

The Human Embryo: The Person and the Gift

Brian V. Johnstone, C.S.S.R.

ABSTRACT

The article begins with a critique of a particular kind of argument and proposes an alternative. The argument criticized is that which begins with an ontological definition of “person” and then seeks to establish that the human embryo cannot be a person if it does not fulfill that definition. The suggested alternative is that we regard the person as a receiver and giver of gifts. It is illegitimate to base our moral assessments of personhood on a moment abstracted from the process of time. The embryo is a receiver and giver of gifts from the beginning of its life and its development is a continuous process of receiving and giving. Deliberately to disrupt that process is to destroy a person. The ultimate question is not so much what kind of being the embryo is but whether we can and ought love the embryo.

THE PURPOSE OF THIS ARTICLE is to examine critically a certain type of argument that has been employed in Catholic moral theology concerning the moral status of the human embryo.¹ The argument has been developed by different authors, but has a basically similar structure. I will take an article by Thomas A. Shannon and Allan B. Wolter as representative.² The authors, as Catholics, believe that “from the

¹ I will use the term “zygote” to refer to the early embryo. I avoid the controversial expression “pre-embryo.”

² Thomas A. Shannon and Allan B. Wolter, O.F.M., “Reflections on the Moral Status of the Pre-embryo” in *Contemporary Issues in Bioethics: A Catholic Perspective*, ed. James J. Walter and Thomas A. Shannon (Lanham MD: Rowman & Littlefield, 2005), pp. 67-90. This article was originally published in 1990, thus before *The Gospel of Life* (1995). For a more extended version of the argument, noteworthy in particular for close attention to recent scientific research, see Norman M. Ford, *When Did I Begin? Conception of the Human Individual in History, Philosophy and Science* (Cambridge UK: Cambridge Univ. Press, 1988).

moment of conception, the life of every human being is to be respected in an absolute way....”³ Pope John Paul II, in his encyclical *The Gospel of Life*, explicitly confirmed the moral doctrine of the absolute prohibition of abortion.⁴ The authors whose work I propose to review do not challenge this authoritative teaching. However, they are concerned with the question about “...when one might reasonably believe such absolute value could be present in a developing organism.” There are three distinct but related issues here: (1) Are there convincing reasons to support the thesis that the human zygote, as an individual human life, is a “person”? (2) Are there convincing arguments that the zygote, as a person, has “absolute value”? (3) Where it cannot be proved that the zygote is a person and thus, as such, has absolute value, are there prudential reasons, based on probability, for nonetheless treating the zygote as a person?⁵

In *The Gospel of Life*, the Pope recognized that the Church has not committed itself to a position as to when, after conception, a human person as such is present. His argument is that the probability that a human person is involved would justify an absolute prohibition of killing the human embryo.⁶ This article will not discuss the probability issue; it is complex and would require an extensive study in its own right. The discussion here will be limited to questions (1) and (2), as indicated above.⁷ The authors provide arguments to support the conclusion that

³ Shannon and Wolter, “Reflections,” p. 67. In *When Did I Begin?* Ford (p. xii) also accepts the latest teaching of the Catholic Church but examines the question in the light of recent scientific discoveries and the philosophical interpretation of those discoveries. In a more recent work, Ford explains that he does accept the authoritative teaching of John Paul II but still finds the argument that the zygote is an “ongoing human individual” unconvincing; see Norman M. Ford, *The Prenatal Person: Ethics from Conception to Birth* (Malden MA: Blackwell, 2002) pp. 64-65.

⁴ *The Gospel of Life* (Washington, D.C.: U.S. Conference of Catholic Bishops, 1995) §62.

⁵ This is the position of Ford, *The Prenatal Person*, p. 64.

⁶ *The Gospel of Life*, §60.

⁷ Shannon and Wolter, “Reflections,” 67.

before a certain stage the zygote cannot be a person, and on this basis they conclude that it does not have absolute value prior to that stage.

