

Chapter Seventeen

Universal 'Right to Life' and the Concerns of Theological Rationality

Ikenna Paschal Okpaleke

Introduction

In a world that is filled with paradoxes concerning life, the right to life, the duty to protect and preserve it, as well as the claims to control and even take it away, a review of the right to life comes to the fore. Faced with the ethical choices of abortion and euthanasia, the moral questions surrounding wars and migration, a theological assessment of the threat faced by life from both the liberals and conservatives becomes the needful. It is therefore necessary to theologically revisit the fundamental arguments that secured the 'right to life' within the thirty-point list of United Nation's Universal Declaration of Human Rights (1948) and the Igbo stance on life in the concept of *Chi-New-Ndu* (God owns life).¹ This is all the more

¹ Looking at Archbishop Obinna's statement after the defeat of the bill to legalize abortion in Imo State, where he argues for the Africans to uphold and defend life irrespective of the neo-imperial ideological intimidations and imposition of morality incompatible to the African minds. Cf. Anthony J. V. Obinna, 'Upholding African's Godly Life-State', press release on June 7, 2010, p. 2.

expedient in the light of the seventieth anniversary of the Declaration. To attempt this theological task, therefore, I shall proceed in three steps. Step 1: I shall make a close reading of the UN 'right to life' to determine the fundamental nature of life to any other right. I shall dialogue here briefly with Kenneth M. Boyd, who challenges the self-evident claims to the 'right to life' in creation accounts. Step 2: I shall delve deeper from the Christian perspective to trace a fundamental right to life that need not be declared but only to be affirmed. Step 3: I shall then look at few examples of affirmation of the value of life (Benedict XVI and Francis) in the light of contemporary challenges. I will then make demands for the reformulation of UNDHR in which life is primarily recognized as a gift, while at once constituting a fundamental right. At the end of this investigation, I shall add a postscript that reflects on the 'culture of life' with Archbishop A. J. V. Obinna's profile on the defense of life as its starting point.

I: UN Declaration on Human Rights: Necessary but Nonoriginal

From the purely political perspective, the UN Declaration cannot stand as an original idea. The government of the United States of America, who helped to form the UN following the post-World War II events, seems to have integrated their pre-existing political principles into the canons of the UN. The human rights were already part of the American Declaration of Independence of 1776. Right to life in a politically endorsed format first appeared in this declaration:

We hold these truths to be *self-evident* that all men are created equal, that are endowed by the Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of Happiness.²

This declaration, which is the most prominent in terms of the appearance of the right to life within the field of positive law, is predated by some others. Puritan migrants from England had in many of their

² Declaration of Independence: A Transcription, <https://www.archives.gov/founding-docs/declaration-transcript>. Italics mine [accessed December 4, 2018].

pre-revolutionary American documents reflected on the right to life. Vivid examples could be found in the December 10, 1641, statement of the Massachusetts Body of Liberties that, on the basis of the right to life, argues that no person's life should be taken away.³ Another is George Mason's Virginia Declaration of Rights (June 12, 1776), which actually influenced Thomas Jefferson in his drafting of the US Declaration of Independence. The Virginia Declaration in its section 1 talks of 'enjoyment of life' as part of 'inherent rights' of all human beings.⁴ These examples, limited to positive law, do not clarify the fundamental nature of this right. It is just presumed rather than proven.

In his article, 'The Right to Life', the Scottish scholar Kenneth M. Boyd dismissed any claim that the right to life is self-evident. He attempts an interpretation of the Gilgamesh epic and the Genesis story to establish the fact that perhaps the idea that the right to life is fundamental might be wrongly defended. Boyd argues that the stories of Adam and Eve and Gilgamesh highlight that knowledge/power and everlasting life are mutually exclusive alternatives.⁵ From the very beginnings, human beings were presented with the pristine choice between life and knowledge/power and the option of knowledge/power has irrevocably been made by human beings. Life was not therefore a matter of right but of choice. Life in this case points to an everlasting life and not to the type of life that the 'right to life' addresses.⁶ Surprisingly, the everlasting life they refer to is not the life beyond death, which according to him the Old Testament often paints in horrific images,⁷ but rather to the quality of life. According to Boyd, what is more evident in these early stories about the origin of human life is a certain intuition that grounds the contemporary agitation for right to life.

