

Targeted Killing---A Legal, Practical and Moral Analysis

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ABSTRACT:

Targeted killing is a pro-active, operational counterterrorism measure premised on the nation-states right to pre-emptive self-defense. In examining the policy, I will address both its legality and morality; the former through the lens both of international law and the Israeli Supreme Court (sitting as the High Court of Justice) decision ruling on the policy's legality, the latter from the perspective of the decision maker who must weigh—in real time--- moral dilemmas related to the limits of force, the application of force and the consequences of force.

In weighing the policy's morality, the decision maker must consider possible harm---predicated on an analysis of intelligence information and circumstances---to innocent individuals were the policy not to be implemented in specific situations. Subject to rigorous application of standards, criteria and review the policy reflects operational counterterrorism conducted in accordance with the rule of law and morality in armed conflict.

In addition, my analysis will incorporate a 'practical' discussion addressing the decision making process, suggesting development, articulation (advocating policy transparency) and implementation of a standard based check-list maximizing objectivity, minimizing subjectivity.