

**COURSE
GUIDE**

**PHL 321
THE CONTEMPORARY ISSUES IN ETHICS**

Course Team Dr Samuel Ishaya (Course Writer)-University of Uyo
 Prof C. Agulana (Course Editor)-University of
 Ibadan



NATIONAL OPEN UNIVERSITY OF NIGERIA

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National Open University of Nigeria
Headquarters
University Village
Plot 91, Cadastral Zone
Nnamdi Azikiwe Expressway
Jabi, Abuja

Lagos Office
14/16 Ahmadu Bello Way
Victoria Island, Lagos

e-mail: centralinfo@nou.edu.ng

URL: www.nou.edu.ng

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GENERAL INTRODUCTON

Ethics is one of the core areas in Philosophy as an academic discipline. It deals with values, particularly moral values – how we ought to live, the ideas of right and wrong conduct, freedom, choice, responsibility, equity, justice, punishment etc. By its very nature, ethics touches our moral nerves and without moral values an individual or society cannot live in peace, harmony and tranquility, which are essential ingredients to happiness, satisfaction and human well-being. In other words, ethics plays a vital role in our cognitive and practical life.

Due to human advancements in knowledge and technology, moral values have witnessed a new dimension in the contemporary age. Today, we talk about the nature of moral judgments, conflicts between moral judgments and actions among others. For instance, we want to know what makes an action good and what makes an action bad and see whether an action is to be adjudged moral or otherwise with reference to some ethical theories. This, in a way, has its place in some contemporary issues that confronts our contemporary society. The aim of the course is to expose the student to some of the contemporary issues in ethics such as technology transfer, bio-technology, capital punishment, abortion, euthanasia, same sex marriage, etc.

COURSE OBJECTIVES

In order to achieve the primary aim of this course, the following objectives have been set:

To understand the meaning and nature of some contemporary issues in ethics.

To examine their ethical dimensions with regards to their acceptability or otherwise in the society.

To attempt a philosophical discussion on some selected ethical issues.

It is hoped that at the end of this course students should be able to have a better understanding of the implications of these ethical issues and their relevance as they progress in their studies.

WORKING THROUGH THIS COURSE

One of the major requirements for proper articulation and maximum efficiency, effectiveness and productivity in this course, is for students to have a copy of the course guide, main course material, and the necessary materials for this course. These will serve as study guide and preparation before lectures. Additionally, students are required to be actively involved in forum discussion and facilitation. In other words, attendance plus class participation are very important. There are interesting readings that are necessary, which will enhance your understanding of the course. Lecture notes are mere guidelines. This is important as learning how to philosophize and addressing issues within moral precepts do not encourage note learning or memory work. It deals with how you, as an individual, internalise what is being taught in terms of self-reflection with moral logical reasoning.

STUDY UNITS

This course has 14 study units which are structured into 5 modules. Each module comprises of 2-4 study units as follows:

Module 1 Capital Punishment

- Unit 1 Defining Punishment
- Unit 2 Meaning and nature of Capital Punishment
- Unit 3 Theories of Punishment
- Unit 4 Arguments for and against Capital Punishment

Module 2 Abortion

- Unit 1 Meaning and Nature of Abortion
- Unit 2 Views and Types of Abortion
- Unit 3 Arguments for and against Abortion

Module 3 Euthanasia

- Unit 1 Understanding Euthanasia
- Unit 2 Types of Euthanasia
- Unit 3 Arguments for and against Euthanasia

Module 4 Same Sex Marriage

- Unit 1 Meaning and nature of Same Sex Marriage
 Unit 2 Arguments for and against Same Sex Marriage

Module 5 Cloning

- Unit 1 Understanding Cloning
 Unit 2 Arguments for and Against Cloning

REFERENCES AND FURTHER READING

- Aigbodioh, J. A. (2004). *Practical Issues in Applied Ethics: The Facts, Arguments and Options*, Ekpoma: Inno Printing Press.
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- Ten, C. L. (1991). "Crime and Punishment," in Peter Singer (ed.), *A Companion to Ethics*, Oxford: Basil Blackwell Ltd.
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The following links can be used to access materials online:

www.pdfdrive.net

www.bookboon.com

www.sparknotes.com
<http://ebookey.org>
<https://scholar.google.com/>
<https://books.google.com/>

