

# The Trouble with Targeted Killing

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## Abstract

Is targeted killing an effective counter-terrorism tactic? Several studies published in academic journals over the last decade differ over the answer. While some believe that it is effective as a tactic within a larger counter-terrorism strategy, others believe that it has no effect or possibly a negative effect in countering terrorism. This paper argues that although current studies may be valuable for understanding the impact of targeted killing in specific case studies, they do not yet provide a basis for making general pronouncements on whether targeted killing is or is not an effective counter-terrorism tactic. Problems include widely divergent definitions, a dearth of evidence, difficulties in measuring “success” and the radical differences between case studies which make comparison and generalization a questionable exercise. However, while the evidence does not yet allow scholars, pundits and policy makers to make general pronouncements on the effectiveness of targeted killing generally, it does provide grounds to begin a normative debate over whether such policies are appropriate. In addition, it suggests that researchers and policy makers should focus on gathering and improving more empirical data to advance decision making on counter-terrorism tactics in the future; particularly when targeted killing should or should not be employed.

## Introduction

Is targeted killing an effective counter-terrorism strategy? The debate over the issue had been simmering for sometime before the killing of Osama bin Laden on 2 May 2011. This was particularly so with regards to Israeli policy of “targeted killing” against alleged terrorists in Palestine introduced in November 2000. Additionally, given the use of drone strikes by the United States in Yemen in 2002 and the ongoing conflict in Afghanistan, the issue has generated a certain amount of academic attention over the past 10 years. Yet even before bin Laden’s body was placed in a watery grave, his killing seemed to instantly add fuel to the fire. Targeted killing advocates such as Alan Dershowitz, immediately asserted that the attack on bin Laden fully justified the use of targeted killing as a counter-terrorism strategy by Western states and Israel (Dershowitz 2011). Additionally, the chairman of the Israeli Foreign Affairs and Defence Committee Shaul Mofaz suggested that the killing of bin Laden demonstrated that the US had adopted Israel's strategy of targeting terrorist leaders (Jerusalem Post 2011).

However, although the US killing of bin Laden clearly demonstrates that states are utilizing this counter-terrorism tactic, it is by no means a measure of whether targeted killing is actually effective. In fact, many of the major empirical studies on targeted killing published in the last decade (Cronin 2009; Hafez and Hatfield 2006; Jordan 2009; Kaplan, et al. 2005; Mannes 2008) suggest the opposite: that targeted killing is an ineffective tool for stopping terrorism. While Hafez and Hatfield (2006) argue that targeted killing has no overall effect on terrorist attacks, others such as Jordan argue that “the marginal utility for decapitation is actually negative” (Jordan 2009: 732).

So, while certain states may be turning to targeted killing as a part of their overall counter-terrorism strategy, recent scholarship has raised serious questions about whether or not this is a viable tactic. For example, Audrey Kurth Cronin concludes:

Cases where a group has halted a campaign following the killing of the leader are difficult to find, and those examined here do not support the conclusion that assassination ends terrorism...In short, while anxious populations may want a government to show strength and crush a group, state-directed assassinations result mainly in tactical gains, because the resulting tit-for-tat equivalence between state and group over time hurts the strategic position of the government as the rightful actor (Cronin 2009).

Yet, for all of the interesting work done in this area, a closer look at these studies reveals that reaching sweeping conclusions either for or against targeted killing is highly problematic. One need actually look no further than the divergent views as to what targeted killing actually is to note that there are serious differences and discrepancies as to how the term is employed. This suggests that applying the “lessons” of one empirical case study to another, or targeted killing generally, may not be appropriate.

This paper argues that although current studies may be valuable for understanding the impact of targeted killing in specific case studies, they do not yet provide a basis for making general pronouncements on whether targeted killing is or is not an effective counter-terrorism tactic. Problems include widely divergent definitions, a dearth of evidence, difficulties in measuring “success” and the radical differences between case studies which make comparison and generalization a questionable exercise. However, while the evidence does not yet allow scholars, pundits and policy makers to make general pronouncements on the effectiveness of targeted killing generally, it does provide grounds to begin a normative debate over whether such policies are appropriate. In addition, it suggests that researchers and policy makers should focus on gathering and improving more empirical data to advance decision making on counter-terrorism tactics in the future; particularly when targeted killing should or should not be employed.

#### *Note on definitions*

As many studies on targeted killing note, there is no consensus as to what the term actually means or how it should be defined. For example, some scholars use the term “assassination” or “decapitation” to refer to policies that others might call “targeted killing”. This is a major factor in problems with comparing and contrasting empirical research, as will be discussed below. However, for the purpose of this article, targeted killing will be understood broadly as *the planned direct killing of an individual because of their perceived membership (and often perceived leadership) of a terrorist movement*. Additionally, it will frequently make references to other understandings of “targeted killing” in literature that are more narrow or wide to make various points or to describe certain arguments such as drone strikes.

#### **Arguments for Targeted Killing**

The bottom line for targeted killing supporters (Anderson 2010, Byman 2006, David 2002, David 2003a, Etzioni 2010) is that targeted killing works as part of a larger counter-terrorism strategy. In the first instance targeted killing does what it is supposed to and removes the

leader of a group. The advantage of this is straightforward: movements are deprived of their political or spiritual leader who directs operations and perhaps serve as a rallying/recruiting cause. However, campaigns that are broader in scope also seek to eliminate terrorists with highly valuable skills that are not easily replaced. As Daniel Byman argues, “Contrary to popular myth, the number of skilled terrorists is quite limited. Bomb makers, terrorist trainers, forgers, recruiters, and terrorist leaders are scarce” (2006: 103). The elimination of these mid-to-high range leaders damages the capacity of an organization to carry out strikes as they are unable to find equally skilled replacement. Again, as Byman notes “The groups may still be able to attract recruits, but lacking expertise, these new recruits will not pose the same kind of threat” (2006: 104).

Yet targeted killing advocates also believe that there are other benefits beyond eliminating leadership. Perhaps the most important of these benefits is the idea that it disrupts terrorist organizations, throwing them into chaos and preventing them from planning future attacks. “To avoid elimination, the terrorists must constantly change locations, keep those locations secret, and keep their heads down, all of which reduces the flow of information in their organization and makes internal communications problematic and dangerous” (Byman 2006: 104). The absence of leaders, leadership and members with valuable skills clearly contributes to this. However, even when members or leaders survive or evade attacks it still serves a disruptive role. First, it means that the leadership must maintain a clandestine operation. They must avoid family and friends at all costs and they may frequently have to move from safe house to safe house. “Over time the stress of such demands on terrorists becomes enormous... Operatives cannot visit their parents or children without risking death” (Byman 2006: 104). The need to maintain extra secrecy and security is difficult and places significant pressure on the terrorists. Second, time dedicated to personal and group survival is time that is not spent on planning and executing terrorist attacks. Finding and travelling to safe houses is difficult, as is developing trustworthy support and supply networks. As such, keeping terrorists on the run is a major advantage.

