

Targeted killings

Legal and ethical justifications

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Abstract: The purpose of this paper is the analysis of both legal and ethical ways of justifying targeted killings. I compare two legal models: the law enforcement model vs the rules of armed conflicts; and two ethical ones: retribution vs the right of self-defence. I argue that, if the targeted killing is to be either legally or ethically justified, it would be so due to fulfilling of some criteria common for all acceptable forms of killing, and not because terrorist activity is somehow distinguished and gives special privileges to a state that fights it. The practical implication of my analysis is that one of the most spectacular targeted killings, which was the targeting and killing of Osama bin Laden in May 2011, was not justified, because it was only supposed to be a retribution for the September 11th terrorist attacks.

Keywords: the ethics of war, targeted killings, terrorism

1. Introduction

In the recent years one can observe practices that are morally controversial and often incompatible with international law. The advocates of these practices claim that they are the response to the unprecedented threats to the safety. First and foremost, these practises are based on treating the opponents as “unlawful combatants” (these are the participants of military actions, to whom neither the law of armed conflict nor the criminal law is applied); abductions as well as long-standing detention of people accused of terrorist activity with no right to defence or a court trial; extortion of testimonies through tortures or controversial interrogation techniques; the phenomenon of progressing privatisation of military services; finally, it is a so called targeted killings, applied to those suspected of terrorist actions.

The purpose of this article is the analysis of both legal and ethical acceptability of applying the targeted killing policy. In the field of law

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the basic dispute on the understanding practices of this kind looks as follows: should they be understood as an extrajudicial execution, or as one of the ways of conducting a war (Kretzmer 2005)? When it comes to the former option, the targeted killing policy should be understood (and at the same time justified) in a way analogical to very rare cases, in which the internal law allows killing somebody without a trial; concerning the latter option - in a way analogical to the cases of killing fighting opponents, acceptable in the law of armed conflict. In turn, the dispute on the justification of the acceptability of the targeted killing policy looks as follows: should this policy be understood in the categories of the dispensation of justice, or as a self-defence action. As I will prove in this text, the theoretical misunderstandings concerning the legal and ethical justification of the targeted killing policy are often caused by utterances of the politicians themselves, who, while seeking the justification for their actions, refer to mutually contradictory legal and ethical paradigms.

Analyses conducted in this text will be based on the main hypothesis of the research project I currently conduct, which assumes that the norms regulating the acceptability and ways of carrying out armed conflicts should be consistent with moral intuitions concerning the use of violence, when it comes to individual cases. Therefore I claim that the effective justification of the legal acceptability of the targeted killing policy should be close to the justification of the acceptability of killing in the armed conflicts. The ethical justification should refer to the necessity of self-defence actions of a given community.

The main problem I would like to emphasise is that when it comes to the targeted killing policy killing is very often the effect of preventive actions, whereas the typical justification of self-defence refers to the necessity of defence from the existing and unexpected threat. The practical implication of the argumentation presented in this article looks as follows: while it could help in legal and ethical justification of many cases of using the targeted killing policy, it could not be applied in the case of one of the most spectacular actions, which was the targeting and killing of Osama bin Laden in May 2011, which, as one can understand, was supposed to deliver justice for the terrorist attacks from the 11th of September 2001.

2. Targeted killing and the war against terrorism

Targeted killing of selected people has probably always been an

element of armed conflicts and various wars between states: the leaders of other states were secretly killed, as well as people who worked on new types of weapon, and whose disappearance caused civil unrest, etc. However, in most cases the states or groups using this solution did not speak about it openly, but most often denied any connections with this or that assassination. The new aspect that appeared in the current targeted killing policy is the fact that in the several recent years it was recognized as an official tactics of conducting military action and anti-terrorism action in two important democratic countries: Israel and the USA.

Israel has officially applied the targeted killing policy since 2000, when Hussein Abayat was killed this way in the West Bank. Obviously, it is highly probable that when it comes to Israel, such a proceeding is nothing new, but undoubtedly the public admission of using this policy was something new. Other much publicised assassinations were those of Hamas leaders: Ahmed Yassin and Abdel Aziz al-Rantisi, who were targeted and killed by the Israeli forces in 2004. It is estimated that in the period between November 2000 and October 2012, the Israeli forces have killed 437 people as a result of the targeted killing policy, mostly in the Gaza Strip of whom only 261 people were killed “according to the plan” and others were civilian casualties (B’Tselem 2013).

