

## **Robot Warfare and the Problem of Bound Discretion**

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Under the laws of armed conflict, targeting decisions are subject to the requirement that constant discretion be exercised. This requirement is all the stronger in the context of asymmetric warfare, when the use of force constitutes the exercise of public authority vis-à-vis individuals subjected to state power. Autonomous weapons systems (AWS) are based on preprogrammed algorithms. The preprogrammed algorithm binds the discretion of the human operators of the AWS. Hence the deployment of AWS, without constant human involvement in targeting decisions, is per se arbitrary and incompatible with the requirements of international humanitarian law and human rights law. We submit that our analysis provides a more satisfying explanation for the intuitive resentment toward AWS that is addressed in the otherwise rather circular debate about the morality and lawfulness of AWS.