

The Ethics of Force: Against Aggression and Violence

Ruben G. Апресян

The expression 'the ethics of force' may seem to be an oxymoron for those who understand ethics, or morality, as only moderation, restraint, softness and, if it is an action, forcelessness (impotence).¹ One can certainly suggest, bearing in mind the expression 'the power of persuasion', that what we are referring to is strength of mind or the ideal force. But I would like to make a reservation that what I mean is force in general, that is to say, including strength of mind, but primarily force as such, and I believe that in response to aggression and violence one has to use every means possible to prevent them. It would be desirable for them to be prevented by strength of mind, but if strength of mind is not enough or the aggressor is insensitive to subtle impacts, one has to employ by accretion all necessary means. Ethics is called upon to set limits to the employment of the means of countering violence.

To resist violence is a moral obligation of the person. It is an obligation of justice. As a principle of moral behavior, *justice* is primarily called upon to set a limit to individual arbitrariness. As a demand and an obligation, it opposes selfish motives and keeps an individual from inflicting harm and suffering on somebody else, it requires him/her to respect the rights of another and, by implication, not to encroach upon another person's dignity and property. Encroachment upon the person consists in inflicting on him or her either physical harm or moral affliction and offence – be it in the form of vexation, anxiety, suspicion, insult, or slander. To this should also be attributed the shifting on to others, by means of violence or cunning, of one's own concerns and responsibilities. The principle of justice is concretized in the following demands: *do not hurt, do not harm, do not infringe the rights of others*, which in a positive form may be expressed as the requirement for respect. The requirement on the prevention of injustice, directly perceived and construed as a prohibition of injustice in relation to others, also has another ethically essential aspect: to prevent an injustice from being done towards others as towards oneself. One of the profound meanings of justice consists in active resistance to alien encroachments, including, if need be, by force. Here we are referring to a legitimate use of force, one based on law. The

Copyright © ICPHS 2009

SAGE: Los Angeles, London, New Delhi and Singapore, <http://dio.sagepub.com>

DOI: 10.1177/0392192109339679

subject of the law thus understood is every individual, while the object of the law is his/her life and property which he/she may defend from illegitimate encroachments by all means necessary.

Whereas observing justice towards *others* presupposes the fulfillment of one's duties, justice towards *oneself* presupposes the defense of one's own rights. In asserting one's will lies the first step of freedom; in defending his or her own rights an individual affirms his or her freedom as a citizen. On the other hand an obedient toleration of injustice towards oneself, even when it is not attended by a feeling of personal humiliation, is connivance with evil, albeit passively and indirectly, but abetting it nonetheless and for this reason alone a manifestation of a lack of freedom.

Freedom taken broadly as an absence of pressure or restriction is a multifaceted thing. One of the facets of freedom concerns a person's mode of existence in society and in relations with other people, i.e. in the context of clashing and conflicting private interests and volitions. Freedom is expressed in action performed at one's own choice, choice under varied possibilities, choice made not under, and in defiance of, constraint, as well as value-defined, i.e. with an understanding of the alternative nature of good and evil. Positively freedom is manifested in a creative effort towards good, in opposing evil and combating it. In the context of interpersonal and social interaction, freedom is affirmed by means of a regime of equal mutual restrictions attested to by the well-known maxim: 'One's freedom is restricted by the freedom of another' (or, as an English proverb has it: 'Your freedom to swing your fist ends at the tip of my nose'). As a personal moral task, freedom thus presents itself in the strict form of an imperative: to restrain one's own self-will, subjecting it to the observance of the rights of others, not allowing oneself an injustice with respect to them and working for their good.

These characteristics of justice have mixed practical consequences. What do we have to do when faced with injustice and coercion, when the injustice is violent, the coercion is wrongful, while the one who commits an injustice is insensitive to admonitions addressed to him/her, based on justice, the good, and plain common sense? It is impossible, of course, to give a practical concrete answer to this question. But what can the principles of an adequate response to an insensitive, unbridled, evil be?

One can well understand the idea that justice in response to injustice and respect in response to humiliation as good in response to evil restore overturned equality and foster the maintenance of moral order. How this idea can be translated into reality depends on the specific situation. The advocacy of justice, just like other virtues, always presents itself to a person in the form of contextual tasks of everyday life whose solution has no algorithm even in such a minimal portion of them as the maintaining of one's human dignity by an individual. But it is important to remember that no one can rob a person of this possibility of maintaining his or her dignity. Both historically and biographically trustworthy experiences of various people testify that a man's exceptionally dignified behavior in a specific situation of the triumph of villainy, and the spiritual impact on the villain, can sometimes be sufficient to curb it. But is it a correct thing to regard such manifestations of personality perfection as an algorithm of behavior for anyone in a conflict situation?

