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VIOLENCE AND VALUE INTONOMETRY

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ABSTRACT

The central tenet of the thesis is that violence is a problem - a problem that has resisted solution primarily because we have habitually misconceived what it is about violence that makes it a problem. The thesis consequently offers an understanding of violence and, on the basis of this understanding, proposes a practical ethic designed to work against violence, while augmenting our moral power and general welfare, in human society.

Part One is a factual analysis of violence in terms of what is called *Value Intonomy*. The aim is to show that reference to individual Value Intonomy explains what it is that makes violence harmful and, therefore, a problem. Ancillary hypotheses, on the addictive nature of violence and the integral nature of the problem of violence in human society, are appended to this part to complete the theory of violence offered.

Part Two is an ethical analysis of violence in terms of what is called the *Right to Value Intonomy Theory*. This theory is explained, in the context of rights theories, and it is argued that violating the right to Value Intonomy is what makes violence morally wrong. It is then argued that recognising this Right, as the fundamental right of all moral agents, is a necessary condition for any ethic that is intended as being effective against violence.

Finally, Part Three offers a Broad Consequentialism, based on the Right to Value Intonomy and called *Renovation Ethics*, as a practical solution to the problem of reducing violence and augmenting welfare in human society.

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PART ONE: The Value Intonomy Theory of Violence

Chapter One

A THEORY OF VIOLENCE

'Violence' is a word used in more than one sense. It is, for example, obvious that someone using the word, say to describe the violent movements of a dancer, or a violent thunder storm, has in mind something very different to someone who speaks of, say, cultural violence or sexism as a violence against women.

The first use of the word primarily denotes force, particularly gross or sudden force. In law, for example, we distinguish between straight-forward robbery, and robbery with violence, precisely by means of the quality of force employed in the latter. We also talk, metaphorically, of things like a violent clash of colours. In these instances the idea of **intensity** predominates. Indeed, the etymology of the english word 'violent' comes from the root 'vis', meaning 'strength', via the latin noun 'violentia', meaning 'impetuosity'. The second use of the word, however, involves **violation**. It denotes the misuse of power to breach, trespass or harm. The subtle institutionalised misuse of power in slavery, for example, can be called violent in this second sense even in those instances where it can not be called violent in the first sense.

The English language does not distinguish between the various senses of the word 'violence' and its cognates. We do not have distinct terms for violence-as-force, violence-as-harm violence-as-trespass and violence-as-wrong, although these are conceptually distinct and we can intend any of them, alone or in combination, when we use the word. In ordinary usage the elements of violence often run parallel or even at cross-purposes.

This lack of linguistic subtlety is a source of chronic confusion in debates about violence. A person referring to something as violent in the forceful sense, for example, often intends that the force also be understood as harmful, wrong or both. I will not, however, be attempting in this thesis to explicate the many and subtle combinations of force, harm and wrong that can mark various uses of the word. Instead I will concentrate on the second use of the word (ie: the idea of *violence as the violation of something*) and the unqualified word '**violence**' will be used in this sense. This sense often subsumes the senses of violence as forceful, harmful or wrong. Where these distinctions are important I will use the device of **f/violence** (for violence as *force*), **h/violence** (for violence as *harm*) and **m/violence** (for violence as *wrong*).

This thesis will attempt to show that the intuitions, motivating the violence-as-violation sense of the word, are conceptually accurate. Something real is violated by all those acts and institutions we recognise or intuit as violent. Moreover, it is the very same thing which is violated in every case; whether the force used is as gross and explosive as a military assault, or as subtle and institutionalised as a prevailing cultural attitude. It is the nature of that violation which is the first subject of this thesis. This is not necessarily to assert that acts which do not meet the criteria of violence as violation (criteria that will be given in this thesis) are not, therefore, violent. A central tenet of the thesis is, however, that when we speak of violence as a problem, it is the violating aspect of violence which makes it problematical. It should also be stressed, before explicating the theory proper, that **the Value Intonomy Theory of Violence is not a theory about m/violence**. It is, rather, a theory about what violence is and how it works.

THE FACT OF VALUE INTONOMY

The Right to Value Intonomy Theory, and Renovation Ethics, both argued for in this thesis, are based on a theory of violence which postulates that what makes any act, attitude or social institution violent (whether or not it employs gross or sudden force) is the violation of something essential and important about what it is to be a person. For this aspect of personhood, violated by violence, I coin the phrase **Value Intonomy** (the word 'intonomy' is a synthesis of the words 'integrity' and 'autonomy' - moral integrity and moral autonomy being the two primary elements of personhood that are the victims of violence).

By 'person' I primarily intend those beings who evaluate (literally e-value-ate) their life experiences. And by 'Value Intonomy' I intend the moral and psychological cohesion of personality as an aspect of such beings. I will argue that reference to violence as a violation of Value Intonomy already functions implicitly in our common and enduring intuitions about both what violence is and why it is a problem - the theory is intended to explain our intuitions rather than replace them. I will further argue that explicit reference to the effect of violence on Value Intonomy is crucial to any true understanding of the troublesome nature of violence.

The phrase '*Value Intonomy*', in the theory, primarily denotes the integration, into a morally autonomous and psychologically whole unit (a person), of those elements or properties that are necessary and sufficient for persons to think and act as if they were fully-functioning moral agents. It is also, however, that aspect of being a person which is the ultimate source of, and ground for, our belief systems about the value, meaning and significance of being persons.

It should be noted here that Value Intonomy does not require that human beings actually be moral agents in a metaphysical sense - only that they persons¹.

One of the things which human persons do is think and act as if they were moral agents. However, for human beings to actually be moral agents, in the metaphysical sense, requires that at least three things hold:

- 1) That they do have genuine freedom of moral choice.
- 2) That moral values (such as good and evil) actually exist.
- 3) That they have some kind of access to knowledge of moral values when making their moral choices.

These three conditions have all been powerfully challenged and, at the time of writing, remain among the most controversial issues in moral philosophy. Nevertheless, and regardless of the outcome of the debates about these issues, the fact remains that human beings do normally think and act as if they were moral agents. They attribute value and meaning to states of affairs. This is a distinctive, endemic and treasured element of what it is to be human. It is because of this syndrome of belief and behaviour that they perceive certain behaviours to be violent, and it is because of this belief that they perceive violence to be a problem.

My own conviction is that the reason human beings think and act as if they were moral agents is precisely because they are moral agents. It is not, however, the intention of this thesis to specifically argue this case. It is enough for the theory to observe that humans do so think and act and, on the basis of this observation, define Value Intonomy in terms of that thought and behaviour.

The word 'value' in the phrase 'Value Intonomy' reflects the fact that to be a person is, in part at least, to be a valuing being. As implied above, the primary intent here is

1 For the distinction between persons and humans see Tooley, Michael. *Abortion and Infanticide*. (Clarendon Press, U.K. 1985) Chapter Four, pp. 51-58

moral, reflecting the fact that one of the unique things which human persons do is morally value acts as good or evil, right or wrong. Human beings, however, also psychologically value themselves and their lives as significant or worthless. They aesthetically value objects as beautiful or ugly, and epistemologically value event and states of affairs as meaningful or meaningless.

Thus the word *value* denotes the universal assumption of value agency in the behaviour of human beings - an assumption which entails morality, psychological value (that people matter, that they are significant beings), aesthetics and epistemology. Thus if a being thinks in terms of right and wrong, beauty and ugliness, significance and meaninglessness; if it believes, and acts as if, it had real choices; if its deliberations about what it perceives as its choices involve normative, aesthetic or epistemic considerations, and if it can experience guilt, then that being is a person in terms of this theory.

That human beings do think and act this way, and that thinking and acting this way is at least one of the things that makes them persons, is a simple and incontrovertible fact of the human experience. We are all rule-makers; we are valuers of things, including our selves. And all morality, all art, all rule making, all moral or values talk whatsoever, assumes Value Intonomy. For example, even just to try and motivate someone's behaviour, by appealing to the concept of what is in their own interests, is to presuppose that they have the capability to recognize and act normatively on the concept of interest (ie: that they have the moral element of Value Intonomy). Of course other creatures on the planet can be said to have interests, welfare, and so on, but they do not conceptualize them as such. Wasps, for example, are not motivated to build colonies and feed their young because they recognize that so doing is in their interests.

They simply, and mindlessly, build colonies and feed their young². Thus, although we can, and do, incorporate the interests of non-persons into our moral deliberations, *consideration* of interests (which is a part of our Value Intonomy) is exclusively an activity of persons.

So too is the evident need, on the part of human persons, to feel at least potentially significant; to believe that our lives have, or should have, meaning and value. *Value Intonomy*, the same feature of being persons that motivates us to value certain acts as good or evil, similarly motivates us to value our lives and the state of being persons. And it really does not matter on what grounds someone may approve, disapprove, justify or prohibit anything, the very activity of evaluating or justifying, the possibility of behaving as a moral, and thereby significant, agent, is fundamental³. The absence of such a capacity denies the very possibility of Value Intonomy and, with it, the capability to function as a human person.

Furthermore, the tenability, or integrity, of believing that we are the kinds of beings who have a realisable potential for value and meaning, is evidently essential to our survival and well-being as human persons. To survive, and live well, we need to be able to believe that we matter, that our lives have value. The tenability of that belief, and the sense of personal significance based upon it, is violated whenever our Value Intonomy is violated. That is what violence does, and that is why violence is a problem.

In the phrase 'Value Intonomy' the word 'value' denotes a kind of functioning whereas the coined word 'intonomy' denotes a quality of that functioning.

2 Cf: Dennett, Daniel. *ELBOW ROOM: The Varieties of Free Will Worth Wanting* Clarendon, Oxford, 1984. esp Pg 11

3 Cf: Waldron, Jeremy. *Theories of Rights* (OUP, 1984) pg 20

Specifically, the word '**intonomy**' denotes the sufficiency of a kind of wholeness; the uncoerced cohesion of related parts into a single, morally 'healthy', locus (which is the person her or himself, seen as a morally autonomous unit).

The word '**Intonomy**' is devised from the fusion of '**integrity**' and '**autonomy**' in order to reflect an important hypothesis about what it is to be a person.

The word '**integrity**', as used here, needs to be understood more as a cognate of '**integral**' than of '**good**'. And, as is the case with physical integrity (ie:health) it is a quality of being usually most evident in proportion to its lack. Normally, say, when we talk of someone as having integrity, we intend that they be understood as a thoroughly decent person, someone who is morally upright, honest and trustworthy. This sense of integrity, as a synonym of '**Good**', is close to that intended in the phrase '**Value Intonomy**' and, in normal circumstances, one flows from the other. In the sense in which I intend the word, however, someone like, for example, a slave simply cannot have the integrity element of Value Intonomy (that capability is given over to the hands of the slave owner), even if they, in themselves, are a thoroughly decent person. The kind of integrity, intended by phrases such as '**moral integrity**' is essentially focused on the self as a morally autonomous being. As will be argued below⁴, however:

- a) persons are significantly social constructs, and
- b) societies themselves may lack moral integrity.

Because of the first fact (a) persons cannot truly be said to be fully autonomous beings in the sense of being morally self-sufficient or unconnected to society. Nevertheless, because of the second fact (b), a degree of moral autonomy needs to be defined and protected if the integrity of persons is to survive in a morally violent society. It is to morally distinguish personal integrity, from the social integrity of

⁴ See Chapter Two '**The Integral Paradigm**'

which persons are necessarily a part, that the word 'intonomy' is coined. 'Intonomy' may therefore be read as referring to the *integrity and autonomy of a valuing being, given that such beings exist within the interdependence of a society (which itself may have varying degrees of integrity.*

INTONOMY

Intonomy comprises three main elements (two primary and one secondary) and operates on two levels. The two primary elements of Value Intonomy are moral freedom and moral power. Believing ourselves to be moral agents, we only have Value *Intonomy* when we can also believe that we have the freedom and power to function as moral agents, especially in the definition and influence of our own destinies.

Moral freedom, as used here, is to be understood not as a freedom from necessity, nor is it the privilege of arbitrary choice. It is, rather, the freedom, within such natural constraints as we may all have to endure, to order our own values, to make our own moral choices, set our own goals and take responsibility for them. Such freedom is synonymous with being a moral adult and, on the evidence of Psychology, is a necessary condition of mental health⁵.

Moral power, similarly, is both the ability to exercise the results of our own moral freedom and the capacity to preserve our own integrity against the misuse of power by other people. Thus it is, at base, the power to survive; the power to assert ourselves, especially in the face of competition from nature and other people, in the belief that our survival, our value, matters. Essentially the distinction between moral freedom and moral power is that between private and public valences of value. Moral freedom is the power to be ourselves within the social context, moral power is the freedom to interact with society on terms which preserve and enhance our own moral integrity.

⁵ Cf: Fromm, Erich *Man for Himself* (Routledge & Kegan Paul, U.K. 1975). See especially pp. viii, 7, 151.

Issuing from Moral freedom and power is a third, and secondary element, of **moral responsibility**, whereby we can be held accountable for the consequences of our choices and actions. We can only have moral responsibility to the extent that we exercise our moral freedom and power. Thus anyone with Value Intonomy can rationally be held morally responsible, and the denial of this responsibility (as, for example, under Paternalism) is itself felt as a form of violence, even though the responsibility itself is not primary - being conditional on moral power and freedom.

To illustrate the autonomy aspect of Value Intonomy take, for example, the situation in which a person has a choice between two values (say, a career option and some outside interest such as a sport). They choose to sacrifice one value for an uncertain possibility of realising the other. If this choice is a function of their own values system (ie: if it is they who value one state above the other), if their choice has not been defrauded by deceit, and if the only constraints they face, in pursuit of this goal, are the normal and natural ones of ability and circumstance, then, in that regard at least, they still have Value Intonomy as the phrase is used in the Value Intonomy Theory of Violence. This is so even if, under the terms of various ethical theories, their choices can be categorised as mistaken or morally wrong. On the other hand, a slave, or someone who is, say, economically oppressed, lacks Value Intonomy to the extent to which they are made not free to order their own values and do not have the power to attempt the realisation of those values within their lives or societies.

The two levels on which the integrity aspect of intonomy operates are: within itself and as part of the overall personality.

1) Within itself our morality has integrity when its conceptual elements are internally consistent with each other, and when they are assented to, rather than being

violently coerced. The conceptual elements, referred to here, are those of the axiology (the ordering of values) and the deontic (the norms that guide behaviour). A person may, for example, have a deontic that is foolish or counter-productive in terms of their own axiology. Similarly the axiology itself may be distorted through coerced, self-destructive or contradictory elements. Such a morality lacks integrity in terms of the Value Intonomy Theory.

2) The second level of integrity is a function of the fact that assumptions of moral agency are part of what it is to be persons. If these assumptions are absent, then we are not fully persons. If they are present, but in a way that distorts or truncates the personality, then we are damaged persons.

Thus our morality is integral with our personhood when it augments, rather than erodes, our personal welfare, our potential as human beings, and the ability to function constructively as members of human society. A sick or violent morality, for example, damages our sense of self and self-worth, it diminishes or perverts our abilities. Such a morality lacks integrity in a way similar to the way, say, a diseased liver lacks physical integrity both within itself and as part of the body from which it derives, and to which it contributes, being. In this sense 'integrity' has a close affinity with what existentialist philosophers and psychologists refer to as 'authenticity'⁶. An authentic personality being, in part at least, one which has a moral element which both makes sense and is a strength to it.

To SUMMARISE: Whether or not people are, in fact, moral agents, and whether or not that moral agency, if it exists,

6 For philosophical 'authenticity' refer to Olafson, Frederick. 'Authenticity and Obligation' in *Principles and Persons. An Ethical Interpretation of Existentialism* (Johns Hopkins, U.S. 1967). Extracts reprinted in Taylor, Paul. *Problems of Moral Philosophy* (3rd ed) (Wadsworth, U.S. 1978). pp. 681-690 (cf: p. 623). See also Bambrough, Renford. *Moral Scepticism and Moral Knowledge* (Routledge and Kegan Paul, U.K. 1979) pp. 77 & 82.

does give their lives value and significance, is entirely a moot point. Universally, however, people do think and act as if that was the case - and that syndrome of belief and behaviour (which I call Value Intonomy) is enough for us to perceive certain situations as violent and to perceive violence as a problem. Furthermore, the integrity of that syndrome is essential to the well-being of human persons - we do need to 'believe in ourselves' in order to live well (and that essential self-affirmation is itself a function of Value Intonomy). It is the tenability of that syndrome, and the sense of self which it incorporates, that is violated by those misuses of human power which we call 'violent'.

VIOLENCE AS THE VIOLATION OF VALUE INTONOMY

The crux of the Value Intonomy Theory of Violence is that Value Intonomy exists, as defined and as a fact of the human condition. It is not a normative or hypothetical construct demanding metaphysically dubious premises. Rather, it is an empirically verifiable, quantifiable and essential fact of human experience. Because this is so, because Value Intonomy exists and has the function that it does, **the damage or denial of a human being's Value Intonomy damages or denies their opportunity to participate fully in personhood. This is what violence does. And it is this damage, to our personhood, that is the central harm and problem of violence.** Therefore, talk of violence, as violating Value Intonomy, entails that **violence violates the fact and sense of our being persons** (ie: valuing and potentially significant beings). It violates our moral freedom, our moral power, and thereby violates what it is to be a person.

Not all forceful acts do this, and not all the acts that do achieve this are forceful, but I do believe that, if we explore the enduring human perceptions about what is violent, we will find the violation of what I have called 'Value Intonomy' to be a common element in those perceptions.

THE FACTUAL DEFINITION OF VIOLENCE

In consequence of what has been said above, **violence** is defined as **the violation of Value Intonomy with the intent or effect of harm**. Any behaviour which meets this criterion is violent in terms of this theory, whether or not it involves f/, h/ or m/violence. (For example, if an violent harm is morally justified it ceases to be m/violent [wrong]. Under this theory it remains factually violent nonetheless).

In this definition of violence 'Value Intonomy' identifies what is violated and 'harm' identifies the kind of violation. Both words are used solely in the descriptive sense.

The primary import of 'harm', as used here, is that of damage to the interests, welfare or moral/psychological integration of the person whose Value Intonomy is being violated, and it is the factor which distinguishes violence from non-violent trespass or mere hurt. It is obvious, for example, that a good dentist can hurt a patient without harming them, and a bad dentist can harm a patient without hurting them - indeed, in dentistry, the only way not to harm a patient may be to hurt them. Thus violent harm may include hurt but, where it does, it is hurt plus something else. That 'something else' is primarily an erosion of the object person's welfare and personhood by the diminution of their Value Intonomy.

The fact of harm is qualified with the phrase 'intent or effect' because it is not necessary for violence to be successful in order for it to be violent. Nor does the success of violence render it less violent. Certain victims of institutionalised violence (such as slavery, sexism or internment) have maintained their Value Intonomy in spite of the violence done against them. Some, on the other hand, have accepted the denial of their moral power and freedom - finding pleasure or value in the escape from responsibility that such states can bring. In the first case violence fails

to achieve the intended end, in the second case, the success of violence is embraced as a good by the victim. In both cases, however, the mere intent to deny people their moral power and freedom is enough to render the acts violent, in terms of the Value Intonomy Theory, quite independently of the effects which follow.

This is not to say that all human acts of force or harm, which fall outside this definition, are not violent or are not problems. Allied acts (such as, for example, cruelty against animals) are, however, derivative of this problem. Thus the violation of Value Intonomy, either by committing or enduring violence, is the crux, not the limit, of the problem.

