**The Lure of Novelty: ‘Targeted Killing’ and Its Older Terminological Siblings**

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**Abstract:** The concept ‘targeted killing’ has been increasingly adopted in scholarship, policy and media discourses, particularly in the context of US armed drone attacks. While ‘targeted killing’ is often understood as something new, there are strong historical continuities with more traditional concepts such as ‘assassination’ and ‘extra-judicial execution’, as well as with the colonial concept ‘police bombing’. This paper builds on an analysis of over 900 Security Council debates, Human Rights Council reports, legal papers and policy documents. Tracing the conceptual continuities, I argue that the peculiar novelty of ‘targeted killing’ does not mainly stem from the novelty of the practices and claims it describes but from the contradictory modes in which the term has been used, which has problematic repercussions for recent counterterrorism discourses. Posed as a new category which reacts to a new situation, the adoption of the concept ‘targeted killing’ has, I argue, played an important role in the promotion of claims which were long considered unlawful and illegitimate. Demonstrating the importance of language in setting political struggles up in a particular way, the paper contributes to a growing body of critical work on counterterrorism use of force.

**Key Words**: Targeted killing, armed drone attacks, self-defence, counterterrorism, discourse, novelty

# Introduction

Particularly with the deployment of armed drones by the US government to conduct lethal attacks inside and outside of armed conflict, the concept ‘targeted killing’ has received increasing attention in scholarship, media discourses and policy reports. In international law, the term ‘targeted killing’ has played an important role in discussions of a new, more expansive interpretation of the right to self-defence directly against non-state actors outside of traditional zones of armed conflict (Radsan and Murphy 2009; Anderson 2009; Henriksen 2014; Melzer 2008; Fisk and Ramos 2016; Birdsall 2018; O’Connell 2010). Challenging existing circumscriptions of state violence, it has been argued that “the use of armed drones for targeted killings raises serious human rights and other international law issues” (Committee on Legal Affairs and Human Rights, Council of Europe 2015, para 1; see also ICCT 2016; Joint Committee on Human Rights 2016). In debates on ‘targeted killing’, much scholarly and media attention has been focused on the novelty of the concept, particularly through the challenges and opportunities which the technological capacity and use of UAVs or armed drones have raised (Sauer and Schörnig 2012; D. Gregory 2011; Schwarz 2016; Kindervater 2016; Allinson 2015).

Whether practices and claims described with the term ‘targeted killing’ are new is not as self-evident as it first appears. Recent scholarship has showed the political and cultural similarities between current ‘targeted killing’ practices and colonial aerial bombings (Blakeley 2018, 335; see also Afxentiou 2018; Satia 2014; Neocleous 2013). The concept ‘targeted killing’ furthermore shares characteristics with concepts such as ‘assassination’ and ‘extra-judicial execution’ (Grayson 2012; Gross 2006; Krasmann 2012) and terms such as ‘assassination in self-defence’ (Beres 1991). These similarities raise the question how the concept ‘targeted killing’ has established itself as a new category at all. As Susanne Krasmann argued, it is strange how ‘targeted killing’ as a concept “manages to present itself as a legitimate security technology and to gradually discard its historical association with the practice of political assassination” (2012, 668).

Tracing the continuities and discontinuities of the concept ‘targeted killing’, this paper seeks to unpack *how* ‘targeted killing’ has distanced itself from more traditional concepts, such as ‘assassination’. This is important because the peculiar novelty of the concept ‘targeted killing’ has implications for how current forms of violence are perceived and how they (can) be discussed. As discursive approaches to international politics have showed (see for example Fierke 2002; Doty 1993; Pin-Fat 2000) language is crucial in shaping how reality is made sense of. Posed as a new category which reacts to a new situation, the use of the concept ‘targeted killing’ has, I argue, played an important role in the promotion of legal claims which were long considered unlawful. It masks similarities with colonial forms of state violence and other practices which have been opposed, instead presenting a world in which existing legal frameworks are presumed to be inadequate.

The paper thus illustrates the importance of language in setting political struggles up in a particular way, closing down alternative ways of approaching an issue. Contributing to a growing body of critical studies on ‘targeted killing’ claims and practices (see for example Grayson 2016; Kearns 2016; Krasmann 2012; Blakeley 2018; Afxentiou 2018; Gunneflo 2016) from a conceptual perspective, the paper investigates the effects of the novelty supposition in how state violence has been discursively framed through the use of the new term. The paper seeks to intervene in recent debates on counterterrorism use of force by powerful states. Building on an empirical analysis of UN documents, policy papers and legal committee reports, I disentangle the different ways in which the term ‘targeted killing’ has been used. The paper investigates (a) the similarities between the use of the concept ‘targeted killing’ and more traditional concepts, such as ‘assassination’, (b) the discursive processes of how ‘targeted killing’ has been separated from its older, terminological siblings and (c) the implications of the peculiar novelty of the concept in debates on the legitimacy and legality of recent forms of state violence.

The argument proceeds along the following lines. Drawing on Wittgenstein and discursive approaches to international politics, the paper first analyses the concept ‘targeted killing’ not through an inherent meaning but through the contradictory functions the term ‘targeted killing’ has assumed in current counterterrorism discourses: to justify precision attacks, to condemn uses of force as intentionally breaking international law and to create a new armed conflict/policing category. My first argument posits that the concept ‘targeted killing’ is not new at all; that is, the practices and claims it describes in each of these modes are not new. Within the first two modes, the term could be substituted with terms such as ‘proportional use of force’ and ‘assassination’. Even the creation of a blurred armed conflict/policing framework for the aerial bombing of terrorists shares important conceptual similarities with ‘police bombing’ against insurgents in former colonies and with ‘assassination in self-defence’ which the US and Israeli government had practiced and justified throughout the 1980s and 1990s.

What is new, however, is the way in which current counterterrorism discourses – particularly regarding attacks conducted with armed drones – have used the new term ‘targeted killing’ across the three contradictory modes. This is politically and legally important. It renders critical engagement difficult by causing confusion regarding the applicable legal framework through which these practices and claims can be discussed. The novelty itself, as has been pointed out in debates on ‘new terrorism’ (Okafor 2005; Mythen and Walklate 2008; Crenshaw 2009), changes the way debates on practices can take place. The last part of the paper thus shows how the use of the new concept works as a discursive break which obscures historical struggles around similar claims which have been considered unlawful. It presents a world in which existing legal frameworks are presumed to be inadequate and closes down alternative ways of engaging with the contentious practises and claims of powerful actors. Highlighting the importance of discursive practices, the paper thus raises further-reaching questions regarding the role of legal experts, journalists, scholars and other actors who participate in the discursive practices which frame state violence in particular ways.

