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PUNCHING VIOLENT EXTREMISTS: VIOLENCE AS
A LEGITIMATE MORAL TOOL FOR DEALING WITH
FAR-RIGHT EXTREMISM.



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CONTENTS:

Acknowledgements and Dedications- p.3

Abstract- p.4

Chapter One: *The Groundworks.* – p.6

Chapter Two: *Criteria For Harming Violent Extremists.* – p.24

Chapter Three: *Defending Marginalised Communities- The Historical Case.* – p.54

Chapter Four: *Why Virtue Ethics?* – p.75

Chapter Five: *The Role of Tacit Consent.* – p.102

Chapter Six: *Justifying Violence.* – p.122

Conclusion- p.136

Bibliography- p. 138

Dedications

This work is dedicated to my husband David and daughter Méabh, the best things to happen to me. You are my reason and inspiration behind everything.

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Abstract:

This dissertation seeks to provide an argument in favour of the use of violence against those who perpetuate violent extremist ideologies, for example Neo-Nazis, in order to protect marginalised communities and to prevent reoccurrences of historical injustices.

Furthermore, it contends that non-marginalised agents of virtuous character have a responsibility to act on behalf of marginalised people, or should at least feel favourably disposed towards the performance of such action. It is argued that though we are preconditioned to believe all violence to be immoral, there is a case in favour of using violence, so long as the agent carrying out the violence is a virtuous agent and that they follow certain necessary criteria to ensure that their action is morally acceptable in the circumstances. The dissertation seeks to show via a discussion of tacit consent that violent extremists in effect consent to violence being used against themselves, through their holding an ideology which accepts that violence is a legitimate tool to achieve the ends they wish to achieve. Good people may intuitively wish to ignore the behaviour of violent extremists, due to the fear of sinking to their level, rather than respond in the language of extremism itself. However, violence is a key component to ideologies such as Neo-Nazism and therefore may be a valuable communicative tool in the battle against extremism. By acting violently, the virtuous agent may be more likely to provoke lasting or significant change and advance the goal of protecting marginalised people. Rather than dismissing violence as inherently immoral, we should consider the intention behind violence to determine its morality, rather than the action itself. As the Neo-Nazi (or other variety of violent extremist) perpetuates an ideology that promotes the use of violence to achieve their ends, they cannot consistently complain of injustice should violence be used against themselves, as a moral agent may universalise the intolerance of Nazi ideology to

communicate intolerance for Nazism itself. Therefore, violence may, under certain limited conditions, be used by virtuous agents in order to protect marginalised communities and to break the cycles of historical injustice whose pernicious influence continues to stimulate the reoccurrence of such events in our own day.

Chapter One: The Groundworks.

Imagine that you are walking through your local town centre. You come across a demonstration against the Jewish community which calls for the boycott of Jewish businesses and the limitation of Jewish people's freedom. It is clear that the demonstrators are Neo-Nazis from their tattoos and flags, as well as what they are screaming and shouting. Seeing this demonstration are members of the Jewish community who are understandably frightened and there are people of non-marginalised backgrounds who stand by ambivalently. For the most part, the spectators are neither applauding nor showing contempt towards the Neo-Nazis and their sentiments.

In this scenario you are neither Jewish nor a member of another marginalised group such as a Person of Colour or a member of the LGBTQ+ community. As a result, you can avoid becoming a target of the abuse, as well as not becoming a spokesperson/figurehead for a community in the way that a person of marginalised background might be assumed to be speaking on behalf of everyone else marginalised. Conversely, your non-marginalised identity affords you a level of immunity from your actions. In this situation you are presented with multiple options. The first option is to remain passive, either walking away or standing by and silently listening to the hate speech. The second option is that you take an active approach by starting to heckle the Neo-Nazis, by encouraging other onlookers to leave, or even to behave in a physically threatening way towards the Neo-Nazis, such as destroying their property or punching a member of the group. As an onlooker the decision is yours.

The risk of such hateful ideology being freely expressed without reproach is twofold. Firstly, there is the imminent risk to the safety of the Jewish community. Secondly, there is the risk that passive onlookers will acclimatise themselves to hearing such hateful ideology, putting them at risk of being indoctrinated by the Nazi ideology. Without hearing another side, a non-marginalised onlooker might be susceptible to believing that this ideology is right and that other non-marginalised people also think the same, otherwise someone would have stood up and said something. On the other hand, an active response shows tangible and real intolerance to the message of Nazism. It reinforces the ideas that the Jewish community have allies, that violent extremism will not go unaccounted for, and that it is *wrong* to treat marginalised communities in such a way. Situations such as this are not uncommon and in recent years the discussion into the appropriateness of punching Nazis has grown, particularly amongst the younger generation on social media platforms such as Twitter. A spate of hurling milkshakes at those with extremist views in recent years highlights this trend. Incidents such as the gentleman who threw a milkshake at Stephen Christopher Yaxley-Lennon (also known as Tommy Robinson, co-founder of the English Defence League) bring huge press attention and draw a clear division between extremists versus the rest of the community.

It is easy to fall into the trap of believing that no modern, rational society could become overrun with such hateful ideology, however we only have to look back one century to see that such an assumption is naïve. The legacy and memory of the Second World War is often encapsulated within the horrific atrocities of the Holocaust, with the emphasis of responsibility falling on the shoulders of the predominant Nazi figures, such as Hitler, Göring, Goebbels, Himmler or others. The Holocaust focuses on these key figures and their

systematic abuse of marginalised groups, though it neglects the wider picture of civilian involvement. As the great masterminds of persecution and manipulation, these leaders used both propaganda and intimidation to encourage the general public to do their bidding. This is not to say that every act of Nazism was done due to coercion or intimidation. As pointed out by Catrine Clay in her book *The Good Germans*, an exploration into the lives of resisters in the Third Reich, people were quick to change their stories once the occupation had occurred, and suddenly everyone had a story of helping a Jew or attempting sabotage¹. The reality of the situation is rather starker. In fact, many 'Aryan' Germans profited massively from the Nazi regime. They acquired new jobs and titles beyond the qualification of the individual, were moved to larger apartments previously owned by displaced or murdered Jews, or were provided with a sense of pride in Germany – something many thought had been destroyed by the harsh Versailles Treaty². In her book *Account Rendered: A Dossier On My Former Self*, Melita Maschmann examines the life she led during the Third Reich, taking responsibility for her action and examining the draw and appeal of the Nazi regime. She explains that she was not coerced or blackmailed, rather she enjoyed the sense of pride, responsibility and power which came alongside her multiple roles within the Nazi regime. The book itself is written as an apology and explanation to her childhood friend of Jewish ancestry, whom Melita betrayed to the Gestapo, and recounts the events that led to her involvement with the Nazi Regime as well as her role as a propagandist for the Nazi

¹ As discussed through Hans Fallada's writing during the war, detailing his memory of the war and his acts of resistance. Clay argues that "Crafty Rudolf [the authors real name] knew as well as anyone that the war would soon end... every Fritz would be writing his whitewashed reminiscences". Clay, Catrine, *The Good Germans*, (Weidenfeld & Nicolson), 2020, P.336.

² As reflected in the *Gleichschaltung* – the act of Nazification which included the removal of Jews or opposition of the regime from their employment, housing or position in replacement for a Nazi follower. For more info, see <https://www.theholocaustexplained.org/the-nazi-rise-to-power/how-did-the-nazi-gain-power/gleichschaltung/> accessed: 30/01/2021

party³. Her story as an adolescent growing up in Nazi Germany reflects a narrative of self-indulgence in the benefits and success that Nazism could provide, rather than her involvement being caused by fear and blackmail.

The Nazis were a violent and persuasive group of extremists, and after the Enabling Law of March 1933 there was little scope for political or democratic resistance to the Nazi party. The Enabling Law allowed Hitler to rule via decree, rather than having to pass acts through the Reichstag. After the Reichstag Fire on the 27th of February 1933, large numbers of Communists and the political Left were removed and imprisoned in newly formed concentration camps. The camps weren't hidden from the German population and many were outside large urban cities, such as Dachau outside of Munich or Sachsenhausen outside of Berlin⁴. These camps served as a reminder of the risk one runs in acting against the regime. By this point in the Nazi ascension to power, I can understand the inhibition of criticism against the regime. There was demonstrable risk that if you said the wrong thing to the wrong person you could be incarcerated, as well as putting your own family at risk. Before acting, you would be asking yourself "If I speak out against the regime, will my husband lose his position at the Legal Practice to be replaced by a Nazi party member? Will my daughter be bullied by her teachers and classmates? Do we risk being listed as potential threats to the regime?"

³ Maschmann, Melita, *Account Rendered: A Dossier On My Former Self*, (Plunkett Lake Press), 2016

⁴ There was common knowledge across the world of these camps, particularly with the internment of highly ranking political adversaries, such as Ernst Thalmann, leader of the KPD German Communist Party who was sent letters from around the world during his internment, never to receive them (also discussed in Clay's *The Good Germans*)

It is the period before this transition to a Fascist regime which speaks volumes about the German Volk's involvement in the ascension of National Socialist power. Before the Nazi party regime became an antidemocratic war machine it was a political party within the Reichstag. Despite this, their leanings were evidently of an undemocratic nature, as demonstrated by the failed Beer Hall Putsch of 1923, as well as depicted in Hitler's *Mein Kampf* which was written during his imprisonment following the failed coup d'état⁵. The extremism of National Socialist ideology was published clear as day for anyone who wanted to investigate the intentions of their future Führer. Yet in those early years before the Enabling Act the German Volk voted and joined the Nazi party in greater and greater numbers, democratically. By the time Hitler became Chancellor in 1933, the Nazi party had 2 million party members⁶. It is with the support of the general public that a group of extremists with ludicrous ideas of mystical Aryan people became the biggest party in the Reichstag. Had the Nazis remained a minor party in Bavaria, or even wiped out after their failed coup, there could have been no Holocaust.

The Third Reich and The Holocaust have been a personal interest of mine for a long time. I am passionate about delving into the history, attempting to understand the thoughts and actions of those within Nazi Germany. My first thought when trying to understand and empathise with the situation is to not blame the German people as it is impossible to know the lengths we would go to in order to keep our own families safe. However, on closer inspection it becomes clear that the rising tide of Nazism was not caused purely by fear, nor

⁵ Hitler discusses his political agenda in the second volume of *Mein Kampf* 'Die Nationalsozialistische Bewegung'.

⁶ McNab, Chris, *Hitler's Masterplan: The Essential Facts and Figures for Hitler's Third Reich*. (Amber Books Ltd), 2011, Pp.22-23.

was it restricted to those with power, rather Nazism flourished because of the opportunism of the German Volk. Conforming with the regime meant the potential to gain either through property, finances, or political influence⁷. There is no doubt that there will have been people who disliked the regime but were much too scared to say anything. There was, however, a time when the Nazis were democratically elected to the Reichstag, where one opted to join the Nazi party not out of fear but as a hope for the future of Germany, or many other seemingly enticing opportunities that the Nazi party provided. It is the years between 1923 and 1933 that I feel indicate the indictment of the German people as this was their opportunity to resist. On the contrary, it was a time of great gains for the Nazi party. The same opportunism can be seen in the actions of slave owners. It wasn't that slavery was compulsory, and particularly in the period surrounding the American Civil War it cannot be argued that it was simply taken for granted that slave ownership was moral. There was growing discourse that communicated its immorality, and with the movement to free Black people trapped in slavery it showed that the opportunity to make money and be powerful had the ability to overwhelm people's moral sensibility.

The Nazi party ascension from extremist fringe group to legitimate political party to totalitarian fascist murder machine provides us with the benefit of hindsight. Rather than waiting for the general public to become acclimated, if not *enticed*, we can avoid the rise in popularity to such an extremist group by forming sturdy opposition in the developing stages. Without vigorous action the extremism is allowed to fester and grow. We often dismiss these extremists as uneducated and pent-up individuals screaming into the void

⁷ As reflected in the *Gleichschaltung*.

with no receptive ears to join their ideology. This, I believe, ignores the susceptibility of the public, as well as the persuasiveness of extremists. Had I heard Hitler speaking in a Munich Beer Hall in 1923 I may have discounted him as a small-minded Austrian artist who was upset about the outcome of the First World War. This would be to discount the potential of such hatred and the quantity of individuals willing to follow such extremism to feel good about themselves. Furthermore, the popularity of the Nazi party in the 1930s should lead us to question the assumption that we often make about ourselves that we would never allow such a thing to happen. Instead, we must think to ourselves “if it has happened once then it is possible that it can happen again” and act according to this, rather than according to the assumption that people are generally good therefore it can’t or won’t happen again.

These attitudes cost the lives of millions of Jewish, Disabled, Slavic, Romani and Sinti, Gay, Jehovah, Russians, Poles, Communists, and political threats to the regime amongst others. All hate speech against minority groups has the potential to become radical and advanced. Action in the early events of such injustices is the quickest and easiest way to protect the community and stand in solidarity with affected communities.

In light of this I encourage *you*, the bystander in the town centre, to act with conviction and intention. To take an active role in such situations prevents the event from disintegrating into an echo chamber of extremist rhetoric with one Nazi voice bouncing off another. Standing by passively allows the scene to appear supportive of such ideology, allowing for the violent ideology to infect the minds of ambivalent bystanders. Hostility has the potential to contrast the otherwise unchallenged rhetoric of the Neo-Nazis and in a scenario such as this I would even condone the use of violence, such as punching a Neo-Nazi

at the demonstration. It is with this in mind that I propose my thesis that violence may be used morally to stop extremism such as Neo-Nazism. We can use the criteria I provide in Chapter Two as a useful guide to identify when we might choose to be violent and when violence under these circumstances would be morally justified. These comes together to form my belief that when good people provide hard and relentless opposition in the early stages of extremism then it prevents escalation and in the long term saves unnecessary conflict.

In the following subsections I will provide an outline of my thesis and what I hope to achieve, namely that I wish to demonstrate that violence may be used in a moral way to protect members of marginalised communities who are at risk of being attacked and subjugated on the basis of the characteristics which make them members of a marginalised community. In these subsections I will provide an overview of the different elements influencing my belief that violence can be moral, however more detail will be available in the subsequent individual chapters on each aspect of this thesis. The purpose of this chapter is simply to be a brief reference point for the thesis and its groundings.

Why we should be punching Nazis:

This thesis seeks to provide a moral defence of violence in the pursuit of protecting marginalised people and quashing extremism. I will argue that there are times when violence may be both permissible and moral, meaning that a virtuous person would choose to act in a violent manner if necessary. Despite the common rhetoric that violence is wrong and immoral, I will argue that an agent who has crafted their practical reason and

developed the necessary virtues will question this narrative and reach the conclusion that violence can be a useful tool in the face of extremism. This isn't to say that violence is always moral. Rather, violence can only be moral when it is carried out by a good person with good intention, as I will expand upon in Chapter Two: Criteria For Harming Violent Extremists. I will argue that when a good person follows the set of criteria that I shall outline and acts with the right intentions, they are allowed to act in a violent way towards an extremist (note: not to all types of extremism, for example an environmental extremist is very different to a racial extremist) without marring their moral character. In this thesis I will use Neo-Nazis to defend this argument due to the knowledge that everyone has, even if only a small amount, regarding the consequences of Nazism. This is not to say that the same logic cannot be applied to other marginalised groups, for example Black or LGBTQ+ people who also have experienced historical oppression which continues into the modern day. For clarity of understanding I will largely refer to Neo-Nazis, except in Chapter Three: *Defending Marginalised Communities- The Historical Case*, where large parts of the literature regarding historical injustice refers to the suffering Black people in America have suffered. I do believe that the injustices faced by Black people in America can be compared and contrasted with many other kinds of racial injustices, including that of the Jewish people, therefore the overlap in theory serves to further my point that violence can be a useful tool in the face of extremism against other marginalised groups, not just against Neo-Nazis.

I frequently use the example of Neo-Nazism within this thesis as it provides us with a cut and dry example of immortality, allowing us to question the actions of those involved and to question how we believe we might or should behave in the same scenario. For those of us who feel that we would absolutely never have stood by and allowed such atrocities to

occur, we have to ask ourselves *what are we doing to make sure this doesn't happen again?*

The Holocaust grew from the same tension and hatred that Neo-Nazis encourage today and, because the ideology is a continuation of the original Nazi ideology, we should think of instances of anti-Semitism as a continuation of the injustices of WW2. As Nazism paved the way for Neo-Nazism and its ideological foundations (e.g., where anti-Semitism before may have been stereotyping, Nazism created the industrialisation of this hatred in the systematic murder of millions), we can clearly see the continuation of the ideology. This allows us to really question what we would do in the face of Nazism as we are in fact faced with the continuation of this ideology and should devote the same energy that we imagine we would have to protecting Jewish people in the 1930s/1940s to the scenarios we face in modernity. Once we see the persecution of Jewish people in our current society as an extension of the suffering inflicted on Jewish people not only in the Holocaust but for centuries, we can appreciate that there are no lengths that should not be considered when it comes to protecting the Jewish community and preventing a second Holocaust. In order to protect the Jewish community from the dangers of Neo-Nazism, I shall contend that violence may be used.

The morality of using violence against Neo-Nazis is corroborated by two key factors. The first, as I have already briefly alluded to, is that due to historical precedent we have a responsibility to ensure atrocities such as the Holocaust do not repeat themselves, and to acknowledge the danger of grassroots extremism (that is, extremism in the streets, moved by an individual's will, rather than an obligation forced upon them by political powers via conscription, for example.) As bystanders we must appreciate the gravity of our action or silence and protect those who are at risk of persecution. We must view present day

extremism as an extension of the extremism in its original form and reimagine the past. By this I mean to say that Neo-Nazism is a potential extension of the Holocaust and therefore an agent must imagine the lengths they would go to in order to prevent such an atrocity from occurring. Furthermore, because of the accessibility of information regarding the Holocaust there are no blurred lines regarding the potential of such rhetoric. Everyone has access to information regarding the Holocaust and the events which led up to the murder of around six million Jewish people. This means that Neo-Nazis cannot claim innocence or lack of understanding, and that bystanders cannot pretend they don't understand the gravity that such hateful ideologies hold. It places the responsibility on all parties to acknowledge and fight extremism.

This knowledge of historical events links to the second factor which helps us to legitimise the use of violence: the role of tacit consent. I would describe this as the moral rightness of violence being determined by the equivalency of ideology held by the Neo-Nazi themselves. In other words, it is okay to inflict violence on a Neo-Nazi because they believe it is acceptable to inflict violence on people/groups when they take issue with that person/group's ideology. The violence is therefore excused from moral wrongness because of the person who is receiving the violence (i.e., the Neo-Nazi) believes in using violence as a tool to achieve their ends, so the same logic can be applied to them. This is essentially a form of universalisation which means that due to holding a violent ideology a Neo-Nazi cannot realistically oppose violence as they promote an ideology and lifestyle of violence without being a hypocrite at the very least. The Neo-Nazi tacitly consents to violence as they believe in the rights infringements of others, therefore their rights may be infringed upon. Tacit consent is essentially the assumption that a moral agent may infer an element of

consent from an extremist due to them holding an extreme ideology. This links to historical precedent as an extremist also has access to the same facts as a moral agent in regard to the ideology they have chosen and therefore must be aware of the preventative action necessary in order to protect marginalised communities against persecution.

This raises the question, “What is a violent ideology, and do you not hold one by promoting an ideology which calls for frequent violence?”. I would describe a violent ideology as one that is fundamentally hateful and calls for harm to be caused to others, for example in the restriction of freedoms or calls for physical violence to be used due to the person’s characteristics that would also be an indicator of their identity as a marginalised person. For example, a Neo-Nazi, a white-right-wing extremist and an anti-LGBT protester would all fall into this category as they believe in the infringement of rights of the marginalised group that they target (i.e., Jewish people, Black people and the LGBTQ+ community). A violent ideology holds, at its core, the belief that harm should be caused to others because of characteristics which the individual has no control over (nor should they want to have control over). This is different to believing in harm being caused as a form of retaliation or prevention as the Neo-Nazi, for example, has the ability to change this ideology. A Jewish person being Jewish is inconsequential to their rights and is not something that could or should be changed, unlike being a Neo-Nazi which is both a choice and something which should be changed. My ideology does not believe in the persecution of any person on the basis of race, religion, sexual orientation, gender or ethnicity. On the other hand, Neo-Nazism, for example, does call for harm to be caused to those who they do not like, based on natural and inconsequential characteristics. Whereas the Neo-Nazi believes in harm due to these natural characteristics without any further criteria being

necessary (for example, it is what the Jewish person likes, what their politics is, whether they are a good person etc, it is purely about their Jewishness) I believe in violence being used as a consequence of action or potential action, in the same way that we may be justified in using self-defence if it allows us to protect ourselves against the deliberate and harmful actions of another.

Much like when we consider the right to self-defence, a key aspect of defence is that the one we are defending ourselves against must be culpable for the action that they have taken. As Ferzan discusses in *"Justifying Self-Defense"*⁸, a person is only liable for the threat that they pose if they are blameworthy for that threat. There has to be intentionality and responsibility to be liable for their action. If a Neo-Nazi were not blameworthy then we would have no justifiable reason to cause harm to them, for example if a person accidentally ran over a Jewish person in their car, we wouldn't pull them out of the car and punch them and say they are a Neo-Nazi on the basis of the victims Jewishness. In a situation such as this, the harm caused to a marginalised person would be purely incidental, therefore the driver is not liable for the harm because of the person's identity, rather they carried out the action due to their own lack of caution or due to a mechanical fault. If the driver has been driving with reckless abandon, then we might feel justified in punishing them in another way, for example a fine, prison sentence or removal of their license, but we wouldn't be justified in causing them physical harm with the intention of defending the victim as there was no violent ideology at play. In summary, the key difference between a violent ideologies infliction of violence and my own infliction of violence is that in circumstances such as being faced with a Neo-Nazi, I believe violence may only be used as a consequence of their violent

⁸ Ferzan, Kimberly Kessler, 2005, "Justifying Self-Defense", *Law and Philosophy*, 24(6): 711–749

ideology and the harm they deliberately want to cause others, whereas a Neo-Nazi causes harm to innocent people purely because they don't fit the racial or religious model that they think everyone should hold. It is because the Neo-Nazi is liable for their violent ideology that I believe they may be violently harmed, whereas an innocent person is not liable for anything as they cause no harm by having a marginalised identity.

This thesis aims to provide a moral analysis of the necessary action and considerations that we must think about before we inflict violence upon a person who holds and promotes a violent ideology, such as a Neo-Nazi, by providing the necessary historical analysis, consideration of the justification and the motive behind acting violently. This is not to say that violence under other circumstances is wrong, but that were we feel violence may be usefully used against a violent extremist we must consider whether this is true. Whilst violence may be useful under many circumstances, it is not something that any moral agent believed should be carried out without the right motivation, justification and application. I believe that a model of tacit consent helps an agent to understand and justify the violence against violent extremists, particularly where the agent is largely opposed to violence outside of situations such as self-defence. In Chapter Five I shall discuss the role of tacit consent further and explain further the role that tacit consent plays in my theory.

The Role of Criteria in Moral Violence:

Violence, outside of circumstances such as self-defence or just war, is often dismissed as being immoral. This thesis seeks to pave a way for violence of another kind, one which protects marginalised people even in circumstances where this is not self-defence or legislated by a legal war or precedent. By setting criteria, I intend to provide parameters for violence to be used in circumstances such as this to avoid the risk that

violence may be used as a catch-all method that restricts and prevents people from being able to have their own opinions or beliefs. I don't believe violence should be used under all circumstances, and I don't think many people would believe in violence as a communicative tool, however violence may be useful when appropriately applied. I don't think we should be using violence to communicate with those of a different political opinion, a different religious persuasion or just with those we generally disagree with. Therefore, in setting criteria it allows for violence outside of widely accepted scenarios and contains it so doesn't spread in a way that is immoral. The criteria also provide a formal sense of understanding for people questioning the right thing to do and means that a bad or misguided person cannot argue that their violence was moral as they simply have to look to the criteria that they have not fulfilled to know that this is not the case. For example, should a Nazi claim they thought they really were doing the right thing by eliminating the Jews, it is blatantly immoral as it would infringe upon all of the necessary criteria.

The criteria that I detail below, when all fulfilled, allow a moral agent to say that they were acting in a moral way. Where a good agent has deemed that the criteria have been fulfilled then they can act in a violent manner without receiving the criticism and distain that we would give if violence were being deployed unjustly and without another justification. The criteria also provide a formal sense of understanding for people questioning the right thing to do and means that a bad or misguided person cannot argue that their violence was moral as they simply have to look to the criteria that they have not fulfilled to know that this is not the case. For example, should a Nazi claim they thought they really were doing the right thing by eliminating the Jews, it is blatantly immoral as it would infringe upon all of the necessary criteria.