This, moreover, is simply what the core problem of violence is, regardless of any particular ethical considerations. Violating Value Intonomy may, or may not, make violence *wrong*. That is a judgement that depends on normative theory. However, independently of ethical judgements, violating Value Intonomy is what makes certain acts *violent* - and being violent, in this sense, is what makes those acts a problem for persons (ie: beings with Value Intonomy).

I started this chapter by pointing out that, underlying one of our common uses of the term 'violence' is the intuition of something being violated. That 'something' is our Value Intonomy - the integration of value-assuming beliefs and behaviours, in our personality, which *makes* us the kind of beings who experience existence within an evaluative framework (both outside of ourselves, in the sense of postulating certain acts to be good or evil, and within ourselves, in the sense of understanding ourselves to be worthwhile beings). This is a real thing, a fact, and it matters to human survival. Violence simply is the violation of that syndrome.

Chapter Two

THE INTEGRAL PARADIGM OF VIOLENCE

Chapter One defined violence in terms of violating individual Value Intonomy. This, and the following, chapter expands the Value Intonomy Theory of Violence with two ancillary hypotheses: The Addictive Hypothesis, which argues for addiction as providing an appropriate model for understanding the source of *individual* violence, and the Integral Paradigm, which analyses violence in terms of *social* integrity.

The starting point for this part of the exercise is the concept of an 'act' of violence. Specifically the common misunderstanding of violence that arises from too narrow a concept of what an act of violence is.

THE ASSAULT PARADIGM OF VIOLENCE

In common usage the paradigm of violence is the *assault*. That is, a *particular, and implicitly male, act of f/violence (physical force) resulting in h/violence (harm to the victim)*. This is so even granting that we do talk metaphorically of things like emotional violence. Even when this kind of extension is used the basic paradigm remains the simplistic one of *f/violence* (ie: violence as a specific act of physical force) - perhaps related to, but still distinct from, the context in which it happens. This is what, in this paper, is referred to as **the Assault Paradigm** - a phrase that names, not so much a thesis, but a perceptual tendency - somewhat like the similarly simplistic tendency to take drunkenness as the paradigm of alcoholism (a paradigm, in this sense, being a kind of conceptual model or pattern that systematizes the way in which some thing can be broken down or itemised to display its various features or forms).

A paradigm, in this sense, does not just describe something but, somewhat like a definition, it *prescribes* what forms shall fit the paradigm, and how they fit. The prescriptive element works on two levels: (1) within the paradigm things tend to be understood in terms of the paradigm, while (2) anything incompatible with those terms tends to be re-categorised as being of another kind. Thus, when we find something that fits a paradigm, we tend to assume that we have categorised it and explained its features. If it does not fit we likewise tend to assume that it cannot be of a kind with things that do. This is all very well as long as the paradigm is accurate. If it is not then we can find ourselves distorting the facts to fit the paradigm¹. Thus if, for example, we have a paradigm for a certain disease, and we see someone exhibiting elements of the paradigm, we tend to assume, or look for, the other elements of the paradigm in their behaviour - and we do tend to 'find' what we look for. The trouble is that, if we have the paradigm wrong, this tendency can lead us to interpret behaviours as if they were what the paradigm prescribes that they ought to be (when, in fact, they are not). On the other hand, if behaviours do seem to confirm the paradigm, we tend to assume that the paradigm adequately explains, or models, the phenomena.

This is the kind of thing that happens when, for example, we take drunkenness as a paradigm of alcoholism. Of course getting drunk is something that alcoholics are prone to do, but it is not what alcoholism is. Furthermore, even when an alcoholic does get drunk, the drunkenness is not what the problem is. Being drunk is, rather, one aspect and symptom of the problem. Because this is so, equating alcoholism with drunkenness misrepresents both conditions.

¹ In much the way that, for example, understanding of the English language was distorted, for some centuries, by an insistence that the classical forms of ancient Greek were the paradigms of proper English.

A nearly analogous situation applies to violence. Of course it must be admitted that the forceful male/physical (and, particularly, criminal) aspect of the complex is the most visible by a considerable degree (just as the chronically drunken alcoholic is the most conspicuous of all alcoholics). However, just as drunkenness can (and often is) an aspect of alcoholism, but there is more to alcoholism than getting drunk, so f/violent assaults are an aspect of violence but there is much more to violence than assaults². When it comes to ways in which people violate each other, assaults, whether physical or emotional, are only one aspect of a multifaceted, and socially integrated, complex (albeit the most conspicuous one). It is for this reason that the Assault Paradigm (which implicitly defines the problem of violence in terms of f/violent assaults) is inadequate and misleading.

The fallacious nature, of defining a problem merely according to its most visible aspect, can be further illustrated by an analogy with the equally common tendency to equate sharks with the tip of their fins going through the water. A shark's fin, cutting through the surface of the water, is usually the most visible part of a shark, and it is perfectly understandable that people should equate, and symbolise, sharks with and by what they see. However, the fin does not explain or define the shark (it is not actually what a shark is). Rather it is the underlying shark that explains the fin. The fin of a shark, like the drunkenness of an alcoholic or the frequency of assault in a violent society, is the evidence or symptom of the something else that it is a part of - and it is the 'something else' that is the really dangerous bit. Moreover, because the something else (the less obvious part) is motivating the symptom, dealing directly with it is likely to be the most effective way of dealing with its effect. If only the aspect or symptom is treated

² The parallel appears to hold psychologically as well as metaphorically. Psychologist Rollo May says bluntly that '...addiction is a form of violence' (*Power and Innocence* Pg 32).

then, at best, all we can really expect is to temporarily suppress evidence of the problem - and we should not be surprised if it reacts by erupting in another form (like a shark, driven from the surface only to attack from underneath).

This is very much what has been happening in our attempts to deal with violence. Because we misconceive violence (by means of the assault paradigm) the 'obvious' blinds us to the truth beyond it. This is not to say that we should ignore the symptoms. Nor is it to say that, because assaults are an aspect and symptom of violence, that assaults are 'merely' a symptom. If we wish to understand violence then we cannot just ignore assaults, or trivialise their significance in pursuit of larger conceptual issues. Assaults are unpleasant in themselves, they are a major part of the problem, and they are a means by which the contagion of violence spreads. Nevertheless, f/violent assaults are not what violence is, and the assault paradigm distorts our understanding of violence by treating all violence as kinds of assault. Not only does the assault paradigm implicitly blind us to those significant violences which do not fit the paradigm, it tends to distort our perception of what violence is.

Using the prevailing Assault Paradigm of violence has not, furthermore, shown much evidence of being effective in helping us understand, and come to grips with, the problem of violence that we believe it to conceptualise. This is prima facie evidence that the paradigm is inaccurate. Significant insights produce significant results. Judging on our performance to date, the assault paradigm does not embody significant insights into human violence.

Furthermore, if, as I have argued, the relationship of assaults to violence is analogous to that of drunkenness to alcoholism, then getting to grips with the underlying deep structure, of which assaults are a surface aspect, is going

to be the only non-violent way of reducing the symptoms and all their associated distress. To do this we must first abandon the paradigm with which we have been misleading our perception of violence.

THE INTEGRAL PARADIGM

In place of the simplistic Assault Paradigm of violence, this paper will offer an holistic hypothesis, based on the organic nature of its subject, which postulates that all instances and kinds of violence relate to and reinforce each other.

The term '*integral*' here is intended in the sense of violence being *characterised by the total integration of all its various facets, instances and kinds (f/, h/ & m/), each and every one of which is constitutional in an overall structure*. Understanding the integral nature of violence can thus be seen as analogous to understanding the nature of a complex organism. To know why, for example, a finger or toe exists, how it grows, how it is sustained, or how it functions, requires understanding it as part of a body (which is, itself, part of the evolutionary and ecological complex of the biosphere and its history). It may not be immediately obvious, to someone who wants to understand toes, how an understanding of utterly dissimilar organs like, say, the lungs or hypothalamus gland, can have anything to do with it. The fact is, however, that, while toes normally have their own integrity, while they also have a kind of conceptual autonomy (which sets them apart from, say, fingers or ears), and the structure of a toe can be discovered by taking one apart, toes themselves cannot be properly understood in isolation from the body of which they are integrally part. Toes only have life and function because they facilitate, and are facilitated by, the whole complex of very different organs which make up the body. To make sense of toes (even as organs in their own right) requires making constant reference to that complex. A similar situation exists in regards to violence. To know, for example, why h/violence happens, what

motivates it or how it functions, requires placing h/violence in its conceptual contexts of power in human relationships, of psychological and linguistic violence, definitions of masculinity and femininity, property ownership, law, socialisation, morality, economics, psychology, and culture. It then requires working through these to a deeper understanding of h/violence as part of the overall body of violence in human society. This prescribes relating physical h/violences such as assault to other violations of Value Intonomy, such as bigotry, usury or deceit, that prima facie appear as unrelated to assault as an intestine is to a toe.

All this is so because the socially integral nature of violence reflects the socially integral nature of what it means to be a human person. Human beings, like toes, can only be understood in context. In the case of human beings this context is social and linguistic. It is fundamental to the concept of violence employed in this thesis that what it is to be a person can only be properly explicated in terms of all individuals being nexus in an all-embracing complex of relationships, maintained, ultimately, by the fact of language. Civilisation, or society, is nothing but the sum of these relationships. It is by this complex, and only by this complex, that we integrate ourselves with, understand, and defend ourselves from, all that is not ourselves. The complex, in other words, is what enables us to become and remain persons. Violence, of whatever form, violates the relational 'cement' of this complex and thereby harms every nexus in it.

By-and-large we all now do understand the self as an essentially social construct, and the domain of morality to be in the relationships between agents in a social matrix. Nevertheless we still tend to think in terms of antitheses such as individual versus collective responsibility - and we do tend to act as if we assumed that this dichotomy was as separable in fact as it is in language. People, for example,

will casually do things that harm a *relationship*, such as mistrusting the other party, telling a lie or breaking an agreement, and then be genuinely bewildered as to why the other person feels hurt as well. This is because they are generally insensitive to the fact that our relationships are not external to ourselves - they are, rather, a defining part of what we are. The intonomy of the self and the integrity of society are inseparable, we simply cannot have either without having both. Breaking an agreement, for example, may do no overt harm to the person the agreement was with, but it does harm the relationship; and, because the relationship is a part of both persons, both persons are harmed when the relationship is. This is obviously something that violent people do not appreciate.

Given that to be a person is to be a nexus formed within and by a social/linguistic complex, on which it is dependent for its self-definition and optimum function (however you define optimum), it is apparent that, if the complex itself is delivering a counter-productive environment for the person (through the actions or attitudes of other persons), then the well-being of the person will be radically damaged and will, in turn, damage the complex (similarly, for example, to the way that toxins resulting from a toe that has become infected through a metabolic disorder (such as Pustular Psoriasis), can have a deleterious effect on a liver in the same body, and the subsequent reduction of that liver's function can then further exacerbate what is wrong with the toe).

This is so of each and any kind or instance of violence. Violence damages and diminishes the Value Intonomy of the victim, whether this is dramatically, by some assault, or through the slow and relentless erosion of some systemised powerlessness. The capacity of that victim, to function constructively as a person in human society, is also thereby reduced. Because all people are nexus, ultimately integrated within one complex, it follows that any instantiation of

violence, no matter how apparently local it is to a person, ultimately affects all other people, albeit on a diminishing scale (just as, in the above example, a damaged liver ultimately has a damaging effect, not only on other physical elements in the organism, such as the toes, but on the emotional and intellectual functions of the organism.).

Postulating an analogous mechanism is, I believe, central to an accurate understanding of violence. This is because the prevalent concept of violence (based on the Assault Paradigm) fails to serve the cause of reducing violence precisely because it misrepresents this element in how violence works. Poor people, for example, are often victims of an essentially violent economy. They feel their powerlessness but, because exploitive or oppressive economic institutions do not fit the Assault Paradigm, the poor are denied either adequate moral power to defend themselves or even adequate language to articulate what is wrong. It is little wonder, thereby, that such people figure disproportionably in statistics about those kinds of violence that do fit the assault paradigm.

IMPLICATIONS OF THE INTEGRAL PARADIGM

An important element in this holistic, integral, model of violence is that the various instances and kinds of violence are seen as embedded in a syndrome of inter-related, and inter-reinforcing, causes. Just as, say, diet, attitude, behaviour patterns and physical dysfunctions can all exacerbate a condition evidenced in a single symptom (such as, say, depression) - and all of these must be taken into account if the condition is to be properly cured - so it is postulated that the whole violence syndrome must be treated if any aspect of it is to be properly dealt with.

Another implication of the model is that, if each and any instantiation of violence has an inescapable effect on the complex in which it happens, then:

ONE) Everything that any of us does is significant. It is a feature of normal (ie: violent and hierarchical) societies that the bulk of their members will endure feelings of relative powerlessness. As power and significance are psychological co-necessities, this is a source of much violence in society; both through the frustration that fuels violence and from the belief that our relative insignificance absolves us from taking any responsibility for the state of our society. This is another sense in which it may be asserted that powerlessness corrupts, and absolute powerlessness corrupts absolutely³. It follows however, from the Integral Paradigm of violence, each and every human nexus in the social complex does have the means to contribute both to the toxification, and detoxification, of the complex. It really does not matter at what part of the social complex any human nexus locates; everything touches everything else. It, likewise, does not really matter in what aspect of violence the person locates - physical, emotional, moral, cultural, linguistic and economic violence all relate; affecting any of them affects them all. Finally, it does not really matter how the nexus acts on the complex. Every act of cruelty, theft, deceit, bigotry or other violence (no matter how well justified it is by the agent's morality) contributes to the toxification of the complex - and every act of justice, mercy or kindness helps de-toxify the complex. The Assault Paradigm, on the other hand, exacerbates the feeling of powerlessness because it blinds us to the links by which we influence, and are influenced by, the health of the complex in which we live.

TWO) We cannot validly isolate 'acts' of violence in reality, the way we tend to in our language, as a prelude to morally justifying violence of our own - which is the essence of self-righteousness. Self-righteousness is a major motivator of violence, and an especially troublesome one in

³ Cf: Friedenberg, Edgar. 'All weakness tends to corrupt, and impotence corrupts absolutely'. in *Coming of Age in America* (Random House, U.S. 1965) pp. 47-48.

that it often counterfeits justice. The prevalence of self-righteousness comes from the fact that the victims and opposers of violence perceive violence as wrong, but are addicted to the same concepts as the violators. They are then enabled, by the Assault Paradigm, to dissociate the integrated elements of violence - focusing, out of context, on a particular aspect of violence (criminal, physical, social, racial, sexual, emotional, economic, etc), as if it were the worst instance, or even the key, to the problem. This can be done, even when the violence is being (in whole or in part) provoked by the victim, because the Assault Paradigm enables the provokers of violence to dissociate themselves from what they provoke in self-imposed ignorance. Wanting to express their opposition to violence it then appears obvious that the way to do this is to take up the counter-violence of self-righteous indignation - using moral concepts of 'just retribution' to justify different kinds of counter-violence against the violators. This can be made to look like an attempt at justice. In fact it often is the violence-addict's version of the alcoholic's 'any excuse for a party'. This cannot solve the problem, any more than the spouse of an alcoholic addicted to, say, gin, could expected to ameliorate her or his suffering by becoming aggressively addicted to sherry. Yet this is very like what the victims and opponents of social, racial, sexual, economic or political oppression have done, and continue to do, throughout history.

The victims of injustice do, however, need, somehow, to re-create the moral power denied them by violence. The Assault Paradigm, which colours the perceptions of both violators and victims, inhibits the re-creation of moral power by misrepresenting the nature of violence. Most significantly it does this by isolating the sources of violence merely where the effects are most visible. It allows those, who deny others moral power and freedom by subtle means, the pretence of not being violent. It further blinds those, who suffer

from and are corrupted by denials of moral power and freedom, both to the nature of the problem and the nature of the solution. Violent revolutionaries, for example, have commonly thought that united violence could bring justice. The lesson of history, however, has been that violent revolution mostly brings a change of injustice. This is because real power for justice lies in unitedness, not violence. Violence is both contrary to justice and inimical to the power of unitedness. Thus, when people, who have been denied moral power by injustice, unite in violent rebellion, such justice as they achieve is the result of their unitedness, but such justice as they lose is lost by their violence. Furthermore, violence alienates, eroding the relationships which define and sustain the individual. Time and again people have come together in a just cause only to find their initial power and unity sintered by violence. This reduces the individual's moral power and, if they mistakenly believe that power is a function of violence (rather than its victim) the level of violence then relentlessly increases. This mechanism can be seen even when the violence is subtle. At the time of writing, for example, an increasingly violent economy is being imposed on New Zealand. An immediate symptom of this are increased feelings of isolation and powerlessness among individuals. Along with these feelings are growing instances of frustration, h/violence against people and property, intolerance and a lack of compassion for victims of the system. If moral power, lost to the system, is to be re-created then the relationships which sustain it, and which are eroded by the system, must be re-established. This simply cannot be done by violence. If it is to be done at all then it must be done non-violently. The Integral Paradigm can serve this end in two ways: First, by replacing a paradigm which is aggravating the problem. Second, by locating both the sources of weakness and the sources of power where they really are - in the social and linguistic relationships that build and bind people.

THREE) The apparent absence, or transient loss, of Value Intonomy does not justify the treating of a person as a non-moral being. Some human belief/behaviour states seemingly are not those of morally integral being (most notably the states of childhood, idiocy or coma). A three week old child, for example, exhibits no value intonomy. It may be argued against the Value Intonomy Theory of Violence that, if violence and our perceptions of violence are a function of Value Intonomy, then violence against a three week old is less violent than the same act against, say, a ten year old. If that were the case then the theory commits us to a counter-intuitive conclusion (in that we normally believe that violence against an infant is more reprehensible, by a factor of the infant's vulnerability, than the same violence against an older, and therefore less vulnerable, person).

Perhaps the first thing to be noticed here is that the assumption, that infants lack value intonomy, is a dubious one which has been powerfully challenged from within the fields of Child and Developmental Psychology. For example, no less an authority than D.W. Winnicott⁴ was adamant that 'we need to abandon absolutely the theory that children can be born innately immoral'. Winnicott discerned in individuals powerful forces 'towards the preservation of personal integrity'. Indeed, he claimed the 'fiercest' morality was that of early infancy, and that this persists as a streak in human nature that can be discerned throughout an individual's life (and which 'appear in life and in the arts and in terms of *integrity*') Significantly, for the Value Intonomy Theory of Violence, Winnicott defined immorality for the infant as needing 'to comply at the expense of a personal way of life' (ie: to suffer violation of its value intonomy).

Further, even if (against the evidence) it is asserted that only adults have Value Intonomy, there is no denying that

⁴ Cf: *BOUNDARY & SPACE: An Introduction to the work of D.W.Winnicott* (eds. Davis and Wallbridge) Brunner/Mazel, N.Y. 1981. esp. P. 72-3

adults grow from children - and that what happens to them as children profoundly affects what kind of adults they become. Indeed, it is evident that harm done to a child (eg: by neglect, sarcasm or abuse) is assimilated into the developing Value Intonomy in a way that is far more damaging than the same violence would be to a fully developed personality.

