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# A Critical Note

Nicholas Tonti-Filippini

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## 1. Establishing Ontological Individuality

In his recent book, *When did I begin? Conception of the human individual in history, philosophy and science*, Cambridge University Press, Father Norman Ford argues that human ontological individuality could not be achieved at fertilization and that a human person begins about two weeks later, "when a living individual human body is actually formed with the active potential to develop further without change in ontological identity". In this critical note, I argue that Father Ford has, in fact, demanded more of the early embryo than he would of an adult human individual. In other words, logically his exclusion of the early embryo would also exclude a normal adult human individual. I argue that twinning no more affects the ontological identity of the early embryo than does the possibility of my being cloned or of my becoming a parent affect my identity. Further, logically he must also hold that amoeba, trees and any other organisms which reproduce asexually cannot be held to be ontological identities persisting through time and space as the same individuals.

The crux of Father Ford's argument is the matter of defining ontological individuality and applying that definition to the embryological evidence and the theories based upon it. Principally, he claims that it is impossible for ontological individuality and, hence, personhood to have been achieved until after the stage is reached at which identical twinning is no longer possible. Identical twinning is the process in which the cluster of cells which constitute the early embryo are thought to divide to form two individuals. Identical twins share the same genetic inheritance and hence are not genetically unique.

The book begins with a discussion of the method to be used, then follows with a section on the historical influences focusing on Aristotle, Aquinas and Catholic teaching. The historical section seems to have been

included in order to show that the author's support for a theory of delayed animation is consistent with an older Catholic tradition founded upon Aristotelian understanding of reproduction and an erroneous embryology. The author's point would seem to be to show the influence of biology on the philosophical principles in order to prepare the ground for asserting that a close examination of recent embryological conclusions would tend, once again, to move the philosophical principles toward a concept of delayed animation.

In chapter three, from a discussion of criteria for being a human individual, the first part of the author's thesis emerges, that answering the question "When did I begin?" It is a matter of determining "when a distinct living individual is first formed that has the natural active potential to begin the continuous process of developing itself into an adult human individual while retaining throughout its own ontological identity as a living individual". (p. 100) The following sections then examine successive stages of the early development of a human embryo in order to determine the earliest stage at which ontological individuality is achieved.

Father Ford distinguishes between "a personalist understanding of the human individual" and "a metaphysical understanding of the human individual". He explains a personalist understanding in terms of that which we, ordinary persons, understand through our experience of ourselves—unique in the sense of being distinct from other persons and things, social by nature, we are ourselves distinct from having those things that are not part of ourselves, we have and are a body at the same time, we are moral agents, and we are the subject of conscious states and experiences.

He asserts that, as well as understanding what it is to subjectively experience being a human individual, we must also consider human individuality from an objective point of view which he refers to as a metaphysical understanding. In this context, he seeks to give an account of the essential unity of ourselves which we experience as personal subjects. Here Father Ford appeals to the Aristotelian hylomorphic theory of matter and form of which he had previously given an account. He argues that the soul or life principle is the form of the body, thus matter and soul

are principles of being, not things themselves that exist separately prior to the coming into existence of the human individual. (p. 73)

In fact, the human individual exists by virtue of the matter and soul related to each other as potency and actuality within the unity of a single being or entity. This hylomorphic account of the constitution of the human individual adequately explains the dual polarity of the human person as the subject of activities and predicates that are predominantly corporeal or non-corporeal. The soul is one with the body, forming, determining, actuating and organizing the matter to be a human body, including all its tissues, organs, limbs and sexuality. The body is the subject of all our conscious activities and shares in the unique sense of dignity and value of the human being in every way. This represents a metaphysical explanation of the human nature of each person, where soul and matter constitute a single ontological individual (p. 73)

... a non-material life-principle or soul is required in a human being to function as an ordinary form to account for the psychosomatic unity of the one subject of all

human activities. It is no surprise to find the human individual referred to as 'an incarnated spirit', 'an embodied soul' or 'an animated body'. (p. 75)