In developing their case, the authors have revived the theory of delayed animation and, on this basis, question the assumption that the human zygote in the very early stage of its existence is an individual human life. If the zygote is not an individual, it is argued further, then a human soul cannot be present. If the human soul is not present, then the zygote cannot be a “person.” Finally, if the zygote is not a person, then it is presumed that it does not have absolute value. This view obviously has important moral implications for the permissibility of abortion.

This article will propose that the case that has been presented is wanting on several counts. Essentially, the arguments presuppose a definition of the human person.⁸ It is important to note that this is what could be called an “ontological” definition; that is, it denotes the kind of being that the zygote is, or its essence. The proponents of the arguments that are under discussion here seem to presume that, if it is established that the zygote fits this definition, then it is a person and therefore has special moral value. Similarly, some who defend the absolute prohibition of abortion make the same assumption.⁹ But this step (from a determination of the ontological essence or nature of the zygote to a moral judgment that the zygote has absolute value and therefore ought to be protected and not harmed) is not self-evident. There is need for an argument to explain the move from a particular ontological definition of the being to a moral conclusion about how we ought to relate to that being. The authors do not supply such an explanation.

⁸ Shannon and Wolter (“Reflections,” p. 80) implicitly invoke such a definition by following the arguments of Bernard Häring and Norman Ford.

⁹ Benedict Ashley O.P., Jean Deblois, C.S.J., and Kevin O’Rourke, O.P. *Health Care Ethics: A Catholic Analysis*, 5th ed. (Washington, D.C.: Georgetown Univ. Press, 2005), p. 69. “Value” is not an “accidental” property; in this I agree with Ashley et al. against Dean Stretton. But neither is “value” a “substantial” property; it is precisely a “moral” qualification. To assert that something has value is the conclusion of a moral judgment about the way in which a moral subject ought to relate to that something or “substance,” a judgment made within a moral framework to which the one judging is committed. How a judgment about value is related to a judgment about “substance” or “ontological” judgment will be explained later in this article.

More importantly, even if it can be established that the zygote does not conform to this definition, it does not follow that the zygote does not have absolute value. There may be other, more adequate definitions of the human person, and other reasons why the zygote ought to be given such absolute value. If there are such reasons, and if arguments can be presented to establish that there are, then the zygote is to be judged morally to be the kind of being to which we ought to accord absolute respect. If this is so, then we could legitimately call the zygote a “person” in the moral sense. The distinction between “person” understood in an ontological sense and “person” in a moral sense is important. In this article, I will propose arguments why the zygote ought to be recognized as having absolute value and ought to be given absolute protection, arguments that do not depend on the zygote’s fulfilling an ontological definition of person such as that accepted *a priori* by the authors. In providing these arguments, I will also seek to explain how one can make a connection between a moral judgment as to how we ought to relate to the zygote and a judgment as to the essence of the zygote, as expressed in an ontological definition.

Since the arguments under review include a revival of the case for “mediate animation,” we can begin with a comment on this thesis. The theory of “mediate animation” holds that the human soul is not infused at the moment of conception, but at some later point in the process of development; the theory of “immediate animation,” on the other hand, says that the human soul is infused at the moment of conception. For centuries, Catholic theology accepted the first theory and it was only in the seventeenth century that the theory of immediate animation began to take hold. The official doctrine of the Church, however, has not formally rejected the former theory. In this article, I will be concerned not with the history but with the structure and validity of the arguments that are provided to support the theories.

In order to understand some of the problems involved in the case for “mediate animation,” we can examine an article supporting this position, one that is favorably noted by Shannon and Wolter.¹⁰ The argument is stated thus:

¹⁰ Shannon and Wolter, “Reflections,” p. 86.