In this the vulnerability of children, to violence, parallels a similar vulnerability to physical deprivation. Take, for example, the case of rickets. A certain degree of Vitamin D deficiency, in adult life, has debilitating effects which can be fully recovered from once the deficiency has been corrected. The same proportional deficiency, at critical periods of a child's development, can cripple the child for life (ie: unlike the adult, the child never recovers so that what is a temporary debility in an adult becomes a permanent disability for a child. Thus, for however many years s/he may live, and regardless of what correction are made to her/his diet, s/he will suffer the crippling harm of that original, temporary, deprivation). In a similar way, certain kinds of abuse, sarcasm or neglect which, in an adult, are distressing while they endure but can be recovered from with little permanent harm, can permanently damage a child's personality so as to blight the entirety of its adulthood. The vulnerability of children, to violence, is pertinent to considerations of other vulnerable human states (such as the enduring vulnerability of an intellectual handicap, or the transient vulnerability resulting from accident, ill health or bad luck). Because persons are not entirely autonomous (ie: because they are essentially part of the social matrix) whatever affects them also affects the matrix of which they are part. It is part of the integrity of society that we do not destructively exploit every functional lapse of value intonomy among members of the community. In other words, it is part of the integrity of a society that it protects the vulnerable members of it. Thus, for example, if someone is incapacitated by, say, an accident then they can neither

exhibit value intonomy nor exercise any defensive moral power. To say, however, that this means that whatever we do to them cannot be violent, is mistaken on three levels. In the first place it increases the insecurity and anxiety of all members in the community (who can have no confidence of social support in those times of vulnerability we all experience). In the second place it erodes the social cohesion which is a part of social integrity. In the third place it denies all *potential* value that the person would otherwise embodied or realised.

Chapter Three

THE ADDICTION HYPOTHESIS

Within the constraints of the Assault Paradigm two hypotheses commonly compete as the appropriate response to violence. The dominant response is the Moral Hypothesis, which sees violence as a chosen, and therefore blameworthy, wrong. The other is the Sickness Hypothesis, which assumes that some, or all, kinds of violence are sicknesses.

VIOLENCE AS SICKNESS

The Sickness Hypothesis is sometimes metaphorical (as when we describe some particularly vicious act as 'sick'), but often the intent is literal. Such a view often sees the Moral Hypothesis (violence as evil), with its commitment to punishing the violent, as barbaric or counter-productive. In this charge I believe it is right. Most violent people are victims first. Legitimate means of moral power and freedom are denied them, either personally or socially, and this does undermine their Value Intonomy, both predisposing them to violence and calling into question whether their choices are free or coerced in some way. The Moral Hypothesis does tend to confuse cause (which is importantly contextual) and effect (Assault Paradigm violence), and try to suppress the effect in a way that further denies moral power and freedom to people. Indeed, because personal and insitutionalised moral blackmail are enduring means of systematically denying certain people their moral freedom and power, our moral systems are one of the ways in which we are violent¹.

In place of moral retribution the Sickness Hypothesis postulates the isolation of psychological and sociological

¹ For a powerful and sustained critique, of how the Moral Paradigm exacerbates violence, see Hinkfuss, Ian *The moral society: its structure and effects* (A.N.U. Australia, 1987)

'causes' of violence and offers various forms of rehabilitative therapy to help the violent deal with what are seen (non-morally) as negative impulses. Two problems, however, are manifest within the 'violence as sickness' hypothesis.

The **first** problem is the assumption that to explain violence is somehow to excuse violence. Sicknesses are things that happen to people. If violence is a sickness then the violent are not responsible for their symptoms. This fails, however, to distinguish between the voluntaristic and contextual elements in violence. It fails to recognise the element of choice present in continuing the effects of violence². There are, of course, genuinely ill people whose illness manifests itself, in part, in behaviour that is overtly violent. And it is undeniable that some instances of violence are a result of mental or emotional disturbance. But this cannot legitimately be extended to cover violence as a whole. Furthermore, people are evidently predisposed to violence, and they are often found in situations in which forces acting coercively or destructively on them can be seen as activating this predisposition. For all that, however, people still choose whether or not to respond, to that disposition and to those forces, with violence. To that degree each person is responsible for how they react. Rapists, for example, are part of a context that confuses power with violence. They do have the reinforcement of the implicit approbation from male attitudes generally, and many of them have been shown to be the victims of emotional violence. This, however, merely explains the context, it does not justify the choice to rape.

The **second** problem is that treating moral agents as merely sick is itself violent, in principle and in practice.

² This fact has been recognised by some theorists of Feminism (eg: Susan Brownmiller in *Against our Will*) who argue that sexually violent males are entirely normal men and choose to be violent from within their normality.

In principle it denies Value Intonomy by denying the freedom, power, choice and responsibility that Value Intonomy entails. It denies people the utterly essential power to be persons, to assert that sense of personal significance which is pre-requisite for a fully functioning personality³.

In practice the Sickness Hypothesis is disposed to try to 'solve' the problem of violence by coercing non-violent behaviour at the expense of Value Intonomy. Because violence is not a sickness it cannot be cured. But massive psychological violence (such as aversion therapies, E.C.T., hypnotism, classic or operant conditioning, etc) can counterfeit moral innocence or 'sanity'⁴ by merely destroying the individual's Value Intonomy.

VIOLENCE AS ADDICTION

In place of both the Moral and Sickness Hypotheses I would like to offer an hypothesis that the human predilection for violence is best understood as a kind of moral addiction to the conceptual 'toxin' of violence. This is **the Addiction Hypothesis**. We certainly seem to behave like addicts and, if the parallel holds, it could explain why knowing that violence is harmful has not been sufficient for us to eschew it. Addicts generally know that their addiction is harmful, but that knowledge stops very few. The essence of addiction is a genuine need or desire to which the addicting substance or behaviour is falsely seen as an immediate answer (even if that answer is only an escape or a means of coping with the unfulfilled need). Having resorted to the pseudo-answer, however, the addict then finds herself locked into a self-reinforcing and destructive dependency in which the means has

³ Cf: Priestland in *The Future of Violence* (esp. p.133) Nietzsche and Freud in Fromm, *Man for Himself* (pp. 151, 247). Also Arendt, Fanon and May in May, *Power and Innocence* (pp. 23, 42 and passim).

⁴ Sanity is essentially a legal term. I put it in scare quotes because, implicit in all therapies, is the assumption that what the therapist elects as 'normal' or 'optimum' is in fact 'good'. In theory therapy is meant to be value-neutral, in fact all therapy is value-laden.

become the end. A compulsive gambler, for example, may initially be motivated by a desire for quick wealth. A win promises to be an immediate answer to this need. This promise remains despite the fact that the perceived means to the end (ie: gambling) actually exacerbates the problem by diverting his resources from solving his problem to indulging his addiction. As the problem worsens the motivation to gamble increases. The exhilaration of risk, and the partial meeting of the need in the form of occasional wins, powerfully reinforces the motivation until the gambler is locked into a new problem.

The vehicle of this metaphor seems, *prima facie*, to be superior, to the 'violence as sickness' metaphor, in that it does distinguish the elements of violence. This is so because, in any addiction, a number of features operate:

- 1) The underlying psychological predisposition of the addict (eg: some psychological types are naturally more prone to addiction).

- 2) The presence of some problem or discontent that the addictive thing is seen, or felt, to be an answer for (eg: the use of alcohol or nicotine to reduce stress).

- 3) The availability of the addictive thing, and the social context in which it is available. Alcohol, for example, is readily and legally available in our society, in consequence alcoholism is far more widespread than, say, opium addiction. Similarly the children of alcoholics and rigid tea-totalisers are both more likely to become alcoholics than are the children of moderate drinkers. This, evidently, because of the contexts in which they learn about alcohol.

- 4) The action of the addicting thing itself (ie: the biochemical action of alcohol or nicotine).

- 5) The elements of self-deception and personal choice whereby the agent chooses to use the drug rather than resist internal and/or external pressures or find constructive ways of meeting the need.

All points in this metaphoric vehicle have their analogous counterparts in the tenor of violence:

1) A great many explanations have been offered, for the human predisposition to violence, but that human beings, as a race, are so predisposed is uncontroversial.

It does not follow, however, that the predisposition to violence is direct. It is more likely, as has been noted in both philosophy and psychology⁵, that human beings are fundamentally motivated by a need for power; the need to assert their being, their self-worth and to realise their potential for significance. This need is wholly legitimate, natural, necessary and constructive. It provides only the motivation that the pseudo-answer of violence perverts.

2) Violence is always seen as a solution to some problem. Usually the problem is one of powerlessness, an inability to achieve desired goals, especially those involving a sense of personal significance, as easily by other means.

When the natural will to power is frustrated, by nature or society, people feel invalidated. This is especially so when their power is being denied them by the violence of others. In these cases violence (especially physical violence) promises an immediate re-access to their own power. The evident psychological need for approbation can, for example, be readily achieved by prejudice (ie; joining in a disapprobation for some group with which the agent is not identified). Similarly, bigotry can simplify a complex and fraught social situation, thus freeing the agent to concentrate their energies on more immediately self-promoting goals.

⁵ Cf: Nietzsche, Frederick on the 'will to power' in *Thus Spake Zarathustra* Trans. Tille, A. (Heron/Dent, U.K. no date given) also May, Rollo. 'The Meaning of Power' and 'The Power to Be' in *Power and Innocence* (Souvenir Press, U.K. 1974) chapters Five and Six.

3) Violence is readily available to people in our society - usually being more immediately available than any other paradigm of personal power (such as language, money, education or social status). That our society, at least implicitly, approves of violence is demonstrated in the social rewards and respect gained by the violent (I take it as uncontroversial that cheats do prosper and that we all have witnessed, and frequently envied, evidence of the success of the ruthless in sport, business and politics. Similarly we have all experienced cases in which someone just could not get others to take them seriously until their self-assertion boiled over into violence).

The 'validity' of violence is also powerfully supported by our cultural mythology. This is shown in the immense popularity of confrontational sports or entertainments, and reinforced by the popular culture that reflects the myths (eg: the oppressed accessing power by violence, heroes swiftly 'righting' wrongs, solving problems and overcoming odds by violence.).

4) Violence is exhilarating and often carries rewards of approbation or the attainment of goals. The violent person often gains the pseudo-respect of fear from others and enhances their standing both socially and in their own eyes. Furthermore, when an agent has been the victim of violence, the denial of selfhood involved is humiliating. A violent response (whether against the perpetrator of the initial act or against someone else more accessible or below the agent in the social pecking order), is often felt as redemptive or justly punitive. On the other hand, not to respond violently not only can feel self-abnegating but can carry the disapprobation of peers. In a society where, for example, men are by and large considered either violent or cowardly, and in which violence is both confused with bravery and is approbation-earning, being violent carries far greater weight of self and social respect than does being an implicit coward

by not being violent. Moreover, as is argued in the second half of Chapter Four, violence follows its own laws which lock the violent into a self-reinforcing syndrome called, by Sociologist Jacques Ellul⁶, a 'system of necessities' and very like that of chemical addiction.

5) The above four factors are the source of violence. First comes the will to power, necessary to our wellbeing but frustrated by both nature and society. This energy, and its frustration, is simply a fact of the human condition and probably always will be (which is why the aim of a completely non-violent society is unrealistic, and why this thesis aims at no more than a relative reduction of violence). Then comes the myths of violence as a swift, superficially effective and socially reinforced short-cut to significance. Finally comes the exhilaration of risk-taking and self-assertion coupled with the addicting laws of violence itself. With all these factors operating, however, the agent is still able to refrain from violence - a fact evidenced by the many who do to varying degrees. There are other ways of accessing and asserting moral power, and this thesis, for example, will argue for a moral base from which to do this non-violently. These ways, however, tend to be neglected as long as it seems easier and more immediate to 'reach for the bottle' of violence - and 'reaching for the bottle' continues to further block off opportunities for constructive assertion of moral power.

That the addiction vehicle fits the tenor of violence better than does 'violence as sickness' is not proof that violence is an addiction - and it is not offered as such. Rather, it reflects a contention of this thesis that one of the reasons violence remains a problem is that our concepts of violence essentially misrepresent its true dynamic. We do use metaphors to explain things to ourselves, 'violence as

⁶ Ellul, Jacques. *Violence* trans. Cecelia Gaul King (Seabury, U.S. 1969) Pg 92

sickness' is one of these metaphors, and it is one that misrepresents the case (most specifically by underestimating the element of choice in violence, by failing to confront our own complicity in violence and by ignoring the dialectic between violence and power). The Moral Hypothesis (violence as evil) commits an equal, and almost opposite, error: exacerbating the source of violence by trying to suppress the effect. Treating violence as a sickness has proved as impotent, in dealing with violence, as has the Assault Paradigm. So too has the treatment of violence as an evil under the Moral Paradigm. If existing paradigms can be replaced in our thinking by one more sensitive to all the elements of violence (ie: 'violence as a moral or emotional addiction', an hypothesis which incorporates both the motivational theses of the Sickness Hypothesis and the personal choice element of the Moral Paradigm) then we raise the possibility of better being able to comprehend, and deal with, the problem.

COMBATING THE ADDICTION TO VIOLENCE

An important concomitant, to the Addiction Hypothesis, is in the realm of our response to violence. **In all cases of addiction the only really effective solution is to attend to all aspects simultaneously.** Giving drug-substitutes, for example, is not much use if the emotional need for the drug is undiminished. Sooner or later the bland substitute will cease to satisfy the need and the user will revert to their habit.

Similarly it is of little use, indeed it can be counter-productive, to 'treat' the violent if their will to violence is undiminished. In such cases the treatment can become a soft option that makes violence easier by excusing it or making it less expensive to be caught. Or the opposite can happen when the concept is used to take away the name of 'punishment' while making the thing itself unrestricted.

SUMMARY

The fundamental postulate of this chapter is that the source of violence, whether instantiated in acts, attitudes or environments, can best be understood in terms of an addiction to a conceptual toxin, in the human social organism, with an action analogous to that of any physiological addiction to a toxin by a biological organism. The urge to violence springs from the wholly legitimate and natural need for moral power - the power to be and to assert the worth of that being. Violence perverts this need by being seen as a short cut to moral power. Violence, however (being a denial of Value Intonomy) only exacerbates the problems of powerlessness which fuel the addiction.

In a violent society too many people feel powerless and perceive violence as a ready-to-hand, socially approved and reinforced, mechanism for redressing powerlessness. Having used violence (against themselves and/or others) the violent find reinforcement in catharsis, social gain and the intrinsic laws of violence. They often feel that they have gained moral power (in the way, for example, that a drunk can feel that he or she has gained courage, profundity or driving skills). But this is always at the expense of becoming part of the problem rather than part of the solution.

This hypothesis awaits verification or refutation through social and psychological research. Does it make sense to talk of the myths of violence as a 'conceptual toxin' - a poisonous idea? Prima facie the evidence strongly suggests that what I have referred to as the moral 'toxin' of violence does exist - and is conceptual in nature. History is replete with instances in which persons, groups, societies, cultures or whole nations, have become infected with, or addicted to, an idea that could be called 'poisonous' in that it had an effect on its victims wholly analogous to that of a physical toxin on a biological organism.

This, together with the Value Intonomy theory outlined in Chapter One, and the Integral Paradigm given in Chapter Two, is the basic theory of violence that underlies the ethical theory which is the subject of this thesis. The ethical theory is not dependent on this theory of violence, and the thesis will endeavour to justify Renovation entirely on moral grounds. Understanding the theory of violence outlined here will, however, help to explain the intent and terminology of the ethic.

Chapter Four

THE MECHANISM OF VIOLENCE

One of the tenets of this thesis is that the Value Intonomy Theory of Violence is not a novel theory. It is, rather, the formal explication of an understanding that is already implicit in our common intuitions about the mechanics of violence. This being the case it should follow that, in any instance of violation confirmed as violent by the theory, those persons who already consider the behaviour in question to be violent, should concur with the conclusion of the theory over that instance.

In this chapter, therefore, I will attempt two things. One is to demonstrate that the Value Intonomy theory is fully coherent with our common intuitions about violence. The second is to illustrate the mechanics of the theory over specific instances of violence. To this end a series of examples will be given and analyzed - the analysis being intended to illustrate both the explanatory power of the theory and its full compatibility with the deep structure of ordinary understanding. Finally I will offer the work of French Sociologist Jacques Ellul in support of both the Addictive Hypothesis and the self-harming nature of violence.

For the first example, consider four variants of the same basic scenario. In this scenario an angry man loses his temper and vigorously strikes: a) a woman, b) a dog, c) a plot of cabbages or d) a clay bank.

For the sake of argument I will make two assumptions about these variants of the scenario.

- 1) That the amount of f/violence is identical,
and
- 2) That the amount of h/violence is equivalent.

The Value Intonomy Theory of Violence, postulating that violence is a function of assumptions of moral agency, predicts that striking and damaging a woman (a) is plainly more violent than striking or damaging a clay bank (d). This is because (a) is plainly a person whereas (d), just as plainly is not. This accords with our intuitions on this matter. The same theory, on the same assumptions, would further predict that how violent people perceive (b) to be would vary according to the degree to which they see dogs as sharing the attributes of persons. Someone, for example, to whom a dog was a kind of 'honorary person' would see violence against a dog as being more violent than would, say, a person to whom dogs were just smelly lumps of mobile meat. Likewise, someone to whom dogs are a kind of 'innocent person' may actually tend to see striking a 'defenceless animal' as more violent than the same act against a human being. This, on my observations, is a prediction also confirmed by our ordinary intuitions about violence.

It may however be argued that these differences can be explained by the degree of pleasure or pain involved. A human being obviously suffers pain whereas what varies, in our perceptions of animal pain, is beliefs about how much they suffer when struck. A clay bank, on the other hand, has no nervous system at all and, therefore, suffers no pain. This theory, however, is inadequate to a world in which there can be great violence that involve little actual pain. Take rape as a case in point. Rape can be as physically innocuous as ordinary love-making. It is, nevertheless, a gross violence. The Value Intonomy Theory of Violence predicts that rape, being an extreme violation of the victim's Value Intonomy, is a true violence. The pleasure/pain hypothesis does not. This is especially so in those cases in which the victim who is violated, and feels violated, is nevertheless troubled by elements of physical pleasure in the act. If the body actually enjoyed that which the victim themselves feels is repugnant, then the act ceases to be violent under the

pleasure/pain hypothesis. The same consideration applies, for example, to slavery, non-physical coercion or unconscious persons. Those who consider slavery to be a violence believe it to be so quite independently of how well the slaves are treated. Similarly, a rapist who first drugs their victim, so that they feel nothing during the violation and suffer no ill after-effects from the drug, has still offered their victim a real violence - and one out of all proportion to the actual pain inflicted.

The pleasure/pain hypothesis can be refined into a pleasure/suffering hypothesis, in which it is admitted that human suffering involves more than pain. The same problems, however, persist. People do not always suffer in proportion to the violence offered them. A rape is no less a violence just because the victim is able to cope with the violation. Nor is slavery or sexism any less a violence just because many slaves and women have accepted their powerlessness as justified or even congenial. Similarly a bird may suffer more at the teeth and claws of a cat than it would under the gun of a 'sportsman'. Yet even those who see blood sports as violent do not condemn cats for their cruelty.