Father Ford argues for the continuity of that unity through time from infancy to adulthood, through sleeping and waking states and so on; as such we recognize the existence of an identity which is not capable of experiencing self-conscious, rational and free acts in addition to performing nutritive and physiological functions and other bodily activities. He asserts that the growth of one individual into another: "the same ontological reality, the same identical being continues in existence throughout growth." (p. 78)

*... It is understood that the infant has inherent natural active capacity to develop to the stage of being able to exercise self-conscious and rational acts while retaining the same ontological identity as a human individual. We can simply and truly sum things up by saying that a person is a living individual with a truly human nature, i.e. a human individual, a human being. An infant is a person already because its nature enables it to develop to the age of reason without loss of ontological identity. (p. 77)*

Father Ford then extends this claim to include the unborn — provided that an ontological identity has been established in the first place.

### **Nominalist Style**

Throughout his discussion of human identity, the author's style tends to be nominalist, doing little more than stating positions, indicating those with which he is in agreement and providing little argument for the positions held. There is a marked lack of discussion of the more recent analyses of identity theory. To some extent this would explain the author's myopia when it comes to considering the possibility of identity persisting in an individual who has been replicated. As we shall see, the author's thesis eventually emerges as the claim that the same ontological identity cannot persist if the individual is capable of replication.

Beginning his section on criteria for the presence of a human individual, Father Ford defines the human person in the following way:

We can say the human person is a living individual with a human nature, i.e., a living ontological individual that has within itself the active capacity to maintain, or, at least to begin, the process of the human life-cycle without loss of identity. . . . In other words, a human person begins as a living individual with the inherent active potential to develop towards human adulthood without ceasing to be the same ontological individual. (p. 85)

At this point Father Ford's account is not greatly different from the account given by St. Vincent's Bioethics Centre in its various submissions on the issue of embryo experimentation:

... there are concrete individual living beings as well as life in general, and that each of these has a definite beginning at a more or less identifiable time, when there occurs a notable event that sets this organized unity on its way of development.

Now, when this event has taken place and a new centrally organized unity has been established, quite distinct from the organization of the preceding sperm or egg or mother cell [in the case of asexual reproduction], the genetic code of this new individual has been determined and a whole set of very remarkable capacities has been established. Allowing for the normal availability of nourishment and a non-hostile environment, that progenitor cell already has the capacity for directing its own development in such a way that a brain is developed suitable for all those activities which we saw to be characteristic of human beings, the activities that persons can perform. The capacities for those activities already exist in the genetic material of the progenitor cell.<sup>1</sup>

A crucial aspect of Father Ford's account, however, is that which he means by "the same ontological individual". Given the argument which he develops concerning twinning, it is worth pursuing an answer to the question: What, on Father Ford's account, is required for a human life to remain the same ontological individual from one stage to another?

He answers the question in part in the following way.

There cannot be a human person present if the conditions required for the presence of an ontological individual cannot be satisfied. Individuation appears to be a basic criterion. (p. 85)

Father Ford discusses the concept of an ontological individual and his conclusions might be summarized thus: An ontological individual is undivided in itself and distinct from others, one subject of existence, one whole being spread out in space, whose parts share in the existence of the whole individual but do not have a separate existence unless split from the whole, having its own specific heterogeneous structure and retaining its identity through time. (pp. 86-91)

### **Concept of *Living* Ontological Individual**

Developing, then, the concept of a *living* ontological individual, Father Ford asserts the following, and it would be well to note what he says carefully here for it is very significant in relation to his conclusions, and can, I will argue, be shown to contradict his conclusion. (Please excuse the length of the excerpt, but it is an important passage to which I will be making extensive reference.)

The same individual that begins life goes through its life-cycle. This involves individual, considerable changes in the quantity of the matter possessed by each individual at various stages of life. One's identity as a living ontological individual remains unchanged whenever one gains or loses weight. The same is true if one loses one or more limbs. One keeps one's own identity throughout several successful organ transplants. What is needed to remain the same ontological individual is to stay alive, sustained by the functioning of one's vital organs all the time. It is the form that actuates the matter to make it be a living individual of a specific species. (Remember the soul acts as the form for the human individual.) The cells of one's body could be totally renewed over a period of six years without loss of one's individual ontological identity. As this gradually takes place, the new matter is integrated into the one existing living individual.

