

**Full Length Research**

# Common Circumstances for the Moral Justifiability of Employing Violent Force and Retaliation; Special Emphasis in Political Aspects of Human's Life

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Commonly, employing violent force and retaliation are conceived as irrational and uncivilized ways of human existence. Thus, they are considered as morally wrong acts. But, under certain conditions, employing violent force and retaliation can be morally justifiable. In this Article, I tried to illustrate the moral justifiability of employing violence for the purpose of self-defense, freedom, equality, balance of justice, and maximizing the benefits of the majority in number. By combining both moral and political theories, I attempted to analyze the moral acceptability of violent force and retaliation at the individual and community level; and in the arena of national and international politics. Even through, many research works have been done in this area, no one tried to provide a comprehensive analysis of the moral justifiability of violence and retaliation. To fill this gap, I used liberal, Marxian, Retributive and utilitarian theories in combination. Thus, this Article is well organized and elaborated to provide an important background awareness and direction to other researchers on the need of using combined theories (moral and political) to fully conceptualize the moral goodness and natural ground of utilizing violent force and retaliation in certain political circumstances.

**Key Words:** Force, Retaliation, Liberalism, Marxism, Retributism, Utilitarianism

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## BACKGROUND OF THE STUDY

In any aspects of human relations, violence, physical force, punishment and retaliation are conceived as irrational and immoral acts. But, in some conditions, scholars from different fields of study expounded that those acts can be rationally and morally justifiable. Moral and political theorists illustrate the moral justifiability of employing violent force, retaliation and punishment in the context of self- defense, freedom, equality, balance of justice, and maximizing the benefits of the majority in

number.

Liberal political theory justifies the use of physical force or violence for the purpose of preserving freedom, justice and dignity from the impact of imperfect laws, tyranny of government and other instances of human right violations (N. Hanna, 2008:2 &15-22). Under those reasonably realistic conditions, the use of physical force at different levels (individual, national and international) is fully acceptable by moral and legal principles.

The foundation for the moral justifiability of using force is right to life, which must be secured irrespective of any circumstances. Locke (1668:chapter 2) and Hobbes (1651, part II: chapter 9 and 10) argued, in case of the silence of law, or when the common wealth is not able to preserve the life of individuals, men have natural right to use violent force to defend themselves. The law or reason of state of nature teaches all mankind the right of self-defense or self-preservation to escape from death at any time.

The moral justifiability of employing physical force for the purpose of self-defense is also recognized in the politics of international relations. In both customary and treaty laws, there are a variety of internationally recognized legal bases for the use of force in relations between States. The Security Council by the fundamental principles of Article 2 (4) and Article 51 of the Charter of the United Nation authorizes the right to self-defense as inherent right to member states in response to a potential armed attack or destruction (Pank,2014:9; M. Condro *et al.*, 2012:29).

In this context, employing violent force in case of just war and intervention against another sovereign state is morally acceptable if the endangered states follow the moral and legal principles that are expected from them to adhere. In the politics of international relation, taking military action for pre-emption and prevention purpose against an enemy is also justifiable. Pre-emption and prevention self-defense measurement justifies using violent force in anticipation of an imminent armed attack or national threat. This is applicable, when there is incontrovertible evidence that the aggressive state is about to initiate a military attack and the attack is believed to be inevitable, and delay in taking measures would involve greater risk.

In Marxian political theory, class antagonism and violence has been the product of systematic failure in the governance of ruling class by which masses are chronically subjected to oppression, tyranny, injustice, inequality, servitude and poverty in all modes of production. In each modes of production, chronic subjugation of the masses leads to "a breaking point", in which the oppressed class no longer endures. At this point, revolutionary violence is inevitable to remove the long standing oppressions of the ruling class (Callinicos, 2004:89-92; Martha, 2011; 37).Violence is conceptualized and morally justified in terms of physical struggle to change the continual and demoralizing modes of production that eliminates hope, pride, self-esteem, health, and freedom of the mass (Ibid).

Because of a revolutionary reflex from a brutalized working class and defensive attitude beset by reactionary forces to perpetuate all manners of brutality, the struggle to create a just society necessarily involves physical violence or confrontation. The ruling class has been reactionary to preserve their antagonistic interest. Thus,

in times of change or revolution, a temporary dictatorship of proletariats is necessarily and morally justifiable to destroy the bourgeoisie violent reaction (J. Finlay, 2006: 8-9; Wills, 2002: 47).

