Analysis: An introduction to ethical concepts

The right to life

John Hostler *Department of Extramural Studies,
University of Manchester*

The idea that everyone has a right to life does not mean that it is never permissible to kill. In theory, like any other right it can be overridden or outweighed by other rights and claims; and most of us accept, for instance, that it is forfeit by the armed soldier in battle. But it does mean that only such special and unusual circumstances can justify the act of homicide. In effect it is another and possibly more forceful way of saying that as a general rule it is wrong to kill people.

So fundamental a thesis has naturally been defended in many ways. For a long time it was always advanced as a tenet of theology, in the doctrine that a man's life is entrusted to him by God and so cannot legitimately be taken away by anyone else. A modern presentation of this argument is offered by Häring¹ but obviously it will influence only the relative minority today who accept the associated religious beliefs. An alternative secular argument is proposed by Cranston² who reasons that every government must secure the subject's right to life (among other things) in order to win his assent to its authority. This is certainly less contentious reasoning but the conclusion is inadequate. The right to life is surely not just a political expedient as this argument portrays it but a fundamental in our scheme of values. We accept that it is properly established as a legal right because the law thus acknowledges what we believe to be a basic and universal moral right.

Agents in a moral community

Accordingly we must look to the realm of morals for an adequate defence of it. Fortunately one is provided by the nature of morality itself. Consider what moral rules are: standards which we impose on ourselves, designed to regulate our conduct towards others like us. They are prescriptions of right and wrong which apply to ourselves and all others in the moral community; to this belong all who are able to live by rules, who can behave in a rationally considered and consistent fashion - 'moral agents',

as the philosopher conveniently refers to them. This is why morality primarily concerns our dealings with other human beings and only derivatively prescribes duties towards animals and the rest of nature. Now this picture directly implies the right to life. For if the power of deliberate self determination is in this way the very foundation of morality, necessarily it is wrong to do anything that would tend to inhibit or destroy it. Therefore, as the most drastic of many actions which diminish this moral autonomy, killing is chiefly to be condemned.

So the right to life can be justified to anyone who will understand morality in this way. But it is thus established only within the domain of morals, and thereby secured only for moral agents. And this is a very serious limitation on the argument because there are many individuals who are not a part of this moral community. The fetus is excluded from it, for example, and the newly born infant; the imbecile and the human 'vegetable'; often the lunatic too; the man languishing in the last stages of senile dementia; or the one permanently unconscious with an injury to the brain. These are typical of the many who cannot plausibly be considered moral agents because they are evidently unable to live by rationally adopted rules as morality demands, and therefore the argument does not secure for them a moral right to life. So it is possibly not surprising that at one time or another it has been thought quite permissible to kill them.

The right to life of those outside the moral community

How can their right to life be defended? It will not do to rely solely on the letter of the law. Certainly murder is counted as murder whether the victim is a moral agent or not; but where the law stands without a clear justification in morality it is bound to be queried and even flouted. The debate about euthanasia for the senile and the comatose is an obvious instance of this happening at present, for it continues precisely because their moral right to life can reasonably be called in question. Neither will it do merely to suggest that such acts of euthanasia would destroy public confidence in the medical profession. If that faith can only be maintained by doctors keeping alive a creature without even the vestiges of personality, arguably we would all be better off without it.

DOCTRINE OF THE SANCTITY OF LIFE

Therefore some argument from morality must be found which will extend even to those who are not moral agents. One which is a favourite with many is to invoke 'the sanctity of life'. In fact there are various accounts of what exactly this is supposed to mean; however, all the versions basically agree in maintaining that life in itself is good and valuable. But on what grounds? The reason most frequently given – and probably the only one which can claim any general credibility – is that people actually value their lives. Thus it is asserted that 'life is a good' because 'even the most wretched cling to it and do not want to die'.³ But a little thought reveals that this is very ambiguous evidence which does not necessarily support the claim at all. One's intuition suggests, and some empirical data go to confirm it⁴, that the reason why we are unwilling to die is chiefly because of the satisfactions which we can enjoy only while alive. In other words what we desire is not really life as such, but enjoyable and worthwhile experiences: it is because we want to go on having these that most of us for most of the time would rather be alive than dead. Accordingly the value of life is of the kind technically called 'instrumental': as with money, we want it for what we can do with it and not for what it is in itself.