A third idea supporters of targeted killing point to is that targeted killing is an easier and more proportional tactic than other forms of counter-terrorism. As Steven David (2003a) notes, unlike invasions or occupations, “Targeted killings do not employ large numbers of troops, bombers, artillery and other means that can cause far more destruction than they prevent” (2003a: 121). Along these lines, it is possible to argue that a single strike is a far more proportional tactic than invasion and occupation. Again, as David (2002) argues “Targeted killing is discriminatory in that it focuses exclusively on one’s adversaries. Civilian casualties and collateral damage are minimized. It is proportionate in that only enough force is used to accomplish the task” (2002: 17). Similarly, in discussing the US drone campaign in Afghanistan/Pakistan, Anderson argues that “Drones permit the United States to go directly after terrorists, rather than having to fight through whole countries to reach them” (2010: 26).

David (2003a) also notes that such a policy may actually help preserve life as targeted terrorists may seek to turn themselves in rather than evade attack. “When the Israelis informed the PA whom they were after, this information was often passed to the targeted individuals so that they knew they were being hunted. Some voluntarily chose to place themselves in custody to avoid being slain” (2003a: 120). Additionally, he recounts that when Prime Minister Ariel Sharon asked for the negotiating position of the Palestinian Authority (PA) in January 2002, “first on their list was an end to targeted killing. Islamic Jihad and Hamas agreed to refrain from launching attacks in pre-1967 Israel in December 2001 so long as Israel refrained from killing its leaders. Although the cease-fire eventually broke down,

their willingness to abide by the cease-fire, even temporarily, indicated the deterrent power of targeted killing (David 2003a: 120-1).

Targeted killing is also touted as a preferred option when it is clear that bringing suspects for trial is simply not possible. Frequently, terrorist groups and leaders are protected by a state or organization. As Byman (2006) notes, “Denied peaceful options for bringing suspected terrorists to account, Israeli governments have long used targeted killings as a last resort to achieve a sort of rough justice” (2006: 97). It may also be preferred where terrorist organizations are hiding in areas where it is impossible to send in troops or a capture raid, such as the mountainous regions of the Afghanistan-Pakistan border. Again, as Byman argues:

Arresting al-Qaeda personnel in remote parts of Pakistan... is almost impossible today; the Pakistani government does not control many of the areas where al Qaeda is based, and a raid to seize terrorists there would probably end in the militants escaping and U.S. and allied casualties in the attempt (2009).

Similarly (but more strongly), Amitai Etzioni argues that many terrorists “are best prevented from proceeding rather than vainly trying to prosecute them after the fact” and notes that most cannot be deterred by the criminal justice system (2010: 68).

A final, if somewhat grim, advantage is that targeted killings are popular with domestic audiences. David describes Israel’s policy of targeted killing as “a form of controlled, state-sanctioned revenge” (David 2003a: 122). Additionally, as Byman (2006) notes, targeted killings “satisfy domestic demands for a forceful response to terrorism” (2006: 102). Whether you approve or not of the jubilant celebrations in New York’s Times Square or in front of the White House after bin Laden’s death was announced by President Obama, it was clear that the response to bin Laden’s death was overwhelmingly positive in the United States. A poll released on three days after the killings saw Obama’s overall approval rankings climb 11 percent, from 46% in April to 57% although “more than six in 10 Americans said that killing Bin Laden was likely to increase the threat of terrorism against the United States in the short term” and only 16% felt safer with bin Laden’s death (Dao and Sussman 2011).

### *Measuring success*

David (2002; 2003a) and Byman (2006) are primarily concerned with the policy of targeted killing committed by Israel against Palestinian targets. Aside from the reasoning above, they point to what is probably the most significant piece of evidence that a policy of targeted killing is effective: that the number of Israelis civilians killed dropped dramatically in 2003 after the government began to use targeted killing. David suggests that what was particularly new of the Second Intifada that began in November 2000 was the lethality of the terrorist attacks against Israelis. “While in the first intifada the ratio of Palestinian to Israelis killed was roughly twenty-five to one, well armed Palestinian groups making use of suicide bombers had now reduced that proportion to three to one” (David 2003a: 117). While he concedes that over 600 Israeli civilian casualties during the Second Intifada suggest that “targeted killing has been unable to stop terrorism”, he proposes that “It is possible that even more Israeli civilians would have been killed if not for the policy” (David 2003a: 118).

David also notes that “There is little question that Israel’s policy has hurt the capability of its adversaries to prosecute attacks” (David 2003a: 119). For example:

There is some evidence that targeted killings have reduced the performance of terrorist operations. Israelis estimate they stop over 80 percent of attempts, and the incidence of poorly planned attacks, such as suicide bombers who appear with wires sticking out of their bags or detonations that occur with little loss of life, indicates that there have been problems either with the organization of the operations or with those available to carry them out. (2003a: 120).

Byman (2006) is arguably more optimistic than David, perhaps due to the fact he is writing three years later and has the benefit of more data. Quoting the National Memorial Institute for the Prevention of Terrorism (MIPT), he notes that while 185 Israelis were killed in 2002, these numbers decreased to 45 in 2003, 67 in 2004 and 21 in 2005. Additionally, Byman argues that although the number of terrorist attacks by Hamas actually rose (from 19 in 2001, 34 in 2002, 46 in 2003, 202 in 2004 and 179 in 2005), the attacks themselves became less successful. As such:

as the number of attacks grew, the number of Israeli deaths they caused plunged, suggesting that the attacks themselves became far less effective. The lethality rate rose from 3.9 deaths per attack in 2001 to 5.4 in 2002, its highest point. Then, in 2003 the rate began to fall, dropping to 0.98 deaths per attack that year, 0.33 in 2004, and 0.11 in 2005” (Byman 2006: 103).

Given the recent increase in the use of drones by the United States in 2009 and the secretive nature of the program, it is harder to find reliable or scholarly studies as to their effectiveness. Although their book seeks to report rather than advocate, Eric Schmitt and Thom Shanker note that there is some evidence to suggest that drone strikes targeted at al-Qaida in Afghanistan and the Federally Administrated Tribal Areas of Pakistan (known as the FATA) are working. “While the overall effectiveness of the strikes is impossible to ascertain, there are many accounts to confirm that a significant number of insurgents have been killed” (2011: 241). As they see it, the strikes have two complementary goals, one tactical and one strategic. While the immediate goal is to bring about the death of terrorist leaders, the campaign serves a larger strategic purpose of deterrence, “pushing Al Qaeda senior leaders deeper into hiding, preventing their gathering together, and keeping them constantly on alert, in motion and off balance” (2011: 241). In addition, they report that the strikes serve to disrupt terrorist cells and sow fear and dissent within the militant ranks. “After each strike, Al Qaeda and Pakistani Taliban leaders typically round up several suspected informants and execute them, creating a cycle of fear that Americans and Pakistani intelligence officers say tears apart the terrorist cells from within” (243-4).