Similar policy of fighting new threats to public security has recently been adopted by the United States of America. In November 2002 six people were killed in Yemen by a rocket launched by a drone. One of the victims was Qaed Salim Sinan al Hareth, bin Laden’s bodyguard, who was supposed to be co-responsible for the attack on the American ship Cole in 2000, in which 17 American soldiers died. One of the most recent examples of how severe legal or moral problems can be caused by the targeted killing policy is a relatively late (September 2011) killing of Anwar al-Awlaki by a rocket launched from an American drone. He was a citizen of the USA, who had lived in Yemen for a couple of years, from where he called for conducting the holy war with the West. The permission for launching the rocket was given by the USA secretary of defence. The problem is that - as the critics of this decision argued - American citizens must not be killed without a trial. In turn, the advocates of the decision made by president Barrack Obama’s administration presented two ways of argumentation. First of all, they claimed that, according to the law of armed conflict, in war situations one can be killed without a trial, if they fight on the opposite site, even if they are a citizen of a given country; it is also allowed to execute traitors captured during military

action in an enemy's army. Second, they argued that al-Awlaki's assassination is analogical to some actions in the period of peace, e.g. necessary defence that allows police officers or soldiers to kill a given person without a trial, if their actions are a direct threat for other people's lives. In this case one can perfectly see one of the main theoretical problems concerning the justification of the targeted killing policy: if it should be understood in the category of the law of armed conflict or in the category of local law.

The significance of this problem is also proved by the fact that at the time of Barrack Obama's presidency the targeted killing policy became one of the main methods of fighting terrorism. At the time of Obama's rule, American administration issued a permission to conduct many more "target and kill" operations than during the two terms of George W. Bush. According to one of the reports prepared on the basis of the data which appeared in reliable media (both Western and Middle-Eastern), between 2004 and 2013 the USA conducted 422 attacks in Pakistan's and Yemen's territory (including 49 at the time of George W. Bush's presidency), killing from 2426 to 3969 people (New America Foundation 2013; The Bureau Of Investigative Journalism 2013).

The targeted killing policy is commonly recognised as an element of anti-terrorist actions. A model example, to which many authors investigating this problem refer, looks as follows (Blum, Heymann 2010): imagine that American Intelligence Services obtained reliable information about people preparing a terrorist attack against the USA. However, potential terrorists are on the territory of a state, which is not able to enforce the law itself. Obviously, American administration can formally ask the authorities of this state for capturing potential terrorists and judge them on the basis of existing regulations and international obligations of this state. The problem is that the state, where the terrorists are active is weak, the authorities do not control the whole territory effectively or simply refuse to cooperate in this matter - in spite of the obvious international provisions concerning this issue. In such a case - as the supporters of such policy claim - the only effective prevention against the planned terrorist attack is targeting a potential terrorist or their group and striking in an appropriate moment, e.g. by a drone.

However, some authors underline that limiting the targeted killing policy to an anti-terrorist practices is a mistake (Statman 2012). Even if Israel or the USA call every attack on their citizens, territory or property conducted by a group of fighters a "terrorist attack", it is important to differentiate attacking civilian targets (e.g. the WTC attack from the

11th of September 2001) from attacking military targets (e.g. the suicidal attack from the 12th of October, 2000 on American guided missile destroyer USS Cole stationing in Aden, Yemen). According to many popular definitions of terrorism, an attack on military target is not counted as a terrorist attack (Coady 1985, cf Held 1991). What is more, omitting complicated definitional questions concerning the understanding of terrorism, one can imagine using the targeted killing policy during the traditionally understood armed conflicts (e.g. aimed at scientists working on new types of weapon).

Therefore it seems that for the effective justification of targeted killing policy - either ethical or legal - there is no difference if its targets are terrorists (also those potential) or other categories of people. Therefore in this text I will make an assumption that the criteria allowing for justification of killing are the same, no matter the formal classification of the victims, and in this way I will question if there are two different systems regulating the ethical acceptability of killing, depending on whether a given conflict is armed or not (McMahan 2004, Żuradzki 2010a). The criteria allowing for justification of killing are the following: an attack (also a potential one) of the second side has to be unjustified; that killing of a future perpetrator is the only way to stop the attack; that such a killing is proportional to the evil intended by the future perpetrators of the attack etc. Some investigators of international relations or the ethics of war would postulate a requirement that the perpetrator has to be morally responsible for the attack planned by them or a group they belong to (so they would not be only an instrument in somebody's hands). Therefore, if the targeted killing policy has to be ethically justified, it would be so due to fulfilling of some particular criteria, common for all acceptable forms of killing, and not because terrorist activity (also a potential one) is somehow distinguished and gives special privileges to a state that tries to fight it. Therefore the basic rule of the justification of the targeted killing policy has to be that the individuals against whom these methods can be applied, fight in a way that makes this policy the only effective way of fighting, and at the same time killing these individuals is acceptable in the light of the widespread moral intuitions concerning general situations, when killing is allowed at all.

