

consideration all relevant articulations (at 154); this too would seem to create a methodological issue of some proportions, but it is done away with in a single sentence.

This critique takes nothing away from the quality of Liste's reading of the relevant texts: his interpretations are plausible and intelligent. Yet this too inspires a methodological question: to what extent is the quality of the analysis dependent on the quality of the analyst? It would seem that the perceptiveness and open-mindedness of the analyst is a large part of the equation, so much so that one might be tempted to quip that here, too, interpretation is an art rather than a science or, more accurately perhaps, an art masquerading as a science. *Et plus ça change...*

Be this as it may, both studies are well worth reading. Both Venzke and Liste are talented international lawyers and, in a sense, children of the critical revolution. They have taken the critical lessons to heart and realize that in order to make sense of international law, it does not suffice simply to read a text: both realize that there are all kinds of factors influencing the meaning any given legal text may acquire over time, and through the workings of a variety of actors: institutional actors and tribunals in Venzke's case, users and readers in Liste's. Both works therewith form a welcome contribution to international law.

Jan Klabbers

Professor, University of Helsinki
jan.klabbers@helsinki.fi

doi:10.1093/ejil/cht036

Claire Finkelstein, Jens David Ohlin, and Andrew Altman (eds). **Targeted Killings: Law and Morality in an Asymmetrical World**. Oxford: Oxford University Press, 2012. Pp. 496. £95. ISBN: 9780199646470.

Roland Otto. **Targeted Killings and International Law**. Heidelberg: Springer, 2012. Pp. 661. €117,65. ISBN: 9783642248570.

William H. Boothby. **The Law of Targeting**. Oxford: Oxford University Press, 2012. Pp. 603. £95. ISBN: 9780199696611.

The debate about targeted killings has persisted for quite some time now. And it is not likely to go away anytime soon. Despite much opposition – mostly from scholars and NGOs but conspicuously much less from other states – the Obama administration has employed the controversial practice with growing frequency in combat operations in Afghanistan and Iraq, but also and more controversially in counterterrorism operations in Pakistan, Yemen, and Somalia. Moreover, it appears rather likely that in the future more governments will rely on targeted killing operations and the use of drones more often. With the proliferation of drone technology and the development of cheaper missiles – down from approximately US\$115,000 for a Hellfire missile to only US\$18,000 for the new APKWS II (Advanced Precision Kill Weapons Systems)¹ – and in light of a general shift away from troop-intensive interventions to targeted, low-risk operations in response to transnational (asymmetric) security threats, the use of unmanned aerial vehicles to execute such operations is particularly likely to grow.

Much has been written about targeted killings in recent years, 'rising to something of a crescendo of late', as Boothby puts it in his book (at 530). Most of the underlying (general)

¹ *The Economist*, 29 Sept.–5 Oct. 2012, at 77.

legal issues have been laid open and thoroughly analysed.² Notwithstanding this literature, the debate on a number of pertinent legal issues appears rather stalemated. The relevant rules of international law are often sufficiently open-worded – in some cases plainly ambiguous – to accommodate diverging views. Ethical or strategic arguments therefore feature prominently in legal discussions and often underlie – overtly or covertly – the legal conclusions. At the same time, state practice has evolved and brought new legal issues into focus. Apart from specific incidents, especially the killing of Osama bin Laden in May 2011 and the September 2011 drone strike against US-born Anwar al-Awlaki, several important policy speeches over the course of the past three years by Harold Koh, legal adviser to the US Department of State (in 2010), White House chief counterterrorism adviser John Brennan (in 2011), CIA General Counsel Stephen Preston (2012), Defense Department General Counsel Jeh Johnson (in 2012), and Attorney General Eric Holder (in 2012) have laid out bits and pieces of the Obama administration's justification for targeted killings. Indeed, these speeches have raised a number of new questions, *inter alia* regarding the relevance of US citizenship, the notion of imminence, and the geographical application of the laws of armed conflict. In particular, all of these speeches assert that the US remains in a state of armed conflict with al-Qaeda and 'associated forces'; they primarily focus on the right to self-defence and the question whether an individual poses an 'imminent threat of violent attack against the United States' and the criteria (e.g., the window of opportunity) for assessing such imminence.

Against this backdrop, it is a clear strength of the volume edited by Finkelstein, Ohlin, and Altman that it picks up the debate where it currently stands. The result of a law and philosophy conference held in April 2011 at the Institute for Law and Philosophy of the University of Pennsylvania, *Targeted Killings: Law and Morality in an Asymmetrical World* 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. The book consists of 17 chapters which are divided into five parts. 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. As it is impossible to do justice to this comprehensive volume within the confines of this review, the following reflections will focus on those contributions that particularly attracted this reviewer's interest.

