

On the possession of inviolability, ecological crisis, and freedom

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.

- John Rawls, *A theory of justice* (1971/1975/1999), p. 3

This quotation from John Rawls more or less immediately reminds me of two other philosophers that have focused on each human's inviolable and inherent worth and rights, namely Immanuel Kant and Robert Nozick. Now, if we start to look at Kant, and thereafter Nozick and Rawls, I think we can identify what is similar in their understanding of a person's inherent inviolability, and in what way Nozick and Rawls add something on to it.

The UN's Declaration of Human Rights is an example of an understanding of a person's inviolability, which builds on Kant's thoughts. For Kant, it was important that every human in it self had an inherent value that no one could destroy or take use of. In his ethical thinking, he said that "every human should be treated as an end in himself, not as a mean". Consequently, one should always see every human as an objective in itself, not as a mean for reaching an objective. This also counts for one self. Easier said – you should not use someone, or yourself, to achieve something, a person is *something to achieve* in itself. For example, if I want to be popular at my school, and treat other people nice *because* it makes me popular, I use them merely as means to achieve something for myself, and it is by Kant's ethics wrong. If I, on the contrary, treat my schoolmates nice so they can feel nice, I treat them as *achievements in themselves*, and it is by Kant's ethics the good thing to do. One should consequently act in good will. As i see it, this is quite basic, and I don't think I need to further problematize this now – let's move on to Nozick.

Now, what Nozick says is somewhat closer to the quotation of John Rawls. Nozick's idea of *self-ownership* goes something like "every person is himself completely the owner of himself, and no one can, by no means, force any part of him to do something, or to serve any other", to use a to-the-point-formulation. According to Nozick, it can be, for example, horribly wrong for a rich man not to help a poor man, but no one can actually *force* him to do it, as it would constrain his inviolabilities. The rich man should absolutely help the poor man, but he has to do it on his own free will. As this *self-ownership* also applies to one's private property (one's external property is part of oneself in

somewhat the same way that one's arm is part of oneself), taxation is for example problematic. This thought *self-ownership* also rests on the idea of every human being an inviolable in itself. Nozick, however, takes this inviolability to a greater extent than Kant does, especially by applying this *self-ownership* to one's private property. I think this is useful for understanding the quotation from Rawls, and I think that they by far tell us much of the same, in a coherent way.

So we're back to Rawls which puts his thoughts quite practically speaking in the quotation above. Here, he directly says that one possesses himself fully (which I strongly presume also counts for his private property), and that this principle even cannot be overridden by the "welfare of society" as a whole. I think this states more or less the same that Nozick's *self-ownership* does, and it does, by example, also very clearly problematize taxation. To read Rawls' statement very literally, taxation is theft of one's inherent and inviolable worth, rights and property. It does also problematize the governing and egalitarian-promoting State as a tool for a people's welfare, as this is implying taxation and regulation in the individual's room in to act freely. I think the free will is essential here, because if we look at the quotation again, we see that "the welfare of society" should not *override* a person's inviolability. This is coherent with Nozick's way to say that one *should* help others, but because one self and one's property wholly and fully *is* one's property, no one can force you to do it – you have to do it yourself. Somewhat similar, Rawls says that "the welfare of society" should not *override or force* a person, but it does not mean that he shouldn't help others. In order for his helping to be true and just, however, he needs to do it *himself*, of his own free will.

Firstly, I will say that I do not agree to this kind of understanding of a person's inviolable and inherent worth and right, and thereby do not personally agree to the premises of Rawls. But putting that aside, the thought appeared to me – can we not problematize this understanding of a person's rights on their own (Nozick and Rawls) premises? I think it can be problematized in several ways, but let us focus on the one I find most interesting, namely the ecological crisis.

Over the past decades the challenge of the ecological crisis has arisen for mankind. This is as most other crisis, a problem created by mankind itself. As 97,5% (a constantly increasing number) of the world's climate experts agree on this fact, I will take this fact for granted. Now, one can argue, but I would say that this problem is mainly caused by individual self-interest. As ways of production and energy that is conflicting with the earth's climate often is the more effective (cheaper), it has been favored. This is rationally defensible on a short term, but we have now discovered that it won't be rationally defensible on the long term. My thesis is that all this short term-rational, individual self-interest, will eventually lead to a big, collective loss on the long term. How big the loss is we can not know in this moment, but what we know is that if mankind should continue the same kind of short

term self-interest continuously, it will not only threaten the “welfare of society”, but it will also threaten the existence of civilization as we know it. Now, I am not saying that this is what we are up to with today’s development - because it is not - but it is possible on the long term. Nevertheless the ecological crisis is, also on the short term and in accordance to our development today, threatening people’s lives.

