socialism. Tito was perhaps the prototype of a Stalinist, but the living consciousness of the people was also of great importance. I know that there was a terrible history of prisons, Đilas... For me and my comrades, the Yugoslav self-management was rather a juridical phenomenon than a real thing.

M. L.: There is a series of discussions regarding the destiny of French philosophy. For instance, Pierre Macherey¹ claims in an interview that French Theory was a fanciful projection of Americans who homogenized and simplified everything that happened in France. What do you think of the expression “Italian Theory”?

A. N.: Listen, Italian Theory does not exist. There was an operaist way of thinking which was quite an important reinterpretation of Marxism, linked to a certain phase in Italian history. It was happening mostly in the 1950s and until the 1970s. This movement was a preparation for 1968 in the factories and at the universities. *Operaismo* isn't only a theory, but it is also a leftist practice within trade unions and the Communist Party, especially within the Italian working class in Turin, Milan... It was organized in a complex way, but it was still united. The movement was subjected to terrible repression. Italian Theory is a schema invented in the field of marketing, in order to take advantage of the importance of certain Italian authors who have been successful in the global market [*laughs*]. However, this expression can still be useful. Today, Italian philosophies are shifting to positions that were repressed during the 1960s and 1970s. Thus, it is a kind of a financial rent and people who continue the operaist path can benefit from it. On the one hand, Italian theory is a marketing operation, but, on the other hand, it is a network of connections of people who are working on similar issues. It is evident that there are also incompatible positions within it. For instance, there are many things shared by Giorgio Agamben and myself (and we have been friends for a long time), but we do many things that are not compatible. Giorgio wrote only one book to which I can fully subscribe: *The Coming Community*. This book was an expression of the Italian experience of subjectivity that influenced the Italian immigrants here in France, in the 1980s. I am referring to the experience of practice, struggle, intervention... But the Heideggerian aspect has become more and more important in *Homo Sacer*.

M. L. [*laughs*]: But given that you claim that Heidegger is the most important enemy today, isn't Agamben also an enemy?

A. N.: There is a very important difference. Agamben is not a Nazi.

M. L.: You mentioned the question of marketing. I remember that in an interview you gave to Cesarino, you suggested that you wrote *Multitude* with Hardt partly for the supermarkets.

A. N.: Right, I like paradoxes very much. The concept of multitude has become a widespread concept. It is fundamental and non-trivial. It is an expression that refers to living labor, a very important expression even from the viewpoint of sociology. *Empire* was born when Éditions du Seuil proposed to me to write a short book on sovereignty for the French students of the preparatory classes. In the beginning, it was an entirely venal task. I was very poor when I wrote this book because I was in exile, undocumented (*sans papiers*). So, I did everything in order to make a living. These were not conditions in which one writes [*laughs*].

M. L.: In the interview you gave to Cesarino, you also claim that the concept of multitude had a very simplified reception...

A. N.: I think that *Multitude* is very important. This book was written at the time of Bush and it analyzed these phenomena. It was the beginning of the war

1 „Faire de la philosophie en France aujourd'hui. Entretien avec Pierre Macherey”, *Cités* 56, 2013, pp. 13–35.

in Iraq. We theorized globalization in which capital also globalizes itself. Nobody can command the global market – it is chaos. The coup performed by Bush was an attempt to control this chaos. And there were also groups of singularities who were resisting. Not only the Zapatistas and the anti-globalist activists... It was a multitude. Thus, the concept of multitude was also important from the viewpoint of the definition of what today functions as resistance.

M. L.: I have a friend who works in a company in Paris. He works in a hall separated into boxes. The employees are calling people to enquire about dog food. So, in a certain sense, it is cognitive and affective labor. My friend likes *operaismo* very much, and asked me to raise you the following question: “Why does Negri think that the immaterial work that I do has an emancipatory character? Why does he think that I am already living in communism that exists parallel to capitalism?” What would you answer to my friend?

A. N.: I don’t think that he is in a good situation... Of course, he is as exploited as everybody else. I only claim that anybody who works in similar conditions has the possibility of trying to liberate themselves. It is easier for your friend than for the workers in factories. I come from a working-class family; I know what it is like to be a worker. My father explained me what it means to carry fifty kilograms on your shoulders. One is physically destroyed. Resistance was a flight [*fuite*]. My father was also in the Communist Party. However, today people have the possibility to think even when their work concerns dog food or some shit like that... People have a possibility and it is a new ontological possibility! It isn’t merely a different kind of work, but it is also about a different kind of man [*homme*]. In cognitive and affective labor, a set of human passions and vital powers is transformed into labor. It is the biopolitical context which is communist. And within this context, one might say: *nihil humani a me alienum puto*. Your friend is right when he claims that his work is perhaps worse... But, first of all, and that’s what an operaist would tell you, we have to demystify the beauty of the mass worker. That kind of work is terrible, it is absurd suffering! And when you come out from the factory, you have to go home where your children are waiting for you, and the salary isn’t good enough...

M. L.: When you made an interview with Deleuze, you acknowledged that you feel a tragic note in his writings. It seems to me that there is a certain tragic note in your texts as well. Your rhetoric is often optimistic, but, on the other hand, your diagnostic suggests that *mala tempora currunt*.

A. N.: I am thinking of something absolutely fundamental. Neither the revolution in 1917, nor the great Chinese revolution, nor the victory against imperialism, nor what happened in Latin America succeeded. After all these great revolutions there was reaction from all directions. The true experience of self-management was always destroyed. Reaction didn’t re-invent liberty and, what is more, it didn’t invent anything. (And it was not capitalism that destroyed feudalism – that process was unimaginable without the communists...) However, even though reaction is going on and it repeats itself, it cannot touch the heart of subjectivity. I think that communism is alive and that current biopolitics is a communist one. Cooperation and the construction of global passions are irreducible. We produce together only, not because there is a boss who directs us, but because we can produce only together. This is a great transformation of consciousness and of the power of imagination.

These are the conclusions of a true Spinozism. The experience of my generation, of my comrades and myself, is tragic. We were defeated. Many people died and many people spent a lot of time in prison... But we are alive.

M. L.: What is your interpretation of today's crisis? In the *operaismo* of the 1960s, there was a thesis according to which the crisis is a preventive counter-revolution, a kind of reaction. Today, it's quite difficult to interpret the crisis in that way.

A. N.: Yes, that's evident. The crisis of the 1960s was caused by the workers. It was a revolutionary movement, especially in 1968, that put the capacity of capitalism to continue its development as before in crisis. Today, it is completely different: we are assisting the end of the capitalist cycle, of neoliberalism. This cycle is defeated in the political field. There is no more American hegemony. On the other hand, the form of exploitation has been transformed; it has become a financial exploitation which doesn't refer to value anymore. That's why there is also a crisis of economic thinking. Nowadays, the workers have to agree even when they don't have neither a party (the Left has disappeared), nor a true trade union. Still, there is resistance. The crisis concerns the impossibility of pushing the exploitation further in the domain of (de)regulation... Capital tries to exploit biopolitics, *bios*, the entire society. This is also a debt crisis, a real estate crisis...

M. L.: How do you see the difference between the author of *Marx Beyond Marx: Lessons on the Grundrisse* and the Negri who wrote the trilogy with Michael Hardt? It seems to me that there are many differences, especially with regard to labor and the concept of value. On the one hand, the author of *Marx Beyond Marx* emphasizes the importance of liberating oneself of labor as such and not only of liberating work. *Rifiuto del lavoro* was essential for you. On the other hand, in your later theory, one can find a certain praise and glorification of immaterial and living labor. Work has become more positive than it was before.

A. N.: I am touched [*touché*] by this question. For the worker, the refusal of work expresses the refusal to get up in the morning and his desire to stay in bed with his wife. It was the refusal of a completely impoverished life. In the factories of the great northern cities, everything was over. In these gestures there was also nostalgia for the community of the past. But, first of all, it was a real refusal, a refusal of salary, of the working process... Salary was not only a quantity, but also something which determined the entire life. Thus, the refusal of work was a refusal of life that was imposed. In the ontological transformation of workforce, in cognitive, affective and cooperative labor there is a discovery of what is common. The common isn't public law, it is the desire to be together, work together and live together! It goes beyond all the elements of individualism; it is a discovery of a singularity that lives with others. It is a fundamental element today, and this is why the refusal of work has been transformed. We have to decide which kind of work we refuse because there is no metaphysical essence of work. Similarly to capital, work is a relation. Work is living or dead. I was in a Renault factory. It was a shock for me. The workers didn't touch the commodity...

M. L.: It seems to me that there is also an important difference with regard to the question of value. In *Marx Beyond Marx* you suggested, while interpreting *Grundrisse*, that in Marx's theory there is a horizon beyond value. Your new theory opposes the impossibility of measuring contemporary work to the immeasurable

and living value. Thus, value has become something positive. Is this a mere change in terminology or it expresses a more essential change?