Part I entitled 'The Changing Face Of War: Targeting Non-combatants' asks who may be permissibly targeted in an asymmetric armed conflict. Given that the editors put a strong emphasis on the differentiation between 'the two models' (at 5) of law enforcement and military action, it is somewhat surprising that the book starts out with a part exclusively devoted to the laws of armed conflict; whereas only Part II pursues the preliminary question whether targeted killing is part of law enforcement or war. In the first chapter of Part I, Mark Maxwell suggests a revised definition for determining membership of an organized armed group by referring to the totality of conduct showing that a member is contributing to a military function of the group. The author is critical of the ICRC's interpretive guidance. However, while generally agreeing with

² See Kretzmer, 'Targeted Killing of Suspected Terrorists: Extra-Judicial Executions or Legitimate Means of Defence?', 16 *EJIL* (2005) 171; Solis, 'Targeted Killing and the Law of Armed Conflict', 60 *Naval War College Rev* (2007) 127; N. Melzer, *Targeted Killing in International Law* (2008); Cohen and Shany, 'A Development of Modest Proportions: The Application of the Principle of Proportionality in the Targeted Killings Case', 5 *J Int'l Criminal Justice* (2007) 310; N. Lubell, *Extraterritorial Use of Force against Non-state Actors* (2010); Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Study on targeted killings, A/HRC/14/24/Add. 6, 28 May 2010.

the functional membership determination endorsed by the ICRC, his critique concerns primarily the range of conduct that can be regarded as entailing membership. Whereas according to the ICRC the continuous combat function must always involve a direct participation in hostilities, according to Maxwell the military function is to be established more broadly by a pattern of conduct which may also include combat support activities and combat service support (logistics). Maxwell provides good arguments, but given that the law is sufficiently ambiguous it can accommodate either view. Hence, the debate appears to be rather stalemated and outcomes are often determined by the invocation of additional, non-legal arguments. Thus, Maxwell *inter alia* invokes a strategic argument to ground his conclusions, namely that the ICRC's approach would put US soldiers at grave risk (at 54).

Jens David Ohlin then takes a refreshingly innovative and stimulating look at the various 'linking principles' that can be used to connect an individual with the collective group that represents the overall security threat. Fruitfully the author compares apples with pears and depicts the functional membership approach as a hybrid concept which straddles the distinction between status and conduct (at 86). The author describes the traditional IHL linking principles, namely membership of a military organization, as 'self-applying and public', whereas, according to the author, traditional criminal law linking principles 'are neither self-applying nor public, since they require a comparatively larger degree of fact-finding to determine if their standards are met' (at 79). While it is certainly plausible to argue that in certain (armed conflict) constellations the IHL linking principles are practically better suited than their competitors in criminal law, the fact that attackers are relieved of much of the fact-finding required under criminal law and allowed to operate on the basis of much more categorical distinctions can hardly be depicted as better serving the protection of civil liberties (at 62). In theory, self-declared membership may serve certain requirements of transparency but, as Altman already suspects in his introduction critics may argue, 'the conceptual tidiness of Ohlin's approach is [indeed] likely to break down in practice' (at 13).

In Chapter 3 Daniel Statman argues that targeted killings have clear moral advantages over the use of massive military force in the old way (at 109), and that there is nothing about targeted killings that is inconsistent with the main theories of just warfare. In doing so, however, the author – in line with the armed conflict perspective of Part I – focuses exclusively on the war paradigm, thereby reducing the ethical problems and leaving out the much harder cases of targeted killings occurring outside the war paradigm. In the fourth and last chapter of Part I Jeremy Waldron cautions how easily the background taboo against murder could unravel by drawing analogies between morally accepted exceptions to this norm and new areas of killing that military and political temptation inevitably will lead us to explore (at 130). In a truly compelling chapter Waldron thus vividly reminds us of what is at issue: 'a general relaxation of one of the most important norms we have' (at 130). Against this backdrop one may wonder whether starting the volume with a chapter entitled 'Playing Whack-A-Mole Without a Mallet?', analogizing targeted killings of terrorists to a children's game, is indeed the best way to commence an analysis of such significance and seriousness.