# 1. Modes of Invoking ’Targeted Killing’

The importance of language in international politics and the production of meaning through words has been pointed out through a number of studies in International Relations and adjacent fields (see for example Milliken 1999; Der Derian and Shapiro 1989; Doty 1993; Pin-Fat 2000; Huysmans 2011; Fierke 2002). Moving away from an understanding of language as a mirror of reality, scholars have investigated how linguistic practices shape the way in which the world is perceived in the first place. This does not mean that ‘reality’ is not important but that what is perceived as ‘reality’ is always already made sense of through language (Pin-Fat 2000, 664). The use of concepts thus interlinks with other linguistic practices in order to shape meaning in ways that are often delineated by power relations (Doty 1993, 302).

As Wittgenstein already argued, the meaning of a word does not hinge on an underlying substance but is created through the different ways in which that word is used (Wittgenstein 1960, 108). Searching for an inherent meaning of a word by looking beyond the ways in which that word is *used* in practice, is like stripping an artichoke of its layers in order to find the artichoke (Wittgenstein 1960, 164). The different uses of a concept instead need to be understood as a practice which itself performs certain functions (Fierke 2002, 337). This has been further highlighted by scholars who build on Austin and Searle and examine speech acts as a means to perform the reality they invoke, for example when ‘sovereignty’ is invoked by state actors (Werner and De Wilde 2001; Aalberts 2012; Butler 1997) or when ‘security’ utterances are invoked (Buzan, Waever, and De Wilde 1998; Balzacq 2005; Huysmans 2000).

The effects of a word are not predicated on an underlying substance and “the productive nature of language does not depend on nor necessarily coincide with the motivations, perceptions, intentions or understandings of social actors” (Doty 1993, 302). The assumptions re-produced by using words in particular ways are instead intertextually linked to other signifiers which exist in the power relations of linguistic practices – in word-word relations rather than in word-object relations, as Véronique Pin-Fat has put it (Pin-Fat 2000, 664; Doty 1993, 302). Regarding the concept ‘targeted killing’, this seems particularly important, given that the concept has been so closely linked to the idea of a material reality of armed drones, independent of its discursive representation, a point further discussed below.

In order to investigate the functions of the concept ‘targeted killing’ in current counterterrorism discourses and to analyse how the concept has become a new, legally relevant concept, this section traces how the term ‘targeted killing’ has been adopted by different actors. Trying to avoid “the standard social science approach of attempting to fix the boundaries of definition before undertaking an analysis” (Fierke 2002, 345), I investigate how ‘targeted killing’ has been used in discursive practices “scattered throughout various locales” (Doty 1993, 302). Empirically, this means that I do not investigate just one source or set of sources, even though the focus is on UN documents. I particularly draw on an empirical analysis of over 900 Security Council debates between 2000 and 2016 examined for the key words ‘targeted’, ‘assassination’, ‘execution’, ‘extrajudicial’, ‘drone’, ‘unmanned’, and ‘remote’; an analysis of the United Nations Yearbook entries between 1950 and 2016; and an investigation of UN Human Rights Council documents featuring the terms ‘targeted’ and ‘drone’. I also analyse less centralised accounts of ‘targeted killing’, for example through government policy documents or domestic legal courts and committees, as well as through how scholarship in international law and international relations has used the concept ‘targeted killing’.

Building on Wittgenstein, the main point of this examination is not to find the meaning or definition of the term ‘targeted killing’ but to understand the relationship between different modes in which the word has been used, without a priori ranking their significance. Wittgenstein argues that there is "family resemblances" between the different ways of using a word, like family members who have certain similarities in height, facial features, voice, character, etc. but there is not one exclusive trait a word shares compared to all others (Wittgenstein 1960, 67). The following section analyses the term ‘targeted killing’ by disentangling three, contradictory modes in which ‘targeted killing’ has been used in the investigated documents in order to understand the peculiar novelty of the concept and the role it has played in legitimising contentious claims and practices.

The first mode of invoking ‘targeted killing’ could be called the justificatory mode. It follows the grammar of armed conflicts and uses the term ‘targeted killing’ in order to highlight that military force is directed only at combatants and that “there must be near-certainty that no civilians will be killed or injured” (Barack Obama 2013). US state officials (Harold Koh, Department Of State 2010; Barack Obama 2013), military elites and some scholars (Tinetti 2004; Wilner 2010) have thus employed the term ‘targeted killing’ in order to underline the precision of attacks conducted with new weapon systems within the traditional armed conflict paradigm (Beard 2009). Invoking the international legal requirements for the distinction between combatants and civilians, the term is used in order to justify violence through stressing the precision of attacks concomitantly with words such as ‘proportional attack’. The main *function* the term ‘targeted killing’ assumes in this mode is to justify violence within existing frameworks.

The second mode in which the term ‘targeted killing’ has been applied lies at the diametrical opposite to the first. The term is here used in order to express illegitimacy and unlawfulness, for example because an attack is directed particularly at civilians. The term is used in order to condemn intentionally law-breaking acts, such as attacks by Taliban forces in Afghanistan in the “targeted killings of civilians” (UN Doc A/HRC/31/46 2016, 3), the assassination of government officials in “targeted killings by insurgent groups” in Mogadishu (UNYB 2009, 279), or the “persistent suicide attacks and targeted killings and the use of improvised explosive devices” by terrorist groups (UN Doc S/PV.7181 2014). UN officials and state representatives at Security Council debates and the Human Rights Council have used the term ‘targeted killing’ in this condemning function (see for example Security Council debates UN Doc S/PV.6173 2009; UN Doc S/PV.5942 2008; UN Doc S/PV.4990 2004; UN Doc S/PV.7109 2014). ‘Targeted killing’ is here invoked as a means to highlight that acts of violence are intentionally breaking international law requirements, such as the “targeted killing of journalists” (UN Doc S/PV.7003 2013). Important for this paper is not that particular acts are regarded to be unlawful or illegitimate, but that the term ‘targeted killing’ is invoked *in order to* express this unlawfulness. As will be discussed in more detail below, the term is here applied almost interchangeably with older terms such as ‘assassination’ or ‘extrajudicial killing’.

