



NSI

THE NATIONAL SECURITY INSTITUTE
At George Mason University's Antonin Scalia Law School



A FIRESIDE CHAT WITH JEREMY RABKIN AND JOHN YOO

February 8, 2018 - Antonin Scalia Law School

The National Security Institute, along with the Scalia Law School Federalist Society, hosted a discussion with Scalia Law Professor Jeremy Rabkin and UC Berkeley Law Professor John Yoo on their new book, *Striking Power: How Cyber, Robots, and Space Weapons Change the Rules for War*. Andrea Limbago, NSI Visiting Fellow and Chief Social Scientist at Endgame, served as moderator.

DISCUSSION WRAP UP

The technology that has transformed the civilian world has revolutionized the realm of warfare just as drastically. Rather than suppressing these new developments, Professors Rabkin and Yoo argue that we should accelerate their deployment.

Precise Striking Power. Professor Yoo commented that though modern cyber and robotic weapons lower the cost of inflicting violence, these weapons are “far more precise and less destructive” than other currently deployed systems. To demonstrate the point, he compared the widespread devastation of an atomic bomb to the potential pinpoint impact of a computer virus. With more advanced technology, a state can focus destruction precisely on military targets while sparing civilians and collateral damage. To bolster his point, Professor Yoo observed that after World War II, as nations introduced more sophisticated technology into warfare, loss of life dropped dramatically. Only in civil wars, where more primitive weapons were generally used, did casualties remain high. Professor Yoo also discussed the implications of applying these new technologies to adversaries the United States is currently confronting. Rival nation-states, such as Russia and China, seek to destabilize the international system established by the United States and its allies in the aftermath of World War II. If these rivals plan to fight the U.S., we would prefer they do so with the most precise, least destructive weapons possible.

SPEAKERS

Jeremy Rabkin
Professor of Law,
Antonin Scalia Law
School

John Yoo
Emanuel S. Heller
Professor of Law,
Berkeley School of Law

Additionally, we face attacks from non-state actors, such as Al Qaeda and ISIS. Terrorist organizations don't often employ the large armies or military facilities that we could typically destroy with conventional weapons. These unconventional targets require a response by unconventional weapons systems. In either conflict, the U.S. benefits from technologically-sophisticated weaponry.

The Human-Technology Balance. Ms. Limbago introduced the topic of drones and artificial intelligence, and the issues regarding human control and decision-making raised by the use of such technologies. She asked the authors to describe where they thought the the balance between humans and technology would go in the future. Professors Rabkin and Yoo first described the concerns of experts like Elon Musk, who fear that artificial intelligence may someday overpower humans. In warfare, they concluded, however, that the benefits of these technologies demonstrably outweigh the danger of a hypothetical robot takeover.

A Digital Geneva Convention. Ms. Limbago also raised the concept of a "digital Geneva Convention" like that proposed by Microsoft President Brad Smith. Regarding whether the international community and individual nation-states should be working towards an international agreement on cyber warfare, the authors cautioned that the push for a cyber convention may be premature. Historically, attempts to ban the use of particular weapons, especially those using new technologies, have generally failed. For example, efforts to prohibit submarine use during World War I were unsuccessful and meaningful limits on the use of nuclear weapons did not take shape until the 1970s. Instead, these historical examples demonstrate that governments and society need to wait until parties have accumulated more experience and knowledge of new technologies before efforts to regulate them begin. Lastly, any efforts to regulate new cyber and robotic weapons should center on flexible standards, rather than strict rules.