Since the “substance” of the intellectual soul is truly, essentially and *per se* the substantial form of the human body, ...it is impossible for the human soul to contract that union with the body which, in accordance with the above definition, make body and soul one single nature, if this body does not possess a *human* organization, and, in particular, if it does not possess the human organs of the organic faculties, the operation of which are indispensable for the exercise of human reason.¹¹

The minor premise to the argument is that, in the period immediately after conception, there does not exist in the womb a body having such “organization.” Note what is presumed here. The soul is thought of as if it were a separate entity, with its own proper inner organization. It is then argued that, if the soul is to be united with the body, the body must have a corresponding degree of organization. But this is a rather dualistic image rather than an adequate philosophical account of the process; the soul is not a pre-existing entity or essence with its own organization that is then “infused” into a body that somehow has acquired the organization that would provide a “fit” for the organized soul. Is it envisioned that God works on the material element of the zygote until it reaches a certain degree of organization, then creates the soul, and then “infuses” the soul into the appropriately prepared matter? The soul is not a “substance” by itself; it is the body-soul composite that is the substance. The soul is the organization, or, if you will, the principle of organization of the body, and the human organization of the body comes with the soul. In saying that the soul is the principle of organization, I do not mean to equate the spiritual soul with the genetic information that controls development. But it is the genetic information in its controlling of the process of development that is the empirically observable manifestation of the presence of the activity of the soul. Lacking such information, the older theologians sought to find indications of the presence of the soul in the degree of observed complexity of the developing zygote and, on this basis, proposed various “moments” for the infusion of the soul.

Note also that it is simply presumed that what is “human” refers to that level of achieved, organic organization that corresponds to the

¹¹ Canon Henry de Dorlodot, “A Vindication of the Mediate Animation Theory,” in *Theology and Evolution*, ed. E. C. Messenger (Westminster MD: The Newman Press, 1949), p. 259.

presence of the organs required for reason. Even granted the “corresponding organization” theory, why could the complex degree of organization, such as we now know is already there in the early zygote not be recognized as appropriately human. This “organization” is such that it guides a process of development towards rationality. To demand that the zygote have the organs that capacitate it for reason before it can be recognized as human is to conceive humanity in terms of an abstract, timeless essence rather than as a process. In short, this argument requires that, since the soul is presumed to be highly organized, the corresponding body must also be highly organized. But it is then assumed that the level of bodily organization must be that which can support a capacity for reason. This is an assumption rather than a grounded argument.

However, the argument for a retrieval of the mediate animation theory is usually invoked, in contemporary arguments, not simply to establish the absence of “organization” of the matter of the zygote, but the absence of individuation.¹² The argument is that the zygote cannot be an “individual substance.” In order to make this case, those who present the argument invoke a definition of the person.

The definition is, of course, that of St. Thomas Aquinas, which he in turn had accepted from the philosopher Boethius: “A person is an individual substance of a rational nature.”¹³ I would argue that this is not an appropriate definition for the person in the context of the arguments that we are considering. The original definition of Boethius was constructed to deal with metaphysical questions within theological inquiries concerning the persons in the Trinity and concerning the sense in which Christ could be said to be a person. When St. Thomas invoked the definition,¹⁴ he was seeking to give a rational account of the mystery of three in one God,¹⁵ or rather to show that no contradiction was involved in the Catholic doctrine on this issue, which held that there are three persons but one divine nature. He adapted the definition of person

¹² Shannon and Wolter, “Reflections,” p. 75.

¹³ Ford, *When Did I Begin?*, p. 84.

¹⁴ *Summa Theologiae*, I, 29, 1.

¹⁵ *Summa Theologiae*, III, 16, 12, 2.

according to this interest by drawing on the philosophical resources available to him.

