ASSASSINATION

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Assassination marks a slim space between murder and execution—without quite excluding either. It is hard to legitimate by way of principle, because it usually presupposes a conflict of ideologies. To condemn or condone, therefore, participates in the same conflict. Where a complex form of life is clearly shared and persists across generations and harbors a convincing consensual sense of outrage among a people, then stalking lives deliberately, premeditatedly, among the supposed oppressor offers at least an initial basis for accepting (without necessarily approving) a claim of justice by assassination. But there is no question that, if the killing of Indira Gandhi by Sikh nationals was a not-quite condemnable assassination, the indiscriminate slaughter of Hindus by Sikhs and Sikhs by Hindus more than verges on murder. One might begin to recover even the latter—but only by claiming war, not assassination. The same is clearly true among the Northern Irish factions and within Muslim-Israeli and infra-Muslim feuds. It is the "informality" of assassination, if one may so speak, that makes it both difficult to legitimate and difficult to disallow altogether. The same is increasingly true of war itself, since the "just war" concept has all but lost its former limited relevance. Many contemporary small-scale wars fought by groups that cannot claim to occupy an effective or recognized political state cannot, in the nature of the case, distinguish clearly between war and guerrilla war and terrorism and revolution.

It is to some extent the democratization of war and of the very technology of warfare and killing—from the French Revolution to the present—together with the instability of certain states and the ineptness of insisting on state boundaries in order to define all legitimate political causes, that invites what has come to be called terrorism, political assassination, and guerrilla warfare. "Guerrilla warfare" is an optimistic phrase, signifying that an alien or unjust (but politically installed) state power will be removed. "Terrorism" is the prejudicial epithet favored by those at mortal risk, within the

Reason Papers No. 13 (Spring 1988) 132—142
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seeming protection and legitimacy of an established state, from the murderous efforts of others who claim the right of either guerrilla warfare or political execution or assassination or something of the sort. The bombing of Parisian restaurants, the execution of American hostages in Lebanon, the slaughter of Israeli athletes at Olympic games fall under these headings—if they can be legitimated at all.

Assassination tends to be politically motivated and, as such, tends to single out responsible officials clearly linked to the condemned regime or plausibly taken as symbols of the corrupt power of that regime: Armenians act to assassinate Turkish ambassadors anywhere in Europe and outraged Muslim factions act to kidnap and/or assassinate American businessmen who still dare to “remain” in Lebanon after the American support of Israel has been duly “exposed.”

It’s true, as among the crime families of America, that assassination (or something very much like it) obtains outside legitimate political life; but then, there is a sense in which crime is territorially organized in the United States in a way that burlesques legally enforced contracts. With an eye to political etiology, therefore, there is not much difference among the prevailing forms of warfare, guerrilla warfare, terrorism, assassination, revolution and the like—as far as conceptual puzzles of legitimation are concerned—although assassination, taken on its most favorable terms, is certainly different from these other manifestations. Much the same may be said for terrorism or would-be revolution.

Michael Walzer condemns the “random” killing, the “infinite” threat, the “aimless” attack, the failure to honor the distinction between combatant and noncombatant—in so-called terrorism and political assassination. But that is to miss the supremely up-to-date touch of contemporary political struggle. It’s one thing to share John of Salisbury’s scruple about ending the tyrant’s life. It’s quite another to grasp the entrenched perception of the political outrage of Asian and African colonialism and of the threatened impotence of politically exploited ethnic groups. In contemporary terms, the “random” and the “aimless” and the “infinite” are only in the prejudiced eye of the politically condemned beholder. The most interesting cases are hardly so seen by their own champions. There is nothing “random” or “aimless” or “infinite” about their political purpose.

