

## ASSASSINATION AND TYRANNICIDE\*

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Political assassination is a very old and widespread social phenomenon. In recent decades it seem to have increased; the daily newspaper documents frequent new cases occurring throughout the world. In this article I will try to characterize this phenomenon by distinguishing it from other similar phenomena and to provide some consideration as to its possible moral justification.

In recent literature on the subject,<sup>1</sup> several definitions of political assassination have been offered; almost all of them coincide in holding that it is an act by which a political figure is killed for political reasons and in an illegal way, its being an intentional act being deemed obvious, since otherwise it would not be a case of assassination. These definitions speak of a political figure rather than of a ruler because the former includes cases in which the victim is a possible ruler (candidate) or someone who is no longer a ruler but who retains political power. The inclusion of political considerations in the definition rules out all murders committed for personal or religious motives. Finally, the feature of illegality is necessary because in its absence the act would be a mere legal execution ordered by a competent authority.

These features must be commented on in some detail in

\* This article has profited immensely by a frontal attack made by Mark de Breton Platts to the first version.

<sup>1</sup> See the collection of essays *Assassination*, edited by Harold M. Zellner, Schenkman, Massachusetts, 1974, which contains articles by J. Rachels, A. Danto, Kai Nielsen, H. N. Castañeda, and others. My review of this book can be found in *Crítica*, vol. x, No. 30, Dec. 1978, pp. 89-93.

order to facilitate the distinction of different types of political assassination from other similar phenomena. In the first place, according to the status of the victim, it is possible to speak of regicide in the case of a king and of a tyrannicide in the case of tyrant. The latter, for reasons that will be stated later, will receive a more careful examination. The feature of illegality poses at least two problems. The first is the very familiar case of pseudo legal processes by means of which a government eliminates its opponents. Without entering into further detail, it can be pointed out that if certain essential legal formalities are not present, the so-called "executions" are no more than vulgar murders covered with spurious legal trappings. The second problem is that of so called diplomatic assassinations. Governments have traditionally used this method to rid themselves of foreign opponents.<sup>2</sup> It may very well be the case that the action is perfectly legal, under the legal system in which that act is ordered, but that it is not so under the legal system in which the action is executed, normally the victim's country.

Our picture also allows us to differentiate assassination from other political phenomena closely related to it, in particular terrorism, revolution and war. The most obvious difference is perhaps the number of victims, due to the systematic character of these other kinds of actions. In terrorism there is also illegality, but the victims are not always political figures; when they are, however, it is the systematic nature of the act which turns it into terrorism. It is often believed that to kill persons, not themselves politically important, could be politically relevant, either for what these people represent or simply because this act creates an atmosphere

<sup>2</sup> To give only one recent example we can quote journalist Daniel Schorr, who asserts that since 1960 the CIA has been involved, to varying extents, in at least 8 plots against foreign leaders (Lumumba, Trujillo, Ngo Dinh Diem, general René Schneider, Salvador Allende, F. Duvalier, Sukarno and, above all, Fidel Castro). Although none was assassinated directly by this agency, Schorr says that it was not "for want of trying". (*The New York Review of Books*, 13 October, 1977, pp. 14-22.) This does not mean that other countries have not attempted the same thing; what we lack is information about this sort of actions.

considered to be politically convenient. Revolution is also the cause of the death of many human beings with the immediate purpose of transforming the social structures within a country. Normally, at the beginning it is an illegal action, but its success would assure it immediate legitimation. In revolutions the victims are not, in the majority, politically important individuals, even though they are fellow countrymen. In war, when it is of an international nature, homicidal actions are directed against soldiers and the inhabitants of other countries. It is of course possible to distinguish here between a war which is legal and one which is illegal, and between a just war and an unjust one. Their political character is obvious if we remember von Clausewitz's famous expression: "War is nothing but the continuation of political intercourse with the admixture of different means."

In brief, political assassination is a murder because it is the illegal action of taking an individual's life; and it is political both because of the reasons that lead to it and of the character of the victim. Although I have been using the word "political" without further analysis, it has now to be said that, like many other words, this cannot be defined by giving necessary and sufficient conditions. I will go on to use it in the rough sense that an act is "political" when it has as its direct purpose the acquisition, extension or retaining of political power.