A. N.: I am not sure that there is as great a difference in my opinions in the case of value as that which I accepted in the case of the refusal of work. In the 1960s, I elaborated a critique of the law of value, a discourse beyond value. In this context, value is linked to big industry and its analysis isn't detached from its historical forms... Thus, value is linked to the individualization of work within necessary labor. This kind of work is transformed into salary and profit. The discourse on cooperation implies (already in Marx's theory) a certain quality that exceeds and modifies quantity. Two persons working together determine the relation of value to labor somewhat more than in the case of only one person. The cooperation of workers determines quality. In scientific work or in service economy, the quantification of work is a huge problem. Therefore, this difficulty with regard to the relation value–labor is politically and ontologically fundamental. What does it mean to reconquer value? Today, it means to solve the problem of the evaluation of labor on a global scale. Money is a standard; it is the means of exploitation, the measure of capitalist productivity. (For instance, Harvey says that value is extractive, that it extracts from the entire life, from the Amazonian forest...) The crises of capitalism are first of all the crisis of money.

M. L.: What do you think of the contemporary currents in Marxism? Which do you prefer?

A. N.: I am interested in Moishe Postone. He is very intelligent, however, he is extremely deterministic. I am also interested in Harvey – I agree with his concept of accumulation by dispossession. Postcolonial thinking is also important to me, for example the Gramscian and Trontian theory of Spivak. There are many people who work on the problem of the financial aspects of capitalism, on the self-valorization of capital. I am also engaged in many polemics... For instance, Badiou isn't a Marxist...

M. L.: He is a Rousseauist and a Platonist.

A. N.: Yes. And Žižek is not Marxist either. He is a Leninist and a Lacanian. But, for example, there are many important trends in feminist thinking. I love the journal *Historical Materialism* very much, they are old comrades... Marxism is a living philosophy. I have always thought that I am not a Marxist, but I think that Marxism is absolutely inevitable for contemporary thinking.

IV

REVIEWS

PRIKAZI

ROBERTO NAVARRETE ALONSO, *LOS TIEMPOS DEL PODER: FRANZ ROSENZWEIG Y CARL SCHMITT*, ESCOLAR Y MAYO EDITORES, MADRID, 2017.

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Roberto Navarrete Alonso's monography entitled *Los tiempos del poder* [Times of Power] is essentially a *Differenzschrift*. Through an antithetical, one might say baroque, structure, the text offers a multidimensional and dynamic dialogue between Carl Schmitt and Franz Rosenzweig. Such a *contrapposto* method provides a comparative study of the scope of Rosenzweig's and Schmitt's political theologies, with which the two authors, each in his own way, attempted to respond to the deep political and historical crises that shook Europe in the 20th century, in particular in its first half (1914-1945).

The introduction notes that Carl Schmitt mentions Franz Rosenzweig in one of his notes, published after Schmitt's death under the title *Glossarium*. In the note, dated 23 May 1948, he cites Rosenzweig speaking about the fate of assimilated Jews in Germany. (Looking at Rosenzweig's relationship with Eugen Rosenstock and Hermann Kohen, Navarrete shows that in *Glossarium* Schmitt was wrong to mark Rosenzweig as a figure of an assimilated liberal Jew.)

There is also mention of an alleged reference to Schmitt by Rosenzweig, also in private correspondence. In a letter to parents, dated 22 July 1916, there is a certain

"Schmitt" of the University of Berlin. In the onomastic index of the first tome of Rosenzweig's *Gesammelte Schriften*, this "Schmitt" is identified as "Schmitt, Carl." However, this is an error, since Carl Schmitt became a professor in Berlin only in 1928. Therefore, based on Franz Rosenzweig's writings published so far, there is no written mention of Carl Schmitt (although they belong to the same generation; the first was born in 1886, the latter in 1888).

Roberto Navarrete says that Schmitt's mention of Rosenzweig in one of his notes represents nothing more than an excuse for a confrontation of their approaches regarding the problem of political theology, which Rosenzweig also calls "messianic politics." *Los tiempos del poder* presents the thesis that Rosenzweig's opus can be read as an "anticipated critique" of Schmitt's ideas.

Navarrete begins with the notion of secularization as the horizon from which it is possible to properly connect and confront Schmitt's and Rosenzweig's positions regarding the given problem. The monography points out that the third part of Rosenzweig's *Star of Redemption* (1921) can be read from a political-theological point of view. Particularly important to that end is Rosenzweig's notion of "the mundanization of the world", brought in

relation with the notion of secularization (Rosenzweig uses “Säkularisierung” in his correspondence, but “Verweltlichung” in *The Star of Redemption*). The origin of the mundanization of the world should be sought in the act of radical institutional separation of church and state, which is the event leading to the confusion between religious and mundane, that is, creation of the possibility of the absolutization of the political. The joining of the previously separated instances of *auctoritas* and *potestas* in the figure of the secular sovereign has resulted in the divinization of the world, a perverse and paradoxical effect of the process of its secularization.

Rosenzweig claims that the nationalisms of European peoples are the result of the secularization of the idea of messianism. In other words, European nations have come to see themselves as chosen, making their politics messianic politics. Rosenzweig formulated a sketch of this thesis in an important letter of 7 November 1916 to Eugen Rosenstock. Its elaboration – believes Navarrete – is the first book of Part III of *The Star of Redemption*. The realization of messianic politics, as a historic mission of the ‘chosen’ peoples, leads to imperial intentions and wars, whereupon follows that historical events turn into a theodicy, a process that justifies evil.

Seen more narrowly, the two central themes of *The Star of Redemption* – a radical condemnation of history in its political dimension and the defining of Judaism as a community placed on the margin of political reality and historical temporality – cannot be comprehensively understood without consideration of Rosenzweig’s reflections on Hegel’s philosophy of history and politics. In *Hegel and the State* (1920), Rosenzweig presents how Hegel developed his theory of the State based on the will of the individual, not the nation; however, later German nationalism saw Hegel’s apology of the state as a kind of strategy for legitimizing its egotistic goals. However, upon the historical catastrophe of German policy in World War I and his grasping of the essence of development of the German state in the course of the 19th

century, Rosenzweig took an anti-Hegelian position by way of condemnation of the idea of the unconditional disposability of the individual to sacrifice for his or her State. Embodied in the nation state, messianic politics justifies the abuse of its power.

On the other hand, Carl Schmitt claims that secularization is the essence of modern political theory, that is, that the secular order of the modern state is characterized by the absence of any relation with transcendence. Since the origin of modernity comprises the diminishment of any form of transcendent legitimation of the political, the loss of the Absolute manifests as the absence of divine grounding and, in general, the grounds of the real. By analyzing the genealogy of modernity in *Political Theology* (1922) and other writings, Schmitt notices its progressive tendency towards depolitization and dehumanization. Towards depoliticized and dehumanized reality, if the essence of the human is to be the *zoon politikon*. Schmitt’s response to the perceived loss of substantial *auctoritas* is his theory of the sovereign. In order to reconstruct the origin and nature of modernity, Schmitt reaches for establishing functional analogies between the domains of the ecclesiastic and juridico-political.

If all the central notions of modern state theory are secularized theological concepts, then the erstwhile role of God corresponds the role of the Sovereign. Schmitt emulates and draws on Catholic theory, but – adds Navarrete – the established analogy is not substantial, but has a formally-functional nature, since Schmitt defends the specificity of the modern. Despite the modern epoch’s characteristic of “silencing theologians,” according to Schmitt the church still ought to remain a functional model for the State and Sovereign regarding representation and visibilization, except this time not of God but of the People.

Ultimately – concludes Navarrete – what happens in Schmitt is a theologization of politics. The sovereign doctrine, secular in origin, turns out to be substantially theologized with the introduction of the Catholic basis on which he sought to build his idea of *katechon*. Although

its origin is postulated as entirely secular, Schmitt's political theology nevertheless succumbs to the temptation of divinization of world and politics.

In accordance with the premise that Western political theory from its beginnings is not merely theologically, but spatially ordered, and that these two elements do not exclude one another, Navarrete continues to uncover what he calls Schmitt's and Rosenzweig's "geo(theo)politics" (*geo-teo-política*). The book establishes that the apposition of land and sea is the principle on which both Rosenzweig in *Globus* (1917) and Schmitt in *Land and Sea* (1942) approach the problem of theater of universal history.

Given that the unfolding of world history is based on the mentioned antagonism, Schmitt thinks that the approach of various European and world powers to the spatial element of the political, suits their distinctive theological grounding. Catholic countries have a land essence, while Protestantism and Judaism are characterized by oceanic essence. *Los tiempos del poder* puts forward the thinking that this division is also implicit or "subterranean" in Rosenzweig, in particular if the content of *Globus* is connected to the content of *The Star of Redemption*.

According to Schmitt, Protestants do not possess awareness of their groundedness in place; rather, their relation to the land is primarily exploitationist and based on technological domination. In contrast to Catholics, their position is determined by utopian displacement (*Ent-ortung*) and orientation towards the sea and sky. This project of planetary displacement and dislocation will ultimately turn into a utopian project of world unification based on technological progress. Navarrete claims that Schmitt further ties the logic of unlocation of peoples and Judaism. While Rosenzweig would mark the constitutive "a-nomic" character of the Jewish people as meta-political and meta-historical, Schmitt would rather call it – negatively, of course – as "depoliticizing."

