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THE FUNDAMENTAL RIGHTS OF
THE HUMAN PERSON

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*An oration delivered by Prof. P. Tabone
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Your Excellency,

Your Grace,

Hon. Prime Minister and Ministers,

Mr. Vice-Chancellor and Rector Magnificus,

Members of the Academic Body,

Students,

Ladies and Gentlemen,

St. Thomas Aquinas stated that the concept of man purports that which is most perfect in the whole universe: "*Persona significat id quod est perfectissimum in tota natura*" (I,q.29,a.3). And rightly so, for considering the many complicated and mysterious factors which go to make man, the human personality may be considered as a small world all on its own — micro-cosmos. Our own reason shows us how sublime and magnificent is the human being. It is enough for us to recall the classical definition propounded by Boëthius: "*Persona est naturae rationalis individua substantia,*" in which the three characteristics of the human person are brought into relief:—

- a) Substance: man being composed of soul and body;
- b) Individuality: each person being distinct and separate from the rest and itself not divisible into other personalities;
- c) Rationality: the principle of conscience of one's own entity and of the liberty of one's own acts, which accounts for the perfection of man.

† These characteristics of man account for the relationship between the individual and Society — a relationship very often unbalanced by the laying of undue stress upon the individual or upon the community. Thus *Individualism* exaggerates the rights of

man by seeking to keep him free of all social dependence; whilst *Collectivism* over-emphasises the right of the community thus reducing the individual to a vile instrument. It is only *Christianity* that secures the golden mean between the two extremes for, whilst it admits the necessity of society for the integral development of man, it strongly upholds the eminent dignity of the human personality. Besides his terrestrial existence, man has a spiritual life to be proud of, from which he derives eternal benefits. The destiny of the individual is unlimited: it depends solely on his arbitrary freedom. The soul tends towards the infinite and the eternal. ..

Society is in duty bound to recognise this essential dignity of the human person and also to defend it with all the means at its disposal — after all, it is Society that has to defend us. Admittedly Society has the right to expect from each and every citizen the highest respect and all those sacrifices which, besides being necessary for the elemental characteristics of the State, are also necessary for the common good.

It must not be forgotten that every individual is in duty bound to give his contribution for the strengthening and the conservation of Society. However, it is Society that exists for the human person and not the latter for the former; and although Society may, in some circumstances, ask for the supreme sacrifice — the life of the individual — it should never expect man to renounce the supreme good for which he has been created nor should it subdue his personal dignity.

One of the most constant and energetic defenders of these imprescriptible rights of the human person has undoubtedly been the Church, which, throughout the ages, by means of its doctrine, its authority and its moral force, has never for a moment ceased to defend and to support the oppressed and the poor. There hardly seems any need to recall Nicholas I, Gregory VII, Innocent III, Clement VII and Pius VII who, with great courage and even sometimes with the most grave consequences, opposed even the most powerful monarchs.

And in our own times, when human dignity has been and still is being downtrodden by inhuman dictators, it has been Pius XII, the

reigning Pontiff, who has been maintaining vigorously the rights of the human being by formulating directives upon this subject. The Pope, in his many writings, but more especially in his Christmas Message of 1942, after bringing to the forefront the eminent place that man deserves in the social sphere, launched to the world a complete and perfect code of the real rights of the human person which may be reduced to the following themes:—

- a) the right to corporal life;
- b) the right to true religion;
- c) the right to the free choice of state, be it priestly, religious or matrimonial; if matrimonial, the right to the conjugal and domestic state;
- d) the right to work;
- e) the right to enjoy the fruits of the earth.

Since the Pope, on that occasion, presented to us the above five points so very succinctly, let us today take up each right and elucidate briefly its real significance always pursuing the teachings of Mother Church and of Moral Theology.

The right to corporal life.

This means that life is never to be forfeited except when one is guilty of serious crime. An innocent man — be he a menace to health, peace or security — never forfeits his right to live. Not even the State may take away the life of an innocent person even if it is for the convenience or comfort of Society.

