

Right to Life
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The paper entitled *Right to Life* is divided into seven chapters, being added to them the introduction and the conclusive. Following the thematic division, all chapters are composed of sections, subsections, and to some of the latter being added even points, which include detailed discussions on various topics discussed in the paper. In order to covering the subject of the theme, were used about 130 specialty papers, 21 newspapers and magazines, with articles tangential to human existential rights; 25 international acts, seven of our country's Constitution, which means in fact constitutional history of Romania, Romanian law since 1954 and until settlements recently taking effect into Romanian positive law; Romanian and foreign jurisprudence, encountered both in decisions or rulings, also treated in specialty works, and several popular sites, and very accessible, nominated in the final section *References*.

The subject of the researched theme falls under the sphere of subjective rights studied by The General Theory of Right and represents, as I personally tried to highlight, the most important human right, a right which looked as a broad classification of subjective freedoms, is a primary law for all other rights with personal features, and this because, without exercise of the right to life, others do not find applicability.

Throughout the work are covered interesting aspects such as euthanasia and human distanasia; right to life of soldiers in time of war or that of the prisoners and even of the old slaves; the fact that all beings on the planet take their existence between its natural limits, only man, isolated, intervenes on the duration of his life by suicide; solutions of the European courts on some cases spotlighting the right to life; limits of life itself, including foresight of the appearance and the effects of disappearance of the human being; capital punishment, pro and con opinions, legal arguments for its exclusion from the area of penalties regarding human behavior;

changes of the legislation, reported to the most prominent right exercised by peers, highlighting its features. There were not excluded any intentional and widespread interventions on people's lives, such as terrorism, genocide or apartheid. Life is a complex of phenomena and circumstances, it is not enough to live it in order to understand it, one also must study it!

In the introduction there are considered generalities of the study of the researched theme, the evolutionism of fundamental human rights, marked by succession of four generations of rights, naturally emphasizing the first generation, because of its sphere of human right to life. Here's that from historical perspective, this right is enshrined among the first so its dominant position in the hierarchy of human rights is also chronologically confirmed. The eighteenth century, with the Independence of the American colonies and the French Revolution is an excellent opportunity for intellectuals of modern times to insert in their statements the fact that the human being must be allowed to live or even more, older bodies are obliged to protect and supports the existence of human rights. New regulations followed in the nineteenth century, by exposing the conclusions of conferences, with international character, in Berlin, Brussels or Geneva. The consecration and recognition of human rights had already entered an upward slope, unprecedented in human history, culminating in the declaration of rights in the past century, followed by their harmonization with the fundamental laws of world states. Right to life crosses like a beam the international regulations, starting with the oldest, then entering in the agreements between states and it can be found in the final supreme law of the countries on the entire surface of the planet.

Throughout the first chapter are exposed, dated, explained, exemplified and commented subjective rights, given the subjective characteristics of the right to life. On this occasion, there are collected and presented definitions of these freedoms, from various theorists, accompanied by arguments and comments. Having subjective rights, we can correlatively meet objective right, the interest being given by the distinction between the two categories. Then a distinction had to be made regarding positive law, as part of the latter category, both in terms of quantity and shape and substance.

Debating this sort of rights, we have not forgotten of obligations. According to the principle of symmetry, that to each subjective right a correlative obligation corresponds, we have shown that to the right of the holder to exercise his lifetime it is corresponding erga omnes the obligation of all other subjects of law, by not doing anything to impair this right of its proprietor. Then the exceptions are being added: the application of capital punishment, the intervention force of authorities in case of force majeure or state of necessity, the effects of war guilt patient care followed by death, discrimination and even abortions, if we refer to canonical rules or to a party public opinion vis-à-vis the intrauterine existence.

At the level of the second chapter are given the features of right to life, as a subjective right of the human being, the position of this right to other rights exercisable by their holders and the efficiency of its consecration by Legal normativism, basically what it is to be respected to a certain extent, but not entirely as presented and exemplified in this paper.

Right to life is a right: natural, absolute, no patrimonial, mainly just individual, the last feature being valid by its expressly enshrining in the fundamental law of a State. Although it is practically the most important right that we have, man has not always been its owner. Although it seems paradoxical, citing the state organization from the beginning of our era, we discover that slaves had no right even to their lives; it belonged to their master, who decided on the lives of these creatures. The term *speaking tools* used by the writers nowadays is indicative in this regard and also confirms the status of some fellow of us who have lived several hundred generations ago. In modern times, things are diametrically opposed, without discussing the exceptions (some prisoners of war or dictatorial regimes) each human being is the holder of this right. But since last year statistics indicate that almost minutely, one person dies around the world, as the effect of an intervention of another person, we note that, despite regulations and provisions on the protection of life, even today we can not speak of total security in the integrity of this right, vital for the individual and for society in general.