Remaining with the spatial aspect of the political, we should add that just like

Schmitt's, Rosenzweig's writings thematize a theory of great spaces. During his time as soldier and volunteer at the Balkan front in World War I, Rosenzweig defended Friedrich Naumann's 1915 idea of *Mittleuropa*. Naumann's suggestion was the constitution of a supranational state of broad reach that would include Balkan peoples through their "Europeanization" and democratization of the southeastern portion of the Continent. However, while in Belgrade in 1918, Rosenzweig came to realize the futility of this idea. Disappointed with the project's failure, and with his growing interest in the Jewish intellectual tradition, he came to formulate his own anti-historicist theology and affirm a Jewish meta-historical and meta-political theory.

Rosenzweig's turn toward "meta-political theology" manifests in the establishment of the difference between the two dimensions of human existence (as an individual and as "self") and in the introduction of a relational notion of temporality (its historical and messianic modality). The self is pure facticity, turned unto itself, and which as such does not belong directly to the sphere of politics. In other words, the human as self is not an individual among other individuals within a political community, a "political animal;" rather, it is determined as a meta-political entity primarily turned toward God. While ordinary time belongs to history, time in relation to the self is meta-historical, that is, messianic – the only kind in which anticipation of redemption can play out. Notably, the one temporal modality does not exclude the other, but rather relate to one another in agonistic fashion. Messianic time, proleptic as ever (*prolepsis*), incalculable and in the eternity of the moment outside of historical time, is a form of resistance to absolute immanentization of the eschaton in history that leads to violence and messianic politics.

While Schmitt proposes the retention of the end of the world (and thus complete global catastrophe) within the field of politics, that is to say, within the framework of homogenous time, Rosenzweig, starting from a relational concept of time,

advocates an end to history from a meta-political point of view. Navarrete shows that Rosenzweig is certainly Schmitt's enemy. In *Globus*, the end of history is identified with the unity of the world, abolishing of borders, like the image of the sea.

Rosenzweig's "meta-political theology" can be understood as a critique of Schmitt's absolutization of politics from *The Concept of the Political* (1932) and his general inability to direct his gaze towards the political reality beyond the distinction friend/enemy. However, such a meta-political position is not a-political. It does not transform itself into mysticism as an absence of any connection with the real world. Rather, it simply indicates that the struggle against the enemy does not have to be led in the space of the political and ultimately, through war. Rosenzweig's strategy comprises a reorientation of the political, building on the category of love. It is an attempt to treat human community beyond the relation of friendship/enemy or at least an attempt at a different

understanding of that relation. According to Rosenzweig, in order to save the world, love must also be directed at the enemy. Loving one's enemy as one's neighbor, in accordance with divine (heteronomous) imperative of love, the messianic community of humanity could non-violently struggle against him/her.

If real dialogue between Carl Schmitt and Franz Rosenzweig, which could have actually taken place in the third decade of the 20th century, has been replaced with the empty space of silence, subsequent tragic events in Europe have only made that silence echo more agonizingly. *Los tiempos del poder* by Roberto Navarrete Alonso represents not only the first and successful systematic attempt to draw parallels and differences between Rosenzweig's and Schmitt's theoretical positions on the issue of political theology, but also a significant contribution to still current philosophico-political problems posed by two contemporaries in the face of a shared decisive historical epoch.

MARC NICOLAS SOMMER, *DAS KONZEPT EINER NEGATIVEN DIALEKTIK*,
MOHR SIEBECK, TÜBINGEN, 2016.

Marko Novaković

In the last decades of 20th century *Negative Dialectics* has been widely recognized as Theodor W. Adorno's most significant philosophical work. With *Aesthetic Theory* (1970) and *Dialectics of Enlightenment* (1944, 1947, written with Max Horkheimer) it is one of the core texts for understanding Adorno's philosophical thought. *Negative Dialectics* was published in 1966 and accompanied with several previous lecture courses on the subject. These lectures were recently published in edition of Adorno's *Nachgelassene Schriften*. Adorno called *Negative Dialectics* "a methodology" of all his material works. This statement seemingly contradicts his notorious polemics against abstract "method" of philosophers-logicians, separated from things and particular objects of knowledge. However, there is something peculiar about this work, which makes it universally valid for Adorno's philosophical thought. Therefore, the concept of negative dialectics shouldn't be conceived only as a subject matter of philosophical explanation or a method in the strict sense, but perhaps as the only legitimate way of contemporary philosophizing and genuine form of contemporary intellectual experience. It is emphatically a philosophy itself.

The book of Marc Nicolas Sommer *Das Konzept einer negativen Dialektik* is a comprehensive scholarly study and valuable addition to subsequent commentary

of Adorno's work. It is a philosophical contribution as well. As the author says at the very beginning, the book is a slightly reworked version of his doctoral dissertation at the University of Basel. It throws light on perplexing structure of Adorno's *Negative Dialectics*, but also on the underlying logic of modern dialectical thought. This work is somehow peculiar in secondary sources: it is a rare extensive, systematic and thorough examination of the philosophical foundations of negative dialectics. The very title indicates this intention. The author is interested in reconstruction of the entire concept of negative dialectics, its various features, conceptual aspects and implications. His aim is not just to provide a useful commentary of *Negative Dialectics*, but intends explication of the very idea of dialectics. Such attempt must be discerned from the question and search for "origin", which is provided by S. Buck-Morss in her well-known study on Adorno's early philosophy *The Origin of Negative Dialectics*. To explore the origin means to determine socio-historical, cultural, intellectual or other factors which influenced genesis and shaping of some intellectual product or theory.

Still, the project of philosophical reconstruction is not possible without reference to philosophical tradition, namely Hegel and his idealism as a modern paradigm of dialectical philosophy. Sommer is plainly

aware of this. Hegelian philosophy, especially *Phenomenology of Spirit*, contains the modern core of dialectical thought as a mixture of metaphysics and history. Therefore, taking into account Hegel and Adorno's criticism of his famous idealistic predecessor is indispensable and discerning strategy of this work.

The study is divided in the introduction, three main chapters, concluding consideration, and bibliography with primary and secondary sources. It is structured as follows (it should be noted that thematically it corresponds to the structure of *Negative Dialectics*):

The introduction is divided in three sections. The author begins with general philosophical issues, in terms of reception of negative dialectics after Adorno, primarily in Habermas's criticism and theory of communicative rationality, and later with reception in 1983 and 2003 conferences on Adorno's philosophy (Bubner, Schnädelbach, Geuss, Wellmer, Honneth, Habermas, Kern etc.) Further, in the second section, he advocates a liberation from interpretative preconceptions, mainly that of negative dialectics as a philosophical foundation of social theory. Here, the author explains why it is important to address Hegel as one of Adorno's key orientation figures in philosophical tradition (next to Kant, Marx and Nietzsche). The author claims that criticism of Hegel hits not only the structural problems of logic of negative dialectics, but the whole philosophy. Formulation of the concept of dialectics is to be found at the beginning of Adorno's *Three Studies on Hegel*, where author states that "the intention of the whole is preparation of a changed concept of dialectics." The core of understanding of negative dialectics lies in a difference and its relation to speculative dialectics: it must be conceived as *a necessary self-criticism of idealistic dialectics*. In the last section of Introduction, the author explains his methodology of reconstruction of a mature project of negative dialectics.

The first chapter deals with formal reconstruction of negative dialectics: its categories, structure, metaphysical and

philosophical background. However, this chapter is perhaps the most important. General strategy consists in exposition and discussion of four structural moments of dialectical thought and dialectical concepts as well: mediation, totality, negativity, and non-identity (as opposed to immediacy, particularity, positivity, identity). Chapter is divided in four sections, each discussing one of the topics mentioned above. In this examination emerges a structural difference between two types of dialectics, speculative and negative, which consists in meta-dialectical change from identity to non-identity of subject and object. The author points out that Adorno treats negative dialectics as an authentic (not deficient or unsuitable) form of dialectics. Hegel has only adjusted it to the principles of speculative idealism. However, these principles were external to structure of the dialectics itself. The main task of the chapter is examination of separation of idealism and dialectics. The implications of this process are manifested in many changes regarding four structural concepts.

Of particular importance is a dialectical concept of *negativity* and its four dimensions (difference between normative and ontological negativity, between positive and negative negativity, different meaning of absolute negativity, different centering of negativity) presented and discussed in detail by Sommer. So far, besides Theunissen's report of negativity on *Adorno-Conference 1983*, there was a very few sources in secondary literature dedicated to this enigmatic, but nevertheless central term. In this respect, this study is a valuable contribution for understanding of Adorno's radicalized and full-fledged concept of negativity.

Another major frustration for Adorno's reader is often caused by the gap between conceptual dialectics (methodology) and real dialectics (ontology), i. e. dialectics in conceptual structures and dialectics as a law of things and objective reality (society). These two domains seem to stand separately without any chance of connection, but Adorno is using the term interchangeably providing no justification in that regard.

However, Sommer defends Adorno's position clarifying that the assumed dualism was premature, that the task of negative dialectics is only to mediate sphere of the concepts with sphere of reality, to attempt to apprehend reality with concepts, but not necessary to succeed. Nonidentity of things with concepts reproduces in contradictory character of the concept, but also in the thing itself. Negative dialectics expresses these contradictions in the sphere of thought, which makes it so difficult to comprehend. This topic is further clarified in discussion of nonidentity.