This intuition that grounds the right to life, Boyd argues, is based on a certain covenantal relationship among human beings. As a symbolic

3 R. Perry and J. Cooper, *Sources of Our Liberties* (Washington: America Bar Association, 1952), 148. The statement, however, gave some legal conditions under which the taking of any person's life might be tolerated.

4 The Virginia Declaration of Rights, http://www.gunstonhall.org/georgemason/human_rights/vdr_final.html [accessed June 4, 2018].

5 Kenneth M. Boyd, 'The Right to Life', *Journal of Medical Ethics* 7 (1981): 132-136; 133.

6 Boyd, 'The Right to Life', 133.

7 Psalm 88: 4-5. He also references Homeric epics as presenting such despicable pictures of the life beyond.

exchange of promises, a covenant serves for the mutual protection of an ideal by both parties. It is unconditional and non-legalistic-like contract. It does not really aim at gaining anything in return but commits itself to the protection of such an ideal. This ideal might be in the divine-human relationship or in the context of marriage. One cannot doubt the contractual elements that are found in marriage, but the idea of covenant appeals more to the unconditionally and self-offering character of love. It is this covenantal relationship that secures the right to life. In this context, therefore, the covenantal aspect of the terrible conflicts that led either to the US Declaration of Independence and the UN Declaration of Human Rights are behind the claim to the right to life. It is thus quite interesting that the claim to the right to life only emerges at the end of wars. Little wonder that Boyd would rather opt for 'responsibility to life'.⁸ Is our attempt here better served by a rephrasing of the question from a concern for 'right to life' to that of 'responsibility to life'? Is this a question either/or both/and?

II: Right to Life and the Judeo-Christian Foundation

Much as Boyd's arguments reaffirm the need for a communal responsibility towards protecting life, its questioning of the right to life appears to have taken off from a wrong starting point. To begin from the choice between knowledge/power and everlasting life is to skip what came before it, namely life. The first creation account that contains no story about the choice simply presents us with the creation of man and woman in the image and likeness of God. Both, having given life, were blessed to continue procreating life (Gen. 1:27-28). Meanwhile, in the second account of creation, the creating of the Tree of Life and the Tree of Knowledge is placed right after the creation of the first man (Gen. 2:7-9), whom thereafter was saddled with some responsibility (Gen. 2:15). Now the question of choice and responsibility presupposes the existence of life, which forms the basis for any execution of choice and responsibility. Boyd seemed to have miscalculated on two grounds by (a) not differentiating the

8 Boyd, 'The Right to Life', 136.

primary gift of life from the Tree of Life and (b) not establishing the right to life as a necessary condition for any responsibility to defend it.

But if the scripture portrays life as a *donum*, a gift from God, where then does the idea of life as a right emanate in the same scripture? One might argue that before God, the giver of life, the right to life does not apply since life comes from Him and returns to Him (Deut. 32:39; Job 33:4; Neh. 9:6; Ezek. 37: 1–14; Eccles. 12:7). God is life *per excellence* (John 14:6). The right to life, therefore, finds its best perspective within the community of human beings, interacting together as beneficiaries of God's gift of life. Each person thus has an inalienable right to life, which has its foundation in the gift given by God rather than from any human person. Life belongs to the individual as a justified gift that cannot be taken away by anyone who did not give it in the first place.

Giving life as the privileged and indivisible preserve of God should be distinguished from giving birth. Creation is fundamentally different from procreation. To give life is an act of creation, while to give birth belongs to procreation. As aforementioned, procreation is a responsibility that is given by God. It is a form of human participation in the creational activity of God, who out of love invites us to fellowship with Him. Any attempt therefore to interpret the procreative act as creational is fundamentally misguided. Even the recent vocabulary of cocreationism in eco-theology ought to be understood in its participatory character and not beyond that. It expands the debate on 'right to life' to the entire created cosmos and falsifies the exclusive human claim to this right. Such exclusivity is based on a theology that interprets human dominion over creation as human domination. The divine responsibility to humans over creation should be properly understood as a responsibility of stewardship and not a dominion of exploitation.⁹

To return to our earlier argument, the right to life becomes then an exercise of primary justice. Justice not understood simply as 'giving each one his or her due' but rather respecting and not interfering with that which belongs to an individual by virtue of his or her existence as a gift

