**“*If someone comes to kill you…*” – Who? How? –**

**“*…Rise up and kill him first*” – Why? How?**

Ronen Bergman, *Rise and Kill First: The Secret History of Israel’s Targeted Assassination*, Random House, New York, 2019. xv+753pp.

1.

From the moment this book was released, I wanted to read its hundreds of pages from cover to cover, including the seventy-eight pages of detailed endnotes. Like any person whose curiosity is piqued by the phrase, “secret history,” I was drawn to the book – like any Israeli since the state’s establishment who has a distant familiarity with various episodes in the history of the country’s intelligence services and hopes to learn a lot more, at least about a few of them; and, especially, like anyone with a personal interest in some aspects of Israeli military history.

The journalistic standing of the author, Dr. Ronen Bergman, also contributed to my strong desire to read this book in its entirety. The Israeli field of journalism has very few professional writers who focus on journalistic investigation of events in a thorough fashion, adhering strictly to professional ethics, which include objectivity, fairness, and honesty, which demand professional independence – a lack of any relationship of dependency whatsoever between the journalist and his or her sources. Other media professionals are less journalists and more opinion-writers, in whose work I am less interested. I have also always thought that a professional journalist who holds a doctorate is worthy of special attention, and I know few who meet this description. Ronen Bergman is one of the two most prominent such figures, holding two advanced academic degrees from Cambridge University. The subjects of his academic research prepared him – or, at least, refined his existing capabilities – to engage properly in journalistic inquiry.

When the book finally made its way onto my desk, where I sat enthusiastically ready to read it, I was given pause by its title: “Rise and Kill First” struck me as problematic, and perhaps not merely due to subtleties of wording, but, rather, due to what it reflected about the foundation of Bergman’s approach. This Jewish expression, found in the Talmud and Midrash, states in full: “If someone comes to kill you, rise and kill him first.” Traditional commentary on this statement limits the license to “kill him” to situations in which an individual has no other alternative in defending himself from someone attacking him unlawfully, but to “kill him.” When the balance of power is not one in which “either the attacker kills you or you kill him,” because a reasonable third option is available which would leave both of you alive while also protecting you appropriately from one who “rises to kill you,” such license is not granted. The title, “Rise and Kill First,” blurs the context in which someone “rises to kill you” and you defend yourself against him, thus obscuring the justification for the decision to “rise and kill him first” and the act to which this decision leads. If the title itself represents a pattern of thinking about events, this is a flawed pattern – both on the factual level and on the level of values and norms. At that point, I did not think the entire book would be written in the spirit of this pattern of thought, though I did notice the problem to which the title gives rise, perhaps unintentionally.

Second, the book’s subtitle promises to deal with Israel’s history of “targeted” operations. One can describe these operations in various ways: through a factual description devoid of any evaluation – “killings”; through a description reflecting both a factual foundation and a positive evaluation, whether explicitly or implicitly – “preventive killings”; or through a description reflecting both a factual foundation and a negative evaluation, whether explicitly or implicitly – “assassinations.”

It is worthwhile to reflect briefly on the familiar term “assassination.” Fifteen years ago, Major General (res.) Amos Yadlin and I surveyed the common usages of this term in an article published in the *SAIS Review of International Affairs*, published by Johns Hopkins University. We showed that there is no uniform definition for the term, despite its being employed in such official documents as Executive Order 12333, which forbids U.S. federal agencies from carrying out assassinations – without expressly defining the term. The picture that emerged from our survey is that, in general, the implicit definition and usage of the term reflect a negative evaluation of the act.

In order to distinguish between the factual description of the act of killing, on the one hand, and the normative aspect of the act’s description on the other – that is, whether the act was justified legally, morally, and so on, – we proposed a working definition of the term “assassination” that fits many of the cases in which killing is described as “assassination,” but without conveying any judgement, whether explicit or implicit:

*An assassination is an act of killing a prominent person, selectively, intentionally, and for political or religious purposes.*

Before I even began to read Bergman’s book, I harbored great doubt about whether all the events described in the book would indeed meet the conditions of this factual working definition. To clarify this doubt, let us briefly consider an episode the book does not describe, but about which there is reason ask whether the term “assassination” is appropriate: Did the killing of Osama bin Laden by U.S. Navy SEALs constitute an “assassination”? The formal answer, according to our definition, is negative. Bin Laden was killed not for political or religious reasons, but, rather, for reasons relating to self-defense in the context of a war against terrorism. In this vein, I expected that many of the events I would read about in Bergman’s book would also not be “assassinations,” so that that they should not be given a place in a history of assassinations.