It is indisputable that actions which deliberately cause the death of a human being are in need of justification if they are not to be condemned, and that such justification enables us not only to evaluate our conduct but also to guide it. In all the phenomena we have discussed, the intentional killing of one or more human beings is brought about, and therefore it is possible, at least in theory, to raise the question of the justification of this killing. This is certainly part of a more general moral problem: the use of violence and its justification. In this article, my attention is directed to the case of tyrannicide for various reasons. It seems, *prima facie*, to be a more plausible case for justification than other

types of political assassination. It has also been the subject of an old and honorable tradition of philosophical discussion.<sup>3</sup> Finally, it adapts itself to the justification model I plan to use.

What is it, exactly, to “justify an action”? It is not always clear, among those who have dealt with the justification of political assassination, whether the justified action is good and praiseworthy or morally neutral, or if justification is similar to the giving of an excuse or to the attitude implied in the casting of the first stone. For a long time philosophers have drawn attention to the connection existing between justification and explanation; thus, when they accept the nomological-deductive model for the second, they hold that the right procedure for the first is to look for the rules under which it will be possible to subsume the act. In the case of moral justification it is also assumed that morality consists only or predominantly of a system of rules, norms or principles. An action, therefore, which was originally prohibited will be justified if one is able to point out the circumstances that enable its deduction from a more specific rule that permits, or even enjoins, it.

One tradition in legal philosophy has held that these procedures belong to the natural sciences, and that the appropriate method for legal problems is a topic—or problem—oriented one. This doctrine is attributed to Aristotle, Cicero and Vico among others.<sup>4</sup> I do not intend to discuss such matters, but it seems that if moral philosophers abandon the idea that morality consists almost exclusively of rules, they have to look for another model of justification. Without taking sides in this controversy, I will present some reflections and arguments about the justification of tyrannicide. First, there will be a characterization both of the

<sup>3</sup> For an historical account of the doctrine of tyrannicide and of the arguments in favor and against its justification, see the excellent book, *Against the Tyrant. The Tradition and Theory of Tyrannicide*, by Oscar Jászi and John B. Lewis (The Free Press, Glencoe, Illinois, 1957). I have used this account throughout my article.

<sup>4</sup> See Theodor Viehweg, *Topik und Jurisprudenz*, München, 1953.

assassin and of his victim, placing special emphasis on the moral psychology of the former. As regards justification, an analysis of traditional arguments will be presented. The possibility of constructing a justification based on principles and rules is something that will be left open.

In what follows, rather than defining tyranny I will give a characterization of the tyrant, emphasizing moral features of him and his situation since, as has been said, tyrannicide is a moral rather than a political concept.<sup>5</sup> Traditional thought distinguished between the tyrant who had no legitimate title (*ex defectu tituli*) and the tyrant whose government is directed to his own profit and not to the common good (*ex parte exercitii*).<sup>6</sup> It is the latter kind of case which will be of interest for us, since a *de facto* ruler would probably reach legitimacy through a right exercise of his power; besides which, in a case of good government it is very difficult to justify tyrannicide. In the second kind of tyranny this ignorance of the common good is accompanied by a radical negation of human rights, in particular freedom of speech and of assembly, which make the expression of different ideas and the organization of popular forces almost impossible. At the same time the legal resources that combat those evils are also non-existent. From a legal point of view this is a personal government without legal limits. Its support comes from a military, bureaucratic and police class which practices techniques such as risky diplomatic adventures and wars of conquest; the construction of sumptuous public works (Aristotle speaks of the Egyptian pyramids) and espionage, torture and terror against dissidents. The tyrant needs these methods because force and deceit are not enough. At the same time the groups that support him receive in return lavish rewards which permit them a life of luxury and ostentation. Although all this makes ty-

<sup>5</sup> *Op. cit.* in note 3, p. 89.

<sup>6</sup> For a characterization of Tyrants and Tyranny see: Aristotle, *Politics*, V, 8, 1311a; V, 9, 1313 a and b; and also Plato, *The Republic*, Books VIII and IX.

rants very similar to dictators, above all in that each constitutes a personal government without legal limits, the tyrant is a cruel and evil man whose government is based on moral corruption (fear, deceit, bribery and crime) and lacks moral content.<sup>7</sup> If one wanted to look for a typical incarnation there is no doubt that Hitler would be one of the most viable candidates.