There is a general theme, however, that collects all these distinctions perspicuously, so that we can appreciate the double-bind of not being quite able to approve or condemn them in a principled way and of not being quite able to disallow their defense and condemnation under conditions significantly less firm than covering principles may be counted on to afford. It is not merely that political judgment is strongly biased here—being explicitly ideological. It is also that the requisite judgment is addressed to collective behavior or to the behavior of agents acting in the name of a collective principle. But there are no collective entities—states, in particular, clans, tribes, ethnic peoples.
There are only human individuals, aggregated to be sure in accord with the practices, institutions, traditions, habits, rules, norms, principles usually assigned collective bodies. Collective bodies do not think, intend, desire, or act—except as fictions, that is, through the agency of individuals prone to accept the ideologies by which they suppose themselves to be acting in order to serve the interests of putative collective entities. Aggregates of individuals, so-called terrorist gangs for instance, certainly exhibit collective properties (sharing a practice or an institution) in addition to aggregated properties; but there literally are no collective entities. The trick is that even the most legitimate or least disputed moral or legal or political practices of well-established states—pursuing war, imprisoning those said to be convicted of crimes, exercising eminent domain, acting in the name of clear and present danger, authorizing state executions—are vindicated by and only by the mediation of accepting the legitimacy of given collective entities. Short of the fiction of contractarianism, there is no convincing rational procedure for validating the existence of any state or similar collective body; although there may well be rational grounds for continuing to support one ideology or another and to alter states one way or another—in a world already committed to collective entities. There is no straightforward conceptual linkage between the putative moral concerns of human individuals and the practices of putative collective entities: both because the first cannot fail to be species-specific and the second cannot be such at all; and because there is, pertinently, no viable way to disengage the first assignment of political entitlement and responsibility to individuals except in terms of their historical milieux—which already entails the collective structures of their political life.

As soon as we understand this, as soon as we understand that there cannot be a principled, universally valid rule of legitimation for all states, we understand that our sense of the validity of pursuing war, guerrilla warfare, terrorism, assassination, revolution, raisons d'état—or of opposing any of these—is itself inextricably grounded in some ideology or other by which a fictional process is treated as real and is neither permitted to be nor is able to be reduced to the aggregated interests of the human race or of any principled partition of the same. All these phenomena are predicated on a natural division of ideologies and interests. Most moral theorizing about these matters tends to assume that problem cases are normally of the second sort—cases of divided or opposing interests, where the ideologies involved are themselves of a strongly similar sort. But in our own time, this is hardly true. The chief contests that bear on the puzzles of terrorism and assassination are contests of widely disparate ideologies: so that what counts as murder on one theory counts as legitimate assassination on another, what counts as terrorism on one theory counts on another as a desperate form of guerrilla or informal warfare against an unequal foe—a foe, in fact, usually thought to
have coopted the very show of justice as the supreme weapon of the politically corrupt. If, for instance, the United States is Iran's "Great Satan," then it is little wonder that the exquisitely fashioned rationale for subverting American political power within the severe terms of Islamic doctrine should appear to the intended victim as the mere advocacy of "anything goes."

No. The sense of pertinent neutrality (if there is any) in assessing the extreme cases that claim our attention as cases of assassination (or of terrorism or the like) makes sense only if, initially, the action in question belongs within a ("natural") practice, "natural" ethos, genuinely consensual for a population guided or governed by its own native ideology. One cannot, as an outsider, condemn the brutal and ugly slaughter of Irish Protestant and Catholic citizens of Northern Ireland as murder, without denying that the two factions are locked in what amounts to a form of war. Each side will condemn the other as murderers; but they are both partisans in a sense in which their judgment cannot but be discounted—also, in a sense in which their own behavior betrays the fact that they themselves view the conflict in more complicated terms than they are prepared to acknowledge.