It would be reasonable to assume that Bergman’s book describes episodes involving *killing a prominent person, selectively and intentionally,* yet not *for political or religious purposes*. The author calls these acts “assassinations” in order to mark them as warranting an evaluation that casts legal or moral aspersions, or at least alludes to penetrating questions regarding the justification for these acts of killing.

Indeed, every premeditated killing of a specific person by a state is an act that requires justification – from a moral perspective, from the perspective of the state’s own laws, and from the perspective of international law, at least as the state interprets it. Describing all acts which in Israel were labelled “preventive killings” or “targeted killings” as “assassinations” – a description implying questionability, misgivings, or even a negative evaluation with respect to their moral or legal standing – reflects the author’s implicit attitude toward these operations. A careful reader should bear this in mind when turning to Bergman’s detailed description of notable events.

2.

Before diving into the book’s chapters, I prepare myself to read it critically. I ask myself what would constitute an ideal description of an event in which a state decides to kill a specific person in a premeditated fashion. With this model of an ideal description in hand, I will be able to assess the book’s contribution to the transition from a shallow, dubious account of an event familiar to me as a regular consumer of media to a detailed description of the same episode, based on interviews and documents, which the book will provide. Naturally, it cannot be expected that any single depiction, no matter how skilled and reliable, would bring me closer a fully ideal description; but even if it falls short of that lofty goal, it may still prove eye-opening, providing me with a better picture of each event that interests me, each event that the book describes.

What, then, would constitute an ideal description of an act by the State of Israel to cause the death of a specific individual (let us call him *A.*) in a premeditated fashion? Here is a list of the various stages of such an episode, considered comprehensively:

1. The danger posed by *A.* to the lives, health, or wellbeing of citizens and residents of the State of Israel, including soldiers, in the present or the future (near or far), based on solid factual data possessed by a governmental intelligence agency, or based on a founded professional assessment by such an agency.
2. The decision to mark *A.* as an individual against whom action should be taken in order to eliminate the danger this person poses, in accordance with a founded professional assessment by the intelligence agency.
3. Professional discussion regarding the means necessary for eliminating the danger posed by *A.*, in terms of the practical possibilities, the chance of succeeding in eliminating the danger by either capturing or killing *A.*, the danger posed to the forces responsible for the operation, and the danger posed to those in *A.*’s non-dangerous environs (“collateral damage”).
4. Professional consolidation of a practical plan for eliminating the danger posed by *A.*
5. Interaction between professional operatives and the political echelons in order to approve the practical plan for eliminating the danger posed by *A.* – both the discussion and the decision.
6. The professional process of preparations for carrying out the plan.
7. The professional process of carrying out the plan.
8. Operational investigation: The degree of success in eliminating the danger, maintaining the security of the forces carrying out the operation, and avoiding collateral damage.
9. Drawing operational conclusions as preparation for possible operations in the foreseeable future.
10. Legal evaluation of the justification for carrying out the planned operation.
11. Ethical evaluation, in accordance with the ethical code of the intelligence and operational bodies involved in planning and carrying out the plan.
12. Moral evaluation, based on the principle of preserving the dignity of each person, within the framework of actions taken by a democratic state.
13. Short-term professional evaluation of the results of the operation, in terms of its impact on the enemy’s state of organization in the immediate range.
14. Professional evaluation of the operation’s impact, beyond the short term, on the enemy’s capability and readiness to continue engaging in hostile activity.
15. Professional evaluation of the operation’s impact, beyond the short term, on the enemy’s capability and willingness to participate in processes leading in the direction of practical calm, or even more than this.

It is important to note that the picture emerging from such an ideal description incorporates both factual and ethical elements, the latter entailing evaluation from legal, ethical, and/or moral standpoints.

3.

The chronicling of such complex operations requires a solid foundation of familiarity with the facts and understanding of them. Such a foundation can be obtained from documents and testimonies. Given the complex circumstances of the events depicted, both documents and human sources must have a salient connection with at least one of the involved bodies: intelligence agencies, relevant operational units, decision-makers (at the individual level or as committee members), professional frameworks dealing military or political evaluation, and so on. When a discussion relates not only to the facts of a particular episode, but also to principles and norms, one needs documents and testimonies from legal figures and professionals in the fields of ethics, morality, and professional education.