Strictly speaking, although in somewhat archaic English, anyone who kills a tyrant is a tyrannicide. The picture I propose to build is that of the tyrannicide as a political assassin who seems *prima facie* morally justified. Since classic times it was said that they deserved honors<sup>8</sup> and they were considered as honorable citizens, performers of a "remarkable act of virtue" (Plutarch) with which they nobly protected the community's values, those values accepted by the majority, particularly liberty. It was then considered that they acted on behalf and in favor of a community with whose sufferings, traditions and culture they were familiar. By desiring the common good, especially the restoration of values attacked by the tyrant, in the tyrannicide ambition, revenge, rancor and other personal motives cannot be dominant. Since he is aware of the considerable possibility of his dying, he must also be courageous, having, in this sense, the conviction of a martyr.<sup>9</sup>

On the other hand he faces a moral dilemma: he knows that he should not kill, that it is a bad action; but he also knows that the liberation of the community and the preservation of other moral and non-moral values is perhaps in his hands. He knows also that he is not only risking his life,

<sup>7</sup> *Op. cit.* in note 3, p. 209.

<sup>8</sup> Harmodius and Aristogeiton were honored in Athens for attempting to assassinate the tyrants Hipparchus and Hippias in 514 B.C. Also remember the case of Brutus, Caesar's murderer.

<sup>9</sup> In this respect we can recall Mazzini's words to Antonio Gallenga, who had confided to him his resolution to assassinate Carlo Alberto, King of Piedmont: "... that in order to assume a mission of retaliation he should feel himself clean of any sense of cheap vengeance... that he should feel himself capable, after having fulfilled his fate, of folding his hands on his breast and surrendering himself as a victim..." See *op. cit.* in note 3, chapter xi.

but those of other people in case of a failure. Even if he succeeds and survives he will feel *remorse*, not only in the sense that “it would have been much better if everything had been different and I never found myself in that situation”, that is, not only because of the context in which his action was the best option, but in a more direct sense. To take a man’s life —whatever the worth of the man— is always a horrible act. The feelings of a morally good man in this situation should be pain about the action he had to do. Without this kind of remorse it is very difficult to justify his behaviour. It is clear, however, that this does not imply *regret*, the desire to have acted otherwise.<sup>10</sup>

It has been said that in these circumstances a person cannot disregard his conscience. Conscience is not only the intelligence necessary to calculate the consequences (as opposed to “unconscious”), it is also the shared moral knowledge mentioned by Walzer.<sup>11</sup> However, in the depths of our souls we find Socrates’ demon, Gandhi’s inner voice, whose sources are also feelings and emotions: compassion, sympathy, love. In this moral phenomenon, to which not much attention has been directed, serious dangers are encountered: rationalizations favoring unconscious motives, illusion and in one word, self-deception. This distortion of conscience is above all clear in the case of a fanatic.

The history of moral philosophy presents numerous cases of attempted defenses of tyrannicide. The first systematic arguments are due to scholastic thought (Aquinas, Gerson, Suárez and above all Mariana). There are also very well known writings from sixteenth-century humanists, in particular *De Jure Regni apud Scotos* by George Buchanan, published in 1568 and the anonymous *Vindiciae contra Tyrannos* published in 1579, both of which share the honor of having been publicly burned by Oxford University in 1683.<sup>12</sup>

<sup>10</sup> The distinction between remorse and regret appears in Bernard Williams as a clue for the understanding of moral dilemmas.

<sup>11</sup> M. Walzer, “The Obligation to Disobey” in *Revolution and the Rule of Law*, ed. by Edward Kent, Prentice Hall, 1971, p. 113.

<sup>12</sup> *Op. cit.* in note 3, p. 64.

After the middle of the seventeenth century, little has been added to the doctrine designed to justify tyrannicide. On the one hand the tyrant came to be conceived of as a system of institutions, as a governing class, as an impersonal social force. On the other hand the mechanism of constitutional control arose as preventive measures against unjust and arbitrary power. In this context it was thought that killing a tyrant would change nothing. It is true that in those countries in which absolutism survived, the theory and practice of tyrannicide continued, but it was not until recent times when cases like that of Hitler revived the interest in this issue.

