In recent years, the issue of international assassination has surfaced with striking frequency. In Britain a former MI5 agent created a stir by claiming that Her Majesty’s Secret Service plotted to kill Libyan leader Muammar Qaddafi in 1996.1 In the Middle East, Israel’s bungled 1997 attempt to assassinate an official of the Palestinian opposition group Hamas embarrassed the Netanyahu government and impeded the peace process.2 And in the United States, the dual conundrums of an intransigent Saddam Hussein and terrorists such as Osama bin Laden have raised calls in Congress and among the media for assassination to be considered as a policy option.3

Still, ethical concerns usually place assassination off limits as a policy option, especially when the target is a national leader. In July 1991 the Los Angeles Times reported that during the coalition military buildup in the Persian Gulf the previous autumn, the British had proposed a plan to assassinate Saddam.4 Both U.S. President George Bush and the Israeli government vetoed the proposal.4 Both U.S. President George Bush and the Israeli government vetoed the proposal.4

As the Times article explained, “Bush, who needed the support of a reluctant

Ward Thomas is Assistant Professor of Political Science at the College of the Holy Cross.

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Congress for his war plans, realized a formal request to . . . assassinate Hussein would infuriate Congress, triggering unprecedented condemnation domestically if it was ever disclosed. It also threatened to break Bush’s carefully constructed international coalition.”5 Whether they would agree with the decision or not, few observers of international politics could fail to understand Bush’s trepidation about the use of assassination. There is a long-standing consensus in the international community that the murder of foreign leaders is a grossly inappropriate means of conducting foreign policy. As former White House adviser George Stephanopoulos observes, “of all the words you just can’t say in the modern White House, . . . none is more taboo than ‘assassination.’”6 Indeed, when it was revealed in the 1970s that the Central Intelligence Agency (CIA) had been involved in plots to assassinate foreign heads of state in the 1950s and 1960s, U.S. officials uniformly renounced the practice, and President Gerald Ford issued an executive order, renewed by every president since, prohibiting U.S. involvement in assassination.

As many modern critics point out, however, the ban on assassination sometimes appears to make little sense in moral terms, given that the alternative is often either the large-scale use of force or crippling economic sanctions, with grievous effects upon large numbers of innocent people but only minor effects on the offending despots themselves.7 Ralph Peters describes this as an “ethical disconnect”: “While it was acceptable to bomb those divisions of hapless conscripts, it was unthinkable to announce and carry out a threat to kill Saddam Hussein, although he bore overwhelming guilt for the entire war and its atrocities. . . . Where is the ethical logic in this?”8

Nevertheless, the norm against assassination remains a powerful constraint on state action.9 Although it has been the subject of remarkably little attention

5. Ibid., p. M2.
from international relations scholars, the norm raises several compelling questions. Where did it come from? How strong is its influence on state actors? What accounts for its apparent precedence over other ethical injunctions, such as the principle of proportionality in the conduct of warfare? This article seeks to answer these questions. I begin by tracing the rise of the norm in international politics, demonstrating that although the norm is grounded in fundamental moral principles, its development was decisively influenced by the structure of the international system. In effect, by limiting legitimate modes of violence between states to war or large-scale intervention, the prohibition on assassination reinforces the position of great powers relative to other states and nonstate actors. This helps to explain the relative strength and durability of the norm despite its occasionally anomalous moral implications. This analysis of the norm’s rise is followed by a consideration of several alternative explanations that ascribe the norm to more specific influences. I then examine the status of the norm in contemporary international politics, taking up the question of whether the norm is in decline. I conclude by briefly considering some implications for theoretical debates over the role of norms in the field of international security.

**Assassination in Historical Perspective**

The norm against the assassination of foreign leaders is a relatively recent construction. Before the mid-seventeenth century, Hans Morgenthau writes, “international politics was considered exclusively as a technique, without moral significance, for the purpose of maintaining and gaining power, [and]
such methods [as assassination] were used without moral scruples and as a
matter of course.” A late-nineteenth-century commentator on international
law noted that “assassinations for public purposes seem to have been regarded
with approval in ancient and medieval times.” Indeed, seventeenth-century
jurist Alberico Gentili recounted a litany of cases that made it clear that the
murder of enemy leaders was an exceedingly common method of pursuing
foreign policy among the ancients. Of course, the taking of a life presented
obvious moral problems, but these did not give rise to a full-fledged interna-
tional norm—a collective understanding that assassination in the conduct of
foreign policy was improper—until considerably later.

The notable exception in the ancient world was Rome, where a norm emerged stigmatizing the assassination of foreign enemies. Many authors,
particularly the treatise-writers of the sixteenth through eighteenth centuries,
commented on the Romans’ highly developed sense of honor in this regard.
Gentili noted that the Roman Emperor Tiberius and the Senate declined an
offer to poison Arminius, “the most cruel and treacherous of their enemies,”
and Balthazar Ayala wrote that “the conduct of Quintus Servilius Caepio was
much reprobated in that he made away with Viriatus by fraud and snares and
domestic assassins, so that he was said to have trafficked for a victory rather
than to have gained one.” As Ayala’s comment suggests, the Roman attitude
toward assassination in foreign affairs did not simply derive from a heightened
moral sense, but was tied to a military ethic that valued the pursuit of policy
goals by the clash of arms, rather than intrigue. Thus Ayala noted that the
Romans “disdained all such frauds and deceptions and had no wish to conquer
save by sheer valor and downright force—what they used to call Roman
methods.” There is, however, a clear geopolitical subtext to these expressions
of valor. The Romans possessed the most powerful army in the world, and
therefore uniquely stood to benefit from a normative structure that delegit-

imized subterfuge and exalted the military virtues of “sheer valor and downright force.” That these were seen as “heroic” qualities was at least partly a social construction that reflected the status of Rome as the dominant power of the ancient world. Strikingly, Romans displayed less ethical aversion to assassination in a domestic context. The death of Julius Caesar in the Senate was only one in a numbing chain of political murders justified by their perpetrators as tyrannicides. It is certainly ironic that Cicero, who spoke eloquently of the precedence of “valor” over “treachery” in warfare, also offered one of history’s most influential defenses of tyrannicide. In any case, the Romans were exceptional among their contemporaries in systematically eschewing international assassination.

