

CHAPTER 2

Heroes or Murderers?

(Conflicts of conscience)

The question "to kill or not to kill?" has become the cause of a major social conflict in the Western World as the result of the wholesale massacre of innocent people by dictatorships, mass bombings, the threat of atomic annihilation and extensive "preventive" wars against guerillas, hijackers, revolutionaries and Vietnam type situations.

The inadequacies of moralities have been shown up sharply by their contradiction in asking God's blessing on killings which revolts the sense of justice of large numbers of people.

Not only have moralities condoned wars and killings for the practical reasons of remaining friendly with authorities in power, but at the same time they have continued their crusades against such comparatively trivial transgressions as abortion, contraception, euthanasia and resistance to conscription — which are much more justifiable from the individual's point of view than wholesale killings.

As a result of this controversy, society is divided along some confused lines. The arguments revolve around the problem of whether it is justifiable to fight, bomb and burn enemies to prevent them from attacking us or whether it is justifiable to fight, bomb and burn our own authorities who order citizens to commit the self-same acts in the defence of the peace of the majority.

Justifications depend on points of view — which are liable to change. One day we may consider it justifiable to fight for a cause which at another time did not appear to warrant such extreme action.

The Individual wants the right to decide what to do, when to fight and when not to fight. Authorities, who are supposed to represent the interests of the community — or at least of the majority — have the responsibility to defend the peaceful existence of its members against both internal and external enemies.

Moralists, conscientious objectors, and activists seem to concentrate only on one aspect of this conflict. They are con-

cerned with justification. From the practical point of view I think it is even more important to clarify the confusions concerning the responsibility for damages and the question of its enforcement.

We tend to accept the fact that a satisfactory justification gives the right to commit any act — even killing — and we neglect to realise that righteousness can be only an excuse from punishment but no release from the responsibility for compensating the damage caused.

Justification does not solve the problem of who is responsible for the damages resulting from the act.

This question of responsibility is greatly confused both in principle and in practice. Individualist societies tend to leave the stricken individual to his own devices or at the mercy of charity. Tribal and even feudal and modern welfare societies accept some responsibility for alleviating the damages suffered by their members.

The acceptance and sharing of responsibilities is haphazard because it is not based on any principle. Help and compensation depend on such practical considerations as emotional compassion to help ALL who are IN NEED, on political considerations to influence as many voters as possible, on financial considerations such as which minorities or defeated enemies have funds which may be confiscated or taxed for the purpose.

I believe that the solution of this complex conflict is threefold:

1. There must be a definition of what are "justifiable" killings.
2. The responsibilities of both the individual and the community must be clarified, limited AND enforced.
3. The basic human rights of the individual must be upheld, including his right to opt out of any community.

Rights and responsibilities must be balanced and complementary.

Imagine the consequences of the following two laws:

"ANY INDIVIDUAL HAS THE **RIGHT** TO LEAVE OR JOIN ANY COMMUNITY, **TOGETHER** WITH HIS PRIVATE PROPERTY . . ."
and

"EVERY INDIVIDUAL IS PERSONALLY **RESPONSIBLE** FOR . . . COMPENSATING THE VICTIMS OF HIS ACTIONS FOR DAMAGES CAUSED."

(Extracts from: "AN INDIVIDUALIST MANIFESTO" Clauses (2) & (6) Pp.163/4.)

Which community could afford to expel millions of its citizens **together with their private property** including their share in the natural resources of the community?

Would the West Pakistani government have dared to create such conditions which caused some nine millions of East Pakistani citizens to flee their homes?

The Moral Confusion

Many moral, religious and legal codes have been tried in history to eliminate man's brutality to his fellow man. But nothing has prevented the modern military massacres of Katyn, Hiroshima, My-Lai fame; genocides and class murders from the Kulaks of the Ukraine to Auschwitz and the "Cultural Revolution" of China; the civil wars of India and Pakistan or the Congo or Nigeria and the incidental lynchings, fanatical aberrations in the numerous revolutions, "guerilla-liberations", "peace-demonstrations" and "hijackings".

These few instances show how various and opposite moral and legal codes — from Christianity, through "non-violent pacifism" to Communism — all find justification to permit or forgive cruel murders.

The average citizen of a nation, the believer in a religion is lost and bewildered by the conflicting obligations forced on him.

Killing is discouraged if it serves only the interests of the individual. Moralities and authorities threaten revenge and punishment which vary from the biblical "eye-for-an-eye" principle, through the fear of "hell-fire and damnation" to imprisonment and execution.

The same moralities, however, encourage and instigate bravery by offering mundane rewards and heavenly bliss for soldiers, inquisitors, vigilantes and freedom-fighters who fight for the approved "holy" causes. These causes may be self-

defence and the annihilation of the enemy or all kinds of "crusades" for glory or the salvation of the souls of the victims.

No wonder that the brutal, torturing guards of concentration camps, the sadistic murderers in civil wars and soldiers exposed to civilian ambush feel free, justified and supported by their moral codes to commit massacres.

No morality has accepted yet the ideal that Basic Human Rights of individuals ought to be paramount to the actions of capricious partisan groups of nations, religions, classes, etc. In fact all moralities, social codes and legislations are willing to justify and forgive atrocities as "necessary evils" in the interests of their own group.

Evidence indicates that when the need arises proponents of "non-violence", pacifism and "non-intervention" always find explanations as to why they act contrary to their principles. Ghandi's ideas have been taught to all other nations by the Indians but when they did not suit India any more Mrs. Ghandi explained that India's intervention to overthrow the East Pakistani government in support of the Bangla Desh was unavoidable and just. Never mind the incidental killing of innocents by aerial bombing etc.

All societies disregard prohibitions on killing when they fear for the survival of their society. Killing is always justified "ad majorem gloriam" — for the sake of the group. Suicidal actions, sacrifices, martyrdom and heroism are the lot of individuals and minorities because only they are unimportant enough and expendable for the sake of saving the survival or the interests of the group.

As things stand all practiced moralities preach humbug; they teach and encourage non-violent behaviour; they preach doctrines of self-sacrifice and they threaten dire punishment to all law-breakers. But these moral laws are applied only against the weak, the individual and minorities and only so long as it is thought that they serve the interests of the community — as proclaimed by the leaders.

Since in practice all such "absolute" moralities or "divine laws" are suspended to serve some overwhelming interests, which are then accepted as justification even of murder, such moralities are wrong. They do not serve their purpose; they create serious conflicts because of their inner contradictions and should be replaced by better guides to human behaviour.

The morality which offers universal guidance without inner contradictions, which can be applied under all circumstances and which is binding on the lowest and the highest in the land will accept and define and declare the conditions when killing is justifiable instead of making hypocritical excuses when it suits its mentors.

JUSTIFICATION CANNOT PROVIDE EXEMPTION TO ANY PERSON OR GROUP FROM THE OBLIGATION TO PROVIDE COMPENSATION for the damages resulting from homicide.

JUSTIFICATION CAN ONLY BE USED AS A MEASURE OF THE "degree of guilt" or as complete exoneration.

The fact that satisfactory justification can, at the best, save a man or a group only from punishment but not from the responsibility to compensate the eventual damages must act as an inescapable deterrent by its heavy burden.

I believe that this simple principle of enforcing personal and community responsibility for damages may achieve greater results than all the well-meaning but contradictory, complex and nebulous moralities have achieved in the past.

IF EVERY SOLDIER, EVERY COMMANDER AND EVERY POLITICIAN KNEW THAT THEY WERE PERSONALLY RESPONSIBLE FOR DAMAGES CAUSED AND THAT THEY WOULD HAVE TO MAKE COMPENSATION, WOULD THEY BURN, BOMB AND KILL AS THEY DO TODAY?

Repressive Moralities cause Neurotic Societies

Our moralities give us absolute, categoric orders which cannot be followed in truly vital situations. We are ordered "not to kill", to turn the other cheek, etc. We are taught, admonished and threatened in the attempt to repress many actions which are necessary to satisfy our basic interests.

It has taken about half a century for the Western World to accept the discoveries of psycho-analysis and associated behavioural sciences which have shown the pathological, neurotic results of the repression of normal activities such as sex. We know now how abnormal repressions have resulted in guilt complexes and in unconscious defects which in turn cause physical sickness such as convulsions, vomiting, ulcers, fits, paralysis etc. without apparent physical causes.

Since sex is practised by all, the sickness and neuroses induced by repressive, hypocritical moralities have been extensive and have come to notice sooner than other sicknesses which are caused by other aspects of behavioural repressions.

Until world travel and the wide coverage and distribution of communication media brought personal, visual information about wars, murders and accidental deaths to the inexperienced civilian population, relatively few people suffered from shell-shock and other neurotic conditions caused by the fear of killing or of being killed.

Today practically the whole community has personal experience through TV of the facts and results of bombings, of the atrocities of guerillas and reprisals of armies, the use of napalm and defoliants, the "accidental" shooting of "innocent" by-standers, the starvation of refugees and the tortures and executions in concentration camps and prisons.

We have firsthand information on how authorities which categorically prohibit killing not only permit, but actively promote, support and order, murderous action. On the other hand we know that moral and legal authorities will condemn and punish the conscientious objector and the deserter who do not want to be involved in murder.

As a result of such sickeningly hypocritical contradictions society goes through the physical symptoms of neuroses, schizophrenic, guilt complexes. We have social convulsions erupting in student rebellions, guerilla activities and crime waves of violence. We seek relief in escapism and compensating activities such as "status-symbol" fetishism, the drug-taking mania, "hippy" movements etc.

I believe that in the final analysis the decision to kill or to do harm is not a matter of conscience but a choice between the more and the less frightening alternatives facing man as he considers the probable consequences.

History shows that the vast majority of men avoid causing harm and abhor killing most of the time. The fact is that the need for such extreme acts seldom arises normally, but even under provocation the average citizen of our society is conditioned to avoid violence.