In retributive moral theory of violence, there are many different ways of justifying retaliation and punishment against unjust actions and behaviors of the wrong doers. Retaliation and punishment might be justified for violating the moral law of the society, treating human beings as a means, violating the rights of individuals, violating the divine law, and for the purpose of restoration of justice (King, 1980: 151-58; F. White, 2000:50-54).

The modern retributist, Kant (1790: 19-20), in " The Fundamental Principles of the Metaphysics of Morals" argued that the moral justification of revenge, warfare, capital and corporeal punishment against the wrong doers arises from the assumption of human beings as "self-conscious and autonomous agent" of their actions. The implication is, due to criminals as a rational being are committing such kind of actions considering as a universal standard of right and wrong with accountability; retaliation and punishment are the only appropriate responses to recognize wrong doers as conscious being and to maintain the balance of justice.

Utilitarian moral theory or forward-looking justification of violence, which can be referred as "consequentiality" justifies punishment and retaliation as a means of bringing about some supposed good consequences such as deterring further violence, maintain law and order, and rehabilitating the wrong doers. It is concerned with how punishment will affect future society's aggregate happiness or benefits (Rawling &McNaughton, 2006:429-31).In this theory, the moral justifiability of violence is determined by its conduciveness to achieve just ends to the society. Instrumental values appear as a key criterion for distinguishing permissible violence from 'glorified violence for violence's sake' (J. Finly; 2009: 29).

## STATEMENT OF THE PROBLEM

Many research works have done on the moral justifiability of using crude force, violence, retaliation and punishment for variety of reasons. As much as my observation is concerned, adequate research works have not conducted by using different theories or perspectives in a comprehensive approach. In addition, the existing research works emphasis on moral and legal grounds and pre-conditions of employing violent force and retaliation. Thus, there is a need for analyzing the natural ground for the moral justifiability of using violent force, retaliation and punishment.

## OBJECTIVES OF THE STUDY

This article is designed to have the following fundamental theoretical objectives:-

1. To highlight the moral justifiability of employing violent force, retaliation and punishment in different circumstances of human's political life.
2. To give an important analysis and direction to other researchers with regard to the necessity of using combined theories (both moral and political) to fully conceptualize the moral goodness of employing violent force, retaliation and punishment in some political circumstances.
3. To elaborate the natural ground of morally justifying violent force, punishment and retaliation.

## METHODOLOGY OF THE STUDY

In this article, I employed qualitative research approach. The main reason that initiated the researcher to use qualitative approach is to get in-depth and rich information about the legal, theoretical and natural foundations for the moral justifiability of using violent force and retaliation in different political circumstances. Thus, this article is written by studying a wide array of relevant sources, both published and unpublished. Mainly, it is based on secondary data sources such as books, seminar papers, legal documents, commentaries, magazines, periodicals, dissertations, and journal articles.

### Liberalist Justification of Using Violent Force for Self-Defense

Liberalists use general principles to justify the use of physical force across all reasonably realistic social conditions. These conditions are 'non-utopian conditions', which help human beings to preserve their freedom, justice and dignity from the impact of imperfect laws, tyranny of government and other forms of violation of rights (N. Hanna, 2008:2 &15-22). The basic argument of liberal moral philosophers is, if we take adequate account for the rights of others, employing violence for different kinds of defenses such as self-defense, defense of property, public defense, and defense of humanity are morally acceptable. Under this conditions, although a man's actions may cause damage or injury to others, he cannot be morally blameworthy or wrongful (A. Haron, 2008: 1140-8).

Locke (1668: chapter 2) and Hobbes (1651, part II: chapter 9 and 10.) argued, in case of the silence of law, or when the common wealth is not able to preserve the life of individuals, men have a natural right to use force

or violence to defend themselves. The law or reason of state of nature teaches all mankind the right of self-defense or self-preservation to escape from violent death at any time. Because, there is no natural reason for anyone to divest himself to expose his life. Hobbes (1668: 66) wrote:

*..In case a great many men together, have already resisted the sovereign power unjustly, or committed some capital crime, for which every one of them expects death, whether have they not the liberty then to join together, and assist, and defend one another? **Certainly they have: to defend their lives, which the guilty man may as well do, as the innocent...and if it be only to defend their persons, it is not unjust at all.** But the offer of pardon takes from them, to whom it is offered, the plea of self-defense, and makes their perseverance in assisting, or defending the rest unlawful (Emphasis is my own).*

The moral justifiability of employing physical force while there is no law or sovereign power to protect the innocents is originated from men's natural right to preserve their life. At any circumstance, when their preservation is endangered, law of nature or reason teaches them to defend them self. In Chapter XIX of the Second Treatise of Government (1688:28), Locke stated:

*For when the people are made miserable, and find themselves exposed to the ill usage of arbitrary power, cry up their governors, as much as you will, for sons of Jupiter; let them be sacred and divine, descended, or authorized from heaven; give them out for whom or what you please, the same will happen. The people generally ill-treated, and contrary to right, will be ready upon any occasion to ease themselves of a burden that sits heavy upon them.*

In relation to the above argument, other scholars also justify the moral acceptability of utilizing physical violence against totalitarian system of government that officially transgresses freedom, equality and pose threat on the life of citizens (Soyler, 2001: 431). In case of totalitarian system of government which is totally closed like Nazis, absolutely no free space of any kind, no civil society, no independent newspapers, radio or television. People could not talk at all. Thus, non-violence could not be workable. The only possibility of citizens is to be killed mercilessly (Ibid; Sharp, 2010, 12 &59; Von Mises, 2010: 229). If we remain non-violent, such brutal regime poses a total devastation.

In the totalitarian system of government, the confiscation or disarming of citizens' hand-gun may pose

a red-light or great danger on their survival. It destroys the possibility of using crude force and violence to preserve their life. In World War II, Jewish's trust of Nazi's government was the foundation for the miserable tragedy they encountered. The international community had also tolerated Nazi's policy of racism and irrationalism till it reached at the level of holocaust; though it had to be prevented by violent force from the beginning (E. Harcourt, 2004:3-5; Stephen, 2000; Metcalf, 2006). E. Harcourt (2004: 9) reinstated:

*All too many of the other great tragedies of history — Stalin's atrocities, the killing fields of Cambodia, the Holocaust, to name a few — were perpetrated by armed troops against unarmed populations. Many could well have been avoided or mitigated, had the perpetrators known their intended victims were equipped with a rifle and twenty bullets apiece. . . . If a few hundred Jewish fighters in the Warsaw Ghetto could hold off the Wehrmacht for almost a month with only a handful of weapons, six million Jews armed with rifles could not so easily have been herded into cattle cars.*

Not taking appropriate measure against such kind of government is to mean that just allowing the system to cause more destruction that it is basically organized for. As a result, even at the great cost of human suffering, employing violence to end the totalitarian dictator's brutality or torture is morally right. That is why opponents of gun control claim that a hand-gun ban by law infringes upon the individual right to self-defense from such kind of offensive regime. Because, the individual's right to possess arms is an ultimate guarantee against totalitarian tyranny that challenges self-defense or the right to life (M.Gottlieb, 1982: 200; Volokh, 2009:1448) .Volokh (2009: 1456) underscored:

*There are many reasons that a citizen may prefer a handgun for home defense: It is easier to store in a location that is readily accessible in an emergency; it cannot easily be redirected or wrestled away by an attacker; it is easier to use for those without the upper-body strength to lift and aim a long gun; it can be pointed at a burglar with one hand while the other hand dials the police. Whatever the reason, handguns are the most popular weapon chosen by (Everybody) for self-defense in the home, and a complete prohibition of their use is invalid.*

On the other hand, power and authority are the fundamental concepts of political order. Police as an agent of political power use force or physical coercion as a means to defend the community from insecurity of life

(A. Elliott, 2011:232). Harmon (2008: 1146-48) also elaborated that police uses of force for community defense while intervening into conflicts is morally justifiable if the following three basic requirements are fulfilled: -

- (1) If the force is necessary or the only option to defend against a threat posed on the police and community;
- (2) If the force is in response to an imminent or inevitable threat; and
- (3) If the force is reasonable in proportion to the harm that is threatened to the police and community.

The moral justifiability of employing physical force for the purpose of self-defense is also recognized in the politics of international relations. In both customary and treaty law, there are a variety of internationally recognized legal bases for the use of force in relations between States. The Security Council by the fundamental principles of Article 2 (4) and Article 51 of the Charter of the United Nation authorizes the right to self-defense as inherent right to member states in response to a potential armed attack or destruction (Pank, 2014:9; M. Condro *et al.*, 2012:29). Article (51) of the UN Charter (1945: 24) states:

*Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.*

The charter of United Nation prohibits member states not to pose both implicit and explicit danger and insecurity on other sovereign states. If not, it gives full right to the threatened states to take measure to get rid of all forms of insecurities as long as they respect the necessary moral and legal principles (Pank, 2014:11). Article 2 (4) of the UN Charter 1945, which states the prohibition of threat or use of force against another sovereign states reads as:

