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Review by **Genevieve Lester, US Army War College** and **Richard Lacquement, Jr., US Army War College**¹

How does a democratic (U.S.) government wield secrecy? This is the core question of Andris Banka and Adam Quinn's "Killing Norms Softly: US Targeted Killing, Quasi-Secrecy and the Assassination Ban," which advances a theory of how norms of secrecy can be changed to serve executive needs. Focusing on the case of targeted killing under both the George W. Bush and Barack Obama administrations, the article provides context for the case by explaining how norms develop. The authors challenge the assumption that a change of norms requires public advocacy by arguing that official secrecy can play "an instrumental role in the process of normalizing potentially controversial shifts" (666).

The article valuably wrestles with two major issues of contemporary security studies. The core of the argument focuses on the level of acceptable government secrecy in a democracy with regard to security operations. The question asked is what norms guide government activity in the pursuit of security on society's behalf. The authors introduce the beneficial analytical tool of "quasi-secrecy" through an exploration of what they argue is the evolution of the norm against assassination. Second, the authors link ongoing and important considerations of secrecy to the emergence of a previously unavailable operational technique—the use of armed drones as a means of targeted killing. The authors offer the salient conclusion that "...this case suggests we should consider secrecy not as a binary—and (as some have suggested) temporary and counterproductive—alternative to legitimation. Rather, blended with selective disclosure in a strategy of quasi-secrecy, it can be part of an effective mechanism for normalizing potentially controversial innovation" (702). The combination of theoretical pioneering and highly salient strategic application is thought-provoking and laudable.

¹ The views expressed herein are those of the authors and do not reflect the position of the United States Army War College, the Department of the Army, or the Department of Defense.

The authors begin with the processes for the establishment and erosion of “norms”—the “collective expectations for the proper behavior of actors with a given identity,” or, more colloquially, the “rules of the road,” and then reverse it (668). The seminal model by Martha Finnemore and Kathryn Sikkink argues that norms develop through the efforts of policy entrepreneurs, become established, and then become established as mandatory.² The reverse process demonstrates how “norms die” (668). The authors base their study on Ryder McKeown’s model of “norm death”; norms erode first through challenge of the norm through non-compliance, discussion of its relevance in public, and, finally, acceptance of the change.³ One potential shortcut to public acceptance is the use of secrecy to mask deviation from the normative expectations.⁴ In the case of targeted killing, the authors contend that a variation on secrecy—quasi-secrecy, the outcome of official secrecy and *de facto* public disclosure—can be an effective legitimizing mechanism for controversial behavior.

While U.S. targeted killing has been banned since 1976, as the authors point out, after 2001, there was a large push to broaden US intelligence and security capabilities. In this new context, targeted killing, particularly through the use of drones, became a much more acceptable tool to target suspected terrorists. According to the authors, “While this shift did not constitute a total erasure of the norm against assassination, it did represent a substantial revision of it and a constriction of its scope” (666). One way to take advantage of this new scope was to undertake targeted killing, made easier and less obtrusive by drone technology; the way to make sure there was little challenge to the new practice was to use this strategy of “quasi-secrecy.” An interesting initial question thus arises with this assertion that that the goal of the executive was to achieve acceptance of a practice—assassination—that had previously been considered prohibited (667-8). Perhaps the ban on assassination was an outlier from established norms, rather than a firmly established norm itself. Put another way, the ban was relatively new and possibly only weakly established. This may beg the question of what makes a norm an established norm.

Targeted assassination had been banned by Executive Order as an outcome of the Church Committee hearings in 1975. EO 11905, signed by President Gerald Ford in 1976, banned political assassination. “Assassination” was not, in fact, clearly defined in the 1976 executive order, and less than two decades later, this ban began to erode. The article’s argument would have benefited from comparisons with other countries’ bans or acceptance of assassination. Narrowing the case example to the US only and in the wake of 9/11 (and the ensuing policy disruption) makes it difficult to construct a solid theoretical argument.

The approach also raises the question of what constitutes acceptance—i.e., the integration of a norm so that it is accepted as standard practice. There is still a wide range of concern about targeted assassinations but there appears to be very little outcry for prohibiting them. Does it matter if a norm is accepted by one population—the decision-makers—but not by other stakeholders, such as Congress and the public? Given that the norm

² Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52:4 (Autumn 1998), 904.

³ Ryder McKeown, “Norm Regress: US Revisionism and the Slow Death of the Torture Norm,” *International Relations* 23:5 (March 2009): 5-25.