It should also be mentioned an alternative idea of philosophical method, one with different logical structure than usual deduction, namely *logic of constellation*, initially taken from Benjamin. Adorno introduced this method at the very beginning of his academic career in 1931 inaugural lecture "The Actuality of Philosophy", but never provided any fully developed theory of constellational knowledge. Sommer rightly understands constellation as "a redemption of cognitive goal of negative dialectics, to transfer the non-conceptual into the sphere of concepts", but without reduction to a concept. Inability of determinant concept to grasp the thing gets (constellational) logic close to aesthetic experience and Kantian theory of aesthetic judgment (R. Bubner makes this point in his essay "Über einige Bedingungen gegenwärtiger Ästhetik"). In this respect, the role of *exact phantasy* should be considered in constitution of intellectual experience and philosophy. This notion was also introduced in Adorno's early philosophy, but not worked out in this book, perhaps because of its aesthetic origin. In recent years (or, as the author says, since the anniversary year of 2003), when an increasing interest in Adorno's *epistemological* views was raised, this subject may become even more relevant.

The second chapter ("Theory of Intellectual Experience") is divided in three sections. Main topic of the first is reconstruction of Adorno's theory of intellectual experience, criticism of theory of knowledge, and the transition from knowledge

to intellectual experience, which is motivated within the theory of knowledge itself; second section presents Adorno's account of Hegelian science of the experience of consciousness, and insight that subject not only constitutes the object but experiences it through self-reflection of its own actions; the third section connects theory of intellectual experience with materialistic theory of spirit, considering already introduced Adornian premise of 'primacy of the object.'

Main topic of the third chapter is philosophy of history and historicity in Adorno's thought. Author argues that Adornian way of thinking is thoroughly historical, even in metaphysical domain. This makes a clear general reference to *Phenomenology of Spirit*. The chapter is divided in three sections (World Spirit, Natural History, Metaphysics), each of them in three subsections. First section presents Adorno's criticism of Hegelian philosophy of history, at the same time revealing his commitment to a concept of world spirit and universal history; in the second, the concept of natural history is introduced as well as Adornian modification of Hegel's concept of universal history; in addition, the concept of utopia is introduced, which enables proper understanding of "transmutation" of metaphysics in history in Adorno's philosophy; finally, in the third, author is in more details interested in the problem of metaphysics, and at the same time one of the most important subjects in this work – self-reflection of the dialectics.

In the concluding remarks the author summarizes his previous arguments stating that "negative dialectics is a genuine and in itself coherent form of dialectical thought." Its main productive element Sommer sees in a possibility of connecting experience with the most abstract concepts, insight into nivellating tendencies of culture industry, capability of preserving autonomy of thinking in universal negativity consciousness and a possibility to take part in the project of mature mankind. Quoting Adorno's work *Zur Metakritik der Erkenntnistheorie*, where author states that: "It is time not for first

philosophy but last philosophy”, Sommer concludes that negative dialectics may be considered as a “last philosophy” (*philosophia ultima*). It is not ‘last’ in terms that there was no philosophy after Adorno; it is last in terms of dialectical philosophy

from Plato to Hegel and beyond; of the only remaining non-regressive form of thinking or one which can still be followed on a path of negativity, self-reflection and self-criticism. Such philosophy can only be conceived as a negative dialectics.

ATHENA ATHANASIOU, *AGONISTIC MOURNING. POLITICAL DISSIDENCE AND THE WOMEN IN BLACK*, EDINBURGH UNIVERSITY PRESS, EDINBURGH, 2017.

Adriana Zaharijević

O aktivnostima Žena u crnom napisan je veliki broj radova na brojnim svetskim jezicima. Iako bi to u našoj sredini moglo izazvati čuđenje, pa čak i negodovanje, teško se može reći da bi ikoga smelo da iznenadi. Žene u crnom postale su simbol otpora ne samo razornoj ratnoj politici, nego i sveprisutnoj politici nacionalizma, isključivanja i opravdanja nasilja. Takođe, kao grupa čije je delovanje uvek bilo smešteno u srce javnosti, Žene u crnom su svojom dugogodišnjom vidljivošću i izloženošću postale simbol izrazite hrabrosti. Stoga su tekstovi koji su nastojali da razumeju i objasne mesto i uticaj civilnog društva u Srbiji devedesetih godina, i posebno oni koji su u svom središtu imali alternativne oblike otpora, tretirali Žene u crnom kao nezaobilaznu referencu. No, kao grupa koja je nadživela devedesete, ostavši dosledna svojoj feminističkoj, antimilitarističkoj borbi za mir i socijalnu pravdu, Žene u crnom ni kasnije nisu prestale da zanimaju istraživače i istraživačice širom sveta.

Među nepreglednim domaćim i inostranim smeštanjima pokreta Žena u crnom, knjiga Atene Atanasiju predstavlja, usudila bih se da tvrdim, najznačajniji doprinos do sada. Atanasiju, profesorka socijalne antropologije i teorije roda na atinskom Univerzitetu Panteion, svojom knjigom nudi teorijski najpregnantniji prikaz problema koje

pokreće delovanje ove grupe. Štaviše, ona ujedno predstavlja ozbiljno promišljanje o potencijalima koje poseduje mirovni, feministički aktivizam, i izrazito dragocen trag o istoriji jednog specifičnog aktivističkog pregnuća. Pisana na raskršću disciplina, jezikom koji istovremeno odaje prijateljsko uvažavanje proizišlo iz višegodišnjeg etnografskog rada na terenu, i snažnu teorijsku zapitanost, ova knjiga bez sumnje spada u najvažnije teorijske doprinose o alternativnim politikama koje su se razvijale u Srbiji poslednjih decenija.

Premda su glavni likovi ove knjige aktivistkinje i aktivisti, velika, heterogena zajednica okupljena oko Žena u crnom, dileme koje pokreću ovu knjigu temeljno nadilaze lokalni kontekst. Atena Atanasiju traži odgovore na pitanja koja kritički prekoračuju discipline: da li gubitak i žaljenje imaju politički značaj, i ako da, kakav i koliko potentan? Kakve afektivne veze i oblici intimnosti nastaju usled političkog nasilja i gubitka bližnjih, gubitka doma i poznatih afektivnih uporišta? Kako nastaje politički subjekt čija je moć delovanja kritička, ako se razvija iz otpora logici prinude, odbacivanja, isključivanja, ukoliko gradi na drugačijoj ekonomiji afektivnosti? Da li je takav subjekt suveren i može li se uopšte misliti nesuverena subjektivnost? Kako funkcionišu politike sećanja u

građenju dominantnih narativa, ali i onih narativa koji podrivaju dominaciju jednoobraznih, poželjnih obrazaca suverenog znanja? Kako sami oblici sećanja uvode agonizam u ono što mislimo da znamo, što mislimo da pripada korpusu opšteg znanja, odnosno „jedne istine“? Postoje li alternativni oblici pripadnosti – možemo li ne pripadati naciji ili državi, ili ne pripadati samo njima, i kome onda pripadamo? Najzad, šta čine tela u javnosti, okupljena tako da samim svojim izlaganjem remete javni narativ, cepaju tkanje poželjne javnosti i formiraju nešto što ima snagu da postane kontrajavnost – nešto što ne samo da dovodi u pitanje suverenost istine, nego i taj prostor koji definiše šta je dopušteno da se vidi i čuje, oseti i zna, usložnjava i dereguliše? Ako ta „kontrajavna tela“ žale gubitke koji su izbrisani iz javnosti, a sama ne govore, kakva se agonistička politika – a do nje je Ateni Atanasiju posebno stalo – time omogućava?

Knjiga je organizovana u četiri velike celine. Prva, „Žaliti drugačije“, bavi se motivom tugovanja, gubitka, žalosti, a mizanscen je za podroban opis globalnog pokreta Žena u crnom i njegove lokalne varijante. Drugo poglavlje, „Rodno određene intimnosti nacionalističke arhive“, obrađuje srpski kontekst u kojem se beogradska grupa, a potom i mreža Žena u crnom, razvijala, s posebnim naglaskom na politiku arhive i epistemičko nasilje njenog jednoobraznog formiranja i održanja. Treće poglavlje, „Spektralni prostori kontrasećanja“, usredsređuje se na javni aspekt delovanja Žena u crnom, to jest na stvaranje kritičkog sećanja koje ima moć da restrukturira prostor javnosti i njegove hegemonie istine. Najzad, ako se prethodna celina odnosila na „gde“ – na prostore u kojem se aktivizam odigrava, četvrta celina, „Politički jezici odgovorivosti i nemir tišine“, u svom središtu ima pitanje „kako“. Odnosno, ako je treća celina obrađivala „stajanje“, četvrta se fokusira na „ćutanje“, na tišinu – dva znaka prepoznavanja *delovanja* Žena u crnom (kontraintuitivno, takoreći, budući da i nepomično stajanje i odsustvo govora upućuju na pasivnost, odsustvo svakog delovanja).

