

## THE NATURAL RIGHT OF PERSONALITY

(Does the Unborn Human Fetus Have Such a Right?)

By

Fr. Manuel Piñon, O.P.

**STUNNING DECISION.** On January 22, 1973, the US Supreme Court legalized abortion. Therewith every woman in the US obtained the legal right to abortion during the first six months of pregnancy. The ruling of the Court was premised on the woman's right to privacy which, in the view of the same Court, has come to be an indivisible part of every American's right to "liberty". In this connection the Court's opinion writer, Harry Blackmun, explained that, the fetus is not a person under the Constitution and thus has no legal right to life.<sup>1</sup> The question whether the fetus might not be by nature a person and, consequently, attended with the natural right to life, was not given consideration at all.

In a subsequent decision, *Roe vs. Wade*, handed in 1973, the same US Supreme Court declared that the fetus is not to be considered a "person in the whole sense", prior to viability. Viability was defined in the same decision as that point in the development of the fetus at which it is "potentially able to live outside the mother's womb, albeit with artificial aid". The Court placed the stage of viability of the fetus at "seven months or 28 weeks"; although it admitted that it could occur earlier, as early as 24 weeks. Clearly, nothing definite was established on the matter except for the effect of absolving individuals from criminal liability. By defining that the fetus is "not a person in the whole sense" in the first seven or six months, the Court led people to think that an individual can be a person by portions. Then, notwithstanding that we may already have a person, yet, if he still is not a person "in the whole sense" which the Court did not elucidate further, he would not yet be a

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<sup>1</sup> Conf. TIME, Feb. 5, 1973, page 40.

In a subsequent decision the US Supreme Court has ruled against the rights of any father to interfere with or try to prevent such abortion of their own offspring. In order to uphold a doubtful "right" that it had granted to women, the same Court had to deny the certain natural "right" of fathers to bring up and to educate their own offspring.

subject of rights. Personality is thus viewed as a physical attribute which, like temperature, can be attained by degrees; or as Philo-sophers would say, as something accidental, which may be had in a lesser or full degree, on the basis of viability.

Since the time of the said decision of the Supreme Court, a special report says, live and dead fetuses, fetal tissues and fetal organs became widely available in the US, and were used as "guinea pigs" or objects for medical research. In 1974, in response to a wave of public concern, the US Congress passed a bill creating a National Commission for the Protection of Human Subjects of Bio-medical and Behavioural Research, and banned all experimentations involving live whole fetuses, before or after an induced abortion. As of May 1975, the Commission submitted a report of its delibera-tions to the Secretary of Health, Education and Welfare. It set the "age of viability" of the living human fetus at 20 weeks and 500 grams; and suggested that the total ban placed earlier on experi-mentation with living human fetus, be lifted. This simply meant that the fetus at the mentioned stage was no longer a candidate for biomedical research. The Secretary of HEW adopted most of the Commission's recommendations and incorporated them in the new set of guidelines.<sup>2</sup>

**AN IMPORTANT OBSERVATION.** Nothing in the Commission's report was mentioned about the human dignity or personhood of the fetus in the earlier stages of development. For the effect of relief from criminal liability, non-viability of the fetus was taken as the norm. From the ethical standpoint this is irrelevant, since medical advances could conceivably move the age of viability to an earlier period. In truth, if nature should have laid down the oviparous process of development and maturation for the human fetus, it would be viable from the start as a zygote and then, on the basis of the given criterion, it would be a person. Any reflecting individual remains unconvinced. Much has been written by lawyers and physicians for the purpose of determining whether the unborn human fetus is a person or not and when it attains to be a person. But all such discussions have been inconsequential.

In the view of a learned physician and academician all dis-cussions by lawyers and physicians concerning the personality and the natural rights of the unborn human fetus are likely to be an exercise in futility, because the essential concepts of the person and of the nature of personality are neither legal, nor medical, but philosophical and, to be more precise, metaphysical. The observa-

<sup>2</sup> Conf. Maggie Scarf: *The Fetus and the Guinea Pig*. Special Features, Philippine PANORAMA, July 25, 1976, p. 29-30.

tion is well taken. Before we may engage in any enlightened and productive discussion on whether or not the unborn human fetus is already a person and with a right to life, so that it may not just be destroyed abortionwise, it is necessary to have clear concepts as to what personality is and as to what makes the human being essentially a person. These concepts are not found in the fields of jurisprudence and of medicine.

**FUNDAMENTAL NATURAL RIGHT OF PERSONALITY.** Despite the fact that every human adult in our modern world is deeply conscious of his or her personality, and despite the fact that every human adult is admittedly a person, the concepts that most people have, including many so-called Philosophers, about the nature of personality and as to what makes a human individual a person, are elusive and hazy. Hence, notwithstanding on the one hand, that the reason and basis why man has natural and inviolable rights are, admittedly, that he is a person; and notwithstanding that modern men have been very vocal in spelling out and in defending the natural rights of man as deriving from his very nature, and not from the grant of law or of society; yet, on the other hand we do not find any declaration to the effect that the fundamental natural right of every human individual is that of personality.