Political evil, a sense of political injustice, is inherent in the inevitably unequal partitions between the strong and the weak, the fortunate and the unfortunate, the victors and the vanquished, the rulers and the ruled—within the history of political collectives divided by opposing ideologies that have roots in the ethnic life of the populations affected. There is no political state enjoying any significant measure of power that can be viewed, in the modern world, as simply just: we don't know what political justice means for ideologically divided populations aware of the history of their disadvantage at the hands of another.6

Within the pale of "well-behaved" states, terrorism and political assassination can hardly escape being condemned as outlawed behavior; although it is noteworthy that the regularity with which Western nationals are kidnapped and threatened with execution or traded for arms, release of political prisoners, and policy adjustments (as the French, the Americans, the Israelis, the Saudis, the Iranians, the Syrians can hardly deny) confirms that even "well-behaved" states must implicitly recognize suitably stable, strategically placed political "entities" other than states. The point is that the outlawed status of terrorism and assassination not only reinforces the apparent legitimacy of the well-behaved states but also feeds the worry and suspicion that their own legitimation is ultimately as dubious—on logical or conceptual or foundational grounds—as the "collective" behavior they would condemn. The inertia of mutual recognition among the well-behaved states begins to bleed off and subvert the illegitimacy, the outlawed status, the mere political presumption usually assigned the acts of sub-societies that, by their evident cohesiveness and collective purpose, appear to be unavoidably present, there, apt for political
recognition. Under the presence of such tendency, the perception of assassination, terrorism, revolution, guerrilla warfare, execution, kidnapping begins to change. What, after all, is the line of demarcation between these adventurous practices on the part of fledgling political entities and the routinized sorties of the spies and foreign agents of the more well-heeled states?

The question of assassination, therefore, is a particularly touching one. It surfaces in isolated episodes that seduce us—that is, seduce those of us who live relatively safely in a world in which assassination is either extremely rare or (as with the crime families) relegated to a marginal population that is thought hardly to affect "us"—into reaching an easy and "principled" condemnation. But the practice is completely transparent when applied to an alien ideology, unless—what seems quite impossible—such condemnation can satisfy objective canons of a definable sort.

One can invent canons, of course, if one is willing to overlook the price. The pertinent dilemma arises in either of two ways: on one strategy, denying the reality of collective entities (though not collective properties), we act to rationalize political life in terms of the interests of aggregates of individuals; on the other, accepting the realism of political life (without addressing the ontic status of states and related "entities"), we insist on the moral autonomy of individuals. The first fails because there is no viable conceptual reduction of the collective features of social existence in terms of biological and psychological attributes of a purely individualistic sort. The first would require, as Jon Elster rightly observes (but wrongly believes to be plausible), that the collective features of human life—for instance, the ideological, the traditional, the institutional, the praxical, the normative or rulelike within actual societies—should appear only as a feature of the intentional content of individual mental states or of the intentional objectives of individual actions. But the properties merely of language—the ubiquitous element of human life—cannot be suitably so analyzed—that is, cannot be analyzed without attention to collective features (as of usage, syntactic practice, meanings, conventional intentions) directly ascribable to the behavior and mental life of the members of a society, not restricted to intentional objects. So the admission of collective properties does not presuppose or depend upon the admission of collective entities. (The point had already been recognized, however thinly, in Karl Popper's advocacy of "methodological individualism"—which denies nevertheless that the societal can be reduced to the psychological.) We cannot understand the complexity of human existence solely in terms of an idiom deprived of collective predicates or of the ability to refer to collective attributes. There is, therefore, a very good reason for thinking that we cannot formulate a convincing legal or moral or political rationale by which to guide and govern human behavior, that precludes the irreducible collective structures of historical existence. Perhaps this is the permanent (though admittedly potentially
misleading) advantage of Hegelian and Marxist thought over the Kantian (and over that attenuated post-Kantian development known as liberalism and libertarianism).