On the other hand a private individual may take the life of another human being when the *direct* protection of his own life (or of his liberty or his virtue) involves *indirectly* the killing of an unjust aggressor. But it is never lawful to take *directly* the life of another, because it must always be borne in mind that God is the sole and supreme master over life and death.

And since man has the right to life, he has also the right to the integrity of the body. Man does not own his body, much less does he own that of others.

We infer therefore that abortion, craniotomy, sterilization and euthanasia are all crimes against the human person. Falling in the same category is the employment of workers who are required to labour in unsafe or unhygienic surroundings, the employment of women and children in work unsuited to their state and condition, the exacting of inhumane service involving too long a working day, and the pressing of employees to intense effort for the speeding up of production.

The right of following the true religion.

No one, not even the State, has the right to impede or limit religious instruction imparted by the family or by associations formed for the purpose, provided that such associations do not interfere with public order, and in Christian countries, that their instruction does not interfere with the rule and authority of the Church.

Experience has shown us that in those countries where there is no religious progress based on a sound religious education, economic and material progress has only degraded man all the more and as a consequence has degraded also Society.

It is therefore the duty of the State to recognise first of all the divine right of the Church and her freedom of action in all the spheres of her mission. It is also the duty of the State to create a healthy atmosphere in which the individual can breathe freely the pure air of Faith. And since man is an entity that is essentially social, he must be left at liberty to express publicly his cult of God by holding public religious ceremonies and other activities, which, carried out properly, should never be a source of trouble to social order.

The third right — the right of choice of state.

This right depends on the one we have just dealt with as the choice of one's state in life is essentially linked with one's religion. So long as no legitimate impediments exist, no one, not even one's parents, has the right to interfere with one's vocation when this is clear and based on careful and sound considerations.

On this point insistence would hardly have been necessary, were it not for the fact that in these times of ours, systems exist which

are imbued in their totality with extreme materialism—a philosophy of life which, without taking into consideration the vocation of the individual, attributes to the State the absolute right for the professional orientation of the individuals which the State deems to be more adapted to economic production and more suited to the so-called betterment of the general social sphere.

Open and avowed enemies of this right of man are racialism, industrialism, totalitarianism and communism since to them the individual simply goes to add to the number of teeth in the cog-wheel of production. To them the individual is just a member who has to render himself useful to the general welfare: and the more he is unattached and unfettered by family ties which bind and distract him from work, the more he is in a position to dedicate himself blindly to the directives of those in authority.

Here we take the liberty to stress that the right towards the family tie takes birth from the most intimate elements of the human nature and pertains to the category of man's inalienable rights. The right to form the matrimonial state corresponds to the same exigencies and to the strongest inclinations of the human make-up and cannot in any way be limited except (a) by *God* himself when He forbids marriage between parents and their children or between those already tied down by some other matrimonial bond; (b) by the *Church* in the case of marriages between Christians, matrimony being a sacrament and (c) by the *State*, in the case of marriages between non-Christians, always of course when the State has a superior motive such as the greater benefit of the individuals themselves and of Society. A minute examination of each matrimonial impediment as laid down in the Code of Canon Law brings to light its convenience and its social utility. (Can. 1058-1080).

The right to work

This fourth right is so much discussed nowadays that it is imperative that from the outset we should make it clear that this right was not bestowed on man by Society — as if the individual were nothing more than a mere servant or functionary of the community — but it was given to man by Nature herself so that man could sus-

tain himself, better his conditions and fulfil his obligations towards the family.

Society, as we have already stated, exists for the benefit of the individuals that compose it. And this is as God wishes it to be.

Hence it falls within the province of Society to forestall unemployment and its consequences by all the means in its power. It is for Society to regulate social life in such a way that the individuals may normally work under specified conditions and along defined lines. No one should be excluded from work on political or racial grounds or for reasons for which the individual is not to blame. And when, on account of excessive density of population, work is not to be found for all in a given country, it becomes the duty of Society to do all it can to establish and to encourage emigration, this being a method very much recommended in Papal encyclicals (*).

By means of emigration heavily populated countries are relieved of the excess of population and happiness is restored, whilst in the new lands of their adoption immigrants make new friends and contribute to the development of the country. Both the nations from which emigrants leave and the nations which receive them contribute to the increment of the well-being of man besides fostering the progress of human culture.