Many readers may be surprised at what I have just mentioned. It is even likely that, for the most of them, this is the first time they have heard that here is such a natural right of man of personality. Some may be wondering if there is such a right, and if so, in what does it consist. For the moment let it suffice to say that there is such a right, and that it carries a double aspect. It is the natural right of every human being to enjoy the dignity that nature has given to him, as a being of his own ontological worth and right, and to enjoy a margin of responsible freedom of action corresponding to the said natural dignity. Man's natural right of personality with regard to his being and to his action is so basic, that all the other natural rights of man are premised on it and may be reduced to it.

Thus, e.g., the natural right to life, to integrity of limbs, to a good name, to the protection of one's natural rights, etc., pertain to man in view of his personal nature and dignity. They are grounded on man's natural right to the enjoyment of personality as to his being, from the doing of nature making man a natural beneficiary of ontological personality.

**MAN'S RIGHT TO PERSONALITY IN ACTION.** The other set of natural rights of man, to wit, the right to the pursuit of happiness, to rightful freedom of action, to education and to the development of his natural faculties and talents, to gainful work, to the acquisition and retention of property, to marriage and the maintenance of a family, to truthful information and communication, to legitimate association, etc., are all grounded on man's natural right to the enjoyment of a corresponding sphere of freedom of action, in view of his nature and dignity as a personal being and a personal agent. The recognition of the rights enumerated earlier constitutes an admission of man's natural right to be considered as agent of his own right and an admission of man's complementary right as personal agent, so that he should be accorded a rightful margin for freedom of action.

It is, therefore, fundamental, that we should have a clear notion of the nature of the human personality. This involves knowing what the nature of person is, and what it means to say that man is a person. In this regard the fundamental right of the human being, from his side, is the enjoyment of his natural endowments as personal being and as personal agent; and from the side of society, the fundamental right of the human being is to the recognition of the said endowments and to the accordance of a due margin of freedom of action, as corresponds to his nature as a personal agent. It would have been sufficient for positive law to recognize man's dual right to personality as to his being and as to his action so that therewith all the other natural rights of man should also obtain implicit recognition. Whereas, as long as the mentioned twin aspects of man's personality are not given explicit recognition, there remains a basic lacuna in all Bills and Declarations of the Natural Rights of Man.

But, before we should proceed further, we ought first to elucidate the concept of what a right is.

**THE ORIGINAL AND PROPER CONCEPT OF RIGHT.** When we ask the question, "What is a right?", the usual answer is given in terms that are analogous to the following: "A right is a moral and inviolable power vested in a person to do, hold, or to exact something as his own." Few have a better notion than this; and fewer still are those who have misgivings that the given definition may do only for derivative rights. It does not match several fundamental rights and, therefore, it is a shortchanged definition. What, for example, can be the moral and inviolable right of an infant to do, to hold, or to exact something as his own, when it cannot execute the simplest human act? With a concept like that, we cannot establish

any rights in hopelessly demented persons. No wonder that with such kind of concept there is now a way to establish the right to life of the unborn human fetus.

Notwithstanding the universal acceptance of the given definition and the exclusive place it holds in textbooks, it does not properly apply to such fundamental rights as the right to life, to integrity of limbs, to a good name, etc. There is simply nothing to do, to hold, or to exact about them in an original manner. The original right of man about them is to be beneficiary of them from the assignment of nature and of the natural law. Even the enjoyment of the said benefits as beneficiary, does not entail any action proper to be done with regard to them. Only when they are endangered, or encroached upon unjustly, there obtains the consequential right in the individual person to defend the said benefits, or to seek and demand the protection of his rights with regard to them, or even to seek due redress for any harm sustained with regard to them.

The definition of right given in terms of a "moral and inviolable power to do, to hold, or demand" might apply to dynamic or operational rights which are concerned with the doing or the pursuance of something. It does not strictly and properly apply to designate rights which of their nature are prerogatives of the individual person as beneficiary of particular benefits.

**RIGHTS TAKEN AS OBJECT DUE, AND TAKEN AS ATTRIBUTION OF THE PERSON.** In general, right may be taken either in the sense of something that is due to an individual person, or in the sense of the formal attribution of the person as beneficiary or something that is due to him. In the former case, "right" is taken as meaning an object due, e.g., a salary or payment that is due; in the second sense, "right" is taken as meaning a formal prerogative of the individual person.