Therefore, targeted killing advocates rest their case on not only the benefits of a targeted killing policy outlined above, but also that it is more than likely that such a policy has disrupted further efforts (David 2003a, Schmitt and Shanker 2011), fewer civilian deaths and less effective attacks (Byman 2006). As Byman argues, “Something more than correlation was at work here” (2006: 103).

## Targeted Killing: Arguments Against

It should be noted that much of the overwhelming arguments against targeted killing come from those who find the policy distasteful, immoral and illegal (Alston 2011; Gross 2003, 2006; Stein 2003; O'Connell 2010). Both Gross (2003, 2006) and Stein (2003) for example, equate the policy to assassination, suggesting that "Whatever one chooses to call it, however, this policy will remain illegal as well as immoral" (Stein 2003: 128). But even in making their moral/legal arguments, these approaches also tend to raise another major concern: that targeted killing is ineffective because it causes more problems than it solves. Stein, for example, notes that like the US death penalty, there is no way that mistakes can be avoided and innocents indirectly killed (2003: 134-5). Gross notes that a policy of "named killing"/assassination brings about unsustainable consequences, such as undermining the social and economic infrastructures of the Palestinian community. This is due to the fact that targeted killing requires the gathering of intelligence through treacherous means and is executed through treacherous acts which undermine confidence and stability of a society (Gross 2003).

But more empirical studies looking at effectiveness also suggest that there are serious difficulties with a policy of targeted killing. First, there is the issue of blow-back: a policy of targeted killing may backfire with very negative consequences for democratic states. Enraged at the killing of their leaders, terrorist groups may choose to strike at the leaders of democratic societies. As Cronin (2009) notes:

...governments are at a serious disadvantage, especially in democratic states: public figures cannot be perfectly protected; indeed, a major aspect of most elected politicians' jobs is to be visible and available, making them more vulnerable to assassination than the leaders of clandestine organizations (2009: 25).

In other words, targeting leaders may create a perverse yet pervasive belief that it is okay for terrorist organizations to target the leadership or institutions of democratic societies. Bruce Jenkins (1987) comes to a similar conclusion, noting that democracies "are particularly vulnerable to the risk that our own leaders may be assassinated... In a war of assassination, clearly we would be at a disadvantage" (1987: 8).

Secondly, although targeted killing may actually remove terrorist leaders, their replacements may in fact be worse. "The original charismatic leader may indeed be irreplaceable, or he may not: the old cliché about the devil you know applies here. It is not at all guaranteed that the successor will be an improvement, from a counter-terrorism perspective" (Cronin 2009: 26). Again, this view is supported by Jenkins (1987) who argues that "We cannot assume that new leaders will act differently from their predecessors" (1987: 8).

Third, as Cronin (2009) argues, arresting a leader is more effective than killing him/her:

Capturing a leader, putting him or her on trial and then presumably behind bars, emphasizes the rule of law, profiles leaders as criminals and demonstrates the appropriate application of justice. All else being equal, it is much better to arrest and hail a terrorist leader so that his fate will be demonstrated to the public. There is nothing glamorous about languishing in jail (Cronin 2009: 17).

The saying “dead men tell no tales” is appropriate here. When the purpose of counter-terrorism is to gather further intelligence on other activities, a live terrorist is far more useful than a dead one. Arrested terrorists may be interrogated for information on future plots and, as Kaplan et al argue, the discovery of links to more nodes in terrorist networks (2005: 232).

Finally, targeted killing detractors argue that although targeted killing have benefits in theory, in the end it is an entirely unpredictable exercise. As Jenkins succinctly phrases it, “In real life, we can seldom predict the effects that an assassination might have” (1987: 12). Cronin (2009) argues that unlike terrorists:

...those who advocate state assassination policies must think not only tactically but strategically, analyzing the second- and third-order effects of the removal of terrorist leaders...Removing the leader may reduce a group’s operational efficiency in the short term, or it may raise the stakes for members of a group to “prove” their mettle by carrying out dramatic attacks (Cronin 2009: 25-6).

Some of these arguments become clear in the literature against the use of targeting terrorists with drone strikes in Afghanistan/Pakistan. Exum et al argue that the campaign “has created a siege mentality among the Pashtun population of northwest Pakistan” and suggest that it has the same hallmarks as failed campaigns in Algeria in the 1950s and Somalia in 2005-6 (2009: 18). They suggest that the heavy reliance on drones mistakes the use of a tactic for a strategy. Further, the strikes have infuriated the population to the extent that it undermines broader strategic goals in the region. Using an off-quoted (but heavily disputed) statistic, they claim that between 2006-2009 there were 14 terrorists and 700 civilians killed in drone strikes in Pakistan, representing over 50 civilians for every terrorist killed or a “hit rate of less than 2 percent” (2009: 18-19).

### *Measuring failure*

Unsurprisingly, empirical opponents of targeted killing rest their case on the fact that it simply does not work. Looking at the campaign of revenge assassinations carried out by Israel in the wake of the bloody attack on its athletes at the 1972 Munich Olympics, Jenkins argues “The assassinations may have disrupted terrorist operations, but the effects were temporary. It was difficult to discern any decline in Palestinian terrorist attacks at the time, and Israelis and Jews worldwide are still frequent targets of terrorist violence” (1987: 12).

However, perhaps the most devastating evidence indicating that policies of targeted killing are ineffective come from a series of quantitative studies published in scholarly journals over the last decade, particularly Hafez and Hatfield 2006; Jordan 2009; Kaplan, et al. 2005; Mannes 2008. All of these studies come to the conclusion that terrorism either has no effect or a negative effect on counter-terrorism strategies.

In the first category, Kaplan et al (2005) examine the reason for a dramatic fall in the number of suicide operations in Israel in 2003. Essentially, their study:

... models suicide bombing attempts as a function of the number of terrorists available for the planning and execution of such attacks, and refers us to this number as the terror stock. The intent of Israeli tactics is to reduce the size of the terror stock, and thus reduce the rate of terror attacks (2005: 226).

This study looks at the number of attempted attacks, defined as “an actual or intercepted suicide bombing” rather than looking at casualties (2005: 229). It also generates an estimation of the “terror stock” (aka human capital/number of terrorists) and presumes a daily recruitment rate which would replenish any reduction in it through the “stock” engaging in suicide bombings or eliminated through targeted killing (2005: 229-30). Success is then seen in terms in a reduction of the “terrorist stock”, or the number of terrorists available to carry out suicide bombing attempts.