PRESENTATION SCHEDULE

This course has two presentations; one at the middle of the semester and the other towards the end of the semester. At the beginning of the semester, each student undertaking this course will be assigned a topic by the course facilitator, which will be made available in due time, for individual presentations during forum discussions. Each presenter has 15 minutes (10 minutes for presentation and 5 minutes for Question and Answer). On the other hand, students will be divided by the course facilitator into different groups. Each group is expected to come up with a topic to work on and to submit same topic to the facilitator via the recommended medium. Both attract 5% of your total marks.

Note: Students are required to submit both papers via the recommended medium for further examination and grading. Both attract 5% of your total marks.

ASSESSMENT

In addition to the discussion forum presentations, two other papers are required in this course. The paper should not exceed 6 pages and should not be less than 5 pages (including references), typewritten in 12 fonts, double line spacing, and Times New Roman. The preferred reference is MLA 6th edition (you can download a copy online). The paper topics will be made available in due time. Each carries 10% of the total marks.

To avoid plagiarism, students should use the followings links to test run their papers before submission:

<http://plagiarism.org/>
<http://www.library.arizona.edu/help/tutorials/plagiarism/index.html>

Finally, all students taking this course MUST take the final exam which attracts 70% of the total marks.

HOW TO GET THE MOST OUT OF THIS COURSE

For students to get the most out of this course, she/he must:

Have 75% of attendance through active participations in both forum discussions and facilitation;

Read each topic in the course materials before it is treated in class;

Submit every assignment as at when due; as failure to do so will attract a penalty;

Discuss and share ideas among his/her peers; this will help in understanding the course more;

Download videos, podcasts and summary of group discussions for personal consumption;

Attempt each self-assessment exercises in the main course material;

Take the final exam;

Approach the course facilitator when having any challenge with the course.

FACILITATION

This course operates a learner-centered online facilitation. To support the student's learning process, the course facilitator will: one, introduce each topic under discussion; two, open floor for discussion. Each student is expected to read the course materials, as well as other related literatures, and raise critical issues which she/he shall bring forth in the forum discussion for further dissection; three, summarizes forum discussion; four, upload materials, videos and podcasts to the forum; five, disseminate information via email and SMS if need be.

MODULE 1 CAPITAL PUNISHMENT

UNIT 1 DEFINING PUNISHMENT

CONENTS

- 1.0. Introduction
- 2.0. Intended Learning Outcomes
- 3.0 Main contents
 - 3.1 What is Punishment?
 - 3.2 Methods of Punishment
 - 3.3 Moral Question about Punishment
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit attempts a conceptual clarification of the key term of this module which is punishment. In addition to this, it takes a philosophical excursion into the methods of punishment as well as the moral question attached to punishment.

2.0 INTENDED LEARNING OUTCOMES

This unit will help students:

- to unveil the meaning and nature of punishment;
- to explain some of the methods of punishment;
- to discuss different the moral question associated with punishment.

3.0 MAIN CONTENTS

3.1 What is Punishment?

The concept of punishment is an ethical concept that has received scholarly attention from different discipline. The moral mien attached to it makes it a subject of philosophical discourse, especially in moral philosophy. Hence, punishment is defined as “a deprivation, taking away from offenders what they value – their freedom, or some of their money when they are fined” (C. L. Ten, 1991:366). Thus, punishment in a simple language is conceived as

the consequence for one's action. The consequence most often is in form of harm inflicted on the offender(s). In this vein, punishment suggests an infliction of harm by the rightful authority or the executive power of the state on a person who is judged to have violated a rule or a law. However, for a punishment to be punishment in the real sense of it, five principal elements are identified to be in place by philosophers. J. Olen & V. Barry (1991:254-255) outlined the elements to include (1) involve pain, (2) be administered for an offense against a law or rule, (3) be administered to someone who has been judged guilty of an offense, (4) be imposed by someone other than the offender, and (5) be imposed by rightful authority.