Now, the object that is due may be a benefit like life, or an action like eating or talking, or a thing proper like an earned salary. Taken as object due, a right may be due to a person either from the design of nature or the ordainment of the natural law; or it may be due from the design or ordainment of positive law. It is in this sense that St. Thomas etymologically derives "right" taken according to its Latin term "jus", from "justum", that is, from something that has been adjusted to the individual by the Law. Suarez alternately derives it from "jussum", that is, something that has been assigned and ordained by the Law. In this sense life, integrity of limbs, freedom for legitimate personal pursuits, etc., are something adjusted or commensurate to man from the ordainment of the natural law.

Owing to the assignment or ordination of law of something as due to an individual person, there correspondingly arises in the said person a commensuration or attribution to the said thing as beneficiary of it. Hence, correspondingly to "right" taken as something due, is the concept of "right" as the formal attribution or prerogative of the person. In this formal and subjective sense, "right" is essentially and originally the commensuration of a person as beneficiary of the thing that is due to him, whether from the assignment of the natural law, or the positive law. This is the most analogous and fundamental concept of formal right, as meaning the subjective prerogative of the person. It is applicable to all kinds of rights, whether in connection to a benefit, or to a thing proper, or to a specific course of action.

Thus, the right to life is the commensuration and attribution of man as beneficiary of biological existence; the right to freedom is the commensuration and attribution of man as beneficiary of self-determination in his external pursuits; the right to suffrage is the commensuration and attribution of the citizen to cast an elective vote. In our present discussion we take natural right as synonymous with human right; because in the last analysis all rights are premised on the nature of man and grounded on the natural law.

**AGENT FROM HIS OWN RIGHT.** Almost everyone takes for granted that rights are attributions that are proper only of persons, and vice versa, that persons are the natural beneficiaries or subjects of natural rights. There is also little disagreement among Psychologists that the hallmark of the personality of the human being is discoverable from his capability for intellectual discretion and self-determination with regard to his objectives and pursuits. There are well taken. For, the individual who, from his nature and natural endowments is commensurate for rational and elective discretion as to objectives and courses of action is also an individual who is an agent of his own cause, and a principal agent from natural commensuration and right. He is not just an agent of Nature, like the brute animals which are moved from instinct by Nature, or like other irrational creatures which are moved by Nature from natural inclination and according to pre-programmed courses of action. A personal agent can program his own course of action.

An individual who acts from rational discretion and elective self-determination is an agent on his own behalf and for his own behalf. He is superior to all irrational creatures. He is a principal

agent and, as such, an apt candidate to be a rightful beneficiary of the useful means that may be assigned to him for the pursuance of his existential aims. If such means are assigned to him, the assignation obtains true significance and validity. The means that may be assigned are not only physical ones like inheritance goods, but also moral ones. Of this nature are the rights granted either by positive law, like the political and civil rights; or by the natural law, like the natural rights which are acknowledged by positive law. It is from his rational discretionary and elective endowments that man is a principal agent and, therefore, apt to be the rightful beneficiary of the dynamic rights that natural law and positive law have assigned to him.

From the explanation given, that formal right is the commensuration of the individual person as beneficiary of some good from the assignment of law, whether natural, or positive, someone might infer that, whereas God is not subject proper of any law, He is consequently not a subject of rights. But, the formal thing to consider in this matter is that formal right is essentially the commensuration of the person as beneficiary of some good. In the case of human natural rights such commensuration stems from the design of Nature. Such design of Nature is metaphorically and analogously said the natural law for men, because it is the norm to govern the objective and fundamental correctness of human actions. God is not the subject proper of any law. But, he has an original commensuration to act as Supreme Being from His nature as God, and to assign natural rights to men in His capacity as Universal Creator and Supreme Lawgiver.

**PER-SE-ENS OR PERSON.** Philosophers say that before anything can act, it has first to be something existent; and the actions that is characteristic of the agent, manifests its nature. This means that anyone who is an agent of his own right, is also, from metaphysical implication and priority, a being of his own right, that is, a person. To express this in Latin, we say: "per-se agens est per-se ens". The

term "person" is a derivation from the Latin "per-se ens", which in the case of man denotes, not merely a substantial being, but a being of his own right. A substance is said in metaphysics an "ens per-se" because it is a being from its nature, by relation to the "accidental modifications". But, the person is said to be "per-se ens" because it is a being from its own right by comparison to irrational creatures. The human being obtains this effect from his endowments of rational and elective discretion. These endowments not only impart to him to be an agent of his own right, but also disclose his inherent essential dignity as "being of his own right". For, from the possession of rational nature and corresponding powers, the human being is set above all irrational creatures and in command of them.

In every being there is an ontological subject that is specified by a nature, and is made actual and real through an existential principle. In man this ontological subject is designated by his proper name, and by the general personal pronouns. The ontological subject in man, aside from being a human being, is also a person, that is, a being of its own ontological dignity and right, owing to the entitative excellence that it obtains from its rational nature. Every human being, owing to the entitative excellence it enjoys from its rational nature, is also a personal being and has its own personality, that is, rightful individual dignity. By comparison, irrational beings are things of Nature, "res Naturae". They may carry separate individual distinction, but they have no individual worth of themselves but only as representatives of their species. Of themselves they are not aware of their individual worth as beings of their own right, but fall back on Nature and seek to identify themselves with Mother Nature.

