Peter G. Kirchschläger (Hg.)

# Violence – Protest – Inequality from an Ethical Perspective

Religionsrechtliche Studien

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5

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To my sister Barbara

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# Violence – Protest – Inequality From an Ethical Perspective

*Peter G. Kirchschläger*

## 1 Introduction: Violence – Protest – Inequality From an Ethical Perspective

What is inequality? Are humans entitled to protest against decisions, actions, and realities they perceive as unequal? Is it legitimate to use violence as a form of protest against inequality? These and other thematically linked questions of urgent topicality need ethical guidance. The following introduction will try to address this need. Firstly, it will justify on ethical grounds human rights as an ethical point of reference offering ethical orientation in this thematic area. Secondly, it will reflect on whether non-violence does indeed imply justice. Thirdly, the right to protest will be analyzed. Fourthly, inequality will be discussed as a form of violence. Fifthly, an outlook will be given on this book, *Violence – Protest – Inequality From an Ethical Perspective*.

## 2 Human Rights as Ethical Point of Reference

As human rights represent a minimal standard that enables survival and living with human dignity for every human (Kirchschläger, 2013a, pp. 194–195), human rights are the first thing that comes to mind in order to master this complex task. Human rights can serve as an ethical principle providing guidance to the topic of violence, protest, and inequality because they are ethically justifiable – e. g., based on the principle of vulnerability (Kirchschläger, 2013a; Kirchschläger, 2016).

The *first step of filtering* of the justification approach based on the principle of vulnerability, starts from the observation that humans will recognize their own vulnerability – a first element of the principle of vulnerability (see in more detail Kirchschläger, 2013a, pp. 231–267). For example, the person who is healthy today knows that he or she might become ill tomorrow, or – while living happily in the present – that he or she could be killed by others tomorrow. In this thought process, the person will go through a process of uncertainty. For he or she is made

aware of his or her own vulnerability and, as a last consequence, his or her transience (Hoffmaster, 2006, p. 42). This possibility of self-awareness is true for all humans.

Secondly, an essential part of the principle of vulnerability is the "first-person perspective" (Runggaldier, 2003, pp. 143–221). The awareness-building of one's own vulnerability is a human self-recognition process, the empirical correctness of which is not relevant. It is crucial that humans are willing to do something about this awareness of their vulnerability, namely to protect themselves from vulnerability or to find a reasonable way to deal with it. This affects all humans.

When during this awareness-building process a human being becomes aware of his or her own vulnerability, he or she recognizes the "first-person perspective" *ex negativo*. This encompasses the awareness of a human that he or she as a singular person is a subject of self-awareness through which they can access their own vulnerability. On the other hand, they experience this basic anthropological situation of vulnerability as subjects (i. e., in the first person singular). The acts, decisions, sufferings, and the lives of human beings originate from them being subjects. Furthermore, they interpret this basic anthropological situation of vulnerability as subjects.

By acting and suffering, humans experience themselves as living beings which are not just living like all other beings but which live by living their own lives. To relate to themselves, to act neither compulsively nor arbitrarily, but to be guided by reason and to pursue freely chosen purposes constitutes the life form connecting them to all humans as being of their own kind. This life form makes them vulnerable because the "self-relation" inherent in it depends on fundamental conditions for realization (Honnefelder, 2012, pp. 171–172).

Thirdly, vulnerability will be perceived and revealed by humans *from* their "first-person perspective" as well as the "self-relation" as well as *for* the "first-person perspective" itself and for "self-relation".

This awareness-building process of one's own vulnerability, the "first-person perspective" as well as the "self-relation", leads, fourthly, to humans relating themselves to all other humans. In the course of this process, they realize that this vulnerability does not make them different from other human beings but rather is an aspect they share with all humans.

Fifthly, the process of becoming aware of their own vulnerability and that of all other human beings enables humans to realize that they not only share vulnerability with all other humans but also the individual "first-person perspective" on individual vulnerability and the vulnerability of all other humans as well as the individual "self-relation": Every human being is the subject of his or her own life.

Humans, therefore, realize that the "first-person perspective" and "self-relation" are prerequisites of human life.

Based on the perception of vulnerability through their own "first-person perspective" and their own "self-relation", humans become aware of the same vulnerability of all other humans. Humans who first and foremost want to survive and live as humans – with human dignity – become aware that vulnerability concerns their own survival as well as the survival of all other humans and also their own life as humans and the lives of all others as humans, because from the "first-person perspective" and from "self-relation" vulnerability does not stop as a prerequisite to human life. Faced with one's own vulnerability, a human being primarily wants to survive and live a dignified life. Survival and a life with human dignity should not be allowed to be taken away from humans. Both must be legally enforceable in order to offer real protection and have to be applicable to various dimensions because vulnerability can encompass legal, political, historical, and moral dimensions. Based on the abovementioned high priority they possess, and based on the unpredictability of vulnerability itself, survival and a life with human dignity should be non-conditional. Humans share the desire to survive and live a life with human dignity with all other humans equally. This desire is not individual, even if it is the concern of an individual, which each individual discovers through his or her "first-person perspective" and "self-relation".

Because, sixthly, humans are aware of their vulnerability but at the same time do not know if and when this vulnerability will manifest itself and turn into a concrete injury or violation, they are prepared to accord all humans the "first-person perspective" and "self-relation" based on the equality of all humans because this presents the most rational, prudent, and advantageous solution for themselves. Which means, to accord all humans rights – that is to say *human rights* – in order to protect themselves and all others because vulnerability also contains the "first-person perspective" and "self-relation". On the one hand, this protection through human rights aims at avoiding the transformation of vulnerability into a concrete injury or violation and, on the other hand, in the case of a possible transformation of vulnerability into a concrete injury or violation, to receive active compensation. Humans are aware that the protection of human rights also encompasses the duties corresponding to human rights because they are not exclusive rights but rights to which all humans are entitled.

Concerning this sixth element the question arises, whether it is really rational, prudent, and advantageous for anyone to agree to human rights. Because it is conceivable, for example, that a person because of his or her religious or world-