The best known reply to this question, although not the most prevalent in practice, is that *evil should not be opposed by means of violence*. Such is one of the main precepts of Christ: 'Do not resist him who is evil' (Matthew, 5:39) laid down in the Sermon on the Mount in contrast to the rule of the talion. This precept mediates the commandments of love, forgiveness, love for enemies and others related to them. The content of that precept is reflected most closely in some Epistles: 'Repay no one evil for evil' (Romans 12:17) and in analogous texts, without the universalizing addition 'no one' (1 Thessalonians 5:15; 1 Peter 3:9). In Paul one can hear motives familiar from the books of the Old Testament: 'Give place to God's wrath . . .' by showing goodwill to the enemy, 'you will heap coals of fire on his head' (Romans: 12:19, 20). But it is another thing that proves to be the principal one: 'Do not be overcome by evil, but overcome evil with good' (Romans 12:21; cf. 1 Thessalonians 5:15) – by goodwill, blessing and humility.

The inner ethical sense of the commandment 'Do not resist him who is evil' and its immediate normative context both in the Sermon on the Mount, albeit implicitly, and in the apostles, most explicitly in Paul, show its direct conjunction with the commandment of love, and are thereby largely, though not entirely, explained by it. The 'Do not resist him who is evil' formula is preemptory; however, it is unambiguous, universal and absolute only in a definite sense. And since it is so in a definite sense alone, it is restrictedly unambiguous and absolute. The limits of this restrictedness have to be clarified, which is only possible, first, by an analysis of the immediate normative contexts of the commandment, canonized references to parallel passages in the Bible, and a reconstruction of the metanormative basis of the commandment, that is to say, the normative content of Christian ethics in all its entirety and, secondly, by an analysis of the socio-ethical and moral-philosophical sense of the commandment in a broader, trans-Christian context.

The *ethics of non-resistance* has never been, nor could they be, dominant even in Christian culture. It has always had its advocates who were proactive in both theory and practice. In the modern era this ethics was developed in a most outstanding fashion in Lev N. Tolstoy's doctrine on non-resistance to evil by violence. Tolstoy held the commandments of love for enemies and non-resistance to evil (by violence) to be the most important in Christianity, believing that they most fully expressed the fundamental commandment – that of love. 'Every worldly man,' he wrote, 'when reading the Gospel, in his heart of hearts knows that in accordance with that teaching one cannot do evil to his neighbor under any pretext: either for vengeance, for defense, or for the salvation of the other, and that therefore, if he wishes to remain a Christian, he must do one of two things: either to change his whole life which is founded on violence, that is, on doing evil to his neighbor, or somehow to conceal from himself what the teaching of Christ calls for' (Tolstoy, 1993: 185). Lev Tolstoy is undoubtedly a pillar apostle of the philosophy of nonviolence of modern times; both Mohandas Gandhi and Martin Luther King appealed to Tolstoy as a vital source of their doctrines. Tolstoy's philosophy of nonviolence, enriched by fundamental moral and philosophical ideas, underlies the conception of nonviolence of Abdusalam Guseinov who put forward a number of arguments against any attempts at a moral justification of violence. He deserves the credit for making a theoretical case for the philosophy of nonviolence in contemporary Russian social science and its conceptu-

al grounding as the ethics of nonviolence (Guseinov, 1996: 236–264; Guseinov, 1999: 396–418, 475–486; Guseinov, 2004: 19–28). However, the pro-Tolstoyan version of the philosophy of nonviolence – and there is as yet no other comparable with it in terms of the degree of substantiation – is noted for its intrinsic normative-value absolutism. Violence is treated in it in an abstract fashion – as an unconditional and universal moral principle not refracted into behavioral and socio-political tactics and one that does not consider in its entirety the real practice of settlement or non-settlement of conflicts.

Meanwhile, in the framework of Christianity another tradition developed as to a man's proper behavior when faced with the threat or actual commitment of injustice. That tradition advocated the possibility, admissibility and moral justification of using force to combat an aggressive and destructive hostile force. The tradition in question goes back to St Ambrose of Milan and St Augustine who for his part relied on ancient authors, Cicero above all. However, it received the most significant classical expression in Late Scholasticism – in Thomas Aquinas, Francisco de Victoria and Francisco Suarez – and acquired its modern shape thanks to Hugo Grotius whose treatise *The Rights of War and Peace* laid the foundation for international law. This tradition took shape in the doctrine of the just, or well-founded, war whose principles were drawn from the norms of justifiable self-defense. On Russian soil, the approach we are referring to was grounded and comprehensively developed by Ivan A. Ilyin in his book, *On resistance to evil by force*, directed against Tolstoyism, published in 1925 (Ilyin, 1993). However, in its varied forms it was developed by other thinkers as well, for instance, by Vladimir S. Solovyov and Nikolay A. Berdyaev (Bakunin, Tkachev and Trotsky are not taken into consideration here, since, as distinct from the thinkers just mentioned, their justification of force was ultimately confined to justifying violence, being on the whole anti-humanist and based on a definitive division of people into 'good' and 'bad').