The second strategy also fails because, although in real-time terms (not necessarily in principle) the smooth functioning of complex human life requires intervening ideologies that postulate collective entities capable of monitoring the normative direction and harmony of the individualistic and collective features of social existence, there is (no known) rational or principled way by which to justify collective norms or the harmony between collective norms and whatever are taken to be the norms of individual conduct. Philosophical anarchists regularly insist on the point—often not in individualistic/collectivistic terms, usually in terms of majoritarian rule/minoritarian autonomy. But the charge is very close to our own, even if formulated in aggregative terms. The argument has been put in its most explicit Kantian forms by Robert Paul Wolff: assuming the moral autonomy of the rational individual, Wolff correctly concludes that "the just state must be consigned the category of the round square, the married bachelor, and the unsensed sense-datum." "If autonomy and authority are genuinely incompatible," he says, "only two courses are open to us. Either we must embrace philosophical anarchism and treat all governments as non-legitimate bodies whose commands must be judged and evaluated in each instance before they are obeyed; or else, we must give up as quixotic the pursuit of autonomy in the political realm and submit ourselves (by an implicit promise) to whatever form of government appears most just and beneficent at the moment."9

Our concern here, is not the legitimation of the political state. But if the double dilemma posed obtains, then, because political life is noticeably collectivistic as well as collective (again: not perhaps necessarily for logical reasons, but effectively in real-time terms), there can be no principled basis for normatively constraining the ideologies of different historical states and other political "entities" of an implicitly or explicitly collectivistic sort. This is not to say that political debate is completely arbitrary. It is not. But it cannot claim to be principled if plausible in piecemeal circumstances, and it cannot claim to be plausible if principled in some reasonably exceptionless sense. There is a profoundly non-rational—but executive—role to be assigned the features of collective life; whatever is convincing in judgment and behavior directed to the "real" interests of collective bodies (not reducible in Elster's sense and not open to autonomous repudiation in Wolff's utopian sense) must to a significant degree correspond to what we have already characterized as the natural consensus of a people sharing collective patterns and drawn to a collective ideology. There, one finds the setting in which the puzzle of (political) assassination arises—the puzzles of terrorism and revolution and execution and guerrilla warfare as well. There is no way to justify any commitments of these sorts in individualistic terms, however universalized; and there is no way to justify the collectivistic norms
by which any commitments of such sorts are regularly justified, however reasonably constrained by individualistic values. The reason, once again, is that the collective cannot be reduced to the individualistic and that the collectivistic (but not the collective: the entities, in effect, not the attributes) is purely fictional.

Under the circumstances, therefore, we must soften our conception of the nature of ethical assessments of political realities. Verdicts, like the presumably principled condemnation of political assassination, are (one may almost say) logically inappropriate; for either they are taken to be the expression of a prevailing ideology (with which they may conceivably still be incongruent) or they are judgments that preclude the relevance of the collective concerns in accord with which the original commitments so judged were once sincerely motivated and made.

Assassination and (political) execution are two sides of the same process. Execution suggests a rump or kangaroo court that has reached a finding as close to a verdict as an unauthorized body can pretend to have processed; execution is the sentence of that "court," which, as in the Irish play The Informer, would mete out a "justice" capable of a strong measure of plausibility that cannot be quite dismissed on the strength merely of its partisan origin. Surely, the same rationale is invoked in the so-called "victors' trials" at Nuremberg, however formalized the proceedings. The Nuremberg trials did not, after all, disregard the responsibility of states: they were addressed, rather, to what were supposed to be the universalizable limits on the conduct of individuals acting as agents of collective principals. But the normative constraints applied (however enlightened we may take them to have been) were, surely, projections of the collective norms of the victors—on the face of it, projections incapable of a logically stronger validity of their own. Assassination corresponds to the political face of formally authorized legal execution just as political execution corresponds to its legal face. Once grant the normative realism of collective political life: either political assassination and execution cannot be summarily condemned as invariably unauthorized, illegal, unconstitutional, arbitrary; or else the corresponding behavior of well-established states is logically open to the same condemnation. Where is the rule for determining la volonte generale? and what is the difference in kind between the two? The question is hardly a comfortable one.