It is the individual as a whole that exists primarily, not the single cells. The cells and organs share in the life and existence of the whole individual. They do not

exist separately or at least as distinct individuals themselves. (Exceptions do exist where some distinct individuals live within another living individual, e.g. sperm, ova, bacteria, viruses, the fetus in the mother's womb, the mother's protective white cells passed to the baby's gut during breast feeding.) The one living individual continues in existence throughout all the changes of its self-development and growth. Matter from outside the organism can be taken in and assimilated by the process of nutrition to become one with the same living ontological individual. Inorganic individuals cannot do this and lose their ontological identity if their atomic composition is altered, as we have seen already in the case of atoms and molecules. It is clear that the living organism assimilates from within to grow as the same ontological individual. A living individual, however, should be understood analogously as eminently dynamic, fluid, and developmental, compared to its rigid inorganic counterpart." (pp. 93-4)

### **3. Ontological Individuality, Twinning and Reproducing**

#### **3.1 Fr. Ford's Summary Case for Fertilization**

I have little difficulty with the above explanation of the ontological identity of a living organism. At the same time I fail to see why an early human embryo does not fit this description. It seems that all that is said here applies to an embryo as soon as its capacities are established by the union of sperm and ovum. To quote Father Ford again:

Once fertilization has taken place the human sperm and egg cease to exist as distinct entities. A genetically human, new living individual cell is formed, a zygote, that has the proximate potential to develop to a mature human person with the same genetic constitution. (p. 97)

In this, he is in agreement with the Senate Select Committee on Human Embryo Experimentation, which concluded that the embryo is a "genetically new human life organised as a distinct entity oriented towards further development".<sup>2</sup>

Father Ford puts the case for holding that human ontological individuality begins at fertilization.

The unicellular zygote, with its specific heterogeneous quantitative parts characteristically arranged, seems to have the minimum mass of living matter required for the constitution of an ontological individual with a truly human nature. It is thought to be a human individual because it is assumed to have the natural capacity to develop to human adulthood without loss of its ontological individuality. In short, it is argued that from the completion of fertilization (syngamy) we have a human being or person with potential, not a potential human person. It would appear the criteria for being a human individual established in the previous chapter point to this conclusion beyond reasonable doubt. The adult, then, would be the same personal being as the zygote from which it develops through cell multiplication, differentiation and growth. (p. 111)

#### **3.2 The Case Against Fertilization**

##### **3.2.1 Genetic and Ontological Individuality**

In his case against this position, however, Father Ford cautions against

confusing genetic individuality and ontological individuality.

The genetic code in the zygote does not suffice to constitute or define a human individual in an ontological sense. Identical twins have the same genetic code but are distinct ontological individuals. (p. 117)

Immediately following this point, Father Ford makes a curious aside in relation to chorionic biopsy, saying that the extra-embryonic membrane tissue of the chorion has a genetic constitution which is identical to that of the fetus, but that one could scarcely argue that the subject of the biopsy was the human individual rather than the chorionic tissue that has no nerves.

### **Seemingly Extraordinary**

This seems to be an extraordinary observation. Nowhere has Father Ford shown that the parts of an individual must be connected by or have nerves. He does not at any stage explain concepts such as integration and organization by which the point might be shown to be relevant. In any case, there would seem to be no reason for holding that the chorion is not a part of the embryo, a part which will eventually be discarded in the same way that one discards milk teeth, hair, etc. In fact Father Ford has already covered this possibility in the long section quoted above when he referred to loss of weight, loss of limbs, organ transplants, renewal of cells, etc. It is the form which actuates matter that is significant, the individual as a whole, not individual cells or organs.

From the scientific conclusion that the embryonic genome is only switched on at a stage after the stage of the formation of the first cell, Father Ford argues to the conclusion that

... despite the zygote's genetic identity with the future adult, despite the fact that it is itself a living ontological individual, it should only be regarded as a potential human individual, not an actual human individual in an ontological sense. Unless the blueprint of the DNA in the zygote's genotype is activated, it is practically a 'dead letter' and could not be considered a true human individual even if it does produce genetically identical progeny up to the two-or four-cell stage before degenerating.