At this juncture, a fact not to be lost sight of is that work has a dignity of its own — no less than the dignity of the human person. Work is not to be considered and classified as a necessary function similar to that of a machine; nor as a purely muscular effort comparable to that of a horse. Work is the result of man's intelligence, liberty, will and conscience. Nor should work be stamped and labelled as a form of merchandise. It is a human action which does not separate itself from the agent and from the qualities of the agent. It is work that protects the physical, intellectual and moral integrity of the individual.

A logical outcome of man's right to work is his right to compensation for such work. Work is meant to procure for the worker not

(*) Especially the "*Rerum Novarum*" and the Message of Pentecost by Pope Pius XII, 1941.

only the means of his just maintenance and that of his family but also the possibility of his putting aside some personal property, however small. Family allowances and other forms of direct help from the State are not theories that are to be pigeon-holed as mere dry-as-dust economic squabbles, since the individual — the citizen — has the right to look up to the State for material subsistence.

The right to enjoy the fruits of the Earth

The last right of man — the right to enjoy the fruits of the earth — is the right that each individual possesses to the use and disposal of his private property. When the craftsman employs his industry to provide the necessaries of life and succeeds, as a result of honest economical measures, to put by some savings with which he may purchase a plot of land or a house, these same savings or immoveable property are nothing but his own wages. As his wages are undoubtedly his property, his savings, chattels and land, which are but a different form of his wages, are also his property.

The natural right of ownership and the hereditability of property are sanctioned by God, and no one may deny man this right; not even the State may obstruct it and still less suppress it. Man, it must be remembered, is antecedent to the State as is also the family.

It is also unlawful for the State to over-aggravate private property with excessive taxes and tributes well-nigh to exhaustion. Nor has the State any legitimate power to abolish inheritance of property, as this would violate the indisputable rights of the family.

The State however, may temper the use of private property so as to harmonize it with the ideal of the common good.

The individual proprietor, on the other hand, cognisant of the duties and moral values asked for by justice, charity and prudence, should bear well in mind that the material goods of this world are not meant to serve as a means of partaking of every terrestrial enjoyment and benefit, regardless of the miseries and wretchedness of his unfortunate fellow beings. It is for this reason that God has allowed the State to control property, both individual and social, in

proportion to the measure in which the property exceeds the legitimate needs of the proprietor and is indispensable to the sustenance of the truly needy.

The foregoing has been the teaching of the Catholic Church whenever and wherever the right to private ownership has been questioned or denied. She has asserted it against the Waldenses in the 12th Century, against the Anabaptists in the 16th Century and in our time against the modern socialists and the Communists. (*)

This is our humble exposition of the code of rights of the human person — rights which have at their root the essential dignity of the individual and those which evolve out of the natural liberty of man. The term “liberty” should not be exchanged for “licence” which today seems wont to predominate in man. Man does not only enjoy rights, but is also subject to duties, towards God, towards himself and towards society. An individual has not the liberty to do evil just as he has not the liberty to err. In evil doing and in erring, man only proves the weakness of his will and of his intellect. The perfecting and full development of man’s many faculties evolve out of his liberty, but the latter right cannot boast of any power to go directly or even indirectly against human nature, and consequently against the eternal law of God. The values and dignity of man are mortified and devitalised when Divine and natural laws are trespassed. By liberty we intend that one’s personality is in the happy position of making itself manifest not only before other individuals, but also before the State. Under the dominance and the vigilance of the law, which is the same for all, man, with the right of liberty that is his, is master over his own person, his actions, and his material goods.

The social good requires that liberty be regulated by authority and thus they both help and defend each other in turn. Liberty and authority are the two wings with which the eagle of genius rises to the most noble heights. Truncate one or the other of these two wings and the eagle infallibly falls to the ground, impotent for the shortest flight. The two wings, in harmony and accord between themselves,

(*) Vide the Encyclical Letters of Leo XII “*Quod Apostolici muneris*, 28th Dec., 1878; *Rerum Novarum* 15th May, 1891; *Graves de communi*, 18th Jan., 1901 and Pius X’s “*Fin dalla prima*”, 18th Dec., 1903 and Pius XI’s “*Quadragesimo Anno*”, 15th May, 1931.

are indispensable for man's flight to the eminent and infinite destinies that God has assigned him.