It should also be explained why in this text I write both about legal and ethical justification. By a legal justification I understand such a justification that tries to use the currently existing legal institutions and regulations to justify legality of this policy. Ethical justification is understood as such a justification that uses theories or doctrines in

broadly understood normative ethics to justify the fact that at least some cases of targeted killing are morally acceptable. When it comes to the targeted killing policy, the ethical and legal matters are closely bound to each other. Firstly, the authors who criticise targeted killing policy usually perceive it as both ethically and legally unacceptable, whereas those who defend it do it both in terms of ethics and law. Secondly, law - including international law - has its roots in various theories and doctrines of normative ethics. In particular, it refers to human rights and International humanitarian law. Thirdly, illegality of given practices (in particular when it comes to the law of armed conflict) can prove their unethicalness (although it does not work the other way around: many unethical practices are legally acceptable due to various reasons). Of course, it is worth noting that severe differences between legal and ethical normative evaluation of a given situation can exist: law (international law in particular) takes into consideration consequences of a given norm, therefore many fixed ethical norms are not codified in legal codes.

3. Extrajudicial execution or the law of armed conflict

In this chapter I will present the main theoretical problem connected with justification of the targeted killing policy. Although in Israel this policy had been publicly acknowledged even before the 11th of September 2001, in the USA the application of this policy is in close relation to the so called "war on terrorism". In his Address to Congress from the 20th of September 2001, President George W. Bush said:

We will direct every resource at our command - every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war - to the disruption and to the defeat of the global terror network [...]. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or no rest. And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbour or support terrorism will be regarded by the United States as a hostile regime (quotation from Ratner 2010, 251).

In this speech one may find the sources of the present theoretic-

cal problems connected with understanding the nature of and justifying the targeted killing policy. From this President Bush's utterance one can draw a conclusion that the USA responses to the attacks on WTC will have various shapes: he speaks both of diplomatic and intelligence service's measures, as well as law enforcement (which suggests non-military actions) and military measures (which suggests an armed conflict). On one hand, a response to terrorist attacks through law enforcement, means treating a terrorist act as a criminal - according to both the law of the country on which territory a given act was committed, and international criminal law. In such a case, the actions should be limited to police methods, both the preventive ones and those aiming at punishing the perpetrators, as well as different methods characteristic for criminal proceedings; extradition, cooperation with intelligence services, cooperation at formulating indictment, etc. On the other hand, terrorist attacks are sometimes understood as a part of an armed conflict or its beginning - it is visible in the fragment of President Bush's speech, in which he threatens the states that give shelter to terrorists. Such an understanding does not mean law enforcement, but a regular armed conflict, during which one is allowed to kill the opponents without warnings or any court sentence.

However, it is worth noticing that some aspects of the September 11 attacks were nothing new, when it comes to using the whole spectrum of measures to fight terrorism. Both common criminal measures and military methods have been already used in fighting terrorism. What is more, the type of a response - as one could assume - did not depend on the scale of attack. For example, after very bloody attacks of 1988 (Lockerbie - 270 victims, mostly the USA citizens) and 1989 (UTA 772 flight, 171 victims, mostly citizens of France), governments of the USA, the United Kingdom and France appealed to Libya for an extradition of the terrorists, who were finally extradited after 10 years. Then they were sentenced in regular criminal trials. Also the investigation after the first attack on WTC in 1993 was conducted in accordance with regular criminal procedure. However, sometimes the United States of America, as well as other countries (e.g. Israel) assumed that a terrorist attack (or its threat only) is enough a basis for acting as if they were attacked by foreign countries, which means referring to military methods and not measures of enforcing criminal law. It happened, for example, in 1986, when the USA bombarded Libya in retaliation for the attack on a Berlin club, popular among American soldiers, in which two USA soldiers died (there were three victims altogether). Similar methods were

used in 1993, when the USA bombarded Iraq in retaliation for the plan of George H.W. Bush's assassination made by Hussein, or in 1998, when Sudan was bombarded in retaliation for the attacks on American embassies in Africa.