In a third mode, the term ‘targeted killing’ has been used to create a new category, describing phenomena which are seen to explode existing frameworks. The term ‘targeted killing’ has thus been adopted in some US and Israeli justifications of counterterrorism use of force (see for example Brennan 2012; Respondents’ Argument Israeli Supreme Court Judgement HCJ 769/02 2006 para 12; Barack Obama 2013), by scholars investigating the changing nature of warfare (Chamayou 2015a; Gunneflo 2016) as well as by Human Rights activists and practitioners (Human Rights Council 2014; ICCT 2016) in order to highlight the novelty of a type of violence taking place outside of the frameworks for war and peace as traditionally understood. The British Joint Committee on Human Rights, for example, issued a report on ‘The Government’s Policy on the Use of Drones for Targeted Killing’ in order to investigate acts justified along new, legally contested lines – as opposed to the use of drones within traditional armed conflicts. The discussion of ‘targeted killing’ is often connected to armed drone attacks and while the weapons themselves are not necessarily regarded as problematic, it is often emphasized that “the use of armed drones *for targeted killings* raises serious questions in terms of human rights and other branches of international law” (EU Parliamentary Assembly 2015). The term ‘targeted killing’ has thus been used to differentiate the use of drones within armed conflicts from claims and practices seen to be new, pointing to “the challenges that these [drone] systems bring to international law (…), particularly when drones are used for targeted killing” (Saura 2016, 122).

The term ‘targeted killing’ is in this third mode used in order to investigate or describe new phenomena which are understood to have “blur[ed] the line between war in the traditional sense on the one hand and countering the crime of terrorism on the other” (Joint Committee on Human Rights 2016, 6). This invocation of the concept ‘targeted killing’ is connected to legally contested claims such as the use of force aimed at specific individuals outside of “areas of active hostilities” (The White House 2013) in cases when there is no invitation by the territorial government and the state is not claimed to be responsible for the terrorist activity but deemed “unable or unwilling to take action against the threat” (Brennan, 2012: 7). The term ‘targeted killing’ has thus been used as a new category to justify, discuss, or critique claims and practices which are closely wrapped into a de-territorialised and individualised understanding of armed conflict (Gunneflo 2016; Chamayou 2015b; Shaw, Graham, and Akhter 2012). It is ‘targeted killing’ in this third mode which has been the focal point for heated debates on whether the nature of warfare and customary interpretations of the right to self-defence are or should be changing (Anderson 2009; Brooks 2014; Plaw and Reis 2016; O’Connell 2010; Radsan and Murphy 2009; UN Doc A/HRC/28/38 2014; UN Doc A/HRC/14/24/Add.6 2010).

These debates have been complicated because of the controversy – or rather the parallel existence – in how the term ‘targeted killing’ has been used along the three contradictory modes disentangled above: (i) to *justify* uses of military force along old paradigms; (ii) to *condemn* uses of force which are seen to break existing principles (e.g. attacks directed against civilians); (iii) to *create* a category for new types of state violence which blur existing understandings of armed conflict. The different uses of the term share “family resemblances” with each other, as Wittgenstein would call them (Wittgenstein 1960, 67). Yet, if we were to develop one overarching definition, we would end up with a very broad description, such as ‘targeted killing’ is “the intentional targeting of a person with lethal force intended to cause his death” (Anderson 2009, 9). A broad definition like this ends up saying little; it expresses that a particular use of violence was intended to kill a particular (group of) people – which would also be true for terms such as murder, assassination, lethal attack, extrajudicial killing, terrorist attack etc.

Because of this definitional problem, some investigations of ‘targeted killing’ conclude that it is impossible to judge the general un/lawfulness and il/legitimacy of ‘targeted killing’. Instead, the concrete circumstances have to be investigated – as would be the case for any killing (see for example UN Doc A/HRC/14/24/Add.6 2010). Another approach to the definitional problem delineates the term ‘targeted killing’ in more precise ways for specific purposes, for example by defining ‘targeted killing’ as “the intentional slaying of a specific alleged terrorist or group of alleged terrorists with explicit government approval when they cannot be arrested using reasonable means” (Fisher 2007, 715; see similarly Radsan and Murphy 2009). Following a Wittgensteinian understanding of language, both the first solution to develop a common, broad definition and the second solution to explicitly design a more specific definition can be useful for particular purposes; yet it neglects to analyse how the contradictory roles of the term interlink. Because words are built from layers of their applications (Wittgenstein 1960, 164), the different uses of the term are connected to each other, speak to each other and contest each other. It is through this interconnection, I argue, that the concept ‘targeted killing’ has gained the connotations which differentiate it from terms such as ‘murder’, ‘proportional attack’, ‘extrajudicial killing’ or ‘assassination’.

I suggest that the novelty of the concept ‘targeted killing’ stems more from this interplay between the three discrepant modes and less from the phenomena the term describes in any one of its applications. This is a straightforward argument when the concept is used interchangeably with the older terms ‘assassination’ or ‘extrajudicial execution’. It is also quite self-evident for when the term ‘targeted killing’ is used in order to justify use of force through invoking compliance with enshrined principles of distinction and proportionality. However, the term ‘targeted killing’ has also been used in the third mode in order to create a *new* set of claims about state violence. The report on ‘targeted killing’ by the British Joint Committee on Human Rights thus urges the UK government to respond to the “new and fast-moving challenges of counterterrorism today (…) by clarifying its understanding of the legal framework which governs its policy on the use of lethal force abroad for counterterrorism purposes outside of armed conflict” (Joint Committee on Human Rights 2016a, para 6.1.). This builds on calls of the UN Human Rights Council to clarify the applicable legal framework for counterterrorism force, relating in particular to the use of armed drones in ‘targeted killing’ attacks outside of armed conflicts (Human Rights Council 2014). Using the term ‘targeted killing’ to describe a new understanding of state violence is often linked to questions whether international law has changed after 2001 or whether it should change in order to adapt to new realities of warfare.

Using the term ‘targeted killing’ to create a new category for state violence is sometimes seen as a reaction to the new threat of transnational terrorism and the new technological possibilities of warfare, such as the drone technology. Not directly addressing this claim, the following part of the paper critically engages with the assumed novelty of the claims and practices which the term ‘targeted killing’ describes in its third mode. Contextualising the linguistic practices of invoking ‘targeted killing’ as a new category of warfare within a wider historical perspective, I examine the continuities with concepts such as ‘air policing’ or ‘police bombing’ in the colonial context and concepts such as ‘assassination in self-defence’ or ‘defensive reprisal’ in more recent decades - not in order to argue they are all the same (of course they are embedded in diverse political contexts) but in order to better understand the particular role of the new concept in current interpretive struggles around state violence.