So the absolute nature of the commandment 'Do not resist him who is evil' ('Repay no one evil for evil') in the ethics preached by Jesus is more apparent than real. This is expressed not only in the fact that in two cases out of four it is not stated in a universal form, and once indirectly the contingency of its application is explicitly assumed – when Paul, having stated it in a universalizable form ('Repay no one evil for evil'), adds: *'If it is possible, as much as it depends on you, be at peace with all men'* (Romans 12:18). It is absolute within that restricted framework which, according to early Christian concepts, comes under the personal responsibility of man. But the realm of the ethical is not exhausted by this framework either in Christian ethics or still less in the modern understanding of morality, i.e. that which was formed in the early modern era and which in its basic features continues to persist, even criticized and exposed in Nietzschean or pro-Nietzschean fashion. Christian morality is different: it is not a morality of individual responsibility and personal autonomy but one of individual salvation and complete accountability to the Deity and responsibility assigned by these guiding principles; it is a morality separated into the human and

Godly portions, one mediated by God even on earth. Thus the fullness of perception of the normative content of Christian ethics – which, needless to say, is evident to Christians themselves – presupposes recognition of a strictly religious character of the ethics built in the assurance of God's co-presence to the person. Each one is assigned with concern for his or her salvation and, as a premise for this, concern for his or her inner purity, which is impossible without the observance of commandments given by God. Conversely, an idea of Christian ethics only as ethics, outside the properly Christian, i.e. noumenously mediated, view of the world, and indifferent to its eschatology, dooms it to a simplicity of moralizing utopianism – which is just what happened to Lev Tolstoy who tore Christ away from Christianity and confined Christianity to the Gospel, and that in a synoptically rectified form.

By means of the above analysis, I would like to show, exclusively from the normative ethical standpoint, and without claiming to express a Christian point of view (and understanding that the latter may be expressed in various, confessionally defined ways), that Christianity does not presuppose an 'ethics of non-resistance'. The commandment 'Do not resist him who is evil' represents just one side of the coin; on the other side is the inscription 'Vengeance is mine: I will repay.'

It was not the moral elevation and perfection of a person or his or her pride but the requirements of a society no longer developing as an ecclesiastical community but as a Christian state that led to a situation where the ultimate alienation of the person's responsibility for justice, undertaken by Jesus and the apostles, was subjected to revision. As a politically proactive, state religion, Christianity could not afford the ethics of non-resistance. In the same way, Christians living in societies in which the entire political and legal responsibility rested with them and not with non-Christians, as was the case in the early ages of Christianity, could not afford the principle of non-resistance, still less in those interpretations which were suggested by Jesus and his disciples. The Christians who had come to power, belonging to a church increasingly assuming the features of a fundamental political institution, could not but renounce that principle. Nevertheless, for instance, St Francis (and religious like him, even though in a sense hermits on earth) could refuse to renounce it, and, indeed, preached that commandment.

Absolutist ethical thought in terms of ideal moral forms, supreme perfection, radical opposition of good and evil perceives that tradition as an ethically insignificant attempt to justify violence by means of moralizing tricks. However, the theory of the just war, in contrast, insists on rigorous moral restrictions on the use of force, while realistically acknowledging the need for its employment in worldly affairs which are far from the ideal of perfection. It is worthy of attention that with regard to military force the efforts of philosophers from Augustine onwards were directed at restricting the possibility of its application only with the sanction of the legal authorities. It was thus understood that the use of force is a socially and politically conditioned action transcending the narrow limits of personal relations. This equally applies to the use of force to keep law and order. The fact that throughout the whole of human history the use of military and police force tended to be associated with dramatic humanitarian and social costs, and not infrequently with the abuse of power and private gain on the part of both the politicians and the security agencies, only serves to corroborate the need for such restrictions. For modern democratic ethico-political thinking

the subject of these restrictions is in no way politicians and generals but society. The non-recognition, to quote Nikolay Berdyaev (1994: 464–465), ‘of public forms of struggle against evil and public forms of creative affirmation of life and culture’ may reflect either individualism – an extremely antisocial one at that – (with which Berdyaev reproached Tolstoy) and anarchism, or statism which also has a tendency towards extreme forms – those of totalitarianism.