So many nations, fresh from a bitter experience, have finally understood the vital necessity of these two elements. The majority of them are today aspiring to forms of government that are more compatible with human dignity and liberty. The democratic idea is intensifying itself since social and individual reconstruction is seen on the horizon with unprecedented clarity. This tendency finds no opposition from the frontiers of Catholic doctrine. Pope Leo XIII himself hailed the democratic ideal as a fount of peace, prosperity and happiness for all states, on condition however, that it is *sane and true*, that is, it conforms to the evangelical principles. (*)

Democracy is sane and true when an individual, without embarrassing the actions of civil authority when the latter aims at the triumph of justice and honesty, has every right and sufficient means at his disposal to defend himself against any attack upon his personal dignity and liberty.

Democracy is sane and true when no attempt is made to destroy and abolish the social classes, when an approach is studied whereby the spirit of brotherhood and charity shall be prevalent amongst all classes, when laws are tuned to the good and benefaction of the people and of the sufferers in particular, and when the rigours of justice are tempered with clemency and law and persuasion prevail over violence and caprice.

It is a sane and true democracy when, as Pope Pius XII said in His Christmas Message of 1944, man feels in himself the consciousness of his own personality, duties and rights, of his own liberty together with the respect for the dignity of the liberty of others; and when those that hold public office, whether legislative, judicial or executive, fulfil their obligations with objectivity, impartiality, loyalty, self-sacrifice and incorruptibility.

Only in this fashion, that is, by embracing a democracy that is entirely Christian can human dignity awake and, after healing and cleansing its wounds and changing its bloody attire, take up the royal

(*) Vide the Encyclical "Libertas", 20th June, 1888.

road to grandeur and eternal consciousness. There ends the mission of goodness that God has willed for man and society, in its orbital entirety.

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And now, my dear young men and women, allow me to address a few words directly to you in this solemn hour in which you will be matriculating or receiving diplomas. On this memorable day, when our "Alma Mater" is conferring upon you her seal of approval for achievements in the academic field, it gives me great pleasure to be here with your parents and friends who one and all wish to congratulate you upon your successes and to share with you that joy which must be overflowing from your noble hearts.

Bear in mind, however, that the joy and intense personal satisfaction which you are experiencing today marks only to many of you the beginning of that joy and sublimation of conscience which one day will be yours to experience and remember, when with your academic studies furthered to the end, our University will see it fit to confer upon you her highest degrees and honours. When that time arrives and you will have embarked upon new careers, be you lawyers, medical practitioners, civil engineers or priests, do not let it escape your mind's censor that the fundamental rights which we have briefly outlined today are for your guidance towards developing your personality with the resultant belief and practice of a totally Christian life. Many of you may have the future management of our beloved Islands and it is then an even more sacrosanct duty for you that the fundamental rights of the human person be observed and defended. Authority and obedience have their limits, hence, blind submission to your rule and dictates of conscience is never to be expected; to go beyond that which is required for the common good through exaggerated or mistaken theories relating to authority, is not permissible — nay, a stain of guilt will be the only reward. It is to be borne in mind that the Christian conscience of dependants or other citizens faced with betrayal of their fundamental rights enjoys the privilege to resist passively as well as actively the formulation, development, institution or repetition of abuses and injustices. All are expected to give unto Caesar what is Caesar's and unto God what is God's, hence when Caesar claims that which is God's the Christian citizen's actions in

holding out and fighting for fairplay are wholly justified and legitimate. Christian doctrine condemns those restless spirits who are always ready to disobey their superiors and the legitimate authorities, but the same Doctrine condemns also the conduct of those others who bow their head in front of every caprice. A docile submission towards all those who command is needful, but on the other hand *a strong resistance is also necessary* when orders are against the moral convictions of conscience.

Such is and should be the conduct of the Christian citizen.