Feministička, antimilitaristička grupa Žene u crnom nastala je u Jerusalimu početkom 1988. Po ugledu na nju u Beogradu 1991. godine nastaju Žene u crnom protiv rata. Grupa isprva okuplja feministkinje, levičare, prigovarače savesti i dezertere, izbeglice, te osobe koje se osećaju isključeno zbog svoje nacionalne pozadine ili seksualne orijentacije. Prepoznatljiv model delovanja grupe koji se s vremenom samo donekle menjao, podrazumeva stajanje na prometnom javnom mestu, u početku na platou ispred Studentskog kulturnog centra, a potom na Trgu republike, u crnini i tišini. Nepomičnost i tišina asociraju na tužnu i dostojanstvu procesiju, na korotu, žaljenje za dragima koje smo izgubili. Ono što govori jesu samo plakati koji upućuju na subjekt žaljenja – reč je o usmrćenima ili onima koje rat vodi u smrt. Međutim, mrtvi nisu samo „naši“, nisu samo oni za kojima *treba* da nosimo korotu, već su to svi oni koji su „u naše ime“ oterani smrt. Otuda je jedan od ključnih slogana grupe „Ne u naše ime!“, odnosno „Nelojalne ratu, patrijarhatu, državi, naciji i vojsci!“.

Iz ovog veoma svedenog prikaza moguće je naznačiti neke momente koji su posebno važni Ateni Atanasiju oko kojih će plesti vlastiti narativ o agonističkoj politici. *Agonističko žaljenje* propituje mogućnosti – izazove i opasnosti – žaljenja u javnosti, a lik Antigone (73) nadvija se nad ovim savremenim *polisom*; na sličan način je ključno i pitanje koji su životi ožaljivi i samim tim živi i življivi u određenom kulturnom i političkom kontekstu, pitanje koje oblikuje noviju filozofsku misao Džudit Butler. Ako su ovo dva noseća pitanja knjige, Atanasiju ih proširuje i usložnjava sledećim, nipošto konačnim nizom problema: kako graditi politiku solidarnosti posle rata i neobjašnjivog nasilja, a ne pribeci univerzalnom moralizmu ili humanitarističkom postvarenju žrtava; kako graditi zajednice koje se ne zasnivaju na principima bratstva, žrtve, etnonacionalističkih afiniteta i isključujućeg nacionalizma – „zajednice bez zajednice“ (85); kako performativni činovi – a stajanje, iako naizgled sasvim pasivno, predstavlja takav čin *par excellence* – koji se godinama odigravaju, donekle

ponavljaju i uz neznatne izmene prizivaju prošlost nazad u „naše“ vreme, remete njeno arhiviranje u nedvosmislenu, jednu i poželjnu hegemonu priču; kako žaljenje/pamćenje na drugačiji način (varijacija na fukoovsko *penser autrement*) u sebi sadrži i spektralni element prošlosti koja ne prestaje, ili ne prestaje da poput aveti opsega sadašnjost i budućnost, ali i kako se kroz to opsedanje promalja sasvim specifična nepreskriptivna etika odgovornosti (171); kako, uprkos opasnosti drugačijeg žaljenja – nekad sasvim fizičke opasnosti – izlaganje tela, popunjavanje najjavnijeg gradskog prostora telima koja deluju tuđa, koja se nazivaju stranima, otpadnutima (u oba smisla te reči), pruža mogućnost da se grad, javnost, otvori na drugačiji način; kako javno žaljenje postaje društveni, politizovani afekt; kako performativna tišina – ćutanje i stajanje – vodi ukidanju konvencionalnih podela između afektivnog i političkog, kako nastoji da u prvi plan istakne da postoje registri neizgovorivog, čime, najzad, dovodi u pitanje paradigmatički modalitet rasprisanog političkog agonizma (249).

Iz navednog se čini da Atanasiu koristi Žene u crnom kao prijemčiv materijal koji razrađuje i dodatno oblikuje političke i teorijske pretpostavke koje su u osnovi njenog istraživanja. No, taj se iskaz nipošto ne može uzeti kao samorazumljiv. Ponekad zbilja deluje kao da Žak Derida ili Džudit Batler – kroz, primera radi, pojam arhiva ili ožaljivosti – dominiraju ovim tekstom, te deluje kao da teorija organizuje narativ aktivizma, kao da se Žene u crnom samo pridodaju već postojećim teorijskim konceptima. Ponekad se pak može steći utisak da su neke od konkretnih odluka aktivistkinja vođene postojećim teorijskim promišljanjima, da je njihovo delovanje organizovano prema i u skladu s određenim teorijskim idejama ili načelima. No,

knjiga ponekad, možda i najčešće, nudi neočekivan pogled koji nas navodi da razumemo kako agonizam na ulici, o kojem nešto saznajemo, na primer, od Ljilje Radovanović, Miloša Uroševića ili Slavice Stojanović, prethodi, uslovljava i daje okvir i smisao rečima koje čitamo kod Hane Arent, Boni Honig ili Šantal Muf. Kada Atanasiu u uvodu kaže – „kako su politički subjekti ove studije pokazali, suverenost nije neranjiva nego je, namesto toga, tačka u kojoj se prelamaju polivalentne sile, izazovi i kritička otelovljenja“ (18) – ona time kao da naznačuje da tek kroz živ primer, kroz polivalentna otelovljenja same ranjivosti i suverenosti bez suverena, teorija ima život koji se izlaže, osvedočuje, otelovljuje, i stoga više nije sasvim jasno ko „govori prvi“, teorija ili praksa. Iako spada među najzujbudljivije feminističke i kvir teoretičarke današnjice, važno je upamtiti da Atanasiu dolazi i iz antropološke tradicije, što sa sobom nosi dodatnu dimenziju opreza i svesti o uvek problematičnom odnosu teorijske aparature i materijala koji joj se otvara za analizu.

Ponešto paradoksalno, ovo i jeste i nije knjiga o Ženama u crnom. Premda su akterke i akteri koji čine kičmu ove grupe prikazani svojim glasom, izdašno i kao najbolji tumači sopstvenih iskustava, ta iskustva zbilja dobijaju na posebnom značaju upravo stoga što ih je moguće ulančati, uvezati s borbom za življiv život koja ne pripada – nije ničiji posed, ničija baština – bilo kojoj pojedinačnoj grupi ljudi na bilo kom delu planete. Na neobičan način, Atena Atanasiu je uspela da, s jedne strane, sačuva ovdašnji karakter agonističke „nelojalnosti“, ali i da, s druge, izmesti ta iskustva i da ih predstavi kao samu sliku agonizma, prenosivu i prevodivu u raznim drugim zonama sveta u kojima postoji borba za mir i socijalnu pravdu.

V

FROM THE ACTIVITIES OF THE INSTITUTE

IZ RADA INSTITUTA

PREGLED TRIBINA I KONFERENCIJA U INSTITUTU
ZA FILOZOFIJU I DRUŠTVENU TEORIJU U 2017.

Olga Nikolić i Igor Cvejić

TRIBINE

februar

Tribina "Jezik i manjine u Vojvodini danas", Učesnici: Andrew Hodges i Kriština Rác, sreda 8. februar (Gradska biblioteka, Novi Sad)

mart

Filippo Valguarnera, "Legal Ideology and the Commons: Why are Jurists Falling Behind?", petak 3. mart

Armin Grunwald, "Anticipation Between Prediction and Speculation: The Hermeneutic Mode of Orientation", sreda 8. mart

Louis Tozer, "Gender, Agency and the Construction of a Female War Victim", sreda 15. mart

Igor Cvejić, "Promene paradigmi u teorijama emocija u XX i XXI veku", sreda 29. mart

april

Kenneth Westphal, "Hegel's Justification of the Human Right to Non-Domination", utorak 4. april

Durđa Trajković, "Post-autonomija u latinoameričkoj književnosti", sreda 5. april

Srđan Atanasovski, "Zvučni prostori kontrole i putevi ka slušanju zajedničkog", sreda 12. april

Predstavljanje legata Vladimira Vukićevića, sreda 26. april

maj

Natalija Jovanović, "Nagoni i žudnje u prozi i filmu Živojina Pavlovića", sreda 3. maj

Deana Jovanović, "Ambivalencija i 'rad nade': anticipiranje budućnosti u industrijskom gradu Bor u Istočnoj Srbiji", sreda 24. maj

Ivan Vuković, "Račun zadovoljstva kod Platona i Kanta", sreda 31. maj

Tamara Belenzada, "Kantovo shvatanje afekata i strasti", sreda 31. maj

Igor Cvejić, "Kant o intencionalnosti osećaja", sreda 31. maj

jun

Elissa Helms, "Migration as a Gendered Threat: Old Formulations in New Packaging Along the 'Balkan Route' to the EU", petak 2. jun

Dan Zahavi, "Intersubjectivity, Sociality, Community", sreda 7. jun (Kulturni Centar Beograd)

Nevena Milanović, "Antropologija alkohola i socijalne i kulturne dimenzije pijenja: preliminarna istraživanja na primeru mladih u Beogradu", sreda 14. jun

Michael Schreyer, „Stanje Evropske unije uoči i nakon nacionalnih izbora u 2017. godini“, četvrtak 22. jun

Predstavljanje knjige Ivana Mladenovića „Saglasnost i većinsko glasanje: osnove moderne filozofije politike“, sredi 28. jun

jul

Tribina „(Anti)evropske politike kulture u evropskoj prestonici kulture“, petak 7. jul (Medija Centar Vojvodine)