The criteria are as follows:

1. The person/group are engaging in action of a kind which, due to historical precedent, we know is likely to lead to unrest and mistreatment if not confronted. This primarily applies to the abuse and rights violations inflicted upon historically marginalised groups by non-marginalised members of the community.
2. The person engages in action which gives us imminent reason to be active in our response. For example, the person is preaching hate speech or assaulting a member of a marginalised community
3. To be entitled to act the action must be carried out with good intention. For example, punching a Nazi on the street is not moral if the person who inflicted the punch did so for their love of violence, rather than due to the first and second criterion, or used the first and second criterion as a justification to inflict violence.
4. The proportionality of the violence must be assessed against its potential outcome. Where the risk is too big it may not be wise to inflict violence.
5. The case must be relevant to the community and cannot be limited purely to domestic settings. For example, though domestic violence (in this case against women, for example) is abhorrent and can be tied to the historical abuse of women, it does not impact the community imminently. Domestic abuse has other factors rather than simple discrimination.

Where the criteria have been fulfilled, there is the potential for an agent to inflict violence and for this action to be moral. I am not making the stronger claim that we *must* inflict violence where these criteria have been fulfilled as the action which follows is decided upon at the discretion of a good person. Furthermore, I am not claiming there cannot be

other legitimate reasons for violence, such as self-defence. Rather, this thesis claims that where violence is being used on the grounds of injustice, there must be reason and precedence to behave in a violent manner. If a crazed murderer was threatening you with a knife, you would have grounds to defend yourself using violence, regardless of the fact that it would not meet the criteria. The criteria is not here to provide the parameters for all violence and all circumstances, however it may be useful to help us distinguish between speech that sits uncomfortably with us and speech that is actively harmful and hateful. For example, if I heard someone saying we should get rid of all state provided social funding, privatise healthcare and remove the benefits system so that people could fend for themselves, I would feel that this kind of conservatism doesn't sit well with me. However, everyone is entitled to their opinion and, whilst I might find the concept uncomfortable, it isn't hateful or dangerous in the way that a Neo-Nazi targeting the Jewish community is. By providing criteria, we allow for violence in the right circumstances, as opposed to just whenever we hear an opinion that we disagree with. To act violently when we hear 'opinions' or hate speech, there must be precedent and threat behind these opinions, as detailed in the criteria.

Where the agent assesses the situation and sees that violence would be advantageous, then the violence can be moral, however if the agent thinks the risk is too high if they act violently then this is also acceptable. There may be circumstances where violence draws attention towards the injustice or serves as a means of protecting the minority group being afflicted. In other circumstances, however, it may not be deemed advantageous to be violent as the risk to the minority group may be too big. For example, should there be a large Jewish crowd at the Neo-Nazi protest you encountered in town, it may risk the safety

of those Jewish people present rather than simply your own safety. In a situation such as this, dependent on a risk evaluation, an agent may prefer to demonstrate resistance of another kind or in another setting. I would liken this to any crime a person may endure – in some circumstances a citizen's involvement or apprehension of the criminal may be advantageous. In other circumstances, where the probability of a positive outcome is unlikely, one may allow the criminal to escape and pursue them using alternative routes with lower risk outcomes. This is reflected in the fourth criterion that encourages the proportionality to be instrumental in the distribution of the violence. This adds a relativity to the action of the moral agent allowing them to determine the right course of action in each scenario. However, as I shall demonstrate in Chapter Four: *Why Virtue Ethics?* it would appear that a good agent intuitively would be drawn to action of some kind (violent or otherwise) and that it is part of being a virtuous character.

The claim that violence may occasionally be a moral option is partially influenced by the legacy left behind by Twentieth Century atrocities and the acknowledgement that sometimes short-term losses are necessary for long term gains. Preventative opposition in the early stages of extremism is necessary to prevent the tyranny of intolerance from being allowed to fester and spread. The Second World War gives us a harrowing example of what happens when good people stand on the side-lines. With WW2 being so close to living memory we have access to the exact facts and figures, as well as the hindsight to understand how such an event could be led to unfold. The entirety of the Holocaust cannot be encapsulated by actions of a few bad people and unfortunate economic decline which bred hostility. Rather, there has been a long history of anti-Semitism. For centuries, Jewish populations were forced to live outside of city walls, made to wear identifiers or confined to

limited employment opportunities⁹. In his book *The Jews of Vienna in the Age of Franz Joseph*, Wistrich discusses the changing relationship between the Jewish community including expulsions and the state attempting to benefit financially from the Jewish community, corroborating the longstanding threat of Anti-Semitism. Furthermore, the concept of eugenics as a method of breeding out undesirable characteristics had grown in popularity in the 19th and 20th centuries. This was reflected in the 1912 Mental Deficiency Act in the UK, suggesting the segregation of the “feeble minded”, highlighting the international hostility to difference¹⁰. Had there been hostility towards the injustices the spread of hatred could have been immobilised, such as was shown to Oswald Mosley’s British Union of Fascists party at the Battle of Cable Street¹¹. Had there been early opposition to Nazism, with good people showing the level of hostility towards Nazis as the Nazis did towards Jewish people, i.e., not letting them in their shops, not speaking to them, protesting or being violent when necessary, then the tide of Nazism may not have been so strong and compelling, least of all appealing.

As I have previously pointed out through the use of criteria, not all injustices qualify for violence moral immunity. For the violence to be moral, the victims must be of a minority demographic and the hatred must be targeted against a group rather than an individual. For example, domestic violence perpetrated by a non-marginalised husband against his Jewish wife does not meet the criteria as the concern is largely for the individual and is detached

⁹ See an introduction to the relationship in chapter 1: *The Community*. Wistrich, Robert S., *The Jews of Vienna in the Age of Franz Joseph*, (Plunkett Lake Press), 2016.

¹⁰ Spektorowski, Alberto, "The Eugenic Temptation in Socialism: Sweden, Germany, and the Soviet Union". *Comparative Studies in Society and History*, vol. 46, no.1 (Cambridge University Press), 2004, p.84–106

¹¹ Barling, Kurt, *Cable Street: 'Solidarity stopped Mosley's Fascists'*, BBC News, <https://www.bbc.co.uk/news/uk-england-london-15171772> accessed: 19/03/2021

from the Jewishness of the wife. The same can be said about a pub brawl between a Jewish and non-marginalised man. The non-marginalised participant is not an anti-Semite simply because the man was Jewish, unless he provoked the brawl through feelings of hatred for his Jewishness or the Jewish community. Where it is merely a coincidence that a victim is belonging to a marginalised community there is not the qualification for violent response as it lacks the necessary criterion of historical precedent, as well as the desirable characteristic of being in the community rather than a domestic setting. The Jewish person has the right to use self-defence, and someone might choose to intervene to help to protect the man, but they cannot claim to be defending him on account of his Jewishness being attacked, as this is not the case. In this scenario, the man's Jewishness would be purely coincidental. So long as the racial/religious/gender/sexual characteristics of an individual are not the reason for an attack, the existence of such characteristics are purely coincidental and therefore do not qualify for the violent intervention of a third party.

I will provide an in-depth analysis of each criterion and the role it plays in Chapter Two- *Criteria For Harming Violent Extremists*.

How does Virtue fit with Violence?

Rather than focusing on a set of deontological rules or on the outcome of an action in order to determine the morality of an action, I am inclined to believe that goodness comes from the person themselves and the virtues that they habituate and grow. Virtue ethics is a moral theory which encourages agents to model their behaviour and characteristics on the characteristics and behaviours of a virtuous agent. In doing so, an

agent can learn from and habituate the virtues of a person they admire, making them a better person internally with the intention of reaching a state of eudaimonia. As a virtuous person has practised and developed a good character, they are more likely to behave in a moral way and to ignore the allurements of vice, making them more likely to choose the right course of action as the decision-making process is streamlined by the development of their good character. Therefore, if you are a good person the probability of you doing something bad is limited because it would be out of character or go against your nature. Though it may be self-preservation to turn a blind eye to anti-Semitism, it should be less commonplace for the moral character who has practiced virtues of courage and justice. Therefore, going hand in hand with a theory of protecting marginalised people comes the prerequisite that agents who partake in this activity are actively attempting to become better people and habituating the good behaviours which would lead to an agent acting violently against a Neo-Nazi as per this thesis.

As defined by Annas (2006, p.516):

“A virtue is a disposition to act, not an entity built up within me and productive of behaviour; it is my disposition to act in certain ways and not others. A virtue, unlike a mere habit, is a disposition to act for reasons, and so a disposition that is exercised through the agent's practical reasoning; it is built up by making choices and exercised in the making of further choices.¹²”

As Annas points out, a virtue is not a knee-jerk action compelled by animal instinct. Rather, it is the curation of wisdom and personal development. This developmental aspect

¹² Annas, Julia, 'Virtue Ethics,' *The Oxford Handbook of Ethical Theory*, (Oxford University Press), 2006, 515-536.

of virtue ethics lends itself kindly to my theory on the permissibility of responsibility for an individual as it allows agents to be introspective and contemplative when acting, rather than being expected to intuitively understand the right course of action or to be assumed to be a fully developed moral creature with exemplary ability to anticipate or foreshadow future potential outcomes. It is upon further inspection and introspection that an agent understands the necessity of action in extreme circumstances. Aristotle uses the example of builders: the ability to perform skilled labour is not something we are innately born with, rather it is the combination of learning from a skilled teacher and practicing the skills to augment them within oneself¹³. Once a person has developed the necessary tools to anticipate the gravity of injustice and its potential consequences, they are more attuned to action as it is the reasonable and practical response.

Aristotelian ethics emphasises the importance of practical reason to discern the right course of action or the right characteristics to cultivate. As moral agents we should choose the middle ground between two extremes of behaviour in order to provoke the best outcome. Human characteristics are essentially on a spectrum: there is the extremes of excess and deficiency and between is the perfect middle ground. Aristotelian virtue ethics focuses on the 'intermediate' between excess and deficiency. This to Aristotle is not the equal split between excess and deficiency, rather it is to use one's practical reason to define the virtuous action in each situation¹⁴. To understand the virtue between two vices is not simply common sense, rather there is a certain level of intuition followed by the curation of understanding allowing better decisions to be made. With the development of understanding one can understand an aspect of relativity applies to action. If lying was

¹³ Aristotle, *The Nicomachean Ethics* (New York: Oxford University Press), 2009, p.23, section 1103b.

¹⁴ *Ibid*, p.31, section 1107a.

always a vice one would lose the protective potential of truth manipulation. For example, should a Nazi ask if you know where any Jews are hiding and you tell the truth you have endangered the lives of innocent people all for the sake of following a rule. Rather, practical reason encourages the agent to decipher the right course of action in each circumstance to adjust where the virtue versus vice boundaries lay.

This is the reason that I am not arguing that a person must be fully virtuous in order to act violently with the aim of protecting a marginalised group. An agent must be *good*, which in an abstract sense I would describe as having the *will* to be a virtuous person and acting to cultivate virtuous characteristics. Should an agent be on this journey towards virtuousness but remain unconvinced they are entirely virtuous then the use of criteria can be used to inform the agent whether their action is truly right or not. It is, after all, through the repetition of virtuous behaviour that an agent acquires virtuousness and therefore it seems illogical to only allow fully formed virtuous agents who have reached eudaimonia to perform such actions as part of virtue ethics is about learning, repeating and habituating behaviours which would be exemplified by a virtuous agent.

In conclusion, I intend to provide a case in favour of using violence as a tool to defend marginalised people from the kinds of extremism which infringe upon their rights and peaceful existence. The type of abuse that marginalised people experience is systemic and based on a chain of historical injustice which we should all be trying to break down. As good people we should feel the responsibility to defend and protect those who need it and to develop the required characteristics and virtues so that helping people is second nature

to us. In the rest of this thesis I am going to explore some of the key elements of my belief that violence can be moral, starting with an explanation of each of the criteria in Chapter Two, before moving on to the relevance of historical injustice in Chapter Three, then discussing role that virtue plays in supporting my argument in Chapter Four, moving on to explain the role of tacit consent in Chapter Five, and finally ending by providing a defence of violence and the role that violence can play in Chapter Six.

Chapter Two: *Criteria For Harming Violent Extremists.*

Violence can be useful for a number of reasons. We can use violence to protect ourselves against an aggressor, both in a personal sense (for example in the case of a home intruder) and in a larger sense such as a just war. In some countries, violence is deemed as a method of punishment, and many parents enforce a culture of corporal punishment on their children when they misbehave. We might not be inclined to believe all motivations for violence are created equal, however the violence is carried out to serve a purpose and to act as a preventative measure for something worse to come. A parent who smacks their child may argue that it was done out of love, to prevent the child from becoming unruly and later facing much harsher consequences for their actions. In all cases of violence, however, there should be some consideration and boundaries for its application. Violence in a just war may be justifiable, but this doesn't mean that all wars are justifiable. Much like a just war account to violence, I would argue that vigilante violence carried out by a civilian can be moral under the right circumstances. In this chapter I intend to provide a set of criteria that I believe must be fulfilled for the violence against a violent extremist (such as a civilian against a Neo-Nazi), in the case of a civilian acting as a vigilante against a violent extremist such as a Neo-Nazi, to be moral. This isn't a passing judgement on other kinds of violence as I can certainly see the power and necessity of violence under other circumstances. This chapter does seek to provide the criteria necessary for a moral agent who believes they are in a position to act violently yet morally in a vigilante manner. Violence under other circumstances is subject to its own rules and moral judgements.

When we consider acting in a vigilante fashion against a violent extremist such as a Neo-Nazi, I believe there are a number of factors that we should be considering. Before acting, an agent should ask themselves: is there a pattern of historical abuse which should alarm me about this behaviour, is this person/group engaging in action which I find to be actively worrying, and am I acting with the right intention in order to carry out this action without profiting from it in some way (such as by enjoying acting violently)? Where the answer to these questions is yes, the agent can act in a violent manner without being saddled with a heavy conscience. These questions are clearly not relevant when we consider

self-defence or corporal punishment and therefore should not be used as a judge of the moral validity of those actions, rather self-defence and corporal punishment should be subject to their own individual scrutiny.

These criteria are motivated by my believe that good people and moral agents do not stand by idly whilst others suffer, rather they should be motivated to action. A thought that I have had about this action, however, is how do we discern between when we should be acting and when we should find alternative methods to communicate our views. Essentially, *how far is far enough to act violently?* When we come across people with different views to us there is a tipping point between “everyone is entitled to their own opinions” and “this person is peddling a toxic and dangerous narrative which I cannot stand by and accept”. When we come across this type of violent ideology that must be stopped, we may have to consider how we can stop it and whether we could consider violence as an option where the offence committed by the extremist does not fall under the jurisdiction of another reason for violence (for example if we aren’t acting in self-defence in that moment, or if they aren’t our child to punish). Therefore, a set of criteria is necessary to guide and influence moral agents when it comes to committing an act of violence against an extremist as it provides the parameters in which violence may be committed as well as the motivation behind it.

Criterion One:

1. The person/group are engaging in action of a kind which, due to historical precedent, we know is likely to lead to unrest and mistreatment if not confronted. This primarily applies to the abuse and rights violations inflicted upon historically marginalised groups by non-marginalised members of the community.

When we consider acts of violence such as self-defence, the necessity of action is self-evident. If I am being attacked, I am well within my rights to act violently in return as I am acting with my own interest of self-protection in mind. For my own protection it may be necessary to act violently; to harm another person out of necessity to protect myself from

that same or equivalent harm. If I don't act, I might risk being seriously hurt or even killed. We don't have to think deeply about the necessity of protecting our own lives, the motivation for such action doesn't need justification or moral analysis. When we consider our desire to protect a Jewish person from a Neo-Nazi, we are acting out of selflessness and are motivated not by a threat to our own lives, but by the potential harm caused by hate speech. If it were the case that hate speech and violence had no effects on any third party, whether that be the demographic who is subject to the hate or a bystander who might be indoctrinated, we might not feel the need to do anything about it. However, this isn't the case. If it were harmless, it wouldn't be so hateful. We know from history that private disdain towards a marginalised group can become persecution. Therefore, we have a responsibility as moral citizens to act in the defence of marginalised people and this defence may include violence. Violence can be right or wrong for a variety of reasons, so we look for justification in why we are acting. If I lethally harm my attacker, it isn't because I wanted to kill them but rather that I had no choice, my action was justified. My action is not justified, however, if I go out and kill the first person I see with no motivation other than wanting to kill. The consequence is the same – someone is dead – however the moral status is different as the motivation was different. The motivation in this scenario (where we see a Neo-Nazi preaching hate speech) is to protect Jewish people from being the victims of discrimination, something that we know can have severe consequences due to instances of injustice in the past. By acknowledging the suffering that has occurred before these events, I believe we are in a better position to act appropriately and with the necessary urgency and proportionality.

Much like in a just war discussion, the motivation behind our action is to prevent larger scale injustices from occurring. We cause some harm to nip the potential destruction in the bud. Discussing proportionality in her book *The Ethics of War and Peace: An Introduction*, Helen Frowe discusses the nature of self-defence and the way that we can deem lethally harming our attacker even if their attack on us was not going to be lethal to us. Frowe says that we are inclined to believe that being raped or tortured is of the same *magnitude* as being murdered, therefore the magnitude of the response (that is, lethally killing our attacker) is warranted¹⁵. Although killing our attacker is not an identical response

¹⁵ Frowe, Helen, *The Ethics of War and Peace: An Introduction*, Routledge: Oxon, 2011, p.10.

to what they have done to us, for example in the case of a rape, it is of an equivalent magnitude when we take into consideration the harm done by such attacks. I think this is particularly interesting when we consider the harm caused by discrimination such as anti-Semitism, racism, or homophobia as we have a historical model of the consequences of such behaviour (in other words, the mass suffering of marginalised groups). We can gauge that the suffering caused by Kristallnacht, for example, is of the same magnitude as being lethally attacked (living in fear, having your livelihood ripped away from you, your place of worship burnt down and being physically attacked) and therefore it requires the same gravity of response. Where we see an exhibition of the behaviours which were a precursor to Kristallnacht, we should consider acting in a manner which reflects the magnitude of such an event. By looking back on historical events, we can see the consequences of letting discrimination slip under the radar and the severity of consequences for marginalised groups when extremist ideology is allowed to seep into the mainstream. Violent ideologies such as Nazism call for harm to be done to marginalised groups such as Jewish people or Romani people. A consequence of this hate speech is for it to be actualised and therefore we should consider the magnitude of such consequences and act with this in mind

As we can look back on historical accounts of injustices, we can consider the level of severity of action that we believe may have been successful in quashing these extremists. As Frowe discusses, we are “forbidden from using more force than one has to in the course of defending oneself”¹⁶. If we were to look back on the hate speech and calls for harm against the Jewish community on the night of Kristallnacht, what level of force would we deem to be necessary, knowing what we know now about how key that event was to the unravelling of the Holocaust? I’d argue that physical violence would be a necessary and proportionate response as we know the gravity of hate speech. Allowing for extremist ideology to go unchallenged opens the door to further persecution, particularly as the Neo-Nazi actively calls for the destruction of Jewish lives. To form an analogy, punching Nazis is not pre-emptive in the way that removing all cars from the road to avoid traffic collisions would be. Rather, it is pre-emptive in the way that removing cars from the road that are programmed to cause road traffic collisions. We know the issue, we know the consequences, therefore

¹⁶ Frowe, *ibid* p.10.

we have the tools and evidence necessary to do everything in our power to prevent the event from happening. It follows that where we see these actions repeated in modernity we are tasked with the duty and responsibility to protect marginalised communities. This may be using violence as is necessitated by the understanding we have of historical events and nature of hate speech as a precursor to physical violence and potentially loss of life.

Moral Foundations Theory is a psychological attempt at understanding societal differences in morality, looking to explain “why morality varies so much across cultures yet still shows so many similarities and recurrent themes”¹⁷. There are five foundations that these psychologists, such as Jonathan Haidt, believe are the common themes that in combination can join to form the constellation of morality that we see in different cultures. The theory postulates that there are five foundations which form moral outlook of a culture, including:

“1) Care/harm: This foundation is related to our long evolution as mammals with attachment systems and an ability to feel (and dislike) the pain of others. It underlies virtues of kindness, gentleness, and nurturance.

2) Fairness/cheating: This foundation is related to the evolutionary process of reciprocal altruism. It generates ideas of justice, rights, and autonomy. [Note: In our original conception, Fairness included concerns about equality, which are more strongly endorsed by political liberals. However, as we reformulated the theory in 2011 based on new data, we emphasize proportionality, which is endorsed by everyone, but is more strongly endorsed by conservatives]

3) Loyalty/betrayal: This foundation is related to our long history as tribal creatures able to form shifting coalitions. It underlies virtues of patriotism and self-sacrifice for the group. It is active anytime people feel that it’s “one for all, and all for one.”

4) Authority/subversion: This foundation was shaped by our long primate history of hierarchical social interactions. It underlies virtues of leadership and followership, including deference to legitimate authority and respect for traditions.

5) Sanctity/degradation: This foundation was shaped by the psychology of disgust and contamination. It underlies religious notions of striving to live in an elevated,

¹⁷ Moralfoundations.org, last updated June 2021, <https://moralfoundations.org>. accessed: 27/03/22.

less carnal, more noble way. It underlies the widespread idea that the body is a temple which can be desecrated by immoral activities and contaminants (an idea not unique to religious traditions).”

The theory proposes that a combination of these psychological predispositions, some of which stemming from evolutionary reflexes, go on to form our cultural understanding of morality. From an ethical perspective, we might not be so interested in understanding the evolutionary and psychological causes for our moral inclinations. However, the five foundations do give us an interesting insight into the overlapping principles that different cultures and societies hold and yet each culture differs so much in their execution of these foundations. The foundation that I find most interesting, however, is more of a contender to the foundations rather than an actual foundation, however it is listed as being a good candidate. This foundation is Liberty/oppression. As the theory describes it

“This foundation is about the feelings of reactance and resentment people feel towards those who dominate them and restrict their liberty. Its intuitions are often in tension with those of the authority foundation. The hatred of bullies and dominators motivates people to come together, in solidarity, to oppose or take down the oppressor.”

This additional foundation works well with my theory that moral citizens are motivated to help others almost innately due to a predisposition to be weary of the dominator. From an evolutionary perspective this could be because of a long chain of weaker members of the community being subjugated by the stronger members of society and this fear has been bred into the population as the descendants of these weaker members of society. It could also be that an evolutionary characteristic we have is to learn from our past mistakes. It's better and easier for everyone to learn from our own and others' mistakes to be better and more efficient in our actions. Looking back at the harm caused by discrimination and subjugation we might feel it is best to act in our own defence as well as the defence of others. Therefore, this first criterion is important as it shows the importance of our intuition to stand up for marginalised people as we have developed a psychological and moral predisposition to learn from past events and protect the innocent. Our intuition to help vulnerable and marginalised people is founded in evolutionary

psychology, according to Moral Foundations Theory, therefore it would do us good to pay attention to this moral as it is the consequence of human nature.

So why does this criterion focus on marginalised people and not just all people, surely all people are worthy of protection in the face of assault? If we see two men on the street, both of which are white cis-gendered heterosexual men, yet one is hounding the other calling him terrible names, do we have no right to intervene? This criterion appears to demand that the only time we can intervene is when we are faced with a marginalised person who is at risk and that we have to turn a blind eye to any other form of injustice and therefore cannot use violence under any other circumstance. Certainly, I understand this criticism. I do believe the peace and sanctity of all people demands care, particularly where this is threatened. However, in this thesis I do not seek to provide a full explanation to where and when violence is morally applicable. I reserve judgement on our other decisions to intervene when we see harm being done under normal day to day circumstances such as a heated argument between friends. Rather, I focus on marginalised people as I think the harm that is incurred to these demographics stems from a long chain of injustice that plays into our responsibility to make amends for historical injustice, as I shall discuss in Chapter Three. Equally, I believe that there are other circumstances in which violence may be moral and necessary, such as self-defence or defence of a person at risk. If I saw a man being attacked in a park by another man, would I not stop to help? Indeed I would, and if protecting this man's life meant resorting to violence then I certainly would not be above doing so! However, this thesis looks to explain the moral motivation and urge to defend marginalised people against extremists such as Neo-Nazis, therefore the criteria is tailored to this experience, rather than as an attempt at explaining all violence and all violent desires.

