

DIRITTI COMPARATI

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CHOMSKY TAKES OBAMA TO TASK LAWYERS IN EUROPE, KEEN TO GIVE THE US PRESIDENT THE BENEFIT OF THE DOUBT, ARE RELUCTANT TO CONDEMN HIS TARGETED KILLINGS

Posted on 31 Ottobre 2011 by [Cian Murphy](#)

The presumption of innocence is understood as a cornerstone of both United States and United Kingdom law. But now, according to [Noam Chomsky](#), it is 'long disappeared'. Such an accusation is perhaps unsurprising coming from the most persistent critic of US foreign policy. Chomsky was speaking at the launch of a new academic journal, [State Crime](#), and was referring to the increasingly controversial US tactic of assassination of [al-Qaida](#) leaders and associated individuals. For Chomsky, this practice goes far beyond what he called the Bush administration's 'kidnapping' to Guantanamo Bay. The current strategy is, he claimed, developing into a 'massive global assassination campaign'.

Chomsky's pedigree on such topics is well established. In 1988, long before Osama bin Laden conspired to destroy the World Trade Centre, Chomsky wrote *The Culture of Terrorism* as a searing critique of US secret operations overseas. Since then he has held both Bush administrations as well as their Democratic counterparts to account in a range of polemical publications on power, terrorism and international relations. This most

recent critique is the latest chapter in a long history of highlighting the fact that terrorism is just as easily committed by states as against them.

But there are those who see targeted killing as part of a constitutional response to terrorism. Harold Koh, a former Dean of Yale Law School and strong critic of the Bush administration, now serves as legal adviser to the State Department. He supports the use of targeted killing and in a [March 2011](#) speech to the European University Institute's Global Governance Programme offered a robust defence of the tactic. This has caused dismay in US legal circles, where [Barack Obama](#)'s willingness to deploy this strategy is considered a continuation of the Bush administration's extra-legal tactics. The recent killing of [Anwar al-Awlaki](#) prompted David Cole, a Professor at the Georgetown Law Center, to write a critique simply entitled [Killing Citizens in Secret](#). Al-Awlaki's possession of a US passport escalates the controversy, as it raises serious questions about what a state may do to its citizens if it believes them to pose a threat.

The revulsion amongst the US legal left stands in contrast to comparative silence on this side of the Atlantic. The use of secret legal memos, extra-territorial action, and a war without geographic boundaries is all too familiar. But on this topic our legal commentators are [nigh on silent](#). With a few notable [exceptions](#), the tactic has gone largely without discussion in popular or academic legal commentary. Al-Awlaki's killing was much-reported but little-debated. There are at least two possible explanations for this. First, Obama is a far more popular figure in Europe than his predecessor ever was. Those who regard him as the best American president we could hope for may be slow to criticise. Second, European states might be viewed as less complicit in the use of targeted killing than they were in, say, extraordinary rendition to Guantanamo Bay. It is, we might hope, someone else's problem.

These are not convincing excuses to turn a blind eye. Obama may be more respectful of international law, but he should not be afforded carte blanche in pursuing al-Qaida. And European observers cannot be complacent about possible European complicity. Europe's role in illegal detention, extraordinary rendition and [torture](#) was not immediately clear, but the evidence that emerged over time was damning. Targeted killing

raises questions about international law and the laws of war and, after al-Awlaki, about the fundamentals of constitutional government. The practice does not stop at the Atlantic shore. Neither should the debate on its lawfulness.

<http://www.guardian.co.uk/law/2011/oct/13/noam-chomsky-extradition>