Učesnici: Milena Dragičević Šešić, Snježana Milivojević, Aleksandra Đurić Bošnić, Adriana Zaharijević

septembar

Mihail Deker, „Interdisciplinarna procena tehnologije autonomnih robota“, utorak 19. septembar

Klaus Vigerling, „Inteligentne mašine koje misle, delaju i odlučuju. Šta to znači za nas?“, utorak 19. septembar

Ivan Rajković, „Protiv rada! Socijalno pitanje i leva kritika u kontekstu deindustrijalizacije. Istorijska etnografija preduzeća Zastava Automobili, 1988-2012“, ponedeljak 25. septembar

Tribina „Nemačka u izborima, Evropa pred izazovima“, četvrtak 29. septembar (Medija Centar Vojvodine)

Učesnici: Ivo Visković, Jelica Minić, Duško Radosavljević, Aleksandar Simurdić

oktobar

Hans Bernhard Schmid, „Joint Attention“, utorak 3. oktobar

Razgovor o angažovanosti u post-petooktobarksoj Srbiji – predstavljanje Grupe za studije angažovanosti, četvrtak 5. oktobar (Klein House, Subotica)

Michal Kozłowski, „Marx's Biggest Idea or How *Das Kapital* Revolutionised the Epistemology of Social Science“, sredi 11. oktobar

Radionica o angažiranosti, ponedeljak 16. oktobar (Filozofski fakultet, Zagreb)

Zdravko Kobe, „Nasilje pojma kod Hegela“, četvrtak 19. oktobar

Luca Illeterati, „Subjectivity and Violence in Hegel“, četvrtak 18. oktobar

Đurđa Trajković i Aleksandar Pavlović, „Gde je angažovana književnost?“, sredi 26. oktobar

novembar

Branimir Janković, „Društveni angažmani povjesničara. Bilanca jugoslavenskog i postjugoslavenskog iskustva“, sredi 1. novembar

Mrdan Mladan, „Primer za značaj nadahnuća u ekonomiji“, sredi 1. novembar

Razgovor o prosvćenosti i prosvćenjanju, petak 3. novembar (Novi Sad, Omladinski Centar CK13)

Učesnici: Olga Nikolić, Predrag Krstić, Igor Cvejić, Maja Solar, Vladimir Gvozden, Dragan Prole, Alpar Lošonc, Mark Lošonc

Razgovor o knjizi „Antropologija građanstva“ Jelene Vasiljević, četvrtak 9. novembar (Novi Sad, Omladinski Centar CK13)

Učesnici: Milivoj Bešlin, Aleksej Kišjuhas, Srđan Radović, Krisztina Rác

Hajrudin Hromadžić, „Kojim jezikom 'govori' tzv. tranzicija?“, sredi 15. novembar

Tomas Klajne Brokhof, „Nemačka i Zapad u previranju: Spoljna politika i izazovi novog doba“, utorak 21. novembar

Dušan Maljković, „Psihoanaliza i kvir teorija: bezbožnički savez 'perverzija'“, sredi 22. novembar

Ivana Pražić, „'Blok 70' kao beogradska Kineska četvrt? Orientalizmi Srbije“, sredi 22. novembar

Gábor Boros, „Filozofije ljubavi“, četvrtak 30. novembar (Kolegijum „Evropa“, Novi Sad)

decembar

Marko Božić, „Od zadružne do privatne svojine – prilog tumačenju istorije Srbije kao periferije kapitalističkog svet-sistema“, petak 8. decembar

Skup „Političke orijentacije građana Srbije: Kartografija nemoći“, ponedeljak 18. decembar (Parobrod)

Manuela Bojadžijev, “Is (Neo-)Racism a Form of Violence of the Past?” Conjunctions of Racism Theory“, utorak 19. decembar

Sanja Milutinović Bojanić, “Rhetoric of Emancipation vs. Rhetoric of Misogyny“, sreda 20. decembar

SEMINARI I KONFERENCIJE

četvrtak 9. februar

Debata „Nasleđe jugoslovenskog antifašizma i njegova revizija“

Učesnici: Milivoj Bešlin, Olga Manojlović Pintar, Milan Radonović, Hrvoje Klasić

subota 4. mart

Seminar with Filippo Valguarnera: „Law, Institutions and Commons“

Introductory remarks: Aleksandar Stojanović, “The Marginalization of Commons by the Legal Ideal of Strong and Clear Property Rights“

Participants: Márk Losonc, Olga Nikolić, Aleksandar Matković, Đurđa Trajković, Irena Fiket, Milica Kočović, Iva Marković and Vuk Vuković.

četvrtak 9. mart

Seminar with Armin Grunwald: “The assignment of social meaning to new technology: an issue for responsibility debates?” (Studentski Kulturni Centar, Niš)

Učesnici: Olga Nikolić, Željko Radinković, Andrej Mitić, Zoran Dimić, Sava Ristić

14-15. mart

Gostovanje katedre za sociologiju Univerziteta u Voriku

Aleksandar Pavlović i Srđan Atanasovski, Predavanje o istoriji aktivizma, utorak 14. mart

Marjan Ivković, Predavanje o savremenom aktivizmu, sreda 15. mart

sreda 22. mart

Seminar o knjizi Alpara Lošonca i Vladimira Gvozdena „Anatomija robe: ogledi iz kritike političke ekonomije“

Učesnici: Stevan Bradić, Igor Cvejić, Predrag Krstić, Aleksandar Matković, Ivan Milenković, Srđan Prodanović, Ivan Radenković, Dušan Ristić, Lino Veljak, Adriana Zaharijević

četvrtak 23. mart

Debata „Antifašizam danas“

Učesnici: Dubravka Stojanović, Nikola Vukobratović, Luka Matić, Srđan Šušnjica i Aleksandar Matković

ponedeljak 3. april

Seminar with Kenneth R. Westphal on the book “How Hume and Kant Reconstruct Natural Law: Justifying Strict Objectivity without Debating Moral Realism“

Participants: Jovan Babić, Petar Bojanić, Igor Cvejić, Olga Nikolić, Miloš Marković, Bojan Blagojević, Slavenko Šljukić and the author.

ponedeljak 10. april

Seminar o knjizi Petra Bojanića „O institucionalnom delovanju. Kako je moguće ispravno raditi, hodati, disati, živeti zajedno?“

Učesnici: Aleksandar Fatić, Gazela Pudar Draško, Igor Cvejić, Márk Losonc, Aleksandar Pavlović, Adriana Zaharijević, Olga Nikolić, Miloš Čipranić, Srđan Prodanović, Predrag Krstić, Željko Radinković, Marjan Ivković, Đurđa Trajković, Jelena Čeriman, Jelena Vasiljević, Irena Fiket, Milivoj Bešlin, Michal Sladček i autor.

18–21. april

SEĆANJE NA HOLOKAUST

utorak 18. april

Konferencija „Holokaust i filozofija“, Sinagoga u Novom Sadu

Dragan Prole, „Fenomenologija gađenja“
Lazar Atanasković, „Mišljenje Holokausta i Hegelova filozofija povesti“

Olga Nikolić, „Problem zla u Šelingovim *Istraživanjima o biti ljudske slobode* i Levinasovoj *Filozofiji hitlerizma*“

Željko Radinković, „Fenomenologija nezamislivoga. Levinasova kritika hermeneutičke fenomenologije u svetlu debate o Holokaustu“

Sofija Grandakovska, „Citat o dva *Muselmänner*“

Vladimir Gvozden, „Zebald, Gegen-Denkmal i granice čega?“

Stijn Vervaeke, „Sećanje na Holokaust u jugoslovenskoj i postjugoslovenskoj književnosti: transnacionalne dimenzije traumatskih sećanja na Balkanu“

Aleksandar Pavlović, „Progutati M/mamac: čitanje Albaharijevog predstavljanja Holokausta u kontekstu post-jugoslovenskih ratova“

Igor Cvejić, „Ravnodušnost i akcija“

Márk Losonczi, „Da li je Holokaust jedinstveni događaj? – novi prilozi za problem singularnosti“

Predrag Krstić, „Aušvic: skandal za mišljenje ili skandal mišljenja?“

sreda 19. april

Tribina istoričara „Jevrejski identitet, antisemitizam i Holokaust“ Medija centar Vojvodine – Nezavisno društvo novinara Vojvodine

Učesnici: Zoltán Dévavári, Milan Kojanin, Milovan Pisarri, Sanja Petrović Todosijević

četvrtak 20. april

Jedan školski dan o Holokaustu „Lekcije za budućnost“, Klub Jevrejske opštine u Novom Sadu

petak 21. april

Simpozijum „Učiti o Holokaustu: utopija ili šansa – obrazovne prakse i pedagoški izazovi“, Klub Jevrejske opštine u Novom Sadu

Predrag Krstić, Holokaust u obrazovanju: predanje i predavanje

Nada Banjanin Đuričić, Principi pedagoške filozofije Jad Vašem

Biljana Stojanović, Učenje o Holokaustu – obrazovne prakse i pedagoški izazovi

Jacques-Olivier David, Inovativni pristup u francuskom obrazovnom sistemu

Gordana Todorić, Učenje o Holokaustu: Rad sa tekstualnim izvorima

Vesna Lučić, Organizovanje Javnog časa „Sećanje na žrtve genocida“

Zvezdana Petrović, Učenje o Holokaustu kroz istraživanje i snimanje dokumentarnog filma sa učenicima