After calculating their results, they conclude that during the time Israel engaged in targeted killing the “terror stock” increased rapidly from the start of 2001 through March 2002. However, when Israel changed tactics under Operation Defensive Shield in 2002 which placed more emphasis on arrests, it resulted in a reduction in suicide bombing attempts (2009: 230). Essentially, Kaplan et al are suggesting that arrests rather than targeted killing reduced the overall numbers of individuals available to carry out terrorist activities: “Although on-target hits might remove an immediate terrorist threat, the present analysis suggests that such actions actually increase the terror stock via hit-dependent recruitment (Kaplan et al 2005:232). As such, the authors conclude that their paper “provides the first empirical support for previous suggestions that offensive military measures are unlikely to prove effective against suicide bombings” (2005: 233). Additionally, while there has been a decrease in the number of terrorist attacks, this can be attributed to other counter-terrorism strategies, such as conducting arrests.

Hafez and Hatfield (2006) look at the policy of targeted killing and rates of Palestinian violence in Israel from September 2000 to June 2004. In testing their first hypothesis, whether “targeted assassinations are selective disincentives that produce a deterrent effect”, they expect to see, in line with the pro-targeted killing literature, “potential militants to abandon the struggle or, at a minimum, substitute tactics” (2006: 364) In testing a hypothesis on whether “targeted assassinations produce a disruption effect and diminish violence over time”, Hafez and Hatfield look to see whether “targeted assassinations may diminish the number and success rate of attacks in the long-run as militant groups suffer the loss of experienced cadres and commanders, and allocated precious resources to secure the remaining leadership” where the cumulative effect is “to reduce levels of violence, or at a minimum, lower the quality and success rate of violent operations against Israeli targets” (2006: 365).

Essentially, their study finds that “targeted assassinations have no significant impact on rates of Palestinian violence, even when time lags associated with possible reactive retaliations are taken into account” (2006: 361). They conclude that there has been no impact in terms of either increasing or decreasing the level of violence. Like Kaplan et al (2005), they hypothesize that rather than targeted killings, alternate counter-terrorism strategies and other defensive measures (hardening security at checkpoints, increasing the spread of police and military personnel in crowded public places vulnerable to attack, the security barrier, closures of Palestinian towns, improved collection of human intelligence, etc) may be the reason for a decline in the rate of successful Palestinian attacks (2006: 378-9). As such targeted killing “should not be presented as a proven solution to patterns of political violence and rebellion” (2006: 379).

The study by Mannes (2008) compares 81 observations of terrorist organizations losing their top leadership (defined as leader or second in command) since 1968. It then looks at the results two years after the decapitation action and five years for comparison and to get a more long-term perspective. Mannes interprets a successful result to be “decreased activity,



reflected in lower numbers of incidents and killings in the period of time after the event” (2008: 42). After running a regression, Mannes concludes that the findings are ambiguous and that it is hard to assess the utility of decapitation. While a general decline in incidents suggests the strategy may be useful in certain circumstances, “the limited effect of the decapitation strategy, particularly on fatal attacks by terrorist groups raises doubts about its overall efficacy” (2008: 43).

However, one finding that Mannes finds interesting is that killing a religious organization’s leaders rather than arresting them is more likely to lead to a surge of deadly violence. “The result that consistently stood out from this research was the propensity of decapitation strikes to cause religious organizations to become substantially more deadly (2008: 43-44). As such, Mannes concludes that “decapitation strikes are not a silver bullet against terrorist organizations. In the case of religious groups, they may even be counter-productive” (2008: 44).

Finally, Jordan (2009) has an ambitious study which looks at 298 incidents of leadership targeting from 1945-2004. Leadership is defined as “either the top leader of an organization or any member of the upper echelon who holds a position of authority within the organization” (2009: 733) and success is defined as whether “an organization was inactive for two years following the incident of decapitation” (Jordan 2009: 731). Additionally, Jordan also measures whether or not an organization suffered degradation over time, but limited this study to incidents involving Hamas, ETA and FARC. Here degradation was seen as changed in the frequency and casualty rate of terrorist attacks over time (2009: 732).

Again, after running regressions, Jordan concludes that decapitation is not an effective counterterrorism strategy as it does not increase the likelihood of organizational collapse compared to a baseline rate of the collapse for groups over time. Instead, she finds that the marginal utility for decapitation is negative and that groups that have not had their leaders targeted actually decline at a higher rate. Further, “Decapitation is actually counterproductive, particularly for larger, older, religious or separatist organizations” (2009: 723).

### **On Target? Targeted killing and the limits of empirical evidence**

There are some restrictions to the set of studies examined above. First, it is not a comprehensive list as it is (with the exception of the nascent drone literature) limited to articles in academic journals or books. The logic here is that they have passed a peer-review process and are indicative of scholarly work. However, it also excludes some studies that may fit this description for various reasons. While Langdon et al (2004) looks at 19 terrorist groups with 35 leadership crises, their sample starts in 1780 and they have very few cases in the 20<sup>th</sup> Century. Additionally, the argument here excludes Zussman and Zussman (2006) as the success or failure of targeted killing is related to the reaction of the Israeli stock market (positive or negative) rather than other studies which look at the number of attacks, recruitment of terrorists or civilians killed. Finally, the study here does not include Bergman and Tiedmann (2011) which does not explicitly make an assessment as to the effectiveness of the drone program. Instead their work aims to describe the program, suggesting there are still substantial problems with it, but notes there are few other options for targeting militants in the mountainous region of Afghanistan-Pakistan. Additionally, the piece is aimed at providing

advice to US policy makers as to how the program may be made more acceptable to a deeply skeptical and angered Pakistani population.

However, it is not difficult to discern that the overwhelming number of empirical studies do not support the idea that targeted killings is an effective counter-terrorism tactic. If there is a consensus between Hafez and Hatfield 2006; Jordan 2009; Kaplan, et al. 2005; Mannes 2008 – as well as Jenkins (1987) and Cronin (2009), it is that targeted killings either have no effect or a negative one on the overall impact on a counter-terrorism campaign (where ‘success’ is broadly interpreted to mean either a reduction in the number of attempted and executed attacks, terrorists and/or terrorist recruitment).