⁹ For further insights in this debate, see Theodore Hiebert, 'Rethinking Dominion Theology', *Direction* 25, no. 2 (1996): 16–25; Celia Deane-Drummond, *Eco-Theology* (London: Darton, Longman and Todd, 2008); Ernst M. Conradie, *Christianity and Ecological Theology: Resources for Further Research* (Stellenbosch: Sun Press, 2006).

from God. Granted that the modern individual might dismiss the idea of God, the fact remains that life was not given to human beings by fellow humans. Technology in its attempts have experienced its limitations, and so if humans created life, then the first human would not only have been self-created but also would have been technologically superior to contemporary humans. In the failure to establish such a claim, justice in the human society should therefore identify life as a *right* that inherently belongs to every individual and which must be respected, protected, preserved, and even nourished.

Placed as the third item in the list of UNDHR, the drafters seem therefore to exhibit a lack of attention to the fundamental nature of the right to life.¹⁰ Their inclusion of the right to property (UNDHR §17) in the list, which places it at the same level as the right to life, is largely misguided.¹¹ For without life, we cannot talk of any other right. And where this right is not protected and highlighted, then every other right becomes vulnerable to abuses or neglect, often without consequences. Or is the appearance of this right in the list merely for political reasons as was the case in the US Declaration of Independence with its aim at appeasing the South? Debates that relate to the nonabsolutization of this right in contemporary culture would likely dismiss the fundamental character of this right in order not to play into the hands of pro-lifers whose arguments are often deeply faith-based, namely on the sacrality of life. But for most people today, the vocabulary of the 'sacred' amounts to nothing real or tangible. It evokes

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- 10 One might argue whether we should even talk of the right to life as this suggests that it is given (as a favour) by a person (perhaps, a superior human being) who has the authority over another's life. While this right seeks to protect the 'weak', it risks conferring an exaggerated authority on the 'strong'. But who is the weak, and who is the strong? Is the life not a gift that shared commonly by all? Perhaps it is better to talk about the 'gift of life' rather than the 'right to life', and in this instance, I will agree with Boyd in talking about responsibility towards protecting this 'gift of life'. I agree that the concept of 'gift of life' does not really belong to the positive law. Finding a better vocabulary to express the reality of this gift and the responsibility to protect it, while avoiding imposing the right over it on human beings, is yet a problem to be solved. Or should the 'right to life' be expunged from the UNDHR list and the 'gift of life' given a special position above it?
- 11 The right to private property cannot be considered as fundamental or absolute in itself. It is at the service of common good (Leo XIII, *Rerum Novarum*, 47). The same idea is found in Paul VI's *Populorum Progressio*, John Paul II's *Laborem Exercens*, *Centesimus Annus*, and Benedict XVI's *Caritas in Veritate*. And it is at the root of the principle of the *universal destination of earthly goods and the preferential option for the poor*, which constitute a pillar of Catholic social teachings.

the idea of antiquated religiosity, which seeks to preserve *something* based on commands of a 'transcendent' God that has no meaning to concrete existence. Having limited existential reflections to that which is immediately accessible to human senses, that which transcends human intellect is best rejected or sustained in a future that works assiduously to discover '*the hidden*' rather than ascribe it to the power beyond human intellect. With such reasoning, everything becomes subject to human manipulation and experimentation. Everything, including life, can then be experimented upon; and as a result, the right to life remains only a political compensation severed from its root in divine creativity. Hence, there are many threats it faces today, some of which we shall outline below.

III: Threats to Life and the Magisterial Gospel of Life

One of the major threats to life is suicide, which could be described as the taking of one's life on the basis of one's right over it. Available statistics show that suicide is on the increase in most parts of the world today.¹² In the context of right to life, can one argue that anyone who takes his or her life had just exercised a fundamental right? If this right is one's inalienable right, is suicide not therefore a justified action, the reasons behind it notwithstanding? With much sympathy to victims of 'right to (take one's) life', I think that the best way to understand the right to life is to highlight the individual ownership or possession of this right as that which he or she has received as a primary and fundamental gift from God.