This correlation, of Value Intonomy and the perception of acts as violent, is especially vivid when considering instances of h/violence against animals. The majority of people, for example, have no moral problems with the processing of meat for consumption. Even those who are uneasy about killing animals for sport can recognize that human beings are omnivorous and do not consider the slaughter of animals for meat to be violent unless it is cruelly done. Those, however, who do have moral qualms about meat-eating also tend to see abattoirs as violent places. Likewise, those who object to the mistreatment of food animals tend to see such mistreatment as violent. In these case it can be seen that the perception of an act as violent is a function of Value Intonomy - take away the Value Intonomy (either from

the perceiver of violence or that in which it is perceived) and the perception of violence leaves also. Sheep, for example, show no offence at the slaughter of other sheep. Likewise not even the most fastidious of us objects to, say, grass being treated in a way that we would consider intolerable if grass was morally integral. This perception is neither created nor promoted by the Value Intonomy theory of violence, it is merely explained by it in that the theory explicates what is already deep structure in our common perceptions of violence. What is happening, with those who see the killing of animals for meat as violent, is that they are postulating aspects of Value Intonomy (often in the form of moral rights for animals) that the rest of us limit to human beings. It is the violations of the animals' derivative (and proportional) Value Intonomy that makes killing for meat 'murder'¹. On this paradigm vegetables apparently have no Value Intonomy at all and it is therefore acceptable for people to survive at their expense. Also on this paradigm, however, the moral responsibility, not to kill animals for food, devolves only on human beings who, alone, have full Value Intonomy (a cat, for example, which kills a bird to feed its young is not considered morally reprehensible because it lacks the essential choice/option element of Value Intonomy). This indicates that the difference, in perceptions of abattoirs as violent, is a proportional function of the degree of Value Intonomy attributed to various classes of being. A similar mechanism is in evidence elsewhere. In those times and societies in which, for example, slaves, indigenous peoples or women were considered as not worthy of full moral consideration (ie: not objects of Value Intonomy) they were also considered as less than persons² and, therefore, legitimately objects of what we would consider violence.

¹ The phrase 'Meat is Murder' is one used by Animal Rights campaigners and has been seen by me spray-painted on buildings.

² Cf; for examples, Teichman, Jenny. *Illegitimacy* (Blackwell, U.K. 1982) Pg 40. Also Kitto, H.D.F. *The Greeks* (Penguin, U.K. 1983) pp. 132, 221.

These, it should be noted, are disagreements of fact rather than of approbation. Both sides in the food-animal debate, for example, agree on the disvalue of violence. And both tacitly agree that violence is a function of what I have called Value Intonomy. What they disagree about is the extent to which non-human animals partake of Value Intonomy. Both sides in the debate, however, implicitly recognize that what counts as violence against animals is proportionally derivative of Value Intonomy. Moreover, those who accept the killing of animals for food, but object to cruelty against even food animals, accept, as do the believers in 'meat as murder' that only persons have Value Intonomy in its full sense. Both sides accept that this places a special obligation on human beings in our choices. I, for example, find the way in which cats play with their live but dying prey to be distasteful, but I do not morally condemn cats for that. I do, however, morally condemn the crowds who flock to see bulls tortured to death by matadors. The first group, who say only that cruelty is unjustified against food animals, differ in their judgement from the second, who would forbid even their humane killing for food, only in proportion to the Value Intonomy that they attribute to the animals in question. This, I take it, is *prima facie* evidence that the perception of violation as a true violence is a function of Value Intonomy.

For a final example, in this section, take the situation in which a man (Bob) is frustrated at work. He comes home and, in a foul mood, beats his son for no reason attributable to the boy's behaviour. The boy is hurt physically and harmed psychologically. I will assume that ordinary moral judgement would evaluate Bob's behaviour as both unjust and violent. Why? In the factual sense Bob can be seen as violent entirely in the sense of having used f/violence. Indeed, under the Assault Paradigm, such a description might well exhaust the intent of the label 'violent' (although even the Assault Paradigm makes a distinction between Bob hitting his son and,

say, his kicking a hole in the wall). In the moral sense Bob's behaviour may be h/violent in terms of the harm done, or m/violent in the light of some theory of justice. More, however, than these is going on here. In striking the child Bob is both acting, and treating the boy, as less than a person. In terms of the Value Intonomy theory, it is this that makes the act violent (rather than just forceful, harmful or wrong). If, for example, Bob had hit the dog, instead of the boy, he would still be behaving violently. His h/violence, however, would generally be seen as less reprehensible than the like act against his son. This is because dogs are generally considered less to be objects with Value Intonomy than are children. To further illustrate this point take a similar example in which Bob does not strike the child. Instead he sends the boy to his room and makes him stay there long enough to miss his evening meal and his favourite television programme. Again Bob is being unfair, but is he also being violent? In terms of the Assault Paradigm he is not. In terms of Value Intonomy, however, he is on two levels. In the first place he is treating the child as less than morally integral. In the second place he is, himself, behaving in a less than morally integral manner. Thus Bob is being violent both against his son and himself.

VIOLENCE AS SELF-HARM

This latter point, about Bob's violence violating his own Value Intonomy, is one that deserves some emphasis. This especially as it is a phenomenon predictable from the Integral Paradigm of violence and one that will be significant in Renovation Ethics.

The existence of Value Intonomy has been postulated as a fact of the human condition. More, it has been postulated as one of the things that makes us persons. Therefore to behave in a way contrary to value intonomy (ie: to behave violently) is, to behave in a way that is contrary to personhood. Thus

it is that the violent violate not only their victims but their own Value Intonomy and, by that, their own personhood.

Furthermore, in terms of the Integral Paradigm, to erode relationships by violence is to erode the constructive definition of ourselves by those relationships. Extreme examples of this mechanism have been repeatedly noted among the powerfully violent. People such as Czar Nicholas II, Adolf Hitler or the Shah of Iran, for example, owed their downfall, in part, to the isolation and alienation created by their own violence. Surrounded by cowed sycophants, and out of touch with the people who could warn them of the true state of affairs, they effectively engineered their own eventual destruction.

The self-erosive nature of violence is another reason why :

- a) violence does not have to be successful in order to be violent,

but

- b) all true violence is h/violence (ie: harmful).

Anyone who attempts violence is thereby acting in denial of that personhood embodied in their Value Intonomy. This h/violence is done to themselves independently of, and usually prior to, any overt h/violence that may result.

The belief, that the violent violate themselves, has a long and contentious history in human thought³. It is most commonly witnessed in our description of grossly violent behaviour as 'brutal' or 'inhuman' ('brutes', by definition, lack the Value Intonomy of persons whereas 'inhuman' simply means 'less than human'). This is confirmed by psychology.

³ The oldest specific reference I can find is in the Old Testament. The book of Proverbs, which defines human virtue in terms of moral wisdom, says that they who sin (trespass) against this wisdom wrong their own souls. Proverbs 8:36. The idea is also part of the moral economy of the New Testament, especially in the Sermon on the Mount. Matthew 5:20-22, 27-28, 31-32, etc. Cf: also footnote 3

Rollo May, for example, speaks of violence 'uniting the self on a level *below the human one*' (my emphasis)⁴. Religious beliefs also often witness to the same thought. The doctrine of karma, for example, operates on the principle that a person who has behaved in a less than human manner will return to the wheel of life in a less than human form⁵. The same thought also motivates the legal concept of sanity. Some violent acts are recognized as witnessing such a gross lack of Value Intonomy as to call into question the violater's ability to function as a person. If this lack can be traced to a dysfunction of the criminal's psyche then the law allows that they are not legally responsible for their behaviour.

JACQUES ELLUL AND THE LAWS OF VIOLENCE

One particularly clear and modern exposition of the economy of violence, especially in regard to its erosive effect on the humanity of the violent, is that given by the French Sociologist Jacques Ellul⁶. In his book Violence Ellul states (Pg 92) that when people act violently they '...enter a system of necessities and subject both [themselves] and others to it...' they are '**...acting on the animal level** and [are] obeying a necessity; that [they are] not free' (*emphasis mine*). The word 'necessity' is then justified by the postulation of five Laws of Violence. Ellul is at some pains to point out that the postulation of these laws is not based on *moral* judgment but represents a '*...factual experimental judgement based on experience*' (pp. 95, 101). This is the same claim made for the Value Intonomy theory of

4 May, Rollo. *Power and Innocence* (Souvenir Press. U.S. 1972) Pg 192. Cf; pp.183,188-189.

5 Cf: The Sama Veda. Chhandogya-Upanishad 10.7 in Colless, Brian. *Hindu Scriptures* (Massey University Compilation. 1982. Pg 33). Note that 10.9, of this Upanishad, lists five means by which people enter the lowest level of sub-humanity. Four of these are violence in terms of the Moral Integrity Theory of Violence.

6 Ellul, Jacques. *Violence* Translated by Cecelia Gaul Kings (Seabury Press. N.Y. 1969).

violence. Thus my claim, like those of Ellul, is that the self-erosion of Value Intonomy is a function of what violence is rather than of what any ethic makes it to be.

Ellul's First Law is that of continuity. In this he confirms the Addictive Hypothesis of violence by observing that 'once you start using violence, you simply cannot get away from it' (Pg 94).

Ellul's Second Law is that of reciprocity. In this he confirms the Integral Paradigm by observing that 'violence creates violence, begets and procreates violence....The man who, in whatever way, uses violence should realise that he is entering into a reciprocal kind of relation capable of being renewed indefinitely. The ethic of violence is truly a new ethic, permitting neither peace nor surcease.' (pp. 95, 96)

Ellul's Third Law is that of sameness. This further confirms the Integral Paradigm by observing that all violations are essentially the same. Specifically Ellul mentions physical, psychological and economic violence and points out that one implication of the sameness of violence is that '...condoning [one kind of] violence means condoning every kind of violence.' (pp.97-100).

Ellul's Fourth Law expands the Second by observing that violence begets violence - and nothing else. This confirms the harmful nature of violence by observing that 'Violence [even 'morally justified' violence] can never realise a noble aim, can never create liberty or justice' and that it '...never attains the objectives it sets up.' (pp.102, 103).

Ellul's Fifth Law is that of justification. In this he further confirms the Addictive Hypothesis of violence by observing the role played by self-justification and self-deceit.

This last law is also the one most pertinent to the self-violating nature of violence, given in the Value Intonomy theory and evidenced in the lies that the violent tell themselves in prior justification of their intent. It is a

commonly observed fact that violent people, like alcoholics, lie to themselves in justification of their behaviour. These lies harm the addict by reducing his or her power to deal with or control the addiction. This, for example, is why Alcoholics Anonymous ask members to introduce themselves, at A.A. meetings, with the formula 'My name is...and I am an alcoholic.'

In the realm of violence these lies are part of the self-erosion of Value Intonomy by violence. In the example given above, for instance, Bob is acting as less than morally integral not only per se but in misdirecting his frustration in a way that erodes what should be a positive relationship with his son instead of trying to deal with the frustrating relationships at his job. There is no way Bob's work situation can be improved by violence against his son, and the relief gained by so venting his anger is entirely spurious. In taking that relief, as being some kind of solution to his problem, Bob blinds himself both to the harm he has done and to the good he has failed to do. His work situation has not improved and his home situation, which could otherwise be a source of strength and courage, has been damaged. This is typical addictive behaviour.

Similarly, in the case of a **suicide**, for example, people who kill themselves prima facie offer no overt h/violence to others than themselves, and they must be said to be consenting to their own deaths. And yet suicide seems nevertheless violent - it is a violence by someone against themselves (ie: violence against their own Value Intonomy and, thereby, their own humanity). The mechanics of consent, in suicide, may be very odd (it shares several features with phenomena like self-deceit), but the consent still exists in all except those minority of cases in which the suicide is genuinely deranged.

Considerations of suicide are relevant to the logic of violence in two main ways, both related to the self-erosive effects of violence on Value Intonomy.

The first is in the false assumption of those suicides who take the line that "It's my life to dispose of how I wish". Taking here, as a paradigm case, the situation in which a person is not in extremis of terminal pain, mental derangement or defense of other interests⁷, it is evident that suicides do not choose to harm only themselves.

It is predictable, from the Integral Paradigm, that any violence against a personal nexus in the web of human relationships is going to have a destructive effect, on other nexus in the web, proportional to their proximity. This prediction is confirmed by the universal testimony of those related to a suicide. Except in some extreme cases (such as those mentioned above) suicides do choose to leave a legacy of guilt, grief and bewilderment that is both hurtful and harmful. The suicide's lie, that "It's my life" is, therefore, fully of a kind with the lies all violent persons tell themselves in justification of their act.

The second element is that, regardless of what ethical values are attributed to the act, suicides do totally violate their own Value Intonomy. This means that, even if they hold an ethic which allows them the right to kill themselves (so that suicide is not m/violence), suicide is still an act of violence. Further, it is an act of violence even if no f/violence is used (as, for example, when the means of self-violation is an overdose of sleeping pills or carbon monoxide poisoning. Both of which are physically gentle means of ending life).

⁷ For example, someone who undertakes a suicidal defense of others or who possesses information and, facing torture they believe they will succumb to, kills themselves to prevent the information being used against others.

PART TWO: The Right to Value Intonomy

Chapter Five

VALUE INTONOMY AND RIGHTS THEORY

Value Intonomy is simply a fact of the human condition exhibited by the mere ability of people to think and act on assumptions of moral agency - to conceptualise, and act on, interests, welfare, justice, values and moral constraints. It is not a moral fact per se (such, for example, as 'lying is wrong'), it is, rather, a natural fact about a class of beings who generate and follow moral axiologies (value systems) and deontics (norms, constraints or codes of behaviour) - and who are harmed when the freedom and power, to follow their axiologies and deontics, is eroded or denied.

To think and act as moral agents is to think and act in relation to other people. This is because morality is essentially a public (inter-personal) phenomenon¹. Indeed, a primary function of ethics is the regulation of relationships between people in a way that enables us to share a world. Violence is also a public phenomenon and, even under the Assault Paradigm, violence is something done by one agent to another². Thus social relationships, which are the realm of ethics and heart of human experience, are also the home of violence. It is, therefore, entirely appropriate to take a moral stand on the issue of violence and attempt to heal human relationships with an ethic that will reduce the incidence of violence. This is what most ethics try to do, and the key distinction, between constructive and destructive ethics, is how well they achieve this aim. In Part Two of this thesis an attempt will be made to formulate a base for a truly non-violent ethic.

¹ It would, for example, simply make no sense to have a Golden Rule of there were no others to love as oneself.

² The concept of self-violence in this case, and like the concepts of self-deceit or talking to oneself, being parasitic on, rather than exception to, the public nature of the host idea. See, however, pp. 41-2 and 45-6.

This ethic, called **Renovation Ethics**, will have two parts:

1) A rights base, called **The Right to Value Intonomy**. This base aims to reduce the perceived need for violence by protecting and enhancing peoples' moral freedom and power. The Right to Value Intonomy first postulates an axiology. Namely that we ought to recognise Value Intonomy as a profoundly valuable fact in the human condition, a fact and value which is eroded by violence. It then argues that the most practical way to protect this value is by recognising that all people have a fundamental right to their Value Intonomy. In this sense of '*right*', an individual's Value Intonomy is seen as a kind of sacrosanct '*moral property*', to the possession of which they have a strong and *morally just claim*. The deontic component of the Right to Value Intonomy is basically negative. It guides us away from what we ought not to do if we want to live powerfully but non-violently.

2) The second part of the ethic is a Broad Consequentialism built on a base of the Right to Value Intonomy. The aim of this consequentialism is the positive enhancement of human welfare. It is the subject of Part Three of this thesis.

RIGHTS

Rights are seen in different ways by different philosophers. Common to all formulations of rights, however, is the basic idea of a morally just claim or entitlement. This is always a claim, by the right-holder, on somebody else³. As such rights are social and, by their nature, entail moral constraints on other members of society.

The most straightforward model of rights simply sees them as interests, or clusters of interests, that differ from other interests in degree rather than principle. Under this model to say that someone has a right to speak, for example, is

³ Cf: *A Dictionary of Philosophy*. Jennifer Speake, ed. (Pan Books, U.K. 1984) Pg 306

simply to say that, all things being equal, their interest in expressing themselves has a greater weight of value than the interests of another agent in shutting them up. Even in this case, however, the mere possession of a right is considered, in itself, sufficient grounds to generate moral obligations for other agents.

KINDS OF RIGHTS

The fundamental categorisation of rights is that of Hohfeld⁴ into *liberties*, *claim rights*, *powers* and *immunities*. These categories often overlap for particular rights. They are, nevertheless, useful in distinguishing the various meanings that can be intended by the word 'right'.

A **liberty**, under this categorisation, can be either the freedom to do something or the freedom not to do something. To say, for example, that a person has 'a perfect right to smoke themselves to death if they wish' is to assert a liberty in the first sense. A liberty, in the second sense, is more like a kind of privilege as, for example, when a promotion or appointment brings freedom from some generally applicable duty (such as when reaching a certain level at High School gives a student the right not to wear the school uniform).

A **claim right**, which is what is usually intended when we talk of rights, also has two senses. The negative sense arises when the obligation, which the right-holder claims from others, is to let the right-holder do something. The 'right to free speech' is a claim right in this sense. A person with this right is not obliged to speak but, if they want to speak, then others are obliged to let them. The positive sense arises when the obligation in question is to help the

⁴ Hohfeld, Wesley. *Fundamental Legal Conceptions as Applied in Judicial Reasoning* (Yale, 1919) as quoted in Waldron, Jeremy. *Theories of Rights* (OUP, 1984). Pg 6.

right-holder do something. If a shelterless person has a right to shelter, for example, other people have an obligation to shelter them. Claim rights are often sub-categorised into two kinds. Claim rights *in rem* are general claims, such as the right to free speech. Claim rights *in personam* are claims against a particular person or persons. The right of members of an incorporated society, to speak at the Annual general Meeting, is, for example, a claim right in *personam*.

Powers are the ability of an individual or group to affect the rights of others. I, for example, have the right to sell or give away what I own. By so doing I transfer, to another, my rights over certain property. The right of an employer, to promote or dismiss staff, is a power right. Likewise the Government and the Courts have the right to impose liabilities on people by means of taxes or fines.

Immunities are a freedom from powers. The idea of a National Constitution, for example, is to guarantee certain rights in such a way that nobody, including the government, has the power right to alter them. Likewise the right of tenure, in certain universities, is an immunity against the usual right of employers to dismiss people.

The category of rights, pertinent to the Right to Value Intonomy, is that of negative claim rights, and the word 'right' will be meant in that sense from this point onwards. Central to the dynamic of rights is that every right involves a correlative duty. If I have a right to speak, for example, others have a correlative duty to let me speak. A distinctive feature of claim rights, however, is that this correlation is usually reciprocal - holding rights and duties in balance. Thus, in New Zealand society, my ordinary claim right to free speech is balanced against my duty to let others speak. If my right to speak were, say, a liberty, this would not be the case.

A useful terminology, in talking about rights and duties, is that of Alan Gewirth⁵. He talks of a right being *fulfilled* when the correlative duty is carried out and of being *infringed* when it is not. A right is *violated* when it is unjustifiably infringed and *overridden* when the infringement is justified. This terminology will be followed in this thesis.

Another categorisation of rights is that into *Natural* or *Legal* and *relative* or *absolute*. Each of the kinds of rights given above fits into one of these categories.

Natural Rights are said to be those inherent in human nature. When, for example, someone takes another person to court and claims that, although what they did was technically legal it was 'contrary to Natural Justice', they are appealing to a common intuition that all people are entitled to have certain expectations from others simply by virtue of their common humanity⁶. As such Natural Rights are not considered to be inventions of human thought, or conventions of human society, so much as discoveries about human nature made by human reason.

The main differences in natural rights theories concern theories about human nature. Modern natural rights theorists, for example, tend to take an evolutionary view of human nature⁷ whereas earlier theorists tended to assume that human nature was given and fixed in natural law⁸.

⁵ Gewirth, Alan 'Are there any Absolute Rights?' in Waldron, Jeremy. *Theories of Rights* (Oxford, U.K. 1984). Pg 92.

⁶ Cf: MacDonald, Margaret. 'Natural Rights' in *Proceedings of the Aristotelian Society 1947-48* (Aristotelian Society, 1949) Pg 35.