Moreover, this definition has been criticized by Professor Joseph Ratzinger, as he was then known. Ratzinger wrote that this definition was construed entirely in terms of the Greek idea of “substance.” He claimed that this idea could not provide an adequate explanation either in Christology or in the doctrine of the Trinity.¹⁶ He suggested that an adequate definition should be cast in terms, not of essence, but of existence. I would propose that the definition is not only inadequate for the theological purposes for which it was used but inappropriate for the moral questions with which we are concerned here. Even if we grant that it is relevant to the question of the status of the zygote, it provides, as has been said, only an “ontological” definition. It does not offer any explanation as to why a being, so defined, has a moral status for those who are involved with that being. The question of the moral status of the zygote is, precisely, a moral question, and a moral question arises when we consider a moral agent who is engaged by choice in a relationship with the zygote where the further choices that are available are to continue to give to that zygote what it needs to develop or to deny to it what it needs to develop. The question of the moral status of the zygote is not a question for the disinterested “scientific” observer, but for one who is personally involved in the life of that zygote. It is with this kind of question that the moral theologian must deal.

An adequate moral definition of the zygote must therefore include the relationship of the zygote to those who are concerned with it and indicate the grounds for that concern. It is in this context that the concept of “value” has its role. In the texts that are under review here, the concept of value is not elucidated, nor is it explained why value attaches to a being who has the qualities required by the ontological definition of a person. I would offer the following explanation. To say that the zygote has value is to say that it will attract an agent who is committed to being a giver of gifts to others. For one who has not made such a commitment, this attraction will not be perceived. The attraction is such that the agent

¹⁶ Joseph Ratzinger, *Dogma und Verkündigung* (Munich: Erich Wewel Verlag, 1973), p. 216.

experiences a “call” to enter into a relationship with that being, a relationship that entails fostering and protecting the zygote, or promoting its fulfilment and in so doing contributes to the fulfilment of that agent. Thus, a moral definition of the zygote must include reference to those relationships in which others value that zygote and indicate the grounds for such valuing. I propose to suggest a definition of the person that would include these features and so provide an account of the meaning of “value.”

When moral theologians analyze the substance or essence of the zygote, they introduce the moral issue by speaking of “value,”¹⁷ but they also consider the zygote in respect to its relationship to others, and they introduce the issue of “rights,” and in particular the right to life. My proposal is that we consider the zygote in regard to a more fundamental relationship, that of love. When the relationship of love has been explained, it will be possible to give a more adequate account of the basis of rights. The relationship of love is expressed in the receiving and giving of gifts. This suggestion draws, in part, on the philosophical reflections of Jean-Luc Marion.¹⁸

In a recent treatment of the question of the moral status of the embryo Lisa Sowle Cahill notes that the determination of that status has never been made within a “persuasive philosophical argument.”¹⁹ My contention is that this has not been achieved because those who present the case begin with an analysis of the empirical data and then interpret that data in terms of the kind of ontological definition of person that I have noted. I have sought to show that this kind of argument cannot work. Cahill argues that the connection between the facts and the moral status depends on the “worldview and value system” of the interpreter. This is indeed the case. Those who would present an argument must then state

¹⁷ Shannon and Wolter, “Reflections,” p. 67.

¹⁸ Jean-Luc Marion, *The Erotic Phenomenon*, trans. Stephen E. Lewis (Chicago IL: The Univ. of Chicago Press, 2003), p. 197. The author articulates the meaning of the child, “the third party,” as the manifestation of the love of the lovers, man and woman.

¹⁹ Lisa Sowle Cahill, *Theological Bioethics* (Washington, D.C.: Georgetown Univ. Press, 2005), p. 177.

and explain their worldview. In this article, I endeavor to clarify, if not a “worldview,” at least a moral framework within which the connection between the facts and a moral judgment can be explained. The same framework also makes it possible to give an account of the meaning of “value” and “value system, ” notions that are often left without any explanation.