Creating a network of reliable sources, covering well the factual dimensions of a particular episode, is very complex professional challenge –in the professional work of both an investigative journalist and that of an academic researcher. Ronen Bergman has rich and noteworthy experience as an investigative journalist, as well as considerable experience as an academic researcher, including in areas that indirectly touch upon the subject matter of the present book. The network of sources that he constructed for the purposes of the book – human sources and documents he was able to attain – is impressive by any recognized standard. In the first section of the bibliography, the author enumerates several hundred individuals whom he interviewed for the book and adds a note in which he acknowledges another “350 interviewees who cannot be named,” noting that “the initials or code names of 163 of them appear in the endnotes” (716).

I have no reason to doubt the quality of the list of names, nor Bergman’s account of additional secret sources. Indeed, the broad framework of sources upon which the book is based is particularly impressive.[[1]](#footnote-1) It is not surprising to find among the voices of praise for the book in its front pages the words of Tamir Pardo, former head of the Mossad, who describes it as “the most impressive book I have seen on the subject and the first one written using real research rather than fictional narrative.” That said, the former Mossad chief adds: “Bergman’s ability to reach sources inside Western intelligence communities is amazing (and, I must say, also a little disturbing).”

Pardo’s comment is interesting and worthy of special attention. Intelligence and clandestine operational agencies are unparalleled in their secrecy. Given the nature of their activities, they go to extreme measures to preserve the secrecy of the various dimensions of their operations – and especially their sources and methods. What protects the citizens and their state from harm following a journalist’s interview with an intelligence or operational figure? The Mossad’s central answer has been to prohibit its operatives from being interviewed by Bergman – although, as he himself testifies, this happened only after he had already interviewed many of them. The first and most important line of defense is silence. In the book’s first endnote, the author relates a comment made to him by the official historian of one of the Mossad’s operational units, when Bergman asked to interview him: “Even if I were the last person in the intelligence establishment who has [*sic*] not yet made the pilgrimage to you, I would by no means cooperate with you. I despise whoever it was who gave you my phone number, just as I despise you” (637).

Journalists do not like the “silence” line of defense, and they sometimes express opposition to it, rolling their eyes and invoking the name of “the public’s right to know,” but one cannot cast aspersions on how vital secrecy is for intelligence and clandestine operations on the basis of dubious considerations, many of which are tied to commercial or personal interests.

Yet, it may be the case that total silence is not necessary to defend the security of the state and its citizens. Thus, in Israel, a second line of defense is utilized – namely, the Military Censor. According to the arrangement establishing and regulating the Mossad, and according to rulings of Israel’s Supreme Court (sitting as the High Court of Justice), the Military Censor, which is subordinate to the army and the Ministry of Defense, is authorized to prohibit the publication of details whose publication would pose a substantial and immediate danger to the state’s security. The question of whether such a danger would be posed by the publication of a given item is subject to the discretion of the security agency with which the item deals as well as by the Chief Censor, commander of Israel’s Military Censor unit. In matters of routine journalistic activity in Israel, journalists place considerable faith in the Military Censor.

Does Bergman’s book, to a greater or lesser extent, cause harm to the state’s security, with respect to intelligence and clandestine operations? Based on my own extensive acquaintance with military agencies, on one hand, and with the Israeli Military Censor, on the other, it seems to me that the answer is negative. No detail in this book raised a red flag for me. However, my answer to this question is not the authorized one. The deeper question is whether researchers of intelligence in Iran or Syria – or even in some terrorist organization – might be able to learn something from this book that it would be better for them not to know. I do not know the answer to that question. This book was not published in Hebrew in Israel and did not undergo review by the Israeli Military Censor, which would determine an answer to the question through consultation with Israel’s intelligence agencies.

In the book’s prologue, the author explains why so many individuals working for security agencies were prepared to tell him what happened in the context of one episode or another. They want their personal perspective to be recorded in a public account; to be chronicled one day in a reliable history of Israel’s intelligence and clandestine military operations. This very interesting insight about Israeli society is a notable derivative of Bergman’s book. The organizational culture of governmental agencies in Israel is not fully developed. Irresponsibility, deficient discipline, rashness, and shortsightedness are commonplace. All these are familiar aspects of the problematic behavior of an adolescent. The State of Israel – a country which has yet to enact a full constitution – has, unsurprisingly, also not consolidated an organizational culture in its governmental agencies in which those agencies’ practices demonstrate responsibility, discipline, self-restraint, and consideration of the long term.

