Norm Contestation, Political Assassinations, and Targeted Killings

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'Norms' are understandings and expectations common among different communities that affect the way people conduct themselves insomuch as certain norms may support or forbid particular actions or behaviors (Steiner, 2004). Taboos are a kind of norm that involve a social prohibition against the committing of certain actions. When an individual does not follow a norm or breaks a taboo, this can negatively impact themselves and other societal members. The result of the violation can be an imposed punishment of varying degrees of severity. The exact character of different norms and taboos is not always agreed upon and either abiding by or dismissing these norms can produce unpredictable outcomes for all of the actors involved. This article explores norms – more accurately norm contestation – against the backdrop of political assassinations and targeted killings. The article begins with an exploration of norms and taboos, followed by a discussion of the concept of norm breach as well as the potential implications of such a breach, including erosion or the establishment of illiberal norms through practice.

Norms and Taboos

The norms discussed in this article relate to political assassinations and targeted killings, but numerous other norms exist, such as the modern-day norms against state involvement in the international slave trade and acquiring territory through conquest. In many cases, norms and law overlap with one another in a mutually reinforcing manner, with laws formed based upon existent or emergent norms and then codifying them, which in turn helps to legitimate and increase adherence to norms and promote detailed codifications. Katzenstein (1993, 286-287) argues that norms are the primary causal factor with regard to policy and that actors will always be able to select from a variety of different norms that remain contingent upon structures such as societal organization and the relationships that exist within and between states. The matter of human rights serves as an elucidating example, with many early human rights institutions such as the Universal Declaration of Human Rights being based upon emergent norms – negotiated and constructed over time and by big and small states alike – regarding the entitlement of all humans to certain freedoms and rights (see Waltz, 2002). These early treaties and declarations helped to embed the norm that human rights were universal to all and to promote the development of more detailed norms and laws relating to specific areas of human rights. This then resulted in the passage of laws such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Von Bernstorff, 2008).

Discussed extensively in sociological and anthropological literature, taboos are a specific type of norm that prohibit certain actions, many of which are related to the notion of danger and the protection of society from the fall-out of dangerous or harmful acts or behavior (Steiner, 2004). According to Gutierrez and Giner-Sorolla (2007, 853), taboos can also be defined as norms that, if violated, are 'expected to provoke inflexible, disgust-related responses'. Thus, the taboo is essentialized by the behavior or act as well as the 'normative belief about the behavior' (Tannenwald, 1999, 436). Anger and disgust, as 'condemning emotions' (Haidt 2003; Gutierrez & Giner-Sorolla, 2011) are primary responses (within moral psychology) to actions such as suggestive comments and glances, or verbal offences and insults that can violate an individual's emotional, moral, and physical self. The deliberation of a particular act can be seen as taboo even if a policy, plan, or consideration of a taboo is not enacted (Fiske & Tetlock, 1997). Tannenwald (1999, 436; 2008, 13) adds that taboos are stronger than just a breaking of norms because they possess the qualities of 'absoluteness', 'unthinkingness', and 'taken-for-grantedness'. These three concepts emphasize how

Norm Contestation, Political Assassinations, and Targeted Killings
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actors typically avoid breaking taboos, not out of any conscious decision to abide by normative prohibitions, but rather because the idea of transgressing against them is wholly alien to their ingrained values and world views. Tannenwald illustrates her point with the example of nuclear weapons, including the claim that states do not withhold from deploying nuclear weapons because of any great strategic calculus or analytical considerations. Instead, they refrain because the idea of never using nuclear weapons is so deeply instilled into their way of thinking that they would not even conceive of breaking the taboo and would be revolted by the very notion if it was ever seriously suggested (Tannenwald, 1999, Gutierrez & Giner-Sorolla 2007, 853).

Norm Breach

An example of a norm breach in the context of nuclear weapons and its consequences can be seen in the backlash against Donald Trump during his election campaign when he refused to preclude the use of nuclear weapons as an option for the United States if he was elected. This blowback was not against a stated intention by Trump to use nuclear weapons, but rather against his refusal to commit to never using them under any circumstances. Irrespective of the character of Trump's Presidency and whether he acts in the best interest of the US, the fact that a leadership contender in the world's most powerful state can be expected to make a commitment to never use nuclear weapons and critiqued for declining to do so is a powerful indicator of how firmly entrenched a taboo can become with the very fabric of a society.

A second example is observable in the case of the government of South Africa and its policy of Apartheid (racial inequality or institutionalized segregation), which rode against the prevailing norm of racial equality (at least in theory) within the political systems and society more broadly of countries around the world. The refusal of the South African government to conform with this norm resulted in the instigation of widespread diplomatic condemnations, economic sanctions, and sporting restrictions placed upon the country by both its trading partners and the international community more broadly. This happened even though these sanctions conflicted with the multilateral policies and the primacy of material interests of the implementing states (Klotz, 1999). It is worth noting, however, that in spite of the international community's response to observed transgressions by South Africa, not all transgressors of international norms are equally and uniformly punished.