Throughout the medieval period, there were occasional expressions of misgivings about assassination, sometimes reinforced by the knightly code of chivalry, which, like the Roman ethic, emphasized military virtues and face-to-face combat. Although the chivalric code exercised a moderating influence on the conduct of war during this period and into the Renaissance, it failed to dampen the practice of assassination. The city-states of Italy were particularly notorious. Thus Morgenthau writes, “the Republic of Venice, from 1415 to 1525, planned or attempted about two hundred assassinations for purposes of its foreign policy” and even chronicled these efforts in its official records. Venice’s ruling Council openly solicited proposals for the murder of domestic and foreign enemies, which led to business arrangements with aspiring assassins who ran the gamut from clergymen to, as historian Horatio Brown puts it, “the very scum of society.” Among the former was the enterprising Brother John of Ragusa, who in 1513 offered to “work wonders in killing any one [the Council] chose,” according to a price scale: “For the Grand Turk, 500 ducats; for the King of Spain (exclusive of traveling expenses), 150 ducats; for the Duke

17. In other civilizations and cultures, for example, assassination itself was often depicted as heroic. See, for example, Franklin L. Ford, Political Murder: From Tyrannicide to Terrorism (Cambridge, Mass.: Harvard University Press, 1985), especially chaps. 1–5.
18. Ibid., chap. 3.
20. Ford, Political Murder, chap. 3.
of Milan, 60 ducats; for the Marquis of Mantua, 50 ducats; for his Holiness, only 100 ducats. As a rule, the longer the journey and the more valuable the life, the higher would be the price.”

So routine was assassination among the dealings of the state that official records mentioned it with bureaucratic matter-of-factness in minutes and expense reports.

Nor was this phenomenon confined to Italy. Both the practice of international assassination and its acceptance as a valid means of conducting affairs of state were widespread throughout Europe during the Renaissance. It was a Spanish plot against Bartholomew Alvin, leader of the Venetian army, that prompted Francesco Guiccardini to note the contrast between the norms of sixteenth-century Europe and those of ancient Rome: “So different are the customs of the soldiery of today from those of antiquity, when such plots were even revealed by enemy to enemy.” This state of affairs was exacerbated by the Reformation, which not only created new lines of fracture in European politics but stirred religious passions, turning enemies into heretics and wars into crusades. Philip II of Spain, who played a major role in the Catholic Counter-Reformation, was an enthusiastic advocate of the assassination of Protestant leaders, placing a price on the head of William of Orange, the leader of Holland (who was in fact murdered in 1584), and sponsoring several plots to kill Queen Elizabeth I of England. During the 1570s and 1580s alone, Elizabeth was the subject of at least twenty assassination plots supported by foreign powers, and herself employed assassins in Ireland.

So prevalent was assassination in Europe that the practice gained acceptance in the treatises that would serve as the foundation for the nascent field of international law. In 1516 Thomas More extolled the use of assassination both as a useful tool of statecraft and as a means of sparing ordinary citizens the hardships of wars for which their leaders were responsible. Horatio Brown

24. Ibid., pp. 236–237.
25. See, for example, ibid., pp. 235–236.
26. Ibid., pp. 219, 231.
27. Quoted in Gentili, De Iure Belli, p. 167.
30. Early treatises, particularly in the sixteenth century, were not explicitly legal tracts, but amalgams of history, political theory, and moral casuistry aimed not only at generating principles of conduct among nations, but also at providing rules of prudence for leaders.
quotes from the treatise of an anonymous Italian author of the mid-sixteenth century that is remarkable for its similarity to many modern defenses of assassination. The subject of the treatise is “Of the Right that Princes have to compass the Lives of Their Enemies’ Allies”:

In all strictness of sound policy you may and can debilitate your enemy in any way you choose, even by the treacherous murder of his allies. . . . This way of depriving him of friends and adherents is both most opportune and obligatory. . . . Nor should any methods you may adopt toward such an end seem strange and iniquitous, for open war does not exclude methods quite as vicious. I will even venture to declare that conspiracy may be the least impious method you can use. . . . For, pressed to its last issue, a conspiracy only results in the slaughter of one man who, as principal or ally, has had a share in the origin or in the progress of the war; while the mass of persons who perish in the incidents of a campaign are for the most part entirely innocent.

So, the treatise concluded, “conspiracy, as a wise and intelligent prince would know quite well, [is] both possible and legal for reasons of state.”

An “Infamous and Execrable” Practice

In the early seventeenth century, attitudes toward assassination began to change dramatically. Historians and political philosophers began to condemn assassination, even of tyrants and religious enemies. Moreover, this change was reflected in both the rhetoric and actions of the era’s political and military leaders, resulting from a marked decline in the number of assassinations and a distaste for the act that bordered on contempt. A mere generation after the open plotting of Philip II, Spain denounced as “an atrocious calumny” rumors that it had been involved in the assassination of French Huguenot King Henry IV. Franklin Ford notes that, given the brutal nature of the Thirty Years’ War, it is remarkable that so few of its major figures were “slain by stealth.” Both Hapsburg Emperor Ferdinand II and Philip IV of Spain, for

35. Ford, Political Murder, p. 185.
example, declined offers to assassinate Gustav Adolf of Sweden, even as his Protestant armies won repeated victories. And although domestic assassination remained a common feature of European political life in the 1600s, foreign powers were rarely involved.

The norm against international assassination grew stronger as the violence of the religious wars receded and by the eighteenth century was firmly entrenched in international society. In his 1758 treatise on international law, Emmerich de Vattel wrote: “I give, then, the name of assassination to treacherous murder . . . and such an attempt, I say, is infamous and execrable, both in him who executes it and in him who commands it. . . . The sovereign who makes use of such execrable means should be regarded as an enemy of the human race, and all Nations are called upon, in the interests of the common safety of mankind, to join forces and unite to punish him.”

There was, moreover, a sense that assassination was an anachronism, a relic of an earlier, less enlightened age. Thomas Jefferson wrote in a 1789 letter to James Madison: “Assassination, poison, perjury. . . . All of these were legitimate principles in the dark ages which intervened between ancient and modern civilizations, but exploded and held in just horror in the eighteenth century.” Indeed, it is difficult to find evidence of assassination being used in the conduct of foreign policy in the eighteenth and nineteenth centuries.

In 1806, when British Foreign Secretary Charles Fox was approached with a plan to assassinate Napoleon, Fox not only rejected the offer but arrested the would-be assassin and informed the French foreign minister of the plot. Even as political violence increased in both the international and domestic spheres, the murder of foreign leaders remained out of bounds. A 1911 treatise that surveyed all nineteenth-century practice on the matter noted only one instance of the government of a “civilised nation” violating the norm—China, which placed a price on the heads of three enemy generals in its war with Japan.

Governments viewed international assassination with such sensitivity that in 1881 an English writer was sent to prison simply for commenting approvingly on the assassination of the Russian czar by his own countrymen. The prohibition on assassination was also included in the law of war that began to be codified in the late 1800s. The first

attempts at codification were manuals promulgated by governments to regulate the conduct of their own armies. Among the most influential was the U.S. Army’s Lieber Code of 1863, which echoed the prevailing view when it stated: “Civilized nations look with horror upon offers or rewards for the assassination of enemies as relapses into barbarism.” This customary prohibition on assassination as “treacherous killing” was adopted at the Hague Convention in 1907 as the definitive statement of the law of war on the matter, and has continued in more or less the same form in subsequent international agreements and conventions.