The proposal is that the person should be defined as follows: a person is one who is capable of freely receiving gifts and of integrating those gifts, so as to become capable of freely giving gifts to others so that they, in turn, may freely receive them and become capable of freely giving to others. This definition implies a theory of agency, that is, an account of the self in relation to others and expresses that relationship in terms of the action of giving and receiving. This is how we can understand ourselves and also how we can understand the zygote as a person and our relationship to the zygote. The agent, that is, the one who is in a relationship of concern with the zygote, understands herself or himself as a receiver and giver of gifts, and makes a fundamental choice to be such a one; that is what it means to be a moral person. The agent may then inquire as to the status of the other, in this case, the zygote. An agent who accepts the interpretation that I have proposed, would recognize the zygote as a receiver and giver of gifts. He then grasps that the giving of gifts to this other is a good for that other; since it is a good for the other, the giving of the gift is a good also for himself, since it is in giving such gifts to the other that she herself is fulfilled. In this sense, the agent becomes a moral self through the “gift” of the other, who, in opening up the possibility of gift-giving, opens the way for that giving in which the agent finds her or his fulfilment. On the other hand, to refuse to give gifts to that other is to deny one’s own moral self, one’s own moral personhood. Thus, to affirm that the zygote is a person, in the moral sense, means to recognize that zygote as engendering and requiring a giving response from oneself as a moral person and, with that, excluding a response in the form of harming or killing the zygote.

In view of such a definition we can interpret the meaning of value: to say that the zygote has value means that it has the capacity to receive and give gifts and that this capacity, when recognized, attracts us to the giving of such gifts. To affirm that the zygote has absolute value is to assert that there is no other competing source of value that could cancel

the attractive capacity of the zygote and the responsibilities that arise from that capacity, and that could justify our refusing to give that zygote the gifts that it needs. In brief, this would mean that there are no other “values” that would outweigh the value of the zygote and so, arguably, justify killing that zygote.

Likewise, it is in terms of such a definition that we can give an account of the “rights” of the zygote. The basic argument is founded on love expressed in the receiving and giving of gifts. Rights are founded on the logic of giving and receiving. If I am to give a gift to another, I ought ensure that what I propose to give is mine to give. Similarly, if I give gifts to another, the same logic of giving requires that I ensure that the other has secure possession of the gift, so that she or he may enjoy it.²⁰ Because we give in love to another, we ought to construct and recognize the rights in justice of that other. Again, were we to refuse to do so, were we to violate the rights of the zygote to continue to be a receiver and a giver, we would contradict the meaning of love and the giving of gifts that expresses love. Further, in so doing we would contradict our own moral personhood, which is rooted in the free giving of gifts. But to deny ourselves as givers is to reject the gift that we have received that made us capable of giving to others. Ultimately, this would mean to reject the gift of God that enabled us to be givers to others. This is the radical meaning of sin.

After we have established the fundamental moral framework as that of the giving and receiving of gifts and have established the moral definition of the person as a giver and receiver of gifts as well as recognized our moral selves as givers and receivers of gifts and freely chosen to be such, we then ask an “ontological” question. The question is: is the zygote (ontologically) such that it can receive gifts so as to integrate those gifts and so develop towards becoming one who can both receive and give gifts. It is important to note that it is only when we have clarified the moral framework within which we are dealing with the issues that we can meaningfully interpret the moral significance of the questions related to “facts.” What we need to find out is whether the zygote is so constituted that it can receive and give gifts. I would argue that there is ample

²⁰ St. Thomas Aquinas, *Summa Theologiae*, I, 38, 1. A brief sketch of the philosophy of gift.

evidence that the zygote can receive, and there is also evidence that it can give; for proof we need only to ask mothers. The details of this argument would, of course, need to be developed in more detail, but for the purposes of this article the outline provided may be considered adequate.

Since this point is a crucial element of the case that I am arguing, some further remarks are required, even at the risk of some repetition. The arguments that are proposed by Shannon, Wolter, and Ford begin with an analysis of the ontological status of the zygote. It is then presumed that if the zygote has the particular ontological status required (that specified by the definition), then it has value, and indeed absolute value; if it does not have that particular ontological status, then it is presumed that it does not have absolute value. My basic critique of the arguments is that they provide no reasoned support for these conclusions.

