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Justifications of Violence

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OUR present government seems commendably obsessed with denouncing domestic violence, but less fastidious about international violence.[1] But let me begin by disposing of the most obvious justification of violence via a personal incident, and then as a political philosopher with a taste for history—before reaching terrorism—the intermediate case of tyrannicide.

In the proud moral arrogance of youth when a student, I spoke for the Peace Pledge Union from a soapbox in Lincoln's Inn Fields. A gentleman in a black jacket, pinstripe trousers and bowler hat—so obviously a solicitor—waved his rolled umbrella at me and shouted, 'Call yourself a pacifist! What will you do if I hit you with my umbrella for spouting such treasonable nonsense.' I replied that I would take his umbrella from him and hit him back with proportionate force: 'I'm not that sort of a pacifist.' That is all that needs saying about violence in self-defence, which is well established in common law even if 'proportionality' is often arguable in court.

But as John Wilkes Booth leapt from the box on to the stage, having shot Abraham Lincoln, he shouted what he thought to be an appropriate Latin tag: '*Sic semper tyrannis*'—'that's the way with tyrants' or, more literally, 'Ever thus to tyrants.' The phrase would have been associated by the well-educated in the audience with Marcus Brutus, the most famous of tyrannicides (who had been carrying on a bit of a family tradition), yet the phrase was familiar to most of the Washington audience as the state motto of Virginia, framed in the days of rebellion against King George and the British. But now it was invoked simply for vengeance at the end of the civil war—all hope of Confederate victory long gone—not to make a violent but perhaps merciful end to the fratricidal carnage of civil war. He was reviled as a mad villain by Unionists, but glorified as a hero by many Confederates.

Glorification and tyrannicide

Now, in our green and pleasant land it has just become a criminal offence to glorify terrorism. But how far will the new offence stretch? I hope not retrospectively, or I would be a very worried old thinker. For on the night of Bobby Kennedy's assassination in 1968 a good friend phoned me up, her voice quivering with emotion: 'Bernard, the killing of the two brothers is so terrible, so wrong; but we must not let go of the doctrine of tyrannicide. We must draw distinctions.' The late Irene Coltman spoke as if we were members of a small sacred (if secular) order, preserving ancient truths about the origins and condition of political freedom: 'When you write your intro to Machiavelli's *Discourses* you *must* remember that he praised the sons of Brutus.' 'Ah, yes. OK Irene, I will.' The world of classical republicanism was very close to her. She and her husband, Roland Brown, then Attorney General of Tanzania, had been close to President Julius Nyere when he had instigated a translation of Shakespeare's *Julius Caesar* into Swahili, so that if he ever acted like Julius Caesar . . . the message was clear.

Actually, I did better than recall the sons of Brutus in the Pelican edition of

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the *Discourses*. On Monday, 7 April 1969 (this will save Special Branch searching), I broadcast on the BBC Third Programme a talk with the title 'Should Tyrants Be Killed?', subsequently printed in the good old *Listener*; but I've lost my copy. If charged, I will only have the script to produce in court.

Now, my title was rhetorical. The plain answer in the tradition of Western political thought was 'Yes', tyrants should be killed. I said so clearly. I did not have to rely only on the thinkers of Greece and Rome, who honoured tyrannicides but denounced assassins. Many of them took for granted that their fellow citizens would understand that distinction without need for formal definition—just as Tony Blair scorned quibblers in Parliament and said that 'ordinary people understand what is meant by the glorification of terrorism'. But to do better than that I turned to St Thomas Aquinas, who, in the *Summa*, echoed Cicero's praise of tyrannicide, albeit on four strict conditions: (i) that the man to be killed had usurped power violently; (ii) that he had broken the divine and the natural law, and was a threat to the lives and morality of his subjects; (iii) that there was no other remedy; and (iv) that his killing would lead to some better state of affairs—it must not be done for vengeance or for punishment, because those matters were in God's hands.

