

The Concept of the Right to Life

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The right to life is considered to be one of the basic rights and there is a consensus on the need to defend and to protect this right in today's world. Yet, when we look for the meaning and the content of the concept of this right, we come across with different conceptualizations which betray an insufficient epistemological scrutiny of the concept. There is a need for further knowledge and better understanding of the reasons why we should defend and protect the right to life and why it should not be violated, so that the disputes on the right to life for those who committed a 'crime against humanity' and more importantly on the right to interfere with those who go on hunger strike or fast to death for political reasons might be resolved. In the same way, it seems that there is a problem related to the boundary between the concepts of euthanasia or the right to die and the right to life.

The problems concerning the conceptualization of the right to life are closely related to value problems. We often hear that 'human life is the highest good'¹ and 'the foundation of all other human values', and this assumption is taken as starting point in many debates. But, is this claim really true? Or, what does it actually mean?

Sometimes life is proclaimed to be 'certainly the primary value'², but subsequently, when the protection of life is not taken into consideration for the sake of certain 'values', it is said that 'the value of life is conditional'.³ However, this *also* confirms that values are things that even life could be sacrificed for. It is commonly acknowledged that individuals die or sacrifice their lives for things that they consider to be valuable.

I wish to question the relation between life and values, that people assume when they claim that 'human life is the foundation of all *other* human values'. How is it possible to think on the one hand that 'life is the primary value', but on the other hand that 'its value is conditional'? Is human life the foundation of all other

human values, or human beings are creatures who have values and therefore their life is untouchable? These are two different questions. To be able to answer them in a right and clear-cut way is a prerequisite for solving the problems related to the concept of the right to life.

It is not possible to deny that for the existence and realization of values human beings must be alive. However, at this point we should ask the following question: What makes the life of the human being untouchable? Is it only due to its being a living being? Yet, at least some people think that just to be a living human being is not enough for protecting the right to life of some people who committed 'crimes against humanity'.

As a matter of fact, while some discuss the right to life of those who committed 'crimes against humanity', some others think that they themselves do not have the right to live or that their life is not worth-living and want either to die or commit suicide. Although the right to life is recognized as a basic right that is not negotiable, some people do not see any problem in terminating the life of those who committed a crime against humanity, while some others think that people who are fasting to death and want to die of their own will, have the right to do so. In today's world people even speak of the right to die. What is the relation between the right to life and the right to die and what can be the borderline between them?

'Human potentialities' and certain concepts related to them are the basic determinants—though from different angles—in the discussion of each person's right to life and right to die. Thus, it is believed that persons who fast to death are free human beings and we should respect their decision. But in some other cases, when all the ways are closed for the people to realize their human potentialities—like when the rabies microbe harms the brain and people suffer in such a manner that prevents them from dying in dignity—to terminate their life is

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considered as a violation of the right to life. In the case of capital punishment, on the other hand, though the persons condemned to death are alive and all their capacities are fully functioning, their right to life is questioned, probably because it is assumed that there is no question of actualizing their human potentialities or that they are no more human beings.

The reason behind the blindness to the contradictions related to various attitudes about terminating one's life could be the different understandings of 'having the right to' or, to put it more correctly, different views on the reasons *why* someone deserves something. For example, it is believed that a pitiless slayer deserves to die, regardless of her possessing human potentialities, while a person who suffers from rabies and all the ways were closed to the realization of her potentialities to have the right to life that she could no more use and that to terminate her life could be a violation of the right to life. In this context, it could be understood that 'to have a right to', 'to deserve' or 'not to deserve' something are all related to a kind of thought that does not view persons as human beings, but evaluates them according to what they do or according to the reactive feeling of anger that prevails in human relations; yet in the public sphere humans should be treated as beings that possess value and dignity.

Human beings are valuable, primarily due to their natural *capacities* to evaluate and act independently from their interests in a given situation and not just because they are living beings. Members of the human species do have such a nature that, if needed, they could sacrifice their lives for the sake of a value and they can act independently from their desire to live. This is the condition of the possibility that human beings are praised and criticized or are qualified for reward and punishment, i.e. the condition of their being responsible beings. For the same reason, to protect or to violate human rights is something that only human beings can do.

Among the existential conditions of such a being, to live is a *sine qua non*. There is no doubt that all phenomena related to value and values revolve around life. But still, the claim that 'life is the primary value' does not seem to be true.

What do we mean by claiming that 'life is the primary value' is not true? Is it possible to assume that the claim that 'life is not the primary value' and the claim that 'the value of life is conditional' or 'the right to life is not an absolute right', mean the same thing?