It is interesting to note the peculiar way in which absolutist ethical consciousness reproduces the normative logic of early Christian ‘non-resistance ethics’. In the same way as the commandment ‘Do not resist him who is evil’ is complementarily juxtaposed in the Bible with the words of the Lord ‘Vengeance is mine: I will repay’, the moral orientation of human beings to resist evil at all costs is perceived by the absolutist ethical consciousness almost as a manifestation of the superhuman ambitions of man, so much the more sordid, according to such a view, as they are necessarily coupled with a desire to have recourse to violence. The person is denied the capacity to determine what is evil and what is good, and the very attempt at such a determination is regarded as violence already. Tolstoy, referring to the teaching of Jesus, repeatedly speaks directly about it (Tolstoy, 1993: 170). Abdusalam Guseinov poses this question somewhat differently, but in the same vein, indicating that ‘the question of the ethical justification of violence boils down to the question of whether it is justified to divide people into good and evil’ and specifying that what is meant here is not the appraisal of actions or even lines of behavior but ‘the appraisal of people in their primary spiritual vocation’ and, accordingly, the recognition of one will as ‘exclusively (unquestionably, absolutely) good’ and another as ‘exclusively (unquestionably, absolutely) evil’ (Guseinov, 1999: 401, 413). It is only under an exclusively absolutist understanding of morality that a conviction may arise that any moral judgment is ultimate or that one performs every action in such a way as if one’s getting a ticket to paradise will depend on this alone. That is not the whole story. To consider that one cannot distinguish between good and evil, moreover, that one has no moral right to express judgment on that score, means to deny one the status of a moral subject. Of course, human morality is manifested in man’s capacity to act morally. But is a moral deed possible without reflection and decision? Decision made on the basis of choice? A choice between good and evil, that is, one based on moral judgment?

Another bias in the argumentation of exponents of absolutist thinking against resistance to evil lies in the fact that without going into the possibilities of various ways of resistance short of self-sacrifice, from the most innocent (which can also be effective) to resolute and forceful ones, they view any determined counteraction to evil as one fraught with murder. In Tolstoy’s above-cited, simplified and schematic, example, an individual with a pistol finds him- or herself in front of a ‘villain with a knife’, faced with a single alternative: either to bar the possible victim with his body or to shoot point-blank. Tolstoy is convinced that ‘violence in its substance inevitably leads to murder’, and he grounds this thesis by saying that any attempt to force an individual to do something under threat of using force assumes the willingness to use force and the possibility of so doing, down to its most extreme forms (Tolstoy, 1993: 177). Although authors writing on nonviolence seemingly realize that forceful resistance cannot be exhausted by physical force, they mainly focus precisely on

physical force, notably in its most radical expression – murder. In the process, they overlook the crucial statements of advocates of the theory of the just war that the use of force is only justified as a last resort, after unwearied efforts to settle the conflict by peaceful and non-violent means. Or they are unwilling to trust these statements.

One further aspect associated with ethical absolutism (but not necessarily conditioned by it) concerns the interpretation of the nature of violence. According to Tolstoy, 'any violence consists in the fact that some people under threat of suffering or death force others to do what the people being violated do not wish to do'. (Tolstoy, 2002: 15). A more precise definition of violence, specifically in its opposition to love, is contained in the idea of violence as a condition 'that some people can compel other people by force to live as they wish' (Tolstoy, 1993: 168). Such definitions of violence do not give a criterion for a rigorous and universalizable qualification of particular actions as violent ones. I think that an objective criterion of violence is set by an understanding of the latter as an action which, unlawfully and against another's will, degrades his/her moral (spiritual), social (economic, civil, political) and human status, or the threat of doing this. Thus defined, the limits of violence may be broad but in any case they are clearly delineated. Unlawfulness should be understood in the literal sense of the word – as unconformity with the law. Lawfulness is not anyone's (subjective, accidental) point of view; this is the standpoint of the law. The 'degrading of the status' of a person should be understood in an objective sense as the deprivation of life and property, damage to health, property, position, disregard for rights, i.e. any violation of the *status quo*; in a subjective sense as the destruction or violation of an individual's identity. Nonviolence is opposite to violence in the sense that the *status quo* is confirmed by it. This has the character of an attitude to the other, under which no harm is done to the other, the other's rights are not infringed upon, and a minimal justice is thereby observed. Nonviolence does not show care for another, does not do good, act charitably, or even show respect. It merely consists in doing no harm. In this sense, nonviolence is *ahimsa*, which in Sanskrit means literally 'doing no harm'. And if it remains pertinent here to talk of an intrinsic value of the personality, then it is so only in the sense of its autonomy, its sovereignty. Hence violence is in opposition not to love as Tolstoy thought, but to nonviolence. Things in opposition to love are enmity and indifference.

Another thesis of exponents of ethical absolutism implies that one cannot overcome violence and eradicate evil by force. Is it assumed in this case that nonviolence and good can overcome violence and evil? A clarification of this question would require a widening of the theoretical framework of the discussion and examination of the problem of the nature of evil, moral and social, which is beyond the scope of this article. I shall merely note the following: the roots of evil are far from exhausted by a lack of information, error, self-interest and inner human malice. As for the thesis that evil is overcome by good, it is enough for the time being to look at it in the same vein as at another mentioned above, according to which in opposing evil a person is forced to pass a moral judgment on the other, which he or she has no moral right to do. Only moralists, sanctimonious persons and romantic revolutionaries believe that in performing concrete actions, when of a virtuous nature, they oppose evil in general. In worldly matters the opposition to evil is manifested in various kinds of actions: in preventing damage, curbing an insolent fellow, resisting an aggres-

sor, repulsing a hooligan or a rapist, in exposing fraud, etc. In the usual speech of everyday moral practice, the word 'evil' is an expressive designation of such things as feckless improvidence, error, duplicity, injustice, villainy. People oppose specific actions of specific people by protecting their own interests, agreements reached, existing customs and established institutions, or by seeking to change the latter. A philosophizing observer may designate all this by the abstract word of 'evil' and a philosophizing analyst may distinguish it from the activity of ideologists and moralizing politicians or intriguers manipulating the words 'good' and 'evil' to provoke people into actions profitable to them.

