

# Target Acquired: The Ethics of Assassination

## Abstract

In international law and the ethics of war, there are a variety of actions which are seen as particularly problematic and presumed to be always or inherently wrong, or in need of some overwhelmingly strong justification to override the presumption against them. One of these actions is assassination, in particular, assassination of heads of state. In this essay I argue that the presumption against assassination is incorrect. In particular, I argue that if in a given scenario war is justified, then assassination of the enemy state's leader is also justified, and in fact ought to be pursued as a means short of war. I defend this position on both consequential and deontic grounds, arguing that assassination is both more discriminate than war and serves to harm only those most responsible for the situation which justifies war in the first place. I conclude by arguing that a norm of assassination, far from being a destabilizing force, as some have argued, would in fact serve to reinforce international norms of rights and respect for persons by making clear that tyrants and would-be oppressors cannot hide behind military forces or notions of sovereignty to protect themselves from judgment and retribution.

**Keywords:** *Assassination, Ethics, Just War Theory, Political Philosophy*

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# 1 Introduction

In international law and the ethics of war, there are a variety of actions which are seen as particularly problematic, and are presumed to be always or inherently wrong, or in need of some overwhelmingly strong justification to override the presumption against them. These include, for example, such things as targeting civilians, using biological or chemical weapons, hiding troops or weapons among civilian populations, or hiding combat units or matériel behind medical, religious, or neutral banners, to name just a few. Each of these types of action is seen as especially wrong, and (I would argue) rightly so. They undermine many of the conventions required to wage anything other than so-called “total war”, and they damage the possibilities for establishing peace. More than this, these actions make the violence and destruction of war inescapable for civilians,<sup>1</sup> often in fact bringing these horrors down on them intentionally.

However, there is another type of action that, to use the phrasing of one prominent theorist, is seen as likewise “morally odious”<sup>2</sup> or “morally abhorrent”<sup>3</sup>, but which can be used to minimize harm to non-combatants (in some cases eliminating it altogether) and to drastically limit the violence and destruction of war. This is the practice of assassination.

In this essay I challenge the traditional view that assassination is a morally problematic or unacceptable tactic, arguing that assassination is in fact morally superior to conventional military engagements. I defend this point on both consequential and deontological grounds, and argue that assassination, far from demonstrating a disrespect for human life or undermining international moral and legal norms, in fact can be used to strengthen moral and legal norms internationally and presents the most effective method for respecting individual human lives in situations of international conflict.<sup>4</sup>

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<sup>1</sup>Throughout this text I will use the terms “civilian”, “non-combatant”, and “innocent” interchangeably to indicate any agent who is morally innocent, or at least not morally liable to being harmed. There are many discussions of moral and material (non)innocence which are interesting and complex, but these will not be relevant for the discussion here. For an excellent recent treatment of the moral distinction between civilians or non-combatants and soldiers, as well as the justification and basis for that distinction, see, for example, Lazar (2015).

<sup>2</sup>Gross (2010), p. 101.

<sup>3</sup>Gross (2004), p. 99.

<sup>4</sup>A similar argument is briefly presented by Andrew Altman and Christopher Heath Wellman. However their focus is consequential reasons for assassination, and their discus-

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The argument is structured as follows. First, I cover some definitional points and distinctions which are important for the arguments to come. I then argue that assassination is preferable to conventional war on two distinct deontic grounds, namely retributivism and respect for persons. I then move to the consequential argument for assassination, arguing that assassination presents a method for (potentially) avoiding war, or at the very least as a last resort to be utilized before war. The final argument in favor of assassination makes use of both deontic and consequential considerations, maintaining that assassination may be deemed permissible as a method for punishment and deterrence of grave breaches of international law and crimes against humanity. With the positive arguments for assassination in place, I consider some lingering objections to the practice and conclude by arguing that, at the very least, assassination will be permissible in any situation where conventional war is permissible.

Before continuing it may be useful to point out that the arguments presented here only aim to show that assassination *can be* a morally permissible (perhaps obligatory) course of action, but do not address any of the practicalities of carrying out particular assassinations. Thus, who ought to be carrying out assassinations or what methods are best utilized are questions left unanswered. Such further inquiry is a vital step that must be taken if assassination is to ever become an acceptable practice, but it is unfortunately beyond the scope of this work. The aim here is simply to lift the stigma and prejudice against assassination so that such practical work may be pursued by legal scholars and authorities on international relations who are better suited to such empirical and policy-making tasks.

## 2 Targeted Killing vs. Assassination

Let us begin by clearing up the definitional space, as it were, and making clear exactly what is at stake. First of all, the arguments to come concern assassination, and not the related concept of “targeted killing” (though there may be some overlap between the discussion of these two practices). Given this, it will be crucial to first make clear how each of these concepts is defined. Now, there is a fair degree of imprecision and ambiguity in the way these

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sion is limited to assassination as a form of humanitarian intervention. See Altman and Wellman (2008), esp. pp. 250–7.

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terms are used in common discourse, but the core elements of each can be distinguished to (at least) a fair extent.

Targeted killing, despite being often criticized as either immoral, ineffective, or both,<sup>5</sup> is a common element of the counter-terror operations of nations such as the United States, Israel, Russia, and until recently, the United Kingdom.<sup>6</sup> The methods used (e.g. drone strikes, special forces “clearing” operations, enemy turncoats, etc.) and the particular agents targeted (e.g. terrorists, guerrilla fighters, bomb-makers, etc.) may vary greatly, but the core element of targeted killing is that it is the “premeditated, pre-emptive, and intentional killing of an individual or individuals known or believed to represent a present and/or future threat to the safety and security of a state”.<sup>7</sup> More importantly, targeted killing is done “*exclusively* for reasons of state self-defense”,<sup>8</sup> and is thereby capable of being legal under international norms.<sup>9</sup> Also, targeted killing cannot be used simply as a blanket policy for the hunting and killing of any soldier, commander, terrorist, or insurgent, but is limited in its scope to only those who pose a real threat (or are reasonably believed to pose such a threat).<sup>10</sup> In essence, targeted killing allows states to fight combatants they would otherwise be unable to, as terrorists and insurgents do not wear uniforms and often hide amongst the civilian population, undermining the traditional conventions of war. Without being able to clearly see who the enemy is (by virtue of a flag on their shoulder or a combat dress that is clearly recognizable), it becomes necessary to identify them individually and compile a list of all known enemy combatants, and using this list, target them; hence, “targeted killing”.<sup>11</sup> Targeted

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<sup>5</sup>See David (2003) for a refreshingly balanced and reflective examination of targeted killing, with all its potential dangers and advantages.

<sup>6</sup>Hunter (2009), p. 7.

<sup>7</sup>Hunter (2009), p. 3.

<sup>8</sup>Hunter (2009), p. 5.