Since to be alive is a necessary condition for the realization of values, it could be thought that to consider life as 'the primary value' is a logical necessity. It is

obvious that, when considered from an ontological point of view, all human phenomena, including evaluation and values, rely upon life and appear only where there is life. But to accept that values are inherent in the concept of human life or presuppose it, does not necessitate to ignore the problems encountered in human life or in the human world, for example to disregard the fact that what some people consider valueless, some others consider it to be highly valuable. In other words we cannot underestimate the conflicts related to value problems in daily life.

The main condition of being able to grasp and realize values is the knowledge of the capacity of the human beings to act independently or be detached from their interests, but still intentionally. One of the features that make a being a *human* being is the knowledge of the capacity of the individual to act independently from her interests even if that act has fatal consequences for her life. When these features—that are also the origin of values—are not taken into consideration, it would be inevitable to explain the conflicts we see in the human world only by means of bio-psychological laws. When human life is viewed only in the light of bio-psychological laws and not also in the light of value knowledge, and in addition when life is assumed to be 'the primary value', any act that could cost one's life—even if performed in order to save the life of somebody else—can be considered as violation of this 'primary value' or of the right to life. In such a case, the opposite of the claim that 'the highest good is not to remain alive, but to be able to sacrifice one's life for someone else',⁴ i.e. the claim 'to sacrifice one's life for someone else is the greatest wrong', could be logically correct.

When a person sacrifices her life for another person, what could be the reason behind sacrificing a life for another life? Does this person sacrifice her life although she considers her life and the life that she tries to rescue as equivalent? For this person, although her life is also valuable, the life of the person whose life is going to be rescued is perceived to be more valuable and though this person could be sometimes mistaken while making this comparison, certainly she is not always so. This could be considered as an illusion or a kind of 'foolishness' for those who see nothing more valuable than their own lives. However, to consider a life more valuable than another life, or the fact that a person can consider another person's life more valuable than her own, could not be explained by simply relying upon the concept of life.

It is well known that in the human world lives are sacrificed for values⁵ or for things that are *assumed to be values*, which means that values and assumed values are perceived as superior to life. But, can we necessarily deduce from this fact that 'the value of life is conditional'?

Such examples make it logically possible to say that, when looked from the perspective of the rescued life, life is seen as the primary value, however, when looked from the perspective of the sacrificed life, the same act can be seen as trampling a value, or at least it is possible to say that the value of life is conditional.

Although from a philosophical point of view there is no dispute on the value of life, it is rather difficult to break this impasse without taking into consideration the difference between what is *valuable* and what is *a value*, in other words, without thinking why life is valuable. What is interesting and at the same time problematic here is the difference between the evaluation criteria when the act to terminate a life is directed to oneself and when it is directed to another person. However, what should be emphasized is the different reasons or determinants of these two kinds of terminating a life: the difference between value judgements (assumed to be values) and values (such as love, respect, etc.). Both can determine the termination of one's own life as well as the termination of somebody else's life. In other words, what is crucial here is the difference between an act which is performed according to values and an act that is performed according to value judgements, i.e. things assumed to be values.

Since the human world is not perceived only through the features that are peculiar to human kind and it is assumed that the problems of the human world can be understood and solved through bio-psychological laws, the distinction between self and the other is supposed to be the main distinction and a very precise criterion for solving the prevalent problems. For example, when evaluating a person's act that aims at terminating another person's life and the act of a person who wants to terminate her own life, it is usually assumed that the act of terminating another person's life is always related to interests, while in the case of person's terminating her own life, it is usually not taken into account that an interest could play a role. On the other hand, though sacrificing one's life in order to save the life of somebody else is a priori considered to be altruism, the decision of a person to give up committing suicide and to go on living is assumed to be based only and necessarily on a selfish reason.

What makes an act valuable or virtuous is its being determined by ethical values. As long as the determinant of an action is not the wish to protect human beings as *human* beings, but general value judgements (assumed to be values) which aim at securing the preservation of the specificities of a group as a group—whatever these specificities might be—the fact that an action is carried out for the sake of *others* does not guarantee its being a

virtuous action. It might even trample a value. The action of a suicide bomber who sacrifices her own life and kills innocent people for the sake of the group it belongs, can be an example of such a trampling of values.