**PERSONALITY VERSUS MERE INDIVIDUALITY AND SUBSTANTIALITY.** It is not so with individual human beings. There is a personal subject in him or her that seeks to assert himself or herself, aside from other beings and from Nature itself. Man is not just part of Nature. Human beings, in particular the female gender, are not satisfied with what they have obtained from Nature, but seek to improve with cosmetics and face-lifting devices. From his possession of rational and elective discretion, man is aware that he is a being of his own right. Every individual human being is aware of his or her personality, of himself or herself as a person that is not identical with the body, but is aligned with his or her innermost



spiritual self. Even individuals with loose morals feel humiliated when their personality is overridden, and they are taken merely as objects of lust or sexual gratification. Man is aware that Nature is his home, but he thinks that he can improve matters in this home. Owing to the possession of intellectual and discretionary powers, man walks his own path in Nature and considers that he can somehow be superior to the vicissitudes of Nature.

Perhaps someone may be thinking that the explanation we have advanced to disclose the nature of the person in terms of "being from its own right" does not say much, and that the concept is also applicable to denote mere substances. But this is not so. A substantial nature is said to be a *per-se* being in the subsistential sense, owing to the commensuration of its nature to carry separate existential actuality. But, the person is said a being *per-se*, from its rightful deservance to exist separately and incommunicably from another person. The substantial nature of itself is communicable to an individual subject principle, as happens with the human nature in us, which is communicated to our person. The human substantial nature does not exist of its own rightful deservance, but is ordained to exist as communicated to a human person, by which the nature is ontologically closed and perfected. — An analogy may illustrate the matter. A car of its nature is commensurate to run the city streets by itself. But, it has no right to run the city streets without a driver, and so it will be intercepted. It is the licensed driver who is the proper and original subject of the right to run the car through the city streets. He must be licensed, because the right involved is a positive one.

#### RIGHT TO PERSONALITY AS TO BEING, AND AS TO ACTION.

It was the Creator Himself who made man a being of his own right, or a person, by assigning to man a rational nature endowed with intellectual and elective discretionary power. From this rational nature, and from the original assignment of the Creator and His Natural Law, man is a natural beneficiary of personhood and of personal dignity. Man has, therefore, an original attribution and right of personality as to being. This right must be given due recognition by positive law, if positive law wishes to be aligned with the Natural Law. Man has also a rightful claim to such recognition by positive law and society and to be acknowledged as a being of his own individual worth and right, and not merely as a member of the social group, or of a political party.

Next, by virtue of his inherent personal dignity, every human being has a rightful attribution and claim to personality as to action, that is, to be acknowledged as an agent of his own dignity and right; and consequently, he has also a rightful claim to be acknowledged and to be accorded a legitimate sphere of free action in keeping with his existential aims and individual dignity, and in keeping with the developmental needs of his natural faculties and with the discharge of his natural responsibilities. In view of his personality, man has also a rightful natural claim to free communication and association with his fellowmen within the framework of legitimate pursuits, and to be assisted by them and by society when he find himself shortchanged in meeting his existential and human needs.

Man's twin right to personality as to being and to personality as to action are the two poles around which revolve the entire ensemble of his natural rights. All Bills and Declarations of the Natural and Inviolable Rights of Man should start with the recognition of these twin fundamental rights of man because they are the foundations on which all the other natural rights of man are premised. Man has a rightful claim to the recognition of the said twin rights of personality as to his being, and of personality as to his action.

**THE HUMAN FETUS AND PERSONALITY.** Now we come to some crucial questions. First: When does the human being start to enjoy the right of personality? Second: Does the unborn human fetus have that right? If so, when does it start to enjoy that right?

To the first question the answer is: The human being enjoys the natural right of personality from the time he is made by nature a beneficiary of human nature. For, personality is an attribution that essentially attends to human nature as such, and is assigned by Natural Law to every human being with and through his human nature. To the second question the answer is: Essential personality, which is the attribution with which we are presently concerned, attends to the human fetus from the moment it is an individual human organism or being; and that is, from the moment we have the zygote. Hence, human life is sacred and inviolable from its inception, because it is associated with human personality. These things are not difficult to establish on the plane of abstract philosophical thinking.

As long as an individual organism carries in a self-contained manner all the biological characteristics of an individual human being; and as long as it carries a biological life of its own, independently from the life of the mother, although not in physical separation from the mother, the human organism concerned is a human being and is attended with the essential personality of the human being. By metaphysical and ontological standards the self-contained individual human organism is synonymous with the individual human being. The reason is simply because, every individual organism is an individual human being. Being is nothing else than an existential thing; and so, an existential human organism that carries in a self-contained manner all the biological characteristics of a human individual is an individual human being, even if it does not yet have the shape of the human form, or even if it is still tethered to and nestled in the mother for its sustenance, toxic disposal, and protection.

