

CHAPTER 9

Right to Life and the Use of Violence

Marvin Kohl

1.

If I were allowed to pay tribute to Sidney Hook as a teacher and secular humanist and to comment on an important aspect of his work, what should I say? It would be necessary to be brief and simple, and I think I should concentrate upon two points. The first is that he was an inspiring and loving teacher. He cherished intellectual challenge, and when students were bold enough to do so his replies, more often than not, mixed good humor with warm admiration. Like Socrates, he loved the question-and-answer method of doing philosophy and, I suspect, was delighted even more when his students engaged him in intellectual battle. In class, as well as in other endeavors, there was a bottom line: to provide a

supportive environment for free inquiry, for the use of intelligence to help understand and solve problems, especially the problem of how to nurture and protect the good life.

A distinction is often drawn between the brothers Prometheus and Epimetheus. Prometheus is the inner flame of desire for a better world; the will to aspire to the stature of the gods, even if that means open defiance. Epimetheus is the adapter to the past and the worshiper of the power that is. He is the supporter of the will of the gods and the archconservative. Hook, I would suggest, was neither a pure Promethean nor a pure Epimethean. Instead, there was a layering: sometimes one side would emerge and dominate, sometimes the other. He went where he believed intelligence, if not wisdom, commanded. Often he did battle as a Promethean for Epimethean or conservative causes. But only those who find comfort in oversimplification would call him, even during the latter decades of his life, a compassionate conservative. Compassionate he was; but it was a kind of compassion driven by his pragmatic secular humanism, and vice versa.

It is in this spirit that I wish to pay tribute to his work. I have chosen to focus on the problem of the value of life, more specifically on his discussion of the right to life and the use of violence, because the great ancient schools of philosophy concentrated essentially on the problem of what constitutes the best of lives as opposed to, say, the value of life and the importance of notions akin to the broader notion of the right to life.

II.

Rational suicide and euthanasia aside, Hook understood not only that most people want to live but that this kind of want has a special weight, often an overriding moral priority. The reason why

most people want to live, if I may inject my own language, is that having a meaningful life is the primary material good, being virtually a necessary condition for the achievement of other goals. These goals may range in diversity from the simpler pleasure (like peeling an apple or just being able to get out of bed each day) to more lofty goals that involve levels of capacity and aspiration fulfillment. The fundamental point is that, whatever you may want to do, being alive is an almost necessary condition.

This in itself has implications for any theory of rights that does not beg the question concerning the equality of rights or the primacy of the right to freedom. For it suggests that the right to life has a moral and practical primacy and often trumps other considerations.

At this level, the argument presents only the choice of protecting life as opposed to other fundamental rights. But ethical life is not this simple. Within the kind of ethical life we find ourselves in, there are diversities and other kinds of challenge. At another level we are often faced with a choice between protecting life and protecting the good life. Hook appears to have been extremely sensitive to the fragility of each of these goods, especially the vulnerability of the good life. Thus he writes that it is not life itself that is worth living, but *only* the good life. "We must," he writes in his 1927 paper "The Ethics of Suicide," "recognize no categorical imperative 'to live,' but to 'live well.'" From the above, two corollaries may be drawn significant for a theory of moral instruction: No rational morality can compel us to perpetuate lives that are irretrievably blasted by accident or birth, or blighted by some horrible malady before which remedial measures are unavailing; and more important, . . . no social morality can be equally binding upon everyone unless a social reconstruction makes possible a more equitable distribution of the necessities of life."¹

In other words, what may be lost in understanding his defense of democracy against violent civil disobedience and revolution is

that it rests, in large part, on his identification of the good life with the good or democratic society.² "The good life," he insists, "cannot be pursued independently of the good society because a bad society can make the good life impossible."³

III.

Hook's analysis of human rights is penetratingly honest and often brilliant, and it still remains fruitful reading for all those who claim to be responsible social reformers. He maintains that "force is necessary to sustain or enforce legal rights wherever they are threatened—and human rights, too, which have a moral authority of their own to justify them. Otherwise they are no more than aspirations or pious hopes." However, there is an important difference between force and violence. Violence is usually taken to mean the exertion of any physical force so as to injure or abuse another. In contrast, Hook argues that "violence is not physical force *simpliciter* but the 'illegal' or 'immoral' use of physical force." He then claims that it is only permissible when there is no means of remedying grievances by peaceful constitutional change. In other words, the democrat may not use violence against a democratic system, since "the faith of the democrat is that the evils of a democracy—and it has many evils—can be remedied by the patient efforts to achieve a better democracy."

