

= Targeted Killings : Law and Morality in an Asymmetrical World =

Targeted Killings : Law and Morality in an Asymmetrical World is a non-fiction compilation book about targeted killing edited by Claire Finkelstein , Jens David Ohlin , and Andrew Altman . It was published by Oxford University Press in 2012 . The book grew out of contributions by the authors to a conference in April 2011 at the University of Pennsylvania Law School . Targeted Killings features eighteen essays in five sections arranged by topic . The work argues that after the 11 September attacks by Al Qaeda in 2001 , the United States and other countries began to see the tactic of targeted killing differently . The practice of targeted killing had previously been accepted in situations of self-defence in military settings ; after 11 September 2001 it was used to kill non-combatants and those not directly involved in a particular armed force .

The book begins with a discussion of targeted killing of non-combatants , followed by discussions of legalities , the rationale of self-defence , the choice of targets , and when and whether the ends can be used to justify the means . Several contributors defend targeting of non-combatants , while Jeremy Waldron discusses the morality associated with the tactic and argues against its use . Jeff McMahan identifies the problematic nature of targeted killing and emphasizes regulations for law enforcement to avoid abuse of process . Richard V. Meyer writes that any entity wishing to carry out targeted killing should first have to declare war on the targeted parties . Kevin H. Govern examines the elimination of Osama Bin Laden and identifies this killing as justified and the product of a rational decision-making process . In the final portion of the book , Fernando Tesón says that targeted killing is particularly justified against terrorists because they use tactics specifically designed to kill civilians .

The book was well received in law reviews and by academics across multiple disciplines . Robin Geiß and Steven J. Barela praised its coverage of the legal , moral , political , and strategic aspects of targeted killings . Steven R. Ratner welcomed its addition to the academic literature , and Madeline E. Cohen wrote that it would be a useful reference for additional research . Abraham David Sofaer praised its treatment of the subject and tables , though he argued the book could have given more weight to the law enforcement model of the use of deadly force against individuals .

= = Background = =

Targeted Killings : Law and Morality in an Asymmetrical World developed as an outgrowth from a conference in April 2011 that focused on philosophy and law . The conference took place at the Institute for Law and Philosophy of the University of Pennsylvania . Experts in the fields of public policy , politics , military regulations , battlefield knowledge , law , ethics , and philosophy discussed contemporaneous issues surrounding targeted killing in society . The conference was titled " Using Targeted Killing to Fight the War on Terror : Philosophical , Moral , and Legal Challenges " and was organized by the University of Pennsylvania Law School .

At the time of the book 's initial print publication date , its editor Andrew Altman worked as Professor of Philosophy at Georgia State University and concurrently as Director of Research at the Jean Beer Blumenfeld Center for Ethics . Claire Finkelstein was the Algernon Biddle Professor of Law and Professor of Philosophy at the University of Pennsylvania and concurrently as co-director of the University of Pennsylvania Institute of Law and Philosophy . Jens David Ohlin was employed as an Associate Professor of Law at Cornell Law School . Ohlin 's work had been published in academic journals , including the American Journal of International Law , the Columbia Law Review , and the Harvard International Law Journal . He wrote the 2008 book *Defending Humanity : When Force is Justified and Why* with George Fletcher , which was also published by Oxford University Press .

Targeted Killings : Law and Morality in an Asymmetrical World was published in hardcover format by Oxford University Press on 30 April 2012 . A paperback version was published at the same time . It was also published as an e-book for the Amazon Kindle by Amazon.com on 1 March 2012 . In September 2012 , the work was published at Oxford Scholarship Online .

= = Content summary = =

Targeted Killings : Law and Morality in an Asymmetrical World begins with an introduction by Andrew Altman . This is followed by eighteen essays broken into five sections arranged by topic . The work says that after the Al @-@ Qaeda attacks in the United States on 11 September 2001 , the US and other countries began to see the tactic of targeted killing differently . The practice of targeted killing had previously been accepted in situations of self @-@ defense in military settings ; after the attacks it was used to kill non @-@ combatants and those not directly involved in a particular armed force .