If we begin by clarifying the moral framework, as explained, we can then meaningfully interpret the moral significance of the facts: in the first place, the fact that the zygote can give and receive. This line of argument can be illustrated by a particular example. It is reported that the zygote itself does not have all the information that it needs for development; it requires further supplementary genetic information.²¹ Within the framework of receiving and giving, this would be interpreted to mean that the zygote has the capacity to receive the information that it needs, that is, to receive the “gifts” that it needs in order to develop further. The fact that it needs to be given more information than it has at a certain moment does not disqualify it from being a person in the moral sense as described above. It is because it can receive gifts and needs to do so in order to develop that it is recognized by the moral agent as a person in the moral sense.

At this point in the argument, the question of the individuality of the zygote needs to be faced. It will be recalled that, according to the standard argument, if the zygote is not an “ontological” individual, then it cannot be en-souled and, lacking a soul, cannot be a person. However, in this article we are dealing with a person primarily in the moral sense, and this provides us with a different way of dealing with the issue.

²¹ Shannon and Wolter, “Reflections,” p. 71.

The moral definition of the person that has been proposed includes relationships to others; these relationships are those entailed in the giving of gifts to that person. The “oneness” that is relevant here is not the abstract ontological oneness of the standard definition but the oneness of a receiver of gifts: “one” who can receive gifts, integrate those gifts, and develop accordingly. This oneness is not identical, either in concept or in reality, with that required by an ontological definition, that is one concerned with being, essence and substance. Rather, the relevant oneness is that proper to the moral relationship between receiver and giver. Within this relationship, the oneness is to be found in the act of giving and the act of receiving, which together form one relationship in action. There cannot be a giving without a receiving, nor a receiving without a giving. Thus, even if, for the sake of argument, we were to accept that the zygote were (ontologically) a group of loosely related cells, when that group could receive those gifts that would enable it to become more united within a process developing towards a person in the full, ontological sense, then there is one relationship and one act, which is at once an act of giving and an act of receiving. There is one object of the act, on the part of the giver, namely, the giving of gifts to this receiver, gifts that the receiver can receive and integrate. Similarly, there is one, unified, intention on the part of the giver, namely, to give these gifts to this receiver. Further, since the giving of gifts is an act of love, that intention is guided and moved by love for this receiver. It is precisely love rather than an ontological analysis fixed on being that “sees” the zygote as one who is to receive and give. It is by love for the zygote that the zygote is recognized for what it is: a person, that is, one who can receive and give gifts.²² What or who is loved is not an abstract essence as defined in a definition, but what can receive what it needs so as to be capable of developing in a process through time.

There is a difficulty, of course, with the element of “freedom.” We can say that the zygote receives and gives gifts, but how can we say that it does so freely? Here, we need to reflect on the meaning of time in

²² Marion, *The Erotic Phenomenon*, p. 221. Marion argues that the way to know the “other,” that is, God is the way of love rather than a metaphysics of being or ontology. I am suggesting that the way we know the other human “person” is likewise not through a metaphysics operating with an ontological definition of essence, but through love that grasps the other as a one to whom we ought to give.

reference to the moral meaning of the zygote. We can begin, again, with the moral framework of the giving and receiving of gifts. The moral agent, that is, the one concerned with the zygote, understands herself and chooses to be a giver and receiver of gifts. Giving gifts requires time; indeed, we could think of time as the measure of the process of giving and receiving. We then ask the ontological question: is the zygote the kind of being that receives and gives through time, and so develops towards becoming the kind of being who freely receives and gives? The answer to this question has to be positive. Given these parameters, time must be accepted as a constitutive element in our understanding of the zygote as a moral person. We may not, then, make a judgment about the status of the zygote by artificially abstracting the zygote from time. This would be to impose on our analysis of the condition of the zygote an image of time as a series of quantitatively distinct “moments,” and then to base our judgment of the zygote on the qualities that we claim to find within the artificially circumscribed boundaries of a particular “moment.” I may not make a moral judgment about you by isolating your situation, let us say, at 5.30 p.m. on Saturday, from what you do during the rest of your life; similarly I may not make an adequate judgment about the status of the zygote by isolating it from on-going continuum of time and assessing its attributes at one abstract moment. I can understand the significance of the zygote only within the time in which it receives and gives in relation to others in a continuum: it is the continuing process of receiving and giving that makes sense of and gives meaning to the time. If we attempt to subsume the moral meaning of the zygote within a quantitative “moment” of time, we are arbitrarily excluding other features of that meaning, and in particular, the ongoing process of its development. The moral meaning of an act that destroys the zygote is not exhausted by an assessment of the qualities and attributes of the zygote at the moment of its destruction; the moral meaning of the act is determined by the whole temporal process in which that zygote is engaged and which would lead, were it not for a destructive act, to its becoming a person in the full “ontological” sense, that is one who can freely give and receive gifts. To terminate the development of the fetus is to take from it the capacity to receive and integrate what would enable it to develop so as to become capable of receiving the ultimate gift of freedom.