In this part of my article I will compare two paradigms (Ratner 2010). I will begin with understanding terrorist activity as a crime, which is fought on the basis of international norms connected with respecting human rights. According to United Nations Charter, states are not allowed to make any operations on the territory of another state without a permission of this state. What is more, no state is obliged to issue such a permission, it is also not obliged to agree on cooperation with other countries concerning extradition of people suspected of criminal activity. In fact, however, most of countries signed various agreements or treaties concerning extradition, and the United Nations Security Council's resolution adopted after the 11th of September 2001 instructs the states to extradite people suspected of terrorist activity. According to the International Covenant on Civil and Political Rights of 1966, states must not kill its citizens without a court sentence, apart from some rare exceptions (I will investigate them below). This very Covenant includes an obligation of conducting a trial for detainees. There is also a customary rule that states are responsible for human rights violation by non-state parties on their territory, it does not, however, mean that other countries have right to invade territory of a given state.

In turn, the second paradigm which refers to terrorism as a threat fought by methods characteristic for armed conflicts says that states are allowed to conduct military operations only as a self-defence after an attack of an enemy or right before it. They can also conduct such actions with permission of the United Nations Security Council (e.g. humanitarian interventions). Referring to the targeted killing policy, the most problematic is the obscurity of the international law rules concerning defence from aggressors who are not states, but, for instance, terrorist groups. Another problematic issue is the acceptability of attacking in retaliation against a state, from whose territory the attack came. What is not controversial is the fact that in military operations states are allowed to kill the opponent's fighters with no warning. The fighter themselves should differ from civilians, who must not be a target of killing, but it is allowed to conduct military operations, which are assumed to be the reason of civilian deaths. However, damages and death of civilians should not be disproportionate to the military benefits expected from the conduct of a given military operation. Those fighting at the oppo-

site side, after being captured cannot be judged or executed only for the reason that they were fighting. They can be judged only when they are accused of committing a war crime.

The following question is obviously arising: which of these paradigms should be valid in case of the targeted killing policy evaluation? At first glance it seems that if the USA does not conduct an armed conflict with another state currently, the paradigm referring to human rights is the proper one. However, this paradigm would certainly not be the basis for justifying the targeted killing policy. An example may be the Convention for the Protection of Human Rights and Fundamental Freedoms, in which the USA is a party. Article 2 of this Convention says that nobody can be killed, except from the cases of court sentences executions. It also says that it is allowed to kill someone in three exceptional situations: 1) in defence of any person from unlawful violence; 2) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; 3) in action lawfully taken for the purpose of quelling a riot or insurrection. Theoretically, only point 1 could be possibly used as a justification for the targeted killing policy, however it is commonly interpreted as a defence from an immediate threat, and not targeting and killing someone long before the attack he is planning.

Therefore the USA itself called the anti-terrorist actions after the 11th of September 2001 a “war on terrorism”, and this way qualified it as an armed conflict, during which it is allowed to kill those fighting on the opposite side without a permission or a sentence (even if at a given moment they do not conduct military operations). Basically, during an armed conflict it is allowed to attack only fighters, but also civilians lose their immunity when they actively participate in military operations. American administration deliberately did not specify if the war with terrorism is an international conflict or not, in order to avoid the obligation of applying some rules of *ius in bello*. It was decided that, on one hand, a so called “war with terrorism” is not an internal conflict, since it is not limited to the borders of one country. On the other hand, it is not international, since it is not waged between any particular states. As a result, the USA assumed that there is a legal gap and the regulations of Geneva Conventions and other regulations of international law concerning e.g. the way of treating war prisoners or other people, which are valid in time of either international or internal conflicts, are not applied during the so called “war on terrorism”. This way a category of people was established, called by the USA administration as “unlawful combatants”. According to the rules applied by American authorities, those people

have neither a status of fighters (so they are not treated as war prisoners), nor the status of civilians. As a result, it was assumed that they are subject to criminal responsibility for the military operations they conduct (in a normal situation the enemy's soldiers cannot be judged for their participation in fight only, as long as they did not commit any war crimes). They are also not restricted by the limits of detention time which are applied to the civilians.