The first section of the book is a discussion of targeted killing of non @-@ combatants . In an essay titled " Rebutting the Civilian Presumption : Playing Whack @-@ a @-@ Mole Without a Mallet ? " , Colonel Mark Maxwell criticizes the opposition of the International Committee of the Red Cross (ICRC) to targeted killing . Maxwell writes that individuals may indeed serve a combat task without being a member of a particular state force . He argues for an extension of the definition of combatant to include those who arm themselves and engage in combat roles . " Targeting Co @-@ Belligerents " by professor Jens David Ohlin supports Maxwell 's opinion and describes an analytical viewpoint called " linkage " in which he states armed terrorists and members of organizations can be killed . Ohlin interprets the guidelines of the ICRC to include reliance upon a military system of identification of combatants . " Can Just War Theory Justify Targeted Killing " by professor Daniel Statman is an analysis of three thought processes used to discuss targeted killing rules : " contractualist " , " collectivist " , and " individualist " . Statman writes that the tactic of targeted killing is a just form of combat in each of these analyses . New York University and Oxford University professor Jeremy Waldron deconstructs the morality associated with the tactic and argues against its use . He says that similar rationalizations could be used by the enemy against those conducting the targeted killings , there may be an inherent selection bias of targets , and warns of a slippery slope when defending an actor that uses the methodology .

In the second portion of the book , a group of articles discuss which sets of laws should be used to regulate targeted killing . Philosophy professor Jeff McMahan of Rutgers University asks , " Targeted Killing : Murder , Combat or Law Enforcement ? " . He says that eliminating enemies for purposes of self @-@ defense is justified . McMahan writes about the problematic nature of targeted killing and emphasizes regulations for law enforcement to avoid abuses of process . University of Pennsylvania law and philosophy professor Claire Finkelstein writes in " Targeted Killing as Preemptive Action " about the difficulties of rationalizing targeted killing outside of the realm of typical combat between state actors . Finkelstein characterizes people as noncombatants unless they are a member of a group that includes identification through standardized attire and criminal behaviour patterns . Mississippi College School of Law professor Richard V. Meyer writes that current regulations and standards for targeted killing are inadequate . He says that any entity wishing to carry out targeted killing should first have to declare war on the targeted parties involved .

The book 's third group of essays analyzes the rationale of self @-@ defence as a justification for targeted killing . Washburn University School of Law professor Craig Martin writes in " Going Medieval : Targeted Killing , Self @-@ Defense and the Jus ad Bellum Regime " that self @-@ defence is not an appropriate rationale for targeted killing because such a justification is restricted to conflicts between state actors . University of Tulsa School of Law professor Russell Christopher writes in " Imminence in Justified Targeted Killing " that self @-@ defence should be ruled out as a suitable position in several examples of potential conflict . He critiques arguments by governments including the United Kingdom and the United States that self @-@ defense can be used as a rationalization of action against imminent danger . Western Washington University emeritus philosophy professor Phillip Montague says in an essay titled " Defending Defensive Targeted Killings " that use of this tactic against combatants can be seen as defensible and justified acts against terrorism or those who assist terrorist organizations .

The fourth portion of the book discusses how to make specific choices in targeted killing situations prior to state actors carrying out actions against individuals . University of Utah S.J. Quinney College

of Law professor Amos N. Guiora discusses " The Importance of Criteria @-@ Based Reasoning in Targeted Killing Decisions " and concludes that instead of combatant commanders in the field , lawyers in consultation with decision algorithms must make decisions on targets . Pepperdine University School of Law professor Gregory S. McNeal critiques the arguments of those against targeted killing in his essay , " Are Targeted Killings Unlawful ? A Case Study in Empirical Claims Without Empirical Evidence " . He differentiates between decision @-@ making processes of the United States military and those of the Central Intelligence Agency , emphasizing the U.S. military tactic of attempting to avoid collateral damage . Ave Maria School of Law associate professor Kevin H. Govern examines the killing of Osama Bin Laden in his piece " Operation Neptune Spear : Was Killing Bin Laden a Legitimate Military Objective ? " . He says this particular killing was justified and borne out of a rational decision @-@ making process . American University Washington College of Law professor Kenneth Anderson distinguishes the use of military drones from targeted killing in his article " Efficiency in Bello and ad Bellum : Making the Use of Force Too Easy ? " . He says targeted killing as response to threats and to prevent potential terrorist attacks is justified .