Even the violence that shook the international system in the first half of the twentieth century failed to overcome the aversion to assassination as a foreign policy tool. Although the Soviet intelligence agency NKVD, and later the KGB, employed assassination on a wide scale against enemies abroad, few victims were foreign nationals, and there is little evidence that foreign officials were ever targeted. One of the few instances in the first half of the twentieth century in which the involvement of a foreign government in the assassination of a national leader appears to have been likely—the 1934 murder of Austrian Chancellor Engelbert Dollfuss—was probably ordered by German Chancellor Adolf Hitler, and was condemned as an extreme example of Hitler’s disregard for the norms of international society. Even Hitler, however, although he had no compunction about the murder of domestic opponents on a shocking scale, made little use of assassination in an international context. Nor, most surprising, was Hitler himself a frequent target of foreign plots. In 1938, for example, the British military attaché in Berlin, Lt. Gen. Noel Mason MacFarlane, proposed to his government a plan for assassinating Hitler, and thereby possibly averting the European war that seemed imminent. The British government, however, rejected the idea on the grounds that it was “unsportsmanlike.” Moreover, despite the gravity of the threat that Hitler posed to British interests, MacFarlane advanced the plan “without the slightest hope that it would be accepted” by his superiors. He knew that his proposal was, quite simply,

45. Ford, Political Murder, p. 269.
against the norms that govern state behavior. This attitude changed only gradually during World War II itself. Despite the desperate situation faced by Britain in the early years of the war, it was not until June 1944 that the British Special Operations Executive (SOE) undertook "a deliberate and continuous effort to try and liquidate Hitler." Even then, there remained "a grave divergence of views" on the matter within the government and the SOE, and the plan was never implemented.

Among contemporary states, Israel has gained notoriety for its willingness to resort to assassination. Nevertheless, there are limits on when—and against whom—violence is used. In 1991 Yossi Melman, an expert on Israeli intelligence, pointed out that "Israel, in 43 years of independence, has never been involved in political killings of foreign leaders." The article quoted a former Mossad agent’s opinion that "it’s wrong for Israel to be involved in assassinations against Arab leaders of sovereign countries," and noted that "a tacit understanding has been reached between Arab states and Israel—if you don’t kill our leaders, we won’t kill yours." Remarkably, although the most common targets of Israeli assassination attempts have been figures affiliated with the Palestine Liberation Organization, this forbearance has usually extended to upper-echelon PLO leaders.

Even the lawful targeting of leaders during wartime, which is not properly considered assassination at all, has been rare because of the strength of the norm against assassination itself. In effect, the norm appears to "spill over" to create a stigma against such actions. The U.S. operation that killed Japanese Admiral Isoroku Yamamoto in 1943 stands out as so exceptional in this regard that, although it is uniformly agreed that it was not an assassination under the law of war, most subsequent considerations of assassination in international law at least mention the case. And although willingness to target opposing leaders during hostilities seems to be increasing, the association of this practice

49. Ibid., p. 2; and Daniel Johnson, "Why Did We Hesitate to Kill Hitler?" Times (London), July 24, 1998.
51. One commentator observes that "while a civilian head of state who serves as commander-in-chief of the armed forces may be a lawful target, . . . as a matter of comity such attacks generally have been limited." W. Hays Parks, "Memorandum of Law: Executive Order 12333 and Assassination," Army Lawyer, December 1989, pp. 4–9, at p. 6.
with assassination continues to render it ethically problematic, irrespective of its legality. This ambiguity was apparent in the 1986 air strike on Tripoli and the 1990–91 Persian Gulf crisis. In each case, the United States clearly chose certain targets with the hope that the raids would result in the death of the opposing leader, yet in each case officials denied this intent, sometimes with considerable indignation. Of course, given that the United States did target both Qaddafi and Saddam, one must conclude that the “spillover” stigma against targeting leaders by conventional means is not as strong as the assassination norm itself. Still, the desire to publicly disassociate these attacks from the intent to kill any particular individual speaks to the sensitivity that the norm has engendered.

Analysis of the Rise of the Norm

International ethical norms, including norms governing the use of force, typically comprise two strands: one based upon a priori moral principles, and the other grounded in more historically contingent cultural and geopolitical factors. Although each strand is a necessary condition for the existence of a strong ethical norm, neither is a sufficient condition. No abstract principle, however compelling, or great power interest, however vital, will alone give rise to a norm recognized by the international community as ethically obligatory. Instead, what is important is the way in which a morally compelling principle fits into the prevailing structure of the international system—defined in both material and ideational terms. If there is a compatible or, better still, a mutually reinforcing relationship between a moral principle and the environment in which that principle is to be applied, it is more likely that an effective norm will arise. This also helps to explain the prevalence of anomalies or “ethical disconnects” in the application of international norms. Because norms are the products of political processes as well as moral principles, they are grossly imperfect reflections of abstract morality. Moral casuistry alone will seldom succeed in explaining which principles matter when, because the structure of

the international system privileges some principles over others and distorts even those that it privileges.

Until the early seventeenth century, the first strand of a norm against assassination—the principle that treacherous murder is morally wrong—existed, but had seldom been sufficient to significantly constrain foreign policy. In the early 1600s, however, a second strand was added: the association of assassination with disorder and systemic chaos. Specifically, conditions emerged that contributed to the idea that national leaders should be insulated from political violence. To understand the basis for these concerns, one must recall that the norm emerged at a time of enormous upheaval in European life. Religious divisions bred chaos and mistrust both within and among nations, eventually exploding into the Thirty Years’ War, which consumed the continent in violence from 1618 to 1648. Stephen Toulmin has argued that the crisis of the early seventeenth century was so complete that it led to the rejection of prevalent modes of thought and to a “quest for certainty” that demanded rationality in the intellectual arena and stability in the political arena. The pivotal event in this crisis, Toulmin asserts, was the 1610 assassination of French King Henry IV, who had championed religious accommodation. Although it was not the result of an international plot, Henry’s death at the hands of a Catholic zealot had far-reaching implications for a fractured Europe, and triggered the slide into general religious warfare.