In the last three essays of *Revolution, Reform, and Social Justice*, he more carefully details his views about the role of protest, the position of human rights, and the nature of social justice in a democracy. According to Hook, there are human rights that, among other things, serve as a criterion for what should or should not be the basic legal rights enforced by the state. Human rights, no matter how carefully specified, sometimes conflict with each other, and in

any given situation our choice of which way to go is ultimately justified by personal and social utility in furthering human happiness. "Where there exists sufficient affluence to distribute to those in want, justice as well as prudence requires that their basic needs be met, independently of merit or desert." But where there does not exist more than enough of everything in the way of desirable goods, services, and opportunities, there must be "an equality of concern for all persons with the community to develop themselves to the full reach of their powers." Once we have established this equality of concern—which is the cardinal ethical belief of democracy as a way of life—then "what is wrong is not inequality of treatment but unwarranted or unreasonable inequality."

Two standard objections follow: first, it is not self-evident that a commitment to political democracy, which on its face seems only to be a commitment to a kind of electoral process, entails or requires a substantive ethic; second, if in any given situation our choice is ultimately justified by an appeal to personal and social utility, then why not say that human rights are important rules of thumb or thresholds that are really grounded in an act-utilitarianism or a situationalism akin to that of Dewey's?

Let us, however, leave these difficulties aside. Let us also assume that the notion of equality of concern is an important one and that, other things being equal, a society that feels and practices equality of concern is better than one that does not. There still remains the question whether or not Hook has aimed too low. Why not aim higher? Why not say that a commitment to the politics and ethics of democracy ought to rest on the freely given consent of the governed, where the governed recognize the right to life, liberty, and happiness as moral thresholds, where there is an equality of concern for all persons within the community to achieve excellence or develop themselves to the full reach of their powers, where there is an active concern and commitment to establish

institutions and laws that protect against circumstances that exceed these thresholds or actual violations, where violence is viewed as an extreme form of rescue for those in immediate, actual peril, and where every individual with moral standing has a basic right, when unjustly assaulted or unjustly deprived of basic sustenance and health care, to use violence to protect these goods if other means should prove ineffective?

This proposal is based—but not solely—on the general recognition that to knowingly allow people to suffer or die from lack of proper diet, basic and vital health treatment, or the like, when this could have been reasonably avoided—and to say that this is fully consistent with even the prima facie right to life—is to make a hollow mockery of that right. Neither justice nor wisdom warrants our telling a person whose right to life is being unfairly and seriously violated that he ought to be patient; that he should, after exhausting all the relevant nonviolent means, bide his time in the hope that a better society ultimately will triumph. Nor, it seems to me, can we rightfully say this to a man trying to save the life of an innocent child or some other loved one.⁴

Hook's opposition to violence in a democracy leaves him open to the criticism that his position cannot do justice to the nagging moral intuition that, when it comes to serious violations of the right to life, the threat or use of violence is sometimes permissible. For if it is true that a serious violation of the right to life (unlike more easily reversible violations of liberty) is not correctable at a later date, and if it has a unique moral primacy, then it seems to follow that certain circumstances permit the use of violence even in a democracy.

Hook, if I correctly recall his debate with Russell on the question of nuclear disarmament, argued that a major advantage of the nonpacifist is that, once the enemy knows you will fight, you have a considerably better chance of not being abused. The willingness

to fight is a matter of strategic utility, albeit neither of a simple kind nor without possible loss. Isn't this especially true concerning the right to life? More generally, isn't it true that you have a considerably better chance of not having fundamental rights violated if it is generally known that you are prepared to fight in their defense?

With all this said, it must not be forgotten that Hook has rendered an inestimable service in describing the liberal faith in democracy. In a period of history when there seems to have been a mania of destroying valuable institutions, Sidney Hook reminded us that a rational man ought to love democracy and that only a fool destroys something he loves because it is imperfect. Like Hook, I believe the democratic way of life is one of the greatest of political goods. But I also believe, first, that democracy is not as vulnerable as he thought it was; and second, that Hook needlessly leaves himself open to the charge that, "when push comes to shove," secular humanism is not sufficiently responsive to the needs of the unfortunate.

NOTES

1. Sidney Hook, "The Ethics of Suicide," *International Journal of Ethics* 37 (1927): 186–87.

2. In *Revolution, Reform, and Social Justice: Studies in the Theory of Marxism* (New York: New York University Press, 1975), p. 249, Hook writes that civil disobedience "must be truly nonviolent—peaceful not only in form but in actuality" and that the "resort to civil disobedience is never morally legitimate where other methods of remedying the evil complained of are available."

3. Sidney Hook, *The Paradoxes of Freedom* (Berkeley and Los Angeles: University of California Press, 1962), p. 128.

4. There are many examples; however, there is a recent movie that graphically illustrates this point. In the film *John Q* (2002), the father (played by Denzel Washington) learns that his beloved young son needs

n heart transplant or he'll die soon—and because John Q is cash strapped and his insurance company refuses to pay, he's not going to get it. The story has its problems, one of which is what would follow if, instead of resorting to mild violence with only the threat of deadly violence, he had to actually resort to the latter. But another important point is that his use of violence appears to be the only effective way of saving his son's life, and therefore the use of it strikes a less conservative moral audience as being permissible, if not mandatory.