Part II focuses on 'Normative Foundations: Law Enforcement or War?'. Contrary to what the title of Jeff McMahan's contribution, 'Targeted Killing: Murder, Combat or Law Enforcement?', seems to suggest, the three categories are of course not mutually exclusive; just because it is combat does not mean it cannot be murder, and there can still be law enforcement in Afghanistan even though it is a combat zone. But McMahan is not actually concerned with these distinctions; rather he argues in favour of a new body of law specifically to regulate anti-terrorist action which should possibly include 'a tightly circumscribed and constrained permission for targeted killing' (at 155). This is a thought-provoking approach, and in view of a rather stalled debate at least in the long run perhaps a realistic way forward. Unfortunately, after having thus provoked the reader's interest, the author stops short of making more concrete proposals of what that new law and 'a tightly circumscribed and constrained permission for targeted killing' could look like.

In Part III entitled 'Exercising Judgment in Targeted Killing Decisions' Amos Guiora in an instructive chapter reflects on his experiences as a legal adviser in the Israel Defence Forces, and focuses on the process of implementing targeted killing decisions. Guiora advocates a criteria-based model of decision-making, arguing that action taken outside such a clearly defined model is likely to be illegal, immoral, and ultimately ineffective. The author goes into great detail to show how criteria-based reasoning can be applied in practice. Gregory McNeal, in his chapter entitled 'A Case Study in Empirical Claims without Empirical Evidence', by and large falls victim to his own critique. He objects to certain empirical claims that have been made by critiques of the US drone programme. Yet, whatever the empirical validity of these claims is, the author is unable to substantiate his counter-claims with any empirical data of his own, engages in speculations about unknown aspects of the CIA drone programme (at 332), and ironically, for a contribution that is focused on empiricism, primarily relies on citations from his own (unpublished) work. A positive, albeit unintended, side effect of this otherwise unfruitful contribution is that it clearly underlines the importance of publicly available data and transparency in the US drone programme. Notably, at the time of writing this review legal action by the New York Times against the Justice Department to disclose a memorandum providing the legal justification for the targeted killing of Anwar-al-Awlaki had just been rejected.

In Part V, Michael Moore in his cogent contribution on 'Targeted Killings and the Morality of Hard Choices' constructs a general, three-level theoretical framework to assess the morality (not the legality) of targeted killings, and construes a decision tree which balances consequentialist and deontological considerations. On this basis, Moore lists a number of ostensibly clear-cut moral cases, among them retributive targeted killings of terrorists whose past acts merit a sentence of death as well as targeted killings that are morally justified by the (distant) catastrophic consequences thereby avoided. Moore intends to enable those who order or execute such decisions to see the possibility of ordered, rational analysis. However, his assessments are based on the hypothetical omniscient observer, and it appears rather questionable whether such 'quibbling ... on epistemic grounds' (at 465) can indeed be eclipsed from the moral assessment altogether. As another reviewer of this contribution has already aptly remarked, for decision-makers precisely this epistemic question would appear to be the 'crux of the moral quandary'.³

Roland Otto's book has a narrower focus, specifically on legal issues. *Targeted Killings and International Law*, an updated version of the author's doctoral thesis, is – like most dissertations that become books – a thoroughly researched, heavily footnoted and at 661 pages rather comprehensive analysis of legal issues pertaining to targeted killings. Unfortunately, however, as the author points out (at 32), the main research for this treatise was finalized in 2008. Meanwhile most of the issues addressed in this book have been dealt with – quite extensively – in numerous other publications.⁴ As a result, while the volume comprehensively addresses the various legal issues that were at the centre of the debate in 2008, it is silent on many of those legal issues that are at the centre of the debate today. Thus, Otto in the central parts of his book analyses targeted killings under human rights law (Part I) and international humanitarian law (Part II) and considers under which circumstances these legal regimes apply to extraterritorial targeted killing operations (Part IV). Otto concludes that the default standard generally applicable to targeted killings is that of human rights law and that, although this legal regime allows for the use of force to address immediate threats, the death penalty is the only case in which the death of a person may be the aim or end of an operation, whereas in any other human rights context killings with *dolus directus* of the first degree are impermissible. In Part II, Otto advocates a narrow interpretation of the notion of direct participation in hostilities and somewhat vaguely concludes that an individual's 'degree of involvement' in an organized armed group 'seems to

³ Barela, 'Book Review', 10 *J Int'l Criminal Justice* (2012) 1, at 4.