Norms against Political Assassination and Targeted Killings

Recognition exists today within academic circles, public debate, and public discussion by government officials that a taboo exists at both the domestic and global levels against both 'political assassinations' and 'targeted killings' (David, 2012; Ford, 2012; Vlasic, 2012; Waldron, 2012, 129). The delineation between these two concepts is often subtle and not always clear cut, but some differences can be provisionally suggested (Miller, 2011). The former can be described as the politically motivated intentional killing of a political figure without trial or due process from either domestic or international courts within wartime or other conflict settings (Khatchadourian, 1974, 41; Lackey, 1974, 57; Miller, 2011, 310 and 315). The latter can be carried out within peacetime and in non-conflict situations, may target non-political figures in the hierarchy, and may even be aimed against the lower rungs of an organization rather than purely its leadership (Miller, 2011, 315). Nevertheless, the boundaries between the two concepts is blurred and often crossed over within policy discourse, scholarship, and both domestic and international laws on the topic.

Norms against political assassinations have an extensive history, with scholars having traced the development of the norm against the use of political assassination in an international setting since Roman times to the present day. In doing so, they have showed that even historically, 'great powers have prohibited political assassination because it reinforces their position vis-à-vis other state and non-state actors and legitimizes forms of violence such as large-scale intervention and war' (Ward, 2000, 105; 2001, 2005). Similarly, a norm prohibiting political assassination of individuals exists within politics (including politics of counterterrorism or dealing with insurgencies). In these areas, there exists a high level of stakes given that discussions about political assassination often involve the issue of defending innocent lives like civilians, public and political order, or the security of important officials or political leaders.

The norm against political assassinations, therefore, has robust customary international law roots. Over the past two

Norm Contestation, Political Assassinations, and Targeted Killings

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centuries, it has been increasingly codified, beginning with the Lieber Code (1863) and The Hague Convention IV (1907). Even today, this kind of action would be a violation of the sovereignty of any state and the prohibition on the aggressive use of force according to the United Nations (UN), (Schmitt, 1992; Tannenwald, 1999). There are, however, other international mechanisms that support the norm against political assassination. Article III of the Charter of the Organization of African Unity refers to this action with 'unreserved condemnation', (1963).

Having been frequently expressed and formalized by these international organizations (expressed in their respective charters), norms against political assassinations have also been established through resolutions that have been adopted over a period of years and even decades. As it becomes clear that the UN and the OAU, to take these two organizations as examples, share this norm, it could be argued that the taboo on these kinds of killing has been accepted at a rhetorical level by the states that comprise these organizations. In other words, if the foreign policy elites of these states support the norm recognized by larger organizations then a strong case for claiming that institutionalization of that norm has taken place can be seen (Nyhamar, 2000). Yet, what takes place at the rhetorical level might be expected and therefore remains superficial. When the norm becomes institutionalized, new means of strengthening the norm also begin to emerge. This is the case when taking into consideration that violation of a norm has led to sanctions having been imposed on a violating state. As discussed below, however, rhetorical acceptance does not rule out the willingness of states to claim exceptions to the norm under certain circumstances, which may undermine the norm as a whole.

A useful example of states reacting to a breach of the taboo on political assassinations can be seen in UN Security Council Resolution 611's condemnation of an Israeli political assassination mission as an act of aggression and unlawful, which described the Israeli governments actions as criminal (1988) (Ronzitti, 2004). The sanctioning of the violation of a taboo can be expressed in many ways with the degree of response or punishment indicating the severity of the taboo. Not all transgressors are equally and uniformly punished.

Claimed Exceptions

An abundance of exemptions to the norms against political assassinations and targeted killings have been advanced by different actors to try to legitimize breaches of the taboo throughout history. One of the rationales provided is based on the utilitarian claim that murdering the leader of a particularly abhorrent or violent group may be acceptable if it will reduce the amount of death and suffering that would occur if the leader were left alive. During the Second World War, for example, the Allies wrestled with the question of whether or not to assassinate Hitler for this very reason, with proponents argued that killing Hitler would bring about a speedier and less violent end to the war. The main opposition voiced against this path centered on practical considerations, including the risk of fortifying Axis resistance by turning Hitler into a martyr and the fear that Hitler could be replaced by a more competent strategist, rather than any great moral or ethical objections.