Of course, in the modern world so much power is now in the hands of party, military or state bureaucracy that the killing of one tyrant usually clears the way only for another. Clause (iv) above is difficult to apply. I would be hard put to name contemporary examples, even from Africa; and silence is more prudent (as George Galloway might learn), even if after all, the criminal charge would be one of glorifying tyrannicide rather than actually causing it. If, that is, the courts reject, to the rage of Blair, Clarke, Reade and my old friend Blunkett, synonyms. A. P. Herbert's good old Mr Justice Cocklecarrot may well say that 'tyrannicide' is 'not terrorism' within the wording of the Act, and so I, if charged, would have to agree with such a shabby line of defence, perforce. For, of course, the Act will be interpreted by the courts and not by Mr Blair's 'ordinary people'—thank god. Populism can go too far.

Now, classical learning would have seen Lincoln, indeed, as a 'dictator'—a consul holding absolute powers constitutionally for the time of the emergency—but not as a tyrant. Yet he might have been. Sometimes it is hard to judge—which is the marvellously poised dramatic and moral problematic in a good production of Shakespeare's *Julius Caesar*. Much of our thinking about the relationship of ethics to politics was shaped by long or half-forgotten theological dispute and debate about the justification of killing tyrants. There was and is this ultimate justification of personal political violence. Not so long ago in historical time, a Pope opined that it was a moral duty to assassinate a Queen of England, salvation guaranteed. Does that sound familiar? And there was also a Protestant theory of tyrannicide. A great man who invoked it in England—Oliver Cromwell—has his statue right outside the public entrance to the House of Commons. Reformers modified Thomas Aquinas' first qualification for they were all too aware that even a legitimate ruler could turn tyrant, threaten the lives and even wage war against his own people. So off with King Charles' head.

Thomas Hobbes, of course, would have none of this. The master of baroque prose burst out against young men 'reading the books of policy . . . ':

> From the reading, I say, of such books men have undertaken to kill their Kings, because the Greek and Latin writers, in their books and discourses of policy, make it lawful and laudable to do so; provided before he do it, he called him a Tyrant. For they say not Regicide, that is killing of a King, but Tyrannicide, that is, killing of a Tyrant is lawful.

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But if Hobbes disliked the individual intentionality of the word, he sweepingly argued that 'Leviathan' (whether a man or a corporate body) simply loses his authority if he threatens the individual lives of his subjects; and loyalty dissolves in battle when it is plain that the cause is lost. Like Falstaff, he sees that honour is a great killer of men (which is the difficulty that the born-again realist Gerry Adams has with the old guard in the IRA).

So it is important to try to be precise about the quality of our horror at the death of, for instance, a Kennedy. Why should we all appear to have been more shocked by the death of two rich young men lusty in and for power (or by the latest murder emblazoned across the tabloid headlines) than by the premature death of millions by malnutrition and poverty or the failure to stamp out by force, when necessary, endemic local wars and even genocides—Rwanda, Bosnia and so on. Surely our horror at 'mere' assassination or murder is because of the meaninglessness of the acts or their irrelevance—like the recent bombings—to the aims and effects intended, rather than because of the killings or bombings by themselves. In his 1980 book, *Violence for Equality*, Professor Ted Honderich went beyond Hobbes to claim that violent revolt was justifiable not just if the state killed its inhabitants arbitrarily and abruptly, but when it was killing them slowly by deprivation, malnutrition and gross economic differentiation, as measured by huge differences in life expectancy between ruling elites and subject populations. Perhaps the 'for equality' of Honderich's title was a rhetorical error. What he really meant was degrees of inequality that lead to gross inequalities in life-span and perinatal mortality—good measures of social justice indeed. For if any individual premature death can be accepted as a natural fatality, yet large numbers comparative to other societies are attributable to and can be remedied by state action, or else the state will face justifiable rebellion. Honderich speaks of 'a want of seriousness in a refusal to distinguish, say, between violence with the aim of achieving a fair distribution of food, and violence with the aim of defending the special privilege of an elite, class, people or race.'[2]

Political violence and terrorism

Some good souls think that they object to any kind of murder or killing. Absolute pacifists reject both capital punishment and war of any kind; and they presumably forsake even killing in self-defence, such as our common law allows; or rebellion against oppression. But political violence differs from individual self-defence or heroic self-mortification; for it involves widespread human relationships and has widespread causes and consequences; and causes can be many and complicated, and consequences often unexpected. In fact, there will always be some unexpected consequences with so many people directly indirectly *affected and involved*.