The issue which Father Ford would seem to have failed to address is that the switching-on of the embryonic genome occurs from within the zygote itself. That is to say, the zygote at the first cell stage does not require some external event to switch it on, so to speak, but already contains its own programming, such that it directs its own activity and eventual replication and differentiation in its growth toward human adulthood, provided it is given a favorable environment.

Father Ford's seemingly valid distinction between genetic and ontological individuality establishes nothing other than the obvious conclusion that genetic uniqueness or individuality is neither sufficient nor necessary to establish ontological individuality. The issue of the switching of the embryonic genome would seem to be irrelevant to the main argument.



### 3.2.2 Identical Twinning in the Zygote

Whatever the cause of monozygotic twinning [whether from external causes or from some inherent capacity] in the zygote at the two-cell stage, the fact that it cleaves into two individual blastomeres that may develop separately as identical twins does not mean the zygote itself is not a true ontological individual. We know it is a living ontological individual. But once it divides mitotically into two separate twin daughter blastomeres, it apparently ceases to exist and loses its ontological individuality to give rise to two new genetically identical, but distinct living ontological individuals within the zona pellucida. This contains, protects and holds them together during their early development. The continuity of the same ontological individual ceases when the zygote forms twins. The zygote is not the same ontological individual as either one of the eventual twins that result from its development, notwithstanding its genetic identity continuing throughout all its subsequent cleavages. (p. 119)

Father Ford applies this logic not only to zygotes which do in fact form an identical twin, but to all zygotes "insofar as they all have the natural active potential to form identical twins that may develop into adults, given suitable conditions". (p. 120) That a zygote is capable of forming a twin does not in itself establish a discontinuity between the zygote prior to the stage at which twinning is no longer possible and after that stage has been reached.

While it may be the case that an amoeba, which reproduces itself asexually by division, dies or otherwise ceases to exist as the same ontological individual at the moment that it is replicated and instead becomes two new and distinct ontological individuals, this is not the normal way in which human beings are produced. Identical twinning occurs only in a small percentage of cases. One can either hold that in identical twinning the original individual dies and two new individuals come into existence, or that the one individual remains throughout, but that a new individual is reproduced in the same way that a tree may be replicated by taking a cutting.<sup>3</sup> In either case, the explanation does not establish a discontinuity in an individual who was never twinned and who has persisted as the same individual from the earliest stage at which he or she was a zygote. The latter describes the majority of human individuals. For the majority of human individuals, the answer to the question "When Did I Begin?" is not "when I lost the ability to form an identical twin". That I might have formed identical twins (but did not) and in the process have ceased to exist, does not alter the case that as an individual who was not twinned, I began as a possibly twinnable but nevertheless individual zygote.

Further, that it may be possible for an individual to be reproduced asexually does not mean that that individual is not an individual persisting through time and space as the same living individual. It is not beyond the stretches of imagination to consider the possibility that some diligent scientist may discover a means of human cloning. There are several possibilities for this. One way in which this might be achieved would be for the scientist to replace the genetic material in an embryo with the genetic



material from an ordinary somatic cell and the transfer of the clone to a woman's uterus where it would develop as the biological replica of the individual whose genetic material was used.

### **Additional Alternative**

A second alternative would be to find some means of adding to an ordinary somatic cell that which would be required to make it behave as an embryonic cell. Thus it may be possible for a scientist to take an ordinary somatic cell and by reversing the effects of differentiation, etc., restore totipotency. In that way, one might be able to reproduce asexually.

A third alternative and one which is a little far-fetched but nonetheless discussed by philosophers considering identity theory, is that of creating an exact replica of every cell in a human body by means of an extraordinary advanced form of computer which is able both to scan every cell and then replicate it from the raw materials, and to do all this in an instant!