Punishment must involve pain, harm or some other consequence normally considered unpleasant. For example, a convicted robber was sentenced to "five-to-twenty" in a Beverly Hill country club; this would not be considered punishment, since ordinarily it would not involve pain or other unpleasant consequences (unless the robber had to pick up the tab.) If he were sentenced to have his hands cut off, this could constitute punishment, though draconian by many people's standard.

The Punishment must be administered for an offense against a law or rule. While punishment involves pain, obviously not all pain involves punishment. If a robber breaks into your house and steals your stereo, he is not "punishing" you, even though his action satisfies element (1). Although it caused you pain, his action is not taken to punish an offense against a law or rule. However, should the robber subsequently be sent to prison for the crime, then *that* action would be administered for breaking a law and thus satisfy element (2).

The punishment must be administered to someone who has been judged guilty of an offense. Suppose the robber is apprehended and imprisoned, although never judged guilty of the robbery. This would not be considered punishment. However, if he is imprisoned after his conviction for stealing your stereo, then he is being punished.

The punishment must be imposed someone other than the offender. It is true that people sometimes speak of "punishing themselves" for transgression. This, however, is not punishment in the strict sense, but a self-imposed act of atonement. Suffering from a twinge

of conscience as he listens to the latest Willie Nelson album on your stereo, the robber decides to “punish” himself by listening to Robert Goulet, whom he detests, for two hours each day for a year. Properly speaking, this would not be punishment, although it might qualify as masochism (*the enjoyment of receiving pain*).

The punishment must be imposed by rightful authority. In a strictly legal sense, “rightful authority” would be that constituted by a legal system against which offense is committed. In the case of the robber, “rightful authority” likely would be a court judge and jury. In a less legal sense, the authority might be a parent, a teacher, or some official who has a right to harm a person in a particular way for having done something or failed to do something.

It is, however, important to mention that the sense of punishment which is of moral concern is not the sense which speaks of the punishment of children, animal, maniacs, imbeciles and other categories of person who are not morally responsible for their actions since their condition presupposes that they are rationally defective (J. A. Aigbodioh, 2004:47).

3.2. Methods of Punishment

The history of mankind is replete with various methods of punishing offenders of rules and laws. For instance, The Judeo-Christian Bible in the book of Genesis tells us of Adam and Eve, who were *banished* from the Garden of Eden. This is a form ostracization which is viable in various cultures in the form of banishment, excommunication and extradition. These forms of punishment consist in expelling offenders from the society to test their conduct and behaviour elsewhere. Aside this, methods of punishment are well articulated in religious setting, traditional setting and of course in modern time. J. A. Aigbodioh (2004:47-48) enunciates some of the methods punishment o includes:

- Punishment could take the form of severing or cutting off some parts of one’s body. For example the Mosaic law of *an eye for an eye, the Sharia law etc.*
- Punishment in the traditional Africa cultures was often meted to the offender by fining (in terms of food items), by being made to do compulsory labour or by being asked to live temporarily in isolation without talking to others, participating in public functions, visiting others among others. Adulterous women were made and

are still being made, in some traditional culture, to perform certain rituals publicly and to suffer public disgrace.

- Modern methods of punishment are more retained and applied with greater justification than those of the ancients. They take the form of imprisonment, death by hanging, electrocution or firing squad and fines.

3.3. Moral Question about Punishment

Punishment as one of the perennial concepts that moralists tangle with is polemical and thus associated with some moral questions. These questions are not raised to vilify offenders from facing the consequences or being made to be responsible for their actions, but to provide a tenable justification for any form of punishment meted to (an) offender(s). Some of the moral questions associated to punishment are well articulated by scholars like, Charles Reid (1981), J. A. Aigbodioh (2004), James Rachels (1971), Ernest Nagel (1973), and Robert Baum (1976) to include but not limited to:

- What is the justification of applying punishment to offenders of the law?
- What is the moral basis of punishment?
- If at all we are justified in punishing convicted offenders, should there not be limits to the extents of doing so?
- Given the principle of proportionality that an offence should be punished only in direct proportion to its seriousness, how do we determine the appropriate measure of punishment for a particular offender?