The last mentioned considerations are not pertinent and relevant for the issue of determining whether or not the unborn human fetus has essential and ontological personality; just as the question whether the adult human being who is strapped to an iron-lung machine, or is tethered to a dextrose tube for the effect of survival, is a person or not. The consideration of viability or of non-viability is biomedical; it is also not pertinent for the ascertainment of personhood. It boils down to the consideration whether or not the unborn human fetus can survive outside the maternal environment and in physical separation from the mother. This consideration is quite different from the consideration whether the unborn human fetus has its own essential and ontological personality or not. It is not the formal consideration to be taken into account. For that effect no adult human being can survive in outer space outside the life sustaining space ships; nonetheless, men living in outer space in space-ships are persons.

The decisive and formal consideration that should be considered is, whether the unborn human fetus carries its biological characteristic and life as a functional part of the mother, or as an autonomous individual human organism, containing its own set of chromosomes half of which proceed from the father, and carrying its own genetic code for development and individual characteristics.

**THE ESSENTIAL VERSUS THE LEGAL.** It is true that most state legislatures have not made any positive pronouncement in favor of the personhood of the unborn human fetus. But to con-

clude from the said silence that the unborn human fetus is not a person, or even that the Law denies it to be a person is, by logical standards, to infer a conclusion from no premise at all. Even if the Law should not grant personality to the unborn human fetus, that consideration would be irrelevant for ethical purposes, because the Law is not the author or original grantor of personality to human beings. In the recent past, the black man in the U.S. was not a legal person, in particular if he had been sold into slavery. But that legal posture was a mistake and an affront to the dignity of human nature. The unborn human fetus is still something hidden from the public and, for external purposes it is as if it were not yet existing. It may even miscarry and die prematurely and, for that cause, do as if it had never existed, just like babies that die upon birth, or a very short time after.

In the recent past, state legislatures had not been confronted with the need to make any pronouncements regarding the personhood of the unborn human fetus. The new wave of abortions has changed the picture. But, most legislatures are not in a position to make any definite pronouncement from lack of a sufficiently elaborated theoretical and philosophical groundwork. As far as this writer knows this paper is the first one to speak on the natural right of the human being to personality, including of the unborn human fetus, and to lay down the rationale of such right. Several individuals have even expressed to this writer their wonderment whether such a right exists. But, again, one thing is that most state legislatures have not made any positive pronouncement in favor of the personhood of the unborn human fetus; and another thing is its possession of essential personhood. One thing is that the possession of personhood by the unborn human fetus is not clear and that there are doubts and even ignorance about it, as we may have doubts and ignorance about the specific sex of an unborn fetus; and another thing is its factual possession of personhood, or of a specific sex.

Finally, one thing is the consideration that an individual human being has definitely established his own personality through separate physical existence and even birth registration; and another thing is the attribute of personality that essentially attends to the human being from the very start of its existence notwithstanding its fetal form or condition. If physical separation were the valid criterion,

then we should say that siamese twins are not two individual persons, even if each one should carry its own name and its own individual psychological response.

**ESSENTIAL PERSONALITY VERSUS PSYCHOLOGICAL PERSONALITY.** We speak here of essential personality by distinction from psychological personality. Essential personality is the attribute that attends to the human being from his possession of rational nature. Whereas psychological personality is the dynamic result of man's essential personality, and manifests itself in man's enjoyment of rational and elective discretion. Concededly, it is through the latter that we come to know the former; and so, noetically speaking, psychological personality is more important, because it manifests the essential personality of men. But, we should not confuse the essential personality of man with his psychological personality as this transpires in the use of his rational and elective discretion; otherwise, we shall have to swallow the absurdity that an unconscious or sleeping man has lost his personality; or that infants, who do not yet possess rational and elective discretion, are not yet persons.

The unborn human fetus is in an analogous condition. It already has essential personality, although it does not yet exercise psychological personality. But, nature has destined that in due time and conditions, it shall manifest its essential personality, by way of natural unfolding, without external addition. — Some have expressed misgivings whether ordinary folks can understand the metaphysical explanations we have given concerning human personality, and have thought that it might be advisable to remain on the psychological level. But, these misgivings are ungrounded. There are many concepts that are metaphysical and yet are readily understood by common folks, e.g., the concept of being, of something, of causality, the Supreme Being, natural rights, the rational nature of man, etc. So, even if the concepts of personality and of the person are metaphysical, as the concepts of morality, justice, democracy, etc. they are not beyond the reach of ordinary folks. Modern Philosophers reject metaphysical concepts because they are not experimentally verifiable. Nevertheless, centuries of past generations of men have lived by the said concepts as fundamental ones.<sup>3</sup>

<sup>3</sup> The proposal that we remain on the psychological level in order to explain the nature of personality would not be of much help in the present matter, because of the following. First, the nature of personality and of the person is not something psychological; and so, it is not possible to

**INADEQUATE MATERIAL CRITERIA.** Scientists deny that the unborn human fetus is a person, because they say that it is only a "potential" human being, and not yet a perfect human being. What are we to say to this allegation?