Thus, I have right to life not because I earned it by myself but because it is given to me. And as long as it relates to other human beings who are cobeneficiaries of this same gift, it remains my exclusive reserve to which no other person (as cobeneficiary) has a supervening authority. But its character as a right with respect to my possession of it, nevertheless, is limited such that I cannot extend such right to the extent of taking out my life since I did not give it to myself in the first place. My 'ownership' of life becomes, as it were, a secondary ownership that can only be exercised in

¹² American Foundation for Suicide Prevention, 'Suicide Statistics', <https://afsp.org/about-suicide/suicide-statistics/> [accessed July 3, 2018].

preserving the life and not in either the giving or the taking of it.

Giving the innumerable abuses of human 'ownership' of life, one wonders what has become of the right to life today. Does the juridical nature of its formulation not justify the problems associated with it today?

My argument for a reframing of this idea serves to underline concretely the teachings of the Roman Catholic Church concerning life. Curiously, the very concept of right to life is hardly found in the papal encyclicals. John Paul II, however, applies it in *Centesimus Annus* (1991) in an appraisal of the UNDHR but links it immediately to discredit abortion. According to him, this right includes 'an integral part of which is the right of the child to develop in the mother's womb from the moment of conception' (CA, 47). Hardly does any other document refer to 'right to life' as such since such references are always qualified with the idea of human dignity. The church undertakes the responsibility of ensuring the dignity of the gift of life and, on the basis of the value of life, strives to defend the (moral and legal) rights that human persons should enjoy in the society.

By way of illustrating the church's commitment, popes Benedict XVI and Francis demonstrate this consistency in their social teachings. Benedict XVI, in his discussion on human development, instead of referring to right to life rather talks of 'respect for life' and 'openness for life'. Such attitude of respect and openness to life is critical and fundamental to *true development*. It is a sign of absolute receptivity to a primary gift from God, who gives us that which is primary to any form of development, namely life. Without life, there is no development. Benedict XVI argues,

Openness to life is at the centre of true development.

When a society moves towards the denial or suppression of life, it ends up no longer finding the necessary motivation and energy to strive for man's true good. If personal and social sensitivity towards the acceptance of a new life is lost, then other forms of acceptance that are valuable for society also wither away. The acceptance of life strengthens moral fibre and makes people capable of mutual help. By cultivating openness to life, wealthy peoples can better understand the needs of poor ones, they can avoid employing huge economic and intellectual resources to satisfy the selfish desires of their own citizens, and instead, they can promote virtuous action

within the perspective of production that is morally sound and marked by solidarity, respecting the fundamental right to life of every people and every individual. (CV, 28)

Pope Francis, in the same line, reasserts the church's responsibility to defend life and carefully distinguishes it from the defense of human and civil rights (*Evangelii Gaudium* [EG], 65). Here specific reference is made to the dignity of the defenseless and the vulnerable of the society and especially the life of the unborn. Francis further argues that 'this defense of unborn life is closely linked to the defense of each and every other human right. It involves the conviction that a human being is always sacred and inviolable, in any situation and at every stage of development. Human beings are ends in themselves and never a means of resolving other problems. Once this conviction disappears, so do solid and lasting foundations for the defense of human rights, which would always be subject to the passing whims of the powers that be' (EG, 213). He sharply dismisses any suggestion that attempts to eliminate human life in any form and for any reason could be seen as a 'progressive' agenda (EG, 214).

What is perhaps insightful is that the pope gives a broader perspective to the church's care for life. Life is much more than human life. Human beings therefore are not the only beneficiaries of the gift of life. Our openness to life not only demands that we protect the dignity and value of human life but also that we become 'stewards of other creatures' (EG, 215). Francis expands this message in his highly acclaimed *Laudato Si'*, calling for human responsibility of care over other created things. Other created things are not to be abused or exploited: '*Our insistence that each human being is an image of God should not make us overlook the fact that each creature has its own purpose. None is superfluous. The entire material universe speaks of God's love, his boundless affection for us*' (LS, 84). The mentality that exploits other created things has the tendency of extending such exploitation to human life. A conceptual framework that finds it difficult to affirm the inviolable value and dignity of life, except in legal formulary, will also find it difficult, by association, to affirm the purpose of other created things. Regrettably, Francis asserts the following:

All too often, as we know from experience, people do not choose life, they do not accept the 'Gospel of Life' but let themselves be led by ideologies and ways of thinking that block life, that do not respect life, because they are dictated by selfishness, self-interest, profit, power and pleasure, and not by love, by concern for the good of others. ... As a result, the living God is replaced by fleeting human idols which offer the intoxication of a flash of freedom, but in the end bring new forms of slavery and death.¹³

Conclusively, there is an undergirding narrative of relativity in the very concept of 'right to life'—a narrative that opens up the possibility to justify any infringement on this right. Despite the consideration of such rights as fundamental, the very word 'right' already evokes the meaning of a nonabsolute character. Now, while this might be valid in reference to the One who is responsible for giving life, it remains a language that cannot be validly applied by cobeneficiaries of the same gift. However, it may exclusively refer, as we have earlier argued, to the individual's claim to the gift of life as his or hers in the midst of other cobeneficiaries, yet it makes little sense to give it a legalistic character as the UNDHR does. A possible way out is to reformulate the Declaration, and therein first assert the absolute nature of life as a gift, and thereafter assert the rights that are necessary for human life to thrive in the society. Life is a given, thus a gift, which cannot therefore be taken away by anyone, including the beneficiary. It is exactly in constituting a primary gift that life becomes then a right that stands above every other right.

Postscript: Archbishop Obinna and the 'Culture of Life'

It is on record that the first Nigerian March for Life took place in June 2009 and was also repeated on the fourth of June 2013. Both marches were led by Archbishop Anthony J. V. Obinna of Owerri.¹⁴ The 2013

13 Pope Francis, *Homily at Mass for 'Evangelium Vitae' Day*, June 16, 2013, no. 3, http://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130616_omelia-evangelium-vitae.html [accessed June 10, 2018].

14 The Catholic Bishops' Conference of Nigeria would later emulate this act of Obinna to stage a national march for life the next year in 2014. In fact, from 2013, there has been the campaign

march, which came at the end of a two-day pro-life conference with the theme *Protecting Human Life from Conception to Natural Death*, attracted thousands of participations from across the many denominations in the state. Indeed, this march was popularized by the intention of the then Rochas Okorocha-led government's attempt to legalize abortion in the state. Of course, the news of the planned legalization of abortion was well in the public domain, and lobby groups were already convinced that nothing was going to stop it, despite the fact that it was not coming from the people. It is, thus, rational that only a huge event that seriously registers the citizen's opposition to the law is capable of truncating the plan. This is exactly what Obinna succeeded in accomplishing together with the people.

At the end of the successful rally, Obinna, together with Justin Okoro (chaplain of Pro-life Owerri) and Obianuju Ekeocha (founder of Culture of Life Africa) signed a communique titled 'United in God for Life'.¹⁵ The document 'United in God for Life' was built on a fundamental, scriptural, and theological conviction that every life 'is formed and perfected in the image and likeness of God'. In fact, its argument on the sanctity and sacrality of life is not restricted to the often-limited focus on conception but equally extends to the entire process of life till natural death. As such, 'United in God for Life' had a wider scope and was intended to accomplish a much-ambitious task of strengthening the grievously threatened culture of life. As the introduction laments, 'our society is experiencing the dangerous encroachment of the culture of death from without and within.' This truth remains radically evident even today. The seriousness of the tragedy faced by the culture of life is created on the one hand by the external actors— influences, sponsors, lobbyists, agents, and interest groups—who for political and economic reasons find ways of compromising the value that our society attaches to life, and on the other hand by the decadence in the value system of our society, which downplays morals and ethical codes, making it possible for people to become irresponsible for their actions and to even collaborate with the opposing agents in the war against the culture of life.

of '40 Days for Life', which is championed by the pro-lifers. But quite significantly was the May 22, 2018, national protest in defense of life by Catholics all over Nigeria, which focused on the many killings of innocent citizens by criminal elements, particularly the April 24 massacre of two priests and seventeen parishioners by Fulani herdsmen while at Mass.

15 Obianuju Ekeocha, 'A Call to Unite for Life', *Culture of Life Africa* (June 24, 2013), <http://cultureoflifeafrica.com/tag/pro-life-event> [accessed March 22, 2019].