These questions are what ethical theories of punishment generally seek to answer. This we shall discuss in unit 3 of this module.

SELF-ASSESSMENT EXERCISE

- i. What do you understand by the concept, “punishment?”
- ii. Outline and discuss the elements that must be involved before any form of punishment is justified

4.0 CONCLUSION

In this unit, we have considered the meaning and nature of punishment. This was done with a critical reflection on what makes

punishment to be punishment in the real sense of it. Here five elements were identified as ingredients that must be in vogue before punishment could be justified. This is followed with methods of punishment as envisaged from religious, traditional and modern perspectives and the moral questions associated with the concept of punishment from philosophical perspective were also examined.

5.0 SUMMARY

Punishment is conceived as a reward for wrong doing which must involve pains that is administered by rightful authority. It is not the same as self-imposed discipline which is an offshoot of atonement. The methods of punishment were also examined as envisaged from religious, traditional and modern perspectives. The moral questions associated with the concept of punishment from philosophical perspective were also examined.

6.0 TUTOR-MARKED ASSIGNMENT

Why do you think some individuals are exempted from punishment? Explain your view.

7.0 REFERENCES/FURTHER READING

- Aigbodioh, J. A. (2004). *Practical Issues in Applied ethics: The Facts, Arguments and Options*, Ekpoma: Inno Printing Press.
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UNIT 2 MEANING AND NATURE OF CAPITAL PUNISHMENT

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- 1.0. Introduction
- 2.0. Intended Learning Outcomes
- 3.0. Main contents
 - 3.1. What is Capital Punishment?
 - 3.2. Methods of Capital Punishment
 - 3.3. Moral Question about Capital Punishment
- 4.0. Conclusion
- 5.0. Summary
- 6.0. Tutor-Marked Assignment
- 7.0. References/Further Reading

1.0. INTRODUCTION

This unit advances on the previous unit that discussed punishment as a concept. It is important to mention that there are major two types of punishment namely corporal and capital punishment. Our concern here is the capital punishment. Therefore, the meaning and nature of capital punishment will be examined hereunder.

2.0 INTENDED LEARNING OUTCOMES

This unit will help students:

- to unveil the meaning and nature of capital punishment;
- to understand the difference between punishment and capital punishment
- to discuss different moral questions associated with punishment.

3.0. MAIN CONTENTS

3.1 What is Capital Punishment?

The issue of capital punishment is very old and not alien to any human society. In ancient Greece (399BCE), Socrates, according to the records, was sentenced to death for his alleged crimes against the Athenian City – State. We are told, in England, that capital punishment existed for over two hundred offences in the last century (Gardiner, 1956:24). The offences in which capital

punishment is associated with in England range from defacing Westminster Bridge and consorting with gypsies, to several categories of murder (see M. A. Owoade, 1988:41). In Nigeria, as in several other African countries, the death penalty is the usual punishment for a number of offences ranging from arson, treason, and armed robbery to murder (M. Oke, 2008:2).

Capital punishment is an advanced form of punishment. It is often wrapped in death penalty or the taking of a person life for a crime committed. Capital punishment has held attention through the seventies, even overshadowing debates about the rights of prisoners, prisoner riots, and county jails that were flaming death traps (C. L. Reid, 1981:239). As a result of the involvement of life and given the sacred nature of life, several questions are raised concerning the morality or otherwise of capital punishment.

In philosophical, political and judicial circles, the debate on capital punishment continues to be lively between those who support and those who oppose the use of capital punishment. In some places, the death penalty has been abolished in deference to the pressure and force of the abolitionists' arguments. This is well captured by Owoade (1988:42) who argues that the debate over capital punishment, from the perspective of Western jurisprudence, moves in three directions. These are; first, the moral-humanitarian-religious directions; secondly, the popular direction i.e. the views, prejudices and superstitions of the man in the street, and lastly the scientific directions, i.e. the psychiatric, and sociological views on the subject.