The unborn human fetus is a "potential" human being, not in the metaphysical or essential sense, but in the biological and psychological senses, inasmuch as it is not yet fully developed and does not yet enjoy the use of discretion. But, this is a material consideration. In the metaphysical sense, and this is the formal thing to consider, the unborn human fetus is already and actual being and nothing else but human; even if it does not yet have the full biological development that should afford to it the use of rational and elective discretion. The latter consideration of biological under-development is not metaphysical. It is not even the formal biological issue to consider but the material and physical biological consideration. It is inadequate for determining the nature and personality of man; because it is one-sided and covers only the material side and physical stages of man. But if we take the formal biological criterion into consideration, according to which the offspring proper to every species is its biological reproduction, so that the offspring of cats are cats, of dogs are dogs, and of pigs are pigs, notwithstanding that they are not yet born; then, we should say that the offspring of human beings and persons are human beings and persons, notwithstanding that they are yet in the condition of unborn human fetuses.

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explain it adequately merely through psychological explanations. *Second*, modern positive Psychologists make a distinction between personality and the person, because they do not necessarily associate personality with a person. Thus, e.g., they speak of the "personality", and even of the "I.Q." of some "intelligent" animals; although they do not take such animals as persons or as intellectual beings. By our standards, the "personality" and "intelligence" of certain animals can only be metaphorical, on the basis of analogy with the psychological personality and rational intelligence of man.

In a similar way, Lawyers speak of juridical entities, like registered corporations, as juridical *persons* and as having juridical *personality*. They qualify such entities as *juridical persons* by distinction from *natural* or physical persons. Their juridical personality is not natural, but from the grant of the Law. They are said to be legal *persons* and to have legal *personality* metaphorically, by analogy to the natural person and to his personality; inasmuch as the Law grants to juridical entities to be capable of positive rights, and to be subjects of legal rights in the manner of natural persons.

The criterion of biological perfection covers only the physical side of man. It is, therefore, inadequate for the effect of determining the personality of the human being. When a man has attained 25 years of age, normally speaking he has attained full biological development and perfection. Yet, can we say that the same man has therewith attained the full perfection of his rational and personal capacity? It is not usually the case. And, when a man has attained 60 years of age, he is already in his biological decline and yet he still has perfect command of rational and elective discretion, and of the use of language. To take perfection as the criterion for man is to take something undetermined and fluid as norm. For, who can say of any ordinary man that he has, at any time, attained all the human and intellectual perfection he is capable of, and that he has no more room for development and greater perfection?

Considering the matter of essential personality as attribute of the nature of human beings, it must be borne in mind that just like the essential nature of human beings is fixed and indivisible, and does not admit degrees of more or less; so also is the essential personality of the human being. In other words, of two or more human beings, we cannot have one that is a human being or a person more than another; but each one is essentially and simply a human being and a person. We may illustrate this matter from the nature of numbers. The nature of a number, let us say of number two, cannot be more or less. If, therefore, there are several sets of two things, one set cannot be more two than another, while being two. The concept, therefore, of a human being that is not a human being in the full sense, or that is "not a person in the whole sense" is, philosophically and metaphysically speaking, preposterous and untenable.

**NATURAL RIGHT TO GESTATION BY THE MOTHER AND TO BIRTH.** Owing to the reason that the unborn human fetus is a human being by metaphysical implication and priority, — for, although something can be a human being without being a human fetus, yet not vice-versa. — the unborn human fetus has not only the attribute of essential personality, but also the natural right to life.

Furthermore, considering the design of Nature and of the Creator, the unborn human fetus has also the natural commen-

uration and right to be gestated and protected by the mother until its maturation; and to be born and delivered when such a time comes. These natural rights of the unborn human fetus are grounded on its essential personality and premised on the design of Nature and the Natural Law, irrespective of whether the fetus has been conceived from the consent of the mother, or from rape. These rights of the unborn human fetus emanate from the sovereign right of the Creator to design the natural law and process for human life, and to allocate natural rights. Correspondingly, the natural commensuration and right of the mother is to gestate the unborn human fetus until its maturation at birth time, not to abort it. And so, miscarriage and abortion do not take place except outside the programmed course of nature.