Now, how does this conflict with Rawls’ quotation? I think that the ecological crisis is an example of a factor that shows us that in fact the inviolability of one person will threaten another person’s inviolability, merely by threatening his life. This threat is possibly not a direct effect of one person’s rights in the short term, but it is a direct effect of all human’s rights to use their own property in a way that damages the climate, the environment and our resource base. Notice again that we are not talking about a person’s inviolability threatening “welfare of the society”, but the threatening of other peoples lives, and thereby their inviolability. In my opinion, this is an ethical paradox. The neoliberalism which Rawls and Nozick are connected to have not been able to slow down dangerous exploitation of vulnerable parts of our earth, and if they don’t come up with a sufficient way to stop this mechanism and correct this ethical paradox, I see their argument as invalid.

I have now tried to problematize the neoliberal stance on their own premises, and I will now try to propose a kind of alternative to these premises. There are two things I think is essential in Rawls premises: *Justice*, because that is what a person’s inviolability is founded on; and *freedom*, because it is what is required to act according to one’s inviolability. Let us begin with justice.

The way I see it, what Rawls define by justice, is that one person is fully the owner of himself – on this I agree. But what I really can’t relate to is the view that for a person to completely be the owner of himself, he consequently has to be the final owner of his external property, and I think that this is somewhat what quotation postulates. Firstly, this is basically and intuitively not right in my mind. I do not see how, and in what logical manner a person’s self-ownership consequently applies external resources to be, fully and finally, part of oneself.

Secondly, *freedom* is an interesting word, because it is (or should be) a very complex one. By example, when you search the Wikipedia for *freedom* you do not get an article, but you are forced to choose which freedom you are looking for from a set of alternative definitions. In addition to being a complex word, it is also a very important word. Freedom has for the last decades maybe been the biggest word of all words in the western world. Now let me use a certain point of time in history to demonstrate the complexity and importance of *freedom* as a word – namely Woodstock. You see, at the 15th of august 1967 (if I am not completely mistaken), Richie Havens enters the stage as the first

act, in front of half a million humans, and he does an improvisation of an old tune from the days of slavery and cotton farms. His rusty voice yells out one word, which seems to be the *Zeitgeist* of a whole generation: "Freedom!". In the same moments, American planes are bombing Vietnam apart, *in the name of the free world*.

Since those days, freedom has been even more accentuated, much because of the rise of neoliberalism. But in addition to this, the understanding of the word *freedom* has become narrow and somewhat one dimensional. To use the technical terms, I think that if we do the same division of the concept of freedom as Isaiah Berlin (*positive*- and *negative freedom*), the negative freedom is ruling the concept of freedom. Negative freedom being the absence of external disturbances in your personal *area* of freedom - simpler said that freedom is to not be hindered. In my opinion, this is the definition of freedom that is adapted and accentuated by the neoliberals, and that has been too much emphasized. Freedom is so much more than not being hindered by the law, or the state, or the "welfare of society", and so much more than being a consumer in a free market, unhindered by regulation and other obstacles. Firstly, the globalized free market may be threatening the future generations with what I would call a quite good portion of *unfreedom* (by disrupting the resource basis). Moreover, the free consumer role we all have in the free market, does not consequently make us *feel free*. Is maybe the feeling of freedom as much a premise for real freedom as the freedom to choose between 50 shampoos?

In these days, I think we need a broader understanding of the word *freedom*. We need not only to be able to freely *act*, but we also need to be free to *stop* for a second, so that we are able to take a step back and reflect. Freedom to reflect, freedom to be creative, freedom to be heard is also freedom (Examples of Isaiah's positive freedom in my opinion). Freedom and space to step back, think about our situation, and a bit like Kant wanted us to do - self make the moral right rules that we act by. These expressions are, in my opinion, as valuable expressions and understanding of a person's inviolability as the one Rawls in his quotation has offered.