On some occasions, the two official lines of defense – silence and the Military Censor – are supposed to be further reinforced by other informal lines of defense, first and foremost Israeli journalists’ sense of their own responsibility. I certainly would not understate the value of this sense of responsibility. Journalists whom I know well are endowed with it, but this does not constitute a true line of defense. The realm of preserving the secrecy of intelligence and clandestine operations is a professional one. The question of whether a particular act poses a danger to these efforts to preserve secrecy is a professional question, outside journalists’ defined area of specialization.

Moreover, the truth must be stated: It is not always possible to rely upon Israeli journalists’ sense of responsibility. I will cite one example. I recall a meeting of a governmental committee of which I was a member, which dealt with issues related to the Military Censor. A group of journalists were invited to the session so that the committee members could hear their views. One of these journalists, whose columns can still be read in various outlets, told us the following: “I am an Israeli journalist – first a journalist, and only then an Israeli.” This admission astonished me, but it also opened my eyes regarding the sources for news items published outside of Israel on matters about which silence would be appropriate. The informal line of defense of journalistic silence, which relies upon Israeli journalists’ sense of responsibility, is not a reasonable foundation for properly preserving secrecy.

4.

Based on his sources – testimonies and documents – Bergman exposes accounts of many episodes in which acts were attributed to Israel which led, in a planned and premeditated fashion, to the death of an individual who was considered a substantial source of immediate danger to Israel or its citizens, or for other reasons.

One of the first stories the author recounts is that of the shooting down of an Egyptian military plane, on its way from Damascus to Cairo, on the eve of the Suez Crisis, in October 1956. Many of us in Israel grew up on the story of *Mivtza Tarnegol* (literally, “Operation Rooster”) as an operation in which Israel’s intelligence services and air force obliterated the Egyptian army’s General Staff, thus contributing significantly to Israel’s victory. Bergman tells the story vividly, incorporating conversations in real time between the commander of the air force at the time, Dan Tolkovsky, and the pilot, Yoash “Cheetah” Tsiddon. The sources used are nonconfidential publications, as well as several testimonies of academic scholars and other experts. The most interesting aspect of this story appears in an endnote, which reveals that it is not known who was in the plane that was shot down, and it is similarly not known what impact the interception had on the functioning of the Egyptian General Staff. Bergman’s book thus sheds new light not only on events we were not familiar with, but also on episodes that we thought we knew well.

The book’s many chapters – thirty-five in total – give accounts of several dozen events involving “rising and killing,” as per the language of the title. Here, for example, is part of one of the last stories, in a chapter titled “Killing Maurice” (588–595, 709–710), which describes an episode that unfolded mostly in 2007. The account includes dozens of endnotes in which the author’s sources are revealed. Among them are Israel’s former prime minister Ehud Olmert, former head of the Mossad Meir Dagan, and a significant number of unidentified individuals appearing under various pseudonyms.

The first event Bergman details is the uncovering and destruction of the nuclear reactor that Syria was constructing. The account includes an operation by the Mossad in which an agent chats with the head of the Syrian nuclear agency at a hotel bar in Vienna, while other agents enter his room, open the safe, photograph its contents and flee just half a minute before he returns to his room. The sources for this part of the story are “Charles,” “Yiftach,” and “Leila,” apparently Mossad operatives.

The deciphered images reveal a significant, obvious danger to the security of the State of Israel and its citizens. Israel shares this worrying information with the United States – at the level of the President, the Secretary of State, the Secretary of Defense, the head of the CIA, the National Security Advisor, and a few others. A combined NSA-CIA-Pentagon team checks the data and reaches the conclusion that the Syrian reactor is the same kind that North Korea built for itself. They conclude: “We have good reason to believe this reactor was not intended for peaceful purposes.” These words are taken from a document by Secretary of State Condoleezza Rice, included in an archive from “Wikileaks as given to the author by Julian Assange, March 4, 2011.” This source is of interest in its own right, but we shall not expand here upon the question of its use.

The President of the United States decides not to act militarily to destroy Syria’s nuclear reactor; Prime Minister Olmert decides that Israel will take action itself. The source for this important detail is, apparently, Olmert himself.