<sup>9</sup>Art. 51 of the UN Charter explicitly allows for the uni-lateral use of force for the purposes of national self-defense, thereby providing a legal justification for the practice of targeted killing, so long as it does not violate other aspects of the UN Charter (e.g. state sovereignty). See (<http://www.un.org/en/sections/un-charter/chapter-vii/index.html>)

<sup>10</sup>The requirement that targets must be “reasonably believed” to pose a threat opens up a number of complications concerning reasonable belief, reasonable agents, and competent judges, all of which would take us too far afield. In what follows, I utilize a notion of justification based on reasonable belief in line with that presented in Lazar (2012), especially pp. 7–10, but the concept can be filled out in other fashions as well.

<sup>11</sup>Gross (2010), pp. 108–9.

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killing may also be used as a method for eliminating particularly dangerous enemy commanders who are otherwise incapable of being reached through standard combat operations.

Assassination, on the other hand, cannot be so easily dealt with, as it involves not just the killing of those who directly pose a threat, but also political leaders or other elected officials. So, whereas targeted killing is the premeditated, preemptive, and intentional killing of those who pose a future threat to the safety and security of a state, assassination is the premeditated and intentional killing of prominent persons for reasons other than self-defense.<sup>12</sup> These other reasons may be of a political, ideological, financial, personal, moral, or other nature, but most importantly, the act of killing will not be justified in terms of self-defense.<sup>13</sup> For example, the intentional downing of Admiral Isoroku Yamamoto's plane on April 18, 1943, would constitute an instance of targeted killing, as he posed a clear future threat to U.S. safety and security,<sup>14</sup> whereas the plan to kill Fidel Castro, reviewed throughout the 1960's and authorized by at least one director of the Central Intelligence Agency, would arguably be a case of assassination for ideological and political reasons, as Castro at that time presented no such direct threat to U.S. security.<sup>15</sup> Put shortly, targeted killing is killing for the purposes of

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<sup>12</sup>There are some understandings of assassination which simply define it as wrong. For example, Emer de Vattel called assassination "treacherous murder", thereby signifying that it is not just wrong, but doubly wrong, being murder (which is defined as wrongful killing) that is "treacherous". See Zengel (1991), p. 128, quoting Vattel (1758) *Law of Nations*. This, however, is unhelpful, as we ought to be able to understand and discuss a term without having already judged it. See Corlett (1996), Schwenkenbecher (2012); and Steinhoff (2007) for defenses of the need for so-called "neutral" definitions of terms. Though these authors are concerned with defining and examining terrorism, rather than assassination, their points are equally relevant to our discussion.

<sup>13</sup>This definition does not exactly follow that provided in Hunter (2009), as he defines assassination as "the premeditated killing of a prominent person *for political or ideological reasons*" (p. 4, emphasis added). I choose to define the concept more broadly, as there can conceivably be instances of assassination where a prominent figure is targeted for reasons other than political or ideological ones. For instance, had some nation chosen to have Idi Amin, the former dictator of Uganda, killed because of his tyrannical regime in that nation, this would arguably have been for *moral* reasons. The same would (plausibly) hold for Colonel von Stauffenberg, who attempted to assassinate Hitler to, at least in part, end World War II and prevent further unnecessary bloodshed, making his justification also (at least partly) a moral one.

<sup>14</sup>See Glines (1990) for a comprehensive discussion of the U.S. operation to kill Yamamoto.

<sup>15</sup>For extensive documentation of the U.S. plot to assassinate Castro, as well as similar

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self-defense (even though the targeted individual(s) may only present a *future* threat), whereas assassination is killing for reasons other than self-defense.<sup>16</sup>

In what follows we will be concerned with the moral assessment of assassination alone, and not with targeted killing. This is important to stress because there has been an outpouring of literature on targeted killings in recent years, especially since the U.S. and Israel have both openly adopted such tactics in their respective counter-terror operations.<sup>17</sup> Assassination, on the other hand, has received comparatively little treatment,<sup>18</sup> being seen by most as simply wrong, and being illegal under both U.S.<sup>19</sup> and international law.<sup>20</sup> This alone provides a strong reason for exploring assassination further, as it seems to present a uniquely optimal alternative to war in certain situations, despite the many prejudices against it.

It also worth noting that assassination is, by virtually all contemporary accounts, an illegal activity. The arguments to be presented will not respond to or object to this fact, but will instead be purely moral ones, building to the conclusion that, *despite* its illegality, assassination can be a morally permissible (perhaps obligatory) tactic to pursue in certain scenarios. Related to this, whenever the terms “permissible” or “obligatory” are used in the arguments to come, these should be understood as referring to *moral* permissions and obligations, unless explicitly stated otherwise. This is im-

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plots directed against various South and Central American leaders, as well as leaders in other parts of the world, see Select Committee to Study Governmental Operations (1975), esp. chapter III, freely available at (<https://archive.org/details/allegedassassina00unit>).

<sup>16</sup>David (2003) also provides an insightful discussion of the distinction between assassination and targeted killing.

<sup>17</sup>See, for example, David (2003), Hunter (2009); and the exchange between Gross (2004, 2006); and Statman (2004), to name just a few examples.

<sup>18</sup>Notable exceptions are Beres (1995), Zengel (1991).

<sup>19</sup>Executive Order 12333 explicitly forbids U.S. intelligence agencies from committing or aiding in assassinations. The relevant sections are: “2.11 *Prohibition on Assassination*. No person employed by or acting on behalf of the United States Government shall engage in or conspire to engage in assassination.” and “2.12 *Indirect Participation*. No element of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.” See <https://www.cia.gov/about-cia/eo12333.html>. Notably, this executive order does not spell out exactly what constitutes an act of assassination.

<sup>20</sup>The 1937 Convention for the Prevention and Repression of Terrorism, the UN Charter, the 1973 New York Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, and the 1999 International Convention for the Suppression of the Financing of Terrorism (Art. 2) provide the main agreements which codify the (international) illegality of assassination. See also Beres (1995) for an excellent treatment of the nuances of the legal status of assassination.

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portant to bear in mind, as there are a variety of actions which may be moral *in particular situations*, but which are and ought to be illegal in general. I am not certain whether assassination ought to be a legal practice or not, and the arguments to follow will reflect this uncertainty, focusing instead only on the moral aspects of assassination and leaving discussions of law and international treaties and agreements to scholars more suited to that task.

Before moving onto the arguments, one final preliminary remark is in order. The conclusions that I will be arguing for (that assassination is a permissible tactic in war, and a permissible alternative to war) will be conditional on a variety of factors (to be presented below), and should not be taken to constitute a blanket statement endorsing assassination. My claims do not support the idea that assassination is a legitimate method of statecraft or that it can be used as a form of Clausewitzian “diplomacy”, but only the much more limited claim that if a war is already underway, or if one is on the verge of entering war, then assassination will be permissible (perhaps even obligatory). This limitation is crucial to keep in mind, otherwise a limited moral argument can rapidly become confused with an endorsement of relative anarchy in the international sphere, with no leader trusting another, and no possibility for diplomacy or communal projects. This state is precisely what opponents of assassination fear, and is a legitimate concern, one which my arguments do not go against.