But what happens if there is a new trend of intolerance and persecution which bucks the trend in that the target is not a traditionally targeted demographic? For example, there becomes a trend for targeting French people who live in England. The anti-French demonstrators dislike the French settlers as they accuse them of taking all the jobs in local off-licenses, drinking all the wine and for eating all the cheese. They call for the extradition of all French people back to France, otherwise their businesses will be burned to the

ground. They also encourage other non-French people to attack or insult the French whenever they see them, in an attempt to provoke French people to flee. Historically, the British have not persecuted the French purely for their frenchness. Absolutely, the British and the French have fought many wars, but there has been no attempt on either side to alienate immigrants from either side. So, when we hear this growing influx of hatred and intolerance, are we meant to just walk by because we haven't seen intolerance between these two groups before? My answer is no, particularly as the French people would then become a marginalised group in Britain because of this hatred. From history we can learn the stories of marginalised groups, such as the suffering that Jewish people have experienced, and understand the continuous chain of suffering has gone on the shape and mould their community. Where there isn't a history of complex relationships, we can learn the importance of thwarting extremism before it reaches its boiling point instead. This might be the approach we take if we considered the event of a non-marginalised group becoming a marginalised group. From history we learn from the trends of historical injustice and marginalisation and are therefore in a better position to judge the necessity of our intervention.

Another potential criticism of this criterion is that historical injustice is largely open to interpretation. Whilst it would appear that the facts and figures of historical events may paint a clear picture, individual interpretation of the meaning of such events may have victims claiming on either side of history. Though it would appear obvious that the Jewish community were victims in the Holocaust, the Victim Theory sought to defend Austria as the first victims of the Nazi regime and claimed that, as they were victims of the Nazis occupation, they were not responsible for the actions of the Nazis in Austria as they had lost autonomy through annexation. The victimhood of Austria was first communicated in the Proclamation of the Second Republic of Austria (the proclamation declaring Austrian independence from Germany), which claims the Nazi regime had "...finally been forced upon the helpless people of Austria through military warlike occupation of the country"¹⁸. The

¹⁸ Proclamation of the Second Republic of Austria (Vienna, 27th April 1945), Source: Austrian Federal Government (publisher). For Law and Freedom, a selection of the speeches of Federal President Dr. Karl Renner. Vienna: Österreichische Staatsdruckerei, [s.d.]. 391 pp. 9-12. Copyright: © Federal Chancellery 2004. Available in German <https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df->

Proclamation goes on to discuss the disintegration of Austria's autonomy in an attempt to further substantiate the claim of victimhood. Victim Theory sought to defend Austria against accusations of complicity by insisting that Austria had been led into the Nazi regime forcibly and that the general public were not in support of the Anschluss. As highlighted by David Art, "There was no challenge to the idea that Austria was "Hitler's first victim" until the presidential candidacy of Kurt Waldheim evolved into a debate about his, and by extension Austria's, Nazi past"¹⁹. In contrast to their previous stance on their involvement in the Holocaust, Austria began to acknowledge the role they played in assisting and facilitating the Nazi regime, as well as contributing to existing victim's funds, as well as establishing a new fund²⁰. Though this theory is no longer accepted within Austria, it provides an example the susceptibility of wrongdoers to gloss over their involvement in injustice in order to claim victimhood themselves.

We can also look to the Troubles in recent Irish history for examples of blurred lines when it comes to claims of victimhood. From a purely historical standpoint it would appear that the Irish Catholic population within Ireland had been subject to legal and social stunting at the hands of the British government, the army or their representatives in the authorities of Belfast. Centuries of British oppression of the Irish people lead to the bubbling and fractions of the 20th century, and in fact the Catholic community in N. Ireland remain an underrepresented and at-risk group in N. Ireland, highlighted in the use of gerrymandering in Derry in the 1960s²¹. On the other hand, Protestant/Unionist (as well as English) people may regard themselves the victims of I.R.A activity and regard the potential safe spaces allowed for nationalism as a display of the ideology which personally affected them.

[d066-4c08-a58a-d4686a3e68ff/19940f1c-07c9-41b6-a443-0f0b74c15042/Resources#a49eaade-2468-46fd-80ad-000d471beb0b_de&overlay](https://doi.org/10.1017/9781107304443.004) accessed: 23/04/2021

¹⁹ Art, David, *The Politics of the Nazi Past in Germany and Austria*, first published 2006, (Cambridge University Press) Page 9.

²⁰ Embacher, H.; Ecker, M. (2010). "A Nation of Victims". *The Politics of War Trauma: The Aftermath of World War II in Eleven European Countries*. (Amsterdam University Press), pp. 15–48.

²¹ For example, the gerrymandering of Derry distorted the allocation of social housing in favour of the Protestant minority in the city by limiting the representation of the Catholic community. Despite being two-thirds Catholic, this population was only represented by 8 Nationalist councillors, in comparison to the Protestant communities 12 Unionist councillors. For further information on the gerrymandering of Derry see: *Londonderry: One Man, No Vote* an informational issued by The Campaign for Social Justice in Northern Ireland, Dungannon, February 1965, available at: <https://cain.ulster.ac.uk/events/crights/pdfs/csj84.pdf> accessed: 23/04/21

Whilst history is largely open to interpretation, I do not regard this to be a major risk to this criterion. The Austrians living under the Third Reich, for example, had not been systemically and historically oppressed. Much like those who are the victims of I.R.A activity during the Troubles have not been systemically and historically oppressed. Jews, women, LGBTQ+ people, People of Colour and other minority groups have experienced this systemic and historical oppression. There are circumstances where one may become a victim, however if this is not due to characteristics which makes one a member of a marginalised group then I believe the permissibility of violent action in order to prevent such circumstances reoccurring is impermissible. Claims of victimhood in order to profit from violent protection must be confined to marginalised groups. It is on this that we must focus the attention. Where there has been a history of long-lasting foundational abuse, abuse for which individuals had to shape their lives around, and in particular abuse which has legal and social legacy. These characteristics are true of major systemic violence and abuse, however it is not true of domestic cases or cases pertaining to members of non-minority/marginalised groups. I shall later reiterate such a stance in the fifth criterion as I discuss the requirement that the injustice cannot be confined to a domestic setting.

Criterion Two:

2. The person engages in action which gives us imminent reason to be active in our response. For example, the person is preaching hate speech or assaulting a member of a marginalised community.

In his book *Just and Unjust Wars: A Moral Argument With Historical Illustrations*, Michael Walzer discusses the use of violence before the war has started and what is necessary for a first strike to be legitimate. He argues that “a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting, or doing anything other than fighting, greatly magnifies the risk”

is sufficient threat for the first strike to be moral.²² For our actions preceding a war to be moral, we must have a genuine pressing reason to act, according to Walzer. The party that we inflict our attack on must be active in their planning of assault or harm before we can justify an attack. I too believe this to be an important criterion when we consider using violence to protect marginalised people against violent extremists. Without first being threatened by an aggressor we become the aggressor ourselves. The important aspect of being the moral side in our scenario is the intention for peace to be maintained and fought for, and therefore violence may be used as a means of achieving this. If, however, we are inclined to give the first blow without any genuine indication of threatening behaviour, we become the aggressor and therefore are at risk of retaliation ourselves.

What can we be inclined to believe is an example of sufficient threat? As Walzer describes, “boastful ranting to which political leaders are often prone isn’t in itself threatening; injury must be “offered” in some material sense as well.”²³ No nations declared war on Donald Trump, for example, despite his boastfulness and the threat of his temperamental disposition. Though Trump was, arguably, quite delusional and extreme in his views, this did not form the foundations for a war. Had he been more extreme and overt in his ideological peddling, particularly regarding his opinions on Latin American people in the USA, other nations might have felt the need to intervene. I believe we should feel the same when it comes to intervening with extremists on a social level, rather than established political extremists such as Trump. Where there is a real and active threat posed by the violent extremists, we should absolutely act. Where the opinions of an individual are extreme but are not being flaunted publicly, where they are not part of an organised group posing an immediate threat to the community, we might feel that using violence under such circumstance is an overreaction and we might be better using other means to communicate our displeasure about such ideology such as discussion.

It makes sense that we could defend ourselves against violence by using violence, but do threats and hate speech count as the offerings of a material sense, as Walzer necessitates? I

²² Walzer, Michael, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, Penguin Books: Middlesex, 1980, p.81

²³ Walzer p.80

believe the answer to this is yes, where the hate speech is inciting violence and has the potential to cause real harm and there this harm is in the community. For example, if a group of Neo-Nazis are protesting on the street and argue that Jewish people shouldn't be allowed to live in England, that non-Jewish people should boycott their shops and be violent to them if they see them, I we should definitely act even if the Nazi doesn't *actually* hit a Jewish person. In contrast, I probably shouldn't hit my grandfather if he says something homophobic, for example if it were along the lines of homosexuality being "wrong". Whilst his opinion is damaging and outdated, so long as he does nothing to any gay people and doesn't use his opinion to cause harm then I don't feel violence would be a useful tool in that scenario. This doesn't mean that the comments are allowed to go by without being challenged. I should feel the responsibility to challenge my grandfather on his opinion and to state my disapproval, but violence would serve no constructive end in this circumstance. The difference between these two scenarios is that one has the potential to cause harm and threatens a marginalised group imminently and overtly, whereas the other, whilst insipid and cruel, does not cause that same level of harm. Furthermore, I agree with Walzer that threatening language on an international political level is not enough to be violent on its own. If the threats of invasion are verbal, for example, and there is no other reason to believe an aggressor would act on this (e.g., no militarisation or invasion), then the international community may choose to show disapproval in another way such as sanctions, but they shouldn't cause pre-emptive harm as it would be unjustified as the threat wasn't legitimate. Much like with just war theory, the threat of the aggressor determines the action of the defender and therefore the behaviour before war/violent action must be assessed for the conditions of *jus ad bellum*.

But is hate speech a threat? How can we consider hate speech to be a threat worthy of violence if we wouldn't consider declarations alone enough to be wage a war? I believe this is because of the potential harm caused by the spread of hatred within the community and the visceral fear that this can cause for people of marginalised communities. As we can see from the Holocaust, the gentle indoctrination of the community and the numbness to the horrors that they were perpetuating allowed for physical violence to ensue. Furthermore, the suffering that the Jewish community experienced in the 1930s and 1940s was not limited to physical harm. Before being deported to concentration camps or work camps, or

before fleeing the country, Jewish people had their social liberties removed from them. Their suffering was not confined to the physical harm they endured and, therefore, we should be sensitive to hate speech and declarations of intent towards Jewish people.

Criterion Three:

3. To be entitled to act the action must be carried out with good intention. For example, punching a Nazi on the street is not moral if the person who inflicted the punch did so for their love of violence, rather than due to the first and second criterion, or used the first and second criterion as a justification to inflict violence.

Originally when writing this criterion, I had thought it a necessary criterion that the agent be of good intention and good moral standing. The agent, I believed, must be a virtuous character who works on their moral development in line with a virtue ethical approach to morality. However, upon closer inspection I have begun to question what it is that is important when we consider a moral action. Is it that the action itself is moral, or that the agent who commits the action is moral? And if the action would be good if it was carried out by a virtuous agent, is it still a good action if it is carried out by someone less than virtuous? Is it that the intention of the agent is more important than the agent themselves? For example, if Jimmy Savile were to come face to face with the Neo-Nazis in our town centre, and if he gave the Neo-Nazis a hard time, would this action be good or bad? Arguably (following the premise of this thesis) if it were a good person who carried out this action, we'd be inclined to believe the action was moral, so should it be any different if a bad person does the same? As far as I am aware, Jimmy Savile was a sex offender and paedophile, but he wasn't an anti-Semite. So, do we count his actions against the Neo-Nazis as good if they were committed with the intention of preventing the harm of a Jewish person, without any ulterior motive? I am inclined to say that yes, this action was good even if the person carrying out the action was not of perfect moral status, so long as the intention was right and there was no additional benefit for the agent. In contrast to Jimmy Savile standing up to Neo-Nazis, we might be inclined to say that his interference in the Stoke Mandeville hospital was not a good action as he did so in order to be closer to vulnerable

people to hurt them. Where a bad person commits an objectively good action (e.g., helping build a new hospital for disabled people) for reasons other than altruism, we might conclude the action to be wrong.

Essentially, for the purpose of this thesis and deciphering the morality of violent action, I believe that the intentions of the agent should take precedent over the moral stature of the agent themselves. This is not to say we should encourage immoral people to indulge in violence, quite the opposite. However, we should celebrate intervention where the action is undertaken with a true and genuine intention of helping. That being said, we should encourage moral agents to strive for a moral life. This development of morality must surely include the opportunity to practice moral actions even before we have achieved moral-agent status. I believe the route to establishing this moral life is through a virtue ethical approach of learning and honing our skills as moral agents through action, allowing us to develop our moral skills, as I shall discuss further in Chapter Four: *Why Virtue Ethics?*.

A Just War Ethicist might respond that acting with the right intention, or even being a moral agent, is not enough to support civilians acting violently against violent extremists as they don't have the legitimate authority in order to act. As McPherson claims, "Political violence by nonstate actors is objectionable when they employ it on their own initiative, so that their political goals, violent methods, and, ultimately, their claim to rightful use of force do not go through any process of relevant public review and endorsement."²⁴ It could be argued that the issue with rogue vigilante action in response to a violent extremist/terrorist also follow the same logic. As we are endorsing civilians getting involved in violent action, we evade the necessary political intervention of the state. The state, in a fair and democratic society, is a reflection of the majority of peoples morals and beliefs, and therefore to ignore the will of the people is to remove their autonomy and integrity. There must be a legitimate authority that act on behalf of the community in order to materialise the will of the people and to live in a society with self-determination.

²⁴ McPherson, L.K., *Is Terrorism Distinctively Wrong?*, Ethics 117, No.3, 2007, p.542.

McPherson's argument itself is open to many criticisms. If the country is overrun with Neo-Nazis, does that not mean we can criticise it if they are the majority voice and if they are elected to power? Surely the popularity of an ideology has no direct correlation with its morality, otherwise we'd say that Nazism in the 1930s/40s was not immoral but was in fact simply a reflection of the morality of the time. Rather than a fixation on the political landscape being a reflection of morality, I believe we should promote an emphasis on good people acting in good ways, following our consciences rather than passing the buck to an establishment. The political system is, after all, a manmade structure, whereas morality is somewhat more organic in that we are naturally drawn towards the good. To the issue of legitimate authority, I would respond by saying that the non-violent-extremist *is* in fact enacting the will of the people. In a reasonable and moral society, we should all be sensitive to the consequences of radical extremism and terrorism and therefore be less likely to tolerate it. As a member of British society, it is my will and hope that we do not tolerate such extremism, therefore if someone else were to stand up to Neo-Nazis without state intervention I would be glad of this as they were acting with the intention of upholding the morals of British culture to be inclusive.

Criterion Four:

4. The proportionality of the violence must be assessed against its potential outcome. Where the risk is too big it may not be wise to inflict violence.

Violence can be a useful tool in a multitude of situations. It can be useful for self-defence, protecting an innocent person from harm or assisting in defending a nation from an aggressor. That being said, the usefulness of violence is also dependant on the application and necessity of violence being used. Where violence is used unnecessarily, or where a disproportionately large or small amount of violence is used, the outcome may not be as intended or may even have a detrimental effect. Therefore, before we act we must consider how far we should go in defence of what we feel is right, and we must assess if we believe this stretches to violence.

So how do we determine whether we are acting proportionately to the threat? This is a question that Just War theory attempts to answer, and whilst we are discussing conflicts and infringements between civilians rather than between nations, I think it is useful to draw parallels between the two. Just War theory attempts to set the parameters for the appropriate use of war to achieve ones ends. Before a state can consider going to war justly, they have to consider whether the action would meet the criteria of jus ad bellum. As Frowe discusses, this is essentially whether a state has a just cause for going to war and is made up of seven conditions. These conditions are:

1. "Just cause;
2. Proportionality;
3. A reasonable chance of success;
4. Legitimate authority;
5. Right intention;
6. Last resort;
7. Public declaration of war."²⁵

The condition most relevant to this criterion is Proportionality. Essentially, this condition of Just War seeks to reduce the risk of unnecessary wars being waged due to an excessive response in proportion to the threat. Whilst it isn't relevant to this thesis to discuss in detail the potential threats that might qualify as extreme enough for a war to be waged, there is one threat that is largely accepted as a universal reason to engage in war. This is the threat to sovereignty. As Rodin discusses we may "simply assume that war is always a proportionate response to unlawful use of force which threatens to take away the sovereignty of the victim state."²⁶ Whilst Frowe describes this approach of deeming all threats to sovereignty as "philosophically unsatisfying"²⁷ I think it poses an interesting conclusion when we consider our moral responsibility to protect marginalised people whose personal sovereignty is impacted on by extremist groups. I believe that we can draw a parallel between Neo-Nazis as the aggressor nation and Jewish people as the nation whose sovereignty is at risk. Threatening a states' sovereignty is wrong as it threatens the authority of the state and the political representation of the inhabitants. In the same way, when a

²⁵ Frowe p.50.

²⁶ Rodin, David, *War and Self-Defense*, New York: Oxford University Press, 2002, p.115.

²⁷ Frowe p.55.

Neo-Nazi promotes their ideology, they encroach on the social and political freedoms of Jewish people. Even where these Neo-Nazis have no *real* power to inflict any of the things they want (for example, they don't have the power to remove the right to vote from Jewish people) they have the *will* to cause such harm and therefore there is always the potential for such harms to be enacted. Therefore, we should feel the same towards the infringements promoted by a Neo-Nazi as we should an invader state that seeks to remove the sovereignty from another state – we should resist this.

As Walzer argues “Aggression is a singular and undifferentiated crime because, in all its forms, it challenges rights that are worth dying for.²⁸” This claim, I believe, also reflects why violence may be a proportionate response to violent extremism as the rights that the Neo-Nazis are attempting to limit are in fact worth dying to protect. The limitation of rights and freedom naturally impacts the quality of life of those affected. Freedom to choose what we do, who we mix with, the jobs we do, where we live and who we choose to marry is the essence of human life. We like to have a choice, to feel as though we are free to do what we want to do (even from a deterministic perspective, the illusion of choice might just be enough). When we look back at Holocaust, the suffering was not limited exclusively to the immense physical deprivation and punishment. The suffering also had constituent parts made up of fear, confinement, limitation and social persecution. Being confined to ghettos, made to wear stars, limited in the jobs they could choose and restricted in the people they could love and marry, Jewish people suffered more than simply physical abuse. And we acknowledge this, we are aware of this suffering, we know how the events leading up to the death camps conspired, so we must do all we can to prevent this from happening again as these social and political freedoms are worth dying for. Therefore, violence in the face of violent extremism is proportionate as the freedoms that they wish to restrict are the cornerstone of human flourishing. As the rights that Neo-Nazis wish to strip away from marginalised people are worth dying for, I would argue that it logically follows that violence may be used to defend these rights as violence is not as extreme as death itself.

²⁸ Walzer, p.53.

A Pacifist might respond that there is in fact never a proportionate response that should include violence, with hard line pacifists even disagreeing with violence as a means of self-defence. Cheyney Ryan discusses this in his article "*Self-Defense, Pacifism, and the Possibility of Killing*". Ryan argues there isn't even room for killing in self-defence because of a contradiction in which we believe a Victim has a right to cause harm due to a threat of harm being put on them by an Aggressor. When we acknowledge equality in both the Victim and the Aggressors right to live, it is infeasible that we should allow a Victim to take the life of the Aggressor even where their own life is at risk²⁹. Every person has the right to life, so to take this, even in self-defence is wrong. According to Ryan, acting violently towards a violent extremist would not be reasonable, despite their violent ideology, because the rights of the Jewish person and of the Neo-Nazi are equal. They both deserve to live free of infringements, therefore, to infringe on the Neo-Nazi would be unfair. Whilst I understand this, I believe we can't always take a pacifist approach. Certainly, on paper it sounds noble and fair. All people should be created equal, with an equal right to live a fulfilling and peaceful life. However, this isn't always the case. In fact, the Neo-Nazis are the ones creating this inequality and upset, and therefore we have a duty to prevent this from affecting the lives of marginalised people. To believe that we shouldn't respond to the ideology which cost the lives of millions in the Holocaust because the Neo-Nazi and Jew are equal is delusional, unrealistic and cowardly. Whilst it might be argued that a proportional response would be an attempt to engage in dialogue, something which I accept but will defend the role of violence in Chapter Six, to disregard violence entirely is unfortunately unrealistic and idealistic.

Criterion Five:

5. The case must be relevant to the community and cannot be limited purely to domestic settings. For example, though domestic violence (in this case against women, for example) is abhorrent and can be tied to the historical abuse of women, it does not impact the community imminently. Domestic abuse has other factors rather than simple discrimination.

²⁹ Ryan, Cheyney C, '*Self-Defense, Pacifism, and the Possibility of Killing*', *Ethics*, Vol.93, No.3, April 1983,P.510

This criterion highlights the necessity of the injustice taking place in the community, rather than in domestic settings. It could be argued that this criterion is a corollary of the preceding criteria, particularly criteria one and two, as it follows that for there to be historical precedent it has to be a continuous chain of events (for example, the slave trade leading to Jim Crow laws leading to discrimination against Black people in America) that impacts on a whole community, whereas abuse in a domestic setting does not have the same impact on the community or future generations as a result of historical injustice. Due to this I had toyed with the idea of making a separate 'desirable' category for this criterion because of the potential overlap with previous criteria however I decided against it because I do believe the point needs to be made clearly for the guidance of an acting agent, as well to add clarity on the nuances in differentiating between injustices we can act violently in defence of versus not act violently in defence of. I do feel that it begs clarification as for some marginalised and infringed-upon groups, their abuse in a domestic setting may in some ways overlap with the wider cycle of injustice that the racial/social group with which they belong also suffer. For example, domestic abuse in the home inflicted by a male upon a female may be said to link to the disproportionate power dynamics experienced by women throughout history. One could argue that a chain of historical male power and subjugation of women is embodied through male resentment towards women, as well as toxic masculinity which manifest themselves as violence towards women. Should violence within the home be unrelated to a historical system of subjugation and gender disparity, we might expect to see similar levels of abuse being inflicted by men on women as by women on men. However, as Women's Aid highlights, abuse in the home is largely gendered: "For the year ending March 2016 to the year ending March 2018, 74% of victims of domestic homicide

(homicide by an ex/partner or family member) were female. This contrasts with non-domestic homicides where the majority of victims were male (87%). (ONS, 2019).³⁰

Whilst I do believe this to be an extremely relevant and prevalent social issue in today's society, for the sake of this argument I must dispose of such social issues as the lines are more blurred than inflicting hatred upon an entire group. As instances of domestic violence are exactly what they are called – *domestic* – it is harder to understand the nuances which have led to a violent or hateful scenario. Whilst it may be true that women have been, and in many circumstances continue to be, marginalised members of the community, there is great difficulty in asserting the cause of such hatred in a domestic setting. Should we imagine a scenario where a man is beating his female partner (though this is not to say that men are never the victims of domestic violence – rather it is that they are not a marginalised group and therefore would not fit this scenario), the underlying issues causing such a scenario may be linked to a history of male dominance and female oppression or a societally-created need to control women, this is not clear. It could be that the male partner inflicts violence upon his female partner under the guise that she spends too much money, for example. Whilst it seems impossible to remove the underlying issues of male oppression and toxic masculinity from the events at hand, it is not that the male partner is beating the female partner *because* she is a woman or *because* he hates all women, or at least so it may not appear to his conscious mind. As the underlying biases are discriminatory, I believe there must be a wider attempt for society to break down these masculine stereotypes and empower women until equality is achieved.

³⁰ Women's Aid, *Domestic Abuse is a Gendered Crime*, available at: <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/domestic-abuse-is-a-gendered-crime/> accessed: 23/04/2021

To reiterate, it would appear that the key issues differentiating cases in a domestic setting versus in a social setting are two-fold. The first is that the person inflicting the violence may be doing so due to unconscious biases rather than a conscious hatred for an entire marginalised group. The second of the differentiating factors is that the violence isn't imposed upon a whole group, rather it is imposed against an individual. The circumstances of abuse may be different if a husband beat his wife in front of people whilst declaring that he hates all women and that all women should be subjected to similar violence. In a circumstance such as this it would appear that the man has both conscious hatred for a marginalised group, promoted the hatred on a marginalised person in front of people, and imposes a threat to all women as his hatred is not limited to the characteristics of one person but to a whole social group.

Within a domestic setting there is not the imminent risk to a community, rather the boundaries between the victim and the assailant become more personal rather than linked to social structures of abuse and marginalised identity. The coincidence that one happens to belong to a marginalised group does not entitle one to a personal bodyguard. Unfortunately, in reality all people may be subject to unfortunate circumstances and abuse at some point or another, whether belonging to a marginalised community or not. Secondly, there are circumstances such as the one previously outlined in which, though the violence has been largely confined to a domestic setting, should the hatred stem from characteristics which are limited to a marginalised group and the assailant is aware of this hatred/bias, then violence is eligible to be inflicted. Where there becomes a risk to a marginalised person/community on the basis of characteristics which make them marginalised, for

example being a woman, then there would be the right to violent defence from a moral agent. The risk must such that it is demonstrable that this could have an adverse effect on a community in order for the situation to become eligible for moral violence.

