A Right Above All Others

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The demise of democratization as a rationale for United States foreign policy is all too evident. One must now ask which *leitmotif* will replace it. I suggest the principle of primacy of life as the normative foundation for American foreign policy. At the core of this principle stands the recognition that all people have a right to life, generally understood as a right to be free from deadly violence, maiming, and torture.

The right not to be killed, maimed, or tortured is enumerated in the 1948 United Nations Universal Declaration of Human Rights and enshrined in the American Declaration of Independence, in which life precedes both liberty and the pursuit of happiness. It is reflected in such religious concepts as "we are all God's children" and in the Jewish notion that he who saves one soul, it is as if he has saved an entire world.

Many tend to view the improvement of security—or the protection of life—as antithetical to individual and civil rights. Critics warn that in the quest for security, a nation may inadvertently become a police state. These are indeed valid concerns; each nation must constantly wrestle with the extent to which the protection of life can be advanced without undermining legal and political rights. Nonetheless, one should not overlook the primacy of the right to life.

This right, in my view, is more fundamental than all others, including legal-political rights. It is a commonly held view that rights should be hierarchically ranked. The most widely accepted distinction is between legal-political rights (such as the rights to vote and to free speech) and socioeconomic rights (such as the rights to employment and education). In such a classification, security rights are usually grouped under legal-political rights. Here I depart from standard practice and draw an additional categorical distinction—between security and legal-political rights—in order to show, on both moral and pragmatic grounds, that the provision of basic security is more urgent than that of other rights in chaotic failing states, in dealing with rogue nations, when genocide is committed, and in other violent situations that are common in the international arena.

Much of ethics deals with the *ranking* of two goods rather than with the determination of which is right versus which is wrong. Given that saving lives and protecting legal-political rights are, quite clearly, two very significant goods, people are naturally inclined to refuse to choose between them and to insist that both can be equally well served. But the question remains: What is to be done if they cannot be simultaneously advanced?

The provision of basic security—ensuring the right to life—takes precedence precisely because all other rights are contingent on the right to life, while the right to life is not contingent on any other rights. It sounds all too simplistic to state that dead people cannot exercise their rights, while those living securely may invoke the full spectrum of rights. But it is still an essential truth that when the right to security is violated, all other rights are threatened as well. (This of course refers to actual threats to life, not to attempts to invoke fear for political ends.) Thus, primacy of life, the security-first principle, does not favor curtailing basic freedoms for marginal, additional gains in security in such places as London, Madrid, or New York, where a basic level of security already exists. However, it *does* command first priority where basic security does not exist—for example, at

least until recently, in the streets of Baghdad, and currently in many parts of Afghanistan.

The claim that we value the right to life over all others is also supported by the observation that in all criminal codes of free societies, the penalties for murder, maiming, and torture are much more severe than those for violating property rights, restricting speech, and discrimination. These codes reflect the ranking of moral values in a way that is much more reflective of societal preferences than philosophical deliberations. Indeed, these rankings reflect centuries of rulings by courts, deliberations by citizens and their elected representatives, social science findings, and general experience. The value we place on the right to life is also the reason torture is widely condemned, and why the prevention of genocide is considered a more legitimate reason for intervening in the internal affairs of another nation than, say, democratization.

Aside from moral grounds, there are empirical reasons to favor a foreign policy based upon the respect for life. Prominent among these is the finding that the more effectively life is protected, the stronger the support for non-security (e.g., legal-political) rights, and not the other way around. This stands in contrast to the opposite assumption, widely held by many supporters of democratization, and particularly by those who argue that "regime change" is essential to transforming nations into peaceful members of the international community.

In a review of public opinion polls concerning attitudes toward civil liberties following September 11, I found that shortly after these events, nearly 70 percent of Americans were strongly inclined to concede on various constitutionally protected rights in order to prevent more attacks. However, as no new attacks took place on American soil, and a sense of security returned—measured by the return of passengers to air travel—support for rights was restored. By 2005, about 70 percent of Americans were more concerned with protecting civil rights than with enhancing security.

Along the same lines, several keen observers have already noted that if an American city were wiped out by a nuclear weapon activated by terrorists, rights would surely be suspended on a wide scale, just as habeas corpus was suspended in the United Kingdom at the height of the Nazi onslaught during World War II. In short, evidence shows that the better security is protected, the more weight is given to legal-political rights.

The same relationship between the right to life and all other rights was evident during proude years in which violent crime rates were sky-high in major American cities. For instance, when former Los Angeles police chief Daryl Gates suggested that the riots following the Rodney King verdict in 1992 might have been stopped in their tracks had police officers "gone down there and shot a few people," many sympathized with his viewpoint. Other police chiefs also favored a "shoot first, ask questions later" attitude. In recent years, however, as violent crime has considerably declined in American cities, a police chief who favored a policy that disregarded rights in such a summary way would likely be dismissed before the day was out.

Another case in point is post-Soviet Russia. Although Russia has never met the standards of a liberal democracy, a good part of whatever it had achieved on this front was gradually lost as Russians began to experience alarmingly high levels of violent crime. Vladimir Putin, who has been moving the regime in an authoritarian direction, was until recently widely regarded in Russia as not being tough enough on crime, rather than being too tough, because many felt that basic security was lacking.

One may argue the necessity of effectively promoting both life and other rights overseas. As I see it, brutal international reality often requires following what might be called a "second-worst" course to avoid having to negotiate the worst one—a long way from the notion that our choices are between the best and the second-best. The tragic fact is that often the ruling powers do not even deliver on protecting life, as is

evident in Darfur, Congo, Iraq, Afghanistan, Burma, and many other places. Surely other moral goals deserve our support; however, to the extent that our ability to do good is gravely limited, the question of priority—"triage" might be a more suitable term—cannot be ignored. Protecting life must come first.

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