# 2. Something Old

The parallels between current counterterrorism measures described with ‘targeted killing’ and colonial practices of ‘police bombing’ or ‘air policing’ have not only been discerned by critical scholarship (Afxentiou 2018; D. Gregory 2011; Blakeley 2018; Neocleous 2013); the US Department of Defence itself has pointed to these parallels in a 2006 report (Todd 2006) and the US Air Force has conducted research on the colonial practices of the British Royal Air Force (RAF) since “air policing was deemed highly effective at enforcing British mandates across much of her empire, including the current-day land mass of Iraq, and has practical application for today.” (Murphy, 2009: 4). Important critical research has been carried out on the cultural and political continuities between these practices (Lindqvist and Rugg 2003; Neocleous 2013; Satia 2014; Afxentiou 2018; Blakeley 2018). In this section, I focus on the conceptual continuities from ‘police bombing’, to ‘assassination in self-defence’, to ‘targeted killing’ in order to demonstrate that the novelty of the term ‘targeted killing’ stems less from the novelty of the claims and practices it describes.

The practice of ‘police bombing’ or ‘air policing’ was an important feature of European military strategy in the mandate system of the interwar years. By the 1920s, the British government used airplanes for the surveillance and bombing of non-state actors in, for example, Afghanistan, Iraq, Egypt, Yemen, and Palestine. The Italian government similarly employed ‘police bombing’ in Libya and the French government in Morocco and Syria (Neocleous, 2013: 581). The new technology was promoted as the ideal tool for eliminating insurgencies in colonial territories and guaranteeing the acquiescence of local populations, not least through the terror which air bombing caused (Afxentiou 2018, 312). This was linked to the perception of the territories, which were portrayed as wild, inscrutable land consisting of treacherous deserts and rugged mountains (Satia 2014).

The new technology was seen to provide a panoptical surveillance system everywhere at once and the concept ‘air policing’ framed this violence as “both economical and humane since it inflicts neither great nor permanent suffering upon the people against whom it is used nor heavy casualties among those who have to wield it” (AIR 20/674, cited in Killingray, 1984: 449). The alleged precision and humaneness expressed with the term ‘air policing’ portrayed such attacks as small scale violence which did not amount to an armed attack in the same manner an invasion would. This was particularly relevant regarding the military intervention in formally sovereign or quasi-sovereign countries within the mandate system of the League of Nations. It was contrasted with the deployment of ground troops in traditional armed conflicts and portrayed as less invasive in comparison. As the British Air Ministry argued in the case of Iraq: “in countries of this sort (…) the impersonal drone of an aeroplane (…) is not as obtrusive as soldiers” (PRO, AIR 2/830 1929, cited in Satia, 2014: 7).

This resonates with the use of the concept ‘targeted killing’ today. As indicated through the term ‘targeted killing’ itself, military violence is portrayed through its “surgical precision”, as CIA Director Brennan has put it (2012). A recurring comparison is made with ground-troop invasions in order to emphasize the small scale of violence from the air which is argued not to infringe the sovereignty of the victim state, in comparison to the deployment of ground troops which would “lead us to be viewed as occupying armies” (Barack Obama 2013). As Trevor McCrisken put it: “Washington obviously wants to avoid using ground troops in Pakistan due to the political consequences of violating national sovereignty” (McCrisken 2013, 105).

Rather than invading or attacking these states, the term ‘targeted killing’ has been used to frame use of force as ‘police-like’ interventions in a conflation between the paradigms for law enforcement and armed conflict (Krasmann 2012; Blank 2011; Kessler and Werner 2008a, 305). Unlike armed conflicts, the use of force is justified through determination of the ‘guilt’ of terrorist suspects, by examining “an intended target’s current and past role in plots” (The White House 2013) . This conflation is linked to the portrayal of the killed person as both criminal and combatant (the so-called ‘illegal combatant’) who is named and identified through surveillance measures as part of ‘targeted killing’ procedures, which are to show “rigorous standards and process of review” (Brennan 2012). While this does not actually address the problems which the use of military weapons raises or the infringement of state sovereignty (law enforcement measures also require consent by the host state), the police-like portrayal of military force has effects on its perceived legitimacy (Blank 2011; Kessler and Werner 2008a, 305). As Oliver Kessler and Wouter Werner describe it: “states borrow the language and moral force of the law enforcement paradigm (‘crime and punishment’), without accepting all the responsibilities that normally come with it” (Kessler and Werner 2008b, 305).

The conflation between law enforcement and armed conflict is another parallel to the use of the concept ‘police bombing’. The terms ‘air policing’ and ‘police bombing’ are themselves indicative of how the colonial practice was portrayed less as an armed conflict and more as constituting a mechanism to enforce law and order in (former) colonies: “Once the tradition of the power of the air is established, law and order in fact will be maintained.” (AIR 9/15/3, in Killingray, 1984: 437) This argument was questioned by others, some of whom followed the presented police logic and argued that subject peoples of the Empire should be protected from military measures and not subjected to it (House of Lords Debate 1930, cited in Killingray, 1984: 440). Yet, as has been pointed out by some International Law scholars (Anghie 2006; Anghie and Chimni 2003), in the colonial territories the differentiation between wartime and peacetime was blurry and ‘unpacified’ places were strategically exempted from the respective frameworks of international law (Anghie 1999). As a consequence, principles of civil rights as well as the customary principles of the laws of war, such as the principle of distinction, were suspended or measured on a different scale. As the High Commissioner of Iraq argued in 1932: “the term ‘civilian population’ has a very different meaning in Iraq from what it has in Europe (…) the whole of its male population are potential fighters as the tribes are heavily armed.” (PRO AIR 8/94, cited in Satia, 2014: 10).

This leads to the third parallel between the use of the concepts ‘police bombing’ and ‘targeted killing’, which is a discriminatory notion of the principle of state sovereignty. The use of the concept ‘targeted killing’ has been inherently restricted to certain areas in the world. Thus it has been argued by Radsan and Murphy, two supporters of ‘targeted killing’, that “it would be beyond bizarre to argue that the US could legally fire a missile at an al-Qaida operative in Toronto” (Radsan & Murphy, 2009: 451). Instead, ‘targeted killing’ is discursively linked only to certain regions where “the state only has the most tenuous reach into the territory” (Barack Obama 2013). Based on the so-called ‘unwilling or unable doctrine’, the concept ‘targeted killing’ here denotes a discriminatory understanding of state sovereignty which is based on the attacking state’s estimation of the other government’s willingness and capacity to counter terrorism (see for a critique of the ‘unwilling or unable’ approach Corten 2016; Ahmed 2013). This justification of ‘targeted killing’ is often based on an understanding which, according to Radsan and Murphy, “makes common sense. The United States may not carry out drone strikes in, to give a few examples, the United Kingdom, France, and Canada. These countries exercise thorough control over their territories and are unequivocally opposed to al Qaeda. Nations other than Afghanistan where drone strikes have occurred, such as Pakistan and Yemen, fall into a gray zone” (Radsan and Murphy 2012, 453–54). This common-sense understanding of the geographical restriction of ‘targeted killing’ then actually tends to legitimize the surveillance and bombing of the same regions as it did in the case of colonial ‘police bombing’ (Neocleous 2013, 581).