Despite domestic injustice not necessarily fitting the criteria to qualify for violence on the grounds of defence against violent extremism, that doesn't mean we should do nothing where we see instances of domestic violence, for example. Self-defence and defence of the innocent and vulnerable is still admirable and necessary at times, however this thesis is concerned with setting the boundaries for which we might feel inclined to act violently in defence of marginalised communities against violent ideologies, therefore the criteria are not designed to be inclusive of all types of violence. This does not mean that action under these circumstances may not be moral or admirable, and I am certainly not saying we should allow violence against women to occur simply as it happens in a domestic setting. I am, however, distinguishing between the circumstances in which the violence occurs and the prompt that we might need to decide to act violently against a Neo-Nazi or equivalent, as opposed to a domestic setting where the prompt for action may (or may not) be different to the criteria laid out in this thesis.

Additional Criteria?

6. "The agent must not act alone. To use violent action, the agent must have the support of other agents."

The goal of this criterion would be to serve as an additional measure of the rightness of an agent's intuition that violence is applicable and moral in the situation. When acting alone there is the risk of making a poor decision as dialogue and discussion may shed a new light on the situation or aid an agent in deciphering the proportionate response to an action. By having another person tell us that we are doing the right thing we might feel more confident in our decision to act. Furthermore, it prevents lone agents, or even extremists of another nature, from overreacting to the Neo-Nazis and potentially causing more harm than good for members of the marginalised community. Therefore, we limit the risk of a negative outcome by having other agents to confer with and to confirm that the intuition of the agent is right.

Though I can see the benefits of having the reassurance of others before making a big decision, I fear that in making this a requirement it limits the potential good that one individual can make in the face of adversity. Mass acceptance of an ideology or viewpoint does not make it morally right and the consensus of the majority does nothing to limit the risks and consequences of hateful ideologies. Living in a small town with 'traditional' values based on Christian heteronormativity does not make homophobia or islamophobia acceptable, even if everyone in the town has the same opinion. If there is one person living in a town such as this who disagrees with the general attitude of the towns people that gay people should face persecution then surely it is better for them to stand up and make their opinion known, regardless of the reception of the other towns people. Should this person keep silent simply because there was no one around them who shared their opinion then there could be no open dialogue or opportunity to open the minds of the other people in the town and the opinion of the LGBTQ+ ally is not wrong simply because there are no other

people voicing a similar opinion. Rather, it appears sometimes people on the fringe and minority can be the ones to spark change by standing up and using their voice. Rosa Parks may have been advised not to refuse to give up her seat to a white man if she had asked for the opinion of those around her before acting, and yet her lone act of courage inspired the local Black community to form the Montgomery Bus Boycott³¹. The brave actions of individuals working alone can encourage the mass action of the community which in turn brings about the greatest social change and I fear that the inclusion of this criterion would prevent the revolutionary potential that one moral agent has.

³¹ For more on Rosa Parks' actions see History.com at <https://www.history.com/topics/black-history/rosa-parks>, last updated Jan 19, 2021.

Chapter Three: Defending Marginalised Communities- The Historical Case.

Over the past 400 years, international relationships have been fraught with the abuse and subjugation of non-European countries/cultures by imperialist nations such as Britain, France and the Netherlands. These relationships have left some nations/groups at an advantage, continuing to profit from the spoils of injustice, whilst the abused nations continue to suffer economically and socially. Catherine Lu discusses this fact in her book *Justice and Reconciliation in World Politics*, highlighting the undeniable impact that historical injustice has had and its recent recognition, with fourteen Caribbean countries calling upon “the former slave-owning nations of Europe – principally Britain, France, Spain, Portugal, The Netherlands, Norway, Sweden and Denmark – to engage Caribbean governments in reparatory dialogue to address the living legacy of these crimes.”³² The suffering caused by unfair power dynamics does not just affect the international scene. Rather, the social injustices which prevail from a dominator’s complex survive within the European nations themselves, continuing to affect those who belong to social/racial/religious groups that suffered as a consequence of the historical domination and persecution. By this, I mean that modern society has swallowed the rhetoric of superiority, continuing this through the abuse and hostility towards those who do not fit the face of westernisation – in other words those who are not white Christians. The rhetoric of superiority which has superseded the historical injustices has come about due to the persecution of marginalised groups, which has then been passed down from one generation

³² Lu, Catherine, *Justice and Reconciliation in World Politics*, p.145, quoting The Caribbean Community (CARICOM) Reparations Commission Press Statement, December 2013, http://caricom.org/jsp/pressreleases/press_releases_2013/pres285_13.jsp

to the other in the way of a family heirloom³³. Each generation either imparts a confidence in its identity, or a lifelong fear of abuse and trying to fit into the white social structure. These historical injustices and relationships of dominance continue to have an effect on society, reflected in the institutional and systemic injustices, such as anti-Semitism and racism, that today's marginalised people endure.

Even when removing economic factors from the equation, marginalised people (such as those belonging to a minority ethnic/racial/cultural group) are still at a disadvantage. Whilst economic hardship is a potential risk to any person, though arguably some groups more than others, there are hardships that poor non-marginalised people will never have to endure simply because of their identity. A white cis-gendered heterosexual man will never have to worry about the consequences of coming out as transgender, or fear when entering their place of worship that they may be subject to an attack. For marginalised people, living in fear of discrimination and attacks is a very real part of life that non-marginalised people do not have to consider or navigate. This is not to say that non-marginalised people can't suffer at all, but rather that they are less likely to suffer as a consequence of *who* they are.

In this chapter, I intend to provide the motivational factor behind why a non-marginalised person should feel compelled to act. I will argue that the current abuse that marginalised people experience is due to an ongoing chain of historical abuse which is then inherited by each generation as either an advantage or a disadvantage. This chapter is not concerned with financial or material redistribution as reparation, rather I will argue that

³³ As discussed by Janna Thompson. Thompson, Janna, "Historical Injustice and Reparation: Justifying the Claims of Descendants." *Ethics*, Vol. 122, no.1, (The University of Chicago Press), 2001, p134

marginalised people inherit not only a socio-economic disadvantage but also a social disadvantage. This social disadvantage is due to the impact of non-marginalised people's mistreatment of marginalised people, stemming from a long chain of historical events which have shaped attitudes towards certain groups and the distinctions formed between different people which has led to the development of social identities themselves. Unlike economic hardships which a marginalised person may have the ability to overcome themselves through education and employment, a marginalised person cannot simply will the non-marginalised community to like them as the hatred comes about simply because of a person's identity. As a result, the responsibility of change lies within the non-marginalised community in order break the cycle of abuse. As non-marginalised people continue to profit from the cycle of oppression, the whole of the non-marginalised community has a responsibility to protect marginalised people and rid the community of injustices. Furthermore, it is simply a matter of moral conscience that a person should not be happy if they can see that there are people around them who are unjustly suffering. I therefore argue that marginalised people should be brought up to the same level of privilege as the non-marginalised community as would be the case had there been no historical relationships of domination.

I might not be marginalised, but why is it my responsibility?

Being encouraged to act in the defence of marginalised people is all fine and well, but why should we do it? If I am not an active contributor to the hate speech, if I have habituated a caring and tolerant nature and would never personally discriminate, why is it my responsibility to do any more than that? And why shouldn't I just leave the marginalised

people to stand up for themselves? These questions may crop up when attempting to allocate the social responsibility primarily to one group, and not unfairly. On the whole, people don't like being told what to do. When people choose to act, they like it to be of their own volition, rather than a responsibility or requirement. Unfortunately, in reality there are responsibilities or difficulties which appear to be assigned to us purely on the basis of who we are. Black people living in predominantly white countries such as the UK or USA, for example, may be subject to racial attacks or discrimination on the basis of characteristics that they can neither change nor should want to change.

From country to country the extent of the discrimination varies, with arguably more institutionalised racism in America than in the UK, reflected in statistics regarding police brutality and shootings of Black people. As noted by NAACP (the National Association for the Advancement of Colored People), Black Americans "make up 13.4% of the population, but make up 22% of fatal police shootings" in comparison to white people who make up "a little over 60% of the population, they only make up about 41% of fatal police shootings." On top of this, "5% of illicit drug users are African American, yet African Americans represent 29% of those arrested and 33% of those incarcerated for drug offenses."³⁴ These statistics reflect the additional difficulties and dangers that Black people face in a country struggling to overcome its historically racist past, simply because one was not born in a white body. Aside from a structure of injustice and prejudice based on identity, there is no reason to explain why such a minority of the population would so overwhelmingly be persecuted.

³⁴ NAACP, *Criminal Justice Fact Sheet*, <https://www.naacp.org/criminal-justice-fact-sheet/> accessed: 08/05/21

Members of minority or marginalised groups cannot simply wish away the disadvantages they experience, rather they learn to live with the potential ramifications of being who they are. The main question is, why do injustices such as racism or anti-Semitism occur? It isn't as though there is a hate group for every community or culture. White people, at least in the Western World, aren't discriminated against purely because of their whiteness, on the contrary white people profit from their whiteness. So how can it be that there is a tendency to persecute or discriminate against some groups, but not others? The answer to this, I believe, is due to chains of injustice as I shall further explore.

It is not controversial to say that European countries have behaved and committed acts which a modern civilised country could not reasonably imagine doing. Society looks back on these international abuses such as slavery, the Holocaust and apartheid with horror. Yet, these abuses were all for the benefit the white population, to the detriment of marginalised or minority racial/ethnic/religious groups. At the time, these atrocities benefitted the white community, and therefore this advantage has been passed down from one generation to the next. The atrocities themselves only occurred with the intention to benefit a select sect of the community to the disregard of others. In taking from other nations, cultures or individuals, European nations profited themselves. They then take this advantage and pass it on to the privileged groups within their European nations, and this is passed from generation to generation. A particularly prominent example that comes to mind of the continued profiteering from injustice is the case of the Tate & Lyle sugar company in the UK. Despite opening for business in 1859 by which point the slave trade had been illegal in Britain for 52 years, the business undoubtedly profited from slavery in some manner as they were importing sugar from the Americas where slavery was not abolished

until 1865, though the company themselves have denied their role in the profiteering of slavery³⁵. Though the company themselves did not hire slaves, they were involved in a trade which overlapped with slavery. The decision to work in such an industry cannot be seen to work within a vacuum and must therefore take into consideration the international landscape of sugar production. The company has survived over 150 years, passing this wealth and benefit from one generation to the next, but one must question if the business would have been viable had it not been due to the reduced sugar costs thanks to unpaid captive labour.

The inheritance argument reiterates this as a reason to be in favour of reparations for historical injustice. Boxill explains this argument using an account in favour of reparations for the descendants of slavery. He claims that the victims of slavery were themselves entitled to seek reparation for the injustice they had suffered, something which was never given to them “But present day African Americans are the slaves’ heirs. Consequently, supposing that they have inherited rights to whatever their slave ancestors were entitled to, it follows that they have rights to the reparation that the government owed its slave ancestors but never paid.”³⁶ This argument essentially states that had the victims of slavery been given the appropriate reparations, this would then have been passed down from one generation to the next as with standard inheritance. It makes sense that should I become rich, I will pass those benefits down to my children and so on, providing the appropriate use of funds. This therefore goes on to benefit my descendants through a chain

³⁵ BBC News, Counting the Cost of the Slave Trade, <http://news.bbc.co.uk/1/hi/business/6422721.stm>, accessed: 08/05/21

³⁶ Boxill, Bernard R., ‘A Lockean Argument for Black Reparations’, *The Journal of Ethics* 7, (Kluwer Academic Publishers), 2003, p.67

of inheritance. On the other hand, where the reparations have been withheld, there is the ongoing chain of deprivation as a result.

It may be argued that it is for an individual to break the cycle of poverty which they may find themselves in, that each person is given the opportunity to do with their lives as they please and that with all the generations separating the present generation from their slave ancestors there has been the opportunity to break the cycle of deprivation. But what if the thing being inherited isn't related to socio-economic standing? It appears that the victims of historical injustices inherit more than the outstanding debt owed to their ancestors. Rather, they inherit a social disadvantage. This disadvantage is the continued persecution or abuse on the basis of racial/cultural identity. Being born Jewish means that a person is at risk of anti-Semitism, something that a non-Jewish person can never be the victim of purely and simply because they were not born Jewish. A Jewish person does nothing to incite this hatred other than simply being born into the religious, racial or cultural category of Jewishness. Going to school, being educated, getting a good career and making a good standard of living are things that are within one's control may contribute to breaking the cycle of socio-economic injustice that marginalised people may face, yet they are not going to change the perception of the those who are anti-Semites. Rather, this issue resides within the non-marginalised community and is not something that can be willed to change by the marginalised or minority group.

The attempt to understand the social responsibility factors underlying historical injustice is called the structural approach. The structural approach to understanding injustice argues that there are social factors which hold some members of the community

back. As described by Iris Marion Young, “Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them.”³⁷ Essentially, structural injustice is a pattern of abuse in which some members of the community profit, whilst others continue to be persecuted and abused. Reiterating Young’s theory, Lu argues that the structural approach “posits that it is because all contemporary agents are *burdened* by historic injustice- in the form of structural injustice- that they have responsibilities.”³⁸ Rather than focusing on the accumulative losses that descendants of victims incur, the structural approach focuses on “continued patterns of exclusion, domination, subordination, exploitation, and the marginalisation that are reproduced by contemporary social structures and relations”³⁹.

The structural approach, therefore, posits that we have a duty to act not because of who our ancestors were or what they may have done, but simply because there is the continuation of such abuses today which allows some members to profit whilst others continue to suffer. If I know that in my receiving something I am causing the deprivation or suffering of another, through no just cause related to autonomous choices, it would be unjust for me to profit. For example, if I apply for a job and the candidate next to me has an equal educational background, the same level of experience and is an appropriate candidate for the job too, we are pretty much in a tie. If I get the job simply because I am white, whilst

³⁷ Young, Iris Marion, ‘Structure as the Subject for Justice’, *Responsibility for Justice*, (Oxford Scholarship Online) 2011, p.9.

³⁸ Lu, p.148

³⁹ Lu p.149.

the other candidate is rejected on the basis of being Black, it would be unfair of me to accept the job. Prejudices outside of our control (i.e., our race), that are founded on a chain of historical injustices, would have been the deciding factor and therefore it would be immoral of me to continue to profit from the structures of oppression which hold others back but profit me unnecessarily.

Now imagine the injustices are individually targeted at members of a marginalised community. If I see a neo-Nazi abusing a Jewish couple on the street, purely on the basis of their Jewishness, it is clear that this is a factor beyond the control of the couple. A fight hasn't erupted because the couple were caught littering, or because they bumped into someone. Rather it is a one-sided attack purely on the basis of their race/cultural identity. I, as a non-Jew, profit from a level of security due to my non-Jewishness. I can walk by and get on with my day and pay it no more thought. The anti-Semitism will impact my life in no negative way – it does not limit my work or educational opportunities, it does not frighten me and make me less likely to leave my home or community setting, it doesn't impact on where I can live or the peacefulness of my home environment. This is because the hatred is directed towards the couple purely and simply on the basis of identity that one can neither choose nor should want to change. These abuses form a causal link to the wider community. Prejudices, whether spoken or unspoken, determine the potential opportunities open to different members of the community based on their identity. It therefore follows that where a door is closed to a member of a marginalised community, it is opened to a non-marginalised person purely because the pool of potential candidates for good things is reduced.

Aside from the potential material/financial gains that non-marginalised people hold over marginalised groups, there is the social aspect regarding the fear and extra difficulties that a marginalised person may face. This injustice is perpetuated by the non-marginalised communities, in other words the white people of Europe, as a result of the historical injustices of colonialism. For example, the rhetoric of European nations 'civilising' parts of Africa creates a narrative of superiority of how the white person does things. Should you view both cultures as equal to one another it would be impossible for one to dominate another. Domination occurs where there is a complex of superiority. As Butt argues, "Rather than imagining a world where there were no such interaction, this article maintains that the appropriate counterfactual is one where relations between different communities were characterized by an absence of domination and exploitation"⁴⁰. Had there only been international relations of a mutually beneficial nature, there would be no need to decimate a culture and take all the resources possible to benefit a different nation.

My argument is that, had there been no relationships of domination, there could be no reason to look at another nation or culture as inferior. The current structures of abuse and attacks upon marginalised people would have no foundation had the rhetoric of superiority not been developed and perpetuated as a consequence of international domination. Furthermore, if the rhetoric of hatred not been linked to historical political endeavours there would be no good reason for the hatred to suddenly surface today. If my neighbour and I have a mutually beneficial agreement in regard to sharing our garden tools, there is no reason for me suddenly to hate my neighbour unless one of us breaks the

⁴⁰ Butt, Daniel, 'Repairing Historical Wrongs and the End of Empire', *Social and Legal Studies* 21 (2), (Sage Publishers), 2012, p228.

agreement and attempts to create a better scenario for oneself at the detriment of the other. It follows that those in charge of creating and perpetuating historical injustices have profited on the susceptibility of the general population to go along with their abuse. We can trace back the abuses against marginalised people that we see today to historical injustices. For example, the introduction of racial equality into British legislation only occurred in 1965 with the Race Relations act⁴¹. Before this point, had you not liked Black people, you could simply deny them the right to employment or housing in favour of white people. These prejudices in Britain would have been a continuation of the mistreatment of Black people from the time of slavery and colonialism, with the rhetoric of uncivilised overseas populations being heavily perpetuated. The susceptibility of the British people to systemically abuse Black people is due to the continued profit it brings to the white community. As I have previously mentioned, if you remove a whole race or culture from your hiring pool, for example, you increase the likelihood that a white person will be hired.

It therefore could be argued that as I claim that current abuse against marginalised people could have no cause without historical injustices, my argument takes a counterfactual approach to understanding the racism and discrimination of today. As Butt argued, had we imagined a state of affairs where countries had worked alongside each other for mutually beneficial purposes, there would be no reason for stereotypes and the rhetoric of superiority to emerge. There is no good reason to hate someone on the basis of their identity at any time but had there been no historical chain of events there would be

⁴¹ Race Relations Act, 1965, accessed: <https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/collections1/race-relations-act-1965/race-relations-act-1965/> accessed on: 10/05/21

absolutely no reason for such widescale abuse, as well as the socio-economic difficulties that marginalised communities face, to suddenly surface.

This is where I believe that a form of inheritance plays a role in the current ethical responsibility of non-marginalised people. Whilst the structural argument focuses primarily on the responsibility that non-marginalised people have because of the current structures of injustice, I do believe a historical approach must underpin this. Janna Thompson discusses the motivation behind responsibility, using Rawls' "family lines" argument to defend the case of inherited responsibility⁴². Thompson takes Rawls' claim that "...those in the original position who are determining principles of justice for their society could be thought of not simply as individuals but as representatives of 'family lines'" and therefore act not only on behalf of ourselves, but on behalf of "at least two generations"⁴³. Thompson interprets this to have two potential outcomes for the division of responsibility. The first is communicated by Rawls himself, that we care for our future generations and are therefore predisposed to accumulate resources in order for them to inherit them. The second reason for responsibility, though not specifically communicated by Rawls, is that family networks play a significant role in the "moral and psychological development of children, and, thus, in the perpetuation of just institutions."⁴⁴ What Thompson communicates here is the responsibility that we have towards future generations because of the overall power of our mentoring to influence the behaviour of our descendants. How we choose to behave or what we choose to believe in is passed from one generation to the next, therefore we have a responsibility to behave in a moral manner oneself. As our private beliefs go on to

⁴² Thompson, p.123

⁴³ Ibid, p123.

⁴⁴ Ibid, referencing Rawls.

influence our descendants in their moral outlook, they will also go on to influence future generations and the structure of a just society.

Thompson also relates family lines to our identity as part of a culture. From one generation to the next, families communicate the stories of their ancestry or simply convey what a sense of identity and 'self' is to that group of peoples.⁴⁵ Within all cultures there are traditions that are passed down from one to another. There are world outlooks and ways of behaviour that differ between different groups. I argue that this is how the hatred is passed from one generation to another. Non-marginalised white people have never been a marginalised group. Their ancestors were fed the rhetoric of superiority, as well as stories of uncivilised non-white people. These stories of superiority have fed into a complex system represented in the social structure as well as the economic structure. From one generation to the next, the ability to dominate and subjugate marginalised people has continued as an aspect of white identity. This is not to say that all white people persecute, however all white people have profited from the additional comfort and security that comes from being white.

But it isn't my fault if I inherit a privilege, so why should I take on the responsibility to fix it? As previously stated, one has a responsibility to act due to the unfairness of some inheriting an advantage versus a disadvantage. My societal luck in not being born to an abused community does not make me any less a part of the social structure, and the susceptibility of non-marginalised people to simply sit back and accept the spoils of injustice perpetuates the cycle. Other than the social responsibility to act for the greater good of the community other than oneself, non-marginalised people aren't really missing out on

⁴⁵ Ibid 134.

anything. My argument in favour of the social responsibility of white people to stop the cycle of abuse is not subject to the same objections as if I was arguing in favour of material and financial reparations. White people wouldn't be losing anything at all by promoting the equality of all people. Thompson cites George Sher's claim that, "descendants of victims of injustice ought to be restored to the level of wellbeing that a related group of persons would have had if the injustice had not been done"⁴⁶. As we all live in the same community, under the same legal and political structure, we should expect that we all have the same rights and opportunities regardless of our race or religion. This, however, is not the case. I am therefore arguing in favour of marginalised people being brought up to the same level of privilege and advantage that non-marginalised people experience. This does not require anything other than the constant conscious effort to build a better society that all members of a moral society should aim for.

An Issue of Control?

One might question whether giving the power of responsibility to white/non-marginalised people is paternalistic. It might be said that empowering the type of people who have historically been the ones to dominate and belittle other cultures/peoples runs the risk of perpetuating a cycle of domination. By encouraging non-marginalised people to be the fixers of societies issues, one must consider the risk of infantilising marginalised people. Often, the onus is put onto the marginalised people to resist the injustices and attempt to make change themselves. Melvin Rogers called fellow Black Americans to "...not

⁴⁶ Thompson, p117

look despairingly upon the past because it overdetermines our present; neither do we need to see the past as anchoring a long arc of injustice or an inevitable march towards progress. We can instead say simply that there is work to be done and that it is ours to do."⁴⁷ Should we give too much power to the demographic that appear to dominantly hold the social power, we risk the perpetuation of white voices being heard above all other communities. By allowing the non-marginalised community to rewrite the social code, we may risk the exclusion of the consideration of marginalised communities and their voices.

Whilst there are aspects of this with which I can sympathise, I think arguments of paternalism may be more directed to instances regarding systemic social and economic issues which are reflected in policy. It could be argued, for example, that in giving too much socio-economic help the agents attempting to come to terms with an imperialist past instead remove some of the marginalised communities' free will to make a life for themselves. Extremist groups such as Neo-Nazis dislike a select group of people purely on the basis of characteristics beyond their control. A Neo-Nazi dislikes the Jewish community plainly and simply because of its Jewish identity. This hatred stems from a system of oppression, developed and perpetuated by the non-marginalised people, which is then forced upon the marginalised community. The marginalised community suffer the consequences of these actions, however they do not contribute to the incitement of hatred in any way. The issues instead lie within the non-marginalised community, and the non-marginalised community alone. As there is nothing that a marginalised person can do to

⁴⁷ Quoted from Lu, p.172. Rogers, Melvin, *What Good is History for African Americans?*, The Boston Review, <http://bostonreview.net/editors-picks-us/melvin-rogers-what-good-history-african-americans> accessed:10/05

change their identity to fit with the ideals of a Western society, it follows that it is the Western society that must change its ideals and approaches to non-white people.

I would take a different approach if we were considering the methods of memorialisation necessary to help communities heal and get over the atrocities that have taken place for them. For example, encouraging ex-Nazis to be the ones to design Holocaust memorials would be ridiculous. An aspect of memorialisation for the Jewish community after WW2 was to be able to remember, compartmentalise the pain and to have a symbol that reflects their Jewishness to the rest of the world – unapologetically. Holocaust memorials are not there for the benefit of making ex-Nazis, or even the German people, feel comfortable. It is a means of an attacked group finding ways to deal with the atrocities that have happened to them in order to give them some chance of surviving the horror. There are actions which, when undertaken by the marginalised community, may be necessary for them to be able to grieve and move past the suffering. However, where there is the perpetuation of historical injustice by the non-marginalised community, I cannot see how this is the responsibility of the marginalised person to do the leg work to resolve community issues.