*All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*

Commonly, in the politics of international relations, employing violent force in case of just war and intervention against another sovereign state is justifiable as long as the endangered states follow the moral and legal principles that are expected from them. These moral and legal principles of *just war* and *intervention* are; *jus ad bellum*, steps leading up to war and *Jus in Bello*, the rules of engagement (J. Myers, 1996: 117-9; Fabre, 2008: 6-12; Pank, 2014:24-30; S. Deeks, 2012:491-96; A. Hathaway *et al.*, 2012:30-40). In *jus ad bellum*, there are three principles:-

- (1) The violence that is used must be the last solution.
- (2) It should be declared by legitimate authority or concerned officials of the state.
- (3) Morally justifiable. This includes:-
  - (3.1). It should be a self-defense against aggression.
  - (3.2). Correction for injustice of the aggressor.
  - (3.2). Re-establishment of a social order that will distribute justice
  - (3.4). Undertaken with the goal of settling peace within the society.

If the first requirement is settled, then we move into the *Jus in Bello* principle. Here we have two principles:-

- (1) Proportionality, which means the quantity of force employed must always be proportional to end the war, and
- (2) Discrimination which means the force employed in the war should differentiate the criminals from innocent citizens.

In addition, in international relation, taking military action for pre-emption and prevention purpose against an enemy is morally justifiable. Anticipatory self-defense justifies using force in anticipation of an imminent armed attack. This is applicable, when there is incontrovertible evidence that the aggressive state is about to initiate a military attack or the attack is believed to be inevitable, and delay in attacking would involve greater risk (Barnes & J. Stoll, 2007: 5 -7; Furrier, 1994: 9-14; F. Williams, 2009: 322-33; M. Condro *et al.*, 2012:45-48). Which means, defendant must reasonably believe that there is an "imminent" danger of armed aggression and that the use of lethal force is absolutely "necessary" and "proportionate" against the illegal threat posed by the aggressive state (Bakircioglu, 2009:8). M. Condro (2012) stated:

*Under this concept, a state is not required to absorb the first hit before it can resort to the use of force in self-defense to repel an imminent attack. A state needs not suffer an actual armed attack before taking defensive action, but may engage in anticipatory self-defense if the*

*circumstances leading to the use of force are "instantaneous, overwhelming, and leaving no choice of means and no moment for deliberation.*

Legal scholars and international jurists support the legitimacy and moral acceptability of pre-emption and prevention measures during the existence of an imminent threat, most often in the cases of a visible mobilization and preparation of armies, navies, and air forces to attack a sovereign state. In this condition, not taking a timely and appropriate measures results damage and destruction on the side of innocent citizens (Barnes & J. Stoll, 2007: 6-7). Particularly, the doctrine of pre-emptive self-defense works when states take military actions against "rogue states and terrorists" who pose a threat to the world based on their intrinsic desire to acquire and use weapons of mass destruction (M. Condro *et al.*, 2012:46).

### **Marxian Justification of Using Violent Force for Equality and Freedom**

Class exploitation of the property owners over the direct producers has been quite visible in all modes of production throughout the development of human history (Marx, 844: 14-16 and 29). This exploitative class relations which is originated from the distribution of means of production is the core idea to explain the moral justification of employing violent force in each modes of production (Heinrich, 1957:196-199).

In all modes of production, class antagonism and violence has been the product of systematic failure in the governance of ruling class by which masses have been chronically subjected to oppression, tyranny, injustice, inequality, servitude and poverty. In each modes of production, chronic subjugation of the masses leads to "a breaking point", in which the oppressed class no longer endures. At this point, revolutionary violence is inevitable to remove the long standing oppressions of the ruling class (Callinicos, 2004; Martha, 2011).

In this context, violence is conceptualized in terms of physical struggle to change the continual and demoralizing modes of production that eliminates hope, pride, self-esteem, health, and freedom of the mass (Ibid). The opening lines of the Communist Manifesto explained this reality as:

*The history of all hitherto existing society is the history of class struggle. Freeman and slave, patrician and plebeian, lord and serf, guild master and journeyman, in a word, oppressor and oppressed, stood inconstant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of*

*society at large, or in the common ruin of the contending classes... The modern bourgeois society that has sprouted from the ruins of feudal society has not done away with class antagonisms. It has but established new classes, new conditions of oppression, and new forms of struggle in place of the old ones* (Quoted in Callinicos, 2004: 91).

Particularly, in capitalist mode of production law, morality, and religion have been strictly the reflection of bourgeois interests and legitimization of their exploitation. In this mode of production, the proletarians are without material property and lingering with desperation and all forms of hopelessness. They have been alienated from themselves, human species and from every trace of national characters (Marx & Engels, 1848: 6). Marx (1844:14-16 & 29) further stated, the exploitation of capitalism produces physical deformity or malnourished bodies, and dulled senses and intellect that promotes anti-social behaviors that frustrate human solidarity.