⁴ See the references *supra* at note 2.

be an at least practicable criterion in distinguishing civilians and fighters in non-international armed conflicts'. In a very short Part III (14 pages), and without any in-depth engagement with the *ius ad bellum*, Otto rejects any additional justifications for targeted killings derived from circumstances precluding wrongfulness and, in Part V, considers the consequences of his findings for the situation in Israel, with a strong focus on the Israeli Supreme Court's *Targeted Killing* judgment of December 2006.

Notwithstanding this, Otto's detailed analysis of targeted killings under a 'perfidious cover' is particularly instructive. Only Otto's conclusion that the killing of civilians *per se*, i.e., without any trust-inviting activity of the perpetrator, amounts to perfidy (at 253) would have warranted a more detailed explanation in view of the wording of Article 37 AP I ('acts inviting the confidence of an adversary'). Moreover, the author makes some interesting attempts at merging the laws of armed conflict with law enforcement patterns. In particular, Otto argues in favour of a broad understanding of when a combatant (or fighter) is 'in the power of an adverse Party' and thereby rendered *hors de combat*. According to Otto, the notion of persons in the power of an adverse Party comprises persons who – 'due to exhaustion of their means of defense' – no longer pose any immediate threat to their adversaries or – 'due to being guileless and defenseless at such a time' – at least do not pose an immediate threat at the moment they are targeted (at 259). And, although Otto acknowledges that the immediacy of a threat posed by a combatant usually is not a criterion in deciding whether that person may be targeted under IHL, he argues (albeit slightly circularly) that, at least in situations in which the threat is so marginal or even non-existing, a person has to be regarded as *hors de combat*. Of course, subsuming all combatants and/or fighters who do not pose any immediate threat at the moment they are targeted under the wording 'in the power of the adverse Party' is quite a stretch. It would have been interesting had the author compared his approach to the somewhat similar, albeit more flexible, approach contained in the highly controversial Chapter IX of the ICRC's Interpretive Guidance, which also aims to respond to different threat levels and according to which the kind and degree of force employed must not exceed what is actually necessary to accomplish a legitimate military purpose in the prevailing circumstances.⁵

When civilians become legitimate military targets due to direct participation in hostilities, Otto argues that 'if the targeted person does not pose a direct threat [to the lives of other persons], but his targeting would still amount to a direct military advantage civilian casualties *must* be kept on a very low level' (at 319, emphasis added). While this is certainly convincing as a matter of policy, and while it may be a valid description of a rather typical situation, it is less clear whether this argument also has a legal basis *de lege lata*. The law only refers to 'a concrete and direct military advantage'; it does not *per se* distinguish or require a distinction between the relative value of military advantages derived from the immediate saving of the lives of others and other more distant military advantages for as long as they qualify as direct and concrete. Of course, it will typically be the case that the military advantage that derives from the targeting of a civilian directly participating in hostilities is limited to the advantage that derives from stopping him doing so, for example when a civilian suddenly picks up a gun and starts shooting at soldiers. However, especially for all those who endorse a wider interpretation of the notion of direct participation in hostilities, there may also be cases where the targeting of a civilian who is directly participating in hostilities would bring about a more than marginal military advantage, even if there was no imminent threat to the lives of others. The civilian truck driver who is delivering ammunition directly to the front line is exemplary. In sum, Otto's *Targeted Killings*

⁵ N. Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law* (2009), at 77. For a critique see Parks, 'Part IX of the ICRC "Direct Participation in Hostilities" Study: No mandate, No Expertise, and Legally Incorrect', 42 *NYU J Int'l L & Politics* (2010) 769.

and *International Law* is a thoughtful analysis that contains a number of innovative approaches, especially with regard to interpretations of various IHL provisions. But if one is looking for an analysis that reflects the debate as it stands in 2013 this is not the book of choice.

Unlike the other two volumes under review William Boothby's *The Law of Targeting* does not focus specifically on targeted killings or asymmetric warfare. Boothby's book is a comprehensive volume (between a textbook and a manual) on the entirety of rules pertaining to the conduct of hostilities. The range of issues addressed in this volume is substantial. Divided into eight parts the book focuses on such diverse issues as the historical evolution of the law, sources of the law, and the spectrum of conflict (Part I); general principles of the law of targeting (Part II); particular protections for the environment and cultural property (Part III); weapons and technologies (Part IV); specific domains, namely naval and aerial warfare as well as warfare in outer and cyber-space (Part V); practical aspects of contemporary targeting (Part VI); targeting law challenges and compliance (Part VII) as well as overall conclusions (Part VIII).