Unlike the colonial context of ‘air policing’ claims, this discriminatory aspect of ‘targeted killing’ does not sit comfortably with the current UN system of international law and even legal experts who support the lawfulness ‘targeted killings’ have referred to this difficulty:

“The United States (…) wants it known that its agents will not undertake targeted killings in the United Kingdom under any circumstances, even if they might in Somalia (…). Here a rule of international law will necessarily not avail us; because of the formal equality of states, international law rules will have great trouble separating the Britains from the Somalias. Yet that is precisely what policy as a practical, substantive matter requires.” (Anderson, 2009: 29)

Current proponents of ‘targeted killing’ are not the first to take issue with the formal equality of states in the post-colonial system of international law. Aerial bombings of insurgents on foreign territory have been justified a number of times over the last decades and similar claims were unsuccessfully proposed during the Cold War. For example, in 1958, France justified the bombardment of terrorists on Tunisian territory as a measure of self-defence because Tunisia had enabled border incursions into French territory in Algeria and had “not shown itself capable of maintaining order” (UN Doc S/3954 1958). Portugal similarly justified its repeated infringement of Senegalese territory in 1969 as self-defence, arguing that Senegal had been “aiding and encouraging violence against Portuguese territories” (UNYB 1969, 138), and South Africa argued that it was justified in killing SWAPO insurgents in Zambia in 1976 since Zambia had tolerated the armed groups on its territory (UNYB 1976, 164). The US aerial bombings against suspected terrorist targets in Libya 1986 were justified with the right to self-defence against terrorists in countries which provided a safe harbour for terrorists to train in (Intoccia, 1987: 190) and the Israeli 1978 bombardment of Lebanon was justified on the basis of the right to self-defence to eliminate PLO from southern Lebanon where “an absence of law and order reigned” (UNYB 1978, 297). These acts were consistently objected to by other states and nearly all of these practices were condemned as acts of aggression by the Security Council (UN Doc S/RES/393 1976; UN Doc S/RES/273 1969; UN Doc S/RES/248 1968; UN Doc S/RES/425 1978; UN Doc A/RES/41/38 1986).

Even the preventive killing of particular, named terrorist suspects on foreign territory had been justified long before the 21st century. These justifications used terms such as ‘defensive reprisal’, ‘defensive assassination’ or ‘assassination as anticipatory self-defence’ (see for example Beres 1991). It was most notably Israel which practiced and justified such killings. In 1988, for example, the Israeli government killed Mr. al-Wazir, a terrorist suspect in his home in Tunisia outside of an area of armed conflict and justified the attack with “the need for action against international terrorism”, pointing to the involvement of Mr. al-Wazir in multiple terrorist attacks (UNYB 1988, 229). This line of argumentation did not convince other states and the Security Council condemned the attack (UN Doc S/RES/611 1988).

The discussion above has highlighted conceptual continuities of practices and claims similar to ‘targeted killing’ in its third mode, of counter-insurgency uses of force, justified through a blurred paradigm of law enforcement and armed conflict. The conceptual continuities with ‘air policing’ (in the colonial context) or ‘defensive assassination’ (in more recent decades) are at risk of being obfuscated when the new concept ‘targeted killing’ is used. While there are, of course, important contextual differences in how each of these terms have been used at the time, the similarities with the term ‘targeted killing’ seem striking enough to raise the question *how* ‘targeted killing’ has been established as a new concept. The next section examines how the concept ‘targeted killing’ has been linked to the discursive representation of armed drones. I argue that the peculiar novelty of the concept needs to be understood in the context of this word-word relation (Pin-Fat 2000, 664) – not because of any material reality of armed drones, but because this link has made it possible for the concept to be applied *across* the three modes discussed in the first section.

# 3. Something New

Even though there is no reason why international law inquiries into self-defence claims should be preoccupied with the question of whether a Hellfire missile is deployed from a conventional aircraft or from a remotely controlled one, discussions around ‘targeted killing’ often centre around the new drone technology. Debates on ‘targeted killing’ tend to emphasize the novelty of the technological capacity and use of Unmanned Aerial Vehicles (UAVs) and the term ‘targeted killing’ itself has only appeared in the context of the so-called war on terror and in particular with the start of armed drone attacks. Google Scholar returns 496 articles with the exact term ‘targeted killing’ in the title between 1950 and 2017, of which 411 were produced in the social scientific field (the term ‘targeted killing’ is interestingly also used in biology to describe the targeted killing of cancer cells). All of these 411 articles on ‘targeted killing’ were published after 2002.

Not only has the use of the term ‘targeted killing’ chronologically been established at the same time as armed drone attacks have commenced, the concept has also been linked to the discursive representation of armed drones. Thus, for example, has the Parliamentary Assembly of the Council of Europe issued a report on ‘Drones and Targeted Killings’ (Committee on Legal Affairs and Human Rights, Council of Europe 2015); the British Joint Committee on Human Rights has published a report titled ‘The Government’s policy on the use of drones for targeted killing’ (Joint Committee on Human Rights 2016b); and the International Centre for Counter-Terrorism brought out a research paper titled ‘Towards a European Position on Armed Drones and Targeted Killing’ (ICCT 2016). Anglophone scholarship shows a similar trend of linking the term ‘targeted killing’ to the discursive representation of armed drones, in papers such as ‘Targeted Killing and Drone Warfare’ (Anderson 2011); ‘Drones and Targeted Killing’ (Tutu 2014); ‘Targeted Killing at a Distance: Robotics and Self-Defence’ (McCormack 2012); ‘Preventive Force: Drones, Targeted Killing, and the Transformation of Contemporary Warfare’ (Fisk and Ramos 2016); or ‘Just & Unjust Targeted Killing & Drone Warfare’ (Walzer 2016).

This link might be based on an understanding of a word-object relationship (Pin-Fat 2000, 664) between ‘targeted killing’ and the drone technology – words as anchored into a material reality outside of language. As Jaume Saura put it: “the fact that armed drones make it so much easier to kill people in remote areas has established a strong linkage between drones and targeted killing” (Saura 2016, 123). The technological capabilities of armed drones have led to a more extended list of targets and the technology is seen as a promise of precision (Walters, 2014: 106). Thus the Committee for Legal Affairs of the Council of Europe highlights in its report on ‘targeted killing’ the “improved precision of drone strikes [which] provides the opportunity to improve compliance with international humanitarian and human rights law” (Committee on Legal Affairs and Human Rights, Council of Europe 2015, 3).

