

*Violence and the State: Can Violence as Means of forming the State Bring
the Good Life for All?*

(A Critical Analysis of American Political Philosophy)

by

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Introduction

Violence cannot be concurrently used to construct the state and as a vehicle for providing the good life for all citizens. The presence of violence has the appearance, in some instances, such as its use for defense of the nation (both internal and external), of being the best solution to momentary problems; however, there are effects that must be considered when determining if the positive results outweigh the negative outcomes. A few of these effects are:

- The results of violence are not always intended
- The non-offending recipient of even passive violence rights become truncated
- The initiator of violence cannot control the violent imitators

In the initial reflections upon what type of nation this country would be, certain of the theorists realized the possibility of violence existed as an activity of the state, especially in a nation that would set as a goal the reduction of dissension among

opposing factions.¹ Violence was thought of as necessary strategy to maintain security and reduce factionalism, but not without creating conditions, which would create the need for more violence. This description demonstrates violence as an expected part of how this nation's leaders understood what was necessary for the nation's continuation. However, when violence is used as a methodology of national politics, it may temporarily decrease the strife between factions, but it inherently initiates or increases the sentiments for the existence of factionalism because there will inevitably be the group opposed to being victims of the violence. An historical example of this is 1950's Los Angeles Police Chief William Parker's thin blue line arrayed against the forces of evil. Under Chief Parker's conception the world was divided, particularly Los Angeles, into enemies and allies.² This act had as a goal the reduction of race factions; however, it was merely effective in created strong racial separation, culminating in the 1966 Watts Riot.

In the years, since 2012, when this talk was first presented, America has been scrutinized by others and has also been self-conscious or self-reflective of the level of violence that has occur in involving people of color, and especially those incidents which the performers of the violence, and in some occurrences even deadly acts, is in some official capacity a representative of the state. All of these acts are troubling, but for some particular reason, the incident I find dost troubling is the death of Eric Garner, probably because I am also an asthmatic. The details surrounding the

¹ James Madison, "Federalist #10," in *The Federalist Papers*, ed. Clinton Rossiter (New York: New American Library, 1961), p. 78.

² Alisa S. Kramer, *William H. Parker and the Thin Blue Line: Politics, Public Relations and Policing in Postwar Los Angeles*, diss., The American University, 2007 (Proquest, 2007), 44.

incident, to best that I can attain them, is that Mr. Garner was selling what is called “loosies,” individual unpackaged cigarettes, a crime in many municipalities, but not one that carries with it the death penalty. Apparently, he had been warned in the past for a similar violation, and on the day of the incident, he was again told that he was in violation. However, on this day the officer decided that it was necessary to arrest Mr. Garner for the violation, and also it was decided that other officers would be needed to complete the process. During the arrest, Mr. Garner, who was unarmed, was taken to the ground and subdued by several officers, but was also choked for 15 to 19 seconds by an officer named Daniel Pantelo. As a result of the choke hold, Mr. Garner died, but before he died, he did managed to say, “I can’t breath...” Essentially, Mr. Garner paid with his life, in a violent manner, for the act of selling loose cigarettes. The city of New York agreed to pay the Garner family \$5.9 million dollars in response to the death of Mr. Garner, but the stain of this act of violence by the state cannot be removed, and this act of violence ended Mr. Garner’s opportunity of ever having or continuing to have a good life.

What is Violence?

Violence or the nature of violence is probably not a typical consideration during historical reflections of the formation this great nation. The definition of violence, or at least the common usage of the idea of violence in common language, is not easily translatable to mean a phenomenon that occurs during the construction or maintenance of a society. Certainly, violence is hardly considered in the

aforementioned process. Violence has little to do with institution building, sustaining of industry, or the education of citizens. Also violence is not usually used to create necessary infrastructure and certainly not those things associated with the aesthetics of society, because of the necessarily destructive nature. However, when an analysis is performed, focusing on the philosophical origins of the American Government, the concept of violence becomes a prominent concept, which is exposed by much of the foundational literature.