⁷ Ibid, Pg 43.

⁸ See Finnis, John. *Natural Law and Natural Rights* (Clarendon, U.K. 1984) for an analysis and history of natural rights.

Legal rights are a simpler case. A legal right is simply any liberty, claim right, power or immunity granted by the passing of a law. The right of adults to vote in a General Election, for example, is a legal right (although one that is sometimes claimed to be based on the natural right of people not to be governed without their consent⁹).

Both natural and legal rights are essentially moral rights in that they do not deal with what people do (although natural rights include claims about what people are). Rather they are claims about what people ought to do. They are, in other words, inescapably normative.

The categorisation of rights, into relative and absolute, has to do with their status as moral entities and the subsequent strength of the claims any particular right has.

Relative rights have generally assailable claims based on convention or law. They may be strongly relative, such as my right to self-defense, or weakly relative, such as my right to enter a Public Bar or to possess an item I have purchased from someone. These rights are relative to particular norms, laws or conventions that may differ from place to place or time to time, and there are numerous instances in which the rights may be overridden. Most philosophers believe that all rights are ultimately relative.

Absolute rights, however, are claim rights which cannot be overridden in any circumstances, must be fulfilled and can never be justifiably infringed¹⁰.

9 MacDonald, Pg 47.

10 Gewirth, Alan. 'Are there any Absolute Rights' *Philosophical Quarterly*, 31 (1981) pp. 1-16. Reprinted in Waldron, Jeremy (Ed) *Theories of Rights* (Oxford, U.K. 1984) Pg 94. Note that the normative nature of rights means that modal verbs (can, must, etc) refer to moral, rather than natural, abilities. To assert, for example, that an absolute right can never be overridden is not to assert that the overriding of it is impossible. Obviously such rights can be, and often are, violated in practice. What is asserted, by the 'can never' is that such a right can never be justifiably violated.

The violation of an absolute right can, therefore, never be justified against an innocent person. Many people, for example, believe that the right not to be tortured is absolute and that, consequently, torture can never be justified under any circumstances.

ALAN GEWIRTH AND GENERIC RIGHTS

One philosopher who makes a strong case for an absolute right is Alan Gewirth¹¹. Gewirth's interest is in the 'supreme principle of morality' which he calls the **Principle of Generic Consistency (PGC)**. This is that every agent ought to act in accord with the generic rights of [his or her] recipients as well as [her or him] self. **Generic Rights** are **claim rights to 'the necessary conditions of action, freedom and well-being'** (*my emphasis*) and, as such, are fundamental claim rights entailing preeminent correlative duties. As the phrase 'necessary conditions' witnesses, Generic Rights are not arbitrarily collected. Just to act as a moral agent a person needs some freedom to choose between options that encompass right and wrong to some degree. Further, they must be able to take responsibility for those choices where they affect the interests or welfare of others. Thus it is that what Gewirth is talking about is *the fundamental right to act and be treated as a moral agent*. Postulating Generic Rights as absolute, and the PGC as their correlative duty, creates an ethical base almost identical with the Right to Value Intonomy.

Gewirth distinguishes between three kinds of absolutism: *principle, individual and rule*¹².

A right is only in **principle absolute** when it embodies a moral principle which it entails a very high degree of generality or universalisability. The Golden Rule and Kant's

¹¹ Ibid pp. 91-109

¹² Ibid Pg 94

Categorical Imperative are, for example, in principle absolute in that they are intended to be applicable by every moral agent to every other moral agent. Gewirth attributes to the Principle of Generic Consistency the status of being absolute in principle. The same claim will be made for The Right to Value Intonomy.

At the other end of the scale a right is **individually absolute** when some particular person has an absolute right to 'moral property' for which all grounds for overriding the right have been overcome (as with the 'divine right of Kings'). Describing such a right would involve proper names or other individual referring expressions.

Intermediate between these, a right is **rule absolute** when its generality is restricted to a class of beings. For example, the claim that all those Chinese, who were born in China, have an absolute right to live in China, is in rule absolute in that it precludes the class of Chinese born outside of China.

Some note has to be taken of Gewirth's arguments for the Principle of Generic Consistency because, *prima facie*, it seems implausible that any right should be absolute. Being alive, for example, is a necessary condition for having Generic rights. It would seem to follow, therefore, that the right to life is absolute. But would it, for example, have been wrong to kill Stalin, Hitler or Pol Pot in an attempt to stop the massive cruelties for which they were responsible? Killing someone against their will absolutely violates all their most fundamental rights yet it still seems justified to kill in defense of certain people or values. This seems to suggest that even the entirety of Value Intonomy cannot be held as an absolute right.

Consider, however, the situations under which the right not to be killed seems untenable. In the first place people like Stalin are not innocent in terms of the right. An absolute claim right to life is reciprocally correlative, the right of

any being to life entails the correlative obligation, on the part of that being, to respect the right to life of others. If that being threatens the right to life of another then their own right to life ceases to be absolute. This is not to say that it ceases to exist. It does, however, become relative¹³. The use of the term 'innocent', in this sense, is both precise and specialised. A being is *innocent*, vis a vis any particular right, *only so long as their behaviour or condition of being does not violate, or actively threaten to violate, that same right in another*. Obviously someone like Pol Pot is not innocent in any sense of the word. The surrender of innocence, however, need not be intentional. Under the definition, given above, a fetus, for example (which is innocent in the ordinary sense of the word), ceases to be innocent if its existence threatens the life of the mother. In such a case the fetus' 'right to life' becomes relative and may be overridden by an abortion aimed at saving the mother's life.

Take, as further examples, three situations in which the act of one person threatens the lives of several others. In the first scenario terrorists have hidden a large bomb somewhere in a city. They ring the mayor of the city and tell her that the bomb will be detonated in fifteen minutes unless she goes outside, picks a citizen at random, and publicly murders him or her. If she does that then the terrorists promise to disarm the bomb and tell the police where it is. For the sake of argument, assume that the usual epistemological problems do not apply (ie: assume that the mayor knows that she can trust the terrorists to do as they say they will). Assume, further, that there is no way that the terrorists can be prevented from carrying out their threat if they so desire. Assume, finally, that everybody has an absolute right to life. Should the mayor murder a citizen?

¹³ See pp. 71-76

If she does not is she then responsible for the dozens of deaths that result from the subsequent explosion?

The answer to both questions is 'no' in terms of an absolute right to life theory¹⁴. The mayor is not responsible for the acts of another. Regardless of what she does the terrorists do not have to detonate their bomb. If they do then it is entirely their responsibility. The mayor is, however, responsible for what she does, and to murder the innocent holder of an absolute right to life is always wrong. Under such circumstances such an act would be understandable and I, for one, would find it eminently forgivable, but it would only need forgiving because, if the right to life is absolute, then any murder is wrong - however understandable.

The second and third scenarios both involve a situation in which someone is going to detonate a nuclear weapon unless you shoot them. In the first case they know what they are doing and their intent is deliberate. In the second case they are a morally innocent person who believes that they are, in fact, disarming a bomb that will explode unless they complete what is really the firing sequence.

The first case is relatively straightforward. Such a person has intentionally surrendered their absolute right to life and, if killing them is the only way to stop a nuclear blast, then killing them is entirely justified.

The second case is not quite so straightforward. Nevertheless this person's act still threatens the right to life of others in a way that makes their own right to life relative. Again, if the only way to stop them is by violating their life to life, then such violation is justified.

¹⁴ See Gewirth, Ibid Section II, pp 97-107, for a detailed rehearsal of this argument.

It should be noted that this scenario is being considered solely in terms of absolute rights theory. In terms of Renovation Ethics another element of consideration is added which alters the verdict (see Part Three of this thesis).

RIGHTS AND ABILITIES

Before leaving the general discussion of rights it should be noted that the possession of a right is not a function of any ability on the part of the right-holder to enforce their right. This is because the right is upheld by the correlative duty on others. Rights presuppose what I have called Value Intonomy. Babies, idiots and the incapacitated (such as comatose people) do not, however, have the present ability to think and act as moral agents. They are not aware of their rights and are in no position to defend them. This does not mean that they cease to be subjects of rights. All that happens is that the exercise of their rights properly devolves upon those who retain the power to violate them (eg: the doctor of a comatose patient has special responsibility for respecting that patient's rights precisely because she or he is in the most immediate position to violate them).

Thus the holding of a right does not depend on the agent's power to contend for the right. It depends, rather, on the ability of others to undertake whatever correlative duty having a right entails. Where people have rights to their own property, for example, those rights exist quite independently of whether or not the right-bearer is able to defend their property against any intended thief.

Indeed, in one very special sense, rights would not be needed at all if all persons were able to uphold or exercise them by their own devices. It is, for example, precisely because racism harms those unable to adequately combat racist harm that Civil Rights legislation is enacted. What rights legislation does, in these cases, is reflect moral rights by formalising that responsibility which all moral agents share in a society.

Because this is so it can make sense to talk of non-persons having rights, but it cannot make sense to talk, say, of non-

persons respecting my rights. Someone may, for example, insist that lions have a right to life vis a vis human beings. To say that is simply to say that duties to respect the lion's right to life devolve on beings capable of recognising and acting on concepts of duty. It is, however, meaningless to say that people have a right to life vis a vis lions. Lions are not moral beings and are, therefore, incapable of recognising or acting on any rights any other being may have.

Chapter Six

THE RIGHT TO Value Intonomy

THE RIGHT GIVEN

The basic contention of the Right to Value Intonomy Ethic is that **all persons have a right to their Value Intonomy**. That is: an absolute, fundamental claim-right to act and be treated as a moral agent. This right is held *in rem* by all persons and encompasses the necessary and sufficient conditions for Value Intonomy in the generic rights to moral freedom and power. As the conditions of value intonomy are the same for every person the Right to Value Intonomy recognises a complete moral equality between persons.

In terms of this right, moral freedom includes the right to freedom from coercive relationships and entails a moral responsibility to respect every locus of Value Intonomy, including the agent's own. Moral power includes the right to moral self-determination and the effective right to give or withhold consent to the effects of policies significant to individual moral destiny.

In terms of this ethic **m/violence** is defined as **the violation of any person's right to Value Intonomy with the effect or intent of harm** (ie: an act is morally violent [wrong] if it violates a person's right to value intonomy). In this development, of the definition of factual violence, the term 'harm' carries the additional moral sense of including any inhibition or erosion of the right-bearer's access to, or exercise of, their right to Value Intonomy.

The intent of the ethic is that all persons should be seen and treated as being of such a kind that any violation of their Value Intonomy is intrinsically wrong.

FORMULATING THE RIGHT TO VALUE INTONOMY

There are several methods of formulating an ethic such as the Right to Value Intonomy. One method would be to argue for the right as a moral fact (ie: a Natural Right). Another method would be to appeal to the fundamental nature of the right. All ethics have to start somewhere and the Right to Value Intonomy could be offered as a fundamental axiom on the grounds of its explanatory power and capacity to deliver the desired intuitions. In this thesis, however, no arguments are given for a moral realism which includes the Right to Value Intonomy. Therefore a third method is used in which the Right to Value Intonomy Ethic is offered as a practical means towards a desired end (ie: the reduction of violence). This method recognises the natural fact of Value Intonomy, asserts that fact to be of profound value to the human condition and vulnerable to violence. It then postulates that, if we want to protect that value from violence, the most effective means of doing so is to embody recognition of that value into our ethics. Doing this by means of a right is offered as the most practical and rational means to this end. It will also be argued that a right to Value Intonomy already is implicit in our normative use of the term 'violent' to express disapprobation. This method does not, however, argue that the mere fact of our having Value Intonomy entails that we ought to have Value Intonomy.

THE VALUE OF VALUE INTONOMY

Value Intonomy possesses four kinds of value: The subjective (or attributive), psychological, instrumental and practical¹.

In the first place Value Intonomy is valuable simply in the sense that we universally attribute value to it, both in itself and because we value that personhood which it is

¹ Note that, although these kinds are different, they are neither mutually exclusive nor jointly exhaustive.

instrumental in creating. This attribution of value may, in fact, be metaphysically in error. Nevertheless, throughout history and across the globe, persons who have been denied the freedom and power of assent to those values they live by in pursuit of their own destinies, have consistently shown their belief in the worth of their Value Intonomy by preferring to risk violent death rather than live as less than morally integral beings. Thus, even if the whole concept of value is entirely a subjective fiction, it can be asserted that human beings believe Intonomy to be valuable. As human beings also use their Value Intonomy to construct ethical theories it is perfectly coherent (if not necessary) to build an ethic on a right protecting the ability to construct ethics (ie: Value Intonomy).

In the second place Value Intonomy is valuable as a necessary condition of our psychological wellbeing. Psychiatrist Frantz Fanon², for example, has documented neuroses caused by the denial of Value Intonomy among colonised people. Similarly Psychologist Erich Fromm³ asserts that violation of peoples' moral values and norms '...results in mental and emotional disturbance'. He further asserts that human beings cannot live without values and norms (ie: the axiology and deontic of morality) and that, consequently, the only question is whether or not peoples' morality will be integral, and life-affirming, or irrational and life-denying.

In the third place Value Intonomy has instrumental value as the grounds for all that can be achieved in the realm of moral action. If Value Intonomy was not a fact of the human condition then we would have no axiologies and no deontics. We would be unable to distinguish between the moral value of,

² Fanon, Frantz. *The Wretched of the Earth* (Grove Press, U.S. 1965) eg: pp. 204-205. This thesis is also argued at some length in Menninger, Karl. *Whatever Became of Sin?* (Hawthorn, U.S. 1973) and May, Rollo. *Power and Innocence* (Souvenir Press, U.K. 1974).

³ Fromm, Erich. *Man for Himself* (Routledge and Kegan Paul. U.K. 1975) Pg 7 (first quote) and Pg 5 (second quote)

say, growing flowers and abusing children. If it is worthwhile to be able to constructively make these kinds of moral distinctions then the grounds that make that evaluation possible are themselves valuable. These grounds are those of Value Intonomy - the capacity to evaluate, and act on, considerations of worth, justice, and welfare. Thus 'Value Intonomy' labels a fact instrumentally as valuable as the possibility of morality itself; a fact as valuable as all the possible freedoms, interests and welfare of moral agents.

Finally, on the practical level Value Intonomy and violence are contraries. Violence is the erosion of Value Intonomy. Because we are, to varying degrees, morally integral, we see violence, to varying degrees, as a problem (a disvalue). Enhancing moral freedom and power (the lack of which motivates much of our addiction to violence) will reduce the perceived need for violence and thus reduce the problem. This gives the cultivation of value intonomy practical value.

VALUE INTONOMY AS A NORMATIVE BASE

The word 'violence' is already often used normatively. An act of force, for example, may be described as 'violent' when we consider the force used to have been excessive or unnecessarily harmful. What we intend here is a criticism of the act based on the belief that it ought not have been so destructive. 'Violence', in this sense, is a term of disapprobation, and its use as such is very common. The grounds for this normative use of the word 'violent' can be fully explicated in terms of a right to Value Intonomy.

For example, forcefully violating somebody's physical integrity with a weapon may be *h/violent*. But we perceive more than force or harm in violence. We sense, or attribute, *wrong* (*m/violence*). For an act of *h/violence* to be *wrong*, as well as forceful and harmful, there must a some value or right being violated, not just something that is being done

(such as the violation of Value Intonomy) but something that ought not to be done (such as the violation of a right to Value Intonomy). This sense, or attribution, of wrongness is a function of our Value Intonomy, and it is on the violation of that same Value Intonomy that the sense of wrongness focuses. Similarly the systematic (institutionalised) denial of moral freedom and power, in such things as sexism, may not employ overt f/violence. Yet the victims of such denial still feel it to be violent and feel it to be wrong. This is because the same wrongness, the same denial of our human value that we sense in physical violence, still exists even in the absence of gross or impetuous force.

Implicit in this normative use of 'violence' is the enduring and pervasive intuition that people are possessed of some kind of fundamental moral right or 'property', centred on their person, that is somehow sacrosanct. Violating this treats them, or actually makes them, less than persons. That is what makes violence feel morally wrong - our Value Intonomy is both the victim of violence and the ground for our perception of violence as denying our value..

Often, in common intuition, whatever the fundamental right or value is, that motivates the feeling that human beings ought not to be violated, is ill-defined or undefined. The Right to Value Intonomy Theory, however, identifies this normative 'value of selfhood' with that aspect of selfhood which is the very grounds for evaluating anything, ie: Value Intonomy. The theory further postulates respect for Value Intonomy as the base for any coherent ethic on the grounds that Value Intonomy is what makes sound ethics possible⁴.

As was the case with the Value Intonomy Theory of Violence, the Right to Value Intonomy Theory is not here offered as a novel theory of ethics. Rather, it is offered as a formal

⁴ See below, 'Moral Integrity as a foundational right'.

explication of beliefs already implicit in our common perceptions of violence. In the case of the theory of violence, Value Intonomy formalises our perceptions of certain acts as factually violent, in the ethical theory it formalises our intuitions that violence is morally wrong.

On this basis we can now re-draw the conceptual 'map' of kinds of violence. Violence is the violation of Value Intonomy. Having introduced the notion of our having a *Right* to Value Intonomy we can now distinguish between:

- 1) violence as a FACT (**F/violence** - the violation of Value Intonomy) and
- 2) violence as a WRONG (**M/violence** - the violation of the *Right* to Value Intonomy).

The fact of violence can itself be distinguished into forceful F/violence (such as physical assaults) and non-forceful F/violence (such as the violation of Value Intonomy via cultural attitudes or social institutions). In both cases F/violence subsumes what, in Part One, was simply called 'violence' and, to the extent that the violation of Value Intonomy is harmful, 'h/violence'.

M/violence can similarly be distinguished into violations of the *Right* to Value Intonomy which employ gross or impetuous force (f/violence) and those which do not.

That something very close to a *Right to Value Intonomy Theory* does motivate present thinking on the wrongness of violence can be illustrated by offering a Crude Utilitarianism for criticism. The axiology of this Crude Utilitarianism postulates that a natural feature (pleasure) possesses a value. The deontic then prescribes that good acts are those that result in the greatest value (eg; the greatest pleasure) for the greatest number of people. An intuitive criticism of this Crude Utilitarianism is that its deontic denies the significance of the individual in an open-ended commitment to

what pleases, or is seen as good by, the majority. This is so even when, as is seldom the case⁵, it is the majority who decide what is good. If, for example, the only measure of moral worth is the most pleasure for the most people then cutting up one healthy person, as spare parts to enhance the length or quality of life for ten others, is justifiable. Most persons, however, intuit that in the ordinary course of events the selfhood of that one person is not the kind of thing that can legitimately be traded against the pleasure of ten others. We do not believe that violence becomes good just because it pleases more people than would otherwise be the case. If we did then we would approve of Nero organising the public torture and brutal death of captives for the amusement and social stability of Rome. We can see the virtue of doing 'the greatest good for the greatest number' but not when that is at the expense of individual or minority selfhood. When this criticism is offered against Crude Utilitarianism it is usually considered enough simply to point out that this open-endedness is the case. None of the instances of the criticism that I have read bother to give reasons why, for example, it would be wrong to cut up one person as spares for ten others. This is because the argument can rely on the prevalent intuition that there is some fundamentally sacrosanct quality of individual personhood that has a different kind (rather than merely a different degree) of value than the things that personhood makes possible. This, essentially moral, aspect of personhood is such that any ethic has a *prima facie* duty to respect it⁶.