Understanding the concept instead through word-word relations (Pin-Fat 2000, 664) between ‘targeted killing’ and the discursive representation of drone attacks, opens up space for different lines of inquiry. Building on Wittgenstein’s understanding of language shows that the search for the true meaning of a term in a material reality outside of language or the advancement of a definition which draws borders around the ways in which a term is used, misses how a concept gains its uniqueness precisely through the layers of its use (Wittgenstein 1960, 66; see also Doty 1993, 303). For the term ‘targeted killing’ this is important. The peculiarity of ‘targeted killing’ has to be understood through how the concept has been discursively connected to the linguistic representation of the technology and use of armed drones, but not in and of itself but because it has led to the application of the same term ‘targeted killing’ across the three different modes, discussed above. The remainder of this section argues that this is how ‘targeted killing’ has distanced itself from its older terminological siblings.

The similarity of the term ‘targeted killing’ with the concept ‘assassination’ and ‘extrajudicial execution’ has been pointed out by some (see for example Grayson 2012; Krasmann 2012; UN Doc A/HRC/14/24/Add.6 2010). As Krasmann (2012, 668) argues, it is strange how ‘targeted killing’ as a concept manages “to gradually discard its historical association with the practice of political assassination”. When ‘targeted killing’ is invoked in the second mode, the term indeed appears as an equivalent to ‘assassination’ or ‘extrajudicial killing’. Some state representatives use the three terms almost interchangeably, as the German representative in the following Security Council statement: “My Government is gravely concerned (…) with regard to the consequences of the *targeted killing* of Hamas leader Sheikh Ahmed Yassin and six other Palestinians in Gaza yesterday. Germany, along with the European Union, has always strongly opposed *extrajudicial killings*” (UN Doc S/PV.4929 2004; emphasis added). Other state representatives have used hybrid terms, such as “targeted assassinations” (UN Doc S/PV.5411 2006).

Assassinations or the annihilation of specific individuals for political purposes on foreign territory have been prohibited in international law outside of armed conflicts and constitutes a criminal offence of political murder and an act of aggression in international law (Schmitt, 1992: 627) which, as the US district court held in *Letelier v. Republic of Chile,* “is clearly contrary to the precepts of humanity as recognized in both national and international law” (United States District Court 1980 para 5(A)). Assassinations and assassination attempts did take place, especially during the Cold War. Various attempts were, for example, made to assassinate Fidel Castro, involving a vast array of equipment such as cigars treated with botulinum toxin, poison pills for his drink, a pen rigged with a hypodermic needle and an exotic seashell which was supposed to explode as Castro, a dedicated diver, swam over it (US Senate Select Committee, 1975: 71–100). As these plots indicate, however, the term was used to describe clandestine acts which were not admitted to officially.

In contrast, the term ‘targeted killing’ has been used to *officially acknowledge* and justify killings, most notably in the context of armed drone attacks (Barack Obama 2013). This claim to lawfulness, or, as UN Special Rapporteur Alston puts it, the use of lethal force in ‘targeted killings’ while “acting under colour of law” (UN Doc A/HRC/14/24, 2010: 3), seems different to the use of the term assassination (Wilner 2010, 310). In fact, the perceived lawfulness has precisely been invoked by some in order to explain the use of the term ‘targeted killing’ as opposed to ‘assassination’: “under no circumstances should assassination be defined to include any lawful homicide. Now in the instance of a known terrorist, a covert targeted killing of the terrorist would not likely be considered an assassination” (Godfrey 2003, 493).

Yet, it is more complicated than just saying that assassinations are now claimed to be lawful under cover of the new term ‘targeted killing’. The term ‘targeted killing’ has thus also been utilised to justify practices and claims which are distinct to the use of the term ‘assassination’, such as strikes with military weapons directed against combatants within traditional armed conflicts (Brookman-Byrne 2017). The term ‘targeted killing’ is thus also adopted in order to emphasise the compliance with the laws of armed conflict concomitantly with terms such as proportionality, necessity and distinction.

The logic of the laws of armed conflict has thus been folded into the concept ‘targeted killing’, which is how the term ‘targeted killing’ has lost its association with ‘assassination’ and ‘extrajudicial execution’. UN Special Rapporteur Alston touches upon this in his report on ‘targeted killing’ when he says that “although in most circumstances targeted killings violate the right to life, in the exceptional circumstance of armed conflict, they may be legal. This is in contrast to other terms with which ‘targeted killing’ has sometimes been interchangeably used, such as ‘extrajudicial execution’, ‘summary execution’, and ‘assassination’, all of which are, by definition, illegal.” (UN Doc A/HRC/14/24/Add.6 2010). In other words, ‘targeted killing’ is thus not to be considered unlawful *per se*, because the term is also applied in order to reflect compliance with existing legal frameworks.

Using and interpreting the term ‘targeted killing’ within traditional frameworks for armed conflict can in turn not entirely eradicate the connotations the term has gained through its other modes. Staying within the armed conflict paradigm is thus similarly difficult when scrutinizing ‘targeted killing’ claims and practices – because the term has at the same time been used to create a new paradigm of state violence outside of combat zones. The concept ‘targeted killing’ has been used to describe a geographically unlimited practice which is part of a massive, global surveillance system. As the legal committee of the Council of Europe notes: “In order to justify a wider use of targeted killings, the notion of non-international armed conflict has been extended by some countries so as to include numerous regions across the world as ‘battlespaces’ of the ‘global war on terror’” (Committee on Legal Affairs and Human Rights, Council of Europe 2015, para 6.5).

The different modes in which the term ‘targeted killing’ has been used is important because they build on different understandings not just of what kinds of claims and practices the term ‘targeted killing’ does or should describe, but of the political and legal world within which the term is embedded. Wittgenstein calls this the ‘way of life’ or ‘lifeform’ [Lebensform] which is for him intimately connected to the use of language (Wittgenstein 1960, 19). Based on this, we can see fundamental tensions in the case of ‘targeted killing’ not because the term is *defined* differently, but because the different uses of the term contradict each other more fundamentally. Particularly the third mode of invoking ‘targeted killing’ invokes a radically different understanding of what should or does constitute an armed conflict.

As discussed above, the term ‘targeted killing’ in its third mode works through a blurred line between military use of force and law enforcement where decisions about strikes “will be informed by a broad analysis of an intended target’s current and past role in plots” (The White House 2013). The term ‘targeted killing’ is here understood to designate a use of military force which does not adhere to traditional notions of armed conflict. ‘Targeted killing’ in this mode is justified as lawful outside of armed conflicts and seen as separate from the question of the infringement of state sovereignty (Anderson, 2009: 21; Solomon, 2010). This is what has led Chamayou to describe ‘targeted killing’ provocatively as part of a global hunting ground which would authorize “charging after the prey wherever it found refuge” (2015: 53) in a carefully circumscribed, postcolonial geographical imaginary.