Honderich has recently argued, in his *After the Terror*, that although it is obvious to us all how we, in the United States and the United Kingdom, were affected by September 11 and the London bombings, we fail to recognise that we are all complicit in injustices of foreign and social policy that must, in common sense, have had *something* to do with the motivation of the killers.[3] Our leaders, defending their failed policies in Israel/Palestine, Afghanistan and Iraq, are fools, knaves or hypocrites by denying any connection and traducing those who do. *Tout comprendre n'est pas tout pardonner*. Bush, Blair and their spokesmen accuse those who dare to try to understand why some Palestinians resort to terrorism as themselves justifying and *tolerating* terrorism. The tabloid press howled at Cherie Blair for showing understanding and at the brave Jenny Tonge (Baroness Tonge) who, when an MP, lost her position as a

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party spokesman. But toleration of anything does not mean either agreement or permissiveness: it means disapproval, but a disapproval limited either for moral reasons, if a clash of values is involved, or for political or prudential reasons, to try to leave lines of possible compromise open—and, of course, toleration is needed for understanding. Understanding is needed, indeed, to combat terrorism effectively. I was once told that Arthur Koestler said to George Orwell—or was it Orwell to Koestler?—'Know thy enemy as thy self.'

Terrorists, however, commonly choose methods unlikely to advance or justify their cause except among themselves and their sympathisers. Often the struggle becomes an end in itself. There can even be a cult of honour and reckless heroism—Shakespeare's 'Yours in the ranks of death'—or a touch of full-blown nihilism, as if deadly violence is a form of knowledge, as in William Butler Yeat's so called last poem 'Under Ben Bulben'. (Students of Yeats are divided on whether those famous lines show a distanced empathy or a spasm of crazed possession with Patrick Pearse's myth of 'the blood sacrifice').

Justifications of terrorism

There are more rational justifications of terrorism. When armed resistance in the field or even in the mountains is impossible, neither civil war nor guerrilla warfare, then true terror is resorted to—the random, the unexpected but recurrent acts of lethal violence intended to create, yes, terror among a population. This terror then can make ordinary people feel that their government is impotent, or it can tempt a government—and some don't need much tempting—into repressive acts and curtailments of customary liberties. Terrorists can set out to undermine confidence in and practices of constitutional virtues. Anti-terrorist repression can make people wonder which is worse, supporting their government or surrendering to demands of the terrorists—assuming that their demands are precise enough and feasible.

But can such terrorism ever be justified ethically? Three years ago, Michael Ignatieff gave the Gifford Lectures at the University of Edinburgh on 'The Lesser Evil: Political Ethics in an Age of Terror'. The doctrine of 'the lesser evil' must, indeed, be reckoned with in the real world and can take us so far: terrorism can be justified as the last resort of the weak against strong, implacable and hostile government. But Ignatieff added another condition that is more contentious: that for terrorists to have any possible justification, they must only target institutions of the state and never civilians. I recall that the IRA began to lose the support of their community, especially women, when bombs killed civilians indiscriminately; they soon learnt to target only the police and the army. So Ignatieff's two *possible* justifications for terrorist violence are 'last resort' and 'civilian immunity'. Now 'civilian immunity' is a good, nice liberal prescription. But the trouble is not just that terrorists are not liberal-minded, but that any clear distinction between civilians and the state is rarely possible. For, as Honderich would argue, we are all complicit to some degree in being so law-abiding that we give tacit support, at least, to the very acts of the state that excite and anger the terrorists, in supporting governments that oppress their people towards violent or early death. Take the invasion of Iraq, for example, or failure to try to check the Palestinian policies of the Israeli government—I just mention these in passing. The terrorist, however, strives to put pressure on the state not just by killing one or two its officials, like the Mafia in Sicily, but by creating enough widespread fear in the civilian population so that they put pressure on the state or withdraw everyday cooperation—anything for a quiet life.