The designation of the rules pertaining to the conduct of hostilities as the 'law of targeting' is *en vogue* especially among lawyers with military backgrounds like Boothby.⁶ Nevertheless, one may wonder whether this is indeed an adequate designation. While there is no doubt that the pertinent rules allow for the targeting of military objectives, persons, and objects, they were clearly not designed to facilitate the targeting process but – as Boothby himself points out (at 565) – to limit the detrimental effects of war-fighting and to protect the victims of armed conflict. Of course, any such discussion about the correct designation is reminiscent of the eternal debate about whether the entire legal regime to which these rules belong should be referred to as international humanitarian law (IHL), the laws of armed conflict (LOAC), or the laws of war. This appears to be primarily a question of personal preference and whether more emphasis is put on the military necessity considerations or the humanitarian aspects that this legal framework aims to balance. Still, a more neutral designation for these rules would seem to be the traditional designation as the rules pertaining to the conduct of hostilities, rather than the 'law of targeting'. This would also appear to be a more comprehensive designation, given that Boothby devotes chapters to cultural property, environmental protection, and non-international armed conflicts. These areas of the law do not readily fit under the narrow rubric of the 'law of targeting'.

Whereas in recent years there has been much discussion over the targeting of persons, namely the notion of direct participation in hostilities and the definition of members in an organized armed group, various other conduct-of-hostilities rules such as the definition of military objectives or the obligation to take feasible precautions in advance of an attack have received considerably less attention. Asymmetric conflict structures as well as new technologies and the opening up of novel domains of warfare in outer space and cyber-space are bringing some of the long-standing ambiguities and controversies over these rules to the fore. It is a clear strength of Boothby's book that the author devotes particular attention to these controversies.

Thus, the book contains a cogent analysis *inter alia* of such pertinent issues as dual-use objects, human-shielding, non-lethal weapons, and the implications of urban warfare in built-up areas and military operations short of war. Targeted killings as such are only briefly addressed (at 530–532), but throughout the book various issues pertaining to the military use of unmanned aerial vehicles (UAVs) are dealt with. Boothby rightly points out that in the reality of modern, asymmetric armed conflict there will often be imperfect information, and therefore throughout the book devotes much attention to issues relating to the gathering of intelligence, due care in targeting decisions, and errors of judgement. Moreover, the author considers important, albeit rarely addressed questions, such as for how long a civilian object that has been used to make an effective contribution to military action in the past actually

⁶ See also I. Henderson, *The Contemporary Law of Targeting – Military Objectives, Proportionality and Precautions in Attack under Additional Protocol I* (2009).

remains a legitimate military objective, and under what circumstances a precautionary warning may be considered 'effective'. While it is often ignored that the definition of military objectives contained in Article 52 (2) API and customary law in fact requires a two-pronged test, Boothby emphasizes the often-neglected second part of the test and argues that even an object that is a military objective by nature may be targeted only if its destruction yields a military advantage (at 103). This is certainly correct as a matter of law, but it would have been interesting had the author also explained in which cases the destruction of an object that by its very nature makes an effective contribution to military action would not yield a definite military advantage. With regard to voluntary human shields, the author endorses a 'pragmatic solution', arguing that, as civilians, persons who voluntarily act as human shields must be considered in the proportionality assessment but that their voluntary acceptance of the risks involved reduces the relative value to be accorded to them in making that proportionality assessment (at 139). Of course, given that throughout the book the author draws the reader's attention to how thick the fog of war is in many contemporary conflict scenarios, one may wonder how in practice commanders are to distinguish between voluntary and involuntary human shields and civilians who simply happen to be in the vicinity of a military objective. Moreover, like Maxwell, Boothby relies on a functional approach and endorses the criterion of a combat function ('whether permanent, temporary, or contingent') to determine membership of an organized armed group. In addition, he holds – albeit somewhat vaguely – that civilians who participate directly in hostilities repeatedly or on a regular basis *are likely* to be regarded as losing their protection on a continuous basis (at 163). The entire controversy is discussed in great detail; the chapter is therefore particularly instructive. Nevertheless, the fact that even the title of Chapter 8 explicitly alludes to this controversy arguably overemphasizes it. After all, in principle neither Maxwell nor Boothby rejects the ICRC's functional membership approach, the disagreement being primarily on what functional membership precisely entails.