When the chips are down however, when the individual considers that violence, killing and war are the more favorable

alternatives, his decisions are not made according to the "dictates" of his conscience, not according to a "Categoricus Imperativus", not according to "absolute moral laws", not according to the 6th Commandment — but in spite of all the moral teachings he has had all his life. We feel free to violate them because we expect to be excused from all responsibilities when we can provide suitable justifications for our action.

On the one hand we believe or pretend that the conflicts of war and killing in general depend on moral considerations.

On the other hand we suspend all moral considerations if we can think up suitable "justifications" for any action.

Since contemporary moralities are in chaos (see "Conflict of Moralities" p.82) moral attitudes are inadequate and only add to the confusion.

I shall attempt to show WHY currently practiced moralities do not reduce wars and killings, why they are inadequate in resolving conflicts of conscience and how an alternative system of rules, based on the clear definition and enforcement of the RIGHTS AND RESPONSIBILITIES of individuals as well as communities, is likely to be more effective.

A Re-Interpretation of the 6th Commandment

The 6th Commandment says: "Thou shall not kill".

This appears to be an absolute prohibition of killing. In support of this law judeo-christian moralities threaten violators with divine punishment either in this life or after death. In practice, however, all societies accept, condone, permit and even order killings.

Societies consider killings from various aspects. Some killings are considered heroic and earn the respect and gratitude of the community; some are called excusable homicide and are forgiven; some are considered murder or manslaughter and bring punishment.

Some medical practices, such as the withdrawal of drugs from the moribund or saving the life of the mother at the cost of the foetus etc. result in death. Although they are in fact homicide they are exempted from the orbit of the Commandment.

Whilst biblically all sub-human life forms (animals, plants) are inferior, different and subordinated to man's life, modern

science has evidence that the principle of life is the same in all life forms.

Although modern religion now accepts the idea of the evolution of man from lower life forms, religious morality does not prohibit the killing of animals and plants and it tacitly creates a wide class of exemptions to its own moral law. It accepts that for the basic necessity of survival man must be permitted to kill (in this instance for food).

This tacitly accepted principle has been extended to include the permission to kill on other occasions when the individual or the community thinks that his survival is threatened. Self-defence and its extensions, preventive actions, persecutions, deterrents, retaliation and even genocide have been accepted and justified as exemptions from the moral law.

Obviously the 6th Commandment in its present form has no practical value for societies which are not concerned with divine punishment after death. In fact laws and morals which are based on such disregarded religious enunciations bring morality, law and order into disrepute. Authorities who request obedience to laws and commandments which they themselves break regularly are known to be hypocritical and lose the trust of their communities. In such societies, including our own, there is an urgent need for some more relevant, more acceptable, more practical code of behaviour.

I suggest that the following reformed version of the 6th Commandment expresses more clearly the desired and practically acceptable mode of behaviour at which it seems to aim.

"DO NOT ORDER, AID OR COMMIT HOMICIDE UNLESS IT CAN BE JUSTIFIED BY THE RULES OF THE COMMUNITY. EVEN THEN YOU SHALL BE RESPONSIBLE FOR COMPENSATION FOR THE HARM CAUSED." (See: "An Interpretation of the TEN COMMANDMENTS" p.90.)

What are the advantages of such rewording or reforming of the Commandment?

FIRSTLY: This version means what it says — which is in itself a vital improvement. Accepting facts as they are is the basic step necessary to cure neuroses.

It is clearly stated that under some circumstances killing may be acceptable but is not advisable.

Churches and other absolute moralities claim that the Commandments and some other moral laws are absolute, inviolable divine orders made known to us by revelation.

Contrary to this high and mighty moral stand they encourage openly the killing of the "enemy", the execution of "law-breakers" and they accept various excuses for the defiance of the divine law when they introduce the justification known as the theory of "the lesser of two evils".

Whilst the original Commandment appears to order the complete prohibition of killing under any circumstances — which is impossible to obey — the reformed version accepts that a person may have the right to kill — a fact which all societies recognise.

The reformed version contains also the cautioning that whoever commits an act of homicide must be able himself to justify it by the rules of the community.

SECONDLY: The reformed version goes much further than the original Commandment because it not only aims to deter but it also makes brutally clear the truth that even if the act of killing can be justified there must be an absolute responsibility on the killer to compensate for the harm caused by his act.

The original Commandment only implied some vague, supernatural punishment for the violation of the divine order. In our times the deterrent effect of this implied threat has weakened for several reasons:

- (a) The belief that the Commandments are in fact divine revelation is declining.
- (b) It seems that there are numerous acceptable excuses which permit one to escape punishment on earth for the breaking of the Commandment.
- (c) The fear of divine punishment is declining.

THIRDLY: The reformed version renders law, morality and religion practicable and believable. It eliminates the "credibility gap".

It dispels the mistrust and hypocrisy which surround all authorities of the political, moral or religious variety.

It replaces ambiguity with clarity, the impossible absolute with the attainable.

It removes the insupportable claim that the "Moral Law" as man knows it is perfect and immutable.

It proclaims that the Commandments, their interpretations

and the people who are charged with maintaining the observation of The Law are not infallible but subject to change.

The reformed version of the 6th Commandment contains two very relevant and practical deterrents.

Firstly, it appeals to reason and shows the extreme difficulty providing justification for any killing.

Secondly, it warns that even if the action of the killer is found to be justifiable, even when he was in the right, his responsibility for compensation still remains.

By doing so it reinforces the concept that rights must go with responsibilities — a concept which has somehow become weakened, if not quite eroded, as the result of some fashionable political trends.

On the Practice of Killing

Killing is accepted as an unevitable necessity according to the theory of evolution. The Bible also accepts the killing of animals and other than human life forms when it says that God has given dominion over animals to Man.

If biblical religions accept the theory of evolution, as they do, then they must extend the justification of killing from the lower life forms to humans as well or else they must forbid completely the killing of any life form. This is of course impossible if man is to obtain food.

In practice all religions accept the inevitability of killing under certain conditions. The idea of the evolution and survival of the fittest complements the idea that it is God's will that man should strive towards perfection. In this drive of nature, of God, of man towards perfection it can be necessary to eliminate those who are obstacles. In order to preserve conditions necessary for the existence of a secure, safe, peaceful, "God-fearing" community it can be found necessary to eliminate, if necessary by killing, the opponents of progress to perfection. These people may be heretics and other violent antagonists, traitors or social or financial burdens.

Anyone who preaches absolute opposition to killing must come up against contradictions. Every moral system, religion and legal code accepts and approves certain kinds of justified killings. Such acceptable killings may be the abortion of the foetus to maintain the health of the mother; the withdrawal of mechanical or chemical devices and supplies which sustain life artificially (heart or kidney machines, oxygen, plasma, drugs etc.); or the execution of the enemies of the community (both foreigners and internal criminals).

Consequently all moralities which absolutely forbid killing in theory, but in practice permit it, contain a destructive inner contradiction. This built-in "credibility gap" is one of the unnecessary causes of the tragic conflicts in our societies.

This moral contradiction can be eliminated by facing the facts. Let each society clearly define the varieties and conditions of homicide which it considers justifiable and let us stop pretending that we can follow some absolute law. Instead of sneaky excuses and destructive moral confusion let us reason.

In the same way as we justify the killing of lower life forms for food, enemies in war, innocent civilians in bombings and blockades we may accept abortion of the foetus (irrespective of the metaphysical arguments over the question of what is the stage at which the blastula may be considered to be a human being). We may decide on guidelines about the justifications of withdrawing life-support from incurable patients. We may decide that the execution of criminals or deterrent decimation of enemies may not be justifiable as long as compensation can be collected to alleviate the damages which these "enemies" of state or community have caused.

On the Responsibility for Compensation

Because historic moralities which have attempted to prohibit killing absolutely are failing, our societies are preoccupied with justifications and "moral considerations" which may or may not make some kinds of killings acceptable. In our preoccupation we neglect the practical, universally effective enforcement of basic human rights and responsibilities.

I contend that the practical way to reduce and control

homicide is by **clarification** of when individuals may have the right to kill (and this subject has been dealt with widely) AND in the **CLARIFICATION AND ENFORCEMENT OF RESPONSIBILITIES**.

The rules are really very simple.

WHAT MAY GIVE THE RIGHT TO AN INDIVIDUAL TO KILL ANOTHER? Basically we agree that the only reason which may justify killing is self-defence. This is the only justification which may permit killing without punishment.

WHAT ARE THE RESPONSIBILITIES OF THE INDIVIDUAL CONCERNING HOMICIDE? He ought to compensate for the damage caused by his action. Some clarification is necessary at this point. As far as a community is an association of individuals it cannot escape the responsibilities incurred by its members. It is necessary that the community should share the responsibility of its members; indeed it may be essential that there should be machinery, such as compulsory insurance, to ensure that funds would be available to provide compensation when the individuals responsible cannot be identified or cannot provide compensation for the victims.

IN OUR SOCIETIES NEITHER THE RIGHTS NOR THE RESPONSIBILITIES OF THE INDIVIDUAL ARE CLARIFIED OR ENFORCED.

It is this basic failure in our approach, and not simply the moral confusion which causes it, which is the true reason for our headlong rush towards increasing violence and wholesale destruction.

It is the lack of this positive aim which makes the dissent and rebellion of the disenchanting, alienated or messianistic "revolutionaries" futile. They are fighting against the hypocrisy of the establishments but they become entangled in the quagmire of moral confusions which cannot be resolved within the framework of the contradictions of absolute moralities in existence.

It is easy to declare the ruling authorities wrong, base and cruel but it is no improvement if we simply wipe them out with idealistic measures which are just as wrong and cruel and irresponsible. Good intentions are no guarantee for a better social order. Good intentions may indeed be used to provide extended justification to eliminate opponents for a hopefully better future.

It is the enforcement of personal responsibility for compensation — the placing on the individual of the financial burden

which may be shared by the community — which will place restraint on violence.

The responsibilities of the citizen for compensation are largely not enforced. Victims of criminal attack and violence are seldom compensated and the attackers are not even held responsible, as of right, to provide compensation. Whilst victims of fraud, breach of contract, car accidents and other comparatively trivial mishaps can expect compensation — the responsibility to compensate for the damages caused by the individual killer, soldiers, armies, politicians etc. has not even been considered seriously.