The Declaration of Independence, which institutes no law, but is considered the philosophical basis of American government, sets as a essential condition of having rights the establishment of government to protect these rights. Jefferson saw a requirement to describe government as being beyond passively forming a barrier, and as actively providing protection from enemies, with the necessity of force implied. The word secure can have different meanings depending on the intended semantic purpose of the author. Jefferson seems to have in mind, the idea of taking rights forcefully, when considering the historical context of the war that ensued shortly after these lines were written. As the document is entitled The Declaration of Independence, it can be inferred that the rights or freedoms mentioned in the document had not yet, until that very moment, been secured. So, it would seem that the semantic usage implied or symbolized by secure is to capture or successfully obtain, those rights necessarily by force or violence. Therefore, it can be said that violence, at least in the United States, is thought to be foundational to the concept of freedom.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that

among these
these rights,
powers from the

are Life, Liberty and the pursuit of Happiness. — That to secure
Governments are instituted among Men, deriving their just
consent of the governed...

What is violence necessary and why does violence prevail in spite of the constant attempts at creating a society where it is unknown? What is the thing or act represented by the grammatical symbol known as violence? Is all violence the same or can there be any justifiable (righteous) violence which is somehow different from unjustifiable violence? If there is justifiable violence, who is qualified to make that distinction? Are there certain individuals or groups who deserve to experience violence and are there others who by virtue of their political standing, class, or social group that are more deserving to use violence? Is this action that we seek to rid the world even violence, or is it war? That is, can violence be thought of as a necessary condition of life while war, in mass quantity or individual, can be thought as a intentional act of aggression.

What is most thought, in simple terms, as Violence can be understood as an abrupt (without warning) action that causes harm. (This action can take the form of a physical act, a speech act, or as the result of an unintended cause.) In this sense, violence is referred to as a human act and as such, it requires an actor and a recipient of the action. There is also the tendency to define violence in relation to the description of the intentions by the actor; however, this type of limited description negates the unintended effects of the desensitized actions. Given this context, there would appear to be many identifiable acts by the state or state institutions, which can be considered as violent and aimed at certain citizens.

The necessity of examining the nature of violence and its connection to the state is, especially in the American context, brought to the fore for a number of reasons. Nevertheless, the significance for this particular examination, as stated previously, is centrally focused upon the ability of all citizens to have the good life even when there is an existence of violence. If having the good life is not possible when the existence of violence is the case, then the individuals who are concerned with making the good life a possibility for all, such as politicians among others, should commit at least part of their efforts to the elimination of violence. Otherwise, it can and should be said that they are duplicitous in their goals and in their inspirations for being leaders. Also, if it is them who are the authors of violence, then they should certainly seek to end violence and they cannot be the authorities who determine when it has ceased.

The decision of whether or not a certain action is violent depends greatly upon the effect of the action on its recipient(s). The effect of an action assists in the ability to give description to the action's abruptness. An abrupt action, which is described as violent, does not allow the recipient of the action to prepare. It also disrupts the normal flow of activity. This type of action is best discerned as violent through the effect on the recipient because the nature of abruptness presents the possibility of the action going undetected by observers, leaving only the effect upon the recipient to be examined. For example, within the amendments to the constitution, the thirteenth amendment was presented as a solution to the problem

of perpetual slavery.³ However, when the American penal system changed its focus from a restorative purpose to one that was punitive this amendment began to have violent effects for some time.

Another way to think of violence is as failed or distorted communication. According to Jurgen Habermas, violence as distorted communication is brought about through the failure to properly interpret the communicative symbols of another's culture (verbal or otherwise), removing from them the opportunity to have their claims understood. On this Habermas said, "The spiral of violence begins as a spiral of distorted communication that leads through the spiral of uncontrolled reciprocal mistrust to the breakdown of communication."⁴ In larger societies, because of the complexity created by the proximity of many different groups, the possibility for a breakdown of this sort is increased. Habermas, on the surface, seems to say that allowing the voices in a society to be heard decreases the violence of which we speak, but certainly this is a oversimplification of the causal structures of the violence being referenced. To have heard goes beyond simply a proverbial nod of acknowledgement, the response must include a move towards the fulfillment of needs in order for the notion of community remain. It would seem that violence is communication, but I am not sure that it is always to be as distorted communication. Habermas seems to focus only on the violence of the oppressed which in such case, can be considered distorted, but I maintain that the violence of

³ The Library of Congress. "Thirteenth Amendment to the U.S. Constitution." [loc.com.http://www.loc.gov/rr/program/bib/ourdocs/13thamendment.html#bibliography](http://www.loc.gov/rr/program/bib/ourdocs/13thamendment.html#bibliography) (accessed November 21, 2012).

⁴ Borraadori, Giovanni, *Philosophy in a Time of Terror*, (Chicago:University of Chicago Press, 2003) p. 64

oppressive forces has a remarkable clarity, especially when the violence results in death.