On the morning of September 6, 2007, dozens of planes take off from an Israeli Air Force base in Ramat David and fly westward in what appears – also to Syrian intelligence – to be a routine exercise involving evacuation and redeployment. In accordance with the plan, all but seven of the planes turn southward. These seven planes head north, passing over Turkey, and then, at a distance of thirty miles from the reactor site, they launch twenty-two missiles aimed at three targets within the compound, thus destroying it. This part of the story appears without mention of any source, for unclear reasons. One especially interesting detail is the fact that Israeli Air Force planes flew over Turkey. One might have had more confidence in this claim if it had been ascribed to a source – even an unidentified one.

Prime Minister Olmert relays a message to Syria’s President Assad, by way of Turkey’s Prime Minister Erdogan, that Israel will not take responsibility for the operation against Syria, thus saving Assad from publicly addressing two unpleasant realities – namely, the fact of the successful operation, and the uncovering of his contravention of the Treaty on the Non-Proliferation of Nuclear Weapons, to which Syria was a signatory. The source for this part of the story was also apparently Olmert himself.

This account is characteristic of the others recounted by the author in the book. The episode is an important one, and the description is lucid, compelling, and offers new insights. Some parts of the account are attributed to interviews – with both identified and unidentified figures. Other aspects are based on books written by the individuals involved from their own perspectives.

Two more features of this account are worthy of attention: First, part of the story is told without referring to any supporting source; and second, the account sticks to the realm of facts and does not deal at all (or, at most, deals minimally) with normative aspects – morality, ethics, local and international law. Let us examine these features, in order to try to understand them and clarify whether they are justified.

While reading the book, I wrote myself a list of interesting or important descriptions appearing in the account of any given episode lacking any supporting source. My list contains twenty-five such depictions. I presume that if I were to lower my standards regarding what is “interesting” or “important,” my list would contain many more. Here are three examples.

In the final months of 1981, there were dozens of instances of explosions of cars, motorbikes, bicycles, and even donkeys in Palestinian neighborhoods in Beirut and other cities. These car bombs were developed by the technology unit of Israel’s Military Intelligence Directorate, and in deploying them, use was made of the first generation of airborne drones (242–3). No supporting reference is provided for the claim regarding the development and use of this technology. These are interesting episodes from the standpoint of use of a new technology for killing from a distance – and perhaps also for targeted killings.

In 1997, an incident took place in which Mossad agents attempted to kill Khaled Mashal, one of the leaders of Hamas. The operational plan was to inject him, in an ostensibly innocent fashion, with a poisonous substance that would kill any person who came into contact with it, without leaving a trace. According to the author, the substance used, levofentanyl, was selected in a process of consultation between the technology unit of the Mossad and the Israel Institute for Biological Research, based in Ness Ziona. Here, too, no supporting reference is provided for the claim regarding the involvement of the Institute for Biological Research, which is a governmental agency.

Tamir Pardo was head of the Mossad after Meir Dagan. “Like his predecessors, Pardo refrained from risking Israeli operatives in killings undertaken in target countries, particularly in places as dangerous as Tehran. All the hits on Iranian soil were, in fact, implemented by members of that country’s underground opposition movements and/or members of the Kurdish, Baluchi, and Azerbaijani ethnic minorities who were hostile to the regime” (625). This claim, too, is made without any supporting reference. Tamir Pardo is not mentioned in the list of people the author interviewed in preparing the book.

The three examples I have cited relate to Israeli operational activities, and do not enter the murky swamp of Israeli politics. These examples, and many others like them, considerably erode the reader’s readiness to trust the accounts relayed in the book, even if, like me, the reader approaches the book with a general sense of confidence in the author’s research practices.

5.

The second feature mentioned above is of particular interest to me. “Rise and Kill First” contains no comprehensive, methodological, professional, in-depth, confidence-inspiring discussion of the many aspects of justification for targeted killings and other operations entailing “rising and killing first,” from crucial perspectives: morality, professional ethics, local law, and international law. Here and there, throughout the course of the book, the author touches lightly on these dimensions of a particular operation, but the book does not deal with them substantively – neither over the course of its chapters nor in its conclusion.