One must firstly ask, what is it that a Neo-Nazi doesn't like about Jewish people? In a nutshell, they don't like them *because* they are Jewish. This understanding of what a Jewish person is comes from a long chain of subjugation and stereotyping, in bedding a villainous idea of Judaism into those susceptible to such persuasion. For the Nazis there were no 'good' Jews. You were classified on the basis of 'racial' or religious factors and persecuted accordingly. Regardless of individual characteristics or achievements, all Jews suffered

simply because of their identity. So how do we expect a Jewish person to take responsibility for Nazism and seek to break the cycle of oppression? Shy of asking people to change their racial/religious/cultural identity, it seems there is little that a Jewish person can do to be liked by a Nazi. One might encourage a 'hands across the barricade' approach as comically depicted in Lisa McGee's *Derry Girls*, in which Protestant Boys and Catholic Girls meet during the Troubles to attempt to break down boundaries and understand each other by pointing out their similarities⁴⁸. The difference is that there are significant cultural and religious differences separating a Neo-Nazi and a Hassidic Jew, for example. For those outside of the Hassidic community, it might seem that there is a complex array of traditions, and the Hassidic person and the Neo-Nazi may find that they have very little overlap or similarities in their lives at all. This isn't a bad thing. The issue lies with the Neo-Nazis attempt at homogenising society. It is difference that Nazism dislikes and, unfortunately for the Nazis, there is a great variety of different lifestyles across the globe. Shy of asking Jewish people to just stop being Jewish, it would appear to me that there is very little they can do to make the Nazis like them. Rather, the issue lies with the non-marginalised community which creates a safe space and perpetuates the ongoing cycle of injustice by allowing it to be heard and freely spoken.

Acknowledging and Accounting

Furthermore, we know the effects of such injustices by looking back on our modern history. Where the hatred is allowed to bubble up, it leads to atrocities like segregation or

⁴⁸ *Derry Girls*, Channel 4, s2ep1.

the Holocaust. As a modern and developing community we have a responsibility to ensure that these events do not repeat themselves. These injustices are in no way fuelled or contributed to by the marginalised community themselves, it is the consequence of white extremism. As argued by Michael Ridge, we can benefit the dead (for example the original Holocaust victims) by ensuring the benefit to their descendants⁴⁹. According to traditional accounts discussing the victims of injustices, a descendant may only be entitled to reparation if they are worse off than had the injustice not occurred. This poses an issue for descendants of injustice who would otherwise not be alive, had it not been for the injustice occurring. Had slavery have not existed, many African Americans would not exist today as their ancestors would not have been trafficked out of Africa. So, whilst their ancestors experienced suffering, they would not have existed without this suffering therefore they are better off than had the injustice not occurred, for without this injustice they would not have existed at all, and *surely* existing is better than not existing? This creates a strange paradigm in which the descendants of victims should almost be grateful for the experience that their ancestors had, because without this they wouldn't exist. This feels like a strange conclusion, furthermore it is unsatisfying that the potential rewards or reparations that slaves should have received for their labour/suffering is simply kept and profited on by the descendants of persecutors. Ridge attempts to bridge this gap between the benefit of being alive that a descendant experiences if we could go as far as to say that being alive is better than never having been born, because we don't know if we haven't been born but we *do* know if we are born into terrible circumstances and the suffering and injustice that their ancestors experienced. Intuitively we understand that the torture that victims of slavery experienced

⁴⁹ Michael Ridge, *Giving the Dead Their Due*, Ethics, 114, 2003, p42-44..

should have been rectified in a manner that in some way reimbursed the slaves for their work and suffering. This did not happen, and their ancestors are 'better off' simply for having been born, so how are we to rectify the gap between an unfulfilled duty of reparation towards enslaved people and a descendant who does not qualify for historical reparations from their ancestors? According to Ridge, we should give reparations to the descendants as a way of paying dues to their ancestors. We have a responsibility to ensure, for the original victims as well as the potential victims of future attacks, that no such atrocities should be continued again. As summarised by Ridge:

“The main ideas here are (i) that duties of reparation require us to benefit the victims of our injustices, (ii) we can benefit the dead by promoting the satisfaction of their desires, and (iii) most people strongly desire that their descendants flourish. So if a collective agent (like the United States) owes a duty of reparation to the dead victims of historical injustice (like slavery), then the collective could provide reparations by benefitting the descendants (through programs like affirmative action).”⁵⁰

In a similar way that we feel a duty towards those who died at war, for example, erecting monuments and providing widows pensions, we have a duty to the legacy of those who suffered historical injustices by providing their descendants with the necessary financial, social and political reparations. As humans we have the natural desire to protect and benefit our descendants, so in order to honour the dead we should protect and reimburse descendants of injustice. This, in turn, can benefit those descendants who may continue to be marginalised and disadvantaged as a consequence of the historical injustice, even if they do only exist as a consequence of this injustice.

⁵⁰ Ridge, p.42

Finally, I must note that whilst a large amount of the literature surrounding historical injustices pertains to the struggles and injustices faced by the Black community, largely in the USA, this does not mean that the same logic cannot be applied to other minority or marginalised groups. The discourse surrounding injustices faced by the Black community in the USA are helpful as they can provide a clear chronological journey starting with the enslavement of Black people, leading onto Jim Crow laws and onto the current attitudes, disadvantages, and stereotypes that modern Black people in the USA must face today. This is not to say that other racial or religious groups don't have the same continuous chain of suffering that Black people have, rather it's that we aren't necessarily *aware* of the chain which precedes the suffering that we see marginalised groups endure today. The previous arguments that I have laid out regarding responsibility due to historical injustice also apply to the Jewish community due to the continued chain of persecution, for example stereotypes surrounding Jews and money come from the history of Jewish people working in banks or as moneylenders as the Christian population were prohibited from lending money to create interest by the Christian Church (usury laws). As these rules did not apply to the Jewish community as they were not part of the Christian faith they were the person you would meet when lending money. Obviously it's easy to blame the person who is lending you money or to hate banks as it's not nice to be in a position where you have to borrow money, however this disdain for banks and lending easily mutated into a hatred of Jewish people themselves, allowing for the stereotypes surrounding Jewish people and money that continue today. We can see a logical chain from the usury laws of Europe in the Middle Ages to the stereotypes that the Nazi regime promoted surrounding Jews and

money, leading on to the continued false narrative surrounding Jewish people and money. Therefore, all the same arguments made regarding the responsibility of non-marginalised people to fix historical injustices for Black people can also be applied to Jewish people, and so backs up my claim that non-marginalised people and profiteers of historical injustice must step forward to protect the Jewish community, as well as other marginalised groups.

Conclusion-

In conclusion, I believe the historical motivation behind non-marginalised intervention stems from the inherited advantages that we as non-marginalised people continue to experience, reflected in the ease with which we are allowed to live our social, political and economic lives in comparison with those who come from marginalised backgrounds. We inherit a responsibility as we also inherit the spoils of colonialism and imperialism which, though we view as immoral practices, do not seem to break the cycle in order to give marginalised people a fair advantage. Therefore, I argue that non-marginalised people (white people of non-marginalised backgrounds, in other words) should act in the defence of marginalised people in order to rectify the ongoing inherited social issues which negatively impact upon the lives of marginalised people, to the benefit of the non-marginalised community. This is not to the detriment of the non-marginalised community, rather we are seeking to elevate all members of society to the same level of advantage and privilege so that the shackles of historical injustice may finally be shaken off.

In the following chapter, I shall discuss the moral motivation underpinning this thesis and why I believe the approach we should look to mirror is a virtue ethical approach.

Chapter Four: Why Virtue Ethics?

Our understanding of goodness can vary greatly depending on the scenario we are evaluating. We might change our definition of goodness if we are discussing a person, rather than an action or an object, and the definition of good might also vary depending on who you ask to define it. The Cambridge Dictionary describes 'good' as something "Very satisfactory, enjoyable, pleasant, or interesting"⁵¹. From a linguistic perspective, we might think of 'good' as a passable example of a behaviour or object, but we might not think of it as highly as if it were excellent. Arguably, the colloquial use of the word 'good' varies from its philosophical use. For a virtue ethicist, goodness might be described as the desire to align oneself with the characteristics which will lead to human flourishing, to choose the virtue between vices and to be on a journey of self-development, honing one's practical wisdom in order to become a better person⁵². Goodness in this sense is to attempt to achieve perfection in our particular characteristics, behaviours and skillsets through the acquisition and habituation of exemplary good behaviours.

I would describe a good person as one who makes an active and conscious attempt to behave in a manner which should aid the development of virtuous characteristics. These virtues include humility and kindness, justice and courage, with an empathy for those around us. To be good is not simply to have a sunny disposition or to find oneself in situations where the outcome is good by chance. Rather, I believe goodness or the attempt to be good is achieved by conscious decisions to better oneself and the people around us.

⁵¹ <https://dictionary.cambridge.org/dictionary/english/good> accessed: 1/06/21

⁵² Aristotle, *The Nicomachean Ethics*.

This is an attitude that Michael Slote shares, arguing that it is the intention of the agent which contributes to its morality⁵³.

I would also argue that being a good person is not coincidentally avoiding bad situations. I certainly don't think you keep a clear moral conscience or are a 'good' person simply by avoiding situations which might challenge you or put you at risk of making a bad decision. By walking by and allowing Neo-Nazis to preach hate speech and harass Jewish people in your town centre, you are not keeping your conscience clear by avoiding making a difficult decision. Rather, you're morally ambivalent if not actually implicated in the injustice and the injustices that may follow on from it. For goodness to exist there has to be a conscious decision to right the wrongs one comes across and to develop try to curate a desirable set of characteristics which make this decision making second nature.

I would not argue that there are a set of rules that must be followed in order to make someone a good person, whether that be Kantian deontology or religious rules. Rather, circumstance dictates the right course of action in many scenarios and therefore requires an attuned mind with good intentions in order to bring about the best scenario. As Aristotle points out, "We deliberate not about ends but about means", in other words we may be aware of the goal that we wish to achieve, but we have to use our reason to decipher the right course of action in order to achieve it⁵⁴. To oversimplify Kant's argument on truth telling, if we imagine that we are hiding a Jewish man in our loft and the Nazis ask

⁵³ Slote, Michael, 'Virtue Ethics', in Marcia Baron, Philip Pettit, and Michael Slote, *Three Methods of Ethics*, (Oxford: Blackwell), 1997, pp. 175–238

⁵⁴ Aristotle, p.44, 10.

where he is, we must tell the truth and admit that we are hiding someone, as to tell a lie is to deny the Nazi his basic human dignity. This seems totally counterintuitive when we consider who it is that we'd be lying to and what then goal of hiding a Jew is, it seems that telling the truth in such a situation implicates us in a morally bad decision. I also wouldn't argue in favour of a Utilitarian approach to assessing the goodness of a scenario. The outcome isn't solely responsible for the good intentions or actions involved. For example, if I donate a large amount of bread to my local food bank, but it turns out that everyone in the local area is gluten intolerant, that doesn't make my action *bad*, it makes the outcome unfortunate but the action itself still good so long as I acted with the right intention and without the knowledge that everyone in the local area is gluten intolerant. Granted, a more nuanced version of Utilitarianism would argue that it is the foreseeable outcome which counts when deciding the moral value of an action, not the actual outcome. However, it is the person, their intentions and the actions that they take in an attempt to bring about a good situation that counts in both a virtue ethical argument as well as this thesis.

As I shall discuss in this chapter, the learning and habituation of good behaviour cohabits well with my argument in favour of moral violence as our first intuition may be one which is shocked by the notion of violence. It may be that it is only upon closer inspection that we can see the benefits of violence, something which takes practical reason and an aptitude for virtue in order to gain truth. Furthermore, part of being a good and moral person is to be concerned with not only oneself but with the happiness and wellbeing of others and therefore we should work to allow others around us the same opportunity at achieving happiness as ourselves. Having provided a brief outline of my understanding of goodness, I feel that the obvious ethical approach which reflects this best is a virtue ethical

approach. In this chapter, I will first discuss the notions of virtue ethics and how this model of ethics fits with my argument for active and moral agents. In the second section I will discuss why I believe virtue ethics to have an advantage over Kantian or Utilitarian approaches and why I believe that a virtue approach serves as a better fit for active response.

What is virtue, and how does it mesh with violence to protect the marginalised community?

The Western conception of virtue ethics can largely be accredited to the Ancient Greeks, with particular emphasis on Aristotle's *The Nicomachean Ethics*⁵⁵. Despite falling out of fashion, virtue ethics has experienced a resurgence of popularity following the works of G.E.M Anscombe in the second half of the Twentieth Century, with her notable essay "Modern Moral Philosophy"⁵⁶, published in 1958. Since this resurgence, virtue ethics has gained a substantial following, with many different interpretations to the different elements of virtue, such as what is meant by eudaimonia and what the key virtues are. As described by Russ Shafer-Landau, it is an ethical theory that "will typically place a kind of explanatory priority on the virtues of character, rather than on moral rules of conduct... Actions are morally good, for instance because they exemplify virtuous character traits, and not because they conform to some already-specified moral rule."⁵⁷ In other words, virtue ethics has no set of rules that an agent should follow in order to be a good person, rather they are

⁵⁵ Ibid, Aristotle.

⁵⁶ Anscombe, G.E.M., 'Modern Moral Philosophy', *Philosophy*, vol 33, no.124, (Cambridge University Press, 1958), pp.1-19.

⁵⁷ Shafer-Landau, Russ, *Ethical Theory: An Anthology*, Second Edition, (Singapore: John Wiley & Sons inc., 2013), P.612.

a good person because they exemplify desirable characteristics. These characteristics don't just come to us as second nature, rather we use our practical reason to determine the right course of action, and we look to those who we admire to mirror their good behaviour.

Therefore, to be a good and moral person, we must actively work towards achieving these desirable virtues and habituating them so they become a part of our nature.

In *The Nicomachean Ethics*, Aristotle describes a theory of virtue in which citizens attempt to reach the highest good – eudaimonia – by habituating virtues and developing their practical reason. The development of virtues doesn't guarantee that you will reach eudaimonia, however it is necessary that you develop virtues in order to reach flourishing. Capuccino provides an insight into the Aristotelian understanding of happiness and claims that “For Aristotle, eudaimonia is an activity (energeia), not a state of mind, and an activity in accordance with the virtue (kat'areten), exercised over a life time in the presence of a sufficient number of external goods.⁵⁸” In other words, virtue is not simply to have a sunny disposition, rather it is to actively seek out the good and translate this into action. Virtue is not just to want to be good or to understand what goodness is, but to identify goodness and consciously try to live in accordance with the values of goodness. In order to decide upon what a virtue is or to understand the right course of action we must use our practical reason (phronesis) which is “the result of cognitive teaching; in addition, our choices are directly affected by our ethos, the habit of character given by the moral virtues (and vices) formed and grown up with age”⁵⁹. It is clear from this that virtue ethics does not expect anyone to

⁵⁸ Capuccino, Carlotta, 'Happiness and Aristotle's Definition of Eudaimonia', *Philosophical Topics*, vol.41, no.1, (University of Arkansas Press, 2013), p.3

⁵⁹ Capuccino, p.4

know the right way to achieve flourishing without first experiencing a lifetime of development and practice.

For Aristotle, eudaimonia is the 'perfect' good as "no one choosing it is aiming at something else, so it will also be self-sufficient because it is perfect"⁶⁰. We don't choose to live a lifestyle in the hopes of achieving happiness or flourishing with the hopes of using this happiness or flourishing for another end. Rather, we choose eudaimonia because it is the complete end to human existence and is perfection in itself. The eudaimonia that Aristotle describes is focused on the flourishing of the individual rather than the community, however I would argue that it is necessary for the community to flourish in order for the individual to flourish. It feels logically unsound to believe that to reach eudaimonia a person must have cultivated their virtues and crafted a good internal nature, yet that this same person can have a disregard for those around them. Surely to be good or virtuous we cannot be selfish, and therefore must have an external outlook (i.e. we are not solely concerned with ourselves but rather we consider others) when it comes to the happiness of others. Therefore, it appears to me that for the individual to flourish there must be, at the very least, an attempt to bring those who suffer to the same level of comfort as themselves. As Aristotle himself points out "that man is by nature a political animal, and a man that is by nature and not merely by fortune citizenless is either low in the scale of humanity or above it"⁶¹. I believe it logically follows that to reach eudaimonia, a moral agent must have the best interests of others at heart as well as their own health and wellbeing and therefore, as

⁶⁰ Capuccino, p.9

⁶¹ Aristotle, *Aristotle in 23 Volumes*, Vol. 21, translated by H. Rackham. (Cambridge, MA, Harvard University Press; London, William Heinemann Ltd) 1944, Pol. 1.1253a

a social and political animal, should seek to better those around them. John Hacker-Wright shares the same conception of what it is to be a good person and argues that “Exploitation of weakness and vulnerability make one bad; being disposed to scrupulous protection and preservation of the weak and vulnerable are praiseworthy traits.”⁶² It seems impossible for a truly good or moral person to be happy if they have a true concern for those around them yet do nothing to act on this concern or help better those around them.

It is for this reason that I believe virtue ethics promotes, if not necessitates, that agents be involved with the community and the wellbeing of others. Essentially, the aim of human existence is to reach eudaimonia – the highest good. In order to reach this good we must acquire a selection of virtues and practical reason. Part of being a virtuous person is to not be selfish or overly engrossed in one’s own wellbeing, but to also care about those around us. As eudaimonia is an activity we must be active in our approach to achieving eudaimonia. As we can’t be selfish and reach eudaimonia, it follows that we find active ways to promote the happiness and flourishing of those around us. As some members of the community experience restricted ability to achieve happiness due to external influences (such as racism or anti-Semitism), we must actively try to correct the systemic injustices in order for the community, and therefore ourselves, to flourish.

In her essay ‘Modern Moral Philosophy’ Anscombe reinvigorates virtue ethics, moving past a purely Aristotelian approach. She argues that rather than describing our responsibilities in a moral sense, we should discard this and instead use “such notions as

⁶² Hacker-Wright, John, ‘Moral Status in Virtue Ethics’, *Philosophy* vol.82, no.321, (Cambridge University Press), 2007, P.463

‘unjust’⁶³. This shift from using the rather abstract term ‘moral’ to more concrete notions such ‘unjust’ allows for a wider variety of potential actions due to the additional clarity that notions of justice provide. By this I mean that it can appear that we might be constrained by the notion that something is *morally* right or *morally* wrong as though this is some inherent characteristic of an action or belief, which relies upon the understanding of the agent to decipher what it is to be moral. Furthermore, an agent could have a skewed sense of what morality is and how this translates into action. On the other hand, if we choose to follow notions of justice, for example, our notion of goodness would vary based on the individual scenario. Anscombe uses the example of using someone’s property to block a fire from spreading⁶⁴. Under normal circumstances, taking a person’s belongings and setting them alight would be unjust. However, where there would be a greater injustice should the fire be allowed to spread, the claim of injustice for the man losing his property to avert disaster is nullified. The claim that Anscombe makes here is similar to the argument that I am making in favour of justice. It is unjust to randomly punch a stranger in the face with no prior aggravation or justification, however if this action protects a marginalised person from a much larger injustice which affects a whole community, then the violence is just and justifiable.

This is where Anscombe creates the distinction between something that is *intrinsically unjust* versus *circumstantially unjust*⁶⁵. If something is circumstantially unjust, it is unfair based on the situation. For example, in the case of sacrificing a man’s property to stop a fire from spreading, it would seem that this is a circumstance in which an individual

⁶³ Anscombe, p.15

⁶⁴ Anscombe, p.15

⁶⁵ Anscombe, p15.

may feel wrongly done by but is necessary to prevent further damage and potential loss of life. Under these circumstances, the burning of a man's property ceases to be unjust. This is different to something that is intrinsically unjust. If something is intrinsically unjust it is unjust in all circumstances and by all intentions. Being the victim of anti-Semitism is a clear example of something which is intrinsically unjust. There can be no justification for such hatred and the hatred can form no positive end. Even for the anti-Semite themselves, there is no positive outcome of perpetuating such an ideology. In a situation such as the town-centre scenario that I have previously discussed, it is intrinsically unjust that a marginalised person should have to suffer at the hands of an extremist, whereas it is only circumstantially unjust that a person should have to experience violence. Should an onlooker react violently towards the anti-Semites, as I believe they should, the claims of injustice are essentially nullified in the same way as the man's claims of injustice regarding his property can be nullified. Essentially, there has to be a sacrifice somewhere and thus the Neo-Nazi must surrender their claims of injustice because, when weighted against an intrinsic injustice, their claim of injustice is less significant. The same might be applied to an onlooker who suffers collateral damage (for example, a non-marginalised person who gets accidentally caught in the crossfire of a punch intended for a Neo-Nazi). Using Anscombe's distinction, the moral position of both a Neo-Nazi and a bystander are equivalent as they both experience the violence as a consequence of circumstance, in comparison to the intrinsic injustice that marginalised people experience. We might feel inclined to believe that the bystander has a greater reason to complain at their circumstances being caught in the crossfire, however we cannot argue that they have been treated unjustly, much like we cannot believe that the Neo-Nazi has been treated unjustly. The unjustness of the situation

comes from the intrinsic injustice perpetrated against marginalised groups, rather than circumstantial injustice.

As I briefly described in the introduction, I do believe that for morality to exist there must be a conscious decision to act in a moral way and to will the best possible outcome. A moral or virtuous person would not avoid bad situations by either wilful ignorance or through a lack of concern simply to save themselves the bother of working to be a moral agent. I am aware that sometimes people can have the right intention when they avoid a difficult situation, for example not wanting to stand up to the Neo-Nazi in case it turns out they are in fact the ones in the wrong or in case they accidentally align themselves with a different extremist group through association, however this fear is founded on a lack of practical reason. It appears clear to me that there is a hierarchy of importance when it comes to justice and our fundamental rights as people and sometimes it is necessary to take risks in order to provoke change.

Phillipa Foot discusses the difference between types of duties that align with my argument in favour of action over ambivalence. The first type of duty is a “*negative duty* (a duty of non-interference, of not causing injury)”⁶⁶. This would be our duty not to go about punching people in our day to day lives, to not harass strangers on the street, etcetera. Rather than being an active responsibility of action, it is the responsibility to *not* do something. This is in contrast with our “*positive duties* (duties of bringing aid to others)”⁶⁷. These duties are to actively make right the wrongs we might see around us, in this instance it would be to stand up to the Neo-Nazis we see on the street, even if that included

⁶⁶ Kristjánsson discussing Foot. Kristjánsson, Kristján, “Virtue Ethics and Emotional Conflict.” *American Philosophical Quarterly*, vol. 37, no. 3, (University of Illinois Press) 2000, P.196

⁶⁷ *Ibid*, p.196

violence. In a scenario such as coming face to face with a group of Neo-Nazis we are faced with both negative and positive duties at the same time, however where there is conflict of duties we must side with our positive duties (however a virtuous agent will always evaluate the scenario on a case-by-case basis anyway). Yes, we have a duty not to cause harm to others, but the duty to stop the suffering of others and provide aid must come above this negative duty. Therefore, a virtuous agent who uses their practical wisdom would be able to identify that the right course of action when faced with extremism is to protect marginalised people against their rights being infringed upon as this is an intrinsic injustice.

Another reason it doesn't seem possible for a virtuous person to remain on the fence is because they should be looking at agents that they admire to mirror their behaviour and character. As Linda Zagzebski argues, "A wrong act = an act that the *phronimos* characteristically would not do, and he would feel guilty if he did = an act such that it is not the case that he might do it = an act that expresses a vice = an act that is against a requirement of virtue (the virtuous self)"⁶⁸. The same can also be said in the reverse – if a *phronimos* (a person who exemplifies *phronesis*) would act in such a way then we can assume that the action is moral as this person has developed the necessary virtues in order to differentiate between right and wrong. When we think of scenarios which relate to marginalised people, in particular the Jewish community, we have a multitude of historical scenarios regarding the maltreatment of these people. When we think of the Jewish community we are aware of the injustices they have faced for centuries due to anti-Semitism and we are acutely aware of the horror that was the Holocaust. From these

⁶⁸ Zagzebski, Linda, *Divine Motivation Theory*, (New York: Cambridge University Press, 1996), 2004 P.160.

scenarios we are aware of what can follow from anti-Semitism, and we are also given exemplars of justice fighters who tried to save and protect the Jewish community. Partisans, for example, are celebrated as heroes of the war, fighting at their own risk and acting not due to a duty to their state or country but out of good conscience and an acknowledgement for what is right. Luckily, we have these models of morality to emulate and can take on the level of responsibility that they assumed in WW2 in our modern fight against anti-Semitism. We can all acknowledge the bravery of partisans and wish we could display the characteristics of bravery and fortitude that they had, and the use of violence does not detract from their virtue. It follows that a virtuous agent would mirror themselves on active social and political agents and therefore reach the same conclusion in regard to action.

