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INTERPRETING THE RIGHT TO LIFE

– J.O. Famakinwa –

INTRODUCTION

What does a right to life really mean? Is there a right to life? The answers seem obvious. It is a general belief that human beings do have a right to life. However, how justifiable is the general belief? The article examines some interpretations of human right to life. In the contemporary world, the human right to life is respected and formally recognized. The Universal Declaration of Human Rights states that *everyone has a right to life, liberty and security of person*.¹ The Declaration of Independence of the United States also clearly states:

We hold these truths to be self-evident that all men are created equal; that they are endowed by their creator with certain inalienable right; that among these are life, liberty and the pursuit of happiness.²

Major theories in political philosophy defend various forms of rights. Liberals, libertarians and even communitarians defend certain rights. Most democratic nations and international organizations support, in various ways, the citizens' right to life. The Amnesty International supports various forms of rights. Among its major goals is the fight against extrajudicial execution and various forms of arbitrary killings worldwide.³ The global rejection of arbitrary killings is due to the quality of value on human life and dignity.

The article critically examines the parasitic nature of human right to life. A right to life is, it is argued, parasitic because it is unrealizable without some other kinds of rights. It is argued that a right to life is a derived right – a right generated from some other rights. The article supports the inseparability of human right to life and a right to life-sustaining material and non-material goods.

¹ Universal Declaration of Human Rights [1948].

² The Declaration of Independence of the United States of America [1776].

³ Shute, Hurley [1993].

The article has two sections. Section one briefly examines the concept of rights. Section two analyses the notion of human right to life. In the section, the thesis is well supported with cogent arguments and illustrations. It is forcefully argued that a right to life without a right to certain life-sustaining essentials mocks the original right to life. Two key questions are considered: (i) what are rights? And (ii) what does a right to life mean?

1. WHAT ARE RIGHTS?

Rights are entitlements.⁴ An entitlement implies a prima facie qualification to exercise control or authority over a thing. According to Child, “rights imply the exclusion of others and, at the same time, express one’s entitlements to possess, use, enjoy, manage and, if desired, dispose off non-human property”.⁵ According to Levine, rights “establish a sphere of inviolability; an area of human life that cannot legitimately be subordinated to instrumental requirements”.⁶ The idea of rights as entitlements is well developed and supported in the liberal and libertarian theories. According to Nozick, a right implies an entitlement. A person has a right over a property if the property is legitimately acquired. A legitimate acquisition is justified by the principles of just acquisition and just transfer. Mr X has a right or entitled to a property if he or she has worked for the property.⁷

Philosophically, the idea of rights as entitlements is unsatisfactory. First, a right implies an entitlement, and, the latter, also implies the power to exercise control and authority. Unfortunately, to exercise control and authority are mutually exclusive in certain respects. Not every person who controls others has the authority to do so. Someone may control others without the authority to do so.⁸ For instance, an armed robber controls his or her victims but has no authority to do so. To have authority to control is a form of entitlement. Not every person who exercises control is entitled to do so.

Furthermore, contrary to Nozick’s view, the fact that someone has worked for a property does not justify his or her absolute right or entitlement to the reward. Various forms of social relationships and interactions affect personal entitlements. Though each person is entitled to his or her various holdings legitimately acquired, the entitlement is never absolute. Ordinarily, a parent works for

⁴ Yezzi [1980]; Nozick [1974]; Rawls [1990].

⁵ Child [1994].

⁶ Levine [1988].

⁷ Nozick [1974].

⁸ Wolf [2000].

his or her income and thereby entitled to it. However, morally, the children are entitled to certain percentages of the income though never participated in the work through which the income was generated.