The book is overflowing with points at which a discussion from one or more of these standpoints would be appropriate. The expression “assassinations policy” does not appear in the book’s index, and it appears in the book itself only in an endnote (700, the first note to page 506) dealing with the use of the expression “targeted killings.” But there is obviously good reason to examine it in a methodological and in-depth fashion. The final sentence of the book’s prologue (xxiv) promises such consideration: “[I]t is appropriate… to study the high moral price that has been paid, and still is being paid, for the use of such [impressive operational capabilities]”. However, the book does not fulfil this promise. According to the book’s prologue, it deals with operations of a particular type, namely, “killing a specific individual in order to achieve a specific goal – saving the lives of people the target intends to kill, averting a dangerous act that he is about to perpetrate” (xxi); and those of another sort, namely “sometimes removing a leader in order to change the course of history” (ibid.). We will deal first with operations of the first kind. What we have here is a preliminary characterization of action taken in clear self-defense. If that is what is under discussion, what is a policy of carrying out such operations if not one of self-defense, which is universally considered just and customary? And what is the “moral price” paid for the involvement of young people in operations of this kind, beyond the moral price paid by any people participating in fatal military operations – a recognized, even tolerable price in circumstances of self-defense?

A more successful characterization of operations carried out under the rubric of “targeted killings” would bring another three elements of moral import into the picture: (1) The quality of the danger: Is it immediate or distant? Is it substantial or merely suspected? (2) The framework of the killing: Is it possible to eliminate the danger the individual poses by means of his capture – usually carried out by special forces? Or is there no alternative but to kill him – usually by means of an airstrike? (3) Collateral damage: Is the action against this person liable to result in injury to other people who are not dangerous since they are not involved either in his activities or other hostile activities? If such is the case, would the action taken against the dangerous individual be considered proportional?

When we add these three parameters into a characterization of targeted killing operations, we find a family of operations of the same type, some of which can be justified morally, ethically, or legally, and some which cannot – all based on these parameters. Responsible description and evaluation of a particular targeted killing operation ought necessarily to incorporate these parameters, without which any evaluative judgement lacks foundation. There are episodes whose description in the book does incorporate clear references to such parameters, but they do not appear in an appropriately consistent, thorough, detailed fashion. As a result, in general, assessment of an event from the standpoint of morality, ethics, local law, and international law expresses existing prejudices or shallow commonplace judgements, rather than substantive evaluation.

The importance of the first parameter of the quality of danger is recognizable in events entailing destruction of a nuclear reactor intended to produce nuclear weapons for a patently hostile state. Thorough discussion of this parameter against the backdrop of such events can reveal the deeper meaning of the adjective “immediate.” In many circumstances, the meaning of “immediate” is that which is about to occur in a short time span – but this is a superficial definition. The deeper meaning, manifest in the case of destruction of a nuclear reactor before it is active, is the occurrence of a process in which a danger to the state’s citizens or the state itself approaches, and will not be able to be halted in a practical manner without causing much harm at a later stage in that process. It is appropriate and permissible to halt such a process before it is too late, even if the danger itself would not come to fruition within a short time span.

The importance of the second parameter, the framework of the danger, is evident in the explanation of an interesting phenomenon related to the whole complex of targeted killing operations in specific periods. During a period when targeted killing operations were taking place frequently in the Gaza Strip, no such operations were being carried out in the territories captured by Israel in 1967 not under the IDF’s control but under that of the Palestinian Authority. (Circumstances in which the source of danger is located in territory under the IDF’s control are different, and I will not address them here). In every case in which a substantial and immediate danger to the citizens and residents of the state is uncovered, it must be asked whether it is possible to capture the source of this danger alive and bring the individual to Israel in a way that would remove the danger, or whether there is no practical possibility of doing so. If it is indeed possible to capture the dangerous individual without endangering a large number of soldiers or Shin Bet operatives, it is appropriate to carry out an operation intended to capture him without killing him unless he opens fire in a manner that justifies returning fire fatally. Such a capture is also of value for intelligence, as it makes it possible to interrogate the dangerous individual after his capture and utilize the knowledge he provides in order to protect against future danger. When a dangerous individual hides in the Gaza Strip, the entry of Israeli military forces to capture him and bring him to Israel would involve a complicated operation whose success is far from assured, given the complex urban features of the Gaza Strip. Significant losses would be anticipated both among the Israeli military force and among non-dangerous Palestinian neighbors of the dangerous individual. In such circumstances, there is a clear advantage to carrying out a targeted killing operation over one whose aim is to capture the dangerous individual alive and bring him to Israel.