Apparently, the armed conflict paradigm is much more appropriate when it comes to the justification of the targeted killing policy. However, several problems exist. The most important of them is the risk of mistake: I quoted statistics saying that a considerable number of the targeted killing victims are civilian casualties that happened to be next to the actual targets. Somebody might assume that this policy does not meet the requirements of proportionality, which is included in *ius in bello* regulations, and according to which civilians can be casualties of an attack on a military target, but the sufferings inflicted on the civilians have to be proportional to the scale of the military target attacked in a given operation. However, this accusation would not be characteristic for the targeted killing policy - in many contemporary armed conflicts the casualties comprise a disproportionately big percentage of all victims (Żuradzki 2010b).

4. Retribution or self-defence

After targeting and killing of Osama bin Laden by the American Special Forces on the Pakistan's territory, American president Barack Obama said that "justice took its course". Similarly, at the first anniversary of bin Laden's assassination Obama said that his country managed to "bring justice to a man who killed over 3 thousand citizens". Similar conclusions appear also in scientific articles (David 2003). These statements are surprising, since they mean that a typical example of implementation of targeted killing policy, which was bin Laden's killing, was an act of justice understood in terms of retribution, or as a retaliation for the harm done to a given community. One can conclude from American president's speech that in this case he was the judge himself and the executors of the "sentence" were American soldiers. In this part of my article I will try to prove that the targeted killing policy - if it is possible at all to justify it in the field of ethical theories - it would rather be accomplished through a reference to self-defence and not delivering justice.

Firstly, one has to be a death penalty supporter in order to claim that sometimes “delivering justice” requires killing a man. In contemporary times it is quite controversial, since most of Western countries abolished death penalty. This means that delivery of justice - no matter the scale of the crime - never requires the killing of the perpetrator. Of course, one can argue that even in these countries, in which death penalty was abolished (e.g. Poland), the possibility of its reintroduction is not completely excluded in special cases, e.g. when it comes to armed conflicts - and it is analogical to most cases, of the targeted killing policy application.

Secondly, even if one would agree that delivering justice sometimes requires killing, after targeting the perpetrator should rather be brought into court than killed. Making the decision of bin Laden’s killing Obama obviously infringed on the separation of powers characteristic for democratic systems: executive power should not pass sentences and then execute them. In all democratic systems it is widely accepted that it is the independent judiciary power, which can more objectively investigate the guilt of a suspect and adjust the sentence to it. At this point a problem connected with this issue is visible: the targeted killing policy - understood as delivery of justice - would assume only one type of a “punishment”, which is killing, while passing sentences in normal conditions always adjusts the punishment’s level to a defendant’s guilt.

Thirdly, the targeted killing policy is connected with a severe risk for outsiders. The data quoted below suggest that, e.g., in case of Israel, only circa 60 percent of “target and kill” actions’ victims are the people, who were supposed to be killed - the remaining 40 percent are random witnesses, accompanying persons, sometimes family, including children. When it comes to justice delivery, it is not widely accepted to allow for such high human costs. Obviously, the work of the administration of justice – like every other institution – is burdened with mistakes, but certainly in no democratic country the percentage of mistakes made when delivering justice is as high as in case of the currently applied targeted killing policy. It is even more outrageous, since in this case the mistakes are killing casualties who happened to be close to a victim at a given time. There is also a different kind of risk connected with the targeted killing policy: capital punishment opponents claim that the fact of the system of justice’s fallibility is an argument against applying death penalty, which is irreversible. Similar arguments can be used against the targeted killing policy.

Finally, justification of the targeted killing policy which refers to

retributive justice would concern only those people, who have already committed an act of terror. Whereas in bin Laden's case such justification would work, it could not be used to defend many (maybe even most of) cases of using this policy, in which one kills people who only plan a terrorist attack or call for its (e.g. Anwar al-Awlaki).

These are the reasons why a better justification of the targeted killing policy should be found. The basic question that should be answered at this point sounds: why is killing allowed in some circumstances? Various doctrines and ethical theories agree that there are two main ways of justifying the acceptability of taking one's life (McMahan 2012).

Above all, someone can be responsible for threatening other people or just hurting them. If an armed aggressor tells us that they will kill us and there are reasons to believe them that this threat will come true, practically all ethical systems allow us – if only we are able to do it and there is no other way of stopping the aggressor – to kill them in self-defence. In such a case outsiders or we ourselves would be allowed to do it – to defend other people. Some people believe that such an aggressor suspends their right to life or their right not to be killed.