Because of a revolutionary reflex by a brutalized working class and defensive attitude beset by reactionary forces to perpetuate all manners of brutality, the struggle to destroy this mode of production necessarily involves physical violence or confrontation. The ruling class has been reactionary to preserve their antagonistic interest or capitalist moral values. Because, capitalism promotes egoism and selfishness and reciprocally bourgeois morality promotes capitalism. Thus, in times of change or revolution, a temporary dictatorship of proletariats is needed to destroy the bourgeoisie violent reaction (J. Finlay, 2006: 8-9; Wills, 2002: 47).

In addition to domestic exploitations, Callinicos (2004: 62) explained that the development of capitalism had directly resulted the formation of world economic and political system in which large portions of Asia and the whole of the Americas had been subordinated to the exploitation of European colonizers. Africa too had been exploited by supplying raw materials and black slaves that the plantation economies of the West Indies and the American South are demanded.

In the history of colonialism, colonizers had inflicted native Africans by causing unimaginable pain, genocide, self-hatred, and other dehumanizing effects. To maintain their power over blacks, they had used violent acts not only in physical form, but through the infliction of the neuroses of the natives (Fanon, 1963:53-55; L. McCoy, 2011: 5-8). Fanon (1963:181 -82) wrote the necessity of violent war against colonizers:

*When colonization remains unchallenged by armed resistance, when the sum of harmful stimulants exceeds a certain threshold, the colonized's defenses collapse, and many of them end up in psychiatric institutions. In the*

*calm of this period of triumphant colonization, a constant and considerable stream of mental symptoms are direct sequels of this oppression... We had no control over the fact that the psychiatric phenomena, the mental and behavioral disorders emerging from this war, have loomed so large among the perpetrators of "pacification" and the "pacified" population.*

The main argument for the moral justifiability of using physical violence for decolonization purpose is, colonized people has brutalized, exploited, and made vulnerable throughout world history. Due to the defensive stand of colonizers to safeguard their antagonistic and selfish interest, decolonization for national liberation, national reawakening and restoration of the nations has been a violent event. This means peaceful resistance is less effective than the violent means. Consequently, revolution or violence in defense of natives' liberation, freedom, and equality is morally acceptable (Ibid: 81-85; Fanon, 1963, 189-90; W. Lampley:7-15).

White's or Christian ethics is identified with status quo maintenance of the cultural values of white oppressors rather than the biblical theme of God's liberation of the oppressed people. Accepting White's ethics of non-violence as an ethical guide for people to day is "to become enslaved to the past, foreclosing God's eschatological future and its judgment on the present" which is morally wrong. Rather, we have to assume God's presence in the struggle of the oppressed and reconsider the ethics of non-violence at least for this context (Sontag, 1990:86; W. Lampley7-15). W. Lampley (in page 8) pointed out:

*...Christianity [is] a tool of racism and white supremacy. Christianity was used in America on us, on our people, not to take us to Heaven but to make us good slaves, primarily by robbing us of our right to defend ourselves in the name of Jesus [...] Notwithstanding, Western morality also maintains that a nation can defend its national interests with violence.*

One cannot embrace an ethics of liberation that implies a universal standard of non-violence or violence. Both violence and non-violence can generate just outcomes in particular historical circumstances (Fanon, 1963:200-2005;W. Lampley: 10). Violence is only a necessary means to a better life, not a universally justifiable act to be the guiding principle of the future (L. McCoy, 2011: 12).

In general, Marxism justifies revolutionary violence for two fundamental reasons. First, to overthrow capitalism that promotes violence and exploitative class relationships. Second, to actualize the just political and social ends of communism which are characterized by

the complete realization of human creative powers and equal distribution of opportunities. Communism is believed to bring about 'the free development of each is the condition for the free development of all' (Heinrich, 1957: 220-22). In page 117 of *Capital* (1867), Marx wrote:

*In a higher phase of communist society, after the enslaving subordination of the individual to the division of labor, and therewith also the antithesis between mental and physical labor has vanished; after labor has become not only a means of life but life's prime need; after the productive forces have also increased with the all-round development of the individual, and all the springs of co-operative wealth flow more abundantly – only then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: From each according to his abilities, to each according to his needs!*

According to W. Lampley: 7-9; L. McCoy, 2011:47-50; J. Finlay, 2006: 8-12; Wills, 2002: 47-50, the moral justifiability of proletarian's violent political protest, insurrection, revolution, dictatorship and terrorism against the exploitative class is summarized under the following circumstances:-

- I. When the agents of revolution, protest and insurrection only target their violent attack on people or institutions which are causally responsible for human suffering and deprivations;
- II. When, the action of the violent revolutionaries is adequate in addressing and remedying the existing state of affairs;
- III. When, exploitative or ruling class has been always reactionary against the exploited or ruled class. As a result, the revolution required to change this system has been always bloody, hostile, and non-compromisable that destroys everything that gets in its way;
- IV. As a result, employing violent force is morally right.