As indicated above, this leads critics, especially Cronin (2009) Hafez and Hatfield (2006) Jordan (2009) Kaplan et al. (2005) to extrapolate their findings and make pronouncements about targeted killing as a counter-terrorism tactic in general. Cronin’s objections have been noted above. Hafez and Hatfield conclude: “Our analysis raises doubts about the effectiveness of targeted assassinations as a tactic in the arsenal of counter-terrorism measures.... Given the controversial nature of targeted assassination, it may well be that political leaders can jettison this tactic without hindering their overall ability to fight terrorism (2006: 379). Kaplan et al. argue along similar lines suggesting “To the extent that the Israeli experience generalizes to other countries facing suicide bombing threats such as Afghanistan, Iraq, Russia, or Sri Lanka, investing in intelligence that leads to preventative arrests stands a better chance of success” (2005: 234). Finally, Jordan argues:

There are important policy implications that can be derived from this study of leadership decapitation. Leadership decapitation seems to be a misguided strategy, particularly given the nature of the organizations currently being targeted... Given these conditions, targeting bin Laden and other senior members of al Qaeda, independent of other measures, is not likely to result in organizational collapse (2009: 754).

Of these studies, only Mannes (2008) seems reluctant to make a definitive conclusion, noting that “it is difficult to assess the utility of decapitation strategies” and that “in order to better understand the impact of decapitation strikes, more data is necessary” (2007: 43).

However, a closer examination of these studies and the literature on the effectiveness of targeted killing in general suggests there are serious difficulties in making general pronouncements regarding the effectiveness or ineffectiveness of the tactic on the basis of these studies. In particular, problems related to definition, a dearth of evidence, considerable differences in policies and context which make comparison difficult, and defining “success” combine to make generalizing about targeted killing a questionable exercise at best. An examination of each of these points will make this point clear.

### *Definition*

Perhaps one of the most difficult points in talking about targeted killing is defining the concept. Quite simply, the literature significantly varies in the field, with some scholars taking a very narrow approach which refers to a specific policy, and others taking a very broad approach. Essentially, what this means is that although many scholars invoke the term “targeted killing”, “targeted assassination”, “decapitation”, “night raid” and “drone strike”

with the same general idea in mind, in many important and significant ways they also mean very different things.

For example, to go through the scholarship used in this article, Jenkins (1987), writing before the Israeli policy in the Second Intifada, (but reflecting on the campaign against the perpetrators of the 1972 Munich Olympic Games attack) uses the term “assassination” and specifically means the full normative and negative use of the term. Others who seek to make moral arguments against targeted killing also use the term “assassination” such as Gross (2003, 2006), though he also uses the term “named killings”. Stein (2003) takes a similar stance noting that “‘Assassination’ is also the term by which international human rights organizations, such as Amnesty International and Human Rights Watch, refer to this policy” (2003: 128). David (2003b) on the other hand, specifically argues against conflating the two terms, noting that “Assassination typically refers to the killing of politically prominent officials because of their political prominence, usually takes place in times of peace, and employs deception. Most of the targeted killings undertaken by Israel do not fit these criteria” (2003b: 138). Instead, for David, targeted killings specifically refer to “the intentional slaying of a specific individual or group of individuals undertaken with explicit government approval” (2002: 2). However, for most of his arguments, he is specifically referring to the policy undertaken by Israel against suspected Palestinian terrorists during the Second Intifada (David 2002; 2003a; 2003b). For his part, Byman (2006, 2009) does not provide a definition of the term, but discusses the Israeli policy and suggests there are implications for recent US strikes. Dershowitz (2011) takes a similar stance to Byman.

In their empirical studies, Kaplan et al. (2005) and Hatfield and Hafez (2006) are solely concerned with the Israeli policy. On the other hand, Cronin (2009) Jordan (2009) and Mannes (2008) are interested in studies of multiple cases since 1945 that involve different groups in different countries. Cronin uses the term “decapitation” defined as “the removal by arrest or assassination of the top leaders or operational leaders of a group” (2009: 16). Jordan (2009) also uses the term “decapitation” to refer to the targeting the top leadership of an organization.

Naming, of course, is a political exercise, particularly when dealing with a volatile and emotional issue such as targeted killing. How one employs “targeted killing” will very much depend on the normative agenda of those making an argument. In this sense it is not surprising that those who are against targeted killing (Gross 2003, 2006; Jenkins 1987 and Stein 2003) invoke the term “assassination” which is illegal under the laws of many nations and in international law. The same may be said as to why proponents like David (2003) take great pains to differentiate between “assassination” and a policy of targeted killing.

Yet the variety of definitions above suggest that there is not even anything resembling a consensus as to what the term means beyond a few key characteristics: that it is a policy done by states against alleged terrorists. And while it might be possible to know or recognize targeted killing when we see it, the lack of something beyond even these very basic characteristics present problems for analysis of the empirical literature: as should be apparent, it would seem that everyone seems to be talking about different things. Some, such as Cronin (2009) consider arrests and killing as part of the same category (albeit she acknowledges different results) where as others such as Kaplan et al. (2005) and Hafez and Hatfield (2006) treat the two as separate. Some are directly referring to the Israeli policy (David 2003a, 2003b; Kaplan et al. 2005; Hafez and Hatfield 2006) where others seem to interpret the term

to mean any attack aimed at the leadership of terrorist movements (Cronin 2009; Jordan 2009; Mannes 2008).

The difficulty with this last point in particular is that the Israeli policy differs quite strongly from other activities described as targeted killing or decapitation in that it not only attacks the top leadership, but also the upper-middle managers of various terrorists organizations. As David (2003a) notes, most of the individuals targeted have been “mid-level fighters, important enough to disrupt a terrorist cell but not so important as to provoke retaliation” (2003a: 118). These are the mid-range bomb makers and planners of terrorist organizations as opposed to the top leadership. However, studies on “decapitation” tend to be more concerned with cases where the actual top leadership is being targeted. In the case of Jordan this means “either the top leader of an organization or any member of the upper echelon who holds a position of authority within the organization” (2009: 733) and for Mannes this criteria is even more stringent as he only looks at cases where the leader or second in command were killed or captured (2008: 41). Clearly these are very different tactics, with the Israeli policy having a much broader set of targets than anything contemplated by Jordan or Mannes. Yet, the dramatic difference of these policies does not stop Cronin (2009) from including it in her chapter on decapitation in her book and using it to draw an overall, generalized conclusion on the effectiveness of the tactic without ever really acknowledging the considerable ways it differs from other policies.