If we abandon the claim that killing is absolutely forbidden it is necessary that we **consider the list of justifications which may be accepted as excuses for killing** in some situations and under certain conditions.

It will be necessary to deal with **the problem of sharing the responsibility amongst the persons who commit, who order and who provoke killing.**

It will also be necessary to **devise a practical system to provide effective compensation for the harm and damage resulting from killing.**

Before we can do any of this we **have to consider** various approaches to **the problems of life and death, survival, evolution and the rights and responsibilities of both the individuals and communities.**

On "Active" and "Passive" Killings

There are basically two kinds of killings. Firstly there is the active destruction of life. This is the kind of killing with which we were almost exclusively concerned in the past.

There is also, however, the passive kind of killing which consists of the withdrawal or the non-supply of means and conditions necessary to support life.

Firstly we shall examine the most extensive group of justifications which permit the active commission of homicide: i.e. self-defence and its derivatives — prevention, retaliation etc. and we shall consider the position of the conscientious

objector in the context of his disagreement with the justifications accepted by his community.

Secondly we shall deal with passively committed homicides: i.e. those committed by omission rather by commission. We shall consider problems such as euthanasia and the blockading of enemy civilians and whether the community is obliged to sustain all people by supplying all of their needs. ("**We are our brothers' keepers**".)

On Justification and Responsibility

There are some homicides which are not justifiable but which may yet be excused. There is homicide committed by insane people. There are involuntary, accidental killings. There are murders committed under the influence of alcohol and other drugs, "compulsions", fears and hypnosis.

Whether such occurrences are excused depends on the beliefs and the development of knowledge and science within each community. Modern communities consider insanity a sickness which absolves the wrongdoer from responsibility. In the Middle Ages insanity was considered as the manifestation of the Devil and required the most horrible tortures to exorcise the evil spirit.

In the past most accidents were thought to be caused by "God's Will" whilst today we may attribute contributory negligence to both the causer and the victim of the misfortune.

But, whilst I acknowledge that justification must vary from time to time and from community to community, I consider that there are serious **disagreements within** our community — causing tragic conflicts — which could and should be resolved.

These disagreements concern firstly the question of what is justifiable and permissible and secondly what are the limits of the responsibilities of the individual and the community to keep others alive.

In my view both the individual who has caused death AND the community ought to share in the responsibility for the consequences of homicide. To resolve the conflict over rights and responsibilities I shall suggest some reconsideration of acceptable justifications and some limits for both rights and responsibilities.

Justifications for Killing

1. SELF-DEFENCE

"Do unto others as ye would they should do unto you."

This is a very wise, valuable, practical and productive behavioural principle which is most successful within the meaning of enlightened self-interest. As a principle of "sacrifice" (i.e. forgoing immediate benefits in the expectation of greater future benefits) — this mode of behaviour can produce miraculous results.

But for the overwhelming majority of mankind it has its application only within situations which do not endanger our survival or our "Basic Human Rights" to freedom, equality, happiness, etc.

It works between people who have reason to believe that a show of generosity will be reciprocated. It works amongst partners who believe that peaceful conditions are more to their benefit than are destructive victories. It works amongst traders who know that mutual satisfaction is necessary for increasing benefits.

But this idea does NOT WORK with people who consider free giving or the making of allowances as signs of weakness. It does not work with opponents who consider all forms of activities as a form of fight — fight to increase production or even a fight for peace. It does not work with fanatics, with people who are convinced of their absolute righteousness and believe their cause to be absolutely just. It does not work with people who regard agreements, contracts and peace as only temporary setbacks on the way to their complete victory, to be broken whenever convenient.

Sacrifice is not just a primitive, almost instinctive reaction of man frightened of the unknown forces of nature, of God and of fearful adversaries. Man realised early in history that the true idea of sacrifice was an expectation that the giving away of some immediate benefit could in fact result in some greater future benefit.

Without the idea of "saving" seeds from one year's harvest for planting in the next season agriculture would never have been developed and man would still be one of the many scavenging species roaming the earth. Since the dawn of history only the most foolhardy people have neglected to "save" or to

"make sacrifices" for their future, to "deny themselves" for the benefit of their children.

This principle of saving or making sacrifices has its limits as has any other. One cannot save all, one cannot deny oneself everything. One does not sacrifice everything — except the very few martyrs who will renounce all means of self-defence — who in fact are willing to sacrifice their survival on earth for the expected glory and satisfaction in life after death.

The benefits expected by people who are willing to sacrifice their lives vary. Plato writes in his "Symposium": ". . . mortal nature seeks . . . to perpetuate itself and become immortal." ". . . Those whose creative instincts are physical have recourse to women, . . . believing that by begetting children they can secure for themselves an immortal and blessed memory hereafter forever; but there are some whose creative desire is of the soul and who conceive spiritually . . ." ". . . The love of and the desire to win a glory that shall never die have the strongest effect upon people." ". . . it is desire for immortal renown and glorious reputation . . . that is the incentive . . ."

Since the great majority of mankind is more concerned with their satisfaction in this life (including the hope that their sacrifices will have gained them immortality), the principle of doing to others only and nothing else but what one would like them to do to us cannot work in practice without some limits. All except the very few who seek martyrdom will defend themselves if they must.

Self-defence is accepted in all societies as a valid justification for any act — including homicide.

Various Forms of Self-defence

1. (a) Direct action in self-defence.

There is agreement in all communities that any person is justified in defending himself from attack. Provided that he does not use "unnecessary" force to ward off the attack or if he is so frightened by the attacker that he can reasonably fear for his life, he is justified in using any means to defend himself.

We permit killing in self-defence. We justify the use of the most extreme means to protect the survival of an attacked individual.

In fact society accepts and approves that "the end justifies the means" when survival is at stake.

Confusions over the means used in self-defence.

Although society accepts self-defence as complete justification for killing to ensure survival there are various uncertainties and contradictions.

Firstly, we want to know if it was necessary to kill to survive. Could self-defence not have been achieved by some less radical means than killing?

To reduce fights and killings various battle rules have been accepted by communities. We observe "cease-fires"; we are not supposed to kill enemies who surrender — prisoners of war; we are not supposed to shoot unarmed enemies, civilians or policemen.

At least so long as our opponents observe such rules we are supposed to observe them also. **However if we suspect** that the other side cheats or that he will use our clemency to escape and to threaten us again in a stealthy manner, then anything goes: all means are acceptable and justified to finish him off.

Since many decisions depend on the one party trusting his opponent, it is very difficult for other people at another time to decide whether there was indeed a vital threat or attack made against the life of someone who has killed and claims self-defence as his justification.

There are religious, humanitarian, moral, utilitarian and many other considerations which condemn the view "that the end (self-defence in this case) justifies the means".

The complex arguments vary from orthodox, absolute condemnation ("the most glorious aim cannot justify the use of foul means") to the point of view of "the interests of the community". Authorities which represent this "public interest" consider themselves above the individuals and they claim that they are justified in using any means against their own subjects as well as against outsiders and they even proclaim their right to order their subjects to commit acts which would normally be punishable.

Moralists have great difficulties in giving some hair-splitting explanations as to why a "sublime aim" of the leaders of communities or "the glory" of any cause may justify the commission of the most odious acts — when the same acts are absolutely immoral if committed for any other reason.

Then there is the view which gives absolute rights to the strong. The morality of "might is right". He who is in power

is permitted to use any means at all to achieve his aims to satisfy his desires.

In a society where members share rights and responsibilities, as regulated by the rules of authorities, we must not use illegal means to achieve our ends. But it is clear that when the chips are down, when we think that the survival of our community or our own is at stake, we do justify and permit the use of any means.

Extensions of the Meaning of Self-Defence

The failure of "surrender gestures."

Man likes to think that he lives in more civilised communities than do the wild animals. We have thought that our rules of fighting have protected human life more than that of other animals from each other. We have thought that wild animals fought each other to extinction in their natural state whilst men, as a species, helped each other to survive.

The threat of atomic annihilation coincided with some surprising discoveries by ethnologists concerning aggression in wild animals. Various species appear to have developed some rules to limit "the means" which can be used in fight between the members of the species. Without such limitations on intra-specific fights the survival of the whole species might have been threatened, both through the killing of too many strong males in single combats or of large numbers in group fights.

In the last twenty years or so behavioural scientists seem to have found evidence that many animal species — including the so-called "wild animals" such as lions, wolves and dogs — have an **instinctive** control over their intra-specific fights.

The life of the defeated animal is automatically saved if it displays a specific "surrender gesture". Such gestures involve the defeated animal in "exposing" its most vulnerable parts to its foe. When one of the viciously fighting dogs lies down and exposes his underbelly or when he stretches out his neck to his adversary and exposes his jugular vein the fight is over and he is not attacked any more.

In a technological human society — where fighting is seldom man-to-man and surrender cannot prevent the launching of deadly bombs, bullets or other missiles — such instinctive

surrender gestures have no chance to automatically terminate intra-specific fights. Furthermore, human fighting organisations are much more highly and complexly organised than animal fighting groups so that the orders of the higher command, which is far away from the battlefield, must be obeyed, irrespective of local happenings.

Besides the technological reasons there are two other serious considerations which prevent the automatic operation of surrender gestures in human wars.

Firstly: Man has come to believe that "mere physical survival", "sub-human existence", "a life of servitude" or "losing face" are not acceptable justifications for survival. Accordingly the meaning of "self-defence" has in fact been extended to include "**the survival of a way of life**", which may mean anything from a certain living standard to certain relationships of individuals, classes, groups and rulers or the distribution of incomes etc.

Secondly: The meaning of self-defence has been extended to include **the prevention of future attacks** or capability to attack.

Any act that may weaken defence and may contribute to helping the enemy may be considered capital crime requiring, in the last resort, execution. The breaking of discipline, revealing what is considered to be "secret", or any activity declared to be treason may be justifiably punished by death by this extended meaning of self-defence.