Throughout the book, the author places rather strong emphasis on the UK's and the US's positions (e.g., ch. 21.2). Undoubtedly, the UK and the US are extremely important players in this field of law. But the contention that persistent US opposition to certain rules contained in API could bar those rules from becoming customary law altogether (at 57) is exaggerated, and in any event a more balanced consideration of the views of other (non-western) states would have been welcome. With over 600 pages the book is also rather long for a book that focuses on the specific corpus of the 'law of targeting'. This is largely due to the fact that, as the author explains (at 11), the chapters of the book were written to be stand-alone, with a minimum of cross-referencing, which of necessity leads to some repetition between the chapters. This approach is in line with the pragmatic focus of the book, the primary target audience of which is 'military planners, military lawyers, commanders and those likely to have to undertake military attacks' (at 11). The various stand-alone chapters together with their distinct titles such as 'maritime targeting', 'air and missile targeting', 'targeting and outer space', and 'cyber-targeting' may give the impression that vastly diverging rules apply to these domains. This, however, is not the case. The core legal principles are the same. And, while in aerial and naval warfare in particular a number of additional, domain-specific rules exist, in the case of outer space and cyber-space it is primarily the factual and technological particularities of these domains that may affect the application of the rules on targeting. Against this backdrop a summarizing chapter which highlights the particularities of each domain, both factual and legal, and which points out the specific differences and similarities when it comes to targeting decisions in each domain would have been particularly useful. Notwithstanding this lack, Boothby's comprehensive up-to-date analysis of the entire corpus of rules pertaining to the conduct of hostilities and the many controversial issues surrounding it is a most welcome addition to the literature on the laws of armed conflict.

In spite of many years of debate over targeted killings and remote controlled drones difficult moral and fundamental ethical questions remain unanswered. Yet, while the international

community is still grappling with these questions, the next quantum leap in battlefield technology is already becoming apparent: the use of increasingly autonomous and ultimately human-out-of-the-loop weapon systems. While this debate is (already) focused on technicalities such as, for example, whether such systems could be programmed to abide by the law or whether this would be impossible in view of the complexity of the modern battlefield and how accountability (and of whom) could be established⁷ the far more fundamental and preliminary question whether it is at all morally and ethically justifiable that machines should take (offensive) targeting decisions autonomously and whether a machine could ever be entitled to kill a human being are by and large unaddressed. After all, if the lives of one's own soldiers are no longer (directly) at risk in future armed conflict scenarios due to the use of autonomous robots, and if the conduct of hostilities thus is no longer a life-versus-life scenario, it will be extremely difficult to sustain a moral justification for a categorical permission to kill the enemy.

Robin Geiß

Professor of International and European Law
University of Potsdam
Email: robingeiss@uni-potsdam.de

doi:10.1093/ejil/cht028

Individual Contributions

Targeted Killings. Law and Morality in an Asymmetrical World

Andrew Altman, Introduction;

Mark Maxwell, Rebutting the Civilian Presumption: Playing What-A-Mole Without a Mallet?;

Jens David Ohlin, Targeting Co-belligerents;

Daniel Statman, Can Just War Theory Justify Targeted Killing? Three Possible Models;

Jeremy Waldron, Justifying Targeted Killing With a Neutral Principle?;

Jeff McMahan, Targeted Killing: Murder, Combat or Law Enforcement?;

Claire Finkelstein, Targeted Killing as Preemptive Action;

Richard V. Meyer, The Privilege of Belligerency and Formal Declarations of War;

Craig Martin, Going Medieval: Targeted Killing, Self-Defence and the Jus ad Bellum Regime;

Russel Christopher, Imminence in Justified Targeted Killing;

Phillip Montague, Defending Defensive Targeted Killings;

Amos N. Guiora, The Importance of Criteria-based Reasoning in Targeted Killing Decisions;

Gregory S. McNeal, Are Targeted Killings Unlawful? A Case Study in Empirical Claims Without Empirical Evidence;

Kevin H. Govern, Operation Neptune Spear: Was Killing Bin Laden a Legitimate Military Objective?;

Kenneth Anderson, Efficiency in Bello and ad Bellum: Making the Use of Force Too Easy?;

Fernando R. Tesón, Targeted Killing in War and Peace: A Philosophical Analysis;

Michael S. Moore, Targeted Killings and the Morality of Hard Choices;

Leo Katz, Targeted Killing and the Strategic Use of Self-Defence.

⁷ Human Rights Watch, *Losing Humanity: The Case Against Killer Robots*, at 1 (Nov. 2012), available at http://www.hrw.org/sites/default/files/reports/arms1112ForUpload_0_0.pdf; Department of Defense Directive 3000.09, *Autonomy in Weapon Systems* (Nov. 21, 2012), available at <http://www.dtic.mil/whs/directives/corres/pdf/300009p.pdf>.