The right of the unborn human fetus to life and to gestation by the mother until its time of maturation at birth, and the natural duty of the mother to the said gestation, cannot be defeated by an undefined concept of a right to privacy of the woman. Granting that there is such a Constitutional right, nevertheless it has no bearing to justify a directly procured abortion by the woman. In the first place, such a right is of a lower order and importance than the right to life of the unborn human fetus and so must give way to the latter. In the second place, there is no infringement on the woman's right to privacy by the unborn human fetus any more than the food she has ingested. Even if women should have such a right of privacy, no woman can legitimately claim such right after she has opened her privacy to sexual intercourse. If the allegation of woman's right to privacy were valid for the effect of justifying a directly procured abortion on her part, there is no reason why it should not also be valid for the woman's option to dispose of her born baby, which also interferes with her liberty and privacy.

Through its latest decision, the U.S. Supreme Court has ruled against the right of any fathers to interfere with or try to prevent the abortion of their own children by their wives. In order to uphold a dubious "right" that it had granted to women, the Court has denied the undisputable and centuries honored natural right of fathers to bring up and to educate their own offspring. One serious error has led to another.

**THE PERSONALITY OF MAN AND THE RIGHT TO DIE.** By contrast to the natural right to life of the unborn human fetus, the question has been recently raised in connection with the celebrated Karen Quinlan case, about a man's natural right to die. Is there such a right and in what conditions does a man enjoy it?



Despite the fact that many people, even some state courts of the U.S., have expressed themselves in favor of such a right, a convincing and satisfactory rationale has not yet been advanced to establish such a right. It seems rather preposterous that, if man has a natural right to life, he should also have a natural right to death, which is just the opposite. In this connection, it is necessary to recall that a natural right is essentially a moral claim of a person to something, from the commensuration assigned to the person by Nature to such a thing. In the present instance, we pose the following question: Are there instances in which the individual person has, from the doing of Nature, the commensuration to die rather than to live? We are not talking here of death in the sense of annihilation of man, for the spirit of man is immortal; but of death in the sense of man's deliverance from a miserable and painful organic life, as an outcome of Nature's doing:

In order to obtain the answer to the given question, we should bear in mind that there are instances in which, medically speaking, a point of no return has been reached, because the lethal damage to the life sustaining organs has become irreversible so that the natural march to dissolution has become unstoppable, and there are no known effective remedies available. In the said conditions the commensuration of the individual from nature is for death, rather than for life; and hence, the person obtains in the given conditions the natural right to die and to be relieved from an existence of misery and helplessness. Although the person has still the right to enjoy the residual life that he still has; yet, nature herself has taken away him the commensuration and the right to continue in existence, and so there is no moral obligation on his part or on others to have his residual life sustained through artificial means.

In truth, conditions of bodily misery and of utter helplessness are derogatory to the dignity of man as a personal being and agent; and so, Nature on her own doing terminates the said conditions. The individual concerned should, therefore, be allowed a dignified exit from the said conditions according to the design of Nature. In the said conditions man has a natural right to a dignified death. Such right is conformable to his personal dignity. Christians should have little qualms about such a right. For if on the one hand, from the gracious donation of God, the Christian who has been engaged in meritorious works has a right to go to heaven; and on the other hand, from the disposition of Divine Providence, there is no other

way than through death, when it has become due from the norms of the same Divine Providence; then, the Christian in the given condition has also the right to die.

In this connection, it is opportune to know that death is not a punishment meted out for original sin, but a penalty of original sin.<sup>4</sup> This means that death is not an afflictive measure imposed by God by way of punishment to compensate for delinquency, but an afflictive result that followed in the wake of original sin, after God withdrew the special favor of immortality which He had granted in honor of His original divine friendship and adoption because of original sin. Death at present follows from the natural principles and processes of nature; yet, if there had been no original sin, death would not have taken place from the special preternatural favor of God. And so, on the one hand, death is natural to man; yet, on the other hand, it is a penalty for original sin, much like the loss of fortune is a natural result to the gambler, and yet it is also a penalty for his sin and it afflicts not only him but also his family.

**RIGHT TO DIE NOT THE SAME AS RIGHT TO KILL ONESELF, OR TO HAVE ONESELF KILLED.** Some may entertain apprehension lest by affirming the right to die we are condoning, or even defending "Euthanasia" or "mercy killing". But, the right to die is quite another thing from the right to kill oneself or to have oneself killed by another, however merciful the manner may be. The confusion and identification of the former with the latter is unwarranted and must altogether be avoided. When a patient is "given" by the doctors e.g. a month or a week to live, it means that the patient's organism is still capable of sustaining life for the given time. To destroy that capability through direct intervention is to kill the individual.<sup>5</sup>

<sup>4</sup> "God created man for incorruption; ... but through the devil's envy death entered the world." Wisdom 2, 24 (RSV).

<sup>5</sup> Nevertheless, we should evaluate human acts in their formal context. If we should take matters materially, there is no physical difference between fornicarious union and legitimate marital union, between killing in murder and killing in defence of one's country. Now, in conditions wherein the living capability of a man's organism has been irreversibly and irretrievably destroyed so that the impending natural outcome is death not life, should the individual concerned ask for the "coup de grace" or the finishing stroke, it should not be taken as a request for his killing but for an early deliverance. In the said conditions, even if the man should commit an apparent suicide, his action should be evaluated in the formal manner as self-deliverance, rather than suicide.