At this point, we can reconsider the issue of the “creation” of the soul by God. The proponents of some form of “mediate” animation, according to which the soul is “infused” at some moment later than conception, find themselves compelled to use strange concepts. Dorlodot, for example, writes that the soul “contracts” the union with the body.²³ Ford writes that “...the immaterial soul is created within the zygote to complete the formation of the person...”²⁴ This kind of language is, to say the least, problematic. How can the soul “contract” a union with the body? The soul is not an entity that pre-exists its union with the body. How can an immaterial soul be created “within” the material boundaries of the zygote? When one attempts to begin with an ontological account of the zygote and its “ensoulment,” these are the kind of acutely difficult problems that arise.

On the other hand, when we approach the issue from within the moral framework described here, it is possible to make some sense of what is involved. When a believer relates to a zygote recognized as a receiver and giver of gifts, she or he sees in that zygote the totally gratuitous gift of life from God the creator, a gift that establishes a unique relationship to the ultimate giver. Thus, the believer will interpret her or his relationships to the zygote as a participation in the giving of the ultimate giver, who is God. It is God the giver who gives life to the zygote, and the divine giving is manifest in the zygote. The giving of gifts, especially nourishment and protection, to the zygote is thus seen by the believer as a participation in the divine giving; seen in this way, the giving becomes profoundly attractive for the believer. Giving gifts takes on the attraction of the ultimate giver, the ultimate good, God. This attraction to giving gifts, which is recognized as appealing to the moral self of the potential giver who has chosen to be the kind of self who gives to others, is the ultimate source of responsibility for the zygote and for our obligations to it.

There is, finally, the particular problem of the possibility of the zygote dividing into twins, which is a basic argument on the part of those

²³ Dorlodot, “A Vindication,” p. 259.

²⁴ Ford, *The Prenatal Person*, p. 64.

who deny that the zygote is an individual substance.²⁵ An adequate response would require another paper and a brief indication only is possible here. As I have argued earlier, the framework within which we are to deal with the question is a moral framework and thus the concept of “person” denotes one to whom we ought give gifts and one from whom we ought not take gifts, and in particular, the gift of life.

As I have argued, the oneness in this framework is not identical with the “individuality” of the “ontological” definition; it is a oneness that is specified by the oneness of the relationship between giver and receiver, a relationship that is made concrete in the one combined act of the giving of the giver and the receiving of the receiver. It is a unity in relationship and action, not an indivisibility of substance, that is morally relevant. The cells that comprise the zygote are associated in some way, at least; they are not a mere discontinuous collection or heap. Thus an act directed to the destruction of that zygote has the moral meaning of the negation of the relationship of giving and receiving between the zygote and the one who chooses to engage in that destructive act. The agent who chooses such an act rejects a relationship of giving to the zygote and, in so doing, rejects his or her moral self, a self that is defined by giving. The zygote, the potential receiver of gifts is denied the gifts that ought to be given to it, and this holds even if the zygote is not yet a “person” in the ontological sense as defined by the authors whose work is under review.