Evil, of course, should not be repaid with evil. In response to harming one should not harm, any more than in response to an intrigue to intrigue, to respond to low cunning with low cunning, much less to impudence and crime with impudence and crime. But not to resist evil is immoral. For damage caused, all the more so when caused deliberately, for transgression and crime the culprit has to answer in keeping with the norms established in a particular community at a particular time. Evil (in the variety of its concrete manifestations just designated) must be resisted. Otherwise it will not be stopped. Resisting means to exert proactive efforts – moral, social, politico-legal, security-related – aimed at creating conditions in which dangerous actions are rendered impossible. Resistance may take the forms of shaming and appealing to the conscience of somebody whose actions unjustifiably impinge upon other people's interests and rights, and perhaps even of addressing spiritual prayer to the Powers and Hosts (precisely in the esoteric sense of these terms) to stop the wrongdoer, but also of a restraining peremptory shout, of sounding an alarm, of creating all kinds of organizational and physical obstacles, and of forceful restriction and suppression. In so doing, the resister of evil has to understand the full measure of responsibility he/she assumes and, consequently, to be prepared to answer to others, to society or the law if the efforts to resist have proved to be negatively disproportionate, that is to say, excessive.

The negative sense of the word 'violence' may be considered well-established. The corresponding verb 'to violate' confirms this.² Although violence signifies the use or application of force, or impact by force, and in the literature, particularly in older literature, one not infrequently comes across precisely such a value-neutral usage of this word, when taking into consideration modern lexical practice and modern semantic experience I understand the expression 'use of force' as value-neutral as distinct from the word 'violence' which denotes an unjustifiable use of force (Berdyaev, 1993: 308–309; Ilyin, 1993: 35–36).

Violence and nonviolence are dual concepts and by the *inertia of perception* of dual concepts they may wrongfully be viewed as oppositionally symmetrical concepts not only by their physical content but also by their ethical status. However, they are not fully symmetrical. In their actual content, both violence and nonviolence charac-

terize actions, including actions in a broad sense: as a sequence of actions, as policies. Moreover, as distinct from violence, nonviolence is also an ethical (moral) principle. Even for the evil conscience there is no need for the principle of violence. Violence is an everyday, routine, inert occurrence. The everyday and the spontaneous have no need for normative formalization, still less for ethical argumentation. The world is steeped in violence and, conversely, it takes an effort to realize the possibility of, and preference for, nonviolence. The need for effort makes nonviolence a problem of ethical creed and practical morality. It was in response to the preaching and admonition of nonviolence and the doctrines that developed them that attempts were made to justify and form a foundation for the necessity of the use of force as compared to nonviolence. And the reason is clear: the evangelical ethics of non-resistance to evil by means of force had to be somehow adapted to the routine of a violent world.

Nonviolence is one of the primary or higher-priority moral principles, i.e. principles whose fulfillment is necessary in the first place, from which morality, a moral attitude to the other, begins. In this sense, nonviolence is more essential than acts of charity and care for others. Nonviolence has a higher priority compared to them in the sense that performing acts of goodness and charity must be effected in the assurance that no harm will be done to the person who is their object, nor will his or her dignity and rights be infringed upon. Nonviolence also has primacy in actions of another kind – in opposition to what is unjust and evil. And here one should above all refrain from using force; furthermore, one should refrain from using a restricting, suppressing and destructive force.

Properly speaking, by asserting nonviolence as taking precedence over acts of benevolence and caring, a priority of avoidance of evil is established in contrast to an orientation towards the good, and of opposing evil in contrast to doing good. If one may speak of absolute moral principles, there is in fact only one such principle: opposition to evil. The demand to do good is conditioned by it: do good on condition that you keep away from evil. The principle of opposition to evil also conditions the principle of nonviolence. Thus also nonviolence is good in itself; the principle of nonviolence is not unconditional, as both in terms of imperative value and practical behavior it is mediated by the opposition between good and evil.

Violence and nonviolence are characteristics of actions. Actions can be self-motivated and reactive. Morality unequivocally predetermines self-motivated actions – they should not be harmful and should be virtuous, i.e. just and merciful. Broadly speaking, the principle of self-motivated action is set in morality by the *golden rule*. In Christianity the principle of self-motivated action was enhanced by the *commandment of love*, more definite in content compared to the golden rule. In its radical form it is expressed in the *commandment of love for one's enemies*. However, that commandment pertained to a self-motivated attitude and self-motivated actions.