Something similar happens when we feel we are 'being used'. All of us resent this, regardless of what morality or

5 Usually it is a Nero, Stalin or Pol Pot who is deciding what is ultimately the best for society as a whole. This is not a problem of Utilitarianism, however, even though such people habitually appeal to Utilitarian principles in deciding to sacrifice the present lives or wellbeing of some folk to the eventual wellbeing of all.

6 Cf: Gass, William. 'The Case of the Obliging Stranger' *Philosophical Review* LXVI, 1957.

amorality we may espouse, because being treated as resources denies the significance we instinctively attach to our selves simply by virtue of being persons. We all feel that we have a right to be treated as persons, as fully-functioning moral beings. We all feel, in other words, that we have a right to Value Intonomy.

It seems then that this fundamental right is already perceived as existing, and perceived as being violated either in a particular way or with a particular result, every time we feel a violation to be wrongful. For this to be so then the notion of m/violence must be, at least implicitly, committed to some sort of theory of individual rights in which a right is understood as a morally just claim to access over some moral possession or area of behaviour⁷ that has to do with what it is to be a person.

For such a theory to be coherent it must first assume the existence of rights. That is, some essentially moral complex of notions that can locate an extension to the notion of personhood and cover both the person and the extension with a strictures of sanctity or 'set-aside-ness'. It must then assume that, in terms of this notion, there is an area, marked off by a moral boundary, which the right-holder is free, but not obliged, to access, and within which they are free, but again not obliged, to move. This right issues then in a responsibility, on those outside of the area, not to inhibit that freedom of the right-holder to access or move within that area.

It seems, however, obvious that, while the mere violation of a right is enough to label an act a trespass (a wrong), it is not sufficient to label it violent. Technically someone trespasses any time they enter the rights-defined area without the consent of the right-holder, but not all such

⁷ Cf: Gewirth in Waldron *Theories of Rights* (Oxford, 1984) page 96.

trespasses are violent. For a trespass to be a true violence, however, two conditions seem necessary:

1) The right violated needs to be fundamental to the selfhood of the right-holder. The most fundamental moral right, that can be attributed to any person, is *the right to act and be treated as a person* (ie: as morally integral).

2) The trespass violates the right-holder's right over that area by *inhibiting the right-holder's access to, or movement within, the area defined by the right*.

If these two conditions are breached then we feel the breach to be morally repugnant. And this intuition, about moral repugnance, is commonly used to test ethical soundness⁸.

If an ethic, such as Crude Utilitarianism, condones repugnant acts then it is considered flawed. Likewise we can also intuit these conditions being breached by the essentially coercive relationships of slavery, brain washing or other systematic manipulation. That is why these things can be called violent. All that the Right to Value Intonomy Theory does, in these cases, is explain the intuition. In terms of the theory it can be seen that underlying the notion of violence as a wrong is an implicit belief, first, that people are possessed of Value Intonomy and, second, that people have an inviolate claim right over their Value Intonomy. We all need to believe in our own significance. This sense of significance is both a function of our Value Intonomy and an important aspect of our self-image and mental health. It follows that anything which denies that significance will be felt as M/violent by any other morally integral being. Such a belief is fully contiguous with the argument, in Part One of the thesis, that Value Intonomy does exist and that F/violence harms our personhood by violating this intonomy.

⁸ Cf: Gass, William. 'The Case of the Obliging Stranger' *Philosophical Review* LXVI, 1957.

THE IMPLICATIONS OF A RIGHT TO VALUE INTONOMY

In exploring the implications, of the Right to Value Intonomy as an absolute claim right, I will adopt the terminology of Alan Gewirth and call any right-holder the *subject*. The 'moral property' covered by a right will be called the *object*. Any obligation, entailed by a right, will be called a *duty* and the agent(s) on whom this duty falls will be called the *respondent(s)*. Using these terms, the essence of any right is that it entails a correlative duty. The essence of a claim right is that this obligation is fully reciprocal between subject and respondent. Thus if, for example, a subject has a claim right to freedom of speech then not only does the respondent have a duty to respect that right but the subject has the same duty in respect of the respondent.

The Right to Value Intonomy, being an absolute claim right *in rem*, generates a full equality of mutual obligations that are fundamental between all persons. The rights and duties [responsibilities] of Right to Value Intonomy are, therefore, in balance. This balance is both external and internal.

Externally each person's right to Value Intonomy entails a correlative obligation to respect Value Intonomy in others.

Internally each person is obliged to respect their own Value Intonomy. This is so on two grounds.

The first is instrumental: no respondent can adequately meet their duty, in regard the right to Value Intonomy in others, unless they maintain that same integrity in themselves. Reflecting the Integral Paradigm the Right to Value Intonomy recognises that any responsibility to other loci of rights, in the social web of relationships, includes responsibility towards all nexus who affect the web - including our own. What we do does affect others, including the things we do to ourselves. Only if it were possible to affect ourselves in a way that does not affect others can we avoid the constraints of Right to Value Intonomy against violating Value Intonomy.

The second ground is intrinsic: As was argued in Chapter Three, the violent do, in fact, erode their own Value Intonomy when they act violently. This is always h/violent. As this kind of h/violence is the target of Right to Value Intonomy it follows that this too is labelled wrong by the ethic. Thus the Right to Value Intonomy insists that, although the agent has the *ability* to destroy or surrender their own Value Intonomy, nobody including the agent has the *right* to do so.

The intent of claim rights (such as Right to Value Intonomy) is to define an area of 'moral property' for each individual in the social organism. The specific intent of the Right to Value Intonomy claim right is to define the *fundamental* area of moral property for each individual person - an area which (unusually for rights theories) *recognises the relationships which define the individual*. The Right to Value Intonomy therefore includes the right of the individual to be free of coercive relationships while recognising that the concept of 'mine' (central to the notion of property) cannot be solipsistic for a moral agent. The Right to Value Intonomy, therefore, is conspicuously interactive. It sees each moral agent as nexus in a web of relationships and focuses, not on the nucleus of 'self', but on the boundaries at which the relational threads, that cohere in the nexus, merge with the role they play in defining other nexus.

In other words, **the limit of the moral 'self'**, vis a vis any other moral self in terms of the right to Value Intonomy, **is that point at which the exercise of the right impinges on the right of the other**. This point is, as a matter of fact, totally fluid in the face of the differing interests of people.

Take, for example, the situation in which a person values an entertainment that generates noise pollution. In terms of The Right to Value Intonomy they have an absolute right to make

as much noise as they like up to the point at which their freedom conflicts with that of another person - and it is the other person who gets to define where that point is⁹. At that point, wherever it is at any time, their right to moral freedom ends, and negotiation begins.

SURRENDERING THE RIGHT TO VALUE INTONOMY

The Right to Value Intonomy, and its entailments, are absolute for innocent persons. This means that, for as long as the subject does not violate, or actively threaten to violate, the Value Intonomy of others then their own right to Value Intonomy must be fulfilled. The limits of moral freedom, and the end in innocence in terms of the right, are therefore defined by the same criterion (ie: that point at which any person's exercise of their moral freedom begins to deny the same freedom to any other person). This definitional limit is justified because the rights and duties of the Right to Value Intonomy are fully mutual and reciprocal, making it self-contradictory for anyone to claim the right for themselves while, at the same time, denying it in another.

Because this limit exists *any agent who trespasses on another's right to Value Intonomy thereby surrenders their innocence. Their own right to Value Intonomy is, consequently, no longer absolute.* It is the implications of surrendering the right to Value Intonomy which are the main subject of the following section.

Take, for example, three situations in which a person uses their moral freedom to postulate a lethal axiology (ie: an ethic which sees death as valuable). The right to generate and maintain his or her own values is an essential part of every person's own Value Intonomy. In these cases, however,

⁹ This is because the noise-maker has an obligation to respect the right of the other person in the exercise of their own right. For the noise-maker to define at what point another's right is violated is to deny that other person the right to define their own values.

the person's axiology is going to deny someone (herself or another) their right to Value Intonomy by causing their death. In **Case A** they, as respondent, intend to murder another person who is a subject of the right. In **Case B** they, as both respondent and subject of the right, intend to sacrifice of their own life for another person or persons. In **Case C** they, again both as respondent and subject of the right, intend to kill themselves.

The respondent here has three levels of duty: Level One is external and primary (to respect the Value Intonomy of others), Level Two is relational (to respect the web of relationships which define and nourish all people), and Level Three is internal (to respect her own Value Intonomy both instrumentally and in itself). These levels are hierarchical because a person's own Value Intonomy is their moral property whereas the Value Intonomy of others is not, we therefore have a freedom in regards to ourselves that we do not have in regards to others.

Case A is clearly wrong in terms of the Right to Value Intonomy. Murdering another grossly violates their most basic rights on every level and, in such a case, the murderer massively surrenders their innocence.

I say 'surrenders their innocence', in preference to the more obvious 'surrenders their Right to Value Intonomy', in order to avoid the temptations to polarity of thinking. The Right to Value Intonomy, seen solely as a protective claim right, gives no compelling reason for responding to any surrender of the right in a constructive or contra-violent manner¹⁰. The temptation, therefore, is to say in effect 'A murderer has surrendered all his rights, so whatever we do in response is justified'. This is especially so as talk of absolute rights tempts us to think in terms of 'all or nothing'.

¹⁰ This is one reason for adding the Consequentialist element to the right in Renovation Ethics (which is the subject of Part Three below).

In fact the antonym of 'absolute' is not 'nothing' but 'relative'. And *what happens, when someone surrenders their absolute right to Value Intonomy, is not that they end up with no rights at all but that their right becomes relative.*

The key difference, between an absolute right and a relative one, is that **an absolute right is untradable**. There is simply no right or value against which it is legitimate to trade an absolute right. **A relative right, on the other hand, can be traded against something of equal value.** The right not to be killed, for example, is part of the right to Value Intonomy because being alive is a necessary condition of Value Intonomy. If a respondent of this right tries to kill a subject then they surrender their innocence (ie: their own absolute right not to be killed). In such a case it becomes legitimate to trade their right against the subject's (for example, by killing them in self-defense or by having them legally restrained by the denied freedom of imprisonment). It does not, however, become legitimate to, say, torture them to death or lynch them without trial. It might give the subject's friends immense satisfaction to do these things but, even a successful murderer's value as a person cannot legitimately be traded against mere values *for persons*¹¹. For the same reason it is not legitimate to kill someone in defense of, say, property or political interests.

Case C is also wrong, although not as wrong as murder. Suicide violates a person's own Value Intonomy but their moral freedom mitigates against the obligation, to respect their own Value Intonomy, in a way that makes their right relative rather than absolute right from the start (ie: the right to order their own values exists, albeit within the constraint to order them in a morally integral way). The harm they do at Levels Two and Three is also derivative rather than direct thus lowering the degree of violence involved.

¹¹ Cf: Vlastos, Gregory. 'Justice and Equality' in Waldron *Theories of Rights*(Oxford University Press, U.K. 1984) Pg 55.

Case C persons thus have an obligation to consider the rights and values of others, who will be affected by their death, and not to kill themselves if their suicide is going to violate anyone else's right to Value Intonomy.

A comparable situation exists in regard of people who choose to risk their lives or wellbeing in pursuit of values they consider worth the risk. Take, for example, someone who risks death or injury in pursuit of adventure. The right to Value Intonomy allows them a perfect freedom to order their own values in choosing how they will live their lives. It constrains them, however, to treat themselves and others as morally integral beings. This constraint obliges them to assess their values honestly, weigh the risks objectively, and to consider the rights of others in their choices. Thus someone who enters into an adventure ill-prepared, and thereby risks their own lives and\or the welfare of others foolishly, is not absolved by the spurious freedom of ignorance. They are responsible, not just for the sincerity with which they choose, but for the facts of their choice.

Similar considerations apply to those cases in which someone can only be kept alive by artificial means. In such a case no one, except the subject, has any right to insist that they be so sustained. If any person declines to take medication (including the use of life-support systems such as respirators) they are fully within their rights under the Right to Value Intonomy Ethic. Because this is so it is illegitimate, in terms of the right to Value Intonomy, for anyone to exercise their 'superior judgement' and artificially keep another alive against their will. Such judgements violate the subject's right to moral freedom and power.

The qualification 'only' is important here because the same general constraints, which apply to active suicide (ie: interfering with the process of life), can apply (with

qualifications) to 'passive suicide' (ie: refusing to interfere with the process of death). If, for example, a person can be expected to recover from an illness or accident then to turn off the life-support becomes of a kind with ordinary suicide.

Suicide and sacrifice are similar means to different ends. Suicide seeks a value (or avoids a disvalue) for the person who dies, sacrifice seeks a value for those who will survive the person who dies. Thus **Case B** can not only be legitimate, it can actually be a noble act as long as no less drastic option is immediately accessible to the respondent (ie: as long as it is not a foolish act or a disguised suicide). Sacrificing her life, say in defense of a loved one, not only is within the rights of the respondent (who is free to value a loved one above herself) but actually enhances the Value Intonomy of the other. It is, therefore, a supererogatory act. No subject of a right, however, has the right to demand such sacrifice. To do so is a derogatory act (one that devalues another). It is also a violence both in that it puts the demand back into the category of Case A (murder) and denies the subject's right to be free of coercive relationships.

Chapter Seven

VALUE INTONOMY AS A FOUNDATIONAL RIGHT

Considerable controversy has existed over just what are the fundamental or core rights of human beings, and some capital has been made out of the apparent inability of rights theorists to agree on this question. This disagreement, however, seems mainly to be a result of conflating rights theory with values. We may recognize that any rights system implies a ground of fundamental rights. It will not do, however, to simply postulate these basic rights as those which we value most, listing freedom, equality and so on, as fundamental. The only logical foundation, for any ethical system, must be that very aspect of being a person that makes ethics possible in the first place. Because Value Intonomy is the necessary basis for all morality whatsoever, it follows that the right to Value Intonomy will be basic to any ethic intending to coherently build on that capability.

As Gregory Vlastos argues¹, rights have to do with the value we ascribe to moral being as such (ie: that aspect of being a person that enables us to ascribe value to anything at all). Such rights have priority over factors like instrumental value, utility or merit in that they reflect the conditions by which we are able to act on considerations like value, utility and merit. This is why the open-endedness of Crude Utilitarianism is awry. It creates a situation in which a dependent value (such as happiness) can be traded against that on which it depends (the personhood of morally integral beings). This, however, is to trade a value against that which makes even the very recognition of value possible. That is self-defeating in much the same way as it would be to sell the foundations of a home in order to buy a better roof.

¹ Vlastos, Gregory. 'Justice and Equality' in *Social Justice*, ed. Brandt, Richard (Prentice Hall, U.S. 1962) pp. 31-72

Alan Gewirth makes a similar claim for his Principle of Generic Consistency². Generic rights, protected by his principle, are the 'necessary conditions of action, freedom and well-being'. In other words, his basic right is the right to think, act and be treated as a moral agent because this is what is necessary to have any rights or values whatsoever. If this is not protected by an ethic then the ethic is rationally self-defeating in that it ignores the very grounds on which whatever value it appeals to stands.

Thus, if we have any rights at all, the foundational first right must be the right to Value Intonomy; the right to act and be treated as morally integral beings. If we have a right to our Value Intonomy then obviously that right entails the necessary conditions of its realisation. At the very least, therefore, the Right to Value Intonomy entails *the right of each individual, within the constraints only of the like right in other individuals, to promote their Value Intonomy by ordering their own values, setting their own goals, making their own choices, taking their own risks and accepting the consequences of so doing*. This further entails the protective rights not to be killed³ (with the concomitant right to self-defense) and freedom from coercive relationships (such as the right not to be governed without consent).

It should be noted here Right to Value Intonomy settles what is often a dichotomy of rights systems. Rights-based ethics are often categorisable into two basic systems: those based on equality of rights and those based on liberties or rights to freedom. Right to Value Intonomy synthesises these two in a single system because it is an *equality of freedom* that is

² Gewirth, Alan. 'Are there any Absolute Rights?' in *Philosophical Quarterly*, 31 (1981), pp 1-16

³ I use the phrase 'the right not to be killed', in preference to the more common 'right to life', because it is more accurate to the intent of the right in question. I cannot see that anybody, or anything, has any *prima facie* right to life as such. In terms of the Right to Moral Integrity, however, any person who happens to be living does have a right not to have another person take their life off them.

guaranteed by the right. This matters particularly because all people are not created equal in fact; equality is strictly a moral notion. In terms of reduced violence, therefore, that society works best which most allows its factually unequal members morally equal opportunity to seek and settle at their own level of self-fulfilment⁴.

IMPLICATIONS

An interesting feature of moral philosophy is its essential circularity of method. The primary criteria moral philosophers have, against which to check their reasoning and conclusions, are those moral intuitions we share about what is, or is not, morally permissible behaviour. And these intuitions are themselves a product (although of what is controversial). Thus, if an ethic judges 'right' and 'wrong', the success of that ethic is primarily measured against what we already would like to have pronounced right and wrong. If the ethic allows acts that are intuitively morally repugnant then it is considered flawed⁵. The Value Intonomy theory of violence relies on this intuitive factor in morality by assuming that we have these intuitions about violence precisely because Value Intonomy is a fact of the human condition. The Right to Value Intonomy ethic builds on this fact by arguing that our intuitions about violence are entirely accurate - we intuit that certain behaviours are morally repugnant precisely because they are morally repugnant. Value Intonomy is a part of what it is to be a person - any damage to that does damage to our personhood. As we value our personhood it follows without effort that we

⁴ Note here that I speak of equality of opportunity, not equality of attainment. This is because, in the first place, I cannot see equality of attainment as a realistic or valuable goal. In the second place equality of attainment is not approachable without moral violence (given the fundamental inequality of persons, in all except the moral/legal realm, equality of attainment can only be imposed by coercively contradicting the natural results of natural variabilities).

⁵ Cf: Chapter Six (this thesis), also Gass, William. 'The Case of the Obliging Stranger' *Philosophical Review* LXVI, 1957.

will find the damaging of our personhood to be repugnant. Thus, whether or not we consciously admit, or fully understand, the implications of violating Value Intonomy, those things explicated by Value Intonomy and Right to Value Intonomy theories are fully implicit in the way we respond to violence right now. In other words, the fact, and perception, of Value Intonomy is deep structure to all those moral intuitions appealed to in defense of, or objection to, particular moral theories. This fact is an important strength in the Value Intonomy theory. For an ethic to follow, and build on, that same strength then it must be the case that it rules firmly against all and any morally repugnant acts (including those that have justifications imposed on them by dubious ethical or religious systems). This, indeed, is the case, and to illustrate this point I will take two instances in which, first, a Teleological⁶ (goal oriented) ethic and, second, a Deontological (duty-based) ethic allows morally repugnant acts. In each case comparisons will be made between the ethic with, and without, a Right to Value Intonomy.

The problem for **teleological ethics** arises in those instances in which the exploitation of someone's need, misfortune or weakness becomes justifiable in terms of personal or social gain. Under a Teleological ethic, any deed, or rule, is deemed good as long as its results produce more good than evil by whatever measure is used. A major flaw with such ethics is that the ends justify the means in such a way that even gross violences can be deemed good if the results conform to the aims of the theory. It should further be noted that, in pursuing this 'good', teleologists are not only permitted to 'play God' with the lives and rights of others (interfering with the dignity and destiny of others if that

⁶ These two kinds of ethical system are commonly considered to be the two main categories into which any ethic can be classed. It should be noted, however, that some controversy exists over this classification. Virtue ethics, for example, are sometimes considered to be in a class of their own. See also Vallentyne, Peter. 'The Teleological/Deontological Distinction' in *The Journal of Value Inquiry* (Volume 21, 1987) pp. 21-32.

is going to serve what they see as the greatest overall good), they are positively obliged to do so⁷. Thus both State and personal terrorism can be, and have been, justified teleologically (the value of a better society, supposedly being advanced by the violence in question, being considered to far outweigh the value of those who suffer in its pursuit). The most commonplace examples of this economy happen in the dispossession of a powerless or unpopular minorities in order to enhance the quality of life for a majority or an elite. An extreme example of this would be murdering ordinary persons to enhance the welfare of those with skills or attributes to those seen as better able to serve humanity as a whole as, for example, Hitler or Pol Pot tried to do. It can, however, be as subtle as Rogernomics taking away workers' livelihoods in the service of the national economy, or as gross as Stalin's murdering of seven million people, by artificial famine, in order to bring about a truly communist society .