In this context a spared enemy may be bound by orders — even against his will — to fight again after his surrender or to join some "underground" organisation and continue the fight unseen.

1. (b) **Preventive actions in self-defence.**

It may be quite justifiable to prevent all happenings which may weaken or destroy our ability to defend ourselves.

Such preventive action does not only ensure our safety but it will also result in avoiding future fights and in this way it leads to a reduction of homicides.

Since the meaning of self-defence has been extended to include the defence of "a way of life", an extremely wide variety of actions may be justified to prevent attacks or threats.

(i) The pre-emptive attack.

In the recent India-Pakistan war over the creation of the country of Bangla Desh Indian troops have invaded the territory of East Pakistan. The intervention was the result of some 10 million destitute refugees fleeing from Pakistan into India. This huge influx placed extreme burdens on India to sustain and house the refugees. The outbreak of epidemics threatened to get out of control and spread to the Indian population.

Appeals for help brought insufficient contributions from the world. The Pakistani government did not consider it their responsibility to sustain refugees who had fled from their authority. The world community did not provide their sustenance. So India was left with the problem of keeping alive, feeding and housing millions of destitutes.

India, I think, was quite justified in its attitude that the responsibility for the sustenance of these refugees must be with their own community in East Pakistan. Since they could return to their country only if the persecution of the existing government was stopped, India supported the opposition, Bangla Desh, in its effort to put down the Pakistani government. This was a means of defending Indian interests by returning the refugees to their own country and thus relieving India of the burden of sustaining them.

Had the Pakistani government accepted its responsibility to permit its dissenters to leave, together with their private property and their share of natural resources and community benefits (including social benefits), it may not have acted so cruelly as to force the exodus of such huge numbers of its citizens.

The original cause of this tragedy seems to be in the disregard of the responsibility by a community to permit its member dissenters to leave the community with their private property.

There are many other examples of pre-emptive attacks which are harder to justify. However "blitz-kriegs", undeclared wars, "Pearl Harbour" types of attacks, military or guerilla ambushes can always be justified in terms of "preventive self-defence". It is always "reasonable" to kill some enemies to prevent a great number of our own people being killed or exposed to sufferings. These explanations were used to justify the use of the atomic bomb.

It is significant to note the confusion and inconsistency of various moralities at this point.

"Heroic" actions, even though they involve the killing of great numbers of innocent, unsuspecting or defenceless people, are praised, blessed and given the highest moral approval. The same moralities are prepared at the same time to denounce violently the abortion of the unborn foetus and even the prevention of conception (contraception).

Confusion over Killings in Self-defence

About "active" and "passive" killings.

Most killings which are justified as "self-defence" are caused by the active destruction of life, usually by force. It is often overlooked that killing can be caused in fact by withholding life support. A person may be murdered just as effectively by depriving him of food, medicines or air as if he were killed actively by physical force.

Since "active" methods of killings are more noticeable, there is a tendency to consider "passive" methods of killing in a different light. Probably because the killer is not as directly identifiable, the direct cause may often be hidden and some other immediately apparent cause can be blamed. We are inclined to accept some instances of "passive killings" as if they were accidental.

It would be impossible to list all activities which are condemned, which are punishable and which are considered as mortal sins by various moral and legal orders. But the inner contradiction is most apparent in their violent moral objection to "active" killing by the abortion of an unborn foetus in contrast to their quiet acceptance — indeed their approval — of indiscriminate aerial bombardments, blockades, the use of defoliants etc.

Any society in which the legal and moral authorities permit the existence of such contradictions and confusions to exist must fall into disrepute. A community which is so inadequate, which fails to give clear rules for the guidance of the behaviour of its subjects, heads towards inner disintegration.

How can soldiers fight effectively when they do not know what they defend and how far they can go to defend themselves?

What kind of morality is that which does not give clear, reasonable directions as to what is justified self-defence and

which leaves the decision to the "conscience" of the conscripted front-line soldier who is acting under orders and who is fighting for his survival, often in guerilla-infested, foreign lands.

Our citizens are commanded to act in violently different manners under similar conditions without being given satisfactory guidelines as to what is proper justification for action in one instance or in another.

One soldier may be convicted for massacre committed under battle conditions whilst pilots are decorated for successful bombing raids. The worst that can happen to pilots who mistake civilian targets for military targets is that they will have poor records — but not court-martial.

On the one hand we accept and permit the murder of supposedly friendly allies and justify it with "political" reasons. On the other hand we prosecute the doctor who aborts one foetus at the request of the mother and brings criminal charges against the person who attempts to take his own life. Our religions even threaten them with eternal damnation.

But we approve of the doctor who turns off the kidney-machine or administers lethal doses of morphia to the moribund.

We don't prosecute people who cause millions to flee their homes and die of cholera and starvation as a result. And we don't punish those who don't share their plentiful food and money to save these victims. In fact their omission — the withholding of life-saving supplies — kills just as surely as the action committed by others which caused the refugees' misery.

(ii) Indiscriminate attack on civilians.

Bombardment from a distance is inevitably indiscriminate since it is not possible to hit exclusively military targets. As the distance grows between target and the bombardier, civilians become more and more indiscriminately destroyed.

With the concept of "total war" the destruction of all supplies, military and civilian, has become justified; indeed the breaking of "the will of resistance" is nowadays a major aim.

Blockades, the use of defoliants and starvation are all practised as a means of withholding vital supplies — life-support — from the enemy.

(iii) Retaliation and deterrents.

Killing in the form of execution is used as punishment and as a means of elimination of the more violent enemies of the

community. It is also used to frighten and so deter others from attacking the community. In many instances it is very difficult to personally identify the enemy. Saboteurs, guerillas, hi-jackers, blackmailers and kidnappers often disappear, only to strike again. When they are apprehended or if their accomplices are identified they are given savage, "exemplary" punishment.

When a group of citizens — a minority — is considered as a danger and it is difficult or not practical to identify the dangerous members, innocent victims are often punished, killed in "decimation", massacres or even genocides which are then justified as serving the vital interests, the defence of the community.

Almost any cruelty can be justified as necessary in terms of self-defence and prevention. Therefore "moral restraints" are not likely to reduce killings.

It is quite probable, however, that the enforcement of responsibility for compensation would in fact deter such killings. If soldiers, officers, politicians and the community at large were to realise that each one of them would be held individually responsible for providing compensation, they would be less likely to order or to execute such drastic measures.

(iv) Disciplinary actions.

It is impossible to pursue the aims of any community without the maintenance of order. Discipline must be maintained within civilian life and even more so when the defence of the community is concerned.

Actions which are considered to be damaging to the safety and the defence of the community may be very severely punished. Desertion, treason, betraying of secrets, refusal to obey orders, looting etc. may be punished by death.

Even though the punishment may be too harsh by peaceful standards (because of its exemplary nature) the individual who breaks the laws of the community must accept responsibility for his action.

The citizen must have opportunity to dissent from the laws of the community and he must also have the right to leave the community which places unacceptable demands and responsibilities upon him. But if he chooses to remain within the community he must accept the right of the community to punish him if he is caught attempting to evade or break the law.

On "Conscientious Objection"

Conscientious objection has a variety of meanings which depends on the degree of seriousness and convictions of the individual.

In its most extreme form the objector believes that ANY deviation from what he considers is "right" is objectionable and must be avoided. The true objector considers that **all** intentionally committed killing is wrong and he would refuse to participate in any action which may lead to killing. He refuses to accept the right or justification of self-defence. He prefers the martyrdom of death to physical survival at the cost of going against his conscience. He is willing to "sacrifice" his life and others in return for the expectation of his spiritual satisfactions.

In fact when he accepts the responsibility for the consequences of his action as it affects him (martyrdom) he at the same time refuses to accept his responsibility to defend other members of his community who may not share his beliefs and who wish to defend themselves and the objector as well if the defence of the community requires it.

By limiting his communal responsibilities the conscientious objector must accept the corresponding limitation of his communal rights. Since he is willing in any case to sacrifice his life in return for the expected spiritual satisfaction, one would expect that he would submit without a sense of injustice to such limitation of his rights so long as he remains a member of the community.

In principle, by his renunciation of the right of self-defence, he throws himself on the mercy of his fellows — knowingly, willingly and by his own choice. He cannot, in all fairness, blame the consequences on others.

There must always be a balance between rights and responsibilities in all relationships. If the individual expects a community to defend his rights, he must be prepared to fulfil the responsibilities which that community places on its members. This is, in fact, the only way by which the community can ensure the rights of its members.

If the individual refuses to fulfil his communal responsibilities he must accept limitation or loss of his communal rights.

Since a community is in principle a voluntary association of its members, any member of a community may decide whether or not he accepts the responsibilities which the community demands. He must decide for himself whether the rights and benefits offered by the membership in a community are worth accepting the responsibilities, the duties and the taxes demanded in return.

Conscientious objection has several meanings to a community.

(1) In its widest meaning it means the refusal to participate directly or indirectly in any activity which aids or leads to killing. In this sense an objector will refuse not only to serve in an army, even in the capacity of a stretcher-bearer (since he would be then instrumental in healing soldiers to fight again), but he would also refuse to pay taxes since they supply funds for war.

"TIME" reported recently (17-1-1972) that the American National Council of Churches, a pacifist organisation, sponsored a survey to find out if the investments of their members in "military-industrial" complexes were in fact contributing to military activities.

It was found that of the funds available to the ten member-churches more than \$200 million was invested in 29 companies with defence contracts. When the leaders attempted to analyse the significance of this involvement they found it impossible to make moral distinctions between investments in firms heavily committed to defence and those only slightly involved.

"You can't get out of everything" one of the leaders has said. "Even worse conflicts will probably be raised when they start evaluating industries for their overall 'purity', considering factors such as their consumer policies, minority-hiring practices and polluting the environment. What if a major corporation turns out to have military sales but hires hundreds of blacks and gives the customer a good buy?"

"In the end," the "TIME" article reflects, "the only solution left . . . may be . . . : 'Go, sell everything you have, give to the poor and come, follow me'."