In each of these cases of cloning, the original identity suffers no significant change. In the first and second cases a single cell is lost. In the third case, there is no direct effect on the individual. The ontological identity of the individual would seem to be unchanged by the individual having been replicated. There seems to be no reason for holding that an ontological identity cannot persist in spite of the individual forming a replica.

Father Ford raises the concern that if one holds that a zygote's ontological identity persists in one of the identical twins formed, that an insoluble problem is created in determining which was the original zygote. There would be a problem of identical indiscernibles. (p. 122)

The latter is, however, no help to his argument. That we are not able to *discern* which was the original and which its identical twin, does not mean that therefore neither *is* the original. Further, it may well prove to be the case that the twin embryos retain a memory, so to speak, or record of replication, such that the original carries data relating to its having been replicated and then losing the replicated cell(s), or alternatively, that the first cell of the identical twin carries the data of not having arisen from the fusing of two gametes, but rather from the replication of an already completed progenitor cell. One needs to bear in mind that there is much more to a cell than just the genetic material in the nucleus and that the simple explanation of twinning merely in terms of the replication and division of the cells ignores all the complex processes which must occur within the various membranes and the organelles of the cells for both life to continue and twinning to occur.

Recall Father Ford's analysis (in the long passage above) of a living ontological individual in which he asserted that the same individual persists through changes in quantity of matter, loss of limbs, organs, cells, etc. Is this not all that happens to the original cell which develops an identical twin? Is it not the case that all that has happened to it is that it has been replicated and a cell or quantity of replicated cells has become

separated to form a new individual?

As an implication of Father Ford's account, one would be led to conclude that any individual who has the capacity to reproduce asexually is not one individual but potentially many individuals. For his twinning argument to succeed, he must maintain a metaphysical distinction between asexual reproduction and that which normally occurs in humans, namely sexual reproduction, and he must maintain the impossibility of asexual human reproduction through some form of cloning. The day that a scientist demonstrates that he could clone Father Ford will be the day that Father Ford ceases to be an individual on his account, for potentially he would be many individuals.

A point of great interest would be to discover just how Father Ford would account for the continuity of ontological identity through the process of sexual parenting.

He mentions this issue briefly, partly accounting for it in the following way.

We could also recall the example of a human person producing individual live sperm or ova. In these instances there would be one live individual retaining its ontological individuality while it gives origin to another live individual (plant, sperm or ovum). Hence in theory, it would appear that a zygote could retain its individuality and personal identity when cleaving to produce another human individual identical to itself. Put this way, it would appear that, theoretically, identical twinning itself need not necessarily be incompatible with the zygote being a human individual from the completion of fertilization.

However, human individuals do not resemble plants in this respect. It seems that the analogy used to avoid the dilemma does not apply. The case of an amoeba or a bacterial cell becoming two by fission would be the appropriate analogy to apply in the case of identical twinning in human zygotes. (p. 121)

Why does this amoeba analogy not apply to the case of producing human sperm also? Why does he not attempt to establish a metaphysical distinction between human sperm or ova production and the reproduction of an amoeba from a parent amoeba? In both cases is the ontological identity of the parent not maintained?

There is nothing in Father Ford's argument to show why it is that in producing sperm and ovum (both ontological individuals on his account) and subsequently a new individual through the fusion of the two, a normal human couple do not also lose their identity in their two identities eventually becoming three. Father Ford simply provides no argument for showing that twinning necessarily involves the loss of identity of the individual who continues development from the original cell. Further, he provides no argument to show that the problem he has with identity in the twinning case does not also apply to every form of reproduction of an individual.

In no way has he refuted the passage he quotes from the evidence submitted to the Australian Senate Select Committee on Human Embryo Experimentation by Rev. Tom Daly, S. J.