The third parameter of collateral damage is the most complex and is worth expanding upon. Each of us is familiar with our deliberations when considering the possibility of taking a particular action, when we expect that our action will be of benefit on one hand, but also might cause harm on the other. Under such circumstances, we ought to compare the expected benefit with the anticipated harm and see which way the scale tips. When a child asks his parents if he may go with his friends to a competitive sporting event, on one hand, there is benefit in the child’s deepening his friendships, but on the other hand, there may be concerns about the wild sights and sounds liable to be present in the crowd and the harm these may cause the children. There is no alternative but to balance the benefit with the harm and thus reach a decision in accordance with the circumstances and other considerations.

In the context of military conflict, for a very long time, the guiding principle has been that of proportionality, which demands that a commander planning to carry out a particular military operation compare the military benefits of the operation with the harm liable to result from it – especially with respect to the lives of people not involved in the fighting but located in proximity to where it is taking place. It is important to understand the meaning of the principle of proportionality: This principle is applicable when there is fear that people uninvolved in fighting may be harmed, and outlines the conditions under which those causing this harm are justified. That is to say, the fact of causing harm to people uninvolved in fighting does not, in itself, constitute evidence of prohibited conduct. Under no circumstances is it permissible to harm people uninvolved in fighting knowingly and in a premeditated fashion. However, such harm is sometimes permitted if it is a necessary outcome of harming those who *are* involved in the fighting, in a situation in which there is proportionality when comparing the military benefit with the collateral damage. This ethical standpoint also has force in international law.

These three parameters have been a prominent topic in discussions and decisions of various kinds. In a long article that I wrote together with Major General (res.) Amos Yadlin, we outlined the unique contours of battle against terrorists operating among people who are not involved in terrorist activity. Prior to its publication, our article was presented to commanders in the IDF and the Shin Bet, after which it was published in the Journal of Military Ethics, alongside responses from experts in military ethics from universities and military colleges in the United States and a university in Beirut. A shorter version of the article, with some new material added, was published shortly thereafter in the *SAIS Review of International Affairs*. Following our articles’ publication, a controversy developed about them – both among experts in the relevant fields and among a broader audience. More than 250 scholars in different fields have cited at least one of our two articles in their work. Almost all of the article’s content is accepted by the military agencies of democratic countries and by many scholars. There is just one point that aroused broad controversy, which I will lay out now in brief.

Deliberations about proportionality place the anticipated military benefit of the planned operation, including protection of the lives of combat soldiers and their ability to carry out their mission, on one side of the scale. On the other side of the scale are the lives of terrorist’s neighbors – people who are not involved in terrorism themselves. Our claim, then and now, is that the state is permitted to give precedence to the protection of the life of its soldier over the prevention of harm to the life of a terrorist’s neighbor. This precedence arises out of the obligations of the state toward the soldier, as opposed to the obligations of the state toward the terrorist’s neighbor. States tend not to acknowledge that they act in accordance with this order of precedence, but in general, commanders in military agencies do conduct themselves in this fashion.

Sometime later, a petition was submitted to the High Court of Justice against the execution of targeted killings of terrorists. The petition was rejected. Supreme Court President Aharon Barak’s ruling lays out the conditions under which it is permissible to carry out a targeted killing. The article I wrote with Amos Yadlin approached the issue from the standpoint of morality and military ethics; Barak’s discussion proceeded from the standpoint of law, both Israeli and international. Nevertheless, both discussions led to the same identification of the conditions for carrying out a targeted killing operation. The ruling did not deal with the point mentioned above, about the state being justified in giving precedence to the life of its soldier, which became the subject of controversy. Since deliberations regarding proportionality are conducted by commanders, this point of contention lies in their hands.

Bergman’s book does not mention any discussions regarding military ethics and the law of warfare that have been conducted in Israel and influenced events related to targeted killings. Even if the book had remained strictly factual, without voicing any opinion whatsoever regarding moral evaluation of those facts, I would view this lack of acknowledgement as a very serious deficiency. This all the much more so when the book does indeed include expressions of negative evaluation, and, at points, expresses a disapproving undertone – not only in the consistent use of the negatively-loaded word “assassination” and similar terminology.