Although Henry’s murder was perhaps the single most significant event in the emergence of the norm against assassination, the norm also reflected changes in the broader context of the European system. Among these were changes not only in the distribution of power in European society, but also in the way in which that power was exercised. The most important political manifestation of the “quest for certainty” that Toulmin describes was the rise of the institution of sovereign statehood. The date commonly given for the beginning of the era of modern sovereign territorial states is 1648, the year in which the Peace of Westphalia ended the Thirty Years’ War. The emergence of the modern states system was, however, less a discrete event than a gradual change in institutions and ideas that began well before 1648 and was not completed until sometime afterward. Along with sovereign statehood came

55. Ibid., pp. 47–53.
two interrelated phenomena, one predominantly material and the other predominantly ideational, both of which contributed to the norm against assassination. The material development was the rise of the mass army. As Charles Tilly and others have argued, the mass army was both a cause and an effect of the organizational form of the state. The material development was the rise of the mass army. As Charles Tilly and others have argued, the mass army was both a cause and an effect of the organizational form of the state.57 States with large armies could expand territorially, which made their power even greater. This expansion, along with the considerable cost of raising and maintaining the army, required the ability to extract resources from a large territorial base, which in turn required a dramatic increase in the size and power of the centralized state apparatus. States unable to play this game tended to disappear, victims of the states that could. As a result, smaller, weaker political entities (including the papacy, from whose influence states were breaking free) could not compete with large states, and conflicts between large states were decided by the clash of huge masses of men.58 An effective norm against assassination further increased the already formidable advantage of large states by placing their leaders effectively off limits from personal attack, and thereby dictating that the use of force in international relations be conducted on terms most favorable to them.59

The second, ideational, phenomenon that accompanied the rise of sovereign states was what Martin van Creveld describes as “the fiction that wars are waged by states, not men. The fiction has it that the members of the government have no personal interest in the matter and are merely acting on behalf of their states.”60 Rousseau offered this explication of the idea: “Individual combats, duels, encounters are not acts that constitute a state. . . . War is not, therefore, a relation between man and man, but between State and State, in which private individuals are enemies only by accident, not as men, nor even

58. On the growth of armies from the late sixteenth century to the early eighteenth century, see Martin L. van Creveld, Supplying War: Logistics from Wallenstein to Patton (Cambridge: Cambridge University Press, 1979), pp. 5–6.
59. This situation was further compounded by the changes in tactics and command necessitated by the size of armies, which made it less common for a commander to lead his troops in battle. As a result, leaders themselves were at less risk of being killed in conventional combat. On the tactical and organizational aspects of the “military revolution” of the early seventeenth century, see Gunther Rothenberg, “Maurice of Nassau, Gustavus Adolphus, Raimondo Montecuccoli, and the ‘Military Revolution’ of the Seventeenth Century,” in Peter Paret, ed., Makers of Modern Strategy (Princeton, N.J.: Princeton University Press, 1986), pp. 32–63.
as citizens, but as soldiers.”61 In other words, in international politics, individuals should be seen as agents rather than principals, even if they happen to be kings or generals. One commentator describes it as “the premise that making war was the proper activity of sovereigns for which they ought not be required to sacrifice their personal safety.”62

This “fiction,” as van Creveld refers to it, is a distinctly modern idea, and plays a critical role in the theoretical structure of sovereign statehood. This idea reflected emerging institutional realities, but also hastened them along, disassociating wars from the personal ambitions of rulers while reinforcing the inchoate notion of states as meaningful political structures. Consequently, “the idea of the state as an abstract organization caused an increasingly sharp line to be drawn between the rulers’ private persons and their public functions. The latter represented legitimate targets; the former were supposed to remain inviolate.”63 Legitimate targets assumed the use of legitimate means, however; using treachery crossed the line from war to assassination. Moreover, this aspect of the ideational structure of sovereign statehood interacted synergistically with mass armies: It reinforced the normative idea that clashes between large masses of men—rather than intrigue—was the proper way for conflicts to be settled. Consider, for example, the proposals for the assassination of Sweden’s Gustav Adolf put to Ferdinand II and Philip IV. Ferdinand instead expressed a preference for resolving the matter in battle, “openly and with the sword,” rather than by intrigue.64 Similarly, Philip objected that assassination “would be unworthy of a great and just king. . . . For, it being left to God to punish His enemies, and there remaining to us appropriate and legitimate means to resist and humiliate them according to what prudence and just intention will advise, God will favor [such means], and conscience and reputation will continue to be protected.”65 These objections show that by 1632 a collective understanding was emerging that the “appropriate and legitimate” means of dealing with foreign antagonists was to send armies, rather than assassins, against them. Philip’s reference to the damage to reputation that might result from involvement in such a plan provides a particularly striking

64. Ford, Political Murder, p. 187.
65. Quoted in ibid., pp. 187–188.
contrast to both the actions and the rhetoric of his grandfather Philip II, who had been so willing to undertake plots against the Protestant leaders of his day.

A crucial role in the development of the norm against assassination was played by early international lawyers who, in the late 1500s and early 1600s, sought for the first time to systematically define the rights and responsibilities of nations in their dealings with one another. Indeed, one can discern a clear progression in the works of the early jurists on the issue of assassination in the conduct of war. Francisco de Vitoria, whose *De Jure Belli* is sometimes described as the first text of international law, did not mention the subject at all, despite devoting considerable attention to other matters concerning the just conduct of war.66 Balthazar Ayala, writing half a century later, was the first prominent jurist to condemn the use of assassination in foreign policy, arguing that moral considerations of honor, valor, and good faith should take precedence over expediency and self-interest.67 Although his critique of assassination served as a point of departure for future writers, Ayala was swimming against the current of his times: His treatise was published at the beginning of a decade (the 1580s) that would witness a spate of international plots.

The publication of Alberico Gentili’s *De Iure Belli Libri Tres* in 1598 marked a departure from previous approaches. Like Ayala, Gentili condemned assassination on moral grounds, calling it a “shameful” and “wicked” practice, and arguing that objectives in war should be achieved by valorous means.68 Gentili also made use of a distinctly different, subtler line of argument, however. Apart from being unjust, he wrote, assassination led to consequences that were harmful to the interests of nations that resorted to it. This appeal to self-interest had two dimensions. The first dealt with short-term consequences: The murder of an enemy leader would arouse the ire of his successor and his subjects, setting them on a path of revenge and vindication. Therefore, Gentili suggested, a leader deciding on such a course of action should consider the same action being visited upon himself.69 The second dimension extended the idea of unintended consequences into the long term by considering the effects of assassination as a generalized practice carried out by all nations. These effects, Gentili argued, are to diminish the safety and security of everyday life, and to

69. Ibid., pp. 167, 169.
contribute to disorder in society.\textsuperscript{70} It was, however, a specific type of disorder that concerned Gentili, a fact that becomes clear when his comments on assassination are read in conjunction with his treatment of “secret attacks” on enemy leaders. Breaking with earlier authorities, he condemned such attacks: “Public hostility becomes a private matter when the life of one man is attempted in this way. For if such a thing happens on the battlefield, in forays from the camp, then no blame attaches to the enemy, who could not distinguish the leader of the foe from a common soldier. And yet I know that the enemy withheld their hands from the kings of the Lacedaemonians in battle through reverence for them.”\textsuperscript{71} This passage represents a crucial shift in focus from the \textit{means} used to kill an enemy to the \textit{identity} of the enemy to be killed. Gentili was concerned with protecting leaders themselves, regardless of how honorable or direct the means used to attack them. This shift in emphasis distinguishes Gentili from the simple moralist objections of commentators like Ayala. In fact, from a purely moral standpoint, the passages concerning the personal safety of leaders do not follow logically from concerns with assassination \textit{unless} the essence of the problem is not simply the use of dishonorable means, but also the potential for political disorder and instability.