How then can I manifest love for my enemies not when they are captive and shackled, not when they are for some reason peaceful and not even when they are merely using foul language and heaping insults – but when they explicitly behave as enemies, i.e. cause damage to property, steal or destroy it, threaten my health and life and also those of my loved ones, companions, innocent people in general? In other words, how can my love for my enemies be manifested in conditions where this love can restrict and hurt my love for my relatives, friends, non-enemies? Insisting on an

unconditional moral priority of nonviolence and an unconditional inadmissibility of using force towards the malefactor not only represents an attempt to evade the question, but in fact leads to connivance with evil.

Along with self-motivated actions, morality also regulates reactive actions, by means of the *principle of equal retribution*, and does it in a dual way. Reactions to positive, salutary actions are regulated by the *rule of gratitude*; to negative, pernicious actions by the *rule of the talion*. After a fashion, both sides of the principle of equal retribution are revealed in the well-known admonition of Confucius. To the question: 'Is it right to respond with good to evil?' he replied: 'Then how to respond to good? To evil one responds with justice. One responds with good to good' (*Analects*, xiv.36).

Hence, as distinct from self-motivated actions, some reactive actions, namely those performed in response to inflicted damage, allow within certain limits the use of force, which is precisely fixed by the rule of the talion. In the degree of 'reactivity', retaliatory actions are diverse and, respectively, the scope of the use of force is different. In response to the imminent threat of an evil deed, all the actions necessary to prevent it are permissible, that is to say, anyone has the right to defend himself and his loved ones from infringements on life, health and well-being. From an ethical point of view, aid and assistance in the protection from infringements on the life, health and well-being of any people – as one's loved ones – is expected from anyone. There is less moral permissibility of the use of force in response to damage already inflicted. Still less is the moral permissibility of using force in response to damage inflicted in the past, much less so in the distant past.

Early Christian ethics, as expressed in the New Testament (although New Testament ethics are not homogeneous) is exceptional among the moral doctrines of world religions in that the talion was expressly rejected and non-resistance to evil by force commanded therein. But Christian ethics is not of this world and ultimately not for this world. This is an ethical system unfolded in a clear eschatological context and all its demands should be understood in the perspective of the second coming of Christ. In this sense, Old Testament ethics, like those of the Koran, are more worldly and take into consideration the real person who finds himself or herself in a situation of diverging and conflicting private interests.

The right to use force should be fundamentally distinguished from the 'right of force'. The ambiguous expression 'the right of force' points to a self-sufficient force, limited and conditioned by nothing, which cannot be an expression of law but only of arbitrariness. When force is relied upon as an alleged source of law, there is in fact no longer a place for law as a space of mutual limitation of free wills. This should be borne in mind in analyzing possible grounds for the use of force – in the framework of the law and only to oppose illicit force. It is natural to use force against a danger-carrying force as a matter of prudence and self-care, and also of those to whom our custody and responsibility extend.

However, this recognition alone is not enough. It was noted above that the princi-

ples of the just war became an extrapolation to relations between the warring parties of norms recognized for legitimate self-defense. Since the normative theory of just war has been elaborated at length, it makes sense to perform a reverse extrapolation – to clarify the opportunities of forceful resistance to ordinary injustice on the basis of the experience of the normative restriction of military power. Sources for that experience may be varied. Let us here apply to two of them – Hugo Grotius and Ivan Ilyin and their respective works indicated above.

Hugo Grotius, following a rich earlier tradition, formulates the following restrictions on the use of force.

First, the use of force is justified 'if another's right is not injured' (Grotius, 1993 I, II.1: 33). Grotius only refers to a force restricted by law and placed in the service of law. The restriction concerns primarily the aims with which force is used or reasons for which it can be applied. Such reasons are self-defense, recovery of property and punishment. All these aims are associated with the preservation of the status quo and, in particular, the status of the individual himself, legitimized by the existing order of things. From the standpoint of natural law upholding executive justice, the very presence of danger seems to give a person free rein for any actions in self-defense. This natural law is also certified by ancient Hebrew law (Genesis 9:6) which, in Grotius' opinion, was called upon to *limit* the freedom of homicide and thereby granted that 'whoever killed a murderer should be innocent' (Grotius, 1993 I, II.5: 38).

The need for self-defense does not always afford ground for discretion. But it should be borne in mind that Grotius speaks of human conflicts in a special context where 'no justicial remedy can be obtained', or where there is a lack of 'public courts of justice' (Grotius, 1993 II, xx.8: 228–229). In particular, there are no such common judges in the context of war, that is to say – if one is to look at this more broadly – at close quarters with those who, at least by the logic of the situation, turn out to be enemies, i.e. a source of danger. Operating here, naturally, are laws, in accordance with which concern over one's own security is much more important than esteem for the common good. In this, Grotius admits, natural law is confronted by the law of love that does not permit one to cause damage to others for the sake of one's own security.

However, depending on its goals, the use of force must be different. If the need is to protect one's property, the restrictions on the use of force will be greater than in the need for self-defense. In the case of punishment, they will be greater still.