So, to briefly summarize, our concern is with assassination, or the premeditated intentional killing of a prominent person (usually a state leader) for reasons other than self-defense. We will not be considering practices similar to assassination (e.g. targeted killing), nor will we discuss the legality of assassination. Our arguments will be purely moral ones, and will build to the conclusion that assassination will be a permissible (perhaps obligatory) tactic to employ during war, and will also present a permissible (perhaps obligatory) alternative to war. This conclusion, however, will not mean that assassination is always permissible, or that it may be used to further ideological or political goals.

### **3 Innocence and Guilt**

One of the greatest evils of war is not that it kills, but that it kills the innocent. For many, this alone provides an insurmountable moral hurdle,

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demanding that one forsake war altogether.<sup>21</sup> However, one might claim that if war can be waged without causing any so-called “collateral damage”, that is, civilian deaths, then this provides a way to avoid this difficulty.<sup>22</sup> This is too quick though, for many soldiers are also “innocent”, morally speaking. They may be conscripts, who had no choice in the matter and would be shot if they deserted, they may be children, without the ability to fully understand or meaningfully object to what they are doing, or they may even be free volunteers, but ones who joined in order to do the right thing.<sup>23</sup> However, any way you look at it, there are clearly soldiers fighting throughout the world who really are innocent (or at least mostly innocent) for one reason or another. Given this, simply avoiding all civilian casualties, an (arguably) impossible task on its own, will not suffice to prevent the killing of innocents, as some of those we actively target will also be morally innocent combatants. At the very least, the combatants who we do kill – front-line “grunts” usually with little education, little economic alternative to fighting, and little ability to leave once they’re in – are clearly more innocent than the host of commanders and political leaders sending orders down the line.<sup>24</sup>

Given this, why is it seen as morally (not to mention legally) acceptable to kill these soldiers, but not the people sitting comfortably in a presidential palace or governmental office? Why do combat fatigues and a rifle make one a “legitimate” target, while the architects of tyranny and genocide are off-limits simply because they are civilians? How can we understand, much less justify, the morality of killing soldiers but sparing leaders? The simple answer is: We cannot.

To see why this is so, let us consider a rather straightforward example.

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<sup>21</sup>Pacifism has a rich history in philosophical and religious thought, and can be grounded in many ways, one of which is by looking to the notion of “innocence”, however that is to be spelled out. For an introductory reading on pacifism which provides discussion of its varieties, grounds, and developments, see Fiala (2018).

<sup>22</sup>Though it is extraordinarily unlikely that a modern war could ever be waged without causing at least some civilian deaths.

<sup>23</sup>I take it that a volunteer soldier whose only aim is to further some moral goal, say, protecting the innocent from harm, is him- or herself also morally innocent. Putting on a uniform and carrying a rifle does not inherently make one non-innocent, especially if one only does those things for the sake of moral imperatives.

<sup>24</sup>Michael Robillard and Bradley Strawser provide an excellent treatment of the under-explored idea of “moral exploitation” and how this affects soldiers, even volunteer ones. Though their arguments are aimed at something else, many of their conclusions support the ideas being presented here. See Robillard and Strawser (2016).



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Suppose there is a young man entering into politics, at a time of crisis and turmoil. He is not a military man, though he has served in combat before as a despatch runner. No, he is a politician and an agitator, a fiend for finding what riles people up, and using that to advance his cause. Eventually he and his party secure power in the government (possibly through illegal means, but that is another matter), and subsequently consolidate and extend that power to the point of having established a supreme dictatorship. Under this man's leadership the military of his nation is made ready for war, and is summarily deployed to invade nearly every neighboring state. At the same time political dissidents and various other "undesirables" are rounded up by secret police and special military detachments, and then taken away to camps where they are to be treated as slaves or executed. To be sure there are many people responsible, and to varying degrees, but there is a single man who envisioned all of this, who planned to plunge his nation into an aggressive war, who adamantly sought the obliteration of entire peoples and ways of life, and who knew exactly what he was doing all the while.

The question then is whether it is morally acceptable to find and kill this man, to *assassinate* him? As he is a political leader and no military man, we cannot speak of targeted killing or the exigencies of war, it is assassination, pure and simple. To make the case more compelling, let us give this man a name, and his name is, as many may have already guessed, Adolf Hitler. Now, if the question is "Would it be moral to assassinate Hitler?", I assume the answer would be a resounding "yes", for almost any individual we might ask, and this would be the correct answer. This man is clearly guilty of a host of horrifying crimes, crimes beyond all imagining. He is far more guilty than the vast majority of German men and women who will be killed as a result of his actions and choices. And furthermore, his death alone will have a significant impact on the war and on the conditions inside Germany (with respect to those oppressed groups Hitler himself singled out), an impact that could never be achieved by the killing of any other German citizen. Given that he is, to a large extent, the one to blame for much of the bloodshed, and that he is at least *more* to blame than others, then we have some reason to target him. The fact that his death would make a greater impact than the death of any other makes certain that we *ought* to target him before targeting any other, and this despite the fact that it would clearly be an instance of assassination.

Now, this position includes a number of points worth highlighting. First, it is important to recognize that this can be justified on two independent

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deontic grounds. On the one hand, we may say that it is permissible (perhaps obligatory) to assassinate Hitler (or any other person in a relevantly similar situation) on grounds of retribution.<sup>25</sup> The basic idea is that because of what he has done, he *deserves to die*. Put differently, respect for the victims of his crimes and respect for the moral law demands retribution, otherwise injustice is allowed to go unpunished. Now, this position may seem a bit harsh, that a man may *deserve to die*, and I myself am inclined to reject such Draconian backward-looking principles. However, there is a separate deontic argument for the conclusion that assassination is permissible (perhaps obligatory) in these circumstances. The argument runs as follows: In order to prevent greater injustice and suffering we must resist the onslaught of this man's armies and in fact defeat him entirely. We can go about this by killing hundreds of thousands of his soldiers (and likely many civilians as well), or we can kill the man himself, cutting off the head, as it were. Since we must kill someone (that is the only way to prevent injustice), then we ought to kill the most guilty, and spare those who are most or more innocent. Thus, protecting the innocent demands assassination, as many Germans are innocent as well, even Germans fighting under Hitler's banner. At the very least, these Germans are more innocent than Hitler, so it is morally better to spare them. This second argument does not imply that we ought necessarily to kill Hitler, as we could spare him if circumstances allowed for his capture, but it does imply that he ought to be targeted first in any situation where there is some number of deaths to be distributed. Therefore, this principle shows more respect for the soldiers and civilians killed in war, by recognizing their level of innocence in the conflict, and allowing, in fact demanding, that the most guilty party be targeted first, even if that party is a civilian head of state.<sup>26</sup>

Second, not only does this principle show more respect for the innocent, it also shows more respect for the guilty who we kill. To see why this is so, consider a hypothetical assassination of Hitler, in which a small team of special forces are snuck into Berlin where they storm the building he lives in,

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<sup>25</sup>Retributivism is a rich theory with far too much literature for us to adequately cover or engage with here. For an introduction and ample list of further readings see Walen (2016).