The only known strategies for routinizing the condoning or condemning of extreme practices presented in collectivistic terms requires either reducing the collectivistic to some aggregative function ranging over individuals or independently vindicating the legitimate interests of the collective entities involved. The first is, demonstrably, conceptually inadequate; the second is demonstrably incapable of a rational defense or discovery. Nevertheless, assassination and its associated options are too widespread, too natural a custom, too often treated with respect and a sense of justice, too clearly not practiced
in an arbitrary or irresponsible way, too common among those who condemn it in others and condone it in themselves, to be rejected out of hand. The relevant judgments—particularly, those judgments rendered in an “interested” way in the immediate space of political life—cannot be true verdicts, cannot be neutral or objective, cannot be principled, cannot be simply valid. There is no easy way to characterize them. They are, actually, judgments of conviction, judgments by committed agents, and they lead regularly to commitments. They are verdict-like, objective-like, neutral-like; but they are not any of these things. They form, in the political sphere, the natural analogue of what, in the world of the arts, may be called appreciative judgments, judgments that presuppose the committed (but alterable) taste of those who judge.11

Since the usual consequence of such “interest” in the arts are pale by comparison with what may obtain in the political sphere, the comparison may seem tepid. But that is not because of the logical dissimilarities between the kinds of judgments compared, it is only because of the difference in the existential importance of the kinds of interests usually engaged. “Judgments of conviction” behave logically in very much the same way in which “appreciative judgments” do: because they presuppose the interests of the one who judges and make no sense without them; because the interests involved are normally effective in directing the judge’s life; because there is no universal basis for determining the right interests in either sphere by which the judge’s life ought to be governed; because whatever reasonable constraints may claim objective force in delimiting the exercise of relevant commitments and preferences (politically, or in enjoying the arts) there is no sufficient ground for completely vindicating such judgments; because the congruity, plausibility, and convincingness of such judgments and such commitments cannot be assessed without allowing or disallowing—from a comparable vantage—the interests and commitments of those who so judge and act; and because such judgments (and commitments) can only be singled out within a field of pluralized, opposing, irreconcilable divergences of conviction and taste.

They are, in a word, interested judgments (judgments linked to interested commitments) utterly opposed, logically, to every pretense of neutrality, indifference, objectivity. But they are not, for that reason, without rigor and discipline; and they are hardly merely self-serving, biased, partisan, faked, judgments, rationalizations after the fact, shams, arbitrary or unreasoned conclusions or commitments.

The point is that our conceptual network of ethical and moral review fails to provide for them. We tend to be committed to a dichotomy of principled (and therefore neutral) judgments in any sphere at all, separated from claims said to be completely arbitrary because of an absence of covering principle or because of the presence of intrusive, determining interests. But that is itself a sign of the merely
impoverished range of our own theories of normative judgment: it is hardly an assurance of a safe foundation on which, out of hand to condemn such practices as assassination and terrorism and political execution. If, as is plain, the world practices in these ways—practices seriously, as seriously as it does whatever else captures our own conventional respect and our own sense of responsibility—then we must supply a further account of the rigor that may be found in this extended field of political life.

As a matter for rational assessment inextricably linked with standard ethical concerns, assassination confronts us with at least two dire conditions of political reality: first, that those who are politically committed in the mortal way we have been considering are normally committed to irreconcilable ideologies and irreconcilable collective interests; and second, that those who make commitments, who act, in accord with such convictions are normally and reasonably convinced that there are no reliable or no less radical political options available by which to redress the wrongs they perceive. The nature of politically serious judgment is fairly captured in this sense: if it is a serious judgment, it must be acted on; if it must be acted on, it must be acted on here and now or in the near future; if one must thus judge and thus be committed, then one must also internalize the grounds for legitimation within oneself; and if the conventional ideologies won’t do, others must be found and developed. The threatening arbitrariness is offset only by the perceived congruity among judgment, act, rationale and enveloping tradition within which political agents live and practice. The threatening danger of that practice is enhanced by the perceived divergence of the opposing ideologies distributed around the planet.