Second, the use of force may be justified for *preventing* damage, by way of *pre-emption*. Yet the justifiability of a preemptive strike needs careful grounding: what is necessary is not only the presence of a 'threatening danger' but 'direct and what would seem to be instant danger'. To put it differently, the threat must be evident, imminent and confirmable on various grounds.

Third, what has been said above on the use of force also holds good for the defense of others' rights, primarily of those who are in our custody, for whom we bear responsibility, to whom we are bound by obligations or in relation to whom we

have a feeling of a certain community, and this means ultimately to everyone.

Fourth, the use of force is justified if the good at the attainment of which it is directed substantially exceeds the experienced or possible evil. Underlying this criterion is the well-known formula: 'The end justifies the means.' It is only at a superficial glance that this maxim appears as a justification of any means whatever to attain a specified moral goal. It is strictly contextualized: in resorting to a certain expedient, in undertaking certain actions, one has to take into account both the need to suppress danger and the likely consequences of the efforts being undertaken. The criterion suggested by Grotius is undoubtedly both prudential and pragmatic. However, he insists that in case of doubt the choice should always tend towards the side which is more advantageous to the other than to oneself, as it is safer. In preferring the other person's benefit to one's own there is an obvious intention inherent in the ethics of charity. Meanwhile, within the framework of natural law there are also clear-cut restrictions on force. The destructive application of force is only admissible in a situation where it is otherwise impossible to 'defend our lives, and preserve our property. For although in sacrificing the life of man to the preservation of perishable possessions, there may be nothing repugnant to strict justice, it is by no means consonant to the law of charity' (Grotius, 1993 III, XI.2: 359).

Fifth, the application of force is morally justified not only by virtue of the goal but also by virtue of real intentions with which force is brought to bear. Needless to say, the use of force is unacceptable if the need for defense, compensation for damage or punishment are used as a pretext for employing force, while the real intentions for the sake of which it is resorted to are selfish.

Sixth, force should be used as a last resort, when neither negotiations nor mediation are evidently possible. And the very application of force, as noted above, should be graduated. Force is far from always radical – before becoming destructive, it may be suppressing, restricting or merely threatening.

Retaliatory actions for outrages already committed or what is perceived as such by the one who has suffered damage are a separate question. It is a matter of compensation for damage and punishment.

The damage done must be *compensated for*. This rule extends both to things (property) illegally alienated and to the benefits which were expected from possession of property. The demand for reparation of damage extends not only to compensation for unlawfully and criminally alienated, spoiled or destroyed articles but also to compensation for evil done to people, which pertains not only to cases of mutilation, when compensation is made in relation to the aggrieved person himself, but also cases of murder, when compensation is delivered to those whom the slain person was obliged to support. The burden of reparation of damage lies on the persons directly responsible for inflicting the damage, and also those who assisted in it in one way or another. Separately Grotius refers to the question of 'injury done to our honour and reputation'; in these cases the reparation of damages is effected 'by acknowledging the injured party's innocence; and some times by a compensation in money, which is the standard value of all things' (Grotius, 1993 II, XVII.22: 201). And in compensating for damage it is necessary to distinguish between the deed and its negative consequences. The damage caused by an offence or misdeed must be compensated for. Punishment must follow the offence and misdeed as such.

Grotius extends the potential scope of punishment beyond the exclusive limits of state law and acknowledges the right of private persons also to punish in such places in the state which the judiciary is unable to reach. Punishment as a means of retribution for evil and the upholding of justice possesses general utility for all members of society. Punishment confirms the inescapability of repayment of evil by evil; it therefore comes as a deterrent example for those who for some reason can or are ready to perpetrate a crime. Punishment must itself be an embodiment of justice. For this it should be commensurate with the crime.

As we see, the intention of understanding the conditions of upholding justice in situations of conflicting interests, or when malevolence and enmity are displayed, led Grotius to a logic of normative, organic thinking for *natural law* – the fundamental factor of public and international order – the factor whose efficacy remains unchanged even in the absence of a community or even minimal coincidence of views of the opposing parties. Natural law, according to Grotius, is ‘beyond ideology,’ and it may therefore form a basis for the establishment of an order of justice, at first of necessity rather severe, in relations among those who are not bound by anything except that they belong to the human race. Moreover, Grotius hastens to clarify the conditions and manifestations of that order as if merely to show its real normative and ideological limits. In a normative sense they are also set by the established human institutions which, however, are not of crucial importance, while in terms of world outlook they are determined by another law – divine in a general sense and evangelical in a strict sense, set by the preaching of Christ.

Ivan Ilyin’s arguments, aimed at making a case for the permissibility of using force against aggressive evil, are not expounded in such detail, but are no less consistent.

Ilyin understands no less than others that the use of force is a least-evil solution conditioned by the fact that evil is aggressive and pours itself out in external actions. The employment of force against evil is unable to overcome evil as such and eliminate violence, having substituted itself for the ‘inner, organic upbringing in spirit and love’; and further: ‘. . . along this way one cannot quench evil living in the soul, nor reeducate man or ennoble his feeling and will’; external compulsion and suppression ‘lead not to the multiplication of good but to a decrease in the number of outrages’ (Ilyin, 1993: 98).