Jelena Kručićanin, Pre i posle „nevidljivih spomenika“ Pedagoški dnevnik pozorišne predstave o sećanju na Holokaust i Drugi svetski rat

Senka Jankov, Netolerancija i antisemitizam – kako obrađivati teške teme u učionici

Nikola Mitić, Maja Dorić, Timski rad nastavnika i interdisciplinarni pristup poučavanju o Holokaustu kroz nastavu istorije, srpskog jezika i književnosti i muzičke kulture

Nada Banjanin Đuričić, Kako smo učili o Holokaustu u Železničkoj tehničkoj školi

Danica Stefanović, Učenje o Holokaustu kroz neformalno obrazovanje

Sonja Viličić, Edukativni projekat „Znanje jednako tolerancija“

Marlena Pavlović, Edukativni projekat „Da se nikad ne zaboravi, Holokaust, da se nikad ne ponovi – muzika piše sećanja“

Milovan Pisari i Nikola Radić Lucati, Mapiranje Holokausta, učionica u pokretu,

studijske posete mestima stradanja i izložbe – kao sastavni deo edukacije o Holokaustu

Robert Kozma, Učenje o Holokaustu kao sastavni deo obrazovnog programa „Mi i oni drugi“

sreda 10. maj

Seminar o knjizi Nebojše Grubora „Kant i zasnivanje moderne estetike“

Učesnici: Una Popović, Milos Miladinov, Miloš Čipranić, Igor Cvejić, Saša Radovanović, Ivan Milenković, Marko Novaković i autor.

ponedeljak 15. maj

Seminar o knjizi „O pravu. Izabrani eseji“ Dragana M. Mitrovića

Učesnici: Dejan Popović, Aleksandar Gajić, Miša Đurković, Dragutin Avramović, Miloš Zdravković, Dalibor Đukić, Ilija Jovanov, Petar Bojanić, Aleksandar Fatić, Željko Radinković, Marjan Ivković, Srđan Prodanović, Irena Fiket, Igor Cvejić i autor.

ponedeljak 15. maj

“Crisis of Democracy Today”, gostovanje Grupe za studije angažovanosti u Centru za studije jugoistočne Evrope u Gracu

utorak 16. maj

Predstavljanje zbornika „Angažman: uvod u studije angažovanosti“, Kulturni Centar Beograd

Govornici: Đokica Jovanović, Đorđe Pavićević, Robert Kozma, Adriana Zaharijević, Jelena Vasiljević, Gazela Pudar.

22–23. maj

Social Ontology Symposium with John Searle, Sveučilište u Rijeci

četvrtak 8. jun

Seminar with Dan Zahavi: Pre-reflective Self-awareness and Experiential Selfhood: Singular and Plural?

Participants: Petar Bojanić, Igor Cvejić, Marjan Ivković, Srđan Prodanović, Rastko Jovanov, Željko Radinković, Olga Nikolić, Janko Nešić, Slobodan Perović, Ljiljana Radenović.

sreda 21. jun

Seminar with Michael Schreyer “Deepening European Economic Governance: Goals, Means, Actors and the Question of Democratic Legitimacy and Control“

Participants: Mihail Arandarenko, Naim Leo Beširi, Duško Lopandić, Marko Malović, Jelica Minić, Dušan Pavlović, Đurđa Trajković i Aleksandar Matković.

utorak 4. jul

Seminar with Francis Fukuyama “Liberal Democracy in the West: The End of History 25 Years Later“, Faculty of Political Sciences, University of Sarajevo

Participants: Asim Mujkić, Petar Bojanić, Gruia Badescu, Mateja Kurir-Borovčić, Gregor Moder, Marija Ott-Franolić, Nataša Sardžoski, Marek Silvazsi, Marjan Ivković, Gazela Pudar Draško, Damir Kapidžić, Nerzuk Ćurak, Nermina Mujagić, Hamza Karčić.

utorak 11. jul

Seminar o knjizi Branka Milanovića „Globalna nejednakost: Novi pristup za doba globalizacije“

Učesnici: Gazela Pudar Draško, Petar Bojanić, Božo Drašković, Nevena Kulić, Mladan Mrđan, Alpar Losoncz, Sanja Filipović, Aleksandar Stojanović, Marjan Ivković, Đurđa Trajković, Irena Fiket i Mark Losoncz i autor.

* * *

ponedeljak 27. jul*Seminar o knjizi Orasia Ćeruti Guldberga „Mogućnost transkapitalističkog života“*

Učesnici: Oskar Barbosa Lisano, Miloš Ćipranić, Katarzina Dembicz, Bojana Kovačević Petrović, Dejan Mihailović, Durđa Trajković i autor.

* * *

sreda 20. septembar*Seminar sa Mihaelom Dekerom i Klausom Vigerlingom „Participation and Societal Decision-Making“*

Učesnici: Michael Decker, Klaus Wiegeling, Slobodan Perović, Una Popović, Željko Radinković, Olga Nikolić, Srđan Prodanović, Irena Fiket, Mark Losoncz, Aleksandar Pavlović.

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ponedeljak 2. oktobar*Seminar with Hans Bernhard Schmid „Collective Responsibilities of Random Collections“*

Participants: Miljana Milojević, Časlav Koprivica, Petar Bojanić, Olga Nikolić, Igor Cvejić, Mark Losoncz, Željko Radinković, Predrag Krstić i Rastko Jovanov.

* * *

18-19. oktobar**KULTURE U PREVODU: PARADIGMA ZA EVROPU** (Italijanski institut za kulturu, Beograd)**sreda 18. oktobar***Translatability and Untranslatables: Examples and Reflections*

Snežana Milinković, „Tradurre è impossibile ma necessario“

Annette Đurović, „Od „Personenkennzahl“-a do „Personenkennziffer“-a ili Put između raspada dva sistema u budućnost“

Deja Piletić, „I dottori del triennio – dottori triennali? Le sfide della

traduzione giurata dall'italiano in montenegrino e viceversa“

Philosophy in Translation: Translation as a Philosophical Problem

Luca Illetterati, „Animali che traducono“

Adriana Zaharijević, „Prevođenje filozofije: slučaj pojma agency“

Gaetano Chiurazzi, „La storicità della traduzione“

Zdravko Kobe, „Traduzione e trasformazione“

četvrtak, 19. oktobar*Translation, Interculturality and European Identity*

Aleksandra Mančić, „Translation as Intercultural Practice and its Relevance for the Future of Europe“

Silvana Borutti, „L'antropologia e la traduzione come modello della comunicazione interculturale“

Durđa Trajković, „Madness of Pierre Menard: Power of the Untranslatable“

Michael Oustinoff, „Globalization and the Translation of Imaginaries“

Olimpia Giuliana Loddo, „Translating Written Norms Into Normative Pictures“

Actuality of Translation – Translation as Activity

Gojko Božović, „Izazovi savremenog prevođenja i savremenog izdavaštva“

Mirna Zelić „Pokaz, Translating for the European Commission“

Katja Stergar, „Traduki's Work and Implications“

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petak 20. oktobar*Seminar with Tamar Meisels „Targeted Killing with Drones? Old Arguments, New Technologies“*

Participants: Srđan Prodanović, Aleksandar Fatić, Jovan Babić, Adriana Zaharijević, Rastko Jovanov, Marjan Ivković, Predrag Krstić, Davide Pala, Carlo Burelli, Olimpia Loddo i Mónica Cano.

subota 21. oktobar

Seminar with Margaret Moore "A Political Theory of Territory"

Participants: Margaret Moore, Tamar Meisels, Adriana Zaharijević, Marjan Ivković, Miloš Čipranić, Igor Cvejić, Bojana Simeunović, Olga Nikolić, Michal Sladeček, Rastko Jovanov, Jovica Pavlović, Jovan Babić, Miloš Marković, Aleksandar Fatić, Petar Bojanić, Srđan Prodanović, Mark Losoncz.

7–8. novembar

Seminar "Engaging Vulnerability and Exclusion: Rethinking the Subject in the XXI Century" (Universidad Complutense, Madrid)

16–17. novembar

Gostovanje Grupe za studije angažovanosti – Filozofski fakultet Univerziteta Ćirilo i Metodije u Skoplju

utorak 21. novembar

Slučaj Konstantinović: teorijska misao i društveni angažman

Učesnici: Branislav Jakovljević, Ivan Milenković, Latinka Perović, Gazela Pudar Draško, Duško Radosavljević, Branko Romčević, Vladimir Zorić, Radivoj Cvetičanin, Milivoj Bešlin, Predrag Krstić.

sreda 29. novembar

Seminar with Gábor Boros "European Philosophies of Love"

Participants: Aleksandar Fatić, Lazar Atanasković, Đurđa Trajković, Miloš Čipranić, Olga Nikolić, Una Popović, Igor Cvejić, Nevena Jevtić, Željko Radinković, Rastko Jovanov i Mark Losoncz.