### **Retributive Justification of Retaliation for the Restoration of Justice**

There are two basic assumptions of moral retributism. The first assumption is, the one who deliberately causes harm deserves to suffer. Second, committing crime or wrong action against human beings is inherently wrong. In both cases, retaliation is required to maintain the balance of justice (Lichtenberg, 2001: 4; Miller, 1984: 416; Sorensen, 2008:85; Rawling & McNaughton, 2006:425-26). Grimsrud (2009: 2) stated, if we upset the balance of justice, justice necessary requires payment to

restore its balance. This payment can be made through punishment or retaliation, by causing pain on wrong doers.

In retributive justification of violence, there are many different ways of justifying punishment against unjust actions and behaviors of the wrong doers. For example, punishment might be justified for violating the moral law of the society, treating human beings as a means, violating the rights of individuals, violating the divine law, and for the purpose of restoration of justice (King, 1980: 151-58; F. White, 2000:50-54).

The modern retributist, Kant (1790: 19-20) argued that the moral justification of revenge, warfare, capital and corporeal punishment against the wrong doers arises from the assumption of human beings as "self-conscious and autonomous agent" of their actions. Due to criminals as a rational being are committing such kind of actions considering as a universal standard of right and wrong with accountability, punishment is the only appropriate response to those criminals to recognize them as conscious being and to maintain the balance of justice. Kant (1785:92-93), in "Groundwork for the Metaphysics of Morals" wrote:

*Hence it comes about that the human being presumes to claim a will that lets nothing be put to its account that belongs merely to its desires and inclinations, and on the contrary thinks of actions through itself as possible, or indeed even as necessary, that can happen only by disregarding all desires and sensible stimuli. The causality of these actions lies in him as intelligence and in the laws of the effects and actions in accordance with principles of an intelligible world, of which he perhaps knows nothing further except that there it is solely reason, and indeed a reason that is pure and independent of sensibility, that gives the law, and likewise, since in that world he himself only as intelligence is the authentic self (as human being, by contrast, only appearance of himself), those laws apply to him immediately and categorically, so that whatever inclinations and impulses (hence the entire nature of the world of sense) stimulates him to, they cannot infringe the laws of his volition as intelligence, even that he is not responsible to the first and does not ascribe it to his authentic self, i.e., his will, although he does ascribe to it the indulgence that it would like to bear toward them, if, to the disadvantage of the rational laws of the will, he were to concede them influence on its maxims.*

It is to mean that when the "self-conscious and autonomous agent" violates the moral order of humanity, justice requires punishment by causing pain on this

wrongdoer to treat him as end and to make responsible for his action. This helps to maintain the balance of justice to the universe (G. Murphy, 1987: 513-14; Sorensen, 2008:84-91). G. Murphy & Sorensen Summarized the retributive argument of Kant:-

- I. Human beings are rational, autonomous agents.
  - II. As such, they have access to the standard of universal moral law.
  - III. Hence, when acting, they are implicitly decreeing: this is the way I can will that anybody to be treated.
  - IV. This includes themselves.
- We can apply the rule to them: in doing so, we are respecting their judgment about how people should be treated.
- V. Therefore, it is to mean that their own evil deed draws punishment upon themselves.

In the other context, restorative justice is based on the belief that conflicting parties (both the offender and offended) must be actively involved in resolving negative consequences of one's bad action or behavior to maintain the balance of justice (Howard, 2003:20; United Nations Office on Drugs and Crime, 2006: 5-6). Gabbay (2005:9-10) elaborated that an offense is a breakdown of the social ties that connect individuals in a society. In order to fix this breakdown, punishment and retaliation should strive to restore this social tie and dignity of victims. As a result, in the restorative justice, the offense poses an obligation of actions from both offenders and offended society.

Restorative justice requires offenders to take concrete action instead of passively awaiting their punishment. Because, participation to be punished in a restorative process can be seen convenient for offenders to re-harmonize themselves with the society than sitting passively or expecting justice from others. The obligations imposed on offenders are only intended at repairing the harm he or she caused to maintain balance of justice (Ibid).