Before considering the arguments used to justify tyrannicide, it is convenient to point out that many of the standard texts received an erroneous interpretation for religious reasons. It was thought, for instance during the wars between catholics and protestants, that if a monarch did not believe in the "true" religion, that made him *ipso facto* a tyrant. Equally, innumerable cases are known in which rulers were killed for political or ideological reasons, whether in the name of the republic, nationalism or the class struggle. I think that any valid justification that can be offered must include moral notions and it is to these moral issues that I am going to turn my attention.

When arguments in favor of tyrannicide are analyzed it is possible to distinguish two main lines of thought. One tries to assimilate it to fairly clear cases of justifiable behaviour, whereas the other tries to indicate a set of conditions that would justify the act. After an examination of both positions I will present the ideas which in my opinion constitute the nucleus of the moral justification of tyrannicide.

Among the justifiable actions to which the killing of a tyrant has been assimilated are war, punishment, self-defense and the defense of the lives of others. The least plausible analogy is with war. In Buchanan, for instance, the following reasoning is to be found: A tyrant is an enemy of the people; a war against an enemy is a just war; therefore



the war against the tyrant is just. A first remark is that the second premise is doubtful if not false. Moreover even if it were accepted it will be necessary to look for the conditions under which a war is a just war. Finally, the differences between an individual and a collective action are pretty obvious. In any case there is a closer resemblance to the phenomenon of a people's active resistance against their government. No does the comparison with self-defense seem fruitful, since in general the killer of a tyrant acts on behalf of others or in defense of himself *and* others rather than in literal self-defense.

The most viable candidates are, then, punishment and defense of others. The first leads directly to the traditional polemic between retributionist and consequentialist theories of the justification of punishment. From our point of view, both lines merge because each looks for a set of conditions which make the action justified. Naturally these conditions vary, some writers limit themselves to the requirements of but one theory while others prefer a hybrid theory that will still produce some set of justification conditions, as will be seen later. The greatest difficulty facing the analogy with punishment is the fact that the assassin acts outside of the law and outside of the legal procedures established by it for the application of sanctions. What traditional theories want to justify is not merely a particular act but punishment as an institution. In this sense tyrannicide is not an institution and its performer does not have the legal power to impose punishment. It is rather the case of someone who is not only taking justice into his own hands but doing so on behalf of others. The defense of the others or of the community is, by all means, more similar to tyrannicide. In both the predominant motive is defending other people from an unjustified attack in circumstances in which it seems there is no other resource to hand. In both, the defender behaves with altruism because he risks his own life. Certainly there are also differences. Among the minor ones is the fact that tyrannicide is not normally contemplated by legal systems as something

permissible or justifiable (although it is by political theories). Another difference is that, due to the circumstances, in tyrannicide there is normally more time for deliberation; the defense of other people in case of attack is almost always unforeseeable. Closely connected with this is the fact that in tyrannicide the number of people in a position to kill the tyrant is greater, we are almost never the only ones who can do it, by contrast with a frequent feature in cases of defense of other persons. It is because of this that the responsibility is greater in the latter cases even to the point where we might speak of a requirement or duty to defend other people, connected with a deserved reproach to those who fail to carry out that duty. In tyrannicide this degree of obligation is not common, and that is the reason why we find here greater nobility and sacrifice. It is because of this that, since ancient times, it has been called a noble act, implying that it is an act in defense of the life and freedom of those who are not able to defend themselves. This conjecture is fortified if one thinks that, not only in ancient times, but also in the attempts against Hitler's life, it is the upper classes, aristocrats, nobles and patricians, who most frequently resort to this measure.

A final difference is that in a typical case of tyrannicide the number of people defended is greater, being the community itself or a large part of it. It is precisely this difference which leads to a limiting case: to kill a mad ruler who intends to detonate an atomic arsenal would be a case of defense of others very similar to tyrannicide (I will come back to this case).