This manner of evaluation is premised on the truism that, an individual who has been already effectively killed from the massive and irremediable destruction of his vital organs, cannot be killed a second time: e.g.,

**IMAGE OF GOD'S PERSONALITY.** When God created the first man, He said: "Let us make man to our image and likeness; and let him have dominion over the fishes of the sea, and the fowls of the air, and the beasts, and the whole earth, and every creeping creature that moveth upon the earth". "And God created man to His own image; to the image of God He created him, male and female He created them".<sup>6</sup> God created man to His supernatural likeness through the gift of sanctifying grace, wherewith He made first man His adopted child. God created man to His own image, imbuing man with a rational and spiritual soul. But, this is only a portion of God's image found in man. The full image is found in the personal nature that God has given to man. Man is a creature of God; but because man is the image of God, according to the dynamic personality that he carries, God assigned to man dominion over the fishes of the sea, the fowls of the air, the beasts, the earth and every creeping creature that moves upon the earth.

Before God had created man God could not find on the whole face of the earth anything that was capable of responding to Him, as an image His own Personality. For that effect, the earth was inhabited only by dumb creatures. But after God created man in His own image and awarded to man a personality like His own, man could respond to God like a child to his Father, and even talk to God in the fashion of "a man to man". In prayer to his Creator man reflects most intensely the image of his Maker, and discloses the superiority of his being over all the irrational creatures of the earth. In prayer the personality of man meets the personality of God. In this connection, I recall the story of two American College Professors. On a certain occasion during their anthropological travels through the South Sea Islands, they thought of investigating the attainments of the native mind with regard to themselves and the world in which they lived. A good prospect seemed their own native guide. So, one of them directed to him the following question:

"Tom, how do you know that human beings are really different from the animals?" The native, with the unlettered wisdom of common sense, replied: "There is a big difference. Men are people, persons; animals are not. Men know God and pray to Him; animals do not know God and do not pray to Him!" What a confounding reply for secularistic men who disdain to acknowledge the Creator and to pray to Him, as if these acts were derogatory to scientific men:

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when a soldier's entrails have been blown away by a mortar piece on the battle field, or when the organism of an individual cannot stay "alive" anymore without the action of an external machine. There is therefore no more place for the infringement of the commandment, "thou shall not kill", from the subsequent action.

<sup>6</sup> Genesis 1, 26-27.

or unworthy of modernistic men, who snobbishly think they are superior to aborigenes because they have come to think and to act as if they are merely evolved and glorified simians! The Psalmist addressing God exclaims: "What is man, that Thou are mindful of him?" And the same Psalmist gives the inspired answer: "Thou hast made him a little less than the Angels. Thou hast crowned him with glory and honor, and has set him over the works of Thy hands".<sup>7</sup> But considering the doings of men, the same Psalmist remarks: "Man, when he was in honor, did not understand; he is compared to senseless beasts, and is become like to them".<sup>8</sup>

**DEFACED IMAGES.** But, sophisticated modern men have gone down lower. Because they have reneged the Creator and His Natural Law, they have prostituted their personalities to sex, and sex to unrestrained contraceptive lust. They have made use of their rational power not to acknowledge the truth and to abide by it, but to rationalize the pre-empted views they have taken in favor of "liberated" sexual indulgement. They have arrived to the point where they nonchalantly destroy their offspring and dispose of them as "human garbage", to borrow the expression with which some modern U.S. hospitals designate the bins destined for the collection of abortion refuse. This malfeasance not even the lowliest of animals commit. They know what is garbage and what is their own kind.

The unborn human fetus is not just garbage. It is destined by the Creator to be an individual capable of knowing and of loving Him, of responding to Him, and of being an heir of eternal life. The unborn human fetus is already a human being and a person, much like the mango that is still tethered to the tree and in the process of development is already a mango fruit.

God has given the earth and the things of earth to the children of men.<sup>9</sup> But the Creator has not given the person of any man to anyone, so that it may be disposed of at will. The Creator has reserved the human person, which carries the seal of His image, for Himself. The unique value of each human person is found in his individual religious dimension and direct responsibility to the Creator. Therewith he carries value in himself which transcends society and the whole universe at large. If personality is a crown of honor that God has placed on the brows of men, it also imposes on men the responsibility to carry it with honor as "Images of the Creator".

<sup>7</sup> Psalm 8, 5-6. Conf. Vatican II. The Church in the Modern World, Pt. I. Ch. 1, n. 12. Ed. Abbott.

<sup>8</sup> Psalm 48, 13 and 21.

<sup>9</sup> Conf. Psalm 113, 16.