Taylor's idea of rights as 'claims' someone makes on another person deserves a brief consideration too.⁹ According to Taylor, rights are social. The social nature of rights has some implications. If rights are 'claims' and, at the same time, social, then rights would be superfluous in a world with a zero population or a world with one man population. The first world is devoid of social interaction. Rights regulate human social interactions. Second, rights would also be unnecessary in a world with one-man population. A Robinson Crusoe does not need any form of rights. Lastly, a right to life would be unnecessary in a world populated by immortal human beings. Though some of the observations made so far are germane, rights still imply entitlements. However, granted that rights are entitlements, is a right to life an entitlement? If so, what kind of entitlement? The next section examines the questions.

2. INTERPRETING A RIGHT TO LIFE

How should a right to life be interpreted? There are at least three interpretations: (i) A Right to Life as a Right to the Life-Sustaining Essentials, (ii) A Right to Life as a Right not to be killed and (iii) A Right to Life as a Right not to be killed unjustly. It is argued that (i) and (iii) accurately define a right to life. The definition in (ii) is, it is maintained, mistaken

2.1. A Right to Life as a Right to Life-Sustaining Essentials

Really, a right to life is parasitic. The survival of a parasite (plant or animal) is derived from other plants or animals. Similarly, a right to life depends on some other kinds of rights too. However, a point should be quickly made: the parasitic nature of human right to life is not unusual. Human beings are dependent beings. Little children depend on their parents for survival. Students depend on their teachers for knowledge. The body system also needs balanced diet, good shelter and appropriate clothing to function well. Human eyes are naturally blind, they do not see without appropriate illumination.

As a matter of fact, to claim that a person has a right to life when he or she is denied a right to the life-sustaining essentials is deceptive. If it is true that hunger kills and death is the cessation of life, then granting someone a right to life

⁹ Taylor [1992].

without commensurate right to certain life-sustaining goods (material and non-material) mocks the original right to life.¹⁰ Consider the following arguments:

Argument A

Premise 1: Joe has a right to life

Premise 2: Joe's life requires certain life-sustaining goods (material and non-material) to flourish

Premise 3: Joe has no right to the life-sustaining goods (material and non-material)

Conclusion: Joe has no right to life.

Argument B

Premise 1: Joe has a right to life

Premise 2: Joe's life requires certain life-sustaining goods (material and non-material) to flourish

Premise 3: Joe has a right to the life-sustaining goods (material and non-material)

Conclusion: Joe has a right to life.

Argument C

Premise 1: Joe has a right to life

Premise 2: Joe's life requires certain life-sustaining goods (material and non-material) to flourish

Premise 3: Joe has no right to the life-sustaining goods (material and non-material)

Conclusion: Joe has a right to life.

Argument D

Premise 1: Joe has a right to life

Premise 2: Joe's life requires certain life-sustaining goods (material and non-material) to flourish

Premise 3: Joe has a right to the life-sustaining goods (material and non-material)

Conclusion: Joe has no right to life.

Let us start with argument A. In the argument, the conclusion, 'Joe has no right to life' is derived from the premises. To claim that Joe has a right to life when, at the same time, has no right to certain life-sustaining essentials, is contradictory - the claim that what is the case is, at the same time, not the case. What

¹⁰ Thomson [1996].

about argument B? Its conclusion also follows from the premises. Joe's right to life is meaningful only when Joe has a right to the minimum goods (material and non-material) necessary for Joe's existence. With regard to Argument C, the conclusion 'Joe has a right to life' is not derivable from at least premise three 'Joe has no right to the life-sustaining goods (material and non-material)'. To claim that Joe has a right to life when Joe has no right to the basic minimum material goods essential for his life is not different from saying that Joe has a right to his or her apartment when, at the same time, has no right to the key that opens the door to the same apartment. A formal recognition of a right to life without a formal recognition of a right to the life-sustaining essentials weakens the original right to life.

As regards argument D, the relationship between premise 3, 'Joe has a right to the life-sustaining goods (material and non-material)' and the conclusion, 'Joe has no right to life' is also contradictory. If Joe truly has a right to the life-sustaining goods then Joe implicitly has a right to life unless some other factors that may truncate human life are considered.

