

THE RIGHT TO LIFE AND PACIFISM

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I

The axiomatic first principle of the argument in this paper is that persons have rights. Because persons have at least some rights, then every person has the right to life. In other words, the right to life is the most basic human right. If I have the right to life, then so do all persons. All living persons always have the right to life simply because they are alive. All other rights are pointless if we do not have the right to continue to exist as living persons.¹ For instance, squatter's rights show how the right to life is more basic than the right to property. Squatters and refugees are entitled by their right to life to demand others *not threatened by death* move over and make room. Thus, the right to life takes precedence over the right to property.

International law is based on the "domestic analogy," namely, relations of nations are considered analogous to relations of individual persons. Just as individuals have rights, nations allegedly have similar rights. Without political independence and sovereignty, nations could not exist. Therefore, political sovereignty is analogous to the right to life. Similarly, a nation's right to use and possess its lands is analogous to the domestic right to property.

The domestic analogy is questionable because the dissimilarities are significant. National sovereignty is not always similar to the right to life. Nations exist to preserve citizens' rights, and those rights conceivably might be preserved even when a particular nation ceases to exist. But, none of my rights can be preserved if I cease to exist. These failures of the analogy, however, do not affect the argument herein.

II

At the personal level, the right to life justifies self-defense in life-threatening situations. As the most basic right, the right to exist need never be relinquished. Hence, when our lives are threatened, we have the right to defend ourselves. Because such self-defense often (and perhaps usually) involves resistance, absolute and total pacifism is not required by the right to life.

Because we have in general the right to protect our lives, does it follow that we have the right in self-defense to kill another person? When attacked by another, at least two factors seem relevant: (1) my right to life, and (2) my duty to the other person due to his or her right to life. If I can resist

without killing the other person, then I have both preserved my life and fulfilled my duty.

All living persons always have the right to life. Hence, killing anyone under any circumstances, even when one's life is in jeopardy, always violates the dead person's right to life. When acting in self-defense, we may forcefully resist, but never with the intent to kill our assailant. Only the force needed to assure protection may be used. Such force may indeed kill the assailant, but the intent should be not to kill but only to protect oneself. Hence, the intentional use of lethal force always is wrong. For example, if attacked by someone with a baseball bat, I would not be justified in using firearms in self-defense when I could escape by running away. Admittedly, in real life the best theoretical responses may not be taken due to our inability adequately to analyze the situation, to know the genuineness of the danger, and to perceive the various possible defenses. Nevertheless, the intent to kill always makes the act wrong.

III

Individual persons organize and sustain states in order to gain protection and assistance when facing common personal threats and problems. In other words, nations exist to protect and guarantee individual human rights. Because life is the basic human right, every nation should protect and guarantee its citizens' rights to life. Conversely, no government has the right to deprive its citizens of the right to life. Because states are founded on the principle of the individual's right to life, no citizen forfeits his or her right to life merely by being a citizen. The individual's right to life always remains the foundational and unrelinquished right.

When a government forces any citizen to become a soldier, it effectively deprives him or her of the right to life. Soldiers always are either actually or potentially killers of the enemy and therefore are reasonably subject to being killed by the enemy. Whether moral or not, the war convention is that soldiers are subject to attack at any time, unless wounded or captured. Soldiers consequently have forfeited their rights to life.² However, because states are founded on the right to life, no state has the right by compulsion to make its citizens into soldiers. When a state mandates military service, the state violates its contract to protect its citizens' rights to life. Being a soldier forfeits the soldier's right to life, and this forfeiture contradicts the individual's fundamental and unrelinquished right to life. Because citizens do not hand over their right to life to the government when they join the state, the state never has the option of compulsory military service.

Because every citizen retains the right to life, the individual always has the prerogative to decide whether his or her involvement in a war is justified. Moreover, unless the individual is threatened at least potentially, he or she

has no basis for involvement that is derivable from the right to life. Any government forcing its citizens to become soldiers is depriving its citizens of their rights to life, and thereby the state deprives itself of the privilege to govern.

IV

Assuming both that the questionable domestic analogy is correct and that the right to life applies to states, it follows that violence may be used to settle international disputes in cases of national self-defense. In spite of this, substantial reasons exist for pacifism at the international level. Because the intent of war is to kill, the aggressor in war is always a capital criminal. Inevitably persons are killed on both sides who have not surrendered their rights to life, and in most cases the evil done far exceeds the evil justifying the war. The benefits and gains of war are usually economic and territorial, seldom humanitarian. Moreover, nonviolent resistance can often achieve the same ends as war. Although deaths may result from non-violent resistance, perhaps these deaths would not exceed those resulting from violent resistance.

For these reasons, during war a person may reasonably choose pacifism rather than national defense, even when personally threatened. However, because the right to life entails the right to personal self-defense, such pacifism and the resulting self-sacrifice are not morally required, although they are perhaps praiseworthy on humanitarian and utilitarian grounds.

V

May citizens voluntarily become soldiers? The answer is complicated and not always clear-cut. At least three factors are involved: (1) actual vs. potential threats, (2) individuals vs. group defense, and (3) defense of self vs. defense of others.

First, when my life actually is threatened, whether in a time of war or peace, I may defend myself, as argued above, as long as I never intend to kill, although killing may result. But, community defense organizations, such as police, vigilantes, and citizens' patrols, are not solely justified on the basis of an immediate and present need for self-defense. These organizations also exist for defense and deterrence against future life-threatening acts. If the threat must always be immediate and actual, then no long-standing defense agency, whether military or civilian, is justified. Moreover, whether a future threat actually is inevitable is frequently far from clear.

The justification for military and civilian defense agencies is the high probability of future life-threatening acts. When one is reasonably certain that his or her life will be threatened in the future, then protection by

prevention and resistance in the present seems justified. For example, during World War II, British citizens were justified in fighting the Nazis before any German bombs fell on England because Hitler's obvious intention was conquest. Failure to resist at an early date would have resulted in certain defeat and death. Similarly, at the local level, if communities do not have police in the present, citizens' lives will be threatened and lost in the future.

Second, does the right to life provide a basis for group defense? Provided all individual lives in the organization are threatened, then the right of life establishes such a defense. If I can better protect myself by joining you, I may do so.

Finally, defense agencies are based on the notion that one person is justified in defending another person. Am I justified in defending others? The right to life only partially answers this question, although it clearly establishes the victim's right of self-defense, as discussed earlier. The victim's right of self-defense, as discussed earlier. The right to life entails the following narrow position: only if *my* life inevitably will be threatened when I do not defend another am I justified in defending another. Humanitarian and social factors may indicate that we should get involved, but these factors are based on notions of universal brotherhood and the right to property, not the right to life. These notions are beyond our concern herein.

VI

In conclusion, if governments could no longer rely on their citizens bearing arms, war would no longer be used to settle international disputes. All citizens should refuse to become soldiers and thereby give up their right to life until they are convinced that their involvement is justified on grounds of personal self-defense. When the personal self-defense justification is not evident, citizens should refuse to fight rather than risk killing other human beings. Perhaps other rights and values give broader justification for war. These topics, however, take us beyond our concern herein.

NOTES

1. Thomas Hobbes, *Leviathan*, I, xiv. Dent: London; Dutton: New York, 1970.
2. Michael Walzer, *Just and Unjust Wars*. New York: Basic Books/Harper Colophon Books, 1977, pp. 138-59.