Now, then, the interesting question arises: Is it possible that the vindication—or at least the tolerance—of the inevitably informal practice of assassination (a tolerance entirely compatible with condemning particular assassinations) is a better paradigm of the entire range of moral and ethical judgment than the usual exemplars of individual contractual relations and legally adequate covering principles? Here, we have only to consider that, in extending the import of the assassination case, we may readily fall back from the putative interests of collective entities to the collective practices, customs, institutions, norms, conventions of actual historical societies. For, if there is no objective basis for positing a set of universal principles that hold, species-wide, for all human societies, then there is no way to avoid arbitrariness except by invoking the collective norms and related features of actual societies. This is not the place to attempt the argument, although it is clear that there are very few efforts nowadays to formulate a universal ethics on foundational grounds.12 The point at stake, here, is that we must take notice of the case with which a shift of paradigm may radically affect not only our tolerance for the disturbing complexities of political assassination but also for the counterpart informalities that would thereupon invade
the apparently stabler, more regularized center of Western notions of responsible judgment and conduct.

This is not a plea for a blunderbuss tolerance of political assassination. It is, rather, a plea for an enlargement and an adjustment of our conception of political ethics—\textit{a fortiori}, of ethics in general. Radical individualism fails in all its forms if it cannot plausibly accommodate the conditions of responsible judgment and commitment pertinent to political life; and radical collectivism fails because it illicitly converts the fictive into the real. But the distinction between collective entities and collective attributes preserves a meaningful political realism that is still normally neglected within the usual scope of Western ethical theories. Add to this the recognition of the real-world disposition of men everywhere to commit themselves through their ideologies to the interests of collective entities; as well as the obvious fact that the puzzle cases we have been considering make no sense except in terms of the stable collective interests of opposing populations. For those populations cannot supply convincing foundational grounds on which the legitimacy of their collective acts may be straightforwardly confirmed. (That is, except of course by reference to their own ideology or to those of bodies in accord with their own.)

The largest consequence of the shift recommended is that ethical judgments probably must (and may best) be construed as the judgments of interested, responsible, rational partisans rather than as the judgments of impartial, disinterested, objective judges. There's no doubt that this adjustment completely subverts the presumption of standard ethical theory. But why not? The problem remains, how to specify a measure of rigor for judgments made under the altered paradigm. It will give up universal covering principles of course. It will turn instead to similarity and analogy anchored to favored exemplars.

It will argue case by case. It will legitimate its exemplars within the historical \textit{praxis} of its own people. It will be dialectically alert to the divergences and convergences between the practices of different peoples. It will try to resolve pertinent differences, or at least incompatibilities and incommensurabilities by comparing pertinent runs of case-by-case arguments. But, above all, it will be prepared for irreconcilable differences. The important point, here, is that the shift is a viable and coherent one—and that it must subvert the entrenched conceptions of familiar doctrine.

There certainly is no other way to concede the defensibility—even the disputability—of such practices as those of assassination and terrorism. They are condemned out of hand only by distorting their description and the salient conditions under which their usual description would be weighed. Merely to admit their eligibility forces us to grasp the profoundly rhetorical structure of ethical judgment—both with respect (ineliminably) to the issue of assassination and with respect (by extension) to the whole of ethical life. What first
appears, therefore, as a marginal question proves, on reflection, to be close to the center of ethical seriousness.


2. Walzer, op. cit., pp. 197-204.


5. Alternatively construed as the essential strength or fatal weakness of the liberal conception of the state. See John Rawls, A Theory of Justice (Cambridge: Harvard University Press, 1971).

6. This points to the fatal flaw of Rawls’ theory: Rawls’ fail to accommodate an awareness of political history and the assessment of justice in terms never separated from such awareness.


12. Both Alan Donagan’s attempt to claim the universal validity of a Biblical-cum-Kantian ethic and Alasdair MacIntyre’s attempt to claim the schematic universal validity of a de-essentialized Aristotelian ethic are vindicated on a reading of the moral sensibilities of man within human history—and because of man’s explicit awareness of human history. See Donagan’s The Theory of Morality (Chicago: University of Chicago Press, 1977); and MacIntyre’s After Virtue, 2nd ed. (Notre Dame: University of Notre Dame Press, 1984).