On the other hand, in a given community or state, it must be asked who should determine what kind of punishment offenders deserve for their wrong activities and behaviors. The moral retributivists contend that the public through their representatives and judges should determine the punishment (Gabbay: 2005: 9-10; Howard, 2003: 60).

We must have a process that gives attention to societal needs and obligations. We must maintain the good qualities of modern legal system the rule of law, due process, human rights, and the orderly development of law and institutional responsibilities of the state. If these qualities of good legal system could not be realized through employing violence or punishing offenders, the state as a sovereign entity to preserve the justice system no longer exists (Ibid). In this moral theory, F. White

(2000, 52) reiterated the nature of punishment of the state as:

*Justice in retribution embraces the familiar notion of "an eye for an eye, and a tooth for a tooth," otherwise known as the principle of proportionality. We are morally obligated to praise and blame others in proportion to what they deserve. Justice, therefore, requires that we get no more, nor less, than we deserve. Justice in retribution involves the familiar concept of payback. When we think about justice in retribution we most often apply it to our response to wrongdoing, and reduce it to the familiar maxim: 'the punishment must fit the crime'.*

Thus, as a responsible institution, the offense pose obligation on the state or society to punish the offender to hold accountable for his or her action, to encourage offender to understand and acknowledge the harm he or she has caused. This measure is also crucial to repair the feeling of hatred from the victims and frustration from offenders.

Other religious scholars argue that retribution is originated from God's will to punish wrong doers. For example, according to the Christian theology, God has always been impersonal, inflexible, perfect and absolutely holy. Human beings have been told to avoid doing any kind of mistake in order to keep themselves from violating God's holiness. When they diverge from God's laws and become contrary to God's nature, His holiness is violated. Due to his holiness, God must punish sin and the violated holiness must be satisfied (Aquinas, 1532: 90-95; Grimsrud, 2009: 2-4). The same analogy works for theocratic political system. Grimsrud (2009: 3) illustrated the retributive implication of Christian theology:

*...God's inflexible holiness is basic, and human beings [must not] invariably violate [His] holiness. Because of His holiness, God may not freely act with unconditional mercy and compassion toward rebellious human beings. Simply to forgive would violate God's holiness. Compassion without satisfaction is not possible for God... For God to remove or ignore the guilt of sin without requiring a payment would in effect destroy the very moral fiber of the universe.*

From this Christian theology, we can understand that God had provided unchanging laws by which we measure our sin, and God's response to sin is believed to be punitive without any accommodation. Thus, Jesus' death on the cross is considered as expression of sacrifice to pay the price, for sinful humans to escape from the deserved capital punishment. This fact is also true to in the legal system of theocratic states and

institutions, where any political misconducts of citizens followed by the punitive punishment and retaliation of their government.

### Utilitarian Justification of Retaliation

Utilitarian or forward-looking justification of violence can be referred to as “consequentiality” moral theory. It justifies punishment or retaliation as a means of bringing about some supposed good consequences such as deterring further violence, maintain law and order, and rehabilitating the wrong doers. It is concerned with how punishment will affect future society’s aggregate happiness or benefits (Rawling & McNaughton, 2006:429-31). The meta-physics of this theory was analyzed by J. Bentham (1789: 15):

*Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain. Subject to it all the while. The principle of utility recognizes this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of sense, in caprice instead of reason, in darkness instead of light... By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, (all this in the present case comes to the same thing) or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual.*

Utilitarian moral theory justifies the moral acceptability of employing punishment or retaliation against offenders only when it produces the maximum amount of good consequences to a given community or society. Punishment for past offense is only justified when it leads to more aggregate pleasure or benefits than aggregate pain or loss to the majority in number (Haist, 2009: 794;

Miller, 1984: 393-4; Baujard, 2006:9-10; Lichtenberg, 2001: 4). B. Eggleston (2012:452) defined:

*Utilitarianism is an ethical theory according to which the rightness and wrongness of acts depends entirely on facts about the maximization of overall well-being. It is commonly associated with the phrase ‘the greatest good for the greatest number,’ and it typically requires people to act in whatever way will result in the greatest possible amount of well-being, where well-being is understood as closely related to happiness.*

In this theory, punishment or retaliation is mainly focused on specific and general deterrence that has the capacity of discouraging potential offenders. It can either incapacitate future criminals from committing crimes or rehabilitate offenders so that they will not engage in future criminal actions (Haist, 2009: 794; Gabbay, 2005: 12).