An even more bizarre example is that of rape. A crudely Teleological calculus might very well condemn one-on-one rape because the pleasure of the rapist is not sufficient to justify the suffering of the victim. If, however, the rape was multiple, so that the suffering of the victim was outweighed by the pleasure of, say, ten rapists, then the calculus either breaks down or must begin to die the 'death of a thousand qualifications'.

If, however, a teleological ethic is built on the foundation of a Right to Value Intonomy, it accepts boundaries beyond which moral expedience cannot go. Trading Value Intonomy, which is intuitively violent, is defined and excluded under the Right to Value Intonomy formula. Other values can, however, be traded in the pursuit of individual or collective

⁷ Cf: Pettit, Philip. 'The Consequentialist can Recognise Rights' in the *Philosophical Quarterly* (forthcoming). pp. 11 (note the phrase 'in loco deorum') and 15.

welfare. Thus Teleologists can still pursue their moral goals, and their ethics will still work, but not open-endedly at the expense of turning losers into victims. Moral freedom is not stultified, and free political and economic competition can still thrive, - they just no longer do so violently because moral power is more evenly distributed across the inequalities of other kinds of power. Of course, people-users will still try to prosper at the expense of the powerless, but they will not be able to appeal to their ethic in the pretence that they have some sort of right or sanction in the violent pursuit of their ends.

A problem that occurs for **Deontological Ethics** arises from the attempt to introduce what are essentially static (child-appropriate) definitions or rules of right and wrong, such as 'Thou shalt not kill', into what is a chronically fluid (adult-appropriate) human situation. This oversimplification of the moral case is analogous to trying to put fences on the sea. Moreover, obeying such unqualified commandments often means opting out of our responsibility to human welfare.

If, for example, someone was in a position to stop a nuclear strike⁸, and possible destruction of the planet, only by killing a single individual then it hardly seems 'moral' for them to refrain on the grounds of the commandment against killing. There is also the problem of defining what is intended by words like 'kill'. Thus, for example, it is probably true that, if we all obeyed the Great Commandment (to love our neighbours as ourselves) then we would all be better off. The trouble is that, in a morally various world, the word 'love' needs definition (without definition it says so much as to say nothing). Attempts to define the key words of a deontology lead, again, to the 'death of a thousand qualifications' which vitiate against the ethic.

⁸ See references to moral innocence, and the surrender of the Right to Moral Integrity, in Chapter Six of this thesis.

A more adult-appropriate strategy would be to provide interpretive premises by which we can establish, on a case-by-case, moment-by-moment basis, hierarchies of values or boundaries that would maximise our chances of making the right choices in whatever situation we find ourselves (eg: isolate the principle behind the commandment, the principle which normally makes killing wrong, and formalize that in a way which will deliver the intent of the commandment even in problematic cases). By means of the Right to Value Intonomy formula we can do this. Under this scheme any violation of Value Intonomy is not only defined but defined as wrong in a way that recognizes its economy and harm. No presently recognized violence escapes this definition but controversial cases can be decided by extending what is, after all, the very principle implicitly at work in making recognized cases of violence recognizably violent. Thus we not only firm-up the moral ground, on which our best laws and mores already stand, but we can move out from there into areas previously too uncertain to effectively oppose violence from. By putting the premiss in such terms we avoid the rigidity of 'Thou shalt not...' systems while keeping their most valuable asset - which is their clear prior guidance on matters of duty or responsibility.

Deontological ethics are a minority stand nowadays. Most religious ethics tend to be deontological in form, if not purely so in practice, and it is their deontological features which most often offend those of different persuasions. Like the more prevalent teleological ethics, however, they have their weaknesses as well as their strengths. Perhaps the biggest moral weakness of deontologies is their tendency to allow persons to be 'right' without being good⁹. It is harder to compromise, and easier to be self-righteous, with deontological principles than with teleological ones.

⁹ This 'immorality' of religious deontology has been brought against belief in God. It should be pointed out, however, that religion, like morality, is one of the resources perverted to the service of violence rather than a source of the violence which exploits it.

A traditional example of the deontological dilemma concerns lying¹⁰. Lying is inimical to human relationships and most ethics recognize this in prohibitions against it. Further, the concept of a justified lie is a dubious one that typically involves a slippery-slope of potentially lethal dimensions. Consider, however, a case in which someone who is being unjustly persecuted seeks refuge. Closely behind them comes their persecutor demanding honesty in the form of the truth about their intended victim's hiding place.

A strict deontology insists on a duty to tell the truth because only truth-telling is right-in-itself. The trouble is that if the person, who gave refuge to the intended victim, obeys the injunction to always tell the truth then they become an accessory before the fact and have helped evil violate innocence. This example may sound somewhat alien to modern ears. Deontological ethics do, however, embody a morally important point; namely that an act is not truly moral at all unless it is done for moral reasons. A person who, for example, only keeps promises as a means to keeping customers is following a prudential business strategy rather than being moral per se. Indeed, it is arguable that persons who undertake a form of promise-making, intending to keep the promise only so long as it is in their perceived interests to do so, are not really making promises at all (they are simply telling lies). A promise is, after all, a kind of guarantee to put an obligation above convenience. Indeed, in one Deontological sense, moral choices only really count when they do clash with personal inclination and selfish or myopic considerations are overridden by moral ones. Furthermore, if someone is only 'good' when their self-interest happens to coincide with moral considerations, then they can be expected to behave unethically when duty and self-interest diverge. In that case it is arguable that they never were moral even when they behaved as if they were.

¹⁰ Cf: Kant, Immanuel. *Groundwork of the Metaphysics of Morals* (trans. Paton as *The Moral Law*, Hutchinson, U.K. 1984) Chapter I, Sections 18-19.

It can even be the case that the very same act tokens can be moral, amoral or immoral depending on the considerations that motivate it¹¹.

Take, for example, the case of a charity whose managing committee has voted against holding a beauty pageant, supposedly on moral grounds. There are genuine moral reasons for opposing beauty pageants (just as there are genuine ones for supporting them), and the committee members who voted as they did for these reasons were clearly making a moral choice. But what about those who were motivated by, say, their envy of the young, their spite against the attractive or just their dislike of the organiser? Their motives were not moral but emotional. There are, as well, myriad other non-moral reasons for taking a 'moral' stand; the reactionary who feels uncomfortable with new ideas, the politically partisan who reflexively oppose any idea originating outside of their own clique, the accountant who thinks that bingo would be more profitable, the lazy who want something easier to organise, the pragmatist who wants to play safe, the opportunist who sees a way of currying favour, and the religionist who sees the Devil behind anything enjoyable or frivolous. These can all look moral without morality actually having anything to do with their decisions. Indeed, it is usual for persons with ulterior motives to dress-up their behaviours morally. Going further it can be seen that the very same act that was, in the first case, a moral choice and, in the second cases, not a moral choice at all, can also be, in a third case, actually immoral. This would be the case if, for example, votes were based on prejudice, coercion, a vested financial interest in a fraudulent alternative (such as a rigged bingo game) or the cynical desire to exploit outside moral commitment for political gain.

¹¹ Note that, although these acts are superficially tokens of the same basic act type, the moral/immoral/amoral distinction ultimately makes them like tokens of unlike act types.

It can be seen from this that the deontologist does have a real case and a real dilemma. The case is that morality does have a form, which delineates it from mere policy in a way that is inimical to purely interest-based moralities. The dilemma is that, in so being moral, the agent may thereby behave badly. To return to the lying example, if the agent, hiding the victim, tells the truth in such circumstances (or elects to keep silence, which may be all the indicator that the persecutor needs to deduce that the victim is nearby), they honour the moral law, as they ought, but dishonour the innocent victim. If, however, they tell a lie, necessary to save the victim by sending the persecutor off on a false trail, they have admitted a principle of something above the moral law - which undoes the deontic altogether by making a mess of the concept of 'law'. Moral law functions on the same economy as promises, and it seems inescapably contradictory to do evil by doing right. Where, for example, do you stop if you qualify 'do no wrong' with 'except when it is going to be awkward to do right'? And what happens to the concept of law, or a rule-governed society, if each individual sets themselves up as subjective arbiter of which laws shall be 'obeyed' and when?

The Right to Value Intonomy ethic provides an intuitively sound mechanism for dealing with this and similar problems because, by means of the Right, it provides an absolute measure against which competing actions can be judged. Whichever action gives the greater protection to innocent Value Intonomy is the preferable. In the case above, for example, the persecutor, in endeavouring to attack the victim, has surrendered some of their right to Value Intonomy whereas the victim's Value Intonomy is intact but under threat. Therefore our common intuition, to protect the victim and resist the attacker's violence (by deceit if necessary) is morally and logically consistent with the moral law.

The threat posed by compassion to deontology is like that of mercy to justice. It lies in the implications of licence and moral fuzziness - unless the boundaries are clear.

The fear here is of what is called a 'slippery slope'. This pictures us as living on a kind of moral gradient that is absolute law at the top and absolute violent anarchy at the bottom. If you let go of the restraints at the top (eg: the rule against lying) there seems no certain principle left to stop you sliding right to the moral chaos at the bottom, where there is no honesty and no honour - just uncertain survival in a violent wasteland. This because whatever principle justifies breaking the rule in the first place can be re-applied, with the same effect, to other situations further down the 'slope'. Our common intuition, however, is that both ends of the slope are the homes of fanatics. Real life does commit us to the middle, holding justice and mercy in balance if not compromise. Moreover our experience is that the middle is fluid, contingent and adaptable, in a way that allows us to hold principles and maxims (such as not lying) which are sometimes bent or broken as circumstances demand but without damning us all to instant chaos. It seems, then, that an ideal ethic need not be sublime or exhaustive. What is needed is guidance, rather than fixed rules, from an ethic that dwells comfortably on the moral 'slope' by balancing the demands of justice and mercy in a way that is firm without being rigid and flexible without being weak.

Renovation meets these criteria by shifting the moral emphasis from loci fixed on abstract moral entities (such as good and evil, right and wrong), to boundaries drawn around tangible moral integers (ie: persons). These boundaries are drawn on the principle that the only legitimate limit to individual freedom is that place where it begins to infringe on the Value Intonomy of other person's individual freedom. Explicit in this principle is the recognition that everyone's right to have their Value Intonomy respected by others

necessarily entails an equal responsibility to respect the same right in others.

The boundary between right and wrong is thus at the place where rights and responsibilities balance - any crossing of that boundary is violence. Right and wrong are thus a *product* of the ethic, not its base. Within an individual's moral boundaries they can literally do whatever they like; that is the area of assured freedom. Agents live, however, in a web of relationships, and anywhere, on any strand in that web, that their 'doing what they like' begins to infringe on another's doing what they like, a limit is struck to that freedom (which need not be abandoned at that point, but does need to be modified). The recognition of an essential equality of interests (ie: the equality of rights to Value Intonomy) ensures that the limits of freedom are struck fairly between parties.

PART THREE: Renovation Ethics

Chapter Eight

RENOVATION ETHICS

The job of practical ethics is to give those who care guidelines to live their caring constructively - and those who don't care reasons for acting as if they did. Starting in this chapter I am going to argue for the adoption of a rights-based, broadly consequentialist ethic from which to attempt both things.

My assumptions, in undertaking this programme, are as follows:

1) Human society is universally both moral¹ and violent in such a way that violence is built into the very rules governing it.

2) Violence, including moral violence, is a problem worth trying to solve. The problem of violence cannot, however (as has been suggested²), be solved by merely abandoning morality because it is in the very nature of any society to be rule-governed to some degree.

3) The creation of a non-violent (or, at least, less violent) society therefore requires a morality renovated by an accurate understanding of how violence works. Part One of this thesis embodies such an understanding and may therefore be used to generate a contra-violent ethic.

4) No practical ethic can ignore the consequences of action for human welfare; therefore purely rights-based or teleological ethics will not do. The open-endedness of Consequentialism is itself violent; therefore pure Consequentialism will not do. There is, however, no compelling reason why the best features of consequentialism

¹ By 'moral' I mean that all societies have axiologies, which rank the values of various goals or states, and deontics, which rule-govern behaviours in the light of their axiology.

² Cf: Ian Hinkfuss *The Moral Society: Its Structure and Effects* A.N.U. 1987

and a rights-based deontological ethic should not cohere in a single, practical ethic.

ELEMENTS OF RENOVATION ETHICS

Renovation is a synthesis of the Right to Value Intonomy and Broad Consequentialism. It is derivative on the Value Intonomy theory of violence which sees F/violence as an addictive violation of Value Intonomy operating on the Integral Paradigm.

The right underlying the ethic is the Right to Value Intonomy. That is, the absolute claim right to be act and be treated as an integral moral agent. This right defines M/violence and sets inviolate limits to those values that can be traded-off, against one another, in the Consequentialist pursuit of human welfare.

Renovation incorporates a Consequentialist element in reflection of the fact that rights alone are not sensitive enough to the potential of Value Intonomy for creating the value of human welfare. Also, while rights may adequately define what is 'wrong', they do not adequately define 'good', 'better' or 'best'. Some account of the outcome of actions is needed to add this welfare-sensitive component to the right.

The Consequentialism of Renovation is called 'broad' in that it accepts a number of practical limitations on this component.

In the first place Renovation accepts that, in an indeterminate world, finite moral agents cannot actually choose the outcomes (consequences) of their acts. Moral luck, the vicissitudes of nature, and the acts of other agents, can all intervene to turn a well-intentioned act towards consequences that are either better or worse than was intended. Neither can people have the knowledge necessary to

define what is the set of outcomes of an act. If someone falls in love, for example, how can they possibly know where or when the consequences of that act will end (especially if children are born of that love)?

If people cannot know, in advance, what all the consequences of their acts will be, and if those consequences are, to some degree, beyond their control, it is unreasonable to insist that consequences shall be the sole evidence by which an act is judged right or wrong. On the other hand it is morally irresponsible to use our ignorance and impotence in regards the future as an excuse not to try and do the best we can with what knowledge and power we do have. To be realistic, therefore, sensitivity to the welfare function of acts must be probabilistic and strategic. The only thing any person can do is choose strategies aimed at the probability of achieving some end. It follows, then, that the best thing anyone can do is choose strategies probabilistically aimed at enhancing such values as can reasonably be expected to follow an act³. A person, for example, cannot choose that a loved one will actually be happy. They can, however, on the basis of such facts as they may reasonably be expected to have, choose to act in ways that are likely to enhance or erode the probability of happiness. If they value happiness then the best they can do is choose, on an ongoing basis, those things which are most likely to enhance happiness. As long as they do their best to choose wisely and well, within the constraints of the Right to Value Intonomy, then Renovation Ethics has no quarrel with their choices (even if, with hindsight, it can be argued that some of their choices failed to work out as well as expected).

Renovation further accepts that maximising value, although

³ Cf: Jackson, Frank. 'A Probabilistic Approach to Moral Responsibility' in *Logic, Methodology and Philosophy of Science VII* (Elsevier Science Publishers B.V. 1986) pp. 351-365

heroic and theoretically tidy, is unrealistic⁴. This is especially so in its demand that only the best is good enough. The options facing agents are inevitably on a continuum on values from the worst to the best. Even given that the Right to Value Intonomy rules out violent options the continuum still includes valid options ranging from tolerable (good) to optimum (best). Maximising consequentialism, however, is an 'all or nothing' ethic in which only the best (maximal value) is truly good. This both restricts the agent's liberty (by leaving them only one 'right' option. ie: to do the best) and invalidates 'good' and 'better' on the continuum. Striving for the best may be an excellent ideal but, as a practical strategy, it tends to be both psychologically enervating and morally counter-productive. This both through being conducive to moral despair and by denying the 'significant something' that can be achieved between the wrong act and the best act.

The open-endedness of pure Consequentialism also works against the welfare of agents in several other ways. As Pettit and Brennan point out, the complexity of the moral calculus, and the casuistry of calculating, can stultify ethical endeavours while eroding both virtuous dispositions and interpersonal relationships⁵. For example, a basically decent and conscientious person, who wants to do right, may end up repeatedly doing nothing at all as the sheer size, uncertainty and complexity, of trying to calculate the various possible outcomes of their act, defeats their intent. Unrestricted Consequentialism also calls into question the very nature of ethics (for example, someone who calculates, on an ongoing basis, the value of honesty, trustworthiness or promise-keeping, and adheres to these virtues only as long as

⁴ Cf: Jackson, Frank & Pargetter, Robert. 'Oughts, Options and Actualism' in *The Philosophical Review*, XCV, Number 2, April 1986.

⁵ Cf: Pettit, Philip & Brennan, G. 'Restrictive Consequentialism' in *The Australasian Journal of Philosophy*, Volume 64, Number 4, December 1986. pp. 438-455.

the calculus supports them, arguably has a prudential policy rather than a true ethic). Add to this the negative open-endedness of any consequentialism, which would trade values against rights to maximise social utility⁶, and you have an ethic which is impractical if not downright lethal.

With these problems in mind the consequentialism of Renovation is both undemanding and general. In terms of the ethic any act which satisfies the constraints of the Right to Value Intonomy is a validly good act for an agent. If there is any doubt as to which of two or more valid acts ought to be performed then the ethic gives preference to those acts which can reasonably be expected to most readily enhance human welfare - without demanding that welfare or value be maximised.

It is not my intent, in this thesis, to spell out the logic and details of this, essentially restrictive and satisficing, element of Renovation consequentialism. That work has been well done elsewhere and reference may be made to the works of Carritt and others⁷ for further information.

Rather, in this chapter, I will explore some of the implications of Renovation that are revealed when the ethic is applied to various moral problems. In the process of doing this the mechanics of the ethic should become clear.

RENOVATION AND THE BALANCE OF RIGHTS & DUTIES

⁶ Cf: Page 76f.

⁷ Carritt, E.F. 'The ground of Obligation', in *Ethical and Political Thinking* (O.U.P. 1947) Chapter Two. Also the references given in this chapter. Especially Pettit & Brennan 'Restrictive Consequentialism'. Also Vallentyne, Peter. 'Rights Based Parentianism' in *The Canadian Journal of Philosophy* Volume 18, Number 3, September 1989, pp. 527-544, and Pettit, Philip. 'The Consequentialist can Recognise Rights' in the *Philosophical Quarterly* (forthcoming).

In Part Two of this thesis the Right to Value Intonomy was shown to involve a balance of rights and duties such that this balance created a boundary between 'right' and 'wrong' behaviours. This boundary is also the limit to innocence in terms of the right (ie: that place at which a person surrenders their absolute right to Value Intonomy). It was admitted, at that time, that there was no compelling reason, in terms of the theory, why a person, to whom another's right was surrendered, should be obliged to respond to that surrender positively rather than punitively. The consequentialist element of Renovation ethics addresses that problem. In this chapter the nature and implications of that balance will be more fully explored.