By their actions the vast majority of mankind — including myself and conscientious objectors — does not believe that such renunciation is a practical or acceptable solution.

(2) In practice the greatest number of conscientious objectors refuse to fight for certain selected causes only. One

of such rallying causes for conscientious objector in the free Western Countries (which are practically the only communities where conscientious objectors are free to voice their views) has been the war in Vietnam.

The reasons for objecting to participation in this conflict vary but the centre of the argument is that, in the eyes of the objector, this war is not justifiable in terms of self-defence. Many objectors consider this kind of "preventive" action to be aggressive instead of defensive.

Others, who have accepted that the original objective of such involvement was defensive, feel that it has become hopeless to achieve its stated objectives and so they refused to risk their lives.

Some objectors extend their criticism against a whole series of responsibilities and duties imposed by the community and in some instances they claim that their basic human rights or civil rights are being restricted by the authorities and, as a result, they claim the right to resist the demands of the community until their rights are protected.

On this philosophical basis a wide variety of civil disobedience movements have come into being with the aim of defying the law and order supported by the so-called "silent majority" of citizens. Such disobedience ranges from the symbolic burning of draft cards to "Moratorium" marches, the "peaceful occupation" of public places or violent demonstrations and student rebellions.

Law and Order and the Dissenter

No community can exist without internal peace, which means the maintenance of law and order. It is obvious that law and order can only be maintained if the overwhelming majority obeys without the need to use a large share of the community's resources for enforcement. This shows the extent and limits of the interrelation between the needs of the community and the needs of their voluntary members. The requirements, needs and rights of the individual member can be maintained only to the extent of the resources available to the community. These resources are manpower for the armed forces and police and finance to satisfy the limitless "needs" which members of the community consider should be satisfied by the authorities.

The obvious conflict which exists between members of communities are usually solved by punishment provided by law.

When the dissenters and conscientious objectors have been numerous and ably organised they have attacked the peace of the community by various means.

I suggest that **this conflict can be solved** without violent confrontation **by consistently protecting the rights AND enforcing the responsibilities of both the individual and the community.**

If the individual is not willing to accept the responsibilities which the community requires of him he should leave the community. As a basic human right he must be permitted to leave, together with all his private property and his share of the natural resources. [See: "AN INDIVIDUALIST MANIFESTO" — "2.) Any individual has the right to leave or join any community (national, religious, economic etc.) with his private property. He shall not be coerced to become or to remain a member of any community" p.163.]

If, however, the individual considers that the cost of leaving his community is too great in terms of starting a new existence, leaving a familiar background, connections, and local ties or changing the language of his birth, then he must measure the benefits of leaving against the disadvantages of remaining peacefully within the community.

The decision of the individual will be influenced by the alternative benefits of migrating to another community. If there should be many communities demanding fewer or more acceptable responsibilities (lower taxes, less compulsion etc.) obviously many members of repressive, exploitive communities will leave such communities.

The exodus of dissenters and objectors from a repressive country to other communities would be the greatest restraining force on placing unjust, discriminative, burdensome and objectionable responsibilities on individuals.

Authorities, while enforcing the law, would have to be more flexible and more willing to make changes because of the strong incentive not to lose large numbers of their citizens by "alienating" them.

Under such conditions the existence of dictatorship and police states would not be practicable. If masses of people chose to leave the community the authorities would simply collapse. If the United States — as well as Russia or China — would freely permit their citizens to leave their countries with their private property we would experience a tremendous reduc-

tion in the pressures now existing from conscientious objectors who feel unjustly burdened by unacceptable community responsibilities.

On the other hand if an individual decided to remain a voluntary member of a community, then he would have to be subject to the same laws and responsibilities which were accepted by other members. If he refused to fulfil those responsibilities then he would have to accept the corresponding limitation of his rights.

Justifications for Killing

2. LIMITS OF THE RESPONSIBILITIES TO KEEP ALIVE OTHERS

(a) Should we keep all Dynosaurs alive?

Modern civilisation and technology have lately been intruding dangerously on the ecologic balance of our environment. The speed and the vast extent by which changes are brought about do not permit the slow natural adjustment which during the past thousands of years could redress the natural balance of the environment.

The insecticides, detergents and atomic waste products are polluting our food supplies and some species (such as elephants, kangaroos, lyrebirds etc) are threatened with extinction because they are hunted down or their habitats are destroyed by "progress". We are also concerned that the vast encroachment of civilisation on nature is resulting in the irreparable destruction of resources and natural conditions necessary for the survival of man.

As a reaction to these threats a strong, emotional argument is now being organised under the flag of "conservation". However the view that we should conserve all of nature as it exists in order to avoid upsetting the natural environment is just as ill-considered as the blind belief that ALL progress is worthwhile.

Even if we "went all the way" with the fashionable trend of the conservationists, **could we keep alive** all prehistoric species, flies, harmful bacteria and parasites **together** with our contemporary wildlife without destroying the conditions necessary for the survival of man on our present living standards and with our expanding population growth?

Conservation without selection, conservation which does not serve our interests, is an emotional, irrational pursuit — even if it is fashionable.

It is ridiculous to fight for the conservation of two large trees amongst hundreds on the top of Mt. Dandenong "to save nature" from a look-out which gives pleasure and refreshment to millions of city dwellers. So what if some lyrebirds will be forced to find new habitats in hills available farther away from the city?

It is no use pretending. When the interests of man come into conflict with those of another species our interests will have

to be satisfied firstly. And why not? Evolution, as we know it, proceeds mainly by the path of "the survival of the fittest".

Certainly, if we find that the conservation, domestication and utilisation of some plants and animals serve our interests, we should conserve them. With our improving knowledge we realise that even some parasites, some sicknesses, some poisons may serve our purposes. To that extent we do in fact use insects and bacteria which are rendered useful by their ability to kill other more harmful ones.

Conservation of some members of all species, for scientific or historic reasons, also serves our interests. We should certainly ensure the survival of limited numbers of kangaroos, elephants and even dinosaurs.

But surely our way of life would disappear if hordes of dinosaurs could stampede around our cities and suburbs. We all know what great costs and sacrifices India must bear because of the religious observance which permits the "sacred cow" to roam over the land.

The conditions necessary for the unlimited conservation of nature are contrary and intolerable to the requirements of human existence as we know it.

"Conservation" is becoming a fashionable, emotional attitude, gathering its followers from people concerned with the true values of life as opposed to the pseudo-values of our chaotic, technocratic societies.

As "conservation" becomes more fashionable, its demands are becoming dictatorial. Conservationists believe that only **their** concern for life, **their** scientific arguments and **their** methods are right. Only **they** know what is best for the rest of us.

It may be so.

However mankind has had bad experience with groups holding such extreme and exclusive claims. Fundamentalist religions have preached that the world is doomed, that it was to have come to its end many years ago or that it will come to its end by 1975 — the latest.

When in power they decreed that their beliefs (such as "the sun revolves around the earth" etc.) were scientific truth and, to save the world, they were prepared to destroy all who held different opinions.

Sincere believers of modern science could also justify

genocide and, with the support of dictatorships, they can still silence contradictory scientific views by declaring their opponents "enemies of the state" and having them locked up, exiled or executed.

CONSERVATION IS JUSTIFIED WITHIN LIMITS. The limits depend on the benefits derived. So long as they serve the interest of the community conservation is justified. If, however, the cost of conservation outweighs the benefits and requirements of the community, then it is not reasonable to enforce the view of one group on the community. Especially is it not reasonable to expect the community to pay the cost of reforms which are wanted by only a minority group and when the community has already decided that the benefits to the community are not worth the cost involved.

If there is such a conflict of interests, then those individuals who wish to conserve something ought to **accept the financial responsibility** of doing so privately and by voluntary contributions, instead of requesting that this burden be borne by the community at large.

The community has no responsibility to keep all Dynosaurs alive. Furthermore — if we want to live the kind of life which modern humanity wants we **CAN NOT KEEP ALL DYNOSAURS ALIVE.**

The Conflict of "Natural Selection" and some moralities

The major method of evolution is the "survival of the fittest". The principle of this method contrasts with the ideal of the "sanctity of human life".

This method of natural selection also appears to be in conflict with the rights of the individual to freedom and equal opportunity.

If we accept the promise that competitive selection is the way to evolution (that is towards perfection in the biblical sense) and if we wish to co-operate with this principle, then we must accept the fact that those who fall by the wayside, who fail to adapt to changing conditions, who become "useless" and dependant, should not be helped since such help is contrary to the principle. Only the fit should survive. To conserve the weak,

the unfit, the useless, "the dinosaurs" appears contrary to natural law and it would be against our interests.

On the other hand all societies and moralities support the dependants, the children, the sick, the weak and the incapacitated and we all condemn homicide.

Herein lies the conflict: the road to perfection — indeed on some occasions the way to survival — appears to lead through brutal natural selection, whilst societies — also in the name of progress — prohibit killing and restrict the competition for survival to peaceful methods.

Modern science has given us the means to keep alive the incurable sick. We have reduced the child mortality rate and so increased the population growth of those who can least afford to survive at the level they would like to. Fantastically expensive machines, methods and treatments can in fact prolong the survival — the conservation — of some of us. The renunciation of self-defence, absolute pacifism and complete conservation would mean not only self-destruction but also the abandoning of the aims of perfection and improvement — such as they are.

How far is it right to help the incapacitated? How far can we go to conserve and to ensure the survival of those who cannot look after themselves and those who expect that society "owes" them the responsibility of keeping them in style?

What, in fact, does society owe to the individual?

It is of course obviously in the interests of man that his security and survival be ensured during **temporary** disability. This instinctive need, which is satisfied in most primitive and even animal societies, is solemnly codified in all moralities, religions and legislations.

It is not reasonable to kill off children simply because they are weak and dependent. We don't want to kill off the sick just because they are a burden during their period of incapacity. It would be madness to permit the strong or the clever to put away the weak, the uneducated, the backward.

However all societies permit certain classes of homicides which are considered justifiable.

The individual suffering pain and incurable sickness sometimes wishes to be relieved from the burden of life. The community also tends to limit its support of those individuals whose artificially prolonged survival seems just as pointless as wasteful.