In a likewise manner, Richard Rorty pondered over the topic of violence, focusing his deliberation on the contingent nature of humanity based ability to make moral choices as distinguished from other animals. Rorty's aim in the examined article was to dispel the notion that moral education, based only on intellection, was the way to solve the desire of humans to be violent in general and specifically to other humans. The work of Annette Baier is used by Rorty to dispute previous moral position based on the ideas of philosophers such as Plato, Aquinas, and Kant based solely upon reason. Baier privileges the work of Hume in her understanding that it was the sympathies of humans that required correcting and not the rules by which they live. Rorty argues that ideas or agreements such as human rights only matter if humans can see themselves as the others. About this he writes, "We pragmatists argue from the fact that the emergence of the human rights culture seems to owe nothing to increased moral knowledge, and everything to hearing sad and sentimental stories, to the conclusion that there is probably no knowledge of the sort Plato envisaged."⁵ Rorty makes a good argument for the preeminence of positioning of sentimentality in the heightening of moral awareness, but mistakenly uses either/or language to dispute the benefits of rationality as opposed to sentimentality as way of curbing violence. This is problematic at best resting on the notion that reason was integral in the development of his understanding. His

⁵ Richard Rorty, "Human Rights, Rationalists and Sentimentality," in *The Philosophy of Human Rights*, Patrick Hayden, ed., (Paragon:St. Paul, 2001) p.241-257.

overstatement of his claim seems to turn on the phrase, “owes nothing to increased moral knowledge.”

It is my contention that violence in all instances creates space for dehumanization to occur for all involved; however, I do not believe that all violence is inhuman. Certainly there are moments during violent occurrences when those involved lose a sense of what it means to be human, but to declare any use of violence as inhuman does not seem to reduce what it means to be human. David Livingstone Smith asks the question, “what is it about human nature that enables us to conceive of one another as less than human?” He bases the question on his philosophical precept that to dehumanize is to regard someone as less than human. This seems a bit condensed but maybe useful as a starting point. To be human, definitionally, is certainly variegated, but to be less than human can be understood on one level as being consistently focused on survival. However, on another level, to be less than human can also be understood as having a non-optional existence. This simply means when in this condition, an animal cannot choose its own life pattern. Extending the overall idea that violence as a way of constructing the state cannot create the good life for all, but holding in tension that violence at any time should not always be considered a dehumanizing, it is necessary to consider at least whether violence is some fixed part of our evolutionary developed psyche, a way communicating that we resort to because of some basal nature. If this is the case, our solution may take a longer time to find than at first hoped. However, acknowledgement does provide positive steps advancement.

Can a nation genuinely take a nonviolent stance toward her citizens? Is nonviolence a corrective action for violence? Violence sanctioned by the state is a peculiar proposition given the state's existence in a conceptual nature only. The existence of the state is wholly dependent upon its members' belief in the state and therefore, the members agree to functioning of certain authorities or authority figures as the state. While all violence is certainly of concern, the focus of this paper is state violence aimed at the citizen, which many times is understood to be punishment by the authorities. So then the question becomes can the state forego the presumed right to punish by focusing less on the desire to seek revenge for her citizens? Howard Thurman, in his work *Disciplines of the Spirit*, intimated the necessity of people willing to suffer in order that the world might continue.⁶ He equated suffering, on all levels, with pain. So just as a mother must experience some pain to give birth, except in the rarest of examples, so must authorities be willing to suffer if the state is to continue. Barry Gan further exposes this idea with, "without the willing sacrifice of people committed to a better world, the cycle of violence will simply be perpetuated."⁷ By extension, nations will continue to be violent if they continue to exist only through violence. The simple question is what kind of nation do we want?

Types of Violence

⁶ Howard Thurman, *Disciplines of the Spirit*, (Harper Row:NY,1963), pp. 64-85

⁷ Barry Gan, *Violence and Nonviolence*, (Rowman & LittleField:NY, 2013), pp. 112-113

I have divided violence into two major categories, each having two subcategories, in order to better describe violence in all its forms and to properly attach physical effects with their violent causes. These categories are divided as follows:

- Mental immediate active
- Mental immediate passive
- Mental delayed active
- Mental delayed passive
- Physical immediate active
- Physical immediate passive
- Physical delayed active
- Physical delayed passive

The importance of the division is not exclusively to demonstrate the process of nomenclature, but it is especially to bring attention to the equality of the effect between physical and mental violence. Physical violence is frequently recognized as having occurred because of the obvious immediate or sometimes delayed active interaction between the initiator and the recipient. But, it is with mental violence that we find the effects are not always so readily or immediately noticed. However, the effects of either type of violence can be just as devastating.