<sup>26</sup>Obviously these arguments are rather simplistic versions of deontic notions that have a richly varied literature and understanding, but they will suffice for our purposes, and any detailed exploration of retributivism or the notion of moral (non)innocence will take us too far afield.

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killing a number of SS guards along the way, and ultimately shooting Hitler. Suppose also that those SS guards who are killed during the operation are some of the most devout Nazis, and have done a host of morally despicable things, making them nearly as guilty as Hitler himself (this is in fact why he trusts them so fully). Now, in such a hypothetical operation, the SS guards, while being nearly as bad as Hitler, are killed for no other reason than the pattern of the flag stitched onto their uniforms, and the fact that they are holding rifles. In a very real sense, they are simply in the wrong place at the wrong time, as they wouldn't be killed if they weren't guarding Hitler.

Given this, in such a situation we show more respect to Hitler than we do to his guards. The reason for this is because the guards are killed for no other reason than because they are “in the way”. We do not treat them as human beings worthy of respect, we treat them as objects impeding our progress, obstacles to be removed. Our interactions with Hitler's guards are no different than our interaction with the door to his bedroom which we kick down in order to get to him, and this is true for every soldier we kill in war. However, when we kill Hitler, we kill *him* specifically. He, as an individual human being, is sought out so that we may execute him, because of the things he has done and the things he will do in the future. We look on his individuality and agency and we respond to that and only that. Soldiers, civilians, and other victims of war die because of an accident of birth, because they found themselves living in a nation at war, a nation where it could be dangerous to step out of line. But when we assassinate a leader who is committed to aggressive war and crimes against humanity, we are killing *that leader* in virtue of what he or she has done. It matters not what flag flies behind them, or where they were born, or any other circumstances of luck; we kill them because of what they have done, and this pays heed to their individuality and moral worth (or lack thereof).<sup>27</sup>

Furthermore, the preceding discussion brings to light another point implicit in the principle above, that not only is assassination permissible in certain situations, it is morally preferable to actions which would involve the killing of any agents other than the leader, or more generally, the assassina-

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<sup>27</sup>One may (perhaps rightly) object that we cannot properly show *respect* when we take an individual's life, but we certainly show *more* respect to Hitler than we do to his guards, in virtue of not treating him as a mere obstacle to be removed or object to be done with as we see fit. In short, by treating him as a moral agent and not simply a thing, he is given more respect than his guards. Thanks to (*colleague*) for helping me to recognize these more subtle points.

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tion target.<sup>28</sup> This is because assassination shows more respect to all parties involved than war ever could, and responds to each individual in terms of that person's moral guilt or innocence, rather than simply treating everyone as either an impersonal dehumanized threat to be eliminated or potential obstacle that (unfortunately) must be removed.

Therefore, assassination is permissible on various deontic grounds, and provides the only solid method (other than pacifism) for ensuring that our actions do not harm innocent agents. More than this, assassination meets the pacifist objection head-on, providing a clear way for states to enforce rights internationally and punish those who would disrespect them or who would wage aggressive war. Assassination, due to its pin-point nature, also makes it possible for us to only harm those who we are certain are guilty, or at least more guilty, eliminating much of the moral hazard involved in killing during the "fog of war".<sup>29</sup> For all of these reasons, it should be clear that, at least on deontic grounds, assassination is not as morally problematic as some would have us believe, and is in fact far preferable to war.

## 4 Reducing the Bloodshed

One may grant all of the above arguments – assassination does allow us to only harm the guilty, it provides a method for enforcing rights and punishing aggressors without bringing about the deaths of innocents, and it shows more respect for all involved than war ever could – but still simply say "So what? Assassination, by its very intent, creates chaos and anarchy in a state by cutting off the head, and this can lead to just as much or more bloodshed than war. More than this, that which fills a power vacuum is seldom more pleasant than that which was removed in the first place, and often we accomplish nothing more than trading an evil we know and understand for one we do not, and this new evil is rarely one we can quickly or with any strong level of confidence contain or eliminate." At least, this is the objection that many

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<sup>28</sup>The more general claim is important to include as there may be cases where we may (or ought to) kill some prominent figure other than the actual leader, such as a propaganda minister or head of the secret police. This will especially be the case when prominent figures are acting without the consent or against the wishes of the actual government, but for some reason the government is incapable of reigning in these figures.

<sup>29</sup>This avoids the objection by some authors that assassination, in virtue of naming the target, demands a demonstration of moral guilt, which is purported to pose a problem. See, e.g. Gross (2004), pp. 105–7.

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might raise to assassination.

Now, it is important at the outset to point out that this objection does not technically undermine the argument here. The conclusion I am arguing for is modest, in that it merely challenges the blanket prohibition against assassination, maintaining that assassination can be permissible in some situations and that it is almost certainly permissible in any situation where war is permissible. I am not arguing that assassination is always a morally viable option, nor that it can be used for any goal a state might have. I am simply arguing that it is *possible* that assassination be morally right or morally allowable. Now, if we are focused on consequences, then this conclusion is clearly acceptable, as there are clearly possible scenarios where assassination would be best. Consider the assassination of Hitler, which would have removed one of the most virulent proponents of the “final solution”, thereby likely allowing for the saving of millions of lives. Or consider a case like that of Pol Pot and the Khmer Rouge, whose actions led to the deaths of between 1.5 and 3 million people (roughly 25% of the population of Cambodia at that time). Though many were responsible for the deaths attending the Khmer Rouge’s policies, Pol Pot strongly influenced the vision and implementation of a purely agrarian and absolutely self-sufficient society, and it is likely that his death alone would have prevented much suffering in the long run. Now, we may disagree about the details and counterfactual assessments in these particular examples, but it is still the case that it is *possible* for assassination to have a positive effect, and this alone makes the argument stand (with regard to consequential assessments).

However, though a blanket prohibition against assassination cannot be maintained on consequential grounds, it is still worth exploring when exactly assassination would be permissible or obligatory on grounds of consequentialism. Put differently, it is all well and good to say “It’s possible it would be best, so the prohibition does not stand.”, but this is not of much help unless we also say when it actually would be best. The arguments of this section will all be contingent and will also be somewhat speculative. However, they will delineate a clear set of scenarios in which assassination would (almost certainly)<sup>30</sup> be morally permissible, if not obligatory. It may also be useful to point out that the points developed in this section are not wholly independent of those made above, but rather complement them. Above it was

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<sup>30</sup>The qualifier is necessary, as there will always exist outlier cases that do not follow the general rule.

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argued that assassination is always morally superior (on deontic grounds) insofar as it spares the innocent, punishes the guilty, and shows more respect to all individuals. In this section we will explore when assassination is able to provide (morally) better results, irrespective of considerations of guilt and innocence, and by putting these two conclusions together, we arrive at a sure set of instances where assassination is permissible or obligatory, i.e. those cases where both sets of moral considerations point in favor of assassination.