The main reason why most people—even those who are able to think independently from religious and ideological standpoints—find the assumption that 'the supreme good is not to remain alive but to sacrifice one's life for somebody else' significant, is not because they believe that *the other* is 'better' or because they underestimate themselves. They find it significant because it witnesses to the human possibility of acting independently of one's interests, to the possibility of risking one's life for *the other* and because it shows a human possibility—in Kant's words the possibility of free action. Still in this case *the other* is neither a mere living being, nor a means that helps me to show that I am a good person. It is also very important who *the other*, for whom I risk my life is, and what my relation to her is, in other words, whether I risk my life for someone because we share the same morals or ideology, or because she is a virtuous person.

When considered from a philosophical point of view, it could be realized, that to risk one's life for another person, just because this other person is a member of a group one belongs, is not an attitude or a way of acting determined by values. The main condition that makes possible the determination of an action by values is to see the person to whom that action is directed as a human being before anything else. The above mentioned question concerning the determination of the action of a person who risks her life in order to save the life of someone else, is also important in the case of one's decision to terminate her own life or give up to do so. Put very briefly, the reason that leads a person to terminate her life can be an interest, while the reason of one's giving up committing suicide might be a value or a virtue.

What I am trying to emphasize is not that life has no value; on the contrary, devaluation of life is among the most serious problems we are faced with at present and one of the reasons behind the violation of the right to life. My purpose here is only to inquire into the origin of this problem.

There is no doubt that human life is valuable and that the right to life is a basic right. However, we should make a distinction between what is valuable and what is a value. Human life is valuable because the human being has values and not just because it is a living being. Thus, if the human being is valuable not because it is a living being, then the right to life is not a right which can be protected just by keeping human beings alive (as in the

case of objecting euthanasia). Nevertheless, this does not mean that being alive is not important and therefore capital punishment is something natural, as well as that if we dare to die for whatever we do for ourselves or for others would be beyond all kinds of interest calculations and eventually a sign of a virtuous act.

Here the claim that life is the most basic right emphasizes an attitude toward life, while the claim that life is not the primary value emphasizes the ground or reason of this attitude. It is not possible to consider the right to life as the most basic right as long as human life is viewed merely as biological, and those who have such a conception of life and who are not equipped with value knowledge are ready to proclaim the value of human life as conditional. In fact, human life is in danger when life is considered to be the primary value and all other values occupy a secondary place. For, in such a case, the claim that the 'value of life is conditional' is nevertheless based upon and measured by those values that are ascribed a secondary status.

Although the right to life is the most basic right, life is not the primary value, since being alive is not sufficient to make human life valuable. What makes this life valuable is the way of living and its specificity.⁶ The reasons behind most conflicts in the human world are related to the difference of the ways of living and their value or assumed value. It is obvious that everything done in the name of these different ways of living could not be justified, but this does not mean that the ways of living are not important either.

To distinguish between the two meanings of life, that is 'to be alive' and 'to live a humane life', could help to find solutions for the above mentioned and other such problems. Seen from this perspective, not to prevent people from dying from starvation or from curable diseases is a violation not only of the right to live a humane life, but also of the right to remain alive.

On the other hand euthanasia, though it is a termination of someone's life, if it is decided because there is no possibility to live a humane life any more, in opposition to the above mentioned example, it is decided with the purpose to avoid an undignified life. When a physician or somebody else helps someone to die in order to save her from living an undignified life, in spite of the fact that this is the termination of a life, it is done in the name of certain values. In such a case in which one's human life has already come to an end, to help her terminate her biological life might not be considered as a violation of the right to life.

A healthy person who is fasting to death does in fact something which affects her own life. But she is not like someone who has irreversibly lost the possibility to live

a humane life as in the case of euthanasia. To evaluate this person's action even when it is performed for the sake of others, we have to look at what she wishes to accomplish—at her intentions—and compare what she wishes to do for the others with what she does to herself, and if the determinants of her action are values, whether this action can fulfill the desired aim. Such an evaluation should also be made by the person who is about to decide to fast to death. But it is generally accepted that those who are blindly devoted to an ideology or worldview cannot make such an evaluation, because they consider the goals of that ideology as the most valuable thing in the world.

In order to understand whether the termination of one's own life, as in the case of those who are fasting to death or of suicide bombers, constitutes a violation of the right to life, it is crucial to know whether the determinants of their actions are ready-made value judgments or values.

As can be seen from the above mentioned examples, to sacrifice one's life for the others does not make an action valuable; such an action may even trample certain values or violate the right to life. Therefore, if human rights are violated while claiming to fight against violations of human rights, it is necessary to look whether there is an exploitation of the concept of the human rights.