Effects of Violence

The effects of violence are variegated, but when speaking of violence as a goal oriented activity, these effects can be narrowed. I have attempted to create categories of outcomes that present violence as being capable of causing complex effects that must be determined through deliberate analysis. Violence disrupts normal activity. The recipient must attempt to focus energy towards developing a response for the experience of violence because it can be assumed that this is an experience that is undesirable, therefore the recipient is not able for a moment to focus fully on whatever the normal activity was. Violence not only disrupts normal activity but it also occasionally stops normal activity. Many times, depending on the level of violence, it has the ability to cause the recipient to not be able to continue whatever was considered normal activity. Therefore, stopping or a discontinuation of activity is the simultaneous response and effect of violence. Another effect of violence is that it can stymie and disorient the recipient. This effect can sometimes be worse than a disruption or discontinuation of normal activity. This can be said, because when the recipient is disoriented, they may continue with an activity that is wrongly motivated and this activity may also have the effect, at some future point in time of causing harm. Lastly, violence discourages activity. Violence has the ability to discourage even those who witness the violence, those told about the violence, and even those who neither witness the violence nor are told about the violence, but witness the effects of violence. There are many examples of the discouraging effects upon children growing up in war torn countries, but as it pertains to this work,

imagine for a moment living in a post riot neighborhood as a child. Again, the effects of violence are multifaceted and have the possibility to extend into time.⁸

State Instigated Violence and the Good Life for All Citizens

“The state—or apparatus of “government” –appears to be everywhere, regulating the conditions of our lives from birth registration to death certification.” (David Held 1983)

Violence is not only an act but it is also a symbol which communicates many percepts, and among these is otherness or fragmentation. Symbols are the means by which humans signify experience and as such, all symbols contain their own level of inadequacy. Violence as a symbol is no exception. The very nature of violence is meant to be an offensive and aggressive event based upon the premise that there exists an other or an absence of unity. Even when violence is used as an element of protection, it is assumed to be aimed at an other and of necessity communicates aggression. The use of violence by the state against its own citizens creates a level ambiguity in meaning that is difficult to disperse, especially when there is an ideal attached to the state of the responsibility to protect its own citizens.

Much of our lives we spend our time engaged in discourse in order that we may make known to others our perception of the world. And there are two types of discourse in which we find ourselves engaged. They are verbal and nonverbal discourse. In each of these types of discourse what becomes problematic or what

⁸ David Living Smith, *Less than Human*, (St. Martin's:NY, 2011), p.28.

makes discourse even necessary is the difficulty we experience in interpretation so that we might understand as clear as possible the experience of the moment being described. Our interpretation of any discourse is hindered by the distance we experience from the event represented by the discourse causing in the interpreter a limitation in understanding. This limitation of understanding is what creates, in many occasions, the inability of violence to create the desired consequence when perpetrated by the state.

Specifically, much of the work in the process of interpretation is done by the interpreter through their perception of the world and not the communicator's representation of the world. Signs, symbols, experiences, and frameworks, this is how we perceive the world. Signs and symbols are used to represent the world by the communicator and experiences and frameworks are the tools of the interpreter to gain a perception of the world. What does this mean? There are many concepts and percepts that, as humans, we want to explain to someone else, whether verbal or nonverbal. We can only do this through the use of signs or symbols to represent the concepts we wish to portray. Discourse is mainly representation and interpretation, depending on the role we play in the discourse. States as entities (in this case, communities that operate as one body) make use of the same mechanisms in communications as do individuals. Earlier in this paper, the description of violence as a type of communication was put forth as a propaedeutic of the contextual space in which violence occurs. When voices become drowned beneath the sound of the oppressive goals of national politics, agendas specific to the needs of marginalized groups are also effectively marginalized. They become sacrificed to

the greater power, although it is projected as the greater good. This greater good is only greater in terms of how many desire its outcomes, which is not equivalent to the greater good, in terms of virtues it provides for all or even most.