In cases of homicide which is "justifiable" in terms of self-defence the justification depends on the quality of the danger. In cases where survival depends on artificial prolongation, the justification becomes quantitative. How much suffering is worth putting up with? How much effort, how much deprivation of others does it cost to sustain life?

In different instances, in different societies, at different times the decision as to what point of time the artificial prolongation of life should be abandoned varies. This depends on different levels of medical knowledge; on different levels of material prosperity and medical predictability; on different availability of medical, transport, financial and organisational facilities and techniques (ambulance services, blood-banks etc.).

Different societies decide differently whether the killing of malformed unborn foeti (abortion) **should be permitted** or whether the killing of incurably sick people may be allowed. Some societies may decide that actively performed euthanasia is not acceptable — although it is passively practised in all societies (i.e. when pointless medical treatment is withdrawn; when life-supporting machines are turned off, drugs are discontinued or massive doses of pain-relieving drugs are administered irrespective of their life-shortening effects).

The conflict appears here as a choice between purposeless and hopeless suffering caused by the (sickness-induced) loss of adaptability to the purposes of life — (in compliance with the obscure dogma that "human life is sacrosanct") — and the adoption of a conscientiously reasoned effort to **work with the forces of Nature** and the principles of evolution for the survival of the fittest.

And if this striving towards improvement and "perfection" IS "the will of God", then it is justifiable to co-operate with His will, with the trend of Nature. It is justifiable, even if this co-operation with the process of evolutionary perfection happens through the elimination of doomed life-forms which are incapable any more of independent survival and which have become (through their permanent requirement of support) anti-natural evolutionary obstacles, burdens which slow down the God-ordered development towards perfection.

The dogmatic, criminal prohibition of suicide, euthanasia and mercy killing, as well as mistaken and misdirected charity,

impose unjustified suffering on the individual involved and unjustified responsibilities on society.

This moralising consideration of human life as sacrosanct contradicts the evolutionary aims of Nature and God.

Such morality creates an inexplicable inner contradiction when, on the one hand, it absolutely condemns the withdrawal of life-support or abortion but, on the other hand, actively promotes killing in wars and turns a blind eye to the indiscriminate murder committed by bombings and blockades.

(2) (b) ARE YOU YOUR BROTHER'S KEEPER?

(There must be limits.)

The ideals of neighbourly love, of helping each other, of giving without expecting immediate measurable returns (an act commonly and incorrectly called "sacrifice") — are very worthwhile expressions of an enlightened self-interest.

These "principles" have been practised since the dawn of existence as very practical and necessary measures to ensure the survival of the most primitive animal species and tribal communities — right up to the complex organisations of international aid projects, superannuation schemes and welfare policies of modern times.

Mutual help is a practice vitally necessary to satisfy the interests of each member of any community. Mutual help is one of the most important social bonds which permits the survival and improved condition of the individual. Mutual help is in fact one of the most important tools for the survival of the human species.

For sheer self-interest it is vitally necessary that humanity should widen and strengthen this bond of **mutual** help by sharing, exchanging and giving.

The hope of our future lies in our ability to create such conditions where the extension of help does not in fact breed antagonism, envy, conceit and aggression. If the ideal of "mutuality" disappears and the receiver demands help as if it were his "due", his "right" to be helped — if any "need" turns into a "right to be helped" — then the principle of mutual help has been destroyed. The help given must not be counter-productive; it must not weaken the rights of the giver and diminish his capacity to defend himself.

Help which does not serve the interest of the giver as well as the receiver is obviously contrary to the **mutual** interest of both.

Help, charity, love are not absolute, divine or moral rights. To give without justification is no moral duty or civic responsibility. Similarly to receive help, charity or love is not an automatic right which anyone is entitled to expect.

Mutual help means rights AND responsibilities, not just rights without responsibilities. It implies limits. It **DOES NOT MEAN** a duty of senseless, limitless giving OR a right of limitless taking.

Down the ages of human history there has been a trend which tended to confuse the right to receive and the responsibility to contribute. **This trend, which we call "exploitation"**, is mostly enforced wilfully but we are all subject to it unwittingly.

The strong men, the rulers, the victors have customarily decreed that they have the divine right to receive the spoils of the world and they have enforced on the exploited multitudes the responsibility of keeping the exploiters in wealth and style.

This trend exists even today but, since "divine" rights are no longer acceptable, we live in confusion as to who has the right to be kept and who has the responsibility to "keep his brothers".

Whilst this confusion exists its inner contradictions cause the most bitter contemporary social conflicts. Until the confusion over the right to receive help and the responsibility to give help is clarified there is no hope for a peace by agreement — only for a peace dictated by force.

The problem may be stated in the following terms: To what extent can any person expect "to be kept by his brothers"? What is the limit of his "right" to have help? If he gets more than his just due he inevitably exploits his fellows whether he be an absolute monarch or an absolute good-for-nothing loafer.

Conversely: To what extent is any individual — but more particularly the community — responsible for "keeping" its members? Has the community to "**keep**" all brothers, to satisfy **all their needs**?

Can we hold society responsible for the supply of an ever-increasing quantity and quality of needs of an ever-increasing population? Can we keep alive — let alone satisfy the needs of — everyone? Are in fact "needs" automatically "rights" which society ought to satisfy?

Is it the duty of society to supply all needs without limits?

The answer is obvious: We can't be our brothers' keepers—without some limits.

The Conflicts of Brotherly Love

Since our society (the moralities, authorities, ideologies etc.) pays lip-service to the principle of brotherly love as a universal ideal — whilst in fact it is only practised as long as it serves society's purpose — we live in confusion.

We preach pacifism — the principle of “non-violence” — but when the chips are down we defend ourselves.

We want universal disarmament but we cannot accept **unilateral** disarmament since that would result in the annihilation of values and the way of life which we wish to defend.

Socialism, in theory, claims that each person has the right to have all of his needs satisfied by the community. But it is the more extreme communist governments who are the first to realise the impossibility of satisfying needs without limits or without some relation to personal merit, productivity and responsibility.

Well-meaning welfare states have found out that there must be some practical limits to social benefits; that social “needs” which are limitless and which expand continuously are not automatic rights which must be satisfied.

As religious, sacrificial missionaries found in the past, so has the modern U.S. found that even generous material, spiritual and intellectual help does not necessarily result in appreciation, peace or friendship. Even when the giving of help results in heavy sacrifice — such as the case of the U.S. which has faced the bankruptcy of its dollar as a result of its foreign aid and support programmes — the application of brotherly love does not necessarily achieve its aims. In fact it has often created envy, ill-will and hate.

(a) The Population Explosion

One aspect of brotherly love is the subsidising and maintenance of those brothers of mankind who are unable to maintain themselves.

In the past when keeping up the number of the population

was very important, when a great number of children was very precious economically as the only means of security for parents in their old age and when only a tenth of children born alive survived into adulthood, charity was most important to maintain the survival of the human species.

Today, when medical improvements permit 90% of live-born children to grow to adulthood, the maintenance of the congenitally sick, the incurable, the unemployable and the children of parents who cannot or will not provide for them is "expected" from the community. This expectation to "sustain", and "provide for" the needs of an ever-increasing majority of "dependent", "backward" or "under-developed" peoples by the highly developed and responsible minority seems not only inefficient but also unjust.

Basically, some people who are careful not to undertake commitments beyond their means in their private lives are forced to accept the responsibility for commitments undertaken, without their consent or approval, by others.

This kind of irresponsibility may also lead to the eventual destruction of the evolutionary trend of survival because it leads to the indiscriminate subsidising of the "survival of the unfit".

The sharpest increase in the number of "dependants" occurs in clearly defined groups of people.

The largest group is known as "under-developed" peoples. This group may comprise whole nations but they may also be clearly recognised within nations as the economically poor, the mentally or physically handicapped etc.

Another large group of people whose population increase is higher than what is considered "optimal" is formed by people who refuse to practise birthcontrol because of religious beliefs, political ambitions for dominance or from economic necessity.

A steady rate of live births at the same time as medical improvements have reduced child mortality results in a significant demographic change. The proportion between income-earning adults and their dependants (children, sick adults and the longer-surviving incapacitated and aged) changes considerably.

This demographic change, together with the family break-up which is becoming widespread in technological and even industrial societies, throws a huge number of dependants on the mercy of the community. This means in fact that, since their family cannot support them, they expect to be maintained by people who are in no way responsible for their existence.

In contrast to those groups who produce this heavy burden of dependants on community help by their irresponsibly high population increase, there are clearly defined groups from whom this "community help" is expected and demanded. Such groups are mainly "highly developed". They have usually passed the early stages of industrialization; they have a higher level of education and intelligence, they are used to performing complicated tasks and they are used to accepting responsibility for their actions.

Such groups practise "family planning" in various forms and thereby reduce the possibility of their children being afflicted by hereditary diseases, or being physically, mentally or economically handicapped. As a result the population increase in these groups is usually lower than in the "lower developed" groups.

Consequently the proportion of dependants within "under-developed" nations, groups or individuals increases whilst the total population of the "higher-developed" nations, groups or individuals stagnates or even decreases.

As a result the planning, foresight and intelligence of the higher developed people is used up and eroded by the irresponsible population increase of the under-developed peoples who simply demand that their personal responsibility for maintaining their dependants be taken over by "social welfare", by the "community", by "someone else" — which in practice means the contributions of the higher-developed peoples.

(b) Exploitation, Parasitism, Responsibilities

"Brotherly love" under these circumstances simply means the **exploitation** of the able, the capable, the efficient, the planning, the productive, the responsible people by forcing them to subsidise the irresponsible actions of the parasitic majority.

The result of this misinterpretation of the ideal of "brotherly love" is that the clear responsibility for maintaining the issue of **any** procreation is automatically taken over from the parents and forced upon others who have themselves decided not to undertake the responsibility and cost of rearing more children.

I cannot accept this principle of being made responsible for the consequences of the actions of others. I resent it and

consider that it is completely contrary to any sense of justice. Each and every person should, as far as possible, be responsible for his own actions.