Even within their own articles, authors can sometime inadvertently refer to different policies as the same thing. For example, David (2002) is clearly referring to the Israeli policy during the Second Intifada. However, he also uses examples from ancient religious texts (such as the Bible), ancient history (such as the Jews during Roman occupation), and modern history (such as during the British Mandate) to suggest that Israeli strategy of targeted killing in 2002 comes from something of a tradition. He also describes operations by Israeli against Palestinian Islamic Jihad in the 1990s as targeted killing operations (2003a: 116). Thus, he argues that “the practice of targeted killing by Israel is not new” (2002: 2-4). The trouble with David’s argument here is that all of these examples of “targeted killing” are actually radically different things. In the case of the Roman occupation and British Mandate, the Jews were the insurgents fighting off occupation. In these fights targets were just as likely to be average soldiers, as well as top political figures (such as Count Folke Bernadotte). If David’s larger point is to infer that Jewish groups have previously participated in political killing, this is a fair argument to make. But to call these examples of targeted killing in line with the Israeli strategy during the Second Intifada is very problematic. In reality, his argument is actually focused on a particular policy during a particular time for a particular end. Generalizing across these historical examples, even if they are in the same geographical area is questionable.

As such, the various definitions of targeted killing can present serious issues for evaluating its’ overall effectiveness/ineffectiveness. While differences in definitions are a normal occurrence in social science/humanities research, the fact that the term is used to talk about radically different policies suggests that scholars should pause before implying that two different tactics are the same thing. As there is not likely to be a consensus over use of the term anytime soon, scholars working in this area must be as clear as possible about their definitions and careful with their labeling of historical events. It is vital to acknowledge different time periods, circumstances and contexts when describing a particular set of activities as targeted killing.

### *Evidence*

For broader studies that involve a number of countries over a period of time, there is a serious complication for studying the effectiveness: a dearth of sources from which to draw evidence. This is a fact that has not gone unnoticed in scholarship on the issue. Jordan notes, “A core problem with the current literature and a primary reason for discrepancy over the effectiveness of decapitation is a lack of solid empirical foundations” (2009: 721). While she does look at 298 incidents of “decapitation”, it is clear that Jordan’s approach seems to be looking at individual strikes rather than overall campaigns. In this sense, there is concern that such a study seems to be missing the forest for the trees.

Bergen and Tiedmann express a similar concern in their study of the effectiveness of the US drone program in Pakistan, noting that one of the main challenges in producing an accurate count of fatalities from the strikes is that different sides have different for presenting evidence. While the United States claims that almost all of those killed are militants, others (including the Pakistani government and the militants themselves) claim the victims are always civilians. Given the difficulty of obtaining accurate information in the remote, mountainous regions of Pakistan, “determining who is a militant and who is a civilian is often impossible” (2011).

Mannes (2008) also expresses concerns about a lack of data in order to draw conclusions. He argues that “Ultimately, in order to better understand the impact of decapitation strikes, more data is necessary” (2008: 44). He suggests that further research would benefit from improvements to the existing data:

Over 20,000 of the incidents in the [Memorial Institute for the Prevention of Terrorism] database are not assigned to a terrorist group - which is more than double the number that are currently assigned to terrorist groups. Culling this dataset and examining other publicly available datasets may help reveal other terrorist groups that could be included in this study (2008: 44).

One may expect that as time goes on and if states continue to employ targeted killing against terrorist groups that there will be better information which to analyze. Depending on one’s definition, this may or may not include the US policy of using drone strikes in the mountainous region of Afghanistan-Pakistan. While the New America Foundation (2011) has created a useful data set based on reports from “reliable media organizations with deep reporting capabilities in Pakistan”, the secretive nature of the program and the remote locations as to where the strikes take place make it difficult to measure other related factors to the program which would provide insight into its effectiveness.

### *Comparison*

Cronin (2009) notes that the results in Mannes (2008) are statistically insignificant (2009: 225 fn 4) and chooses to use comparative case studies to evaluate decapitation where leaders were either arrested or killed (2009: 16). Examples of arrests include: Sendero Luminoso, the Kurdish Workers’ Party (PKK), the Real IRA, Aum Shinrikyo and examples of killing include Abu Sayyaf, Chechen rebels, and the Israeli targeted killing policy. Given the problems of data and evidence discussed above, turning to comparison would seem to make

sense as a research strategy. However, a closer look at the individual context of each situation would suggest that this is also an approach that is fraught with difficulties.

As should be clear from the description of the studies above, many, if not most of the arguments made about targeted killing have been based off one single case study: Israel-Palestine during the Second Intifada. Additionally, as discussed above, it is clear that in many ways the Israeli policy is exceptional rather than exemplary due to the frequency of its use and that it targets mid-level individuals. (However, it does provide one advantage for studies that solely look at the Israeli policy in that there are a large number of strikes at a range of individuals which provides a certain amount of evidence from which one could plausibly draw a conclusion.)

But beyond the nature of the campaign, there are other factors which suggest that it may not be appropriate for a comparison; perhaps most significantly the Israel-Palestinian situation is *sui generis*. Israel is a well-armed democratic country in a state of hostilities with a political movement engaged in a struggle for independence, that is internationally recognized, but where certain elements engage in politically violent acts. Cronin (2009) compares this with a the Abu Sayyaf, a terrorist organization with some support but little international legitimacy or recognized territory and the Chechen rebels, a violent separatist group that has been engaged in a long-standing civil war. Although the Chechens have carried out lethal terrorist acts in Moscow, the territory in dispute is a considerable distance from Moscow or any major Russian city.

Further examples make little sense in terms of comparison either. The campaign by the United States in Afghanistan-Pakistan, where the drones are being controlled far away from the battlefield, in a war that is far away from the US mainland, is not comparable to the Israeli-Palestine context. Further, in all four of these cases, the targeted killing is carried out by the government in different ways. The Israeli policy has a process which involves courts, policy makers and elected government officials whereas the US president seems to be the sole authorizing force on many of the attacks against militants/terrorists. The operations against Abu Sayyaf seem to be conducted by the Philippine National Police and the Philippine armed forces – with some advice and training from US troops and officials stationed in the area. Finally, the war in Chechnya seems to be conducted largely at the discretion of the Kremlin.

Case studies are never going to be perfect; there are always going to be differences that have to be acknowledged and navigated. However, there are critically important differences between the different examples of targeted killing which mean that comparison is not as straightforward as perhaps what Cronin (2009) assumes. Further it puts the idea that one can generalize across case studies into further doubt. As has been suggested for issues related to definitions, scholars are advised to be as open as they can about the differences in their case studies, noting the differences in context and circumstances within which targeted killing campaigns are conducted.

### *Success*

If there is no consensus on definition and data, it is also clear that there is no consensus as to what would actually constitute “success” for a policy of targeted killing. In fact most of the literature would seem to have exceptionally high criteria for deeming any policy a “success”. Patrick B. Johnson notes that, “previous research has set the bar unrealistically high for

decapitation to be considered a success. Leadership removals have generally been coded as failures unless they led to quick victories or the immediate collapse of insurgent or terrorist organizations” (2010: 2). As we saw above, in her study on decapitation, Jordan defines success as a situation where “an organization was inactive for two years following the incident of decapitation, the case was coded as a success” (2009: 731). In the same study, “organizational degradation” is defined as “whether decapitation affected the number of attacks and the number of individuals killed or injured in each attack” (2009: 732). In this second case, data was limited to three organizations, Hamas, ETA and FARC. As Jordan herself notes, “this is fairly restrictive criteria for success” (2009: 732). Such strict criteria leads Johnston to conclude:

While this may be a reasonable way of assessing the proximate impact of leadership removals, it threatens to lead scholars to neglect leadership decapitation’s impact on key factors such as militant organization’ cohesion, capacity and morale and strategy (Johnston 2010: 2).