These concerns come to the fore in the work of the most famous of the early jurists, Hugo Grotius.\textsuperscript{72} In his writings on the law of war, Grotius granted greater latitude for killing than many of his contemporaries, allowing, for example, the execution of captives and soldiers wishing to surrender.\textsuperscript{73} Nevertheless, he strictly forbade assassination, or killing “by treachery,” even while holding that other treacherous acts were permissible.\textsuperscript{74} Grotius was less concerned with either treachery per se or killing per se than with treacherous killing specifically. He explained this apparent anomaly in terms evocative of Gentili. A rule against assassination would not only contribute to order, he argued, but would also “prevent the dangers to persons of particular eminence from becoming excessive.”\textsuperscript{75} An attendant consequence was the reassertion of the normative idea that killing was proper only on the battlefield.

The fact that the shift in emphasis found within the legal treatises coincided with changes in attitudes and practices shows that jurists like Gentili and Grotius were not simply engaged in detached intellectual exercises. Instead,
they were both responding to and influencing developments in the social and geopolitical structure of Europe. The moral principles of magnanimity and valor underlying the restriction on assassination were not uniformly applied, therefore, but were filtered through practical political concerns emerging at the time. Gentili and Grotius worried that if assassination were permitted, the safety of leaders would be compromised, with pernicious effects. The restriction, although ostensibly forbidding a certain mode of killing, had the practical effect of making certain individuals—leaders—harder to kill, because the killing would have to be done in the context of conventional military action. Although Gentili’s work predated Henry IV’s assassination, it is likely that the event figured heavily in the thinking of Grotius, who at the time of the publication of *De jure Belli ac Pacis* was in the employ of Henry’s son, Louis XIII, to whom he dedicated the work. 76 Seen in this perspective, Grotius’s emphasis on both the personal safety of rulers and stability in the international order becomes clearer. Indeed, Toulmin cites Grotius’s work as an early and influential exemplar of the “quest for certainty” that would define the modern era.77

A complex combination of material and ideational factors, therefore, contributed to the rise of the norm against assassinating foreign leaders. On the one hand, the norm reflected the institutional interests of powerful actors in the international system. On the other hand, the norm itself served a legitimizing function, reinforcing institutional changes by providing them with a normative foundation based on natural law principles of justice and honor. The norm addressed new political concerns, connecting moral judgments to emerging interests in a way that they had not been previously. Because of the propitious fit among principles, interests, and institutions, these judgments soon evolved into a common understanding, among states and supported by states, that certain types of actions were improper. Over time, national elites and institutions internalized this understanding to such a degree that a strong presumption against assassination developed. There was, in other words, little inclination to ponder the ethical propriety of assassination or to engage in a cost-benefit analysis, because the attitude toward assassination was *less a calculation than a reflex*. The result was a visceral aversion to assassination that largely obscured the norm’s relationship to the structure of the international system.

76. In his dedication Grotius praised Louis as a monarch “set . . . against the trend of an age which is rushing headlong to destruction.” Ibid., p. 3.
77. Toulmin, *Cosmopolis*, p. 76.
Alternative Explanations

I have emphasized the importance of the interaction of various historical forces in the rise of the norm against assassination. Other commentators, however, have explained the norm by reference to more discrete and specific factors, ranging from moral ideals of honor and chivalry to more pragmatic considerations of political expediency. Before examining the status of the norm in contemporary international politics, I consider four of these alternative explanations.

THE NORM AS A VESTIGE OF CHIVALRY

The first holds that the norm is a reflection of the emphasis on chivalry found in the laws of war. Proponents of this view point to the condemnation of “treachery” and “perfidy” in international conventions and military manuals as evidence of a sense of honor that constrains the use of force, including assassination. This explanation maintains that the norm is best understood in terms of what I have referred to as “first strand” moral concerns, as anachronistic as they may seem.78 As a description of the way in which the norm influences actors, particularly military professionals, this is probably accurate. As an account of the origins of the norm, however, it is less convincing. First, there are obvious problems with timing. As I have argued, chivalry had little effect on assassination even when it was still taken seriously, and by the late 1500s, its influence had waned in other areas as well. Moreover, this explanation begs the question: Why are some morally problematic practices forbidden while others are allowed? Why did some practices survive from the age of chivalry while others did not? Consider, for example, the chivalric practice of single combat, which allowed disputes between nations to be resolved by a *mano a mano* battle between enemy leaders. Although this would spare the lives of many soldiers who would otherwise perish in battle, the idea strikes a modern observer as absurdly anachronistic. The decisive question, instead, was which norms fit most readily into prevailing political and social frameworks. With the rise of sovereign states, the prohibition of assassination was such a norm; single combat was not.79

THE NORM AS A REFLECTION OF INTERNATIONAL GENTILITY

A related but more historically grounded explanation points to the decline of political violence that followed the religious wars of the 1500s and 1600s. This period, the argument goes, was an exceptionally brutal one, marked by virulent religious strife that spilled over not only into the conduct of war, but into all affairs of state.\(^80\) The end of the religious wars, however, gave way to a gentler era in international relations, in which restraints on war were more common, and a general sentiment of civility prevailed. The norm against assassination, some argue, was part of this larger change in the manners of international politics, a product of less violent times and more genteel social mores.\(^81\)

This explanation suffers from several problems. The most obvious is that, as I have shown, the emergence of the norm predated the end of brutal religious conflict by several decades. Furthermore, other practices at least as violent and inhumane, such as the refusal of clemency to civilians in towns under siege, continued not only for the duration of the Thirty Years’ War, but well beyond, even into the relatively refined eighteenth century.\(^82\) Finally, this explanation cannot account for the vitality of the norm over several centuries. Since the mid-1600s there have been at least two periods during which much of the international system has been consumed by extremely destructive wars—the Napoleonic era and the world wars of the twentieth century. In neither case, however, did the norm against assassination dissolve in the face of the surrounding brutality, even when the elimination of one individual promised to relieve the problem.

THE NORM AS A CONCESSION TO REALITY

A third explanation suggests that the norm against assassination arose simply because states no longer found it worth the effort to try to kill troublesome foreign leaders. Two factors are sometimes identified as rendering assassination an ineffective tool of foreign policy. The first is that it is difficult to carry out: Leaders are typically so well protected that an assassination attempt

\(^80\) Geoffrey Parker notes that the age “abounded in brutality.” Parker, “Early Modern Europe,” p. 47. Similarly, in his introduction to Vattel’s work, Albert de Lapradelle explains the difference between what he sees as Grotius’s “severe and even barbarous” laws of war and the “humanized” version espoused by Vattel by noting that “between the life-times of the two men manners became less harsh.” Vattel, Le droit des gens, p. xlviii.