We need to keep clearly in mind that the moral issue arises when we confront a zygote and consider whether that zygote may be destroyed or not. The really important question arises in this situation, and it is in such a context that we must begin our inquiries. In such a situation, the agent who is involved with the zygote does not know whether a particular zygote will divide into twins or not. All we know is that a particular zygote belongs to a class of beings of which a certain percentage divide in this way. This statistic gives us no morally relevant knowledge about this particular zygote. If the zygote is so constituted that it can divide into twins and if I could know this, the moral meaning of my act would be the destruction of two persons (in the moral sense); if the zygote is such that it will not divide and if I know this, then the meaning of my act would be

²⁵ Shannon and Wolter, “Reflections,” p. 74; Ford, *When Did I Begin?*, p. 116.

the destruction of one person, in the moral sense. But if I so act as to destroy that zygote, the moral meaning of my act is clearly the destruction of a person, in the moral sense, whether, outside my capacity to know, I am dealing with a zygote that will divide or with one that will not divide.

In the first place, I have argued that to acknowledge the person as one who ought to be protected and not killed, it is not necessary that the person be recognizable as a “substance” in the ontological sense. Provided that I can say that “this” is capable of receiving and giving over time so as to develop into a free receiver and giver, I ought not take from “this” the gift of life that makes that development possible. Finally, it is not the absence of division that ultimately constitutes “thisness” or particularity: it is relatedness. It is not reason guided by the notion of ontological substance that can recognize “this” being as “this,” but reason guided by love. The question that should be asked of someone contemplating either performing or submitting to an abortion is: can you love this zygote? It is remarkable that in the many articles that have been written on the moral status of the zygote, this word rarely, if ever, appears. Yet, within the framework of receiving and giving, where the zygote is the embodiment of the gift of life from the divine giver who gives in love, it would seem that this should be the first question.

The objection could be made that my argument establishes only that the *process* through which the zygote comes into being ought not be interrupted. Deliberately to interpret the process would be equivalent to contraception, an action that is morally wrong but that does not have the moral wrongness of abortion properly so called. In response to this, I would argue that we need to situate the question, again, within the moral framework of the receiving and giving of gifts. Only within this framework can we meaningfully interpret the “facts.” If I inquire of the zygote, can this receive “gifts” and integrate them so as to become capable of further development of the capacity to give, then the answer would be yes. The zygote can receive and integrate “gifts” so as to develop according to the genetic program of the zygote. Can a sperm or an ovum receive gifts in this sense? I would argue that the answer would be no. The ovum could be said to receive the “gift” of the sperm, but we would not say that the ovum is thus enabled to develop as an ovum. Nor would we say that the sperm is enabled to develop as a sperm. It is the new entity, the zygote, formed by the uniting of ovum and sperm, that develops. It is only when

the ovum and the sperm unite to form something else that this something else, the zygote, can receive. Thus, within the moral framework of giving and receiving, it is morally wrong to deny to the zygote the gifts that it needs to develop and morally wrong to take from the zygote the gift of life that it has received. But it is not morally required that every ovum receive the “gift” of sperm, nor that every sperm receive the “gift” of an ovum. Thus, my argument does not eliminate the moral difference between contraception and abortion.

In conclusion, I offer this summary of the central point of the argument. It is not helpful to begin with an ontological definition of the person and then to inquire whether or not the zygote fulfills the requirements of this definition. Even if the zygote does not fulfill these requirements, this does not prove that it does not have absolute value. There may be other reasons why we ought to recognize the absolute value of the zygote. I have suggested what these reasons could be. But to understand these reasons and the argument that is based on them, we need to reverse the order of the argument so that we will not be attempting to proceed from the ontological to the moral, but beginning with the moral, and in particular with the moral framework of the giving and receiving of gifts. Within this framework, we can then move to the question of “fact” or the ontological question, namely, is the zygote the kind of being that can receive and give gifts? If the answer is affirmative, and I have argued that it is so, then we must conclude that the zygote is a person in the moral sense. That means that it is judged to be one who ought to be protected and not killed.