The application of force, according to Ilyin, is justified by three objectives. First, by the prevention of the perpetration of a particular misdeed by a particular individual. Second, by safeguarding all other people from wrongdoing and its poisoning impact’ (Ilyin, 1993: 99). Those foremost in need of this are children, the weak, helpless and sick people, and then all others – by the mere fact of threat on the part of evil. Third, by keeping from the path of evil those who may be seduced by it through weakness. One of the moral arguments against the perversion of the social and cultural function of punishment in society is that an attitude to punishment as a means of deterrence of potential law-breakers is at variance with the Kantian criterion of an attitude to people not only as a means but also as an end. As if responding to this

argument, Ilyin notes: 'The legal threat with retribution or onerous consequences in itself, of course, does not unite people . . . The maintenance of outward legal public order in itself does not evoke in the hearts the flowering of Christian love, but it establishes in human communication that external rhythm of peacefulness, tolerance and correctness which is inevitably, although imperceptibly, translated into the souls of men . . .' (Ilyin, 1993: 99).

These are indeed *negative* tasks, but they are necessary for the solution of the positive task of forging genuine unity among human beings.

Ilyin's reasoning is passionate and perhaps as a consequence of this lacks the subtlety of a differentiated examination of the situations of preemptive, neutralizing or punitive application of force. However, generally his case for moral permissibility of the use of force is of particular ethical interest, since as distinct from Grotius and other European thinkers it was fully based on Christian doctrine and therefore did not feel the need for the concept of natural law as a special means of regulating conflicts. In this respect, his conception is more comprehensive in a normative ethical sense.

The analysis of the theoretical and ethical potential of various arguments in favor of a morally substantiated use of force presupposes a verification of concepts similar to those put forward by Ilyin and Grotius, taking due account of the extended value and normative context of both nonviolence and the use of force presumed by them, specifically incorporating the ideas of freedom and justice.

Another task of such an analysis is related to the fact that ethical and philosophical arguments on the employment of nonviolence or force must necessarily be projected on to actual communicative and socio-political practice, and hence linked to the tactics and experience of concrete actions which are rational and pertinent, making it possible to curb the evil-doer effectively and with the least moral detriment to oneself, upholding justice and affirming one's freedom by one's justice. Thus the ethics of nonviolence (as the practical social expression of the ethics of charity) have to be complemented, that is, restricted by the ethics of justice, one of whose demands is the prevention of injustice or, more broadly, by the ethics of proactive, efficient good, one of whose demands is consistent opposition to evil.

Ruben G. Апресян

Institute of Philosophy, Russian Academy of Sciences

Translated from the Russian into English by Aleksey Zverev

References

- Berdyayev, Nikolay (1993) 'Экзистенциальная диалектика божественного и человеческого [Война]' in Id., *О назначении человека*. Moscow: Respublika.
- Berdyayev Nikolay (1994) 'Ветхий и Новый Завет в религиозном сознании Л.Толстого' in Id., *Философия творчества, культуры и искусства*. Moscow: Iskusstvo, vol. 2.

- Fourier, Charles (1996) *The Theory of the Four Movements*, ed. G. S. Jones and I. Patterson. Cambridge: Cambridge University Press.
- Grotius, Hugo (1993) *The Rights of War and Peace*, transl. A.C. Campbell (reprint). Westport, CT: Hyperion Press.
- Guseinov, Abdusalam (1996) 'Насилие как правда жизни', in R. Apressyan (ed.) *Опыт насилия в XX столетии: Социально-этические очерки*. Moscow: Aslan.
- Guseinov, Abdusalam (1999) 'Понятие насилия', 'Императив насилия', in A. Guseinov and H. Dubko (eds), *Этика*. Moscow: Gardariki.
- Guseinov, Abdusalam (2004) 'Возможно ли моральное обоснование насилия?', *Вопросы философии*, 3: 19–28.
- Цуйн, Иван (1993) 'О сопротивлении злу силою', in *Путь к очевидности*. Moscow: Respublika.
- Tolstoy, Lev (1993) *Путь жизни*. Moscow: Respublika.
- Tolstoy, Lev (2002) *Закон насилия и закон любви*. Ekaterinburg: Ural University Press.

Notes

1. The expression 'morality is impotence in action' is known from *The Holy Family*, a classic Marxist text. But Marx and Engels referred to Charles Fourier (1996, Part II, Epilogue), for whom morality is 'Impuissance mise en action'. Needless to recall that the idea of morality as *impotence in action* was developed in a comprehensive fashion by Friedrich Nietzsche.
2. In Russian the word *насилие* (violence) has almost the same semantic context as the corresponding English word, but its lexical context is rather different. The base of the word 'violence' – *насилие* is *сила* – 'force' and it is relative to the word *изнасилование* – 'rape'.