There is nothing philosophically troublesome about one organized whole developing within it another circle of organization which eventually breaks off from it while the original individual retains its identity. One living thing has given rise to another and this can happen in a wide variety of ways, most of which are quite familiar, though so many writers on the embryo assume that this would destroy all previous individuality. The twinning that they see as an insuperable obstacle to previous establishment of identity is no more difficult to explain than is the vegetative propagation of a plant by removing a bulb, or by taking a cutting. An amoeba is no less of a real concrete individual thing if later on it reproduces and initiates a new amoeba by fission. Indeed the same applies for sexual reproduction. If we were to take seriously the line of argument of Diamond, Edwards and the like, we would have to deny that a man or a woman had ever been an individual once we found that he or she had produced a child. (p. 113)

### 3.2.3 The Potency of the Zygote

Father Ford's third argument against fertilization being the beginning of the life of a human individual would seem to depend on the fact that the zygote is not differentiated and that as well as being able to twin, it also has the potential to develop extraembryonic tissues.

The zygote has the potential both to produce cells that will form extraembryonic structures that are not strictly constitutive parts of the future definitive embryo proper and fetus and other cells that will only form structures of the definitive embryo proper and fetus. Prior to this differentiation all the cells can give rise to both embryonic and extraembryonic structures. It is this indeterminate state of the zygote both in relation to the differentiation required for the formation of the definitive embryo proper and the number of definitive embryos to be formed that suggests the zygote itself is only potentially a human individual, but not yet an actual human individual. (p. 124)

The fact that the zygote forms the so-called "extraembryonic structures" as well as the so-called "embryo proper" seems in no way to diminish its individuality. Those structures and their eventual separateness from the embryo itself are no more of a problem to individuality than the shedding of milk teeth and the replacement or displacement of other cells in the human body such as skin, hair, skeleton, etc. As Father Ford himself claims in defining living ontological individuality,

It is the individual as a whole that exists primarily, not the single cells. The cells and organs share in the life and existence of the whole individual. They do not exist separately or at least as distinct individuals in themselves. (p. 93)

The extraembryonic tissues are, for a time, part of the zygote as one's organs and cells are part of one's body. Later they are discarded and become distinct from the individual, but without affecting the individuality of that individual. I fail to see why Father Ford should have seen this as a difficulty; in fact his own analysis of living ontological individuality (pp. 93-4) would seem to have accounted for this phenomenon. In particular, his adoption of hylomorphism would seem to supply a simple explanation of the form actuating matter, thus constituting a unity in which cells and organs may be added or subtracted

without changing the overall assimilation and organization of all the parts at any given instant.

The placenta is simply an organ of the fetus needed by it until birth and then discarded. Discarding the placenta in no way affects the individuality of the fetus. Similarly, the fact that within the overall organization and the actuation by the same form, the original cell may finish up being discarded as part of the placenta or any of the other "extraembryonic structures" in no way diminishes the individuality of the original cell at the stage when it alone constituted the zygote.

### **3.2.4 The Life Process of a Zygote**

In this section Father Ford seems to be concerned to debunk the claim that a life process is begun in the formation of the zygote and continues through to the development of the adult until its death.

Firstly, he asserts that an individual is not a process nor can it be reduced to a process. This seems to be consistent with his metaphysics. There must be an individual within whom and to whom the process occurs and it must remain the same individual throughout for the adult who eventuates to have begun as that individual.

Father Ford then proceeds to assert once more the twinning argument in relation to life processes. That is to say, he argues that the life process of the zygote may give rise to the distinct life processes of two or more distinct individuals, etc. There seems to be little more to this than was already discussed in relation to twinning.

The response to it, therefore, can be along the same lines. In the zygote, a new life process is started as a continuity from the life process of its parents, yet distinct in that it inheres in a new and distinct individual. If that individual should form an identical twin, then on one explanation a new individual forms and the original continues after a cutting is removed and planted. On the other explanation, the individual ceases to be and two new individuals are formed. In either case, new individuals or a new individual come(s) into existence, inheriting the life processes of the parent(s), but as individuals being distinct.

### **3.2.5 Having a Human Nature**

In this section Father Ford argues that the zygote has a human nature, but that this is distinct from the question of individuality. Again he uses the twinning argument to make this point.

## **3.3 Father Ford's Conclusions to this Section**

Father Ford asserts that the human individual does not begin at the zygote stage, but at some later stage, and that the evidence "seems insufficient to warrant drawing any conclusions beyond that of the zygote being one or more human individuals, in potency." (p. 131)

The argument of this section would seem to be well-represented by the following:

... One should not postulate the presence of a spiritual soul informing or animating the body, before one is assured of the actual presence of an ontological individual that is a person by reason of its complete human nature.