As noted, this book also deals with the special kind of operation Bergman describes as “removing a leader in order to change the course of history.” Such operations are typically described as “assassinations” and an evaluation of this type of operation, too, ought to be conducted responsibly. First, one needs to be precise. A leader is not assassinated in order to change the trajectory of history, but, rather, to bring an end to a process which that figure leads, in order to replace it with a different process considered more desirable by those responsible for the assassination. The murderer who killed Prime Minister and Defense Minister Yitzchak Rabin did not want to alter the trajectory of history, but to interrupt the peace process which the Rabin government had led and replace it with unambiguous Israeli rule over the Greater Land of Israel, notwithstanding the implications of such rule for Israel’s character as a democratic state and as the nation-state of the Jewish people.

Moreover, assassination of a political figure carries a special status only if a clear distinction exists, both in principle and in practice, between the activities of the political leader and the activities of the forces which view him as their leader – such as an army, militia, or terrorist organization. In Israel’s environs, enemy leaders do not maintain this sharp distinction, in principle or in practice. Typically, they are the driving force behind the planning and execution of military or terrorist operations against Israel, its citizens and residents. The danger is posed by their practical decisions, which are carried out under their supervision and by their subordinates. Assassination of a leader whose actions pose a substantial and immediate danger is, therefore, an act of self-defense, not different in kind from the targeted killing operations we saw above, and subject to the same circumstantial justifications.

Having said that, a political leader may formulate and express a policy hostile to the state without initiating processes to advance that policy by means of practical actions that would endanger the lives of citizens and residents of the state. With respect to such a leader, one may employ the distinction accepted in the doctrine of just warfare between decisions made by the political echelons and those made at the level of the military.

Even when a state regards a leader as an individual who poses a substantial and immediate danger to the state, its citizens, and its residents, it is still obligated to conduct moral and ethical deliberations in accordance with the parameters discussed above. For example, I do not know whether Israel considered the possibility of assassinating Yasser Arafat. Under such circumstances, one consideration would have to be whether it was possible to neutralize the danger he posed without assassinating him, for example, through meaningful negotiations. Striking an enemy leader can be of great value with respect to deterrence and advancing a mindset of struggle against the enemy. However, one must always first consider the moral question of *necessity*: Is there another way? Or is assassination the only remaining method of self-defense?

Discussion of moral, ethical, and legal evaluation of the assassination of an enemy leader must accompany the factual description of operations that appear to be the planning or execution of an assassination of such a person – both in principle, abstracted from the particular assassination under discussion, and with respect to the specific circumstances involved in assassination of a particular enemy leader. The absence of such a discussion in this book detracts from its value. There are episodes whose details – prior to, during, and after action is taken – are perhaps of great interest, but they, too, are in need of thorough, methodical, responsible evaluation through an ethical lens.

Even when the book comes close to a point at which it would be natural to take pause to analyze ethical considerations, the book swiftly moves on. For example, in the context of one episode, mention is made of Executive Order 12333, issued by President Ford and prohibiting U.S. agencies from participating in assassinations. However, the history of this executive order and other similar ones issued by U.S. presidents is not discussed at all. Mention of Executive Order 12333 is made only as part of an explanation for U.S. refusal to participate in killing a particular terrorist leader while the United States was nevertheless willing to accept Israeli action to kill him (599).

In the final analysis, Ronen Bergman’s book is fascinating in the facts it details; it is impressive in its sources; it is somewhat deficient in referencing dependable sources for factual claims; and it is weak in presenting background to the operations depicted through the lenses of morality, military ethics, and international law – not just in terms of whether arguments from these standpoints are presented compellingly, but for most of the events described, even with regard to whether there is any methodological, thorough, responsible discussion of such arguments at all. A disapproving undertone can be detected throughout the book, but this undertone is never given justification, nor is it generally given explicit expression.

A reader interested in acquiring a deep knowledge and understanding of Israeli actions in the realm of targeted killings will thus not be able to make do with this book alone.

1. In the name of full disclosure, I should note that the book mentions me twice. The first mention appears in the discussion of an issue related to the problem of military ethics in an intelligence unit, where Bergman cites an interview he conducted with me in 2011 (536-7); and he cites the same interview in the context of a targeted killing of a terrorist leader in the Gaza Strip (550-1 and an endnote on page 705). In the second context, he describes me as “the IDF’s philosopher in chief.” I have no complaints against the author regarding the words he ascribes to me regarding either subject. [↑](#footnote-ref-1)