The first and most clear case where assassination is likely to bring about positive results is in situations where there is some prominent figure (or small group of agents) that is central to the functioning or propagation of a harmful policy,<sup>31</sup> and where the elimination of that figure (or that small group of agents) alone would halt or mitigate the harmful practice. For example, there have been many situations throughout history where some small group of agents wrested control of government from the democratically elected leadership, and then, because they were a minority attempting to retain power, proceeded to “liquidate” many elements of the population that might threaten the usurper’s grasp over the nation. Such cases abounded throughout South and Central America during the years of the Cold War, when the United States assisted (or at least encouraged) a number of fascist groups to overthrow leftist democratically elected governments, and these fascist leaders then began decades-long policies of political suppression, violence, and state terror in order to prevent popular uprisings.<sup>32</sup> Now, given that these situations were ones where a *democratically elected* government was overthrown, it is a given that the majority of the population did not support the usurper’s regime. From this, we can further conclude that “cutting off the head” in such a situation would likely lead to a return to the democratic leadership and values that were present prior to the *coup d’état* (assuming that not all opposition or resistance leaders were killed in the in-

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<sup>31</sup> “Harmful policy” can include any governmental decision that is harmful to a group of individuals, but the amount of harm will have to be enough to justify the killing of individuals in order to prevent or mitigate that policy’s effects. I am not prepared to provide a precise schematic of exactly how much harm is necessary in order for assassination to be justified (nor am I convinced there exists such a clean-cut metric), but we can at least say that aggressive war and grave human rights violations on a large scale will provide sufficient reason to target those responsible. In order to make more fine-grained judgments, it will be necessary to explore the findings here alongside some more foundational moral and political theory.

<sup>32</sup>The most extensive and organized instantiation of this was through Operation Condor. For a careful and considered treatment of Operation Condor, see McSherry (2012).

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terim). Another type of case fitting under this general umbrella are those situations where some subset of the leadership is committed to harmful practices, but not everyone, and so elimination of that subset can suffice for ending the harmful policies. The examples of Hitler and Pol Pot fit this description well, and both are clear cases where assassination would have been permissible (if not obligatory).

The second main type of case where assassination may be permissible is when two political groups (usually the government and some opposition party) are severely at odds with each other and one or both are unwilling to compromise, leading to civil unrest, and in the worst cases, civil war. Now, civil war is a tricky situation at the best of times, and most would (rightly, I believe) argue for a “hands-off” approach, where the domestic groups are left to settle their disputes without extensive outside pressure.<sup>33</sup> However, there are cases where the unrest is solely due to the intractability of a small group of agents, and where the general population who bears the brunt of the violence is willing to compromise for the sake of peace and stability. In such instances, it is, on consequential grounds, permissible to eliminate those intractable parties in order to facilitate the peace process and end the fighting. Thus, if a region is suffering under civil war or other violent civil unrest and the cause of that unrest is the unwillingness of one or more parties to offer any concessions or compromises for the sake of peace, then assassination can be permissible. Importantly, assassination will not automatically be permissible in these circumstances, as civil uprisings are generally complicated and messy affairs, making it possible for assassination to fuel the violence by adding one more grievance that may motivate further fighting. However, if the fighting continues solely because some small group will not entertain anything less than “total victory”, then that group’s elimination is permitted for the sake of stemming the bloodshed.

The third type of case where assassination may be permissible on consequential grounds is when there exists a sufficient just cause for war, and all other options short of war have been tried already. Put differently, if it would be moral to wage a war in some situation and all standard options short of war have been tried already (e.g. diplomatic pressure, economic or other sanctions, embargoes, small-scale military operations, etc.) then assas-

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<sup>33</sup>Some outside pressure is inevitable, and arguably also helpful, as it may lead the parties to accept a solution that is less than satisfactory from their own group’s perspective, but which ultimately ends the violence.

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sination will be permissible. The reason assassination will be permissible in these cases is because war is such an astoundingly destructive and morally costly enterprise, and any option that might avert war ought to be tried first. Since assassination might be able to prevent war, and since war will inevitably result in far more innocent deaths than an assassination would (even if we suppose that those who are assassinated are properly innocent, which is unlikely), then we ought to try that option first. In fact, not only will assassination be a better option than war, but it will sometimes be an even better (morally speaking) option than sanctions, embargoes, or other non-military operations. This is because these measures short of war, while imposing less harm than war, impose harm on *an entire population*. Since there are many situations where only a portion of the population, or even only a small portion of the government, are responsible for aggressive war or other grievous breaches of humanitarian law, a tactic which actively targets the whole population (sanctions and embargoes do just that) will be harder to morally justify than one which only targets the source(s) of aggression and injustice. Therefore, assassination, in virtue of its pinpoint nature, can be a morally better option than some policies which aim to avoid deaths altogether. At any rate, assassination will always be a morally better alternative than war.

One point worth noting about the above three types of cases is that they are all ones in which assassination is argued to be a morally viable option because it can *prevent war* or *prevent aggression and grave breaches of humanitarian law*. However, assassination can also be justified as a tactic within war or as a prelude to war. Take case three again, where we have a moral justification for waging war, but will first assassinate the other state's leader in an attempt to avert war altogether. To make this more tractable, let us imagine a case with a concrete justification for war, namely that the offending state is carrying out a policy of genocide, incited by the state's top leadership, and which we hope to stop as soon as possible. So, we first kill their leader, hoping that this will end the genocide. Unfortunately, the killing continues, being carried out by lower members of the government and military. This means that in order to halt the genocide we will have to invade after all. However, notice that now we will be invading a state without a head, without a fully functioning government, and this can make the takeover an easier affair. Of course there will likely be guerrilla fighters who continue on without the government's leadership, but without a central authority guiding them the main military force will be much easier to isolate



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and defeat. Also, as the military detachments being engaged will be smaller, it will be possible to impress them to surrender more easily, providing a real method for reducing casualties all around. Therefore, even if assassinating the leader (or top levels of government) does not suffice for preventing the need for war, it will at least make war less morally costly of an enterprise.

One might object here that if the government and military are still carrying out the genocidal project, then this likely indicates either that a new leader has emerged or that there is broad support for the program. Now, if it is the former, then the same reasoning above holds: assassinate the leader, and if the killing continues, invade, fighting a military and government which is slightly less well organized. If it is the latter, then the immediate killings will still continue unabated, but the lack of central military and civil leadership means that defeating the state and occupying it will be possible in a shorter time and with less bloodshed, and this in turn will allow the occupying forces to more quickly establish law and order in the state and stop the genocide. Therefore, whether the crimes are committed directly by the state and its leaders or by local militias and gangs, by first eliminating the leadership, military victory and subsequent occupation will be made less morally costly<sup>34</sup> and more rapid, allowing for a more effective halting of the genocide. As such, assassination can be justified on consequential grounds both because it can prevent war or grievous rights violations, and because it can make war a less morally costly, more effective enterprise, with fewer casualties all around.

## 5 Punishment and Deterrence

So far we have seen some principled defenses of assassination, as well as an enumeration of some of the situations where assassination would likely be able to bring about better consequences than war or other diplomatic, economic, and military means. In this section, we will examine a third defense of assassination which makes use of both deontic and consequential lines of reasoning, namely assassination as both punishment and deterrence.