\(^81\) See, for example, Rapoport, Assassination and Terrorism, pp. 4–6; and Morgenthau, Politics among Nations, p. 226.

\(^82\) See, for example, Harold E. Selesky, “Colonial America,” and Gunther Rothenberg, “The Age of Napoleon,” in Howard, Andreopoulos, and Shulman, The Laws of War.
would require a large expenditure of resources with a disproportionately small chance of success. The second purported problem is that the death of an individual rarely has a significant impact on state policy. According to this logic, even if an attempt succeeded, it would be unlikely to bring about the desired changes. In historical terms, this is often tied to the shift from dynastic rule to representative government and the corresponding increase in the stability of governing institutions. Van Creveld, dating the rise of the norm to the second half of the sixteenth century, reasons: “This, too, was the age when the principle of legitimate rule was becoming widely recognized. With continuity assured, killing, imprisoning, or otherwise molesting those responsible for the conduct of war at the top no longer served a useful purpose.”

This explanation, too, is problematic. First, it is not true that assassination attempts rarely succeed. The litany of assassinations in a domestic context—carried out by individuals with far fewer resources than any sovereign state would possess—belys the notion that assassination is prohibitively difficult to carry out. In any case, assassination continued to be a regular feature of domestic politics long after its use as a foreign policy tool receded. In terms of the ineffectiveness of assassination as a means of political change, two points can be made. The first is an appeal to counterfactual reasoning. It is difficult to imagine that the course of history would not have changed had Hitler been killed in 1938. The same can be said of Gustav, Frederick, Napoleon, and Churchill at pivotal moments in their respective careers. Ultimately, such questions are unanswerable, but it would take a committed structuralist to insist that exceptional individuals matter little in history, which is what the explanation from ineffectiveness amounts to. The second point, again, relates to timing; The shift from dynastic to representative rule, and the stability of political institutions that accompanied it, occurred too late to explain a norm that arose in the early 1600s. In fact, in most of Europe the seventeenth and early eighteenth centuries marked the heyday of absolutism, with power highly centralized in the person of the monarch. In such an environment, individual rulers would have presented meaningful targets indeed.

THE NORM AS A MANIFESTATION OF PUBLIC OPINION
A fourth alternative explanation ascribes the aversion to assassination to the impact of domestic public opinion. It is sometimes asserted, for example, that the United States is exceptionally averse to assassination because it does not

conform to American values of justice and fairness. This was the position taken in 1976 by the Church Committee, which investigated the involvement of the CIA in assassination plots. The committee found fault with assassination because it “violates moral precepts fundamental to our way of life . . . [and] traditional American notions of fair play.” According to this view, although there may be convergence of opinion among some states on the issue, fundamentally the norm is not an “international” norm at all, but operates on the state level.

Because of the relative novelty of opinion polling, it is impossible to assess the status of public opinion over the history of the norm against assassination. The norm was in place, however, long before governments considered themselves responsible to the will of the general public. In addition, more recent evidence suggests that public opinion is not an important source of constraint on international assassination. First, the norm constrains nondemocratic states, which have little concern for domestic public opinion, as well as democratic states. Although there have been states willing to break the norm, these have as often been democratic as nondemocratic regimes. Second, even in democratic states, aversion to assassination seems to derive from sources other than public opinion, which is often permissive when it comes to killing foreign leaders. Those espousing the exceptionalism of the United States in this regard, for example, often note that it is the only state that has enacted—in the form of an executive order—a clear declaratory policy renouncing assassination. Yet polls have shown the American public to be receptive to the use of assassination in many cases. Even the revelations of the Church Committee, which prompted the executive ban on assassinations, failed to trigger a strong

86. Prior to the 1986 raid on Tripoli, for example, 61 percent agreed that the United States should “covertly assassinate known terrorist leaders.” During the Persian Gulf War, a poll revealed that 65 percent of the American public favored “the covert assassination of Hussein to end the war quickly”; only 35 percent thought such an attempt would be wrong even if it succeeded. In 1993, after Saddam’s role in the plot to assassinate former President George Bush had been revealed, 53 percent favored killing Saddam, while only 37 percent opposed it. Brian Jenkins, “Assassination: Should We Stay the Good Guys?” Los Angeles Times, November 16, 1986, p. A2; Allan C. Miller, “The Risk in Targeting Saddam,” Los Angeles Times, February 23, 1991, p. A1; and “Americans Favor Killing Saddam Hussein,” Los Angeles Times, June 29, 1993, p. A6.
Although the apparent lack of commitment to the norm among the general public may suggest that it does not appeal as strongly to moral intuition as it once did, it is unlikely that national leaders take their cue on this issue from their own constituencies. In fact, putting the question to public opinion in a sense misunderstands the nature of international norms, for which the most relevant audience is not domestic society but the "society of states."  

A Norm in Decline?

In recent decades evidence has mounted that the norm against assassinating foreign leaders may be waning. One sign is the increasing frequency of calls by lawmakers and commentators to consider assassination as a foreign policy option. Although the term still has a strongly negative connotation, there is also apparently greater willingness to accept it as a necessary evil. The "ethical disconnect" between recoiling at the thought of assassinating a despot while barely batting an eyelash at bomb casualties in the thousands has led some to question what should truly count as "honorable."  

Another indication that the norm may be in decline is the rising number of assassinations and assassination attempts in international politics in the second half of the twentieth century. The 1960 assassination of Jordanian Prime Minister Hazzah Majali, for example, was traced to Egyptian President Gamal Abdel Nasser, who was also reportedly involved in several other assassination intrigues, either as the instigator or the intended victim. In radio broadcasts, Nasser repeatedly urged the assassination of Jordan’s King Hussein, and was himself the subject of plots funded by King Saud of Saudi Arabia, and of


88. For example, in urging the Church Committee not to publicize the details of its investigation, President Ford argued that “public release of these official materials and information will do grievous damage to our country. It would likely be exploited by foreign nations and groups hostile to the United States in a manner designed to do maximum damage to the reputation and foreign policy of the United States. It would seriously impair our ability to exercise a positive leading role in world affairs.” Ford Said to Fear Baring of CIA Role in Assassinations Abroad, New York Times, March 1, 1975, p. A30; and Johnson, “Executive Order 12,333,” p. 408.


abortive plans by France, Israel, and Britain.91 Whether Britain did, as recently alleged, conspire to kill Qaddafi in 1996, former British intelligence officers have told of plots to assassinate the Libyan leader as early as 1971.92 More recently, press reports have raised the possibility of French government complicity in the plane crash that killed the presidents of Rwanda and Burundi in 1994, triggering horrific ethnic violence.93 Perhaps the most compelling evidence that the norm is declining, however, is the fact that the United States was willing, if not able, to resort to assassination several times during the Cold War. The revelations of the Church Committee concerning CIA involvement in these plots raise a crucial question: If the norm against assassination protects the interests of great powers, why would the strongest state in the system be prepared to violate it?