But if this is so it is very misleading to conclude simply that life is good. For in Seneca's words, 'non enim vivere bonum est sed bene vivere'⁵ – what is good is not just living, but living well. And as he and other Stoic thinkers fully recognized, this implies that when one can no longer 'live well', when there is no further scope for enjoyable or worthwhile experiences, mere continuing existence may not be worth having. That 'even the most wretched cling to it', may accordingly show only that they are sadly misguided: for if they are utterly wretched, the most logical act may be not to hold on to life but rather to surrender it gracefully. This implication evidently applies to some of the cases mentioned earlier. For example, someone who is left with extensive brain damage after an accident may have no further prospect of 'living well' at all, and on this basis it will be completely implausible to argue that his life is still valuable in itself.

So the principle of the sanctity of life, though often appealed to, is actually not very useful in discussing such a problem. It can of course be maintained simply as an article of one's moral faith: one can just insist *tout court* that life must always be preserved and prolonged if possible; but bald assertions like this are unlikely to persuade many others. However, if one sets out to prove that life is valuable on the ground that people want it, the relevance of the idea is immediately much restricted. The argument is at its strongest in the case of the normal healthy human being, for he has most to live for; but in virtue of his status as a moral agent his right to life is not in doubt anyhow. In the case

of those who have a more limited capacity for enjoyments and satisfactions, such as the senile or the mentally handicapped, it still retains some plausibility: and here indeed it is probably best employed. For their limitations may well mean that they cannot properly be regarded as moral agents, and yet their ability to enjoy some pleasures will imply that their lives nevertheless have value. But in the case of others for whom not even this reduced level of existence is feasible, such as the man in a permanent coma, the argument just cannot sustain the thesis that it is good to go on being alive.

The right to life of all human beings

How then can the right to life be secured for these individuals? The method which seems to offer the greatest hope of success is to adopt a radically different strategy of argument. Instead of searching for grounds on which to show that the right exists, it is best simply to assume that it does except when it can clearly be proved not to. This bold approach is not as arbitrary as it initially appears for in fact it is justified by the peculiar nature of the problem. The kinds of handicap and disability involved are found in every degree, ranging from relatively slight impairment of the faculties at one end of the scale to almost total obliteration of human characteristics at the other. This means that no sharp line can be drawn between those who are moral agents and those who live worthwhile lives, and those who are not and cannot: the two groups merge imperceptibly, and it is impossible to determine precisely how far the right to life extends. In this type of situation – of which there are several familiar to the moral philosopher – there is obviously a real danger of being led on from one case to another along the continuum, until one ends in error or confusion: a 'slippery slope' for moral judgment. Common prudence therefore dictates caution and requires one to err on the side of safety. In view also of the extreme gravity of all issues of life and death it is thus entirely reasonable to adopt the strategy described and assume that the right to life exists even in cases of the most extreme disability.

What this means in practice is that only serious moral reasons can justify killing in such a situation. To take the frequently discussed example of an individual who is kept alive entirely by machines it is permissible for the doctor to disconnect them in order to fulfil his duty to other patients, especially those with a greater chance of eventual recovery, but he would not be justified in doing so merely because the case seemed hopeless. Such considerations of convenience or expediency will not suffice because it is presumed that the individual still has a moral right to life, and only moral factors – such as other rights or duties – can legitimately be weighed against it.

A defensible attitude of caution thus allows this sort of extreme case to be brought into line with the others, and makes it reasonable to believe that here too it is wrong to kill without overriding reasons. As an assumption dictated by prudence, rather than a conclusion demonstrated by argument, it is less satisfying intellectually, and from that point of view a nice knock-down proof would obviously be preferable. But I cannot see how one could be constructed, for the right to life is essentially a basic entitlement of human beings, and here we really are in some doubt as to whether the individual concerned is still truly human.

References

- ¹Häring, B, *Medical ethics*, p 69, Slough, St. Paul Publications, 1972.
- ²Cranston, M, *What are human rights?*, p 25, London, Bodley Head, 1973.
- ³Mortimer, R C *et al*, *Decisions about life and death*, p 19. London, Church Assembly Board for Social Responsibility, 1965.
- ⁴Diggory, J C, and Rothman, D Z, 1961, Values destroyed by death. *Journal of abnormal and social psychology*, 63, 205-210.
- ⁵Seneca, *Epistolae Morales*, LXX 4.