The second way of justification is a bit more controversial. For in this case a given person would not suspend their right to life, or the right to not be killed, but killing them is necessary for certain reasons. One can understand it in two different ways.

From the agent-neutral perspective: in this case killing someone could be justified by the fact that no action would cause a big tragedy - much bigger than killing a given individual. It is worth noting that, although it can be associated with a conventionalist attitude (which is a normative ethics view saying that a moral value of a deed depends on the value of its expected or actual consequences), it does not have to be always this way. Even some people assuming non-conventionalist positions would say that some choices happen to be so tragic that one person's sacrifice is a "lesser evil" than a sacrifice of very many people.

What is more, the necessity of killing can be agent-relative. In this case a subjective perspective of a given agent would be taken into consideration, from whose point of view the situation would be evaluated. Let us provide an example of it: some people claim that when defending the members of one's family, the one is allowed to do the aggressor more harm than the aggressor would do the potential victim. Many normative systems, in example, would allow a parent to kill an innocent person in order to avoid their child's permanent injury. The parent has special relations with their child and a given situation is morally evalu-

ated from the perspective of a worried parent and not a neutral decision-maker whose main task is to minimalise suffering in a given population. However, it could not be justified from the agent-neutral perspective: according to this perspective, since even permanent injury is not as bad as death, it is not allowed to kill an innocent man only to save somebody from injury (as long as the person to be killed is not responsible for the child's injury).

Sometimes the supporters of the traditional ethics of war use this second way to justify the acceptability of killing in armed conflicts. What they claim is that very often private soldiers are not responsible for the fact that they caused a threat and this way they do not suspend their right to life. The most obvious example would be as follows: the Polish soldiers in September 1939 did not suspend their right to life, they did nothing that would suspend this right. However, in the light of the still valid regulations of the armed conflict law German soldiers were allowed to kill them - as long as they conducted military operations in accordance with the law (they did not murder civilians, did not use certain types of weapon, etc.). This is what one of the main assumptions of the traditional just war doctrine is based on - the moral equality of the fighters. Michael Waltzer writes in his book *Just and Unjust Wars*: "The two sorts of judgement (which are *ius in bello* and *ius ad bellum* - TŽ) are logically independent. It is perfectly possible for a just war to be fought unjustly and for an unjust war to be fought in strict accordance with the rules" (Walzer 2006: 21). It means that all the soldiers who participate in the conflict, no matter if they fight for the just cause or not, can be killed by the opponents, no matter if they are anyhow morally responsible for the conflict's outbreak.

This basic assumption of the traditional just war doctrine is increasingly questioned by philosophers dealing with the ethics of war (McMahan 2009). Interestingly, as I have already mentioned, it was also questioned by the American administration, which on one hand says that they fight a just war with terrorism, but, on the other hand, does not agree that their opponents can fight it - therefore they are treated as "unlawful fighters". This is why the American administration questions the assumption fundamental for the just war doctrine, saying that even unjust war can be fought in accordance with rules and the soldiers themselves cannot be morally and legally responsible for it. For this reason it seems that to justify the targeted killing policy it is better to use the first of the types of justifying acceptability of killing, described in this part. It is a justification saying that it is allowed to kill only those, who are

causatively responsible for posing a threat for other people or just for planning of posing such a threat.

5. Summary

In this article I presented the possibility of justifying the legal and ethical acceptability of applying the targeted killing policy. To this end I used a modified paradigm of an armed conflict. I decided that it is much better for justifying the policy discussed here than the sometimes quoted paradigm of law enforcement. I also outlined the possibility of modifying the now existing paradigm of an armed conflict in a way that it is allowed to kill only those people who are causally and morally responsible for posing a threat (e.g. political leaders responsible for the conflict) or for the intention to pose a threat (e.g. the leaders of a terrorist organisation who plan an attack). The modification proposed in this article would be important for evaluating the acceptability of the targeted killing policy: it would be allowed to conduct it only in extraordinary circumstances, in which it would be the only possible way to stop the severe threat for safety (e.g. planning a terrorist attack, armed conflict). However, this policy would not be justified by means of retributive justice, which means seeking a just retaliation for the previously committed deeds.

Acknowledgement

This work was supported by National Science Centre (NCN) grant SONATA number UMO-2011/03/D/HS5/01152.

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