The dual principles of spiritual soul (form) and matter, or more simply mind and body, are introduced to explain adequately the unity and functioning of the human person, understood as a primitive and undervived datum of our experience. They do not pre-exist the human person, as though they *come together* to form the human being. They begin to exist as constitutive co-principles of a person only when the ontological individual human being is actually present. It is difficult to see how this could be so before the actual formation of a truly multicellular individual living body. Its specific heterogeneous quantitative parts would be needed for the activities required for orderly self-development, self-maintenance, self-differentiation and growth. (p. 130)

In making this statement, Father Ford seems to have forgotten that the zygote has all the organizational data present for its self-development, self-maintenance, self-differentiation and growth. Nothing more is added in the unfolding of its life cycle other than the provision of nourishment and a favorable environment. The zygote is so organized as to be developing toward human adulthood and must therefore have whatever it is in the way of form to have that organization, dynamism and integration within the first cell, such that a human adult can result without any further addition of anything other than the nourishment which it assimilates into itself. The multi-cellular individual to which Father Ford refers was programmed to develop as a subsequent stage from the progenitor cell; to postulate anything else is to believe in magic!<sup>4</sup> If that individual who began as that original cell should be capable of forming an identical twin, then that possibility is no more metaphysically significant to its individuality than any individual's ability to parent by sexual or asexual means.

Father Ford's thesis is not well-founded. From the point of view of the metaphysical position which he outlines in Chapter 3, it would seem that the respect due to a human being should commence from the moment when the formation of a human zygote is begun.

The zygote is the new cell normally formed by the release of the contents of the head of a single sperm through the inner membrane of an ovum. The morally relevant feature is the coming into existence of an individual cell which has the complete and dynamic organization to be the kind of being which has commenced development toward human adulthood and thus has the capacities which we distinguish as being human.<sup>5</sup>

#### **4. The Serious Consequences of Father Ford's Thesis**

Father Ford's argument is not simply a matter of academic interest: a consequence of his conclusion is to alter the moral status of a decision to terminate a human life at an early stage (during the period between



fertilization and the formation of the primitive streak at about two weeks), from that of abortion to that of contraception. In either case the morality is that of the rejection of the divine gift of a human life and, according to Catholic teaching, would in itself be gravely wrong. However, the morality in each case is of a different order and in particular applications the difference has practical consequence.

Father Ford's thesis has a direct bearing on the now traditional thinking in relation to the victims of rape, that contraceptive measures as a form of self-defense against the aggression are legitimate.

In short, the wrongfulness of contraception (in the morally relevant sense of the word 'contraception') has to do with the character of the *double choice* it involves: both to bring oneself into an intimate bodily relationship of sexual communion with another human being *and* positively to exclude the transmission of new life that might otherwise complete their relationship. There is no such double choice in the use of conception prevention agents or procedures after a sexual assault. The woman has made no choice of sexual communion, and so her choice can now be directed to putting an end to continuing invasion of her body, and need not be a choice to repudiate the good of procreation-by-sexual communion.<sup>6</sup>

By implication, Father Ford's thesis would seem to extend that exception to use of abortifacients in the first two weeks after the possible occurrence of fertilization following rape. Father Ford reportedly acknowledged this consequence of his position in an interview with a journalist who wrote:

It was difficult for me, at times to follow his extremely refined reasoning. For instance, he concedes that it is immoral to abort a human fetus at any stage, or even frustrate the procreative destiny of a conjugal act. Then he says that a woman who has an early abortion, say after rape, should not be made to feel guilty of homicide, if a human person is not yet present. This also applies even to an early abortion procured to remove the result of a night's voluntary indiscretion.<sup>7</sup>

A second consequence of Father Ford's thesis concerns the fact that western society, in general, has accepted the use of contraceptives as a legitimate and even obligatory means of achieving responsible parenthood, while abortion has not received the same measure of acceptance. Thus it is considered reasonable to debate whether or not performing an abortion should be a criminal offense, but in this culture one would find it very difficult to advance the suggestion that the provision of contraceptives should be prohibited.