In the third chapter, broader in terms of quantity compared to previous ones, are considered rules of international order, tangential right to life. Thus in the foreground is the Universal Declaration of Human Rights, adopted shortly after the end of the last world war and which is a collection of rights and liberties taken by regional regulations (mainly on the continental level) and by the national ones, which joined the ONU policy regarding the human rights. Then there are highlighted and interpreted the provisions of the thesis topic of international regulations adopted in various regions such as: European Convention on Human Rights for Europe, American Convention on Human Rights in 1969 for American states; Declaration of fundamental duties of Asian peoples and states, for some of the Asian continent, African Charter on Human and Peoples valid in the African region and Islamic Declaration of Human Rights obviously for the Islamic world, where legal systems are very nuanced compared to the Euro-American or other specific areas of the planet.

Also that part of the work is targeted on so many aspects such as the organization or social disorganization, which is in direct relationship with individual lives. Thus, apartheid, genocide, torture, terrorism, crime or other forms of discrimination are prospected including legally! An important sequence of the research is devoted to abolishing capital punishment and to the tendency of its abolition of more and more states being added including concrete statistics on the number of executions of some states a few years ago.

From a legal perspective, capital punishment is justified because:

- while condemning violence and protect the order, right just turns into a violent enforcement;
- for any kind of sanction, there is a possibility (hope) for the convict to be rehabilitated, or in this case it is canceled;
- penalty has both repressive and educational function, but in the case of a capital punishment, the second function is flattened;
- law is subject to errors, jurisprudence exemplifies many cases where innocent people were sentenced to many years of detention; in the case of a judicial error, a person convicted of capital can not do anything to repair misconduct.

Fourth chapter is dedicated to the paradox of increasing number of regulations and also maintaining a large number of violations of the right to life. Then it is investigated the limit of its exercise by some of its owners, such as soldiers, both in peacetime and war, prisoners and other detainees, or those living under the poverty line, the so-called third world of the planet. In fact it has been made a slight antithesis of rights, the latter category and freedoms and opportunities of those that form the wealthiest segment (in material terms) of the company.

On the fifth chapter it should be noted that it is generally focused on two themes, the integrity of life from a mentally, physically and legally point of view and the dimensions of the right to life in relation to new developments of the humanity such as cloning or euthanasia. International conventions as well as doctrinal and constitutional philosophy or views of law are used to treat the former theme, to the latter being devoted researches carried in the content of rules provisions, canonical law of medicine, bioethics, and not at least legal logic. Issues relating to legalization of euthanasia, the almost science fiction dimension of cryotanasia or legal consequences of a family with two children, one of which naturally born and the other cloned or what prospects would have a human clone from the point of view of family law (if he could start a family, or that he could have descendants - all naturally or through genetic engineering) represent aspects set to the twilight limit of law, largely accepted in hypothetical terms, but viewed with a dose of skepticism.

In chapter with number six, are given natural boundaries and legal exercise of the right to life by the individual. This leads, in legal terms, the start of life, including exploring the opinions that are seeking recognition of the embryonic existence, reaching up to fix the date of termination of life and also to exercise the right to life of the person concerned, and the situations when the respective human being has gone without being able to actually prove that he had died. The novelty of law and its limits are drawn on the subject in logical analysis of a situation in which a missing person declared judicially dead, including opening and transition to debate his succession, reappears after a long time. Thus, as well as structured, right is within some limits resulting from complexity of human life.

The seventh and last chapter of the work is about some aspects of comparative law, since the theory of law established links with all branches of law. There are considered in this penultimate phase of the work, first Romanian positive law provisions on right to life, and later those of other countries in Europe (both between Union and outside the Union), and other three continents. I will highlight only one aspect here, while some states have excluded from their own laws capital punishment (e.g.: Romania), others maintain it (e.g.: USA) and others reactivate it only in time of war, for certain serious acts (e.g.: Spain).

Another issue under consideration is the people's lives and their rights in time of war, whether or not they are soldiers, whether they are actively involved in conflict or on the contrary young age or a too advanced one does not allowed them to participate effectively in dispute army.

The conclusions of the paper is a proper perspective based on the issues argued in the scientific content, personal opinion is in agreement with the tendency to limit the excesses of not respect the right to life, including further use of the death penalty and in the same time meditating on some issues still not clarified by the researchers or even less by the legislature, such as lack of specific legal definitions of life and death, and especially the negative obligations to the state when the policy affects the personality and human life, future trends of life according to new findings in genetics and not at least the role of law in the protection of individuals, given the demographic explosion of humanity, Earth's population increases in geometric proportions.

To the work there are attached some cases already heard by the European Court of Human Rights, obviously on the right to life, showing the context, the solution given by the Court and reported comments by European judicial court ruling. Cases, which made reference to concern: aspects of Russo-Chechen war, with heavy losses of life among civilian refugees, issues related to environmental pollution of contemporary life, assisted suicide, intervention of forces on demonstrators, infanticide and setting the date of death of missing persons.

This paper is a reasoned approach on understanding human development and not necessarily of its origin, but understanding the legal classification of human

existence within the society, both the right as a science and society itself being all human creations.