But can you really be virtuous and use violence? The answer is yes for a number of reasons. The first is that the hierarchy of justice as described by Anscombe and the difference between something being *circumstantially* unjust versus *intrinsically* unjust may necessitate us to act to defend against intrinsic injustice. The second is the importance of prioritising our *positive duties* to protect the innocent over our *negative duties* to not interfere. It might be suggested that negative duties do not hold when the scenario involved the threatening of an innocent person, however I believe the point is more that we have a negative right not to be interfered with and therefore a negative duty not to interfere with others. The duty refers not to the circumstance specifically, rather it's a reversal of a right that we have. This right/duty to protect a right can obviously be superseded to protect a higher priority of right. The third reason is simply that, if we can imagine a scenario in which our action will lead to flourishing then the action is morally right. This is the claim of Kristján Kristjánsson. He argues that "an action is morally right if and only if it is an exercise of a

moral virtue, the virtues being considered those character traits a human being needs to achieve eudaimonia in the Aristotelian sense: to flourish or live well.⁶⁹ When I conceive of what is necessary for myself to flourish I also consider what is necessary for other members of the community to flourish, as it seems superficial to be happy or content whilst others around me are suffering. When I conceive of what is necessary for my Jewish friends to be happy, for example, I acknowledge that a world without racism or justification for past injustices would allow them to live a life of equivalent comfort as mine. For this to be the case, we must work to rid the world of such injustices. If I can conceive of a scenario in which my violent action against a neo-Nazi creates an atmosphere of hostility towards such ideologies and therefore prevents its spread, which in turn protects the Jewish community and increases the likelihood of us all flourishing, then this action is morally right. Where the violent action is carried out for the advancement and protection of innocent people, I believe there is a claim to be made that this is virtuous.

Furthermore, I believe it is conceivable that by acting violently towards a Nazi you are actually aiding the Nazi in their journey to eudaimonia also. Should I destroy the banners of a Neo-Nazi in my town centre, or even punch them, I might just be giving them the necessary wake-up call to understand that their beliefs are not tolerated within the community and that they will face resistance. If there were enough people vocalising their distain towards members of extremist groups, it might encourage these Neo-Nazis to question their ideology. Obviously, I think it would be naïve to believe that in standing up to a Neo-Nazi you give them an immediate wakeup call and save them from their cultlike belief

⁶⁹ Kristjánsson, p.193.

system, but even if the action aids this realisation in one person or stops someone who was otherwise going to join the group then this must be a good thing. Furthermore, it aids those who would potentially be drawn into the rhetoric of hostility to realise that this is not tolerated and is in fact morally wrong, therefore educating them on virtues of compassion and tolerance *before* they have to be rescued from the cult-like ideology of Neo-Nazism.

In conclusion, a virtue ethical approach fits best with the motive of this thesis (to demonstrate that violence may be used to morally protect marginalised groups) as it focuses primarily on the characteristics of a moral agent, rather than on external factors such as rules or potential outcomes of actions. This focus on moral agents and striving for human flourishing serves as a means to benefit the individual, however it also focuses on other members of the community. As I have discussed, I don't feel that a moral agent can be selfish and therefore an agent who is striving to be a better person will also take on the responsibility of bettering and caring for others. Furthermore, concepts regarding duty and hierarchies of responsibility (such as that described by Anscombe and Foot) provide a guide for a rational agent to help them discern between different priorities. Finally, virtue ethics allows us to learn from both past mistakes and past fortunes, encouraging a rational and moral agent to learn from those who inspires them to habituate their good characteristics. This fits well with my theory that violence can be moral as we can see from past instances, such as Partisans, that sometimes destructive behaviour serves as a benefit for protecting the vulnerable and that it can be both moral and honourable.

Why choose virtue ethics over other theories?

In the previous section I gave an explanation as to how I believe virtue ethics fits with a theory which that allows for violence in the face of extremism. In this section, I wish to explain why I believe virtue ethics provides a comprehensive account as to why violence may be used in the face of extremism and the specific benefits that using a theory of virtue provides. I believe that virtue ethics has an advantage over other ethical theories (for example Kantian deontology or Utilitarianism) because of its emphasis on the characteristics and internal goodness of an agent. This focus on the internal goodness of an agent manifests itself in three primary ways. The first of these is that a theory of virtue encourages people to look inwards and break down their destructive misconceptions about others, secondly this internal change provides us with a better chance at making sustained change for the community, and finally as virtue ethics prioritises practical reason it allows for agents to make decisions which we might not see as intrinsically or immediately moral but that serve a moral purpose (i.e., being violent). With each of these reasons I believe that virtue can provide a satisfactory moral motivation and I shall demonstrate this by contrasting a virtue ethical approach to a Kantian approach, however I do not intend to provide an in-depth critique of Kantian theory as I feel it would be impossible to do justice to the theory, as well as the fact it would provide no real additional motivation for choosing virtue ethics.

As demonstrated in section one, virtue ethics focuses on the character of the agent and the development and habituation of virtuous characteristics. This is the key advantage that I believe virtue ethics holds over other theories, such as Kantian deontology or utilitarianism. Rather than focusing on the rigidity of rules or rationality, or calculating the

potential happiness/lack of suffering that an action might bring about, virtue ethics trusts agents to make decisions that are based on human emotions and values, allowing for a tailored response to every scenario. By encouraging citizens to become moral agents through the habituation of virtuous behaviour, virtue ethics puts the agent at the centre of the decision-making process as they have developed the necessary tools to be able to differentiate between potential courses of action in order to choose the best route to take. Rather than being weighed down by the somewhat impersonal nature of rule following or outcome calculation, a virtuous agent will intuit the best course of action based on the virtuous emotions and humanity that they have developed and acquired over time. This leads to both a more human approach, but also a more subjective approach as every individual can tailor their behaviour and responses to the issues that arise in their community in order to quash the disadvantages and therefore pass these advantages to the next generation. As virtue ethics relies on learning from admirable role models in order to pick up virtues, it follows that with each generation there are more virtues and virtuous people to be able to take inspiration from and therefore with each generation the level of happiness and likelihood of achieving eudaimonia for the community should accumulate and grow.

I believe that character and intention are key motivations behind our behaviour and an individual's character (whether we deem them to be a 'good' or a 'bad' person) can tell us whether we are inclined to class their *actions* as 'good' or 'bad'. When a person of 'good' character acts, we might be more likely to overlook the potentially negative side effects of their actions than if the same actions had been carried out by a person of 'bad' character. For example, imagine a person of good character goes to stand up to a Neo-Nazi and tries to

punch them, but instead of hitting the Neo-Nazi they accidentally hit a bystander. When this is done by a good person, we can confidentially assume that this wasn't the outcome that they wanted or intended to happen because that would not be morally motivated. When this is done by a person of bad character, we might be more likely to condemn them, to wonder if their intentions could have *really* been to intentionally hit an innocent bystander. Whether the intention was the same, the outcome feels *intuitively* different depending on the character of the person who acted. By placing the individual and their character at the forefront of determining morality, virtue ethics encourages agents to develop those skills, but also allows us a more nuanced and subjective approach to whether we can trust or believe in the morality of the actions someone might commit, rather than being reliant on rationality, rules or equations. It essentially boils down to the moral toolset that a person may have in order to increase the likelihood of carrying out an action which will contribute to the cultivation of eudaimonia. For the sake of analogy, I will liken virtue to intelligence/knowledge. If a person was to assassinate a random man in 1932, we might deem this as immoral. However, if this person assassinated was Adolf Hitler, and the assassination was carried out by a time traveller who knew the consequences of Hitler's continued existence, we would view this through entirely different lenses. This is because the time traveller had the necessary skillset to make the right decision and, therefore, we can trust their decisions. We can feel likewise about the skilled virtuous agent – they have the tools and therefore we can trust their decision making and be inclined to believe their actions to be moral, or at the very least morally-intended.

A key motivating factor behind whether we can judge an action to be moral, as I have discussed, is the character and intention of an agent in their actions. Rather than being

dictated to by rules and equations we should use our developed virtues to bring about the best potential outcome. On the other hand, Kantian ethics focuses on the use of our rationality in order to guide us in the right way of living, rather than on emotions or virtues. Kant argues that, rather than submitting to moral/political/religious authorities on the right way to behave or to be moral, we should instead use a faculty which we all have – an ability to criticise using our pure reason. As Kant discusses in the *Critique of Pure Reason*:

“Our age is the very age of criticism, and everything must submit to it. Religion, on the strength of its sanctity, and legislation, on the strength of its majesty, try to exempt themselves from it; but they thereby arouse a just suspicion, and cannot claim that sincere respect which reason grants only to that which has been able to withstand its free and open examination.” (Axi, xii)⁷⁰”

Reflecting the era of Enlightenment, Kant believes we should depend only upon reason in order to decipher the right course of action, rather than be beholding to the structures which have been developed to guide us in our moral endeavours, such as religion.

I will not give an in-depth analysis of Kantian theory as I could not do it justice in this work, nor is it particularly relevant to the point I am trying to make in this chapter. My motive behind mentioning Kant in this brief form is to show what virtue ethics has that other theories lack, namely an accommodation for the personal and emotional responses that we as humans rely upon both for life satisfaction, interpersonal relations and the ability to decipher right from wrong. Whilst Kant goes a long way in encouraging agents to take responsibility and to use their faculties of reason to decide upon the right way to behave, rather than blindly following structures of morality created by others, the emphasis on *pure*

⁷⁰ Kant, *Critique of Pure Reason*, translation by Marcus Weigelt, (London: Penguin Books), 2007, p.7.

reason ignores the human aspect of behaviour and the intuitive underpinning behind our decision-making process. Using reason may lead us to the seemingly right or moral course of action, but it doesn't reflect our character development or our personal nature. Rather, the approach is rather sterile. Virtue ethics, on the other hand, allows for this personal and intuitive approach to morality, focusing on the nature of the agent rather than taking a purely logical approach to understanding morality.

The same case can be made when deciding between a Utilitarian approach versus a virtue approach to morality. The focus on calculations and potential outcomes detracts from the actual task in hand, namely to develop into a well-rounded and developed character. Whilst a Utilitarian approach may help us to bring about the best outcome, it does little in the way of developing moral citizens as each scenario is subject to the same questions: "What would create the most happiness/least amount of suffering in this scenario?" Though Utilitarianism might help us to anticipate good potential outcomes and to make people circumstantially happier, it doesn't so emphatically support the development of moral agents in order to reach a place of genuine morality as the focus is always on the scenario rather than the agents involved.

Whilst a Utilitarian might agree to assassinate Hitler as they know the potential devastation of his leadership, this is based on the calculation of suffering and the amount of harm created by Hitler, rather than the fact that Hitler was a *bad* person and that a good person should feel the necessity of action to keep a clear conscience and not be complicit in the suffering. Therefore, Utilitarianism lacks the notion of badness or evil and removes the natural human response of revulsion when faced with injustice.

Though a virtuous person may reach the same conclusion or action as a person who follows Kantian Deontology or Utilitarianism, the virtuous agent develops an emotional and personal skillset which is ingrained in their character, in contrast to the more calculated or rule-governed approaches provided by other theories. This emphasis on the personal character development of the agent sets up the agent to both be more likely to intuitively make the right decisions as well as to empathise and seek out happiness for themselves and others, in the end creating a happier and well-rounded society.

In her collection of essays *Living By The Word*, the American author and social activist Alice Walker discusses how she relates to the animals she has encountered, often detaching herself from their value and allowing herself to be filled with fear⁷¹. She describes a scenario in which she allows a neighbour to assist her in killing a snake that was in her garden because she was afraid of it but later felt regret because she had failed to see the value of the snake and instead let herself be controlled by fear, when in reality the snake could have posed no threat. As Hacker-Wright describes it, Walker “suggests that what has led to the radical injustices involved in racism, sexism, and in the case of animals is a kind of alienation, wherein we lose appreciation of elements of our environment, whether people, animals or plants”⁷². In other words, we stop seeing the inherent value in those around us because we allow ourselves to feel fearful of difference and have settled comfortably within

⁷¹ Walker, Alice, *Living by the Word*, (San Diego Harvest Books), 1989.

⁷² Hacker-Wright, p.470.

the characteristics we are used to. This racism and fear stems from a place of ignorance and lack of receptiveness which we must consciously be aware of in order to stop the cycle of injustice. This consciousness and appreciation for those around us is a virtue which must be cultivated and is established using our practical reason. As there are prejudices within society which are perpetuated both by the community and by structures such as the legal system or the educational sector it is easy to take on board these prejudices without question. A virtuous agent, however, will look to unlearn the biases they have acquired and to empathise with others as people, rather than allowing fear or hatred to guide them. If an agent is truly trying to achieve virtue, then they will acknowledge that these prejudices must be let go of.

But surely a Kantian approach could aid us in reaching the same awareness of individual value? As part of his theory, Kant created the Formula of Humanity which states “So act that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means”⁷³. As Onora O’Neill describes it, this means we have to base our action “on principles that do not undermine but rather sustain and extend one another’s capacities for autonomous action”⁷⁴. In other words, we must treat others with the dignity and humility they deserve on the basis of their autonomy and rationality. From this perspective, it would seem that a Kantian approach obviously comes to loggerheads with extremists of a Neo-Nazi nature as they wish to subjugate or even exterminate groups of people to fit their ideology or to further their own

⁷³ Kant, Immanuel, 1785: 429, *Immanuel Kant: Practical Philosophy*, Mary Gregor (tr. and ed.), (Cambridge: Cambridge University Press) 1996

⁷⁴ O’Neill, Onora, *Kantian Approaches to Some Famine Problems*, p.513 in Shafer-Landau, Russ, *Ethical Theory: An Anthology*.

racial/religious group. This does provide a strong case for using a Kantian approach in order to help us identify the value in other things and people, however I do still feel that the missing piece is the nature of the individual and the aptitude to gradually accumulate an appreciation for others as second nature rather than the reliance on rationality. Whilst the Formula of Humanity provides a seemingly necessary and moral rule, I argue that it is better to focus on creating agents who naturally feel such a way towards others, rather than relying on rationality or rules in order to provoke the same response.

By placing the emphasis on individual character traits and values rather than assessing the potential happiness of an outcome or being confined by a set of rules, I believe we stand a better chance of making legitimate systemic change for future generations. As I discussed in Chapter Three, the current social injustices relating to marginalised groups stems from a culture of subjugating other nations, races and peoples in order to create profit for the non-marginalised (in this case, the white people of Europe). From these injustices there has been a culture of discrimination which have been created to continually profit non-marginalised people. As discussed previously, Rawls emphasises the role of inherited preconceptions and the role that family relationships have on the “moral and psychological development of children, and, thus, in the perpetuation of just institutions”⁷⁵. As we are predisposed to inheriting these moral and psychological traits it follows that from one generation to the next, we are passing on and inheriting a culture of hatred and discrimination. Where we break down these character traits and encourage just citizens, we have a better chance of breaking down the continuation of historical injustices

⁷⁵ Rawls, John, *A Theory of Justice*, (Cambridge, Mass: Harvard University Press), 1971., p.128

which allows for this discrimination to continue. Should we encourage those around us to work on their internal selves and emphasise the importance of positive internal dialogue in order to reach happiness for ourselves then it is likely this will also be passed on to the next generation. Furthermore, if we instil the importance of compassion for others and the necessity of justice, we are more likely to have a community which is intolerant of discrimination and hatred towards marginalised people even in the smallest of instances as this is necessary both for the individual to flourish as well as the community.

To reiterate, where we are able to identify positive characteristics in those around us we are able to use them as role models and habituate these characteristics ourselves. Once we have habituated this good nature we are more likely to pass this on to our descendants as they have an immediate role model to look up to. Essentially, virtue ethics encourages the breeding-out of undesirable characteristics, in this case hostility towards other racial/religious/social groups, by passing the virtues of compassion, understanding and hostility to prejudice down through the generations.

Finally, virtue ethics allows for decisions and actions to be made which, due to their nature, are not intrinsically moral but rather are circumstantially moral due to the emphasis on practical reason and the judgement of a moral agent. For example, on the whole, a moral person will be against violence. We know it's wrong to assault a stranger, and those who commit violence against their partners or children are thought of as the worst of society. However, we also accept that sometimes there are circumstances where violence can be used, for example as self-defence or in a just-war scenario. Part of what makes violence moral is the potential outcome, the reason for making the decision to be violent and who the agent is (i.e., what are their credentials which mean we can trust them to make such a

decision). A virtuous agent should be able to use their practical reason to establish likely or potential outcomes and to weigh up the costs and benefits of acting in such a way. Furthermore, an agent with practical reason will make the decision to be violent only in circumstances where it is morally necessary. As a virtuous agent should be concerned with the happiness and wellbeing of others as well as themselves, we can rest assured knowing that the action has been carried out with the necessary forethought and with good intention. As a virtuous agent has worked hard to find inspiration in those around them and to mirror themselves on other virtuous and moral agents, we can have trust in their decision making and allow for flexibility in action to enable the best outcome to come to fruition.

Taking a Kantian approach, on the other hand, would not allow for such flexibility of action. To be violent would break both Kant's *Formula of Humanity*, and his principle of *Universalisation*. Firstly, inflicting violence or aggression on a Neo-Nazi, for example, uses the Neo-Nazi as a means to an end, violating their right to not be violently attacked in order to serve the purpose of fixing the systemic injustices which have led to the existence of Neo-Nazis in the first place. Despite the potential benefits of violence, for example scaring a Neo-Nazi such that they have a wakeup call and realise the error of their ways, Kant argues "Thus the moral worth of an action does not lie in the effect expected from it and so too does not lie in any principle of action that needs to borrow its motive from this expected effect"⁷⁶. In other words, it doesn't matter what the potential outcome could be if the action in question violates what we understand to be moral. This obviously does not leave room for violence within a moral Kantian society, despite the benefits that violence might bring about.

⁷⁶ Kant, *Groundwork of the Metaphysics of Morals*, in Shafer-Landau, Russ, *Ethical Theory: An Anthology*. p488.

It could be argued that a Kantian could instead invoke a rule such as 'always act to protect the weak and the vulnerable', however I do fear this would still leave room for a Kantian to avoid physical response in favour of other tactics such as discussion. Technically there has still been action, however the Kantian is able to avoid violence as a response. This in turn might not provoke legitimate or sustained change when it comes to supporting the Jewish community and may not be the most effective method of standing up to a Neo-Nazi (dependant on circumstance). Again, the Kantian is too wrapped up in rationality and rules rather than following their instincts as a virtuous and wise agent.

Robert Nozick also criticises Kantian deontology's lack of flexibility, claiming what he describes as the *Paradox of Deontology*⁷⁷. In this claim, Nozick argues that there is the potential to perpetuate instances of a kind of injustice due to not committing one instance of an injustice/violation. In the case of Neo-Nazis, to punch one Nazi is to use them as a means of benefitting Jewish people, as well as the wider community, but not to stand up to them is to allow many instances of Jewish people being abused and used as means to an end. Really, all we are doing by not interfering is allowing *others* to treat people as a means to an end, at a potentially exponentially higher rate of occurrence. This goes back to my previous point that deontology cares about the actions we commit, rather than our internal moral virtues and therefore cannot commit to sustained change within the community as it is too inward-looking. A Kantian could respond arguing in favour of other tactics instead of

⁷⁷ Nozick, Robert, *The Rationality of Side Constraints*, in Shafer-Landau, Russ, *Ethical Theory: An Anthology*. P.521-523.

violence, however I will promote the benefits of violence in response to extremism in Chapter 6.

As I have previously mentioned, I shall discuss the legitimacy behind using violence in Chapter 6, however Universalisation fails to be practical in a number of senses. The first of which is that, should we take a 'mind our own business and don't respond with violence' approach, we allow those who are inclined to be extremely hateful and violent (e.g., Neo-Nazis) to go unchallenged in a way that they can understand or relate to. In focusing on our own actions and the potential consequences if everyone in the world behaved in the same way might sometimes get in the way of the potential good that could be done by limited instances of rule breaking or behaviour that cannot be universalised. Murder is considered to be an obvious wrong, however the number of lives that would have been saved had Hitler been assassinated prior to WW2 would make the action unchallengeable, yet universalisation would not allow for such behaviour. The rigorous application of rules, as pointed out by Nozick, may in fact lead to lower net benefit, and yet the rule cannot be broken otherwise we slip from deontology into consequentialism. It appears that a consequence of Kantian deontology is that some rules simply *must* be followed, despite the potential outcome. Again, Kantian deontology does not allow for the freedom of a moral agent to make a calculated and informed decision which could benefit society greatly.

In summary, it is virtue ethics that allows for the flexibility and best judgement of a moral agent and stands the best chance of bettering society by influencing and changing the internal characteristics of an agent, rather than encouraging them to assess the best potential outcome or to follow a set of rules. Whilst Kantian deontology has a concern for individuals and their inherent value, it fails to face the reality of extremism and the

measures we should go to in order to quash it. Furthermore, its emphasis on individual behaviour does little to alter the internal monologue of an individual and therefore risks such hatred being continued and perpetuated. A Utilitarian approach certainly leaves room for violent action should it provoke the most happiness for the most people, however it also cares little about the virtues of an agent and could be interpreted in a way which, rather than breaking down the cycle of abuse, perpetuates it for the benefit of the non-marginalised majority. Virtue ethics is concerned both with reasonable action which can be determined by an agent with practical reason, as well as the happiness of those around us and curating virtues which benefit the agent themselves and those around them. It is the altruistic yet flexible approach of virtue ethics which makes it the best fit for this thesis.

Conclusion:

This chapter has demonstrated the strengths and benefits of virtue ethics, as well as providing an explanation as to why I believe a virtue ethical approach best meshes with my theory, rather than a Kantian or Utilitarian approach. I believe that a virtue approach to morality best fits with my understanding of what it is to be good and can be interpreted to concern not just the individual but also the community. This understanding of what it is to be good forms the motivation for as to why an agent should be active in their response to extremism, rather than being a bystander or passer-by in the face of injustice. This active response may morally include violence for a number of reasons, as I shall explore and demonstrate in the next two chapters regarding the role of violence and the role of tacit consent. In the following chapter, I will provide my argument regarding tacit consent, which seeks to demonstrate the Neo-Nazi's consent to violence by virtue of holding a violent ideology themselves.

Chapter Five: *The Role of Tacit Consent.*

When acting, even in the most minor way, we generally have a reason for doing so or some kind of justification. Broadly speaking, we don't act involuntarily and we can trace our action back to the reasoning and motivation justifying this action. I ate an apple because I was hungry, and I chose to eat an apple over a chocolate bar because I was motivated to make a healthier decision. The same can be said for when we decide to act against an extremist or Neo-Nazi. There is the action we choose to commit, why we chose to commit it, why we chose that cause of action and why we feel that our action was morally justified. We might choose to punch a Neo-Nazi because we are a virtuous agent who feels we have a responsibility to sever the chain of historical injustice which continues in such hatred, and we might have chosen to punch them as it seemed that would have the greatest positive impact both for protecting the Jewish community and preventing bystanders from being drawn in. These, I believe, are reasonable motivations for acting in a violent manner, but is there an additional way that we can justify the violence not only to ourselves but to the Neo-Nazi as well? The answer to this question is yes, using tacit consent as a means to demonstrate the Neo-Nazi's involvement in the violence by holding a violent ideology themselves we can explain why violence was warranted, if not explicitly consented to.

Tacit consent, as I shall describe it, is the idea that by holding a violent ideology we consent to the same logic being used on ourselves. For example, if a Neo-Nazi believes it is acceptable to use violence as a means of accomplishing their political agenda then they cannot justifiably be upset when someone uses violence against them in order to accomplish their own political agenda against extremism. Tacit consent, in this sense, is a

tool which we can use which requires the immoral agent to consider the consequences of their ideology by applying the very same rules to themselves. Essentially, tacit consent allows us to universalise the rules which the Neo-Nazi has created in order to bring some kind of reality and perspective to their actions, as well as justify the violence to the Neo-Nazi themselves. Much like if I reverse into my neighbour's car and do not make reparation for any damage I have done, I cannot be angry if I see my neighbour reverse into my car and drive off without letting me know because I set the rules of the game. I would describe tacit consent as being something akin to a Wittgensteinian language game, as discussed in *Philosophical Investigations*⁷⁸. By this I mean that it is because both the Neo-Nazi and the moral agent are acting within this game (in which the rules are that violence is acceptable) that violence neither party can be upset if they get hurt. The rules outside of this game do not apply and violence is not a universal tool of communication, it is simply because we both play the game that we are able to understand and follow the rules of this game.