The final portion of the book analyzes consequentialism within the scope of normative ethics and deontological ethics . Florida State University Tobias Simon Eminent Scholar Fernando Tesón writes in his essay " Targeted Killing in War and Peace : A Philosophical Analysis " that targeted killing is particularly justified against terrorists because they use tactics specifically designed to kill civilians . University of Illinois law and philosophy professor Michael Moore says in " Targeted Killings and the Morality of Hard Choices " that targeted killing can be seen as justified through both deontological and consequentialist models . University of Pennsylvania School of Law professor Leo Katz writes in " Targeted Killing and the Strategic Use of Self @-@ Defense " that there is a danger of a state government artificially generating instances in which it asserts it must use targeted killing in self @-@ defense . He warns against situations in which governments find it easier to kill terrorists than to put them through due process of law . Katz concludes that current regulations support targeted killing because existing law does not consider his argument and justifies the tactical elimination of terrorists .

= = Reception = =

Targeted Killings : Law and Morality in an Asymmetrical World was reviewed in the European Journal of International Law by University of Potsdam international and European law professor Robin Geiß . The reviewer wrote that the book " is a thought @-@ provoking contribution that takes a refreshingly broad and timely approach in addressing the legal , ethical , and strategic @-@ political dimension of the contemporary debate over targeted killings " . Geiß concluded , " There is some overlap between the chapters , their relationship is not always evident , and as much as the interdisciplinary approach of this volume is to be appreciated , assembling and interlinking the different legal , ethical , and political findings in an overarching , concluding chapter would have been particularly useful . Nevertheless , the book reflects the entire spectrum of diverging views on the matter , and adds an important impetus to move the current debate forward . "

Assistant Professor and Head of Reference at Leonard Lief Library , Lehman College , City University of New York , Madeline E. Cohen wrote in an article for the International Journal of Legal Information , " Within the context of moral and legal principles , and military strategy , the subject of targeted killings is analyzed in great detail . These essays are interdisciplinary in their approach , and give various sides of arguments on this rich subject . " She concluded , " An excellent introduction by Andrew Altman provides an overview of ' Our Asymmetric World ' and models used to combat terrorism . References , tables of cases and legal instruments are included making this an excellent reference for further research . "

Abraham David Sofaer reviewed the book for the Texas Law Review . Sofaer wrote , " It is a beautiful book : large , with print size that is easy on the eyes , and with sufficient space between lines of text to make the complex material at least visually digestible . It has useful tables of cases , instruments , legislation , and abbreviations , as well as an index . " He commented , " it should be clear that a reader seeking a single , nonredundant and objective account of targeted killing should

find another book . On the other hand , this collection of essays provides several original and useful treatments of various aspects of the subject . " Sofaer said that the book could have given more weight to the law enforcement model of how and when to use deadly force against individuals .

The collection also received a review from University of Geneva postdoctoral research fellow in the faculty of law , Steven J. Barela , in the Journal of International Criminal Justice . Barela described the book as " a constructive work with a wide purview onto one of the most pressing and difficult policy questions of our time " . He stated , " this volume provides a valuable entry point for investigating this kaleidoscope of legal and moral issues " . Steven R. Ratner of the University of Michigan Law School reviewed the book for the American Journal of International Law , writing , " In light of the complexity of the legal and moral issues , Targeted Killings is a welcome addition to the academic literature . It aims to combine in one volume perspectives from legal experts , moral philosophers , and military planners . " University of Reading law lecturer Robert P. Barnidge , Jr. wrote in the Boston University International Law Journal , " Targeted Killings also provides some clarity as to the threshold between armed conflict and situations falling short of armed conflict " . He concluded , " [the book 's] main contribution to the discussion lies in its focus on the willing use of violence on a significant scale by an organized group " .