For example, in the Kaplan et al (2005) study, success is defined in terms of the *estimated* number of terrorists being recruited. As Johnston points out above, this seems to neglect a significant number of other benefits that might be achieved. Additionally, rather than measuring the number of attacks that are attempted and executed, a government (and its’ citizens) may be more concerned with the lethality of each attack.

“Success” is necessarily subjective. If terrorist organizations are plotting and attempting attacks after the decapitation of their leader, is that a sign of failure? What if these attacks are weak and ineffective? Or if they fail to kill or injure anyone. Is that success? Or must all terrorist activity cease entirely? Different individuals with different agendas and, of course, researchers are all going to answer this question differently. But it does suggest that a broad pronouncement that a strategy has been successful or unsuccessful requires a careful reading of what actually constitutes an achievement.

So what are the best indicators of success? Throughout this paper we have seen a variety of suggestions as to how this might be measured. Supporters of targeted killing suggest that indicators such as the morale of terrorist groups are legitimate gages of success (Byman 2006). On the other hand, the quantitative studies, especially Jordan (2009), tended to take a much stricter view as to what was considered successful so as to produce accurate statistical results. The difficulty with the former metric is that indicators such as “morale” must be estimated and are difficult to prove. The difficulty with the later is that there seems to be something lost in the rigorous methodology employed by the scholar; in trying to generate certainty, they create an unrealistic standard.

Given the range of policies that have been described and the different circumstances surrounding their use, it is difficult to suggest one, universal set of metrics which can be employed. However, this does not mean that it is impossible to conceive of useful ways for developing measurements or ways of thinking about what constitutes ‘success’. What the above discussion illustrates is that a valuable approach for evaluating targeted killing should get beyond mere numbers and look to second and third order effects as merely counting the number of strikes, the number of insurgents killed or the number of attacks may only provide part of the story. For example, is the degradation caused by attacks offset by outrage and subsequent terrorist recruitment amongst a given population?

Additionally, there is value in approaches which measure success by connecting results to the goals of policymakers and politicians. The American Government Performance and Results Act, 1993 defines “outcome measure” as “an assessment of the results of a program activity compared to its intended purpose”. While broad, this suggests an approach where it is possible to consider the impact of targeted killing operations/campaigns against the backdrop of stated aims of governments and political leaders. For example, in March 2009 Barack Obama stated that the objective of his administration’s Afghanistan and Pakistan policy was “to disrupt, dismantle, and defeat al Qaeda in Pakistan and Afghanistan, and to prevent their return to either country in the future” (White House 2009). Consequently, an approach to measuring success could begin with the question of whether or not the drone strikes in Afghanistan/Pakistan are contributing to meeting this stated goal.

Such an approach is not without difficulties, particularly since it assumes that information is publically available. While organizations such as the New America Foundation (2011) have diligently collected information on drone strikes through reports in the media, there is still much about the program that is simply unknown. As the United States does not release information on casualties caused by drone strikes, it is not always clear who has been killed. Some Pakistani sources have claimed that for every militant that has been killed nearly 50 civilians have died (Anderson 2010). However, other estimates suggest that the “true non-militant fatality rate” since 2004 is 20 percent, and in 2010 it was as few as 5 percent (New America Foundation 2011). As many of the drone strikes are carried out against militants in remote areas, verifying this information is next to impossible.

Additionally, it is clear that there would still be difficulties in developing meaningful metrics. For example, it could be noted that after assuming office, the Obama administration immediately ratcheted up the number of drone strikes targeting militants in Afghanistan/Pakistan and that there has been a year-on-year increase in the number of strikes; from 33 in 2008 to 118 in 2010 (New America Foundation 2011). Similarly, although they do not openly discuss or acknowledge the drone program, Obama administration officials have indicated that they believe their approach (which obviously includes drone strikes) in the region is working. Former-CIA director Leon Panetta has described drones as “the only game in town” (Agence France Press 2011) and before the House Foreign Affairs Committee Secretary of State Hilary Clinton claimed that al-Qaida’s “senior leadership has been devastated and its ability to conduct operations is greatly diminished” (US House Committee on Foreign Affairs 2011). Yet, while the increase in drone strikes and statements of public figures suggests a certain amount of faith in the program, this is not so much an indication of success as an indication of the beliefs of policy makers. Further, it is possible that administrations will say positive things about the policies they have put in place, whether they are working or not. As such, whether this evidence could be considered meaningful indicators of success is debatable.

Ultimately, developing flawless or incontestable criteria is simply impossible when it comes to evaluating success; it is inevitably to make a political/normative claim which will simply have to stand-up to scrutiny. However, there is merit in broader, contextualized approaches which uses a plurality of metrics particular to a given situation and use more abstract or estimated metrics alongside concrete numbers and the stated aims of a given campaign. A more comprehensive approach should also look for unintended consequences of drone strikes – is the disruption of terrorist operations offset by the anger of a population? But significantly, a more contextualized approach should try to avoid false certainty through numbers and be



less demanding than criteria by Jordan (2009) for example, requires absolutely no attacks occur after a targeted killing operation within a two-year period.

### *Counter-Factual History Repeating*

Finally, one common element in scholarship on targeted killing that seeks to make a general assessment of its effectiveness or make policy recommendations is that it is difficult to avoid engaging in counterfactual history. Essentially, it is challenging, if not impossible, to say what would or would not have happened if the policy of targeted killing had not been carried out or if a given situation would have ended up differently. For example, as noted above, David argues that by 2003 over 600 Israeli civilians had been killed by terrorist attacks but suggests that it is possible even more civilians would have died if the policy of targeted killing was not employed (David 2003a: 118). On the other hand, Kaplan et al (2005) suggest that the policy of targeted killing lead to even more terrorists being recruited which produced more attempted/successful attacks. Both of these arguments require a certain amount of counter-factual history. Who is to say whether or not there would have been more or less attacks with or without the policy? The models presented just do not (and cannot) let us know what would have happened otherwise. The same can also be said for other case studies. Would there have been more civilian deaths in the Philippines, Russia or Israel if the policy of targeted killing had not been carried out? As opponents of targeted killing point out, it is an unpredictable enterprise. However, while there may be “blow-back”, it is impossible to prove that a situation would have been better or worse if a particular targeted killing action not been carried out.