Within Catholic teaching a distinction is made between abortion and contraception; the latter is "gravely illicit" but the former is "a crime". The distinction is reasonable given that contraception is an act which is destructive of the meaning of the conjugal act, but abortion is an act which is destructive of a human individual. Both are seriously wrong but the one is more serious than the other.

By shifting the destruction of a human life in the first two weeks from the category of abortion to the category of contraception, Father Ford's thesis



would thus tend to weaken the case for prohibiting destructive, non-therapeutic research on human embryos in the first two weeks, and the case against the inclusion of the new abortifacient RU486 within the pharmacopoeia as a legitimate therapy. The publication of the book is thus an extremely serious matter in the context of the Church's mission in defense of human rights and the institution of marriage and the family. In a very important area, the defense of "the fruit of human generation, from the first moment of its existence", Father Ford's book appears to undermine much of the work which has been done by those who have sought to have the teaching of Christ and of His Church inform those responsible for public policy in this important area.

Whatever the merit of Father Ford's argument in relation to the attainment of personhood and ensoulment, recent Catholic teaching, while it acknowledges that there is scope for philosophical discussion and reflection on these points, holds that

... the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality. The human being is to be respected and treated as a person from the moment of conception; and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life.

In *Donum Vitae*, it was not decided that the Church should teach conclusively that a human life, from the first moment of its existence, has an immortal soul and is a person, but nevertheless it was held that the Church teaches that it is to be respected and treated *as a person*. The extent to which the publication of Father Ford's book and the continuing publicity undermine that respect is thus of serious consequence.

It is not true to say that Father Ford's thesis is in conflict with Catholic teaching as the latter is expressed in *Donum Vitae*. However, one would be in conflict with Catholic teaching were one to give moral advice premised upon his thesis or to use his thesis to assert that protection of human life in the first two weeks should be withheld or in any way diminished. Catholics ought to be made aware also that in a recent interpretation of the Catholic Church's Code of Canon Law (*Osservatore Romano*, Dec. 5), the term "abortion" was clarified such that the term embraces any deliberately terminative action posited against a fetus in any way whatsoever and at any time whatsoever from the moment of conception.

The effect on public policy of the publication of Father Ford's thesis as the thinking of an eminent Catholic priest is thus to undermine Catholic teaching. The matter thus troubles many who are faithful to the teaching of the Church.

However, Father Ford has used legitimate means to publish a philosophical argument in the expressed hope that in the ensuing discussion truth will emerge. The challenge is therefore to respond to his arguments, not on the issue of what the Church does or does not teach, nor

on the issue of the wisdom of publishing the book, but on the philosophical and embryological issues raised in the book. Careful and honest reflection on the issue can only tend to strengthen and deepen understanding of the truth.

### References

1. Tonti-Filippini, Nicholas and T. V. Daly, S. J., *Experimenting with the Origins of Human Lives*, St. Vincent's Bioethics Centre, Melbourne, 1986, p. 55.
  2. *Human Embryo Experimentation in Australia*, Australia Government Printer, 1986, Cat. N. 86 1509 6.
  3. Professor Germain Grisez and Father Ford would seem to support the view that an amoeba ceases to exist when it divides to form two replicas. An alternative description is to hold that the original amoeba loses part of itself and the part forms a new individual in much the same way as a willow tree remains itself when a cutting is taken and the cutting develops as another individual tree.
  4. I owe this point to Father Tom Daly, S. J.
  5. Tonti-Filippini, Nicholas, "Current Issues in Bioethics" *Australasian Catholic Record*, October, 1988, Vol. LXV, No. 4, p. 462.
  6. Joint Committee on Bioethical Issues, Bishops' Conference of England and Wales, *The Morning-After Pill*, Jan. 31, 1986, Vol. 16, No. 3.
  7. *The Advocate*, Dec. 15, 1988, p. 19.
  8. *Donum Vitae* I, 1, para 6.
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