Another justification provided for breaching the taboo is the argument that some individuals are already in a state of war with the actor who engages in the extrajudicial killing, with the result that they have no right to a fair trial before execution. This was the argument advanced by the Obama administration after they authorized a commando raid to seek out and kill Osama Bin Laden within his hideout in Pakistan. A third excuse offered is that it is not always feasible from a practicality point of view to apprehend and try all suspects who have been identified as potentially causing harm. Consequently, the claim argues, extrajudicial killing becomes acceptable through necessity rather than choice. These exemptions are not posited as unravelling the norms against political assassinations as a whole, but merely stand as a mechanism that some states have tried to use as a loophole to allow a selective number of political assassinations without appearing to break either the laws and taboos against political assassinations and targeted killings.

These loopholes may help to explain why, despite the rhetorical affirmations today that political assassination should not be used and has no place in the foreign policies of modern states, it has been practiced comparatively more frequently than might be expected throughout history. In 1942, for example, the British government sanctioned the political assassination of high-ranking military officers in the Third Reich, the most prominent examples of which include Schutzstaffel (SS)-*Grüppenführer* and *General der Polizei* Reinhard Heydrich (Macdonald, 1998, 2007) – a

Norm Contestation, Political Assassinations, and Targeted Killings

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high-ranking Nazi and principal organizer of the 'Final Solution' – and General Erwin Rommel (Asher, 2004) – Commander of the *Deutsches Afrikakorps* and Italian forces in North Africa – with the former resulting in the officer's death whereas the latter operation failed to achieve its objective. Later that same year, the US, with the help of intelligence missions, succeeded in its targeted killing of Admiral Isoroku Yamamoto (Carroll, 1990; Donald, 2005) – Commander-in-Chief (C-in-C) of the combined fleet of the Imperial Japanese Navy and architect of the attack against the United States (US) Pacific fleet anchored at Pearl Harbor that was launched on December 7/8, 1941 without any formal declaration of war delivered prior to the assailment. Yet, it is important to caveat that the decision to employ political assassination as a tool generally encountered moderate to very powerful resistance by various individuals and groups – heads of states, political (opposition) parties, US Congressional and Senatorial members, international organizations, lobby groups, and non-profit organizations, among others).

While political assassinations must, as indicated in the definition provided above, take place in either wartime or other conflict situations, numerous other cases of extra-judicial killing have taken place throughout history that have happened outside of the parameters of war or declared armed conflict. The 1950s were particularly notable, with the US Central Intelligence Agency made multiple attempts to engage in peacetime targeted killing, including Zhou Enlai (Premier of China), Sukarno (President of Indonesia), Kim Il Sung (Premier of North Korea), Jawaharlal Nehru (Prime Minister of India), Gamal Adbul Nasser (President of Egypt), Norodom Sihanouk (leader of Cambodia), Muammar al-Gaddafi (former Prime Minister of Libya), and Saddam Hussein (President of Iraq) (Blum, 2008).

The case of Fidel Castro is emblematic, with multiple sources including the former director of Cuba's Secret Service – Fabian Escalante – recounting that a staggering 638 political assassination attempts were made to assassinate Castro during his tenure as president (Dirección General de Intelligencia, DGI; Winter, 2013). This averaged out as roughly 13.5 attempts on the dictator's life every year. Multiple methods were employed for this purpose, including exploding cigars, exploding shellfish (while Castro was scuba-diving), poison pills, bacterial poisons, and regular guns of various types. Winter (2013, 74) explains that a relatively recent attempt on Castro's life took place in 2000 in Panama, when '200 pounds of explosives were to be set to go off under the podium where Castro would be speaking. The plot was thwarted and the would-be assassins were caught, tried, sentenced, and jailed'.

On February 18, 1976, President Gerald R. Ford, a strong opponent of the use of political assassinations or targeted killings and principal critic of the United States (US) intelligence community as a result of concerns raised in the 1970s with respect to its alleged abuses of power, issued Section. 5(g) of Executive Order (EO) 11905 stating that, 'No employee of the United States Government [USG] shall engage in, or conspire to engage in, political assassination'. This move was the result of a 1975 session of the Select Committee to Study Governmental Operations (Church Committee) charged by the US Senate to investigate records of assassination attempts in which the Central Intelligence Agency (CIA) was thought to be involved (US Senate, 1975, xx and 1). President Jimmy Carter reinforced the practice of assassinations as abhorrent, and restricted any agency of the intelligence community from participating in it or encouraging 'directly or indirectly, any person, organization or government agency to undertake activities forbidden by this order or by applicable law', as outlined in Section 2-305 of EO 12036. Even during and following the Second World War, the US reserved the use of targeted killings for extremely high-profile individuals or exceptional situations. One question that has not yet been addressed by scholars is whether there is a correlation between the occurrence of targeted killings during peacetime with the existence of broader political struggles, such as the Cold War or the lulls between fighting in protracted conflagrations such as the Hundred Years War.