If the norm against assassination is losing currency, this suggests that changes in the international political environment may be pushing toward a different normative equilibrium. Simply put, if the norm is declining, it is probably because it does not fit into the structure of the international system as well as it once did. There are at least two structural changes in the post–World War II international system that may be undermining the norm.

TERRORISM AND UNCONVENTIONAL VIOLENCE
The first structural change is the increasing prevalence of nontraditional modes of violence such as guerrilla warfare and terrorism, particularly by nonstate actors. The rise of terrorism in a sense represents the explicit rejection of norms that seek to prohibit certain means of violence as illegitimate. Terrorist groups refuse to play by the rules of international politics partly because they are unable to; the means at their disposal are not amenable to resolving disputes by the large-scale clash of troops. This refusal to play by the rules, along with the nonterritorial nature of many groups employing such tactics, places state actors in a difficult position in responding. Seldom are there easily identifiable armed forces that can be defeated in conventional combat. Nor are there often discreet geographical strongholds that can be attacked to neutralize the threat, and when there are, they are likely to be predominantly civilian areas within the territory of a state that is a third party to the dispute, raising difficulties

associated with violating another state’s sovereignty. As a result, threatened states may feel pressured to respond with similar tactics. The first known assassination plot sponsored by U.S. officials, for example, was against Mexican bandit Pancho Villa during the 1916 Punitive Expedition. The expedition, which sought to bring Villa to justice for deadly border raids, was stymied by Villa’s elusiveness and the desire to avoid armed contact with regular Mexican forces. It was a conventional response to an unconventional threat, and its failure frustrated U.S. authorities. Gen. John Pershing, the expedition commander, finally resorted to hiring several Mexicans to poison Villa’s coffee. The plot, which was unknown to Pershing’s superiors, failed.

The Villa episode presaged both the difficulty that powerful states would have in dealing with unconventional threats in the post–World War II era, and the frequent temptation to respond to such threats in kind. The plots reported by the Church Committee were one manifestation of the difficulty the United States experienced in countering “national liberation” movements during the 1950s and 1960s. In Vietnam the United States responded to the use of terror by the Vietcong with the “Phoenix program,” a counterinsurgency effort that included the assassination of VC figures. Perhaps following Israel’s example, in the 1980s and 1990s the United States at least flirted with the use of assassination as a response to terrorism. In the mid-1980s, the Reagan administration launched efforts to ensure that the executive order banning assassination was not interpreted as forbidding antiterrorist operations. Furthermore, reports in 1984 and 1985 suggested that Reagan signed secret “intelligence findings” with deliberately ambiguous language that might have “circumvented” the assassination ban in raids against terrorists. Although the administration vehemently denied the reports, its own publicly proposed 1985 interpretation of the executive order would have permitted almost exactly the

94. This issue arose, for example, with the United States’ August 1998 cruise missile strikes in Afghanistan and Sudan, and with Israel’s early 2000 attacks on villages in southern Lebanon.
96. Ibid.
sort of actions reportedly authorized by the secret intelligence findings. \footnote{100}{See McManus, “Assassination Ban May Not Apply in Anti-Terror Raids.” Former Deputy Director of Central Intelligence John McMahon notes that the CIA received a directive from the National Security Council staff in 1985 “telling us to go knock off terrorists in pre-emptive strikes.” McMahon declined to act on the directive. Weiner, “Rethinking the Ban on Political Assassinations.”} Finally, a 1991 article by the former operations officer of a “classified Pentagon counter-terrorist unit” strongly implied that assassination was part of the “sensitive retaliation operations” against those responsible for the 1983 bombing of the U.S. Marine barracks in Beirut. \footnote{101}{William Cowan, “How to Kill Saddam: Stalking the Dictator: Scenarios from a Former Counter-Terrorist,” Washington Post, February 10, 1991, p. C2.} All these examples suggest that the assassination taboo may not apply as strongly to responses to terrorism. \footnote{102}{Still, the norm itself may not be so easily “divisible.” Even actions taken against nonstate terrorist targets are, in the long run, likely to undermine the norm as a whole and erode the barriers to the use of assassination in other circumstances.}

**MODERN WAR AND THE PERSONAL RESPONSIBILITY OF LEADERS**

The second structural change that threatens the norm against assassination has its basis in the immensely destructive nature of modern war. World Wars I and II brought death and hardship of a magnitude previously unimaginable, and the advent of nuclear weapons threatened even greater horrors. These material changes were accompanied by a closely related ideational change: the post–World War II transformation in international law that outlawed aggressive war as a means of pursuing state goals. \footnote{103}{See Michael Walzer, *Just and Unjust Wars*, rev. ed. (New York: Basic Books, 1992), chaps. 4–6, 18; Telford Taylor, “Just and Unjust Wars,” in Malham Wakin, ed., *War, Morality, and the Military Profession* (Boulder, Colo.: Westview, 1979).} This development strikes at the heart of the Westphalian idea that war is a legitimate activity for sovereign states, and that national leaders should not be held personally accountable for it. The post–World War II judgment at Nuremberg stripped leaders of the shield of *raison d’état* as a justification for war, making aggression a crime and exposing them to personal responsibility as war criminals. \footnote{104}{For an example of the application of this principle by targeting foreign leaders, see Robert F. Turner, “Deterring Humanitarian Law Violations: Strengthening Enforcement,” paper presented at the Center for National Security Law, Charlottesville, Virginia, November 4–5, 1994.} The idea that leaders can and should be held accountable for transgressions committed in the name of the state is a significant blow to the ideational foundation on which the assassination ban is based.
The effects of modern war also diminish the unquestioning acceptance that assassination is morally wrong. Specifically, they bring into relief the anomaly of forbidding the murder of one person while allowing the deaths of many thousands less culpable. What is at stake is, in Michael Walzer’s terms, the “moral plausibility” of the norm: whether, on an intuitive level, it “correspond[s] to our sense of what is right.” Recent debates suggest that a hard-and-fast rule against assassinating foreign leaders may not “correspond to our sense of what is right” as strongly as in the past. As a result, the temptation to strike directly at those most responsible for international strife appears to be growing.

These structural changes help to explain why assassination has resurfaced on the international relations landscape after an absence of more than three centuries. At the very least, it is likely that the norm is less internalized by policymakers than it was in previous eras. It is possible to believe that the British never seriously entertained the benefits of killing Hitler in 1938. On the other hand, one would expect a contemporary leader faced with a modern-day Hitler—or even George Bush confronted by Saddam Hussein—to weigh assassination as a possible, if extreme and desperate, course of action. In this sense it is accurate to say that whereas Bush decided against assassination, in 1938 there was no real decision to be made. This is an important distinction, and it is the measure of the extent to which commitment to the norm has begun to waver among national decisionmakers.