Tacit consent, I believe, should not be used as a means of justifying violence where violence is not necessary. Rather, it is a way of justifying or explaining the violence to the victim. Essentially, in using tacit consent we are saying "I acted in this way because your beliefs left me no choice and because your own behaviour evidences your acceptance of the use of violence". This is different to using tacit consent as a way of justifying our decision to act violently without necessity. For example, to follow on from the previous car-parking analogy, imagine I see my neighbour reverse into another neighbour's car and drive off. They don't hit my car, and they pose no threat, so I am not justified in getting in my car and

⁷⁸ Ludwig Wittgenstein, *Philosophical Investigations*, translated by G.E.M Anscombe, (Oxford: Blackwell), 1953.

reversing into them just for the fun of it. If I were to accidentally have hit them afterwards and drive off, then should my neighbour find out, I might be justified in saying "I didn't have to tell you because you didn't tell our other neighbour" but I am not justified in purposefully damaging their vehicle and then saying "Well, I saw you hit someone else's car therefore I felt I was justified in hitting your car." (Should the scenario come with a different set of moral requirements, such as this driver being a genuine threat to the lives of those around them, I may feel the requirement to damage their car to take them off the road and therefore protect others, but in this scenario we are simply discussing a hypocritical driver.) Intuitively, those two scenarios are very different because the intention, the threat level and the scenario are different. The same can be said for punching a Neo-Nazi and then justifying it using tacit consent. Imagine I see a Neo-Nazi promoting hate speech and saying they are going to punch the next Jewish person they see. I follow the necessary criteria and determine that I would be morally justified in using violence in this case, so I punch the Neo-Nazi. Shocked, the Neo-Nazi asks me what I am doing, and I reply "I'm using your logic against you in order to protect Jewish people. Take this as a lesson that the ideology you purport to follow [an ideology that encourages causing harm to innocent people] does not have desirable results as you are not happy with these actions being carried out on yourself." This is a different scenario to one in which I see a Neo-Nazi arguing that Jewish people should be punched, so I go and punch the Neo-Nazi's mother. Supposing that the Neo-Nazi's mother is not a Neo-Nazi herself and was not promoting hate speech, it seems unjustifiable to use violence in this scenario. The mother has nothing to do with this, and whilst this would be a universalisation of the Neo-Nazi ideology that we can cause harm to those we choose to or those who are belonging to/related to a certain demographic, this is an unfair and extreme step to take as it involves the innocent. Directly assaulting a Neo-

Nazi, however, is not an assault on the innocent and rather it is an action carried out with the intention of protecting an innocent/at risk group.

This is common-sense when we consider self-defence. It doesn't make sense for me to cause harm to someone who isn't my aggressor because this does not protect me or disarm the danger. As discussed in self-defence theory, there must be grounds of liability for the action to be considered to be self-defence. According to a culpability account, as discussed by Ferzan in her essay "Justifying Self-Defense", an agent must be blameworthy in order to be on the receiving end of self-defence⁷⁹. This means not only posing a threat but being culpable for this threat. As Ferzan argues,

"Moreover, culpability extends beyond purpose to knowledge and recklessness. A knowing aggressor may not seek the victim's death, but she is willing to bring it about... That is, when an actor consciously creates an unjustifiable risk to another person, the potential victim has the right to defend against that risk."⁸⁰

In other words, to inflict violence in the name of self-defence the threatening agent does not need to set out with the deliberate intention of causing physical harm to be the subject of violent retaliation. By potentially causing harm due to negligence, the agent may be subjected to harm in the name of self-defence as they are culpable for the consequences of their dangerous behaviour. In the same way that a careless driver should be punished if they knocked down a pedestrian, a Neo-Nazi should also be culpable for their behaviour and potentially experience violence as a consequence of this violence. Even where a Neo-Nazi isn't causing direct physical harm to a Jewish person in that moment and wasn't intending

⁷⁹ Ferzan, Kimberly Kessler, *Justifying Self-Defense*, Law and Philosophy, Vol.24 No.6, Springer (2005), p.711-749.

⁸⁰ *Ibid.* p.734

to cause harm, their ideology and speech is negligent, and a natural consequence of their ideology is for harm to be caused to the Jewish community. Therefore, as a consequence of their own action they may be subject to violence in the name of defending marginalised communities. This violence would be justified as the Neo-Nazi is culpable for their actions, hate-speech and ideology, therefore Jewish people have the right to defend themselves and, according to my thesis, to be defended.

Tacit consent is therefore a response to a Neo-Nazi who questions why they've been punched, or why it's acceptable for a moral agent to inflict violence. The reason is because in holding a violent ideology the Neo-Nazi must believe that violence is a legitimate tool for accomplishing their aims. It is a way of justifying to the Neo-Nazi that they had in fact opened themselves up to hostility by promoting an ideology which causes distress and upset to member of marginalised communities. In this chapter I will discuss the role of tacit consent, what I believe it brings to the table as a way to justify violence, and what the potential issues may be when we consider a rule of tacit consent to a violent ideology.

Lockian tacit consent as a springboard for violence:

The word tacit, derived from the Latin *tacitus* meaning silent, implies agreement or approval without this being made explicit⁸¹. In other words, when something is tacit, we can infer a level of understanding or agreement based on the behaviour or claims that the

⁸¹ Tacit Consent Definition, Collins Dictionary, available at: <https://www.collinsdictionary.com/dictionary/english/tacit> accessed: 09/08/21

person makes, rather than relying on articulation. Tacit consent, therefore, is the implied consent that we can infer based on the ideological alignments that an agent makes, without this consent or agreement having to be explicitly vocalised by the agent. To oversimplify, the concept of tacit consent is used by John Locke in his political philosophy as a means of substantiating his claim that legitimate government can only be formed where members of the society have the full freedom to express consent to this government⁸². An issue which arises from such a claim is obviously the question of ‘how does one consent?’ particularly if you didn’t vote, or the party you voted for didn’t get into power. The answer to this, claims Locke, is that we tacitly consent by being members of that society. As Craig L. Carr describes Locke’s argument for tacit consent:

“A person who performs some act of association incorporates himself into the commonwealth and thereby consents tacitly to obey the law. Put more schematically, tacit consent works as follows: Anyone who does *X* (where *X* = a conventionally understood indication of participation in some rule-governed activity, association or enterprise *P*) signals his participation in *P*, and thereby consents to obey *R*, where *R* = the rule system constitutive and regulative of *P*. Consent here is expressed as a logical consequence of the decision to do *X* and participate in *P*.”⁸³

Whilst Locke’s argument implies consent to the rules set by legitimate government on the basis of continuing to reside and participate in that community, rather than consent

⁸² John Locke, *Two Treatises, Two Treatises of Government*, Peter Laslett (ed.), (Cambridge: Cambridge University Press), 1988.

⁸³ Craig L. Carr, ‘Tacit Consent’, *Public Affairs Quarterly* 4, No.4, (University of Illinois Press) 1990, p.337

to issues of social practice, I believe the schematic formulation provided by Carr can equally be applied to social matters such as extremist activity, though this is not to claim that this is what Locke intended. Rather than it being association with a commonwealth that we look for in order to ascertain consent, we look to the ideology or affiliations of an agent and judge them based on that. For example, using Locke's model of tacit consent, if I live in the UK I accept that it is illegal to drive on the right hand side of the road, though this would be legal if I were to move to the USA, however I tacitly consent to this rule by holding a UK driving license and driving in the UK. For example, following a model of tacit consent based not on governance or law, if I joined a group which argued that all women should have to wear only pink clothes then I cannot be frustrated if someone were to make a comment about the clothes I wear as I have opened myself up to a paradigm in which we are allowed to control and regulate the dress choices of others. The implication is that once an agent makes a rule for others, they must also be prepared for that rule to apply to themselves as to hold an ideology is to believe in its premises and therefore if the premises are sound enough we must be able to imply some level of universalisation in which the agent who perpetuates an ideology is also subject to its same rules. This isn't to say that the person who commented on my clothes believes you can pass judgement on all people's clothes, but that they are entitled to comment on mine specifically because I made the comment first. It isn't a reflection of the person's true thoughts and feelings, rather it is a comment on the initiator of the paradigm (who in this case would be me). Therefore, if a Neo-Nazi believes punching a marginalised person is morally acceptable, then they tacitly consent to violence as a legitimate tool to use to communicate ideological differences or to provoke change and therefore they tacitly consent to the same logic being used on themselves.

Analysing Locke's theory on tacit consent, Julian H. Franklin discusses the contrast between express consent and tacit consent. Franklin claims that where an agent gives express consent then they are permanently bound by what they consented to. On the other hand, if an agent is to express consent tacitly then they are "...bound to obey a government only for so long as he wishes to enjoy its protection. He owes submission or obedience rather than allegiance, and can leave the jurisdiction when he chooses.⁸⁴" When we apply this logic not to states and governments but instead to individual ideologies, tacit consent provides a successful way of holding those accountable using their own logic (which we assume they consent to by holding such an ideology) without subjecting them to the expectation that they will be eternally subject to this logic or ideology. In other words, if a Neo-Nazi is preaching that they believe Jewish people should be punched then we may punch them as we can infer from their ideology that they believe violence is an appropriate tool to use in order to correct those that they disagree with. Should the Neo-Nazi change their ideology, renouncing Nazism, and no longer believe that violence is a legitimate tool that they would use against a Jewish person (or any marginalised group) then we are no longer entitled to use violence against them as we can no longer imply the tacit consent of the person.

Whilst Locke's argument of tacit consent is designed as a means of upholding political legitimacy rather than as a tool for citizen intervention, I do feel there are similarities between the argument made by Locke and the argument made by myself. By tweaking Locke's argument, we can see a means of holding individual agents responsible for the ideologies that they affiliate themselves with, without them being in a state of

⁸⁴ Franklin, Julian H., 'Allegiance and Jurisdiction in Locke's Doctrine of Tacit Consent', *Political Theory*, Vol. 24, no.3 (Sage Publications inc.) 1996, P.408

governance. The tyranny of fringe groups poses the same potential risk to society as a tyrannical government would as hateful ideology is infectious and can spread throughout the population, eventually making its way to 'legitimate' government in the same way as the Nazis made their way into the Reichstag. By holding individuals responsible for their ideology and encouraging them to reflect on the potential backlash of their actions we may be able to prevent the hate from reaching a legitimate political structure (such as the elected party in government) in which our option from a Lockian perspective may simply be to leave the commonwealth that we have come to be at loggerheads with.

Tacit consent therefore provides the flexibility for the extremist to set the conditions of their own treatment by considering what the consequences of their own ideology would be should it be implied that they tacitly consent to similar treatment. This can be used to demonstrate that the bystander does not hold a violent ideology themselves because they would have no moral justification in behaving violently towards a pacifist, for example. A moral agent who wishes to rely on tacit consent to justify their action to the Neo-Nazi can only do so because of the ideology held by the Neo-Nazi themselves. I'd compare this to the responsibility account of self-defence in that the agent posing the threat is responsible for the repercussions of the actions that follow. As Otsuka argues, an agent is responsible for the repercussions of the threat they pose so long as they are '(1) of sound mind, (2) in control of her actions, and (3) aware of the dangerousness of what she is doing.'⁸⁵ A Neo-Nazi is certainly aware that their viewpoint is niche and carries a great deal of potential harm to Jewish people and other marginalised groups. In a weaker sense, a Neo-Nazi must

⁸⁵ Otsuka, Michael, "the Moral-Responsibility Account of Liability to Defensive Killing", in Coons and Weber, *The Ethics of Self-Defense*, Oxford: Oxford University Press, 2016, p.52

know that they have the potential to cause harm to marginalised people. In a stronger sense, a Neo-Nazi actively attempts to cause harm. Therefore, so long as they are of sound mind and are not being coerced, according to Otsuka, they have responsibility for the potential backlash they receive. Tacit consent acts in a similar way. With the responsibility model, the threatener is responsible for any harm caused to them because they acted in a risky way with acknowledgement of this risk. With a model of tacit consent, a Neo-Nazi would be liable for harm because they hold a violent ideology and therefore have no claim to victimhood when they are harmed or threatened because they are the epicentre of the initial unsettling due to their violent ideology and the harm that this has the potential to cause and the harm it causes in reality.

Why promote a model of tacit consent?

The use of violence, as I have reiterated throughout this thesis, is not always a legitimate moral tool. Violence should always be used sparingly, however this is not to say that violence cannot be a useful or powerful tool in the face of extremism such as Neo-Nazism. This, I believe, is a benefit of tacit consent as it provides boundaries within which violence may be used. By this I mean that it is not acceptable to go about punching everyone you dislike or disagree with, not is it acceptable to use violence as a means of achieving all ends. Rather, violence is acceptable when the person we use violence against holds a violent ideology and our intervention aligns with the five criteria given in Chapter Two. By following the logical universalisation that tacit consent implies violence against individuals who hold violent ideologies such as Neo-Nazism is justifiable, however violence against those of peaceful ideologies does not meet these criteria. By modelling our decision

to act on the ideology of the person we are debating inflicting violence upon, we confine the violence only to violent ideologies and allow room for people to have controversial opinions, so long as they can justify these opinions as being subject to rules of universalisation. To reiterate, not all forms of extremism are open to violence on the basis of disagreeing with an extremist's opinion. It is only where this extremist ideology is violent or promotes violence against others that violence may be used. For example, though their intentions may be laudable, it may be argued that some animal rights activist groups slip into the nature of extremists in their hard-line and radical approach. This does not mean they are open to being subjected to violence as their extremism is not based on the intention to hurt or marginalise any other groups of people in the way that a Neo-Nazi or white supremacist does.

When we open the door to the prospect of violence being used to educate or coerce others into seeing the error of their ways, it raises the question "What is to stop tyrannical governments or groups from using violence in order to control the masses, under the guise of morality?". This is an issue that tacit consent provides a solution to as violence is only acceptable, in this scenario, where the agent themselves has implied an acknowledgement that violence may be used to achieve certain ends. Tacit consent, in the context of this thesis, confines violence to be used under circumstances in which we can confidently believe the agent supports violence as a facet of their ideology. A tyrannical government cannot claim that the whole population consents to their own enslavement or persecution, and even if they were to make that claim then it is clearly false and therefore the violence is immoral despite the claim that the persecutors make. The same can be said about individuals or fringe groups who attempt to use violence to coerce change or manipulate

others into homogenising their ideology and opinion with their own views. As the agents at risk of being coerced do not promote an ideology of violence there can be no implication that they accept or consent to violence tacitly and therefore are not applicable candidates for violence to be used against them. Unfortunately, violence does occur outside of the circumstances I have provided. This is not to say all violence is moral, or that by applying faulty logic to using violence we can excuse all violence as moral. As our intuitions tell us, violence outside of the circumstances or when used against a non-violent ideology remains immoral and should be treated with appropriate disapproval.

Following on from this above point, tacit consent does not only protect agents from tyrannical governments being able to exercise violence, it also protects those who are mindlessly ignorant but without malice from being harmed. For example, it's widely accepted that it is unacceptable for anyone other than a Black person to say the 'N-word', even if it's in a song. If I heard a white person singing along to a song by Kanye West, however, I wouldn't be justified in calling them an extreme name or hurting them physically because they didn't mean to cause insult and harm. Unless they were saying it with the deliberate intention of causing harm and suffering to Black people, it would be wiser to simply educate the person on the harm they could cause using such language. Violence would not be justified in this circumstance as there is no tacit consent that we could imply from the scenario, nor does it meet the necessary criteria set out in Chapter Two.

Following a model of tacit consent also provide us with a good way to explain our decision to the person we inflict violence upon. By following the logic of the extremist that

we are inflicting violence upon, we might have a better chance at appealing to some internal questioning and reflection on their behalf. In applying their own logic to themselves it might spark questions for the Neo-Nazi about the functionality of their ideology, potentially sparking some inner reflection and internal contention. Granted, this may be more likely to work on Neo-Nazis who are not hopelessly devoted to their cause, it may work on those who are potential newcomers to the ideology, those on the peripheral or those who had not taken the necessary in-depth consideration of the ideology they decided to support. In actualising the consequences of their ideology, it might provoke thoughtful reflection for those who had not already considered the reality of what they purport.

On the other hand, even if the violence doesn't give the Neo-Nazi the necessary wake up call to realise that they are promoting an evil ideology, it does explain how a moral agent can use violence against a Neo-Nazi without being a bad person. The violence carried out by a moral agent against someone holding a violent ideology is not a product of the ideology held by the moral agent, rather it is a reflection of and a reaction to the ideology held by the immoral agent. The moral agent does not subscribe to the ideology of the Neo-Nazi in order to use violence, rather they mirror the same actions to the Neo-Nazi as the Nazi ideology wishes onto others. Tacit consent, therefore, provides a way of justifying the violence to a Neo-Nazi without the Neo-Nazi being able to claim the moral agent is somehow morally equivalent to themselves. A moral agent would not use violence unless absolutely necessary and without justification.

Does using violence against an extremist not create something viciously circular in which everyone can use violence against each other, almost as a chain due to one person

promoting a violent ideology and to begin with? For example, if there is one Neo-Nazi and they believe in violence against Jewish people, so I punch them because they believe violence is acceptable, and then someone punches me because I used violence and so on and so forth ad infinitum. The answer to this problem is no. As I have stated in the previous paragraph, the use of violence is founded on the ideology held by the individual themselves. By nature, it is impossible to be an upright moral agent and to simultaneously hold a violent ideology. Should a moral agent inflict violence against a Neo-Nazi, they are reflecting the ideology of the Nazi rather than acting on behalf of their own ideology or beliefs. Tacit consent relies upon the consent of an individual by way of association. As a moral agent does not associate with a violent ideology, they are not subject to the logical universalisation of this ideology on a personal level and therefore for another agent to inflict violence on the moral agent would be a misinterpretation of their intention when acting against the Neo-Nazi. To use the example I gave earlier regarding the UK versus USA driving laws, simply because I followed the highway code in the UK doesn't mean I wouldn't follow the highway code in the USA, and the fact that I have once followed the highway code in the UK does not mean that if I were to drive in the USA that other drivers in the USA are allowed to drive on the left hand side simply because I once drove on the left hand side. Tacit consent and the individual rules that we might consent to are context-dependent and should be based on a case-by-case basis of individuals' ideologies.

An unfortunate but very real aspect of Nazi ideology is the categorisation of Jewish people as subhuman, or "Untermenschen", referring to the Jewish population as rats and less than the Aryan population⁸⁶. Nazis, and their Neo counterparts, would obviously not

⁸⁶ For an interesting insight into the dehumanisation of the Jewish people, from David Livingstone Smith, '*Less than Human: A Psychology of Cruelty*', NPR, 2011, <https://www.npr.org/2011/03/29/134956180/criminals-see-their-victims-as-less-than-human?t=1628707894488>

class themselves amongst the same category as they describe Jews and therefore feel that the emphasis of universalisation should be placed on violence against 'undesirable people' rather than *all* people. If a moral agent were to punch a Neo-Nazi, the Neo-Nazi might claim that they did not tacitly consent to violence being used against themselves as they do not believe violence should be used against people of the human category, only against the subhuman, therefore as they would not punch another human they should not be subjected to being punched as they too are human and there is no grounds for universalisation. To the Neo-Nazi this might seem like a reasonable loophole to free them of the risk of violent response, however to the moral population we must see that this is ridiculous. To a certain extent we must universalise the ideology of the Neo-Nazi in order to achieve our goal of producing moral violence, however that does not mean that we need to indulge all aspects of the Nazi ideology. To a normal, non-extremist agent it is clear that Jewish people are not at all subhuman and therefore it is quite inappropriate to universalise the Nazi rule that violence only applies to the subhuman as there is literally no such category as a subhuman human. If we were to give significant weight to all the nuances of Nazi ideology before we were allowed to act then we would essentially be legitimising aspects of their ideology and accepting defeat by them. The tangible part of Nazi ideology is the receptiveness to using violence against other people. Though the Nazi might believe this is only to be used against the subhuman, as there is no such thing as subhuman humans it means the Nazis just believe violence can be used against whom they want and when they want. Their susceptibility to use violence is what must be universalised, not their whole ideology as to do so is immoral and illogical when in a fight against violent extremism.

But what is consent, and who can consent?

But an aspect of consent is having the *ability* to consent, so can we assume that all those who are members of violent extremist groups have had the ability to consent to the ideology? In its most basic sense, consent is giving permission for something to happen, for example I give permission for this work to be submitted under my own name rather than a pseudonym. However, more recent discussion surrounding the nature of consent, particularly relating to sexual consent, demands more than simply someone vocalising an intention to allow something to happen. To be able to consent to something, we might believe that the agent must have the cognitive capability to make such a decision, for example they are of clear mind and not under the influence of drugs which could alter the mental state, and they must be able to make this decision without being coerced into doing so, so if they have a gun to their head and agree to something we can assume this isn't really a consensual agreement. According to Catriona Makenzie and Wendy Rogers in their work *Autonomy, Vulnerability and Capacity: A Philosophical Appraisal of the Mental Capacity Act*, we must have the following characteristics in order to exercise autonomy:

- 1) Self-determination: the ability to “determine one’s own beliefs, values, goals and wants, and to make choices regarding matters of practical importance to one’s life free from undue interference.”
- 2) Self-governance: the ability to “make choices and enact decisions that express, or are consistent with, one’s values, beliefs and commitments. Whereas the threats

to self-determination are typically external, the threats to self-governance are typically internal and often involved volitional or cognitive failings.”

- 3) Authenticity: “a person’s decisions, values, beliefs and commitments must be her ‘own’ in some relevant sense; that is, she must identify herself with them and they must cohere with her ‘practical identity’, her sense of who she is and what matters to her.”⁸⁷

These additions to the basic definition of consent must make us consider whether all those in the category of Neo-Nazi or violent extremist really choose to align themselves with that identity. For example, if the Neo-Nazi is of significantly lower cognitive capability, or they were brought up in a Neo-Nazi household so have had limited opportunities to develop a personal ideology, or if they rely on the extremist group for external things such as a family home or relationships, do they *really* consent to the ideology that they preach?

Whilst this certainly gives us a valid reason to sit and ponder the nature of consent, I feel that there are very limited circumstances in which a Neo-Nazi preaching on the street could argue that they do not consent to their ideology and therefore do not tacitly consent to violence being used against them. The first of these circumstances might be if the person preaching hate speech is a child. The age of responsibility in England and Wales is 10 years old, so I feel it is fair to claim that anyone under this age is not responsible for the hate speech they might promote⁸⁸. However, children over the age of 10 may also be

⁸⁷ Makenzie, Catriona, and Rogers, Wendy, quoted from Jonathan Herring, ‘Rape and the Definition of Consent’ *National Law School of India Review*, vol.26, no.1 (2014), published by Student Advocate Committee, p.68.

⁸⁸ Age of Criminal Responsibility, gov.uk website, <https://www.gov.uk/age-of-criminal-responsibility>

predisposed to grooming and manipulation yet lack the cognitive reasoning to be able to fully question their actions, so I believe we might be justified in claiming it is only children over the age of 13/14 who should be held responsible for their hate speech as they have had the opportunity to develop critical thinking skills. Any child under the age of 14 should certainly be educated on why their hate speech is immoral, but we might be inclined not to fully *blame* them for what they have said. A second circumstance in which we might be inclined to believe the Neo-Nazi could not have consented is if they are being forced into the Nazi lifestyle, for example they have been told that if they don't collaborate their family will be in physical danger. Other than these examples I can think of few reasons why we might be inclined to excuse the behaviour of a Neo-Nazi as an adult has the reasonable ability to question what they purport to believe.

I believe part of the reason we might be inclined to look for other explanations to explain the perpetuation of such heinous ideologies instead of simply accepting that some people are bad is because, as a moral agent, to believe in such an ideology feels beyond the bounds of normal reality. This can be seen when we look at the Holocaust, people are very keen to attempt to find other reasons for why it happened or how Hitler and his counterparts managed to develop such a twisted way of thinking. Narratives surrounding Hitler include rumours of syphilis caught from a Jewish prostitute which 'explains' why he had such hatred for the Jewish people, as well as the unstable mental disposition to act in such an evil way⁸⁹. The takeaway from such narratives: if you hold such a violent and evil

⁸⁹ For example, this article published in the Evening Standard looks to explain that the evil of Hitler was due to syphilis. 'Did Hitler unleash the Holocaust because a Jewish prostitute gave him syphilis?', *Evening Standard*, 2007, <https://www.standard.co.uk/hp/front/did-hitler-unleash-the-holocaust-because-a-jewish-prostitute-gave-him-syphilis-6592131.html>

ideology there must be some other way of explaining it, rather than accepting that some people are bad and that they believe and want bad things. By shifting the blame away from the person and onto external factors, it seems that no one can be truly responsible for holding any ideology, and yet it appears that this logic only applies to evil ideologies. If Hitler had been a successful moral activist, I doubt we'd be talking about syphilis as his motivation behind his action. Unfortunately, there are bad people who do terrible things and we need not look further or deeper for an explanation than the explanation that the person themselves is providing. Hitler would not have claimed he wanted to kill all Jews because of a syphilitic prostitute, rather he would've promoted his ideology on ethnic cleansing for the protection and expansion of the Aryan people. We need not look further for an explanation other than the intentions the person has given us, and we can assume consent on what they are telling us.