### **Conclusion**

There is no question that targeted killing is an issue that is fraught with political, moral and legal issues. A government that chooses to utilize such a tactic is going to be faced with serious problems and consequences of their decision. Therefore, it is unsurprising that individuals, organizations and governments are curious as to whether targeted killing is actually effective. This paper has argued that although there have been attempts in recent scholarship to answer this question, making generalizations about “targeted killing” and its effectiveness (however defined) is laden with many questions and difficulties. In particular, problems of agreeing upon what actually constitutes targeted killing, collecting and analyzing data, radically different contexts which makes comparison a questionable enterprise, and the subjective nature as to what actually constitutes success all suggest that it is simply not possible to categorically declare if targeted killing is an effective counter-terrorism tactic.

What is to be made of this finding?

First, this problem speaks to the larger issue of how states, scholars and civilians can think about evaluating counter-terrorism policies generally – especially those that have been put in place since 9/11. These policies are often extensive, expensive and some have challenged prior notions of the appropriate balance between liberty and security as well as core ideas of international law. Yet, counter-terrorism policies are kept in the dark by governments who want to maintain (or achieve) an advantage over terrorist/militant groups and this is likely to remain the case for the near future.

However, although it may not be possible to state whether or not targeted killing is universally an effective or ineffective counter-terrorism tactic, there are still certain ideas upon which there seems to be a consensus in the literature. Almost all of the papers in this study acknowledge that targeted killing is a high-risk policy that is unpopular in many parts of the world which risks civilian casualties. Additionally, none of the scholarly works in this study argue that targeted killing is some kind of “silver bullet” for ending terrorism. Not even supporters of targeted killing suggest that it can in and of itself end terrorism. Rather, amongst those who suggest it may work, (David 2002; David 2003a; Byman 2006, 2009; Schmitt and Shanker 2011) suggest that targeted killing must be used as a tactic within a broad strategy of counter-terrorism policies – not that it can be a strategy in and of itself. As Byman (2009) succinctly phrases it, “We must not pretend the killings are anything but a flawed short-term expedient that at best reduces the al Qaeda threat – but by no means eliminates it”.

Second, although it may not be prudent to categorically generalize about targeted killing as a tactic, this does not mean we should not study the phenomenon. However, rather than trying to make an overall assessment, scholars should work on evaluating each case separately, highlighting the context of each situation including (where possible) aspects of the government’s role, the unique aspects of the terrorist group and where its battles are being fought, etc. Additionally, as Mannes (2008) argues, there should be more emphasis on collecting and improving data for analysis so that these case studies may be as accurate as possible. Naturally, the temptation to apply the lessons of one conflict to another is always going to exist. And while this paper has strongly cautioned that such an enterprise is fraught with risks, scholarship which is careful to avoid generalizations and emphasizes different contexts and histories may help generate a better appreciation for the similarities and differences of each particular case study which may have relevance or add to our understanding of and debate over the concept of targeted killing.

Finally, while there are so many questions about empirical data and studies, it may be worth something for scholars, researchers and societies to further explore the many normative questions associated with the practice. Even if it could be firmly established that targeted killing is, without question, an effective counter-terrorism tactic, this does not answer the more normative and perhaps more troubling question as to whether it *should* be used. For instance, Peter Singer (2010) raises moral issues about the US drone program, such as the psychological impact on pilots based in the United States who spend up to twelve hours per day watching individuals half way around the world dying on computer screens and then head back to their families or even a PTA meeting. He notes that these pilots “were found to be suffering from the stress and fatigue of combat at the same, if not higher levels, than many units physically in the war zone” and, despite not being deployed abroad, more likely to be in “impaired domestic relationships” (Singer 2010: 347). Mayer (2009) raises concerns that the secretive nature of the drone program ensures that “Americans have been insulated from the human toll, as well as from the political and the moral consequences” of war. Further, she notes that “nearly all of the victims have remained faceless”. And when there are mistakes made there is virtually no accountability nor individual to hold responsible. Yet, if targeted killings are, as C. Christine Fair (2010) puts it, “the least bad tool” at the disposal of the United States which are “pre-planned, intelligence led-operations, and are usually accomplished with minimal civilian deaths”, would it be wrong not to use them compared to a ground invasion force which would necessarily leave a much larger impact on the ground?

When it comes to legitimacy, Alston (2011), O’Connell (2010) and Melzer (2008) have all raised doubts questions over the legality of the practice under international law. Alston and O’Connell are particularly worried about the US CIA-lead drone program which, lacking in transparency and domestic accountability means the US “cannot possibly satisfy its obligations under international law to ensure accountability for its use of lethal force” (Alston 2011: 117). These are concerns that are also raised by Alston in his report to the United Nations on the topic in 2010 (Alston 2010). O’Connell (2010) argues that the program is illegal as it has not been authorized by the UN Security Council nor a basis in the law of self-defence. However, this is disputed by Kenneth Anderson (2010) and Michael N. Schmitt (2011) who argue that the law of self-defence provides a clear basis for the extraterritorial use of drones with certain limitations.

While these questions largely relate to the drone program, the issues they raise speak to other forms of targeted killing as well. Although there is no limit to the number of questions one could ask about targeted killing, and specific campaigns, it is possible to identify at least five questions which arise out of the scholarship discussed above that can serve as the start of a normative conversation:

First, how open should governments be with their programs? How much information should be produced, to whom and when? Should governments release information on the casualties of their operations?

Second, should these operations be subject to judicial review or does the time-sensitive nature of some campaigns suggest that such a review could only be limited at best and impossible at worst?

Third, with or without judicial review, what should be the grounds upon which a person is determined to be the target of a targeted killing operation? Is it strictly active membership of a group? Evidence that the individual has provided material support to terrorists? Or is ideational support sufficient? And how open should the state be with the criteria that renders individuals as targets?

Fourth, should states be obliged to make good faith efforts to capture first and then resort to killing where this is possible? A criminal law framework suggests this is the case, but the United States defends its program on grounds that it is in a war of self-defense. Who is right and what is the appropriate legal framework?

And finally, is the deeming of targeted killing operations as ‘effective’ or ‘successful’ enough to justify their use? Or is it the case, particularly in liberal-democratic countries, that populations should demand more – that all tactic employed against terrorists are morally and legally acceptable as well? Even if a program is effective, what are the moral costs of the state sanctioned killing of terrorists and how can we begin to calculate these?

As such it is worth investigating the moral costs and legal consequences alongside questions of effectiveness when investigating a kind of warfare often described as “death from above”. In seeking further answers about the effectiveness of targeted killing, it is important not to neglect the larger ethical issues that arise when a state resorts to lethal force.

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