It is quite impossible to maintain unlimited numbers of people, to heal **all** illness, to cure all depressive conditions, frustrations, maladjustments or personality conflicts.

No-one expects that the community can give new organs, new hearts, new kidneys to everyone who needs them even though a limited number of people may be helped.

There is a limit to the length of time a family or a community can afford to sustain its incurably sick members. There is a physical limit to the amount of time, attention and effort a father can give to each member of his family — and he knows that, with the best will in the world, his time is just not enough to satisfy all demands upon it.

Is there any person who does not need more help than he gets? Can we cure **all** maladjustments? Can we have a psychiatrist, or would we have the time to be psycho-analysed to cure all of our emotional or behavioural problems?

In fact we are forced to accept the fact that there are limits to the help which we may expect from others in solving our problems and needs. It is quite reasonable and indeed necessary to accept and learn to live with most of our difficulties.

It is quite irresponsible (not to say impossible) to expect that even the most idealistic social service could cure all complaints, could fulfil all needs.

(c) Acts of "Brotherly Love" are suspect

Since everyone knows that limitless giving (i.e. complete "brotherly love") is simply not possible, the whole series of sanctimonious expressions has become suspect.

When we hear of "free" or voluntary donations we become suspicious. We have become accustomed to the fact that even "acts of love" are made in expectation of some return. We look for "hidden strings" to "free offerings" of foreign aid and help for organisations. All "sacrifices" contain the expectation of some benefit. Even parental love turns at times into "black-mail love" which claims to control the lives of the children on account of the love, efforts and other contributions lavished on (invested in) the offspring.

The confusion caused by these complex contradictions is responsible for a significant variety of social conflicts.

The hypocrisy which hides the contradictions between the impracticable principle of universal, brotherly love and the practical need for some limitation to giving and help results in a serious loss of credibility. This is most counter-productive. It makes all acts of love suspect to some hidden motive.

It is essential that the valuable functions of what we call "brotherly love" be rehabilitated. We may achieve this by clarifying the limitations and the validity of the principle.

Brotherly love means to act towards others as one would hope they would act towards us — provided that we have no reason to suspect that they would abuse our trust.

Brotherly love means the giving of help and the acceptance of loss, the sharing of others' burdens and responsibilities, foregoing some benefits; making "sacrifices" for others — in the expectation that a greater benefit will result for both parties.

Brotherly love does not mean that one should be required to make sacrifices solely for the benefit of others. "Brotherly" action implies reciprocity. Brotherly love does not oblige one brother to accept all responsibilities for another automatically. Brotherly love does not give the right to anyone to escape or to neglect his personal responsibilities. Brotherly love is no justification for giving up the defence of one's vital interests.

Brotherly love can be applied only in situations where there is reciprocity: where the relationships are truly "brotherly".

Brotherly love is limited by the primary needs of self-interest and self-defence. It remains a workable social principle only as long as it satisfies the vital interests of the giver.

The limits of the responsibility which we may be required to undertake in the attempt to "keep our brothers alive" must be clearly defined. As it is we just don't know what is the reasonable measure of sacrifice — what is the limit of our duty to go to the help of others. How far is it our duty to help the policeman under attack, or how far must we endanger ourselves to save a drowning man? How much money ought to be spent to keep one incurable patient alive by artificial means for one, two or more weeks?

It is also necessary to consider the limits of our rights. What are the extent and limitations of what we can expect

society to do for us? Is it our right that society keep us supplied with a comfortable living? Does society owe us a living? What sort of living? What standards of food, housing, health-care, entertainment are owing to us?

The wellmeaning ideal of "brotherly love" has certainly caused great emotional confusion and tragic conflict.

Obviously there must be limits to our rights in what we may expect from the community and it is obviously in the interests of the community that some individual responsibilities shall be shared, to some degree, by the whole community.

There seems to be no definitive approach to the limits of these rights and responsibilities. I shall attempt such definitions in the form of a table in the next concluding part of this essay, under the heading of: "The rights and responsibilities of killings". (p.70.)

Reforms to Control Homicides

I have indicated that the current methods and moralities fail to control homicides mainly because of inner contradictions, confusion and a lack of facing up to the definition of rights and responsibilities, the justification for killing, the sharing of responsibilities and the enforcement of compensation.

In attempting a definitive approach to this problem I intend to show the **method** needed — not to draw up a complete list of rights and responsibilities. Justifications acceptable to one community may not be valid in another community or at another time.

However it is necessary that all communities should clarify their own ideas of what is acceptable or not and that they should not leave such vital decisions to the temporarily disturbed judgment of individuals under attack or pressure.

It is necessary that these justifications be continuously examined and updated by experienced legal authorities. It is necessary that any changes in the acceptable community standards should be common knowledge so that the individual may know clearly what is expected of him, what he can do and what he should not do.

(1) JUSTIFICATIONS FOR KILLING AND FOR WITHDRAWAL OF LIFE-SUPPORT

(The rights and responsibilities of killing)

In my view there are two basic justifications for killing:

- (a) The right of self-defence
- (b) The right to terminate one's own life.

Rights and Responsibilities of Killing

THE INDIVIDUAL

<p>He has the right to kill in self-defence.</p>	<p>He is partially responsible for even justifiable homicide in the same way as he is responsible for damage caused by an accident or when acting "under orders".</p> <p>The responsibility must be shared, according to pre-set rules, amongst all those involved: those who gave an order and even the victim if he contributed to the result (by provocation, negligence etc.).</p>
<p>He has the right to leave the community which orders him to commit homicide against his will.</p>	<p>He is fully responsible and punishable for unjustifiable homicide.</p> <p>He is personally responsible to compensate for the damage caused.</p>
<p>He has the right to terminate his own life actively (by suicide) or passively (by not providing sufficient funds or insurance to keep himself alive). He has no "right" to be kept alive indefinitely or unconditionally.</p>	<p>His responsibility to sustain others is strictly limited. He has no responsibility to "keep" unlimited numbers of others for unlimited periods of time. He has no responsibility to satisfy "needs" simply because they exist.</p>

Rights and Responsibilities

(cont'd.)

THE COMMUNITY OF CONSENTING INDIVIDUALS

<p>Has the right to order its members to commit homicides in the defence of their common interest.</p>	<p>Has the responsibility to ensure the rights of its members (including that of opting out from the community with their private property) and to enforce their responsibilities.</p>
<p>Has the right to impose on its members definitions, rules and restrictions designed to minimise the need and opportunities to commit homicide (prevention).</p>	<p>Has the responsibility to collect compulsory contributions and create a fund for the compensation of damages in cases where the funds of those personally responsible are not sufficient.</p>
<p>Has the right to clarify the responsibilities, justifications and punishment of those who commit homicide (deterrents).</p>	<p>Has the responsibility to provide each member with an equal share of the available natural resources and communal income (minimum social benefits in modern terms). This equal share of communal incomes is the limit of the community's responsibility to "keep" each member.</p>

The Justification of Abortion, Euthanasia, Capital Punishment, etc.

There are several forms of homicide, such as those in this heading which stir up strong emotions and controversies. I believe that most of these forms of killing (and certainly the above three) are justifiable in terms of self-defence and by honouring the right of the individual to decide his own fate.

The paramount consideration in terminating a person's life should be his own wish and actions. If someone chooses to opt out of life he should be allowed to do so and helped instead of being treated as a criminal.

The second consideration is to protect the community of individuals—from the burden of supporting the life of one beyond some (specified) limits. How long the community should support the life of any dependant (the incurably sick, the moribund or the criminal enemies of the community) is decided today by ad hoc decisions.

The support of life which is not able to sustain itself should be limited by definite criteria instead of ad hoc decisions. One of these criteria would be a set amount of money available for the care and sustenance of any individual. This amount would be the sum of sickness and other welfare benefits provided from the communal fund. Once the amount available from that source was used up an additional amount could be drawn from a privately undertaken insurance. If there were no such insurance available to help the sick individual, this would be his own fault. If an individual chose to spend his efforts **ONLY** on immediate satisfaction, entertainment, trivia etc. and did not choose to insure his survival in case of sickness and disability he would be exercising his rights against his chances of survival. Once such funds became exhausted the sustenance of the individual would fall on some other funds — if available. His family, or some other charitable group might provide the means to keep him alive.

Today we have no such clearly defined quantitative limits to the effort which society should spend on keeping alive doomed, unfit or improvident individuals or criminals. Instead we have a sense of confused and misplaced charity which considers the limitless conservation of any spark of human life as a noble duty, irrespective of the fact that the efforts channelled into such a hopeless and limitless task only increase social

problems (such as increasing the demand on medical and hospital services already in short supply) without solving or reducing social conflict.

These sentimental attitudes and misplaced charity actually create new social problems which are growing out of control. The prohibition of contraception and the abortion of unwanted babies or the refusal of requested euthanasia do nothing to promote the sanctity of life; they only increase human suffering at a time when society is threatened by the population explosion. We champion the cause of prison reform, and some of us want to spend more of the community money on curing, keeping and rehabilitating criminals than on compensation to the victims of criminals. The cost of maintaining one prisoner in prison is higher than the amount of pension our society is willing to pay to its old citizens.

Society ought to review its priorities; it ought to reconsider its misplaced support for unjustified needs.

The reason for this topsy-turvy situation is the confused and doomed idea that personal responsibilities can be taken over by the community. This is the ideal that we should be "our brothers' keepers".

The result of this communal interference with private responsibility is the shedding of most responsibility by some individuals. Many people feel nowadays that, since the community has taken over the responsibility for their actions, the community is also liable to take over the responsibility for their general maintenance: all of their "needs".

The individual is led to expect to be kept, maintained, protected and looked after by the community: that is by others. This is expected without limit and irrespective of expense.

I believe that responsibility should be rooted back to the individual: morally, legally, criminally and financially.

He must have the right to defend himself from unwanted pregnancy; he must have the right of compensation for damages — not only in civil but in criminal cases — and he must not be made responsible for prolonging the life of others who have exhausted their own funds and their share of community funds and who are a hopeless burden on the community, whether as incurably sick or as criminals.

