

## The Right to Life

In a recent case, a man who had been drinking excessively and had two illegally bald tyres drove his car head on into another car containing a pregnant woman. When paramedics arrived, they sensed a heart-beat from the six-month old foetus. By the time they reached the hospital, the foetus had died, and they delivered the still-born baby by Caesarean.

The judge was able to give the man up to a six-month jail sentence - he opted for two months. If the foetus had been alive when they reached the hospital and the baby was successfully delivered but subsequently died, the maximum jail sentence would have been 10 years. Interestingly, the judge defended the legal distinction, but said there was no doubt that the woman in this case had lost a child which no degree of sentencing could replace.

Clearly a baby that has been born is entitled to a far greater degree of legal protection than a foetus. Where does a baby get the right to life from? Is this an inalienable right? What does having this right mean?

### Kant

Kant believed that we are all 'law making members of a community of ends'. We have the rational ability to see ourselves in each others shoes, or to universalise a maxim to see what would happen if it was a universal law of nature. Kant said that we should never do anything if, when we imagined someone else doing it to us, there was a contradiction of the will. In other words, if I couldn't will (or want) someone else to do something, I shouldn't do it myself.

I could never want someone to kill me. Therefore it would be a contradiction of the will to say that I should kill someone else. It would also be a self-contradiction to say that we should murder. If you universalised this and said that everybody should murder, there would be no-one left - it would be self-contradictory to will this.

Our basic human rights can be logically derived from Kant's categorical imperative. However, it is not clear how Kant would answer the difficult questions about when we get this right and when we might lose this right. A foetus only has the right to life if it can rationalise, some might conclude. If this was Kant's view, however, would a new-born baby have the right to life?

Alternatively, we could take the case of a woman considering abortion. Would she abort the baby if she imagined the roles reversed? Could I will that my life had never begun because I'd been aborted before I was born?

When considering euthanasia, Kant came down strongly against it. If we universalise the maxim "Someone who is terminally ill should be killed" we get a contradiction of the will. Nurse Barbara Salisbury recently put this principle into action, indiscriminately ending the lives of patients whose lives were 'not worth living'. Could I really make a universal law that when someone became very ill their life should be ended? I wouldn't be happy for that to be a universal law of nature.

Kant says it's the intention that's important. A person with good will can protect themselves from an attacker by shooting them if necessary - it shows respect for humanity (in this case, yourself) and is perfectly universalisable.

Kant effectively establishes the right to life for all rational beings when he says that people should never be treated merely as a means to an end but as an end in themselves. He says that our ability to use reason and make judgements gives us dignity, and it would not be showing proper regard for my dignity if I took my own life. It is unclear what he would say about foetuses, about brain-stem dead babies or people in a persistent vegetative state or even about rational non-human animals. In the case of Jodie and Mary (conjoined twins), the act of killing one to save the other is wrong, as it is not treating Mary as an end in herself.