5–6. decembar

Međunarodna naučna konferencija:
ПОСТИМПЕРСКАЯ СИТУАЦИЯ
МЕЖВОЕННОГО ПЕРИОДА В
ИНТЕЛЛЕКТУАЛЬНОЙ РЕФЛЕКСИИ:
ВОЙНА, ОТВЕТСТВЕННОСТЬ,
ИДЕНТИЧНОСТЬ

Gosti: Ćerepanova Jekaterina, Davljetašina Ana, Loginov Aleksej, Menjšikov Andrej, Kruglova Tatjana.

5–8. decembar

Međunarodna naučna konferencija:
МЕЖВОЕННЫЙ ПЕРИОД:
ОТВЕТСТВЕННОСТЬ
ИНТЕЛЛЕКТУАЛА И ВОЙНА

sreda 13. decembar

ISTORIJA POLITIČKIH IDEJA I
SAMOORGANIZOVANJA
VOJVOĐANSKIH MAĐARA (1989-1999)

Tóth Szilárd, Vajdasági magyar autonómia
– Egy politikai eszme tíz esztendeje
(1989–1999)

Dévavári Zoltán, Dilemmák és kisebbség-
szervezés: a Magyar Párttól a VMDK-ig
– Hasonlóságok és különbségek

Losoncz Márk, Vajdaságiság és etnikai
politizálás –A vajdasági magyarság re-
gionális önazonosságának kérdéséhez

Bárdi Nándor, A magyar kisebbségi pártok
előzményei, létrejöttük, szétfejlődésük
(1989–1994)

Szerbhorváth György, Hősök vagy áldo-
zatok? –Magyar halottak a délszláv há-
borúkban

Rác Krisztina, A tankokkal körbevett
falu –Legenda és valóság a Zitzer Szel-
lemi Köztársaságban

Ternovác Dániel, NATO-bombázás a vaj-
dasági magyar naplórás tükrében

Vataščin Péter, Azok, akik „megváltoztatták
a várost” –A délszláv háború menekült-
válsága a szabadkai magyarok emléke-
zetében

Fúró Andor, A temerini múzeumsztrájk multidiszciplináris megközelítése

Kocsis Árpád, Csorba Béla politikai gondolkodása az 1990-es években

Zakinszky Toma Viktória, Tulajdonjogi viszonyok és szerkesztéspolitikai a vajdasági magyar írott és elektronikus sajtóban az 1989 és 1999 közötti időszakban

Wágner Tamás, Vajdasági kronológia – Módszertani kérdések és dilemmák

14 – 17. decembar

SVEDOČANSTVO. POEZIJA. JEZIK.

četrvtak 14. decembar

Paul Celan kao paradigma čitanja i pisanja svedočanstva

Bertrand Badiou, „Svedočenje Celanovih rukopisa i spisa“

Sue Vice, „Dijaloški uticaji Pola Celana“

Pajari Räsänen, „Svedočenje – Od jednog jezika ka drugom“

Petar Bojanic, „Paul Celan: Svedočenja o zavičaju („Ort meiner eigenen Herkunft“. Heimat, und Ich ?)“

Paul Celan danas

Michael Eskin, „Svedok kao agent: refleksije o Polu Celanu i Eti Hilesum“

David Coury, „Denken und Gedenken: čitanje Celana u 21. veku“

Nina Čolović i Aneta Lalić, „Na rubu teksta: traumatski rascjepi u jeziku“

petak 15. decembar

Jugoslavenski ratovi i svedočenje

Asmir Kujović, „Fikcije i svjedocjenja o ratu“

Lidija Dimkowska, „Svedočanstvo i žanr“

Andrijana Kos-Lajtmán, „Neodadaističko lice postmodernizma: Manifest Mlade Bosne Darka Cvijetića kao protest protiv kulturnih i općedruštvenih defektnosti jugoslavenskog prostora na prijelazu milenija“

Senadin Musabegović, „Poezija u mukama tranzicije“

Retorika, politika i poezija posle jugoslavenskih ratova

Jay Surdukowski, „Mač i štit: Upotreba poezije na suđenju Radovanu Karadžiću, pesniku-ratniku, za ratne zločine“

Elizabeta Šeleva, „Da ratuje ili da piše“

Goran Lazičić, „Retorike i politike svedočenja u romanima Svetislava Basare i Davida Albaharija“

subota 16. decembar

(Centar za kulturnu dekontaminaciju)

Jezik i predstavljanje jugoslavenskih ratova

Olivera Marković-Savić, „Rat i jezik“

Šeherzada Džafić, „Etička strana stiha – od djela do dokumenta“

Darija Davidović, „Prikaz rata u performativnim umetnostima“

Selma Zulić Šiljak i Lejla Somun-Krupalija, „Istraživanje sjećanja: tišine i rad granice u usmenom svjedocjenju“

Bertrand Badiou, „Ne gubiti nit. Surovi januar – jedan mesec u životu Pola Celana“

nedelja 17. decembar

Konflikti u perifernom kapitalizmu

Cornelia Grabner, „Globalni odjeci i pokret za mir sa pravdom i dostojanstvom u Meksiku“

Robert von Hallberg, „Svedočenje i poezija u SAD“

Danijela Majstorović, „Stvaranje ‘nove’ Jugoslavenske žene: svjedocanstvo/testament emancipacije s kraja Drugog svjetskog rata“

Marzuq AlHalabi, „Mahmoud Darwish– Svedok i svedočanstvo“

Spomen obeležja i afekti

Matthew Boswell, „Čitanje spomen obeležja genocida u Ruandi: evrocentrizam, senzorna sekundarna svedočenja i stid“

Cherilyn Elston, „Svedočenje u vreme konflikta: Čitanje kolumbijskih žena i mirovnih aktivista“

utorak 18. decembar

Međunarodni seminar: Race, Nation, Class: Ambiguous Identities

Participants: Rastko Močnik, Gordan Maslov, Valida Repovac Nikšić, Nataša Sardžoska, Vedran Džihić, Vladimir Vuletić, Marko Božić, Petar Bojanić, Aleksandar Fatić, Marjan Ivković, Srđan Prodanović, Đurđa Trajković, Jelena Vasiljević, Adriana Zaharijević, Carlo Burelli, Mónica Cano, Davide Pala.

OTVORENI RAZGOVORI:

Kakvo društvo želimo? Između privatnog i javnog, petak 28. april (Pirot)

Kakvo društvo želimo? Participacija i isključenost: izazovi javne sfere danas, petak 29. septembar (Šabac)

Razgovor o angažovanosti u post-petooktobarskoj Srbiji – predstavljanje Grupe za studije angažovanosti, četvrtak 5. oktobar (Subotica)

Kakvo društvo želimo? Izazovi međugeneracijskog dijaloga; omladinsko samorganizovanje, četvrtak 30. novembar (Kragujevac)

SUBMISSION INSTRUCTIONS

All submissions to *Filozofija i društvo* must conform to the following rules, mostly regarding citations. The Referencing Guide is the modified Harvard in-text referencing style. In this system within the text, the author's name is given first followed by the publication date and the page number/s for the source. The list of references or bibliography at the end of the document contains the full details listed in alphabetical order for all the in-text citations.

1. LENGTH OF TEXT

Up to two double sheets (60.000 characters including spaces), abstracts, key words, without comments.

2. ABSTRACT

Between 100 and 250 words.

3. KEY WORDS

Up to 10.

4. AFFILIATION

Full affiliation of the author, department, faculty, university, institute, etc.

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Example:

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In the text: (Moriarty 2003: 33).

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Example:

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In the text: (Miller 1926: 320).

In a comment: Miller 1926: 320.

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Example:

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In a comment: Harris 2001.

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Example:

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In the text: (Anscombe 1981: 82)

In a comment: Anscombe 1981: 82.

9. NEWSPAPER AND MAGAZINES

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In the bibliography: last name, first name, year in parentheses, title of article in quotation marks, name of newspaper in *italic*, date, page.

Example:

In the bibliography: Logar, Gordana (2009), „Zemlja bez fajronta“, *Danas*, 2 August, p. 12.

In the text: (Logar 2009: 12).

In a comment: Logar 2009: 12

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When quoting an online text, apart from the web address of the site with the text and the text's title, cite the date of viewing the page, as well as further markings if available (year, chapter, etc.).

Example:

In the bibliography: Ross, Kelley R., „Ontological Undecidability“, (internet) available at: <http://www.friesian.com/undecd-1.htm> (viewed 2 April, 2009).

In the text: (Ross, internet).

In a comment: Ross, internet.

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Primeri:

U literaturi: Miller, Johns Roger (1926), „The Ideas as Thoughts of God“, *Classical Philology* 21: 317–326.

Hartman, Nikolaj (1980) „O metodi istorije filozofije“, *Gledišta* 21 (6): 101–120.

U tekstu: (Hartman 1980: 108).

U napomeni: Hartman 1980: 108

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Primer:

U literaturi: Espozito, Džon (prir.) (2002), *Oksfordska istorija islama*, Beograd: Clio.

U tekstu: (Espozito 2002).

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Primer:

U literaturi: Nizbet, Robert (1999), „Jedinične ideje sociologije“, u A. Mimica (prir.), *Tekst i kontekst*, Beograd: Zavod za udžbenike i nastavna sredstva, str. 31–48.

U tekstu: (Nizbet 1999: 33).

U napomeni: Nizbet 1999: 33.

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U tekstu: (Ross, internet).

U napomeni: Ross, internet.

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