The philosophical origins of American political theory validates the use of violence as a means of maintaining national boundaries and order within the nation state creating a consciousness that considers violence as necessary to the American political structure. The Federalist Papers, which detail some of the earliest American political thoughts, were written with a clear view of the writings of Thomas Hobbes and John Locke. In essay number ten, written by James Madison, the discussion concerning factions leans heavily upon Hobbes' understanding that all individuals and groups of individuals or communities have developed appetites and aversions.⁹ These, particularly the appetites, create certain desires that can be referred to as the good. Factions developed from the competition of individual appetites or quests for the good. Madison puts forth the idea that government (which Hobbes calls the sovereign) is needed to control disputes between factions. It is at this observation that Madison winces, understanding as he describes, "There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests." It is not overtly stated, however, it is implied that there will always be factions whose appetites cannot be allowed to be satisfied. Their appetites' goodness is judged by the benefit for the whole which

⁹ Kenneth Murray. Knuttila and Wendee Kubik, *State Theories: Classical, Global, and Feminist Perspectives* (Halifax, N.S.: Fernwood, 2000), 35.

most times means the majority's appetite and when this is not the case, then they must align to the government's (or sovereign's) appetite. When this is impossible, a factional group is created through their dissent from the majority's opinion. This occurrence forces the majority or government to become violent, shrinking the dissenting faction's opportunity of obtaining the good life.

Conclusion

An example of this type of violent reaction can be found in the American idea of public standardized education. The American idea of education is focused upon the creation of citizens who are reluctant to dissent from the norm and focused upon maintaining ideological vision of the United States that has never existed, at least for all citizens. This is done through the hyper-commitment to a standardized curriculum that does not take into account the racial, gender, religious, or regional sensitivities that combine to create conflict among factions.

Diane Ravitch, an early proponent of standards and standardized testing and a recent critic of the extremes to which both are being taken by current policy-makers, wrote in her 1985 book, "The Schools We Deserve," that standards and testing threaten to de-skill and dumb down public education. Rather than being asked to critically analyze what the phrase "Columbus discovered America" means, students are asked to identify the date that the "discovery" occurred.¹⁰

Initially, when standardization was presented to the American public, the stated goals were to increase achievement in all students, especially in math and

¹⁰ Galen Barnett, "The Downside of a Standardized Curriculum," The Oregonian, July 31, 2009, section goes here, accessed November 26, 2012, http://www.oregonlive.com/opinion/index.ssf/2009/07/the_downside_of_a_standardized.html.

science, since the world was evolving into a place where technology use was unavoidable. However, what was not considered were the unintended effects of what some are now calling the hidden curriculum. The hidden curriculum refers to the phenomenon that occurs when certain elements are not present in an overt way throughout a curriculum and others are. The representations or omissions imply certain meanings about what the creators of the curriculum specifically and the society in general values about the cultures that exists within the nation.

Thus, a major purpose of the hidden curriculum of U.S. public schools has been cultural transmission or teaching students the routines for getting along in school and the larger society. In other words, hidden curriculum usually serves to maintain the status quo, specifically the dominant culture and prevailing socioeconomic hierarchy. It is this conservative bias, portrayed in articles by Jean Anyon and Michael Apple, that has been targeted by critics concerned about aspects of hidden curriculum, which work against diversity, equity, and social justice. Nonpublic schools, in contrast, such as Quaker or elite private schools, convey different hidden curriculum messages.¹¹

This type of violence damages certain individual and community identities. It has variegated immediate and delayed effects. The most noticeable being those who do not see themselves represented in the curriculum began to act in a manner that demonstrates belief that the greater society does not value them. This leads to an innumerable amount of problems such as teen pregnancy, drug use, high drop out rates, gang violence to name a few. However, because the recipient of the violence is usually not given the ability to be the determinant of what is violence, these effects are never attributed to their real cause. Since these effects are so variegated, then it

¹¹ Catherine Cornbleth, "School Curriculum-Hidden Curriculum," School Curriculum-Hidden Curriculum, section goes here, accessed November 26, 2012, <http://education.stateuniversity.com/pages/1899/Curriculum-School-HIDDEN-CURRICULUM.html>.

is assumed that the causes must also be just as variegated. The unwillingness to accept simple causes to complex problems causes cyclical state responsible violence that has the possibility ceasing, but because the cessation of such has no immediate benefits for the majority, it continues.

Concluding on this topic certainly performs some type of violence because this is a topic that deserves much discussion and thought. It is too simple to say that this type does not exist, but to do so begs the question of whether by doing so you have become initiator of violence. Too long in this nation, the outgrowths of majority rule have lead to state sponsored violence, restricting the good life (life, liberty, and the pursuit of happiness) for many citizens. Consideration has not often been given to what actions the state takes, or are implied in our American ideology, make the good life for all an impossibility. This paper is an attempt to place in a prominent position consideration upon the good life for all citizens.

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