3.2. Methods of Punishment

Just as punishment, in its generic understanding, has various ways by which offenders are rewarded for their wrong doing so it is with capital punishment. There are means through which capital punishment is meted out. These include:

- Death by hanging
- Death by electrocution
- Death by poisonous substances
- Death by firing squad

3.3 Moral Question about Punishment

Capital punishment as one of the perennial concepts that moralists tangle with raises the question of sanctity of human life. This question is built on the puzzle “does capital punishment succeed in deterring potential murders? Don’t we think that instead of deterring criminals from further crime of killing and other heinous crimes that could attract death penalty, capital punishment seems to increase the chances of people getting away with their crime, and so they may not in the least be deterred by the threat of the death penalty?”

SELF-ASSESSMENT EXERCISE

- i. What do you understand by capital punishment?
- ii. Is there any difference between punishment and capital punishment? Explain your view.

4.0. CONCLUSION

In this unit, we have considered the meaning and nature of capital punishment. It is arguable from the moral question attached to capital punishment that more than often, capital punishment may not necessarily deter criminals especially the hardened one who could perceive it as a mean of escaping justice.

5.0. SUMMARY

Capital punishment is conceived as death penalty for crime committed. Some of the means by which capital punishment are carried out include death by hanging, death by firing squad, and death by electrocution among others. The sanctity of human life remains the major moral questions associated with the concept of capital punishment.

6.0 TUTOR-MARKED ASSIGNMENT

Do you think sanctity of life is a clog in the wheel of capital punishment? Discuss your position.

7.0. REFERENCES/FURTHER READING

- Gardiner, G. A. (1956). *Capital Punishment as a Deterrent and the Alternative*. London.
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UNIT 3 THEORIES OF PUNISHMENT

CONTENTS

- 1.0 Introduction
- 2.0 Intended Learning Outcomes
- 3.0 Main contents
 - 3.1. Theories of Punishment?
 - 3.1.1. Retributive Theory
 - 3.1.2. Deterrence Theory
 - 3.1.3. Preventive Theory
 - 3.1.4. Reformatory Theory
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit sets to discuss some major theories of punishment and show their relevance to better our understanding of what punishment is. Thus, the unit exposes the content of some of the theories used in justifying punishment. For instance, Westal Willoughby (1900) categorizes these theories into the Retributive theory, that is, looking to the past and the deed already done, seeking satisfaction, expiation, or vindication; and the Utilitarian theory, looking to the future, to deterrence, to prevention of recidivism, and to the good of the society, including that of the individual offender.

From the above, ethicists have developed four major theories in justification of punishment. These are (1) Retributive, (2) Deterrent, (3) Preventive, and (4) Reformatory, respectively (W. W. Willoughby, 1981:240). Each of these theories has their peculiarities and such will be discussed one after the other in the next section.

2.0 INTENDED LEARNING OUTCOMES

This unit will help students:

- to understand different theories of punishment;
- to be able to differentiate between the theories and be able to identify which is more appropriate in a given situation.

3.0 MAIN CONTENTS

3.1 Theories of Punishment?

The theories of punishment are better explained with reference to the aims of punishment. This is in two folds: (1) in terms of giving people what they deserve, or (2) in terms of its desirable consequences. In the first category is the retributive theory of punishment; while the second includes preventive, deterrent, and reformative theories. This, we shall examine one after the other.

3.1.1. Retributive Theory

Retributive theory of punishment is a fundamental theory of punishment that delights in looking into the past and the deed already done, seeking satisfaction, expiation, or vindication (Reid, 1981:239). The term *retribution* refers to punishment given in return for some wrong done (Olen & Barry, 1991:256). Retributive theory of punishment is often explained with reference to *Mosaic Law* and *Sharia Law*. It is a theory of punishment that suggests that “the offenders, because he has voluntarily committed a wrong act, is deservedly punished so that he may suffer for the wrong he has done whether or not the suffering produces any good consequences” (Aigbodioh, 2004:50). As a theory of punishment, retributive theory is one of the major strands on which the argument for capital punishment is built.

3.1.2. Deterrence Theory

The deterrence theory of punishment holds that we should punish in order to discourage others from committing similar offenses (Olen & Barry, 1991:256). This theory functions from dual perspectives. One, it forbids the criminal from committing such crime again and two, it serves as a warning to would-be offender(s)/criminal(s), not to embark on such action that could bring such severe punishment on them.