One of the fatal flaws of war as a policy tool is that it so rarely causes

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<sup>34</sup>By less “morally costly”, what is meant is that there will be less expenditure of morally relevant goods. This will include most obviously lives and amount of harm or suffering, but will also encompass things like infrastructure, economic goods, and even diplomatic and political capital, as these can all have an impact on the lives and well-being of individuals.

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any real harm to those who foment wars or push their nations to commit horrible crimes. This is not to say that everyday citizens do not have their own share of the blame, but rather to point out that more often than not, those citizens would be going about their everyday lives were it not for propaganda machines, government actions, and tyrannical leaders inciting them to violence. And in most cases, when all is said and done and the leader has finally been driven out of power, he usually ends up whiling away the rest of his years in some penthouse apartment overlooking the sea, protected by a host of soldiers and guards provided by some friendly tyrant. Rarely are there Nuremberg trials, hunts for the guilty, or punishment afterwards, with the majority of deposed tyrants and war criminals living to ripe old ages in the sort of luxury customary for princes and kings. For example, after being deposed the former “president” and dictator of Uganda, Idi Amin, whose regime was responsible for between 300,000 and 500,000 deaths, continued living in peace and luxury, first in Libya and then Saudi Arabia, for a time occupying the top two floors of a hotel in Jeddah and in fact being paid a generous stipend in return for which he agreed to stay out of politics. Eventually he died in his late seventies from kidney failure, without once having answered for his crimes or having paid any price for the lives he took or the pain he caused.

Now, I assume that such a story will have filled most readers with at least a thin stream of righteous anger at such injustice. To think that a man who committed such evil and did so many horrifying things could not only walk away unscathed but in fact live a long and happy life, a life full of plenty while innocents around the world starved, is unthinkable. It is not just that by failing to assassinate him we allowed more innocents to die. It is not just that by waging a war to depose him innocents were killed while he walked free.<sup>35</sup> It is that by failing to kill him, either during or after his reign, we showed that one can commit all manner of harmful, illegal, internationally condemned acts and get away scot-free. We showed that crimes can go unpunished as long as they are terrible enough. And we showed that if someone can demonstrate just how dangerous they can be, then we might even pay them to stop and stay at home. In short, we made tyranny and oppression into a business, one which pays well and offers great benefits.

This is the third reason why assassination is permissible, why in some

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<sup>35</sup>Amin was finally removed from power as a result of the Uganda-Tanzania War, which caused roughly 2,000 combatant and 2,000 civilian casualties in total.

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cases it is obligatory; the guilty ought to be punished, both for the sake of their victims and in order to deter future criminality. This claim involves two separate arguments, that we ought to punish because of the crimes that were committed (retrospective justification) and that we ought to punish to deter future wrongdoing (prospective justification). Much of the former argument has been covered in section 3 above, and for the sake of brevity I will not rehash it all here. Let us then turn to the latter argument and examine assassination as a deterrent.

One of the most instructive cases we could examine here is the ongoing Syrian Civil War, which at the time of writing this is in its eighth year now and has claimed over 400,000 lives, roughly 100,000 of whom were civilians. In addition, it has displaced an estimated 6.6 million people internally, and created over 5.6 million refugees.<sup>36</sup> Obviously, as a civil war there are many who we might hold accountable for these outcomes, many who we might blame, but while virtually all parties to the conflict have violated human rights and utilized tactics and armaments that are internationally banned, the majority of crimes rest with the Syrian government and its forces.<sup>37</sup> One of the most widely reported and condemned actions of the Syrian government was the Khan Shaykhun chemical attack of April 4, 2017, which killed 70-100 civilians, injuring hundreds more.<sup>3839</sup> In the wake of the attack U.S. Secretary of State Rex Tillerson stated that “[i]t is clear that this is how Bashar al-Assad operates: with brutal, unabashed barbarism”, concluding that “[a]nyone who uses chemical weapons to attack his own people shows a fundamental disregard for human decency and must be held accountable.”<sup>40</sup> Three days after the Khan Shaykhun attack the U.S. attempted to follow through with that threat and “hold al-Assad accountable”, resulting in the launching of 59 tomahawk cruise missiles targeting the air base from which

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<sup>36</sup>All documentation and estimates can be found at [amnesty.org/en/countries/middle-east-and-north-africa/syria](http://amnesty.org/en/countries/middle-east-and-north-africa/syria) and [unhcr.org/syria-emergency](http://unhcr.org/syria-emergency). Estimates were retrieved on June 20, 2018.

<sup>37</sup>See, e.g. [www.amnesty.org/en/latest/news/](http://www.amnesty.org/en/latest/news/) for an up to date accounting of the various crimes committed by the Syrian government. See also United Nations (2014).

<sup>38</sup>This is by no means the most significant nor most deadly attack, but it drew special attention as it involved the intentional use of chemical weapons against civilians, violating numerous international treaties and laws.

<sup>39</sup>Both the Syrian and Russian governments deny that chemical weapons were used in the attack, but the UN and Human Rights Watch, as well as numerous other parties involved in the conflict have attributed the chemical strike to Syrian government forces.

<sup>40</sup>See [www.state.gov/secretary/remarks/2017/04/269460.htm](http://www.state.gov/secretary/remarks/2017/04/269460.htm).

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the chemical attack was believed to have originated. The U.S. missile strike killed 7-9 soldiers and possibly 9 civilians as well,<sup>41</sup> but failed to significantly impact the combat effectiveness of the Syrian air forces, or to reduce their capability to launch more chemical weapons. More than this, even had the attack succeeded in both of these goals, it is utterly unclear how this could be seen as “holding al-Assad accountable”. He would still be the president of Syria, still command a significant and powerful military in the region, still be willing to imprison, torture, and kill civilians as well as utilize chemical weapons against his own population. In short, he would be out one airbase, some aircraft, and a chemical weapons stockpile, and that would be it, but there is no indication that this would “teach him a lesson” or lead to any different behavior on his part. The simple fact is that “[t]he warring parties do not fear being held accountable for their acts”,<sup>42</sup> and a limited missile strike to an airbase will not change that.

But why do the parties have no fear of being held accountable? The simple answer is that tribunals and punishments will likely only be handed out after the conflict has ended, and then the victor will be the one determining who is brought to the stand. Given this, it is in each party’s interest to do whatever is necessary to win, otherwise they will certainly be brought to trial afterward and likely executed. Winning therefore provides a double advantage, by allowing the victors to avoid prosecution for their own crimes while simultaneously providing a platform for them to punish their former adversaries and consolidate power. This perversely incentivizes the commission of any atrocity and the breaching of any law or custom if that might improve the chances of victory. Moreover, as the U.S. “retaliation” exemplifies, breaches of law and treaty will almost never be met with punishment of the actual leader of the state or those responsible for criminal behavior, but rather with punishment of the state’s military and infrastructure, a threat that is without any strength or deterrent force for a leader who has by his own campaigns devastated his nation and population. And as the case of Idi Amin above shows, it is all too easy for a tyrant, once deposed, to find sanctuary and protection when the fighting stops, and never be made to answer for the crimes that were committed. These two facts, that winning by any cost lowers the chances of punishment, and that punishment can be avoided

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<sup>41</sup>The Syrian government maintains that 7 soldiers and 9 civilians were killed, while the U.S. claims to have killed 9 soldiers without any collateral damage to civilians.