Particularly with an example so black and white as Nazism and the Holocaust, we all have access to the historical evidence of the damage such an ideology can create. It is impossible to plead ignorance to the potential outcome of Nazi ideology when there is so much information readily available to everyone. With the rapid access to facts, figures and information via the internet there is no reason to believe that any Neo-Nazi could not research and take the opportunity to analyse the potential of their ideology. Though this is not to claim that all resources on the internet are legitimate, educational or founded on fact, so we might simultaneously argue for skills to be taught in school which encourage critical thinking and tools to help us all have the toolset to decipher the facts of the information we are consuming. Other than a scenario in which a person was being held captive without access to any information and brainwashed with lies who is being

threatened and mistreated, there is no reason to assume that all Neo-Nazis do not have the cognitive ability to research the ideology they are preaching and to take the necessary steps to research the history of their hatred. We all have access to the same information and therefore cannot claim ignorance, particularly as adults who have the ability to develop their knowledge and understanding of what they preach. Even where we feel pity for the extremist for living such a twisted life or the unhappiness that their ideology causes them, we need not excuse their actions or give them a free pass from the consequences of their actions.

As there are very few scenarios in which we can believe a Neo-Nazi is not capable of consenting to the ideology that they preach, I believe it is reasonable to assume that they can also consent to the consequences of their ideology. Though we might find it hard to believe that someone can hold such a violent and hateful ideology, it is the case that some members of the community hold such views and truly believe in them. Whilst we might feel sympathy for these individuals as we simply could not imagine being filled with such hatred, we must hold them accountable and responsible. As the Neo-Nazi has the ability to preach such hatred, they must also accept the consequences of this hatred in the form of retaliation of equal proportion due to the universalisation of their ideology. Using tacit consent as a means of acting in response to a Neo-Nazi allows for moral agents to justify their actions and to create potential good by awakening the Neo-Nazis to the potential ramifications of their actions. In the next chapter I will discuss the role of violence and the benefits that using violence might bring to the table.

Chapter Six: *Justifying Violence.*

Though our initial reaction to violence is often to dismiss it as the wrong course of action, there are circumstances in which society as a whole accepts that violence may be necessary or warranted, for example using violence in self-defence. Within this thesis I have hoped to demonstrate that violence against right-wing extremists such as Neo-Nazis is a moral and courageous thing to do. Violence, though not universally moral, is certainly not immoral under every circumstance and sometimes the benefits of using proportionate violence far outweigh the any bad consequences and encourages us to put our normal intuitions against violence on hold.

Throughout this thesis I have attempted to defend violence as a tool that is morally acceptable to use when inflicted by a good agent against someone who holds a violent ideology. As I have tried to demonstrated, I believe a moral agent may use violence both to communicate to bystanders that such extremist ideologies will not be tolerated, but also to demonstrate to the extremist in no uncertain terms that the universalisation of their ideology leads to suffering. The use of violence may act as a deterrent for the bystander, or as an opportunity for the Neo-Nazi to re-examine their ideology as they consider the severity and outlandishness of their actions which provoked a moral agent to violence. Furthermore, in acting violently we show in no uncertain terms that we cannot condone the actions of a Neo-Nazi, and we show our support and solidarity for the marginalised communities at risk of rights infringements, violence and fear due to Nazi activity. This act of solidarity may come as a great source of comfort for some members of the marginalised community; however, it raises the questions: "May we be putting members of the m.

community at even greater risk than they were previously if we act so?” and “Should we ask the permission of the marginalised community before we act?”. Similarly, we may also want to consider the risk to the bystanders around us if we were to act violently. As I have discussed in Chapter Five, violence inflicted against the Neo-Nazi is morally acceptable as they have tacitly consented to violence as a means of achieving one’s ends, however the marginalised community and bystanders in the vicinity have neither explicitly nor tacitly expressed consent to be caught up in the violence. In this chapter, I intend to find a way to mitigate these potential problems.

So far in this thesis I have set the background against which we should judge the severe consequences of such extremism, I have detailed criteria that we must stay within in order for the violence to be moral, I have provided some historical precedents that support the requirement of our intervention, I have discussed the role of virtue and the nature of a virtuous person’s likelihood to act on the basis of their virtues, and I have provided an argument for tacit consent to explain why a violent extremist such as a Neo-Nazi would have no grounds for objection should violence be inflicted upon them in return. In this final chapter I intend to answer the remaining questions that must be considered before we can morally inflict violence.

The impact on the innocent bystander:

Let’s imagine a scenario in which I, a moral agent, have attempted to punch a Neo-Nazi who is preaching hate speech against the Jewish population. Having met all the necessary and jointly sufficient criteria described in Chapter Two I am entitled to act, yet I

misjudge my aim and instead accidentally hit the person standing next to me. This person is, like myself, a non-marginalised person and they were simply taking in the startling Nazi display when they unfortunately found themselves the victim of my fist. How am I to justify my actions as a moral agent if I have inflicted suffering upon an innocent person? As I have discussed in Chapter Five, the Neo-Nazi consents to violence being used against them, but we cannot infer the tacit consent of a bystander as they are not giving us any reason to suspect that they believe violence is acceptable under any circumstances.

The first line of approach would be to argue that the bystander isn't really the victim of violence, rather they're a victim of an accident. In their book *Virtuous Violence: Hurting and Killing to Create, Sustain, End and Honour Social Relationships*, Alan Page Fiske and TAGE Shakti Rai describe violence as consisting of "action in which the perpetrator regards inflicting pain, suffering, fear, distress, injury, maiming, disfigurement, or death as the intrinsic, necessary or desirable means to achieve the ends."⁹⁰ By very definition then, a bystander caught incidentally in the violence is not necessarily the victim of violence themselves as the action was not carried out with the intention of reaching some ends in regards to the bystander, rather they are the unlucky recipient of an unintentional action. As the intention of the action was not to make them suffer, it appears to be an unfortunate accident in which they are caught up. This shouldn't create an argument encouraging agents to throw caution to the wind and allow bystanders to be caught up in the trouble. Whilst the violence was not intentionally carried out to hurt the bystander, we should still have sympathy for their suffering. If I were to accidentally stand on someone's foot, I would say

⁹⁰Page Fiske, Alan and Shakti Rai, TAGE, *Virtuous Violence: Hurting and Killing to Create, Sustain, End and Honour Social Relationships*, (Cambridge University Press), 2015, P.2

sorry as I did not intend to cause that harm - the intention of the action does not stop that person from hurting. I might have sympathy for that person despite my action not being immoral, rather it was an accident. Therefore, we must apologise and feel sympathy, but we needn't feel the same level of regret or guilt about our actions as we would if we had deliberately hurt someone. The same can be said for the bystander; the situation was unfortunate and is worth apologising for, but it isn't necessarily worth regretting the decision to act as, under other circumstances, the action may have brought about disproportionately better results than the harm caused to the bystander. That being said, the necessary caution should always be had to limit the possibility of us hitting or causing any unnecessary harm to a bystander!

Rather than trying to evade the potentially negative side effects of our action, I believe we could make appeal in this instance to the utilitarian-flavoured approach of assessing the potentially negative side effects should a bystander get caught up in the action in comparison to not acting at all. As proposed by Criterion Four, "The proportionality of the violence must be assessed against its potential outcome. Where the risk is too big it may not be wise to inflict violence." This remains a foundational requirement for any moral violence to ensue, therefore if the risk to bystanders was so huge that it could not possibly be outweighed by the potential benefits that violence could produce then a moral agent would not act. The bystander isn't a victim in the same way that a victim of a hate crime is a victim – there isn't historical motivation for the action and it doesn't affect them in their day to day activities (such as general safety or economic factors). By standing up to a Neo-Nazi, the agent's action has the potential benefit of protecting the Jewish community and righting some of the sociological wrongs that Nazism perpetuates. The overall wrong of accidentally

hitting a bystander is in no way proportionate to the wrong of violent extremist ideologies such as Nazism. Therefore, if the decision is to risk a bystander to protect marginalised people, we have to choose marginalised people because the benefits would outweigh the risks and the potential harm.

As Cécile Fabre argues in her essay 'Mandatory Rescue Killings', we have a moral requirement to defend the innocent from their attackers. Fabre claims "if individuals are in a position to improve significantly someone else's prospects for a flourishing life by helping them to meet their needs, then they are under a duty to do so at the bar of justice, which is also to say that the needy have a right to assistance"⁹¹. This is the point that I have continuously made throughout this thesis – we are all entitled to a flourishing and peaceful life and where this is disrupted there is a duty for those who are the benefactors of privilege to make amends to those who are suffering. This manifests itself in a duty to rescue where practicable those who are suffering, and in the scenarios envisaged in this thesis that would be unjustly marginalised people. Fabre argues that the duty of a "Good Samaritan" includes the moral duty to cause harm, including even to kill, those who pose a risk to an innocent victim as she works under the assumption that we must help those whom we have the ability and the means to help. This moral duty, however, does not stand if the risk to the acting agent would include harm which would 'render their life less than flourishing'⁹². Fabre argues there's no clear definition of what this would include, however it may include severe and life altering injuries such as being paralysed from the waist down. This would impact our ability to walk and reproduce, aspect of human life that (if we are born with and

⁹¹ Fabre, Cécile, 'Mandatory Rescue Killings', *The Journal of Political Philosophy*: Volume 15, Number 4, 2007, p.[some verbal editing needed here] 365

⁹² Fabre, p.368

used to having) contribute to our flourishing and may have a detrimental effect on our ability to flourish if removed. This right of the agent not to be harmed does not include minor harm, such as a broken thumb, according to Fabre. Rather it must be a harm that would limit an agent's ability to flourish. In the scenario of Neo-Nazis protesting in your town centre, it is very unlikely that your opposition would lead to any severe repercussions that would permanently and devastatingly affect an individual's life., life or flourishing. Even where a physical altercation may ensue, it is not likely that this would lead to a life-changing negative outcome. Where the agent believes this is a genuine risk, however, then the agent does not have a duty to put themselves at risk of severe and long-term suffering.

I believe Fabre's argument to provide intuitively helpful parameters for when our moral duty may be waived for safety, and therefore I believe this may be applied to the case envisaged where bystanders may potentially be imperilled by our action. For all that a moral agent may cause incidental harm to a bystander, we should only be concerned where this harm would be severely threatening and flourishing limiting. A bystander being accidentally punched, or inadvertently caught up in any aspect of the resistance which may cause them harm, is not logically equivalent to a marginalised person having their livelihood, rights and safety threatened. Furthermore, following Fabre's argument, if this bystander who was harmed is also available to be to act in the defence of a victim, then they too have a duty to act. Should the bystander remain a bystander and not act to protect marginalised people from hate crime then this doesn't release us from our obligation to protect marginalised people, and the risk to a bystander cannot override the necessary good that standing up to extremists has.

Unfortunately, with the majority of well-intentioned actions there is the risk that there is a negative outcome. Even in the most mundane decisions we make there is always the risk of an unforeseen consequence. Driving your car to work may seem like a morally neutral decision to make, but what if you skid on some ice and veer into another car leaving the other driver permanently paralysed? Your decision to drive was not immoral and though the situation had an unfortunate and sad outcome that does not change the fact that your drive was well intentioned as the harm caused was incidental. Though it may be unfortunate that a bystander gets caught up in the crossfire, we shouldn't allow this to stop us from acting as the intended outcome and the potential benefits of this outcome remain the same, regardless of the potentially negative by-products. This is not to say that we should go around punching Neo-Nazis carelessly or without consideration for the proportionality of our actions, but it may help to absolve the moral agent of their heavy conscience should they accidentally provoke a negative outcome.

The impact on the marginalised community:

The aim of my argument in favour of violence as a moral tool is to act in favour of those being persecuted and to right the wrongs that non-marginalised people perpetuate at the expense of an unfairly marginalised community. When acting violently against a Neo-Nazi, the intention is to stop their actions, to prevent others from being drawn into the Nazi ideology and to provide an ally for the marginalised communities. My argument that non-marginalised people have a responsibility to protect marginalised people from radical violent extremism is not intended to bulldoze over the autonomy of the marginalised

people or to prevent their self-defence and right to stand up for themselves. Rather, it is due to the privilege that non-marginalised people have to be able to act with less consequences than if a marginalised person did (for example, if I punch a Neo-Nazi I won't be attacked on the basis of my whiteness as the Neo-Nazi is also white and we are not a marginalised group) and also due to the historical injustices and responsibility that non-marginalised people have to right the wrongs that they continue to profit from, as discussed in Chapter Three. The intention that a moral agent has is undoubtedly good, should all the criteria discussed in Chapter Two be fulfilled, but what are we to do if a member of a marginalised community expresses their disapproval of our involvement? Neo-Nazis and other radical extremist groups are, by their very nature, intimidating and frightening. Even as a non-Jewish person I can understand that being the target of such ideology would be extremely fear-inducing. As a result, Jewish people may wish to avoid such confrontation altogether and may be fearful of repercussions if someone were to challenge the Neo-Nazis.

This boils down to an issue of defence and consent. It may be argued that we only have the right to act defensively in order to protect a marginalised community if those at risk consent to this action being carried out on their behalf. According to Parry, a model of consent in defence is "that a belligerent group may only resort to rebellion, revolution, or insurgency if they have the support of the population they claim to be protecting"⁹³. In this scenario, according to a consent model of defence we must have the consent of the victim to act on their behalf. Fabre describes this as victims transferring their right to use violence

⁹³ Parry, Jonathan, "Defensive Harm, Consent, and Intervention", *Philosophy and Public Affairs*, Vol 45, Issue 4, 2017, p.359.

to the person who will defend them, rather than using that right themselves.⁹⁴ This is to avoid the paternalism that comes with deciding to act on the behalf of a victim as it relies upon the active engagement of the victim to provide that consent.

So, what do we do if a victim says that they would rather I didn't act violently against a Neo-Nazi? The lines become more blurred when we consider harm that affect a community rather than just an individual. To solely listen to the objecting victim rather than the consenting victim puts more people at risk. Furthermore, without wanting to patronise or prescribe to the victim, I believe their objection would be to violence being used when they are there or in their town, probably due to a fear of repercussion, rather than a disapproval of non-marginalised people standing up for marginalised people. In that sense, the victim does consent to action, no Jewish person wants a repeat of the Holocaust and therefore believe everything should be done to prevent a reoccurrence, rather they are unhappy or uncomfortable with the violence being something that could have repercussions for them. This is understandable and completely valid. Would I want violence or even unrest around my daughter? No, I wouldn't. But more severely, would I want her to grow up in a world where she is a target for certain of her innate characteristics? Absolutely not. Therefore, if there has to be some upset now to prevent a much bigger issue in future then that is a sacrifice that must be made.

Whilst I am extremely sympathetic to this fear and genuinely believe in the elevation and amplification of marginalised voices, I don't feel that the disapproval of individuals is enough to prevent us from protecting a whole category of marginalised people. When we consider cases that pertain to identity, we have a duty to more than just the individuals that

⁹⁴ Fabre, Cécile, "Permissible Rescue Killings", *Proceedings of the Aristotelian Society*, published: The Aristotelian Society, 2009, p.158.

are in our presence. In standing up to Neo-Nazis we are attempting to make right the historical suffering of Jewish people, to protect the Jewish people alive today and to prevent reoccurrences of injustice for future generations. Of course, we want to respect the voices of the Jewish people who have expressed their disapproval at our intervention, but the overall benefit of quashing Neo-Nazism is worth making a minority of people uncomfortable. In the pursuit of justice, I do not believe it is always necessary to seek the consent of the victim. As we see with cases of domestic violence, the Crown Prosecution Service can prosecute without the victim having to press charges. An example from popular culture is the recent pursual of Caroline Flack on domestic assault charges, having been accused of beating her partner⁹⁵. Her partner decided not to press charges, however the CPS decided to pursue the case regardless. CPS came under fire for pursuing the case in spite of Caroline's partner dropping the case as it led to the suicide of Ms Flack. The CPS then detailed how it decided to proceed with the case and argued that every decision to charge is made on the basis of a two-stage test in the Crown Prosecutors:

- “Does the evidence provide a realistic prospect of conviction? That means, having heard the evidence, is a court more likely than not to find the defendant guilty? And;

⁹⁵ For more info on the Caroline Flack story, see Sharma, Ruchira, for i Newspaper online, ‘Caroline Flack: why the CPS pursues cases even if a victim withdraws their complaint’, 17th February 2020, <https://inews.co.uk/news/caroline-flack-death-cps-assault-case-why-victim-withdraw-complaint-398553>

- Is it in the public interest to prosecute? That means asking questions including how serious the offence is, the harm caused to the victim, the impact on communities and whether prosecution is a proportionate response.⁹⁶

The key point, I believe, is that where the benefit of interference has more gravity than the opinion of the victim, moral agents are entitled to use their judgement to interfere and protect. This comes with the usual caveat that a moral agent will consider the proportionality and best course of action, whether that be violence or dialogue, however I do believe action should still be taken. Whilst there may be disapproval from some members of the marginalised community, the potential best outcome is that there is no longer any Nazi or anti-Semitic attitudes and therefore future generations are more likely to be able to live in peace. The potential of this goal and its benefit is likely to outweigh the discomfort or disapproval of a minority.

This answers the problem of a Jewish person simply disapproving of a moral agent's decision to intervene, but what if the problem is that the Jewish community fears reprisals and an increase in anti-Semitic sentiments as a consequence of interference? Again, much like with the impact on the bystander caught in the crossfire, I believe we can generally mark this down as an unfortunate byproduct of action violently. Where the impact of violent action will have more positive effects than negative, we may feel justified in accepting the negatives in order to achieve our goals. In acting with the interest of protecting the Jewish community I obviously do not want to provoke any fear for them, my goal is to protect them. However, much like with a just war, it may be necessary to have a period of

⁹⁶ Crown Prosecution Service, 'CPS Says: the role of the CPS in deciding whether to charge an individual with a criminal offence', 16th February 2020, <https://www.cps.gov.uk/cps/news/cps-says-role-cps-deciding-whether-charge-individual-criminal-offence>

unsettlement before there can be a point of resolution. The moral agent must work with the intention of protecting the Jewish community not only in that specific instance but always, therefore they should continue to work to protect them should there be an instance where reprisals seem likely. I fear it may be an unfortunate consequence that some people may get hurt in the course of resolving the problem of Neo-Nazism, however in the long term the amount of harm caused is limited due to forceful action now.

During the Second World War there were partisan groups who worked to destroy trainlines, cut of Nazi supply chains or murder Nazi soldiers. These partisans were the enemy of the Nazis, despite not working under the orders of any particular state or government. Through the lens of history, partisans are brave heroes who risked life and limb to defend what was right and to act where their conscience led them. However, it was not simply their own life and limb that they were risking, they also risked the life and limb of those in their surrounding towns and villages. As discussed by Robert Gildea in his article 'Resistance, Reprisals and Community in Occupied France', the Nazis weren't specific about whom they targeted as a response to partisan interference⁹⁷. As Gildea points out, the German authorities would "immediately inflict collective reprisals in accordance with the ruling of Field Marshal Keitel, chief of the Wehrmacht High Command (OKW) on 16 September 1941, that for every one German soldier killed between 50 and 100 hostages would be shot."⁹⁸ Despite the potential disapproval of the local population due to fear of reprisals, we can see that the risk and losses caused as a consequence of partisan

⁹⁷ Gildea, Robert, 'Resistance, Reprisals and Community in Occupied France', *Transactions of the Royal Historical Society*, vol. 13, (Cambridge University Press), 2003, P.163

⁹⁸ Ibid p.166

involvement was for a good cause. Had the civilian population not been involved in acts of sabotage or assassination it is hard to know the potential of additional Nazi activity impacting on the Jewish population (or other marginalised groups). The murder of 100 civilians is abhorrent, however if this murder saved the lives of 1000 others, we must concede that the action was successful. The key is the anticipated proportionality before committing to the action. If we go into an action knowing that the effects of said action will be disproportionate to the potential of a successful outcome, then we are acting neither morally nor rationally. However, if we act with the best intention to cause a good outcome, and with the genuine belief and good reason that our action will bring about a good action, then we are justified in carrying out the action. With Just War, the likelihood of a positive outcome must be considered before the action is carried out. Furthermore, the conscience of the partisans themselves need not be made heavy as they did not cause the assassination of civilians deliberately, this was an unfortunate by product of their moral intervention.

I fear that unfortunately I must concede that there is not a wholly satisfying resolution to the issue of potential reprisals on the Jewish people other than to say that a moral agent will do their best to prevent such reprisals from happening. Furthermore, a moral agent would assess the likelihood of an advantageous outcome. Where there is a limited likelihood of a positive outcome and a high likelihood of Jewish people being punished, a moral agent may assess that intervention of a violent manner may not provoke a positive outcome and therefore consider other options to protect the Jewish community and to terminate the anti-Semitism. Where the risks outweigh the benefits, a moral agent may act violently, however if the risk is too large a moral agent would conclude that other avenues of intervention would be better. This thesis does not intend to argue that moral

agents must act violently, rather than it is a viable option should it be more likely to produce the desired good results than the alternative options. As the intention is to protect and advance the rights of marginalised people, a moral agent will not expose bystanders or marginalised people to a danger if it is not necessary. However, an agent may choose to act violently where this danger has been deemed to be less than the danger created by Nazism.

In conclusion, I believe a virtuous moral agent will continue to use their best judgement and assess the proportionality of their action against the potential outcome before acting. An aspect of assessing the proportionality is to assess the potential impact on bystanders and the marginalised community that they seek to protect. However, I do not believe we can allow the potentially negative actions of the extremists to prevent us from standing up to them, otherwise we allow the violent extremists to proceed to further and worse outrages without check. Much like in a war, there is the unfortunate side-effect that civilians may be caught in the crossfire, but where this loss of civilian life can be justified by the potential good caused by acting then we can feel justified in our decision to act. When given the due consideration, I believe that using violence does have the potential to bring about positive outcomes which affect not only the community of today but future generations also. Therefore, in spite of the potential backlash from the community or the risk to bystanders I believe violence remains a legitimate moral tool of protection and prevention.

Conclusion:

In summation, this thesis has sought to demonstrate the potential for violence to be used as a tool which does not implicate the acting agent in an immoral action, so long as the action is carried out by a moral agent and follows the five necessary and jointly sufficient criteria that I have detailed in Chapter Two. I believe that by setting aside our intuitions regarding the immorality of violence we create more opportunities for moral agents to act with the intention of protecting marginalised people and preventing the reoccurrence of historical injustices. In no way do I wish to provide an argument to say that violence is inherently moral, rather that violence that has been used morally to stand up to violent extremism may be used as an example of moral action.

To act violently yet morally, I believe there must be the appropriate motivation for doing so. This motivation should be the intention to protect members of marginalised communities from the violent extremist ideologies which have foundations stemming from a chain of historical abuse that continue into the present day. A moral agent may act in a violent manner without becoming blameworthy so long as they follow the criteria I have given with understanding of the gravitas that violence has both as a tool of protection but also a potentially dangerous weapon against those in the marginalised communities or bystanders, should they get caught in the crossfire.

In the first chapter I provided an overview of the argument I am making and the way the different components hang together. In the second chapter, I detailed the necessary and jointly sufficient criteria needed for a moral agent to act violent yet morally. I then

discussed the role of historical precedent in Chapter Three and the ways in which this supports the intervention of moral agents. In Chapter Four I argued that the ethical theory that best explains the nature of a good or moral agent is a virtue ethical theory, with agents habituating the necessary virtues to be able to intuit the right course of action. In Chapter Five I argued that a violent extremist, such as a Neo-Nazi, has no right to express disdain towards a moral agent who acts violently towards them as they tacitly consent to violence by believing in an ideology that promotes violence against Jewish (or other marginalised) people. Finally, in Chapter Six I discussed two predominant problems regarding the application of violence and how we are to square our good intentions with the reality that there is the potential for our action to bring about unintentional negative consequences.

Overall, I believe my thesis demonstrates that there is room for violence within the sphere of moral action and, although violence is not an inherently morally act, it may be used to promote the advancement of a fairer society. Furthermore, as moral and virtuous people we should feel drawn to action in the defence of marginalised and persecuted people, whether that be in the form of violence or using alternative avenues. It is for moral agents to decide the course of action, though I believe I have demonstrated that violence is a viable and legitimate tool that is at the disposal of a moral agent.

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