Now that it has been made clear that tyrannicide is most similar to the defense of other people it is convenient to consider the ways in which it has been justified. In reviewing the conditions imposed by some contemporary analytical philosophers,<sup>19</sup> it is easy to see that they just repeat what was already established by mediaeval theologians and mor-

<sup>19</sup> See note 1.

alists. None of them, for instance, posit a condition additional to those indicated by Gerson.<sup>14</sup> These, formulated in present terminology, are the following: (1) that the act springs from morally good motives; (2) that it has good consequences; (3) that the assassin has good reasons to believe in the success of the action; (4) that there is no better alternative, that is, it is the last resort; (5) that the actions of the victim should be seriously incompatible with the common good, that is, that he should be a tyrant and, (6) that the means used should be the quickest and least painful. It is true that recent formulations lay greater emphasis on the consequences, surely due to the influence of utilitarianism although almost no one denies the need for morally good motives. Anyway the result is almost always a hybrid theory: a little of the motives, a little of retribution, a little of the consequences. Here it is useful to consider again the analogy with punishment and the theories describing its justification.

As said before, two distinct theories have been proposed since Protagoras' time for the justification of punishment. The retributivist holds that punishment can only be inflicted as a response to wrongs for which the person is responsible and that it should be adequate fitting to the crime. That is, only those who deserve it can be punished and they deserve it for being guilty. The consequentialist holds that the only justification for punishment is the consequences, among them the deterrent effects, the isolation of criminals as a form of prevention, their rehabilitation and the satisfaction of the revengeful desires of society. In other words, only the valuable consequences can justify punishment.<sup>15</sup> Consequentialism, and in particular its most familiar version, utilita-

<sup>14</sup> *Op. cit.*, in note 3 pp. 29 and 30.

<sup>15</sup> In relation with the discussion of both theories see Rabossi, "Sobre la justificación moral de las acciones. El tema del castigo", *Crítica*, Vol. IV, No. 10, January 1970, and his book *La justificación moral del castigo*, Editorial Astrea, Buenos Aires, 1976. Also *Punishment and Human Rights*, ed. by Milton Goldinger, Schenkman, Massachusetts, 1974. Both of them were reviewed in *Crítica* (Vol. X, No. 30, December 1977, and Vol. XI, No. 31, April 1979). More recently three articles appeared on retributivism by H. A. Bedau, R. Wasserstrom and A. von Hirsch in the *Journal of Philosophy*, Vol. LXXV, No. 11, November 1978.

rianism, has recently been the target of very severe criticism by Bernard Williams,<sup>16</sup> which criticisms license the rejection of the thesis that the only justification for any action, whether it be punishment or tyrannicide or whatever is its consequences. Nevertheless, is tempting to believe that results are not irrelevant. In the case of tyrannicide, if there are no hopes of improving the situation it would be a hopeless act, purely symbolic and, therefore, without justification.

Here again the analogy with punishment can be useful. A case is conceivable in which someone deserves to be punished, although the consequences show that other values will be disregarded in doing so. It is convenient then to distinguish between the justice of such punishment and the question of whether it should be imposed. Only if justice is the supreme social value will it follow that a just punishment should always be imposed. If in any circumstances other values turn out to be superior, then it is possible to say "It would be a just punishment but it should not be imposed". In this way consequences are taken into account.

With these remarks in mind, let us recall the conditions established for the justification of tyrannicide along with the idea that the best analogy is with the defense of other people. In relation to the first condition, existence of morally good motives, there seems to be no doubt that they are necessary in order to justify the action and the agent (something that would be less clear in the case of punishment). The second condition, about the good consequences, in virtue of what had just been said, cannot be a necessary condition, something that is even more evident if the analogy is with the defense of other people. It seems absurd to connect the *justification* of anyone who risks his own life trying to stop the aggressor of a defenseless person with the success of the undertaking. Nevertheless there is here a difference with tyrannicide and this is contained in the third condition: the performer of the action should have good reasons to believe in success.

<sup>16</sup> J. J. C. Smart and B. Williams, *Utilitarianism For & Against*. Cambridge University Press, 1969.