The formula for personal moral power and freedom under the Right to Value Intonomy, given in Part Two of this thesis, is not quite as heady as it may seem at first sight. Seizing on the reasoning (about our inviolate moral property) a drug dealer, for example, may want to argue that laws against the promotion and sale of destructive drugs are immoral because drug abuse falls within our personal moral boundaries - being something that only harms the user. The trouble here is that, while it may be theoretically possible to so isolate ourselves from our fellows so as to be able to harm ourselves without harming them, in fact any act or attitude of self-harm affects numerous other lives around it (ask the spouse of any alcoholic⁸). So called 'victimless crimes' are really only crimes of subtle victimisation. It is possible, for example, to imagine societies where people such as, say, prostitutes, are respected for the service they provide; where prostitution is a freely chosen career option pursued without devaluing either prostitutes or their clients. As things stand, however, those who would promote prostitution must misrepresent the essential violence against Value Intonomy that marks the activity. In all those societies in

8 Cf: The Integral Paradigm in Chapter Two

which prostitution is practised the prostitutes devalue and mistreat both themselves and the relationships between men and women. They exploit and are exploited in an environment that reduces them to a commodity and the sex act into a counterfeit of sexual love. Those who profit from this kind of violence do try and justify it as being other than violent. And it should be noted that, in appealing to the supposed 'victimless' nature of these violences, they implicitly admit an understanding of Value Intonomy. The fact is, however, that things like drug-abuse, prostitution and suicide invariably do massive harm to those morally integral parts of the relationship matrix in which they occur. This harm, both to the agents and those involved with them, is universal and readily quantifiable. Thus these 'harmless' harms can find no shelter within Renovation.

One reason this is so is because the Right to Value Intonomy theory balances rights and duties⁹. In a very real sense rights and duties are the same thing seen from different points of view. If, for example, Jack and Jill are told to share something equally then, from Jack's point of view, that gives him the right to take half for himself and the duty to let Jill take the other half. The self-same rule, that is a right when applied by Jack to Jack, becomes a duty when applied by Jack to Jill. Thus the rule is like a boundary fence that not only keeps Jill out of Jack's share but keeps Jack within his share. A fence might look different, depending on who is trying to climb over it. But obviously you cannot have a fence and not have one at the same time. Either there is a fence there, in which case it works both ways, or there is no fence at all. Thus no one can legitimately have rights without duties; they are, so to speak, the same fence.

UNIVERSALISABILITY

⁹ See, for example, pp. 69-74

The rule in the above example works as it does because of two qualities. It is coherent (it applies to both parties) and it is fair (it applies equally to both parties). If coherence and fairness are put together the result is the essence of universalisability - which is one of the conditions of an effective morality. It simply means that a principle must apply impartially to all relevant instances if it is to be a genuine moral principle at all.

A supposed right, for example, that is not universal, is not really a right but a privilege or pretext for oppression¹⁰.

Fairness, moreover, is the essence of justice, and the essence of fairness is moral equality¹¹. A rule, for example, that gives handicapped people an edge in competition can still be a fair rule if it creates moral equality out of actually inequality. A referee, however, who arbitrarily gives that edge to some handicapped competitors, but not to others, has destroyed moral equality and is not being fair.

Just to do what it is intended to do (work against violence) Renovation must be fair. It must treat persons as being morally equal, even though they be unequal in every other regard. This means that, on the moral level, we can say that Renovation ought to be universalisable because that is fair - and fairness is a necessary condition for the justice presupposed in a non-violent society.

Another level is that of form or structure. In this case we can say that Renovation must be universalisable just to be coherent. That referee, who arbitrarily gave advantage to some competitors, is not only being unfair, he is also being

¹⁰ A privilege, in this sense, can be defined as a right without correlative duty whereas an oppression can be defined as a duty without correlative right.

¹¹ Cf: Rawls, John. 'Justice as Fairness' in *Philosophical Review*. LXVII, number 2 (1958) pp. 164-194.

incoherent in that he is mixing some extraneous criteria in with the rules. A supposedly moral rule, whose real criteria are a mix of moral and extraneous, non-moral, things, is an incoherent concept. Like saying that one of the criteria for a triangle is that it be green - not so much bad sense as nonsense.

The requirements of fairness and coherence thus confirm universalisability as necessary for a genuine ethic. Just as having three sides is the appropriate criterion for being a triangle, so is universalisability an appropriate criterion for being a valid moral principle.

The Right to Value Intonomy Ethic is intrinsically universalisable across persons because just being a person is defined in terms of Value Intonomy, and the conditions of Value Intonomy are the same for all persons. It is out of this essential universalisability that the balance of rights and duties mainly arises. This is because a universal principle necessarily applies universally if it applies at all (see the Jack and Jill example above). A universal can apply to all or none but obviously it can not apply only to some and still remain universal. This means that we have all the rights and duties of the ethic, in equal measure for all moral agents, or we throw out the whole package, but we simply cannot have one without the other. This fact refutes the essential lie of hypocrisy, which is the claim to be an exception to the rule. Thieves, for example, will complain when they are robbed, Hitler once protested that guerilla warfare 'violated international usage', and politicians habitually interpret, as a privilege of their office, the right to be told the truth without being thereby obliged to be wholly honest in their turn. The kinds of reasoning that go into justifying these claims can be made to sound like a moral argument but, in fact, are incoherent.

This fully reciprocal nature of choice is significant because

it is by our actions that we choose. Therefore if, say, Jack lies to Jill, he is not just choosing not to apply the right to Value Intonomy to Jill; he is necessarily choosing to forgo the same right in himself. In such a case Jack simply has no **moral** grounds for complaining if Jill then lies to him. In moral terms violence is, after all, the violation of a right and if, by violating Jill's right, Jack has chosen to forego the same right in himself, then there is no right left there for Jill to violate in return. This does not automatically mean that Jill has to lie to Jack, nor that any lies Jill tells are automatically justified. This is because Renovation is more than the Right to Value Intonomy. The consequentialist (welfare) component of Renovation specifies that the consequences of action on human welfare needs to be taken into account. It is fundamental to the theory of violence underlying Renovation that no violence is conducive to human welfare. Violence, as a fact, involves the violation of Value Intonomy even when, morally, the right to Value Intonomy has been surrendered. Jill may, therefore, be morally justified, in terms of the bare Right to Value Intonomy Ethic, to lie to Jack. She is still, however, constrained by the general prohibition against factual violence embedded in Renovation's commitment to human welfare by the reduction of violence. Thus an act, which may otherwise be defined as morally violent in terms of the Right to Value Intonomy theory, may be justified (as, for example, in cases of self-defense) but this is only if two criteria are met:

- 1) that the object of the action has themselves surrendered their innocence (ie: all or part of their own absolute right to Value Intonomy) by their violation of another's Value Intonomy with the intent or effect of harm. Their own right, in other words, has been made relative vis a vis the right they violated or attempted to violate.

- 2) that the response in question is the most conducive, of those options reasonably accessible to the agent, to enhancing human welfare. No otherwise justifiable option is

tenable as long as a less violent option will achieve enough.

MORALITY AND VIOLENCE

In the above formula there are two sets of distinctions at work. One is that between the factual and moral definitions of violence (F/violence and M/violence). The other is between the rights and the consequentialist elements of Renovation. These two sets of distinctions have considerable significance in inhibiting overly nice moral calculus being used to stultify Renovation Ethics. This matters because one of the ways morality is used, to advance the causes of violence, is by claims that, morally, the intended victim(s) 'deserve' what is intended. As was noted earlier, the violent do lie to themselves in prior justifications of their behaviour. A key component in this lying is the dehumanisation of the intended victim. This can be as subtle as defining them as 'resources' (as we do in our present, and violent, economy) or as gross as the Fascist definition of Slavs as subhuman.

One of the more common ways of achieving this dehumanisation is through moral condemnation. Say, for example, that some conservationists wish to stop the logging of native timbers and are agitating for a blanket law to prohibit all such logging. Opposing them are forestry owners and workers whose community and livelihood depend on logging native timber. They claim that their rights will be violated by the law being mooted. The conservationists, however, argue that native trees are so obviously valuable that anyone who cuts them down is a moral barbarian. Barbarians do not deserve the same considerations as civilised folk. Moreover, given their crimes against nature, forestry owners and workers deserve all that is coming to them. By such moral reasoning it becomes 'just' to violate the values of another in pursuit of our own.

MORAL JUSTIFICATION AND CATEGORY VIOLENCE

This mechanism, of morally justifying violence, is commonly extended symbolically by **Category Violence**. By this mechanism a category of people are condemned as being collectively involved or implicated in some actual or threatened wrong. Relatively powerless, or accessible, members of that category are then violated, with the violence being justified by no more than their being members of the condemned category. This mechanism is most common in situations of social or political terrorism (such as the lynching of blacks in post Civil War America or the harassment of German immigrants in New Zealand during the First World War) and sexual violence (especially rape). The rapist in his context, like the violent revolutionary in his or hers, typically sees their victim as either:

(A) belonging to a class of people who have a power that is either denied him or has been used against him, or

(B) as being implicated in the guilt identified with other members of the class with which they are associated.

This is especially so when the violator feels, or has felt, the humiliation of being powerless to prevent strong members of the class using their power against him or her (New Zealand civilians during World War One, for example, had no power to influence events in Germany). In the face of their own powerlessness the revolutionary or rapist then access the pseudo power of violence by violating a vulnerable member of the target class¹².

The rape of a lone (and therefore relatively vulnerable) woman, for example, becomes a symbolic act of power against all those women against whose emasculating power to hurt the

¹² It should be noted here that the exact same mechanism of 'self-authentication through violence', as has been widely noted among rapists, is given its fullest exposition in the justification of the same kind of violence in a political context in Franz Fanon's *The Wretched of the Earth*.

rapist feels impotent¹³. These kinds of violences commonly become iterated over enormous periods of time, often long after any original 'wrong' has been relegated to distant history. Thus, for example, past cultural violences are being used right now to justify present criminal violence or racial hatred. Of course, righting past wrongs is an important part of a moral economy, so is the right to self defense, but the same arguments that are used to justify these actions are also exploited in justifying iterated violence. And, if a past wrong is put 'right' by violence, then the violence used itself becomes, at least in the eyes of the victims, a wrong that itself needs to be put right. Thus the cycle of violence continues as one kind of violence feeds another which feeds a third and so on. This cycle is committed to a number of fallacies. The categorisation of people into classes, and the inclusion of the victim in that class in a way such as to make them guilty by association, is itself extremely dubious. So is the confusion of the absolute¹⁴ choice to surrender a right (by violating a like right in another) with the surrender of absolutely all rights - so that an alleged oppressor is seen as having no rights at all. That is a fallacy that shifts the qualifier (all) from the choice to the right - which is like interpreting permission to have all of one thing as meaning you can have some of everything.

The Right to Value Intonomy theory, on its own, could still, however, be vulnerable to use in this manner because, in terms of the balance of rights and duties under that right, the moral wrongness of an otherwise violent act is diminished if the object of the act has surrendered Value Intonomy by violence of their own. Mitigating this economy, however, are

13 The displacement mechanism here is similar to that which happens when, for example, an employee is humiliated by his or her employer. Being unable to adequately assert themselves against this misuse of power they then take their frustration out on someone, or something, below themselves on the power hierarchy (eg: by abusing a shop assistant, kicking the cat or developing an ulcer).

14 The choice is 'absolute' because the Right to Moral Integrity is an absolute right.

the two counter claims of the Value Intonomy theory of violence and the welfare-motivated consequentialist component of Renovation. F/violence is the violation of Value Intonomy, and an act can remain F/violent even if, in terms of the Right to Value Intonomy, it is not M/violent. Because F/violence is demonstrably inimical to human welfare, no F/violent option is valid if a factually non-violent option will serve - even in cases of self-defense. This gives Renovation another element in the moral hierarchy to help settle cases. It has already been established (above) that whatever act, among accessible options, most respects, or least erodes, Value Intonomy is the preferred option.

To say, now, that the least violent act is always the preferred option is virtually to say the same thing - only the means of arriving at that prescription are different. F/violence *may* be morally justified under Renovation (as, for example, in cases of self defense or the defense of Value Intonomy in others) - but only as a last resort and when the violence used is the lesser of two or more evils.

A further implication of Renovation, in regards attempting moral justification of iterated or Category violence, is that the Right to Value Intonomy reinforces the 'innocent until proved guilty' principle. This with the further constraint that, when Value Intonomy is surrendered by violence, we are *prima facie* obliged to *restore*, rather than *exploit*, the lack of integrity brought about in themselves by the violent (this as well as the more compelling need to restore Value Intonomy in the victim). Assumptions of *prima facie* innocence come from the fact that Value Intonomy is integral to human being; it is part of what it is to be a person. Thus the right to Value Intonomy is something given, rather than something that needs to be earned by moral conformity. There is a common arrogance that wants to withhold respect for persons until they have earned it. This assumes an implicit superiority, in the person adopting the attitude, that keeps others below

them in a moral pecking order, until such time as they have shown themselves worthy of being honoured with respect. Such an attitude both makes violence easy and ignores the essential moral equality of people. Renovation, however, makes it explicit that we are fundamentally obliged to respect Value Intonomy;

a) In ourselves, by taking responsibility for our own actions, words and awareness.

b) In others, by not adding to the cost of its upkeep either as a first-order agent (violator), second-order agent (instigator) or third-order agent (supporter or observer).

It is important to emphasise this because the calculus, balancing rights and duties under the Right to Value Intonomy theory, could otherwise be twisted into the argument that, since everyone has, at one time or another, violated the rights of someone else, then everyone has abandoned their right to Value Intonomy. If everyone has abandoned their right to Value Intonomy, and if having no such right means that, morally, there is no violence, then we may attack whom we please with none to call us to account. In other words, the theory is self-defeating and we can use arguments, based on a universal right, to eventually prove that no one has any rights at all. Under Renovation, however, this argument does not go through.

Further, if, for example, a player breaks the rules of a game we do not just forfeit the entire game. To do so would be to penalise all the players, for the sake of one or a few, thus allowing each violence to hold all good to ransom. Even if, during the course of a game, all the players break several rules each, we will still try to salvage the game *if the game is worth playing*. All rule-breaking does is make it morally imperative to restore the game, and re-establish Value Intonomy, if necessary by penalising the break in a way that would be unfair if the rule had not been broken. The benefits of constructive human relationships are, I take it,

uncontroversially such that the 'game' of human society is worth playing. The value of acting, so as to restore relationships damaged by violence, is the difference in value between living in a constructive, welfare-sensitive and welfare-enhancing, environment and the disvalue of living in a destructive, violent and welfare-vitiating, one. Given the state of our technology that is the difference between living in a civilisation in which everyone has a good chance of happiness and self-fulfilment, and dying on a planet full of radioactive ash.

In other words Renovation gives us grounds to restore Value Intonomy, to those parts of the social web that are damaged by violence, while the reciprocal nature of rights and duties, under the Right to Value Intonomy component of the ethic, justifies doing this, if necessary, at the expense of those who violated the web. And this last part matters because all violence is paid-for by someone. If it is not paid-for by the violent then it is paid-for by their victims - and that is plainly unjust.

As given above this element of Renovation may seem complex but, as with the theory of violence, and the Right to Value Intonomy, it is fully consistent with our common intuitions. No person, and no relationship, is isolated. All persons are part of the same web, and the duties that devolve upon nexus in that web include those of all the rights involved. Thus if, say, Jack invites harm from Jill, by his own violence against her, she still owes respect both to her own integrity and that of everyone else affected.

Steven Foulds
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BIBLIOGRAPHY

- BAMBROUGH, Renford. Moral Scepticism and Moral Knowledge. Routledge and Kegan Paul, U.K. 1979
- BRENNAN, G. *Restrictive Consequentialism* (with Philip Pettit) in The Australasian Journal of Philosophy. Volume 64, Number 4, december 1986
- BROWNMILLER, Susan. Against Our Will. Secker and Warburg, London, 1975
- CARRITT, E.F. The Ground of Obligation in Ethical and Political Thinking. O.U.P. Oxford, 1947
- DWORKIN, Ronald. 'Rights as Trumps' in Waldron pp. 153-167
- ELLUL, Jacques. Violence (translation by Cecelia Gaul Kings) Seabury Press, New York, 1969
- FANON, Frantz. The Wretched of the Earth. Grove Press, N.Y., 1965
- FINNIS, John. Natural Law and Natural Rights. Clarendon, U.K. 1984
- FRIEDENBERG, Edgar. Coming of Age in America. Random House, U.S. 1965
- FROMM, Erich. Man for Himself. Routledge and Kegan Paul. U.K. 1975
- GASS, William. 'The Case of the Obliging Stranger' in Philosophical Review LXVI. 1957
- GEWIRTH, Alan. 'Are There any Absolute Rights?' in Philosophical Quarterly, 31 (1981)
- HINKFUSS, Ian. The Moral Society: Its Structure and Effects. A.N.U, Aust. 1987
- HOFELD, Wesley. Fundamental Legal Conceptions as Applied in Judicial Reasoning. Yale Press, U.S. 1919
- JACKSON, Frank. A Probabilistic Approach to Moral Responsibility in Logic, Methodology and Philosophy of Science VII. Elsevier Science Publishers B.V. 1986
- JACKSON, Frank. *Oughts, Options and Actualism* (with Robert Pargetter) in The Philosophical Review XCV, Number 2. April 1986
- KANT, Immanuel. Groundwork of the Metaphysics of Morals (Translated by Paton, H. as The Moral Law. Hutchinson, U.K. 1984)
- KITTO, H.D.F. The Greeks. Penguin, U.K. 1983
- MACDONALD, Margaret. 'Natural Rights' in Proceedings of the Aristotelian Society 1947-48. Aristotelian Society, U.K. 1949
- MAY, Rollo. Power and Innocence. Souvenir Press, U.S. 1972
- MENNINGER, Karl. Whatever Became of Sin? Hawthorn, N.Y., 1973
- NIETZSCHE, Friedrich. Thus Spake Zarathustra. Heron/Dent, U.K. (no date given)
- PARGATTER, Robert. *Oughts, Options and Actualism* (with Frank Jackson) in The Philosophical Review XCV, Number 2. April 1986
- PETTIT, Philip. *The Consequentialist can Recognise Rights* in Philosophical Quarterly (forthcoming)
- PETTIT, Philip. *Restrictive Consequentialism* (with G. Brennan) in The Australasian Journal of Philosophy. Volume 64, Number 4, December 1986
- PRIESTLAND, Gerald. The Future of Violence. Hamish Hamilton, U.K. 1974

RAWLS, John. *Justice as Fairness* in Philosophical Review. LXVII, Number 2, 1958

SPEAKE, Jennifer (Ed.) A Dictionary of Philosophy. Pan Books, U.K. 1984

TAYLOR, Paul. (Ed.) Problems of Moral Philosophy (3rd ed) Wadsworth, U.S. 1978

TEICHMAN, Jenny. Illegitimacy. Blackwell, Oxford, 1982

VALLENTYNE, Peter. *The Teleological/Deontological Distinction* in The Journal of Value Enquiry (Volume 21, 1987)

VALLENTYNE, Peter. *Rights Based Parentianism* in The Canadian Journal of Philosophy. Volume 18, Number 3, September 1989

VLASTOS, Gregory. 'Justice and Equality' in Social Justice (Ed. Richard Brandt). Prentice-Hall, U.S. 1962

WALDRON, Jeremy. Theories of Rights. Oxford University Press. U.K. 1984

WINNICOTT, D. W. Boundary and Space (Eds. Davis and Wallbridge) Brunner/Mazel, N.Y., 1981