The link between a right to life and right to certain life-sustaining essentials is formally recognized under the Universal Declaration of Human Rights. Article 25 clearly states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including, food, clothing, housing and medical care and necessary social services [...].¹¹

Article 3 of the same Declaration also states:

Everyone has the right to life, liberty and the security of person.

Anyway, the two articles are not arranged in their order of importance. If so arranged, then Article 25 should be prior to article 3. If Article 25 truly implies article 3, then the listing of Article 3 becomes unnecessary. The interpretation of a right to life as a right to certain life sustaining goods has its shortcomings.

As a matter of fact, human life is endangered in several ways. The lack of material needs would not be the only threat to human life. The argument about the link between a right to life and a right to certain life-sustaining goods may not too strong to undermine. If the argument is accepted, one might as well accept the view that a person has no right to life once he or she has no right to anything whatsoever that protects his or her life. For instance, environmental pollution

¹¹ Universal Declaration of Human Rights [1948].

constitutes a serious threat to human life. Do we then argue that since most people are not adequately protected from environmental pollution then such people have no right to life? Similarly, several people are exposed to various life-threatening diseases. Is it plausible to then argue that those people no longer have a right to life on account of their exposure to those life-threatening diseases?

The observation is good and legitimate. However, as good and legitimate as it appears, it does little or no harm to the original argument. There are two ways to meet the challenge. First, the very fact that there are other threats to human life does not mean that the lack of material goods is no longer a threat to human life. Second, it may just turn out that no one really has a right to life in case it is possible to make a list of all the threats to human life. So the claim that people have a right to life may turn out to be an illusion. The very fact that there are innumerable threats to human life strengthens the thesis rather than undermining it. So the claim that there is no human right to life without a right to the life-sustaining essentials stands.

However, something is still good about the objection. The objection justifies the listing of articles 3 and 25 in the Universal Declaration of Human Rights. Besides the conception of human right to life as a right to certain life-sustaining goods, a right to life is definable as a right not to be killed or a right not to be killed unjustly. Suppose a religious implementation of article 25 is possible, then a right to life would be reduced to a right not to be killed or a right not to be killed unjustly. The next section deals with the issues.

2.2. A Right to Life as a Right not to be killed

A right to life is, at times, interpreted as a right not to be killed. This is an error. No one has a right not to be killed. Why? First, not every killing is wrong. The killing of an assailant in self defense is morally and legally justified.¹² Furthermore, if human right to life is respected, no one has a right to kill except on the instruction of a legitimately constituted authority or in self defense. However, as hinted above, human life is never absolutely protected. For example, the refusal of a pilot to follow the weather report could cause a plane crash and sudden death of his or her passengers. A person under the influence of hard drug lacks deliberative capacity. He or she acts ignorantly and, or better put, unconsciously. Though

¹² Thomson [1996]. Note: The right to self defense is not new. The right receives full recognition in Hobbes' contractarianism. The state of nature places everyone in precarious condition. Though the state is a state of liberty, the liberty is not guaranteed because nothing is right or wrong, just or unjust. The recognition of the natural law to seek peace for the sake of self preservation prompts the formation of the commonwealth. With the commonwealth, everyone is expected to surrender his or her right to self rule with the exception of the right to self defense.

ignorance of law is no excuse for breaking the law, the law does not protect the victims of any attack unconsciously executed. Unconscious act is different from act due to ignorance.

However, the examples do not legitimize arbitrary killings. Rather, it shows that a right to life as a right not to be killed is not always guaranteed. A right to life does not amount to a right not to be killed but a right not to be killed unjustly.

