

Person only after birth - South Korea's Supreme Court

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We Pinoys and the entire world should be dismayed by a recent decision from the South Korean Supreme Court saying that a baby is considered a human only after childbirth. The court effectively said that the unborn child becomes a person only after birth. The case stemmed from the death of a baby who suffered cerebral damage while still in the womb of his mother.

This supreme court decision highlights the ignorance and stupidity of the judges who had made that decision.

Lest we be accused of providing opinion without solid arguments, I shall explain the above statement with the following arguments:

ARGUMENT 1 - Age and location

The fact that several countries have different opinions on when they could consider someone as human indicates that personhood (i.e. being human) begins at conception.

Some countries say that human life or personhood begins at 10 weeks, some at 20 weeks, and some say when the organs become visible, and the latest one from South Korea says that human life or personhood begins after child birth. The term "human life begins after childbirth" is self-defeating since it explicitly calls an unborn a "child", and in common-sense language, a child is a person. Ang bata ay tao na!

The differences in definition on when human life starts, and the various arguments that determine when someone could be considered a human or person, whether it's at 10 or 20 weeks, is simply age discrimination. Why do other people consider a baby as a human being only after 10 or 20 weeks, or after the baby is born? The age of the person MUST not matter in determining whether the person is a person or not. (This statement sounds crazy, right?) Age is not the determinant of "human-ness" or personhood. Whether a person is 1 week, 10 weeks, 10 days, 10 years, or 100 years old, the person is a human. A person's age is not the determinant of "human-ness" or personhood. Siguro if the person is 1000 years old, yes, sige we could concede that he's probably a "mummy" and not a person but that would be going too far with our discussion.

We Pinoys have a very loving term for a pregnant woman: nagdadalang-tao. We need no further explanation for this term and we'd leave it to our fellow Pinoy readers to decipher what "nagdadalang-tao" is :)

However, for our friends who don't know Pinoy terms, "nagdadalang-tao" literally means "carrying a person".

In other countries, the other (mistaken) determining factor that says when a baby can be considered a human is his or her location.

Common sense tells us that a person is a person regardless of age and regardless of location. In fact, common sense does not even have to tell us since it's something that anyone will know even without sense. Even the pinakabobong tao in this whole wide world knows a person is a person kahit saan mo pa siya ilagay.

If I am inside my office, I'm a human. If I'm inside a car, I'm a human. If I'm in the toilet, I'm a human. Therefore, if I'm still in my mother's womb, then I AM A HUMAN.

That's why, those countries or states that discriminate against babies based on "where" they are are simply discriminatory against a person's location.

ARGUMENT 2 - Nature

Now we go to a more interesting argument, that of philosophy. Well, I also know a bit about philosophy so it's not like I'm doing a "pa-effect" here. I used to have Philosophy classes with the Fr. Joseph De Torre of UA&P, the Spanish Priest who studied in Rome and Spain, who worked for 13 years in Ireland and England before coming to the Philippines and who became chairman of the Philosophy Department and Professor Emeritus at UA&P.

Ok, that's enough for my credentials and let's get to business.

A being's form and existence is determined by its nature. This philosophical statement could be simplified by saying that "A thing is what it is because it has an inherent power to be what it is." In other words, a fertilized egg born of a fish will never grow to be a duck because the fish egg has no power to be a duck. In philosophy, this power is called "principle". Instead of using powers like in "super powers", let's just use the more accurate term of principle, which comes from the Latin "principio" meaning "the beginning."

In the very first place, a (fertilized) duck egg could eventually grow up to be a duck since the egg already has the principle (or power or nature) of becoming a duck. However, no matter how much the duck egg grows, it will never become a fish, much less a fish egg becoming a duck.

Balut is entirely different, so please, huwag muna nating i-insert dito ang usapan about balut.

In other words, the difference between a (fertilized) tiny duck egg and the grown-up duck is the age. For the pilosopos, you could actually call the mature duck as a "mature egg" if you wish. Anyway, "mature duck" or "mature egg" are just semantic differences that refer to the same reality.

It is in the nature of the (fertilized) duck egg to grow up into a duck because the egg has the principle (or power) to be so.

A human embryo can become a concert pianist or an artista (if you want) because it has the power to do so:

- A woman's egg cell fertilized by a man's sperm cell can become a human embryo (but never a duck or fish embryo.)
- A human embryo can become a human fetus (but never a duck or fish fetus.)
- A human fetus can only grow up to be a human baby (but not a baby duck or fish.)
- A human baby can only grow up to be a teenager (but not a teenage duck or fish.)
- A teenager, if he or she chooses to be so, can become a concert pianist or an artista (but never a duck or fish, even if he or she chooses so!)

So, by way of Arithmetic Transitivity or Aristotelian logic (kung hindi mo alam ang Aristotelian Logic, it simply is: if A implies B and B implies C, then A implies C),

A human fertilized egg can become a concert pianist or artista since:

- 1. A human fertilized egg can become an embryo.
- 2. This embryo can grow into a fetus.
- 3. This fetus can grow into a baby.
- 4. This baby can grow into a concert pianist or artista.

(But our subjects in 1-4 can never become a duck or fish, kahit ano pa ang gawin niyo or gawin nila.)

The above logical arguments show that the fertilized egg, embryo, fetus, baby, and teenager have all the same power in different degrees to be a concert pianist or artista for the simple reason that all have the same nature.

Nature (as in human nature, not trees, beaches, or landscapes) is a principle or a power to grow up or be what you are. In other words, your nature defines what you are. Since nature is principle or power, your principle (or power) determines what you are. (Again, hindi superpowers ang pinag-uusapan natin dito but power in the sense of principle, capacity, or potential).

I have the nature of a man so I have the principle or power to be a man and to grow up as a man. I do not have the power to be a duck or fish because my nature is "human" nature.

A fertilized human egg and a teenager can both become a concert pianist or artista because both the fertilized human egg and the teenager have the same nature (power). They both have power to be a concert pianist or artista. The fertilized egg has the same human nature as the teenager and the concert pianist or artista, precisely because only humans can have "human" nature. I cannot have "fish nature" or "duck nature" because I'm a human and not a duck nor a fish.

Thus, taking nature as "principle" or "power" to be what you are, the human fertilized egg is already a human.

Thus, the abortion of a fertilized egg is murder. It is the killing of a being with human nature. It is killing a human.

So, to our friends at the Korean Supreme court, baka gusto niyo akong tawagan for inquiries about Philosophy or for the definition of being human.