Still, Bush did decide against assassination, and this, too, is important. So is the fact that few national leaders would ever publicly admit to considering it in the first place. Changes in attitudes notwithstanding, for most states assassination would become a serious option only in exceptional circumstances, if at all. Moreover, the norm still is considered binding even if a foreign antagonist violates it first. Clearly, the assassination taboo remains a powerful constraint in international politics for at least two reasons. First, the strength of the norm over several centuries has invested assassination with connotations that remain heavily negative, even if slightly less so than before. Second, occasional frustrations notwithstanding, the norm continues to serve the interests of powerful actors by providing a barrier to actions that would introduce

considerable unpredictability into the international system. Great powers, understandably, tend to value predictability highly, and therefore still derive a comparative advantage from the presumptive illegitimacy of assassination. For these reasons, the norm remains strong despite flagging commitment among the general public in some countries. While public opinion may reflect general moral judgments, it is less attuned to issues of international legitimacy that must weigh heavily on the minds of national leaders, as well as to longer-term systemic consequences of short-term solutions. As convenient as assassination may occasionally seem for solving difficult problems, no state wishing to use it could reserve this right to itself. If a government were to embrace assassination as an instrument of policy, not only would it subject itself to acts of reprisal by aggrieved nations in the short term, but it might also hasten the destigmatization of the practice in the international system as a whole. For a great power such as the United States, such a policy could prove self-defeating, because it would exchange the advantages of normative legitimacy and superior conventional military capability for a playing field slanted decidedly in the other direction.

Theoretical Implications: Norms and Security

The international norm against assassinating foreign leaders arose in the early seventeenth century, the product of the interaction of moral principles and both material and ideational changes in the way in which political power was exercised in the European states system. One effect of the norm was to reinforce the institutional arrangements that emerged from this epochal period, providing an advantage to the political entities best able to achieve their goals by resort to conventional military means, rather than intrigue. This benefited sovereign states generally, and militarily capable sovereign states particularly. The fact that the norm reinforced the position of dominant systemic actors, in turn, helps to account for the strength it has enjoyed for almost four centuries. Nevertheless, there is evidence that the norm may be weakening with the reemergence of international nonstate violence and the rise of the idea that national leaders should be held personally accountable for the consequences of their policies. What remains to be considered are implications of this account for the theoretical debate over the role of norms in international security.

Until relatively recently, work in the field of international security paid little attention to norms. In large part this reflected the theoretical dominance of the realist school, whose neglect of norms is a natural corollary to its dismissal of ethics as a meaningful factor in international politics. In the last decade,
however, new scholarship on norms has called the realist account into ques-
tion, offering evidence that norms can and often do play an important role in
shaping states’ foreign policies, even in the realm of national security. 107 The
realist response has been to invite debate over whether normative ideas matter
more than or less than factors such as power and interest in any given case. 108
A review of the norm against international assassination, however, suggests
that this is not a particularly useful way of framing the question. To understand
this norm, one must understand how it emerged from the interaction of abstract
moral principles and structural influences. Viewing norms in all-or-nothing
terms obscures this interaction, and leads to a flawed view of how norms come
into being and subsequently influence foreign policy. 109 Nor is the norm against
assassination unique in this regard. Indeed, it is difficult to account for the
existence of many international norms without reference to some prior and
independent moral principle. Norms protecting human rights, for example,
reflect fundamental beliefs concerning the proper treatment of individuals, and
would not exist but for those beliefs. The same is true of many of the laws of
war embodied in the Geneva and Hague Conventions. Ultimately, however,
other factors—including power and interest—play important roles in the way
these norms develop and how they influence state policy. 110 Because norms are
collective understandings and not abstract principles (i.e., intersubjective
rather than subjective phenomena), they derive their strength from the degree
of consensus they enjoy and the level of commitment they engender. It is
therefore impossible to discuss norms without at least implicit reference to a
power structure that creates and maintains them. Because they are hybrid
creations of both principle and power, norms almost certainly will be stronger
if they are associated with the interests of powerful actors in the international
system.

107. See, for example, Jeffrey W. Legro, Cooperation under Fire: Anglo-German Restraint during World
War II (Ithaca, N.Y.: Cornell University Press, 1995); Martha Finnemore, National Interests in
International Society (Ithaca, N.Y.: Cornell University Press, 1996); Peter J. Katzenstein, ed., The
Culture of National Security: Norms and Identity in World Politics (New York: Columbia University
Press, 1996); Elizabeth Kier, Imagining War: French and British Military Doctrine between the Wars
(Ithaca, N.Y.: Cornell University Press, 1997). For a realist critique of work in this vein, see Michael

108. See, for example, John J. Mearsheimer, “The False Promise of International Institutions,”

109. For an explication of this argument, see Ward Thomas, Embedded Ethics in International

110. For example, Cathal J. Nolan has linked the rise of a viable human rights “regime” in the
years after World War II to the United States’ influence in postwar international institutions. Nolan,
Appreciation of this fact, on the other hand, need not entail the acceptance of realist conclusions. Indeed, this account departs from the realist model on both the sources and the effects of norms. With regard to their sources, just as norms imperfectly reflect the moral principles that underlie them, neither are they simply epiphenomenal reflections of the distribution of material power. A normative approach envisions a subtler and more multidimensional notion of power than most realists employ. States often influence outcomes in international politics by means other than military or economic might, and sometimes in a manner disproportionate to their material capabilities.\textsuperscript{111} Moreover, it is rare that a state is able to create norms in exactly the way it would like, both because there are limits to its power and because, as intersubjective ideas that rest on notions of proper and improper behavior, norms are not easily manipulable.\textsuperscript{112} So norms are not simply direct and unadulterated reflections of the interests of strong states, but rather are more complex and historically contingent syntheses of political, social, and intellectual forces. Moreover, norms are not mere window dressing; once in place, they can shape the behavior of even very strong states in two ways. First, norms can serve as systemic constraints on state action. Simply put, there are costs associated with violating norms, ranging from military or economic sanctions to diminished credibility and reputation. Although these costs by no means assure perfect compliance with all norms all the time, they do create considerable disincentives to norm violation that must be weighed against the immediate advantages that might be gained. Second, as constructivist scholars have argued, norms not only may constrain states in how they pursue their interests, but may play a more fundamental role in shaping those interests.\textsuperscript{113} Norms specify standards of behavior by reference to which states define their values, goals, and national purposes—in other words, their identities. In this way, the normative context of international politics influences states in the formation of goals as well as in the choice of means to achieve them. Careful study of ethical norms reveals that both power and principle matter in international politics, and that it is often impossible to divorce one from the other.