In case of specific deterrence, when offenders are punished, they will distance themselves from committing crimes. Such punishment helps them to know as they are under the threat of punishment if they repeat it again. When offenders are punished, they will be changed for better moral judgment and will not commit similar offenses in the future. After punishment, they believe that what they did was wrong (Gabbay, 2005: 12). In addition, when offenders are punished or held in a jail while their criminal mind is not changed; they do not live within the society to cause extra harm to the society. Because, they are obviously removed from society (Ibid; Brandt, 1992: 196-210).

General deterrence implies, punishing or inflicting criminals sends a message to other potential criminals to refrain from committing crimes. They infer that such kind of behavior is not acceptable and punishable by the society. It is common that, people respect moral and legal laws when they believe that others respect laws as worthy of obedience and feel their community will retaliate for law’s violation (Gabbay, 2005: 13; Lichtenberg, 2001: 4). People perceive themselves as a moral agent when they equate violating laws or social norms with immorality that cause punishment or retaliation.

In general, we can deduce that the moral justification of violence in the utilitarian theory is determined by its conduciveness to achieving just ends to the society. Instrumental values appear as a key criterion for distinguishing permissible violence from ‘glorified violence for violence’s sake’. To justify the use of violence or retaliation in different conditions, the relationship between means and ends of violent action should be considered. In this view, being instrumental by its nature, violence can be valorized only by its attainment of just ends or goals (J. Finly, 2009: 29;

Bentham, 1781:224-30).

The following example illustrates how utilitarian moral theory justifies the moral acceptability of employing punishment against wrong doers or criminals:-

- I. Suppose that there is a bandit called John in village "X",
- II. Suppose that John had killed 100 men by shooting them all,
- III. Suppose that John will not surrender by any means and will not stop from causing additional death,

From I -III, we can infer that the options are either allowing him to cause additional death in the village or taking some kind of violent measure against him. In this context, by the utilitarian moral principle of "greatest number, for greatest happiness ", taking a corporeal punishment or retaliation action (including killing) against John is morally right for the sake of villagers' survival.

## CONCLUSION AND FINDING

Liberalists use general principles to justify the use of physical force at different levels (individual, national and international) across all reasonably realistic social conditions. These conditions help human beings to preserve their freedom, justice and dignity from the impact of imperfect laws, tyranny of government and other forms of violation of rights. In those contexts, although a man's actions may cause damage or injury to others, he cannot be morally blameworthy or wrongful.

The political theory of Marxism justifies the moral acceptability of violence in terms of revolutionary struggle to change the continual and demoralizing modes of production. In all modes of production, class antagonism and violence have been the product of systematic failure in the governance of ruling class by which masses are chronically subjected to oppression, tyranny, injustice, inequality, servitude and poverty. As result of a defensive reflex by a brutalized working class and reactionary attitude of the ruling class to perpetuate all manners of brutality, the struggle to create a just and equal society necessarily involves violence or physical confrontation, which is morally acceptable.

In retributive moral theory, there are many different ways of justifying punishment and retaliation against unjust actions and behaviors of the wrong doers. For example, punishment might be justified for violating the moral law of the society, treating human beings as a means, violating the rights of individuals and the divine law, and for the purpose of restoration of justice. This moral theory commonly justifies the moral acceptability of employing violent force or punishment in terms of restoring and maintaining balance of justice in the universe. The basic assumption is if somebody upsets the balance of justice, justice necessary requires

payment to restore its balance. This payment can be made through punishment or retaliation, by causing pain on wrong doers.

Utilitarian theory justifies punishment or retaliation as a means of bringing about some supposed good consequences such as deterring further violence, maintain law and order, and reforming the wrong doers. In this moral theory, punishment or retaliation against offenders is morally sound when it produces the maximum amount of good consequences to a given community or society. It implies that punishment for past offense is only justified when it leads to more aggregate pleasure or benefits than aggregate pain or loss to the majority in number.

In general, this article has the following three fundamental findings.

1. The moral acceptability of employing physical violence and retaliation can be analyzed by using different perspectives or theories. Those theoretical foundations have a practical significance at individual, national and international level
2. Human beings consider violence and retaliation as intrinsically evil and imagine to lead life free from those acts. But in certain circumstances, employing violence and retaliation in human's interaction (particularly in politics) have positive contribution to security and stability of human's living. In some context, if we use them effectively, they are source of life preservation, freedom, equality, justice and security.
3. Though a certain culture may aggravate or discourage violence, punishment and retaliation, they have a significant natural foundation. Men have a natural tendency to preserve his life irrespective of time and place. He is also endowed with inalienable and inviolable freedoms. When there is any kind of encroachment against their life and other inborn freedoms, while there is no law or legal body to protect them, the use of violent force, punishment and retaliation to defend themselves is morally justifiable and sound.

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