2.3. A Right to Life as Right not to be killed Unjustly

A right to life amounts to a right not to be killed unjustly.¹³ What constitutes a just or unjust killing? As suggested, killing others in self defense is just. Arbitrary killing is unjust. Justice is partly defined as equal opportunity to social advantages and burdens. The social distribution of human right to life is equitable. No person gets a share more than the other person. Therefore, a right to life amounts to a right not to be killed unjustly since no person, morally, ought to sacrifice his or her life for the sake of others.¹⁴ According to Rawls,

[...] the rights secured by justice are not subject to political bargaining or to the calculus of social interest [...]. Each possesses an inviolability founded on justice that even the welfare of the society as a whole cannot override.¹⁵

The point on the value of human life is discussed by Thomson in *The Trolley Problem*.¹⁶ The problem is simply this: suppose a person is compelled to make a moral choice between either killing five people or killing just a person, what is the right thing to do? Ordinarily, the killing of five people seems to produce more misfortunes than the killing of just a person. Thomson suggests a non-absolutist approach. Different circumstances support different options. In the war front, a soldier may prefer turning his or her gun towards five enemies who threaten his or her life while he or she spares a person (though an enemy) who does not pose any threat. In the same war front, the same soldier may prefer to turn his or her gun towards an enemy who threatens his or her life while he or she spares the life of five people who do not pose any threat. So circumstances determine the value placed on human life.

The trolley problem, in my view, is a bad case. For me, though the driver appears to be making a moral choice between killing five people and killing just

¹³ *Ibidem*.

¹⁴ *Ibidem*.

¹⁵ Rawls [1995].

¹⁶ Thomson [2006].

one person, the choice is not real. In fact, the driver is not making any choice. There is no genuine choice in the absence of genuine deliberation. The driver's state of mind, following the brake failure, is not conducive to genuine deliberation. The driver (purported to be making a moral choice between killing five people or just a person) is in a panicky state. Whatever choice made under his unstable condition is arbitrary. In his panicky state, the choice is about life, not about the number of people to be killed.

Among the Yoruba of Western Nigeria, it used to be a common practice to label some people as "Abobakus" (those who must die with the king). The general belief then was that just as the King requires the services of his attendants while alive, he would also need their services in the life beyond. For this reason, when the king dies, the men and women already set aside for that mission are forced to die with the King so that the services they render to the king while alive could continue in the life beyond.

The practice is not only discriminatory, it is unjust. It is discriminatory because it treats certain life as superior to some other lives. The life span of the attendants is tied to the life span of the king. The men and women only have a right to life as long as the king (their everlasting master) lives. They are killed (unjustly) the day the king dies. The act amounts to unjust killing. Civilization has put an end to the practice. No one dies with the king any longer. The practice is a good example of an unjust killing. A right to life is a right not to be killed unjustly.

CONCLUSION

What are the issues? Is there really a right to life? The article critically considers three possible interpretations of human right to life. First, it is argued that it is almost impossible to claim that someone has a right to life when denied a right to certain life-sustaining material goods. Ordinarily, human life depends on certain material goods like balance diet, good shelter and good environment. It is argued that no one really has a right to life in the absence of such life-sustaining material goods. A right to life without a right to the basic minimum goods required to sustain the life mocks the original right.

Second, it is also argued that a right to life does not amount to a right not to be killed. Basically, no one has a right not to be killed. The right not to be killed, if it exists at all, is conditional. A person would have a right not to be killed as long as he or she has not engaged in any activity that would force the state to suspend the right. As a matter of fact, no one has a right not to be killed since there is a right to kill or be killed in self defense or on the instruction of a legally constituted authority.

However, it is concluded that a right to life only amounts to a right not to be killed unjustly. A right to life, as a non-material good, is evenly distributed among citizens. A's life has the same moral weight as B's life. The individual's right to life cannot be sacrificed for the sake of other person's life. The practice of human sacrifice for the general peace in the society in the time past is not justifiable because, as argued by Rawls, the rights secured by justice are not subject to political bargaining or to the calculus of social interests.

Two key points are made in the article: (i) that a right to life implies a right to the basic life-sustaining material goods. No right to life in the absence of a right to the basic minimum goods (material and non-material) and (ii) that a right to life is a right not to be killed unjustly, not a right not to be killed.

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