Responding to the third mode of the concept, one can draw the parallels between ‘targeted killing’ regimes and colonial ‘police bombing’ and advance a chilling critique of the systematic subjugation of former colonies to postmodern forms of state terrorism by the means of drone warfare (Afxentiou 2018) and analyse ‘targeted killing’ as the “continuation of the imperial and neo-imperial violent practices of powerful liberal states that have their origins in early European colonialism” (Blakeley 2018, 335; Neocleous 2013). One can argue along legal lines that such claims and practices have been categorically rejected by other states over decades and that they are in contradiction to the UN Charter (O’Connell 2010). Yet, it is difficult to maintain these lines of critique because the term has also been used to emphasise how some practices are rigorously following old paradigms.

Particularly the US government in its justifications of armed drone attacks has oscillated between different modes when applying the term ‘targeted killing’ (see for example Department Of State, 2010), thus borrowing the traditional legitimacy of the laws of armed conflicts to justify the lawfulness of practices also called ‘targeted killing’ but here used to designate a new category of state conduct which is based on a different understanding of the ontology of armed conflict. Arguing that this is “based on a misconception about the legal frameworks that apply outside of armed conflict” (Joint Committee on Human Rights, 2016: 8) might be correct from a legal standpoint but it does not address the wider implications of the concept. The next section argues that the peculiar multi-layered novelty of the concept ‘targeted killing’ has important effects on how current debates on state violence (can) take place. The use of the new concept might thus demonstrate how interpretive struggles on practices of powerful states are often set up in a way which “shroud[s] them in a veil of legitimacy” (Blakeley 2018, 324).

# 4. Something Borrowed

The above section has argued that the term ‘targeted killing’ has assumed connotations from its multi-layered use, through which the concept has lost associations with more traditional terms (such as ‘assassination’ or ‘police bombing’) and has been established as a new concept. The process through which different claims and practices understood through different legal frameworks are all being discussed using the same, new term ‘targeted killing’ has at least partly been produced through how ‘targeted killing’ has been discursively linked to the representation of the new drone technology. Without arguing that these are the intended reasons for actors to adopt the language of ‘targeted killing’, this section discusses five implications of the peculiar novelty of ‘targeted killing’ for current interpretive struggles on counterterrorism use of force.

First, by linking the multi-layered concept ‘targeted killing’ to the technological capacity of drones, the discussion on ‘targeted killing’ tends to be shifted away from the problem of using military weapons in the first place. Instead, the debate often circles around the adequacy of technical procedures to establish the combatant status or ‘guilt’ of terrorist suspects and the precision of the weapon technology within the first mode of the concept (UN Doc A/69/53 2014). This discussion has surfaced again recently with the critique of changes in the ‘drone policy’ of the Trump administration (Stohl, 2017). Here, even some Human Rights groups can end up affirming the centrality of questions of precision when they move within the rationality of distinguishing targets from civilians and demanding more transparency in the targeting process (Walters 2014, 108). Politically, this focus on the procedural aspects of who gets killed masks the everyday suffering of people ‘living under drones’ (Cavallaro, Sonnenberg, and Knuckey 2012; see also T. Gregory 2015). Legally, it contributes to the way in which *adherence* to the laws of war has been used to distract from, and justify *resort to* the use of force (Walters, 2014; see also Kennedy, 2009:125 and Koskenniemi, 2007))

Second, as pointed out in the previous section, the use of the same term across contradictory modes has led to difficulties in scrutinizing particular claims and practices. The concept ‘targeted killing’ has been used for such a wide range of different claims, that it is often unclear what is being discussed and under which legal framework. While, for instance, the HRC Resolution ‘Ensuring use of remotely piloted aircraft or armed drones’ (UN Doc A/HRC/25/22), was adopted by the HRC member states with a majority of 27 to 6, some of the abstaining and opposing state representatives argued that the task of the Council was not to investigate specific weapon systems (See for example France, India and the USA, in: UN HRC News and Events 2014). Indeed, the very discussion at the forum of the Human Rights Council has been contested because the US has justified ‘targeted killing’ practices according to the laws of war, not human rights law (see UN HRC News and Events 2014; for a similar discussion Koskenniemi 2007, 5; Blank 2011, 1661).

Third, the use of the new term ‘targeted killing’ distances some of the contentious claims, which particularly the US government has advanced, from colonial practices such as ‘police bombing’ as well as from concepts such as ‘assassination’. This distancing effect is relevant in the normative struggles around a changing right to self-defence and the legitimacy and lawfulness of particular practices. Calling an attack ‘targeted killing’ rather than ‘assassination’ or even ‘police bombing’ fulfils a normative function since concepts such as ‘police bombing’ or ‘assassination’ carry historical connotations of unlawfulness and illegitimacy (Krasmann 2012; Grayson 2012). As discussed above, particularly the concept ‘police bombing’ was embedded in a hierarchical system of international law which formally discriminated between civilised and ‘savage’ states. The novelty of the concept ‘targeted killing’ conceals the parallels to colonial aerial bombing. It might also lead to an underestimation regarding what is at stake in recent attempts to legalise the surveillance and bombing in areas of the world deemed ‘unable or unwilling’ to maintain order.

Fourth, the concept ‘targeted killing’ provides a discursive break with claims and practices which were rejected throughout the history of the UN system. This is important, not just politically, but also for international law because the scope and interpretation of the right to self-defence in international law is changed through “regular practice and acceptance as law” (International Court of Justice 1945 para 38(1)). The novelty of ‘targeted killing’ promotes the understanding of a changed interpretation of the right to self-defence which has been argued to form “instant custom” after the political momentum of the terrorist attacks of 9/11 (Langille 2003). The discursive break with claims advanced before 2001 obscures the history of similar claims and practices which were, as discussed above, unsuccessfully promoted over decades (UN Doc S/RES/393 1976; UN Doc S/RES/273 1969). Not just these practices, but the history of their condemnation is at risk to be obfuscated by using the new term ‘targeted killing’.

Using ‘targeted killing’ as a concept of the 21st century also masks the track record, particularly of the US and Israeli governments, to push for a more extensive right to pre-emptive self-defence against non-state actors. The US aerial bombing of suspected terrorist targets in Libya 1986 was thus justified with the right to self-defence against terrorists in countries which provided harbour for terrorists to train in (UN Doc S/PV.2674 1986). The 1993 attacks in Iraq, as well as the 1998 missile attacks by the US government in Sudan and Afghanistan, were justified along similar lines as targeted measures of self-defence against terrorist suspects who it was claimed had taken refuge in the respective countries (see UNYB 1998, 185; see also Lobel 1999). The Israeli attack in Jordan 1968 was justified as preventive self-defence against terrorist training centres (UN Doc S/8486) and the 1978 bombardment of Lebanon was justified with the right to self-defence to clear PLO from southern Lebanon where “an absence of law and order reigned” (UNYB 1978, 297). These practices and claims were not accepted by other states and were generally condemned as unlawful use of force and as acts of aggression (UN Doc S/RES/248 1968; UN Doc S/RES/425 1978; UN Doc A/RES/41/38 1986).The novelty of the concept ‘targeted killing’, risks to obscure these historical contestations of US and Israeli attempts to broaden the right to self-defence, which long precede the political momentum of 9/11.