Now, the 'culture of life' is a loaded concept not just because of its content—such as human dignity, development, prosperity, health, and general well-being—but also because of its connotation within the African context. 'Culture of life' draws its meaning mostly from the African worldview in which life (even if considered as a private property) and community intersect. Of course, there is no culture without a community of persons. Various described as vital force (Placide Tempels), Ubuntu (Zulu), Ujamaa (Julius Nyerere), and so on, the culture of life is the culture of community, in which there is a 'vital participation' of all for the sake of each one of all.

Nigerian theologian at DePaul University Stan Chu Ilo argues that the sort of participation being advanced here is not a certain form of *social fellowship* but a sharing in a vital union. Vital union expresses the African understanding of life and represents the God-willed 'bond that joins the living and the dead in a vertical and horizontal relationship; it is the life-giving principle in all'. It reflects 'the result of communion, of participation in the one reality, the one vital principle that unites all things'.¹⁶ *Vital participation* refers simply to a life-giving action. In other words, from an ethical perspective, 'anything that diminished vital participation in the community, locally or globally, should be considered evil because it diminishes God and impoverishes the community'. Invariably, any 'failure to participate in the community or exclusion of the voices of those on the margins or the voices of the 'other' is evil for the same reason'.¹⁷

Indeed, on the fourth of June 2013, the community, led by Obinna, defined once again what *vital participation* really is, as they rose in defense of life and the culture of life in which the dignity of everyone is protected from conception to natural death. The government had no option than to retrace its steps even when this was prompted by mere political reasons.¹⁸ As stated earlier, today, six years after this famous march, the culture of death has had its ominous shadow over Imo state and even over

16 Stan Chu Ilo, 'Africa's Place in the World Christianity: Towards a Theology of Intercultural Friendship,' *Toronto Journal of Theology* 29, no. 1 (2013): 125–142; 138.

17 Ilo, 'Africa's Place,' 138.

18 *The Leader News Online*, 'Rochas Reverses Position on Abortion Law as Catholic Church Remains Cautious', (September 8, 2013), <https://theleaderassumpta.com/rochas-reverses-position-on-abortion-law-as-catholic-church-remains-cautious/> [accessed March 22, 2019].

the entire Nigeria. From the many deaths that have been recorded in the state due to kidnappings to the inhuman acts of the state government, it has been an unending season of 'tears and blood', to use the expression of the popular political visionary and Afrobeat king Fela Anikulapo Kuti. Since 2013, never have we seen such disregard for the culture of life, which is stated in flow of blood in Nigeria, particularly during the 2019 elections and in the killings by Boko Haram and herdsmen in places like Kaduna, Nasarawa, Adamawa, Sokoto, Yobe, Borno, to mention a few.

As someone at the forefront of 'speaking truth to power' in defense of the culture of life, Obinna remains one of the few voices that regulate the plots of the both the state and nonstate actors when it comes to the promotion of the culture of life. Hence, the task of caring for life is basically embedded in Obinna's theology of conflation,¹⁹ which contends against the politically motivated de-filiation tendencies that claim to treat the gift of life as secondary and under human choice. But as the threats increase in its complexity, multiplicity, and depth, then we need more voices and more actions on the defense of life.²⁰

19 Anthony J. V. Obinna, 'Confiliating Americans: Recti-valuing One Another, A Theology and Practice of Reconfiliation,' a lecture delivered by Archbishop Anthony J. V. Obinna at Beeson Divinity School on the Campus of Sanford University, Birmingham, Alabama, USA (2016), 2.

20 Far from being a critique on Obinna, he himself recognizes this need. In a conference paper he gave on June 13, 2014 at the *International Conference on Family and Pro-Life* organized by the Catholic Bishops' Conference of Nigeria (CBCN) in conjunction with Culture of Life Africa and Action Family Foundation of Nigeria titled 'Consolidating and Scaling-Up the Successes of Pro-Life Activism in Nigeria', Archbishop Obinna reiterated that the role of the family as fundamental in every African culture and tradition as contained in the *Apostolic Exhortation: Ecclesia in Africa* (no. 53). In this presentation, Obinna states thus, 'Beyond reactive responses to anti-life, anti-family, anti-sexuality, and anti-health issues, it is necessary to integrate into our Church and public formation programmes, seriously prepared messages that draw from the authentic, doctrinal and moral teachings of the Church.'