<sup>42</sup>United Nations (2014), p. 1.

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even in the case of defeat, conspire to make leaders and opposition groups unlikely (or at least less likely) to abide by the rules, be they moral, legal, or otherwise, if those rules pose any disadvantage during the fighting.

Assassination as a form of punishment can remedy this in two distinct ways. First, by putting a price on the head of a leader as soon as he or she breaches the accepted rules of war, it becomes possible to make the costs of “brutal, unabashed barbarism” fall on those who actually endorse and command the use of such tactics, rather than on the soldiers and civilians who would likely be somewhere else if given the chance. Moreover, assassination also makes clear that there will be consequences for such acts, and consequences which cannot be pushed onto others or negotiated during some arduous treaty process or post-conflict resolution. Instead, the use of chemical weapons, the targeting of civilians, or other grave breaches of the laws of war and humanity will be responded to in one way: painting a target on the leader’s chest. By forsaking the rules of war and the laws of humanity, a leader makes him- or herself an outlaw of humanity, and will be hunted down as an outlaw and given the amount of justice that a smoking barrel can provide.

Second, assassination is a form of punishment that can be meted out any time so long as the leader still lives, and ought to be utilized with that in mind. Thus, when Idi Amin fled Uganda, receiving sanctuary in Libya and then Saudi Arabia, he ought to have been pursued to those lands. He ought to have been hunted down and killed for his crimes.<sup>43</sup> This may seem like a harsh, perhaps unnecessary judgment, since he was no longer a threat to the people of Uganda, or to any other nation for that matter. However, by allowing him to escape into a life of luxury without demanding that he pay any costs for his crimes, it became apparent that such crimes could be committed with impunity. In a world where atrocities abound and tyrants crop up in nations around the globe, such impunity cannot be allowed, for it is the very reason why leaders like al-Assad “do not fear being held accountable for their acts”, because as things are now, the chances are good that he himself will never be made to suffer for those atrocities.

Thus, assassination would provide a double-deterrent for those who might commit acts of aggression or grave human rights violations, for it would im-

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<sup>43</sup>This is too quick, in that capturing and trying him is preferable to execution. However, in the event that capture will plausibly result in the death of any other individual, friendly or enemy, it is preferable to kill him because of his guilt.

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mediately make them, as individuals, targets of violence, rather than merely making their militaries or states targets of violence, and it would also make them enduring targets of violence. It may be the case that a tyrant is willing to carry an increased risk of death in order to remain in power, but there are few who would be willing to live under the constant and real threat of assassination if that threat were one being made by a credible adversary. Put differently, if the U.S. response to the Khan Shaykhun chemical attack had been to fire 59 tomahawk cruise missiles at Bashar al-Assad's motorcade, killing him in punishment for that breach of international law, there are few fighters or leaders in the Syrian Civil War who would willingly use chemical weapons in the future. And if that threat of death persisted until the leader was finally killed, then the deterrent effect would be that much more pronounced.

Before moving on, it may be useful to motivate these last few claims, as I am sure there are many who will have found them excessively violent or antagonistic. So let me paint a picture. Suppose you have woken up early to go to work. You are walking through the still darkened streets when a rocket strikes the ground ahead of you. You have been living for years in a war-torn state, and know to leap backwards onto the ground and cover your head. To your mild surprise and immediate joy the rocket seems to have been a dud, having only resulted in a weak blast with little damage to anything around it. Counting your blessings you continue towards work, but rapidly find it difficult to breathe. Your heart slows as your chest tightens, and you feel your limbs becoming cold. You panic, drawing short ragged breaths, trying to force air into your lungs, but you are only pushing the poison further into your system. Unable to breathe, to think, you collapse onto the ground, small spasms contorting your body, and the last thing you see are the contrails overhead as the bombers slip away back to their government base.

Now suppose that it is not you on the ground dying, gasping for breath while your life ebbs away, but rather your husband, your wife, your children who you were taking to school. This was the situation for too many people on the morning of April 4<sup>th</sup>, 2017, ordinary people going about their lives who were targeted by a government and leader who would view them as, at best, pawns on a chess board. And in reprisal for such horror, for such barbarism, we take the lives of his soldiers while he sits in a palace sipping the finest of wines and poring over strategy maps and diplomatic communiques. That is simply wrong, and Rex Tillerson was right in saying that such "brutal

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unabashed barbarism... shows a fundamental disregard for human decency and must be held accountable”. But we must always be certain that we are holding the guilty accountable, and not their thugs or pawns, not their soldiers who are only partially responsible or their citizens who are the real victims anyway. Killing is a horrific act that is only justified in the gravest of cases, and we must be certain that when we kill we are only killing those who have committed crimes for which they must answer.

To use the words of Thomas More, moral individuals will consider assassination both “wise, since it enables them to win tremendous wars without fighting any actual battles, and also merciful and humane, since it enables them, by the sacrifice of a few guilty men, to spare the lives of many innocent persons who would have died in the fighting, some on their side, some on the enemy’s.” More than this though, “they [the moral individuals] pity the mass of the enemy’s soldiers almost as much as their own citizens, for they know common people do not go to war of their own accord, but are driven to it by the madness of princes”, and this is precisely why morality demands that we target the leaders of a state before we begin visiting violence and devastation on the common people who would not be at war were it not for their leaders’ actions.<sup>44</sup>

## 6 Objections

Before concluding it will be useful to address a few lingering objections to the practice of assassination. The first objection that one may still raise is that assassination invariably involves perfidy and treachery, which is illegal under international law<sup>45</sup> and may harm the trust needed to end conflicts and return parties to a state of peace thereafter.<sup>46</sup> However, this objection is without any real bite in the modern era. It may be true that earlier instances of assassination necessarily, or at least often, involved close confidants betraying their superiors’ trust, or relied on information provided by a disgruntled

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<sup>44</sup>More (2016), p. 92.

<sup>45</sup>Article 37 of the Additional Protocol I to the Geneva conventions does not place an explicit ban on assassination, but does outlaw any “resort to perfidy”, or “[a]cts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence”. If assassination involves such perfidy, then it would be illegal under international law. See Roberts and Guelff (2004), p. 442.

<sup>46</sup>Michael Gross repeatedly makes this argument in his works opposing assassination.