I keep repeating that any justification for killing is subject to changes from one community to another and from time to time.

It may be that one community considers some activity criminal, whilst the same activity is quite respectable elsewhere (political activities, some economic practices etc.). It is tragic that some individuals are punished — often savagely — in one country for an act which is not at all forbidden in another.

For this reason also it is essential that the Individual should always have the right to leave a community. Should he be convicted of a crime he should still be allowed to leave — after he has provided the required compensation and served the punishment. There must be this safeguard against prosecution and persecution of various minority groups.

(2) SHARING THE RESPONSIBILITIES FOR KILLING

There are two basic deterrents from killing. Firstly it must be clearly accepted that any person who commits, orders or provokes killing is personally responsible for the consequences.

Secondly it must be known that a compensation will be extracted without mercy from those responsible for the damages caused.

Whilst the killer must bear originally the full personal responsibility for his act, his responsibility may be reduced and shared by others.

(a) The person killed may have contributed to his own death by various acts such as an attack, provocation or threat against the killer. He may have been completely responsible for causing an act of fully justified self-defence.

At this point we may have to consider:- what kind of provocation, what degree of threat is necessary to justify the sharing of responsibility on the basis of self-defence.

How far can we justify "preventive attack" to destroy the enemy fighting capabilities: munitions, industries, communication systems, food-supplies etc? Is it justifiable to kill civilians as a result of aerial bombing, shooting or bombarding from a distance? Can mass-killing be justified when innocent civilians cannot be distinguished from guerillas?

Can reprisal killings be justified when individuals or groups are killed in retaliation or as a deterrent?

Can the withdrawal of life-support from civilians be justified — such as blockades causing starvation? Is it justifiable to withhold life-support (food, medical aid) from potential attackers such as prisoners of war or civilians in occupied enemy areas?

(b) There must be some public clarification of how the personal responsibility of the killer must be shared, who should be given a licence to kill (the executioner) and those who kill in obeying commands.

The officers who directly command and enforce the actual killing must bear a share in the responsibility just the same as the administrators, the legal officers, the politicians and the community supporting the government.

This is an area of social conduct which has been very little considered but which is becoming more and more important when "total war" is being fought by civilians conscripted to fight under a code of behaviour which is completely opposite to that of civilian behaviour.

(c) Personal responsibility may be reduced for various reasons. Under provocation a person, acting in self-defence, may use "undue" force because of fear, inexperience or "in the heat of the moment". The attacker must bear a share for this responsibility.

Under pressure of immediate decision and action one can genuinely misjudge situations of danger. Such misjudgments, errors or simple mistakes may happen to surgeons during operations, to soldiers or policemen during pursuit etc.

If personal responsibility for killing were made clear and if it were impressed on the community that compensation for damages would be collected from those responsible, homicides would greatly decline.

If this were internationally enforced peace would result.

Peace would also come if conscientious objection to military service were permitted and practised to the same degree in all belligerent communities.

But if killing is renounced by one side only of the belligerents then the pacifists will be destroyed by force without achieving their aims.

Sacrifice is no guarantee for justice or survival — and it cannot substitute for self-defence.

Reduced Responsibilities

There is always a great deal of confusion over the need and justification of some brutal action. Soldiers may be ordered to kill people who were considered friends; they may have to abandon prisoners of war to certain death. Civilian populations may be starved to feed one's own troops or simply to kill off the potential attackers — the "enemy".

Soldiers, who are mostly conscripted civilians, have been educated in the rules, customs and behavioural responsibilities of a peaceful and law-abiding society. They are suddenly required to change into schizophrenic madmen. They have to engage in murderous fights; they are requested to support one side in a foreign civil war and they are forced to decide (without knowing the language) which of the foreigners are friendly and which are out to kill them. They may be ordered to kill people whom they had been told were friends and they are supposed to help, teach, befriend and feed villagers whom they have reason to suspect will help the enemy to ambush them the next day.

If a psychologist should plan to destroy the reasoning qualities of a person and to undermine his confidence in his judgment, he could not devise a better plan.

Anyone who undergoes such conditioning must experience some degree of disorientation — a loss of his normal ability to make independent decisions.

His ability to understand and evaluate facts and signals becomes debilitated and he becomes conditioned to respond to orders in a manner similar to Pavlov's dogs.

Since his control over his decisions and actions has been reduced his responsibilities over his actions must also be reduced.

Complexities of Responsibilities

Anyone who has ever acted "under orders" has experienced at some time or other a relief that he did not have to shoulder the responsibility for some unpleasant action which he was ordered to carry out.

A person acting "under orders" is not fully responsible for his actions. Who shares his responsibility then?

We can all claim — civilians as well as soldiers — that we act under the orders of civil laws, regulations, traffic rules and moral codes.

Since most actions which "break the law" are repetitive, there is a rather well-developed knowledge in the community about who is responsible for some actions under certain circumstances. Widely reported traffic accidents, burglaries or brawls implant in the mind of the citizen a certain knowledge of justice and of individual responsibility.

If it is not one person who is solely responsible for a car accident, we know that the responsibility is shared amongst the parties involved.

We know that the responsibility of a criminal act is shared differently between members of the gang. The leader will get a stiffer sentence; an accomplice will be dealt with more leniently and another person, forced under duress to act with the gang, may be completely exonerated.

Under civil law some of the responsibility and costs may be allocated to the victim of the accident on account of contributory negligence.

It is quite reasonable that in damages caused by justifiable self-defence, some share — even the major share — of the responsibility will be allocated to the victim on account of provocation.

We have then a fairly well developed system for the sharing of responsibility in both civil and criminal acts.

In deciding the sharing of responsibility in cases of homicide many additional factors complicate the decisions.

One such factor is the degree of the presumed danger.

If a policeman finds himself threatened by a bustling crowd of shoppers who all want to be first in at a store sale, he is exposed to a different kind of danger from that if he were in the middle of a crowd of demonstrators. His degree of danger would vary if he were in a "hostile" crowd or a "friendly" crowd. The danger would be quite different again during a "state of emergency".

Further complications may come from the confusion over the validity of wartime laws when in fact war has not been declared. With quickly changing situations at the battlefields

with the appointment of new governments, several conflicting legislations may claim to be valid at the same time.

The soldiers, the policemen, the bureaucrat and the civilian may follow the orders given by one authority — and they may be held responsible for breaking the countermanding orders of the opposing authority.

There are endless tragic variations of conditions which may condemn the most law-abiding person. A person may be forced to join or declared to have become a member of a group and later be condemned and punished for the mere fact of association. ("Class" or "race" enemies.)

On the other hand brutal, sadistic people may be given encouragement and licence to commit unjustifiable cruelties under the guise of "self-defence" or "preventing escape" — and they may be completely freed of responsibility.

The assignment of responsibility for any act is a decision with only limited validity.

The decision is made by people who act under various motivations and both the external facts and circumstances as well as the inner factors — the compulsions, rationale etc. — are at least partly hidden by lack of knowledge and understanding and by prevarication.

It can in fact be said that almost any act of violence can be justified in terms of some "need".

Consequently the decisions and punishments and the sharing of responsibility by several people for the killing — have no maximum deterrent effect.

The allocation of responsibility and graded punishment should accordingly be only the first part of any behavioural code which aims at reducing homicide.

The important — the vital — part of any judgment which condemns any law breaking is the part which enforces compensation for the damages caused in proportion of the responsibility established.

THE EFFECTIVE MEANS OF REDUCING ANY CRIME IS TO MAKE SURE THAT "CRIME DOES NOT PAY".

(3) THE MAIN DETERRENT IS THE ENFORCEMENT OF COMPENSATION

Homicide, whether it is justifiable or not, must be known to be very costly — even ruinous — to those who are found

to be responsible.

Modern societies adopt rather negative crime-preventing attitudes. They provide partly deterrent punishments and partly rehabilitative programmes for law-breakers at the cost of the community. Inexplicably, they leave the great majority of victims of criminal acts without compensation.

This is quite unrealistic.

As in civil cases it is absolutely necessary that whoever is responsible should be required to provide compensation for the damage caused. It is absurd that someone who, by a criminal act, cripples another and ruins his life, should walk out of prison after a few years and start a new life whilst his victim suffers without compensation.

Let us put this as our moral aim: "COMPENSATE FOR ALL DAMAGES WHICH YOU CAUSE".

If this could be enforced internationally it would be a much more effective practice than the ideal of "love thy neighbour".

If homicide were to result in inescapable financial responsibilities, then murder, civil wars and other wars would become impossibly costly.

The principle that responsibility to compensate for damages caused must be enforced should be extended from property damage (which can be enforced in cases where personal funds can be seized) to personal injuries in a manner similar to the way in which compulsory public liability insurance operates.

The compensation should be ensured by a threefold arrangement:

1. Primarily **each responsible individual must provide compensation.**
2. (a) When the private funds are not sufficient,
(b) or when the damage was caused by accident, mal-adventure, sickness etc., then the **compensation must come from a compulsory personal public liability insurance.**
3. (a) When those who are responsible cannot be identified,
(b) or are unidentifiable members of groups or communities, then **the compensation must come from community insurance** funded by community incomes AND/OR compulsory collections (levies) obtained from the groups and communities involved.

Such compulsory community insurance premiums — or levies obtainable from specific groups which cause more damages — will be higher.

For instance manufacturers of dangerous products such as motor cars or chemicals etc. would have to pay higher community or group insurance premiums.

Similarly members of violent, rowdy communities would also pay higher community insurance premiums to provide sufficient compensation for the greater damages caused by the activities of their particular groups.

One would expect that such high costs would lead to a reduction in activities which cause civil or criminal damages, and that either safety measures would prevent car accidents or the crippling effect of high costs of compensations would deter people from using the car as often or as wildly as at present.

In a similar vein one might expect that the prospect of a murderer working out his life in virtual slave-labour to pay off the compensation necessary for the damage caused to his victim and his family would eventually become such a dreaded fate that killing would virtually cease.