Erosion Risks and Precedence

The risk of the taboos against political assassinations and targeted killings being eroded are becoming increasingly problematic for the international community. Waldron (2012, 129-130) argues that the norm against targeted killings and political assassinations should be maintained for both strategic and moral reasons. Regarding the former, he raises the concern that if we allow some actors to justify extrajudicial killings on the basis that they have either already committed or are likely to commit terrorist attacks in the future, we will increase the likelihood that all actors become both willing and able to breach the taboos against these forms of killing. This includes toxic actors such as Al Qaeda, Hamas, and state sponsors of terrorism. In relation to the latter, he indicates that targeted killings and

Norm Contestation, Political Assassinations, and Targeted Killings
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political assassinations undermine the broader social norm against murder, which is both pragmatically dangerous and morally reprehensible.

Although there have been numerous examples of the US breaching the taboo against political assassinations and targeted killings over the course of the past century, the degree to which this has initiated a norm shift for other states and the broader international community is debatable. Max Boot from the Council on Foreign Relations has worked closely with US Army General David Petraeus, who personally coordinated numerous targeted killings using armed unmanned aerial vehicles (UAVs) or simply drones, especially against militant extremists in Afghanistan, and Pakistan but also elsewhere in the Middle East and Africa. Boot opined that, despite the fact that the US is engaged in countless drones strikes in many different locations around the world, Washington's actions are not likely to play a major role in setting a pro-drone precedent on the basis that, 'I think the precedent setting argument is overblown'. Going beyond this, Boot stated:

I don't think other countries act based necessarily on what we do and in fact we've seen lots of Americans killed by acts of terrorism over the last several decades, none of them by drones but they've certainly been killed with car bombs and other means.

Responding to Boot's belief that states are unlikely to follow in the footsteps of the US as regards its political assassinations and targeted killings campaigns through armed drones, an important concept at play is that of *power*, and the establishment and consolidation of international norms that occurs through this concept. It was through US power that many different international norms have been established and consolidated over time (Whibley, 2013). Moreover, the power of a state builds on the respect and enforcement aspects of norms. That is, one state exercise of power in a specific way has both direct and indirect effects on the emergence of new norms, and the emergence of norms that should come to be consolidated through various means succeed in this way by other states acknowledging, respecting, and enforcing those norms through similar practices. As Whibley (2013, n.p.) reasons:

America used its power in the international system after World War 2 to embed norms about human rights and liberal political organization, not only in allies, but in former adversaries and the international system as a whole. Likewise, the literature on rule-oriented constructivism presents a powerful case that norms have set precedents on the appropriate war-fighting and deterrence policies when using weapons of mass destruction and the practices of colonialism and human intervention.

Whibley (2013) further argues that the unintended consequences of state actions will also have an effect on the establishment of particular norms in the world system. Though, here it is necessary to consider whether the establishment of a precedent for the use of drones is actually 'unintended', or whether US administrations require some flexibility so that targeted killings practices can continue to take place and indeed flourish, just in particular cases. This idea is a particular friction point as some scholars argue that the administration of President Barack Obama missed a distinctive opportunity to entrench a norm against the use of targeted killing using drones that might have a backlash effect and work against the US.

Conclusion

This article engaged with the concept of norms in world politics, specifically in the social constructivist turn in studying norms amid the backdrop of the practice of political assassinations and targeted killings. The salient example of targeted killings illustrates that not all norms are liberal and while democratic or liberal-democratic states have stood behind and championed what have come to be characterized as positive norms, those same states have also taken up practices that facilitate an accepted practice that defies long-established conventions and even pervading norms that have been established for long periods of time. The article also raised some pertinent questions concerning the norm prohibiting the practice of political assassinations and targeted killings:*Under what conditions does the targeted killing norm progress? Is the norm progression linear? Does the norm fluctuate? What conditions on domestic and international levels push or pull the targeted killing norm?* To be sure, this issue is not confined to the risk of setting a precedent on the use of drones. States deciding to follow the US in its use of drones are likely to violate other norms that are closely related to drone operations as well. For example, drones are

Norm Contestation, Political Assassinations, and Targeted Killings
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intricately connected to violence and the use of violent force against perceived threats and in other states (i.e., violating the sovereignty of other states). Pre-existing norms prohibiting the use of violence in other ways are therefore also at risk of erosion.

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Norm Contestation, Political Assassinations, and Targeted Killings
Written by Scott N. Romaniuk and Francis Grice

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Norm Contestation, Political Assassinations, and Targeted Killings
Written by Scott N. Romaniuk and Francis Grice

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