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populace, thereby undermining the bonds of international trust or putting more innocents in harm's way, but this is simply not the case in an age when satellite communications can locate a target on the other side of the world and precision missiles can be fired from thousands of miles away. Even more straightforwardly, it is all too simple for any advanced nation to covertly insert a handful of trained operatives into a state for the purpose of conducting an assassination, without once relying on informant information or the customary rules of war to cover their actions. Returning to the example of al-Assad discussed above, it is simply implausible to maintain that were the U.S. cruise missiles to have been fired at the presidential motorcade instead of an airfield, this would somehow have constituted an act of perfidy. The United States loudly condemned al-Assad's regime on a number of occasions, explicitly stating that the use of chemical weapons against civilians would not be tolerated, and following through with that threat poses no special risk to international bonds of trust or the ability of nations to return to a state of peace. In fact, by demonstrating that leaders who blatantly violate international laws and norms will not be allowed to do so without consequence, those very bonds of trust that underpin organizations like the UN can be further strengthened, in virtue of demonstrating one's commitment to rights, international law, and the sanctity of human life. In short, the objection from perfidy can, at most, show that *certain methods* of assassination are problematic, but not that assassination itself is.

A second objection one may raise is that assassination takes away a rather crucial "out" for tyrants, forcing them to fight to their last breath. Put differently, it has been common to try to induce tyrants or war criminals to relinquish power or halt their criminal behaviors in return for amnesty and safe passage to some friendly territory (sometimes referred to as the "golden parachute" strategy), and assassination may undermine or eliminate the efficacy of this option. Now, the first point worth noticing is that the golden parachute strategy is itself flawed in serious respects. It utterly fails to provide any form of justice for the guilty or restitution for his or her victims, relying entirely on a rather naïve utilitarian calculation of costs and benefits. Second, it may provide a solution in some particular cases, but as a broad strategy it serves only to incentivize aggression and war crimes, by showing that if one is a sufficiently dangerous and oppressive leader then one can "get a pass" when all is said and done. Third, the golden parachute method provides no guarantee that the leader, once gone, will not return and incite or cause more violence in the future, and it is foolish, to say the least, to



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trust in the honor of tyrants. And even were this strategy independently meritorious, there is no reason why assassination would directly impact it anyway. We can fire missiles at the presidential motorcade, send in sniper teams to shoot the dictator where he stands, or scramble fighters to down his plane, and still offer amnesty and a pension if the tyrant is so crafty that all of these methods somehow fail. Assassination, far from taking options off the table, increases the number of tools and methods at our disposal for preventing, punishing, and deterring violence and war crimes.

The final and most pressing objection one may have is that assassination may lead to an even worse situation than the one we start with, in extreme cases resulting in a descending circle of violence and reprisal. Thus, by removing one leader we may create a power vacuum that is filled by a worse leader or organization (the removal of Saddam Hussein and subsequent spread of ISIS may be seen as such a situation), or it may lead to acts of revenge by the targeted group which is then responded to violently, resulting in further revenge killings, and so on (Israel's targeted killing of Palestinian militants often led to waves of terror attacks in vengeance, demonstrating that at least in the short run, assassination may lead to increased violence).<sup>47</sup>

Now, this objection is a serious one, and one which cannot be dealt with in as straightforward a fashion as those above, because it will always be the case that the killing of the leader may worsen matters rather than improve them. However, the same is true of any enterprise, war included. We simply cannot know with certainty that such and such a course of action will definitely lead to *this* particular outcome. The best we can hope for is to limit the probability of the conflict spreading and increase the probability of a rapid and peaceful resolution. This, however, will never amount to a guarantee that things will not spiral out of control, and is something we must learn to live with if we desire to act in the international arena. Moreover, assassination has in its favor that the initial act only involves the death of one (or at most, a few) individuals, meaning that if it does lead to a worse situation, at least few individuals will have been killed at the outset. War, on the other hand, inevitably involves far more casualties, and since it also may have unintended consequences (as the U.S. invasion of Iraq has had), this makes it a harder act to justify. This does not mean that assassination is necessarily justified, but it does mean that if war is justified, so is assassination, because it lowers the number of lives we expect will be lost.

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<sup>47</sup>See David (2003).

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Finally, if assassination is used in the manner which has been argued for in this paper, as a means to punish breaches of international law and grave violations of human rights, as well as deter future instances of these crimes, then such degenerate situations will be extraordinarily rare, being only possible when one faces the most radical and suicidal of leaders or groups. The reason for this is because if the assassination of some leader is justified, and a worse leader then emerges, then the assassination of the new leader will by default also be justified, given that he or she is worse than the one who was just killed. Therefore, we ought then to assassinate this new leader, and if the replacement for this leader is even worse, then assassinate him or her as well, and so on. At some point (I would wager after only one or two assassinations) that newest leader taking charge will opt for a leadership style that does not automatically make him or her a “dead (wo)man walking”, which means that he or she will stop the criminal practices that justified assassination in that first instance. Put shortly, by killing those who order or allow grave breaches of international law, and stating explicitly why the assassination took place (because the leader allowed or ordered the grave breaching of international law), it becomes possible to reign in situations where all sides have forsaken law and civility in conflict, and reinstate the principles of international justice and peace that we so hope to establish throughout the globe.

## 7 Conclusion

In conclusion, within the confines of standard international law and common-sense morality, where wars can be justified and violence is not absolutely prohibited, there is no principled objection to assassination that stands up to scrutiny. There may be principled limitations to assassination, rules and worries that limit when it may be used and what means may be employed, but the practice itself cannot be unequivocally banned unless we ban all use of force. Simply put, if soldiers may be targeted, many of whom are innocent to one degree or another, and civilians may be killed incidentally, then there is no reason why the leaders of a state must be off limits simply because they are politicians. When a tyrant orders his soldiers, on threat of death, to round up and exterminate some “undesirable” group, then that tyrant becomes a legitimate target of violence, whether or not he wears a uniform. And if that tyrant is certain to have committed such grave crimes then his

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life becomes forfeit, not just because of what he as an individual has done, but in order to show that aggression and disrespect for human life and human rights will not be tolerated, to deter future violations, and to strengthen the norms of humanity that we, through organizations like the UN, hope to see thrive in the world. This does not mean the leader must necessarily die, as it is still preferable to capture and try the individual if this is possible, but if an extraction mission will result in more deaths (soldier or civilian) than an assassination, then we ought to spare those other lives and shoot to kill.

Assassination, as a tool of international peacekeeping and justice, is justified on both deontic and consequential grounds, in that it provides one of the only methods for punishing the guilty and protecting the innocent which does not simultaneously put other, perhaps more innocents in harm's way (as war, sanctions, and embargoes do), and because it provides a method which may be able to prevent the need for war or at least make war a less morally costly enterprise. Importantly though, assassination is only morally acceptable so long as it is used to uphold international law and norms (i.e. it only targets those guilty of waging aggressive war or committing grave violations of human rights), and cannot be used simply as a general policy tool or method for eliminating political opponents. Thus, ideological, religious, or political disagreements do not justify the assassination of leaders, but war crimes, aggressive military adventures, and crimes against humanity do. If a norm of assassination were adopted, limited in its use to only those cases where an individual's actions are clearly "beyond the pale", this would go a long way to strengthening international law by forcefully demonstrating that offenders will pay the dearest of costs, and making certain that no criminal or would-be tyrant may escape justice. Though there is still much work to be done concerning assassination, including a great deal of empirical research and exploration, it is my hope that the arguments presented here will help to lift the stigma associated with the practice.

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