⁴ Vincent K. Keating, “Contesting the International Illegitimacy of Torture: The Bush Administration’s Failure to Legitimate its Preferences within International Society,” *British Journal of Politics and International Relations* 16:1 (February 2014): 1-27.

appears to have been mainly operative among an elite group, how much credence does it deserve? Quasi-secrecy seems to have made the use of assassination possible, but whether it has been accepted is another question. Again, the use of drones, in particular, make the question *sui generis*, one could argue.

The authors develop their argument by describing how quasi-secrecy as a strategy regarding targeted killing developed during the Obama administration. The administration restricted access to data regarding the details of the killings on the grounds of national security, and did not publicly detail or explain the legal conditions of the new practice (671). According to the authors, this approach allowed administration officials to avoid uncomfortable questions about the new practice. The next step was to leak information on the efficacy of the practice; “this strategy allowed the administration to claim credit for taking effective action while retaining a shield against critical interrogation on the record” (671). Over time, secrecy lifted enough for selective acknowledgement of operational facts by the administration but official engagement was only done at the behest of it. This example of quasi-secrecy consisted of the “co-existence, over an extended period, of official secrecy and *de facto* public disclosure regarding an ongoing practice.” (671) This approach allowed the public to get accustomed to the practice while minimizing public controversy. In some ways, the practice became ambient so that when further information was disclosed, it was no longer surprising and thus required no containment of backlash.

The concept of quasi-secrecy is interesting, but what is missing is proof of the *intention* behind quasi-secrecy. This is not fully established by the argument and evidence presented in the article—for example, it could easily be argued in these examples that operational secrecy is a requirement rather than just a ploy. Further, arguably what was occurring in this context was not actually driven by norm entrepreneurs who used semi-secrecy to develop a new assassination norm, but was actually driven by technological change and an adaptation in the conduct of warfare. Rather than the administration focusing on re-instating a proscribed method, it seemed to be adopting a more efficient tool of warfare within the context of changed conditions and under the authority of the Authorization for the Use of Military Force (AUMF). The assassination ban appears to have been generally intended to avoid targeted killing in peacetime. With the AUMF or a declaration of war, the context for targeted killing would appear to change. As a thought experiment, if the U.S. targeted individuals in a declared war similar to World War II, would the norm still apply? The authors note that Obama’s Secretary of Homeland Security, Jeh Johnson, provided such justification in 2012: “lethal force against a valid military objective, in an armed conflict is consistent with the law of war’ [Johnson] noted, asserting that the current strikes qualified as such” (696).

As the authors provide examples of the effectiveness of the ban, they remark on the impact of new technology. In their words, “in light of the role new technology would play later, it is worth taking note that this decision [not to use targeted killings against militant Islamic groups in Lebanon under Ronald Reagan] was heavily influenced by practical concerns regarding the likelihood of successful execution, not just internal resistance on legal and normative grounds” (679). The use of drones is helpful for acceptability because it minimizes the danger to soldiers and civilians. This aspect of the issue is, however, underexplored in the overall argument.

This raises the larger question of how much of this is trying to use the rhetorical flourish of norms related to assassination as a way to attack a technique of war—use of drones to attack targets from remote distances—rather than take on the larger issue of the rules of war between state and non-state actors such as terrorists. In that regard, a different context is to address war between state and non-state actors that does not include confinement to discrete state boundaries and clearly identified combatants. The Church committee does not seem to have been well enough focused to tell us how the ban should apply to non-state actors with an

avowed, violent agenda towards the United States and others. There may be practical problems of focusing on removing enemy leadership (decapitation), but they are not violations of traditional notions of warfare. It is striking that the norm was easily abandoned by the U.S. and that the executive was able to tap into the general willingness of public and the U.S. Congress to accept norms of behavior that had existed before the assassination ban and to accept the contingencies of what was arguably a changed threat environment.

Overall, the article provides a thought-provoking and interesting case study of a complicated issue, but it lacks theoretical richness. While there is merit to the concept of quasi-secrecy, other concepts introduced by the authors remain under discussed. This problem stems from the authors' reliance on one case within a fairly short historical time frame. Additionally, it is difficult to differentiate quasi-secrecy from other ambiguous efforts that governments have often employed to use violence in or out of war. It is a fascinating study of how secrecy has been used with the drone program, but the creation of a theory based on this case alone is not overly compelling.

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