For a better understanding of the reasonability of the act it is convenient to have in mind some ideas emphasised by Karl Britton.<sup>17</sup> Practical decisions in general and moral ones in particular are not taken under ideal conditions: time is limited and the circumstances are given in complete independence of our desires. Thus there is not always opportunity to correct mistakes and the evidence has to be evaluated through observation and reflexion done within limited time. By contrast with theoretical decisions, in practical ones the very notion of reasonable behaviour presupposes certain restrictions concerning the evaluations that can be done regarding *when* to act and *how* to foresee the consequences. In a situation of unexpected emergency, like that of an attack on the life (or other goods) of another human being, the defender cannot reflect long about the probability of success in his actions. Here the analogy with tyrannicide is not so close. In this case, there is normally more time available and the circumstances are more suitable for reflexion and evaluation. It seems reasonable, then, to demand good reasons for believing that the tyrant's killing will have good consequences. In this way consequences play a role in justification. Condition (4), non existence of a better alternative, and condition (6), to employ the least painful medium, do not seem to present any serious complications. Within the general framework of practical and moral decisions, conditions (3) and (4) which demand considered judgment were contemplated in the wise advice of Mariana to the potential liberators that they should first consult "learned and grave men". For the rest, (4) and (6) are related to quite well established moral principles: the high value of human life and the wickedness implicit in inflicting unnecessary harm on other people.

Condition (5) located tyrannicide within political assassination by demanding that the victim should be responsible for various crimes against his subjects, in particular against

<sup>17</sup> K. Britton, *Philosophy and the Meaning of Life*, Cambridge University Press, 1969.

their rights to life, freedom and equality. Their expectation of collective welfare, to which the expression "common good" seems to refer, are less important. A wicked ruler is different from a bad ruler. It is the first that is the tyrant. This condition brings out a closer similarity to punishment than to the defense of other people. In effect, in the former the condition of being guilty is necessary, in such a way that the standard example against consequentialism is that of punishing an innocent person even when the consequences will be beneficial. In the latter, defense of other people, it is enough if we have clear evidence that an attack on an innocent person is intended, and it is neither relevant nor necessary that the aggressor has committed wicked actions in the past. All of this is correct, but paradigmatic cases of tyrannicide are a reaction against systematic actions of a wicked ruler, precisely those cases with which I have dealt in this article.<sup>18</sup> The murder of a ruler who suddenly goes mad, a case mentioned before, is fully justified, but is not strictly a case of the killing of a tyrant but of (community) self-defense. A justifiable case of tyrannicide would be one that has the features and satisfies the conditions described above.

<sup>18</sup> I do not deal here with the marxist thesis according to which those acts can not change history and therefore can not result in good consequences. This thesis depends on a certain interpretation of history against which good arguments have been offered. See *op. cit.* in note 1 the articles by Nielsen and Lackey.

## RESUMEN

El presente artículo caracteriza al asesinato político como la acción de matar intencionalmente y de manera ilegal a una figura política por razones también políticas. Después de analizar algunos problemas que plantea esta caracterización, se distingue al asesinato político de otros fenómenos afines: el terrorismo, la revolución y la guerra. A continuación se plantea el problema de la justificación moral del asesinato político y, en particular, del tiranicidio. Para ello se ofrece primero una descripción del tirano, subrayando los rasgos morales; igualmente se proporciona una imagen del tiranicida, con especial atención en su psicología moral, que es relevante para la justificación del acto.

Por último, se analizan los argumentos tradicionales que pretenden justificar el tiranicidio. Una línea argumental asimila el tiranicidio a casos aparentemente claros de conductas justificables: el castigo, la guerra, la legítima defensa y la defensa de la vida de otros. Cada una de estas analogías es examinada, encontrándose que aun el castigo y la defensa de los demás, a pesar de sus semejanzas con el tiranicidio, tienen diferencias importantes con éste. La otra línea señala las condiciones en que sería moralmente justificado asesinar a un tirano. En la literatura reciente, al igual que en la más antigua, hay una gran coincidencia al respecto. Las condiciones aceptadas generalmente son: (1) que el acto tenga motivos moralmente buenos; (2) que tenga buenos resultados; (3) que el autor tenga buenas razones para creer en el éxito; (4) que sea el último recurso disponible; (5) que la víctima sea un tirano; (6) que se utilice el medio menos doloroso y más rápido. Basándose en las analogías con el castigo y la defensa de los demás, se analizan el carácter híbrido de estas condiciones que mezclan motivos, consecuencias y retribución. En especial se estudian la condición (2) exigida por los consecuencialistas y los utilitaristas y la condición (3), mostrándose que, sin caer en las tesis inaceptables del utilitarismo, se puede hacer intervenir a las consecuencias en la justificación moral del tiranicidio.

[J. E.]