Fifth, the peculiar novelty of ‘targeted killing’ can in itself be used to push for a change in legal frameworks. Both supporters and critics have called for international law to address the new practices and claims around ‘targeted killing’ because “as the world faces the grey area between terrorism and war, there needs to be a new international consensus on when it is acceptable for a state to take a life outside of armed conflict” (UK Government, 2015: 75). This, however, implies that existing frameworks do not adequately address the deployment of military weapons on foreign territory, an assumption which has been contested (O’Connell 2010; Gray 2008; Corten 2010). The implication of inadequacy through the new concept is often linked to the idea that ‘targeted killing’ is part of a geo-political environment which has changed through the new threat of transnational terrorism and the invention of new technologies, leading to “a situation for which our long established legal frameworks were not designed” (Joint Committee on Human Rights, 2016: 18). Whether existing legal frameworks are indeed not equipped to regulate current use of military force is a different question. What is important to note is that the novelty of ‘targeted killing’ contributes to imply an inadequacy as self-evident – and thus to move it beyond political debate.

The invocation of the concept ‘targeted killing’ thus has important implications for how legal and political narratives of current state violence take place. The multi-layered novelty of the concept contributes to a shift of debates towards technological procedures; it distances contentious claims and practices from older concepts (such as ‘assassination’); it masks colonial continuities; it obfuscates the track record particularly of the US and Israel to push for a more extensive right to self-defence and hides the long history of opposition to such claims. The borrowed legitimacy of ‘targeted killing’ is difficult to contest because the term always invokes the connotations from all of its uses, rendering critical engagement with the concept difficult. Perhaps it is for these reasons that UN Special Rapporteur Emmerson explicitly argues in his 2013 report on armed drone attacks that “the Special Rapporteur does not use the expression ‘targeted killing’ herein” (UN Doc A/68/389 2013 para 24).

When the Israeli government publicly confirmed the practice of ‘targeted killing’ under government orders in 2000, this was met with strong opposition of other governments in the following years (see the reaction by various states in the 4945th meeting of the Security Council UN Doc S/PV.4945 2004). A representative of the US stated in 2001, that the US government “is very clearly on the record as against targeted assassinations” (Greenberg, 2001). The EU Council similarly condemned such extra-judicial killings by Israel in the Occupied Palestinian Territories (Council of the European Union 2004, 2572nd Council Meeting). The Spanish representative called on Israel to avoid “disproportionate actions, including extrajudicial executions” (UN Doc S/PV.4945 2004) and the British representative stated that “the United Kingdom condemns extrajudicial killings” (UN Doc S/PV.4945 2004). What is important to note is that the state representatives who voiced these condemnations did not only reject the proposed claims and practices. They avoided the term ‘targeted killing’ altogether.

This seems to be a more general pattern within the Security Council debates I analysed. During the 2006 debate of Israeli ‘targeted killing’ practices and claims, most governments again tend to use the terms ‘extrajudicial execution’ and ‘assassination’, as for example the Austrian representative speaking on behalf of the European Union who “called on Israel to stop the practice of extrajudicial killings, which was contrary to international law” (UN Doc S/PV.5411 2006) or a hybrid term such as “extrajudicial targeted killing” (UN Doc S/PV.5411 2006). This is in contrast to the frequency the term ‘targeted killing’ has been used in other discourses, such as IR and IL scholarship and, as argued elsewhere (author 2018), raises questions regarding the role of scholars and legal committees in how discourses on state violence have been set up. As mentioned above, Google Scholar returns 411 social science articles between 2000 and 2017 which contain the exact term ‘targeted killing’ in the title of the article, mostly in connection with armed drone attacks. This is important when investigating the concept through the lens of Wittgenstein’s understanding of language; as Wittgenstein argued, it is through speaking a word out loud that we give it a role in a language game (Wittgenstein 1960, 50).

# Conclusion

This paper analysed the novelty of the concept ‘targeted killing’ in order to understand how the term ‘targeted killing’ has been distanced from its older terminological siblings and how this impacts current debates on the legitimacy and legality of such forms of state violence. The paper disentangled three different modes in which the term has been used (i) to justify acts of state violence along traditional paradigms, (ii) to condemn acts of violence as intentionally breaking international law requirements; and (iii) to create a category for a new kind of use of force which blurs existing armed conflict/policing frameworks. I argued that within each of these three modes, the term could be substituted with other, more traditional terms such as ‘proportional use of force’ or ‘assassination’. Even the creation of a category which blurs the paradigms for armed conflict and law enforcement shares similarities with older concepts, such as colonial ‘police bombing’ and ‘assassination in self-defence’, which have been contested for decades.

I suggested that what is new about the concept ‘targeted killing’ is not the practices and claims it describes within any one of these modes, but the way actors have used the term *across* the contradictory modes in current counterterrorism discourses. This stems at least partly from the way the term has been interlinked with the new technology of armed drones, to a point where any attack conducted with an armed drone might be discussed using the new term ‘targeted killing’. The lure of novelty of the concept ‘targeted killing’ has important discursive implications. It obscures the history of similar claims which were unsuccessfully proposed over the last decades and purports a new practice which has established itself only after 2001. Using the term ‘targeted killing’ in the first place is, I argue, problematic. It hinders critical engagement with the claims and practices the term describes within *any one* of the three modes. The novelty of ‘targeted killing’ obfuscates the colonial legacy of similar forms of state violence and historical struggles opposing such practices and claims. Instead it contributes to present a world in which existing frameworks are already presupposed to be inadequate.

Before this background it is perhaps less surprising that most state representatives seem to have avoided using the term ‘targeted killing’ altogether, preferring the terms ‘assassination’ or ‘extrajudicial execution’ when discussing such practices and claims. The fact that the concept is still re-produced in military reports, in media debates, in legal papers and in scholarly contributions, including this paper, raises further-reaching questions regarding the role of experts and scholars in how security practices are made sense of. Highlighting the importance of language in setting up interpretive struggles, the paper has illustrated the importance of questioning the processes of how parameters for the discussion and re-production of forms of state violence are created.

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