As for the capital punishment inflicted upon those who commit inhuman crimes: seen from the viewpoint of the human capacity to act independently from 'natural causality' (from interests) and determined by values, capital punishment—from the point of view of those who inflict this punishment—does not possess such a quality. As it is often openly stated, the objectives of capital punishment are the interests of the society. Yet, capital punishment cannot revoke the effects of an inhuman action. And the expectation that capital punishment would serve as a threat which will detain people from committing certain crimes is a matter of dispute.

Considered from the viewpoint of social benefits, it is possible to say that in societies in which capital punishment exists there is a distortion of the concept of human life and of the criterion of being human: although the criminal, whose all capacities are fully functioning, should be imprisoned in order to bear the responsibility of her action, capital punishment obliterates this responsibility of the criminal and delegates it to the state or the society. To obliterate the responsibility of the criminal cannot be justified ethically: it is to treat the criminal like a machine that is out of order due to a manufacturing defect.

The argument often used to justify capital punishment, namely that the 'murderer is no more a human being',

not only expresses the rejection to belong to the same species with the murderer, but it also opens a very dangerous way, leading to the acceptance that those who cannot tolerate this fact may react in the same way, that is, they may kill the murderer.

Yet, if we mistakenly murder someone in our personal life due to anger or to any other such feeling, we have to pay for it. Public life is an area that should be dominated by value knowledge and not by personal feelings. Be it the smallest or the largest one (e.g. the state), no public institution may treat the human being as a means unless it denies itself; to use or not use philosophy in order to diagnose the cases in which beings are treated as means is closely related to the level of development of a society.

The right to life and the principle demanding not to touch the bio-psychical integrity of anybody takes its origin from ethical values and not from life. Such an acceptance cannot be used to support the argument that the value of life is conditional; however it could be used to defend the life and the potentialities of human beings against the conditions that are damaging the values. It is only through this acceptance that it is possible to fight against value judgements (assumed to be values) and ideologies that violate the right to life. Whether we like it or not, human beings have religious beliefs, worldviews and ideologies which they often consider to be superior to life. If individuals are not taught or shown that these are not values, and that in some cases they can be even against values, some people might be given the opportunity to control the lives of those individuals in the name of such assumed values.

The right to life is one of the rights that should be protected for the sake of the value that human beings possess just because they are human. Without such a

consideration, it seems impossible to overcome the contradictions that are mentioned above.

To summarize, the human being has the right to life, because of the value she possesses. Human beings possess value due to the potentialities that are peculiar to the human being. If we do not take into consideration the reason why human beings have the right to life, as well as all other human rights, it is impossible to draw the limits between the right to life and right to die or euthanasia and death fast, nor to discuss the role of capital punishment. When the limits between the reasons related to the human potentialities and those related to physical, biological and psychological factors are clearly delineated, then the reason why humans possess the right to life does not relativize the value of life. However, so long as these limits are not clearly defined, it would be very difficult to overcome the disputes concerning the right to life.

NOTES AND REFERENCES

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2. Kekes, John (1993), *The Moralitity of Pluralism*, Princeton University Press, p. 81.
3. *Ibid.*, p. 122.
4. St. John-Stevas, Norman (1963), *The Right to Life*, Holt, Rinehart and Winston, New York, p. 12.
5. By ethical 'values' I mean values such as love, respect, honesty, trust etc. Concerning the theory of values underlying this paper see: Ioanna Kuçuradi, *İnsan ve Değerleri [Man and His Values]*, Ankara 1998² and *Etik [Ethics]*, Ankara 2006².
6. See also: Nicolai Hartmann, *Ethik*, vierte, unveränderte Auflage, Walter de Gruyter & Co., Berlin 1962, p. 123.

THE BODOS: EMERGENCE AND ASSERTION OF AN ETHNIC MINORITY

by *Sujit Choudhury*

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The term Bodo has been used by the older generation of scholars to denote the earliest Indo-Mongoloid migrants to eastern India who subsequently spread over different regions of Bengal, Assam and Tripura. But recent developments make it imperative to redefine the term Bodo and its wider denotation deserves to be abandoned in recognition of the emerging socio-political vocabulary; the Bodo means the plain tribes of western and northern Assam known earlier as the Bodo-Kacharis. In this monograph also the term Bodo is used in this new sense, meaning the Bodo-Kacharis of the Brahmaputra Valley. Only that aspect of Bodo history has been considered in this study which can be traced on the basis of evidences, direct or indirect, and at the same time which is capable of throwing some light on the complex process of formation of the Assamese nationality *vis-à-vis* the evolution of Bodo society. This monograph is an attempt to trace different phases of history through which the Bodos emerged as the most dominant ethnic minority of Assam.

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