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My objection is not always to terrorism as such as a tactic of the oppressed in terrible circumstances but, rather, to the common failure of terrorists to define their aims clearly enough for political solutions (although by us rejecting all their aims out of hand, rather than analysing their writings and utterances carefully—yes, even those of Bin Laden—we often close the door against any negotiation or conciliation). In her book *On Violence*, Hannah Arendt argued that violence *can* be justified to remedy precise grievances, but not world-changing abstractions such as 'revolution', 'historical inevitability', 'the classless society' or 'equality'—here I part company with Honderich and would rather say, with John Rawls, 'no unjustifiable inequalities' than full-blooded equality. Were she alive today, Arendt would surely add both Bin Laden's 'holy war' and George Bush's 'war against terrorism' to her examples of compelling grandiose nebulosities. She sees violence as the breakdown of political power, not as an extreme form of political power. Violence arises from a failure to pursue political or diplomatic solutions.[4]

Violence (she says) is rational to the extent that it is effective in reaching the end that must justify it. And since when we act we never know with any certainty the eventual consequences of what we are doing, violence can remain rational only if it pursues short-term goals. Violence does not promote causes, neither history nor revolution, neither progress nor reaction; but it can serve to dramatise grievances and bring them to public attention.

Well, of course, it all depends on what one means by 'short-term'. The short term can be a lot more than dramatising grievances. It can be the defence of the state in times of emergency or it can be the overthrow of an unjust and oppressive state, and while all rebellions against oppressive regimes, tyrannies and dictatorships hope to be short term, even in South America, they can often become somewhat protracted. Her 'short-term' criterion for any justification of violence is better applied to clarity of precise and limited objectives than to actual time.

To return to my armed solicitor in Lincoln's Inn Field, my response was a parable of proportionate threatened violence, well within our common law. But scale that up to the defence of the realm in times of war, and then dilemmas begin. Lincoln asked at the beginning of the American Civil War, 'how a government can ever be strong enough to defend the liberties of its people but not so strong as to threaten them'. There is no universal or formulaic answer, except to be aware of the perennial dilemma. We had Emergency Powers legislation in both world wars. Machiavelli, the republican, had said that 'when the very safety of the state is threatened, no consideration of good or evil should stand in the way of its defence'. But by 'safety of the state' he meant the complete collapse of order due to rebellion or rapacious invasion by another state. The safety of the state and the realist doctrine of 'reason of state' are not to be confused with the convenience of governments or over-reaction to spasmodic terrorism, even such as the twin towers on September 11 or the London bombings. Such acts can in no way destroy either the state or, indeed, the normal life of society, unless a government over-reacts or uses threats of violence as an excuse to justify unusual and repressive measures to its own political advantage. Some suggest that this is happening. Certainly, the temptation grows greater by the day, but there is always a price to be paid for liberty.

I have chosen this theme of justifications of violence because in times of relative peace and prosperity we liberals often cannot face up to the reality of violence, both the legitimate use of force in our own society and the complexity of motivations of those who feel themselves driven to use it against us. We need more of the spirit and insight of what historians

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of political thought have called civic republicanism and less of the complacency of liberalism. Let me explain—or, rather, since this is no new argument, let me allow Benjamin Constant to explain in his once famous essay of 1820, 'The Liberty of the Ancient Compared to that of the Moderns':

> The aim of the ancients was the sharing of social power among citizens of the same fatherland: this is what they called liberty. The aim of the moderns is the enjoyment of liberty in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures.

If that sounds like a prophecy of the consumer culture rather than a citizen culture, it is. A citizen culture is one in which a people are both active in defence of the state against public enemies, but also active to restrain the state if it threatens their liberties or those of others; and in extreme cases, active even to overthrow it—as in the English Civil War, 1688, the Dutch Republic and the American and French revolutions. In losing the sense of how to glorify active citizenship, we risk losing the sense both of how to understand the motivations for violence and how to discriminate between justifiable and unjustifiable violence.

Notes

1 This is the edited text of a public lecture given at Birkbeck College, London University, on 14 June 2006.
2 Ted Honderich, *Equality for Violence*, Penguin, 1980, p. 198.
3 Ted Honderich, *After the Terror*, Edinburgh University Press, 2002.
4 Hannah Arendt, *On Violence*, Allen Lane (the Penguin Press), 1970.

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