

DO HUMAN BEINGS HAVE A RIGHT TO LIVE ?

We have a vigorous "Right to Life" movement which seems to be only concerned about the unborn. What I will examine here is what it means to have "life" and what is required to have a "right to live." The Constitution of the United States guarantees, in the Fifth Amendment, that no "person" shall be deprived of life, liberty, or property without due process of law. I think that we can all agree that at least after birth all human beings are "persons" and that they have a right to "life." But in what does "life" consist?

Certainly, a person has to be able to carry on all basic bodily functions, such as breathing, eating, drinking potable water, defecating, and urinating. In addition, a person must have air, food, water, and places in which to defecate and urinate. But all of these things are impossible if the person does not possess "space."

It is utterly impossible to conceive of any living organism existing without "space." This living-space must be sufficient to carry out all basic bodily functions in a reasonably healthy manner. No creature can exist in its own excrement or its own urine, in its own filth, with any chance of living. Thus life must include living-space sufficient for carrying on life's functions and for producing progeny.

But no one seems to be thinking these days about the right to space. Can there be life and liberty without a space in which to live? Without shelter? Without a place for the storage, preparation, and eating of food? Without a place to dispose of trash and waste?

Traditional societies, I believe, always recognized the need for space. British Common Law included many "public" spaces, such as the "commons," guaranteed open trails across private lands, and unoccupied lands. North American Common Law (that of First Nations of North America) had immense respect for the sharing of public space and for unoccupied lands. Private property basically was limited to that which could actually be used, either continuously or on a returning seasonal basis, except for especially valuable resource spots, which might be held indefinitely. All other space was

generally available for entry, albeit with due respect for any political group located in the area and often with the necessity of permission.

But the growth of modern capitalist societies have tended to privatize all available space, along with most other entities of value where privatizable. I would argue that this process has been, and is, illegal, since it violates both the British and North American common law traditions, and also specifically violates the "right to life." Today, we have to struggle hard to preserve what is still "common" including wetlands, rivers, lakes, forests, ocean shore areas, etcetera. But even these areas are no longer truly "common" as they are often under extreme restrictions as to use and access.

The shocking thing about the present era is that people must buy or rent space in which to carry on basic biological functions! To buy space in which to live seems curious indeed! This has come about in a variety of ways - overpopulation being one. But the major factor has been the creation of scarcity (by allowing corporations and wealthy persons to "hoard" immense amounts of unused space) and the commoditization of space due to government policy,

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