3.1.3. Preventive Theory

This theory of punishment holds that we should punish to ensure that offenders do not repeat their offence and by so doing further injure the society (Olen & Barry, 1991:257). The implication of this theory of punishment is that the offender(s) will be prevented

from committing another crime and the society at large will be protected from an eventuality that the offender and/or criminal could plunged the society into if allowed to continue living freely in the society.

3.1.4. Reformatory Theory

The reformatory theory of punishment is essentially to reform the criminals/offenders. This theory stipulates that “one should punish in order to induce people to conform to standards of behaviour they have tended to ignore or violate” (Olen & Barry, 1991:257). Punishment, within the precepts of this theory, is a corrective means by which the offender may be reformed and made to be of good behaviour in the future. The idea of reformatory theory of punishment is to ensure that people emerge from punishment better than they were before, insofar as they will be less likely to breach conventional standards of behaviour. This is made practicable in some of the modern penal institutions where provisions are made for the convicts to learn good acts through the provision of various recreational, educational, and vocational services provided for the inmates.

SELF-ASSESSMENT EXERCISE

Outline and discuss with concrete examples, two theories of punishment.

4.0. CONCLUSION

In this unit, we have considered the four major theories of punishment and show their essence in the contemporary society.

5.0 SUMMARY

The unit examines four theories of punishment. While retributive theory is seen as that which is an equivalence of the *Mosaic law* and *Sharia law*, others are seen as having a utilitarian values that are often dual in nature. This is particularly where both the criminal/offender and the society are made better as a result of imposing punishment on the offender.

6.0 TUTOR-MARKED ASSIGNMENT

Which of the theories of punishment do you consider more appropriate for a murderer? Explain your choice.

7.0 REFERENCES/FURTHER READING

Aigbodioh, J. A. (2004). *Practical Issues in Applied ethics: The Facts, Arguments and Options*, Ekpoma: Inno Printing Press.

Omeregbe, J. (1998) *Ethics: A Systematic and Historical Study*, Lagos: Joja Publishers.

Reid, C. L (1981). *Choice and Action: An Introduction to Ethics*, New York: Macmillan Publishing Co., Inc.

UNIT 4 ARGUMENT FOR AND AGAINST CAPITAL PUNISHMENT

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- 2.0 Intended Learning Outcomes
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 - 3.1.2. Argument against Capital Punishment
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit sets to examine arguments advanced for and against the morality or otherwise of capital punishment. This is done with a reflection on the *retentionists* and *abolitionists* views. Those who support retaining capital punishment are the one termed *retentionists* while those who oppose capital punishment are referred to as *abolitionists* (Reid, 1981). Each of these two strands has a contention on which their position is galvanized. It is their views and positions that this unit sets to unravel.

2.0 INTENDED LEARNING OUTCOMES

This unit will help students:

- to understand the difference between the *retentionists* and *abolitionists*' arguments for capital punishment.
- to be able to acclimatize with some of the arguments that sustained capital punishment as well as those that kick against its application.

3.0 MAIN CONTENTS

Here we shall be examining the argument for and against capital punishment. This is fundamental to understanding the essence of capital punishment in order to ascertain its relevance and/or otherwise in the contemporary age.

3.1 Argument for Capital Punishment

The *retentionists* argument for the sustenance of capital punishment can be articulated under the following (i) capital punishment deters crime (ii) capital punishment keeps the convicted murderer from killing again (iii) capital punishment balances the scales of justice (iv) society should not be made to pay the economic costs of life sentences for murders.

(i) *Capital punishment deters crime* – this argument as articulated suggests that capital punishment is a more powerful deterrence against crime than prison. The more severe the punishment, the greater the risk to the would-be criminal; and the greater the risk to the would-be criminal, the more reason not to commit the crime. Though this is not saying every would-be killer is rational enough to weigh the pros and cons before deciding whether to kill, but it certainly stands to reason that some are. As long as that is true, capital punishment serves its purpose – saving innocent lives.

(ii) *Capital punishment keeps the convicted murderer from killing again* – In this regard, capital punishment is seen as that which guarantees at least one thing. We do not have to worry that an executed murderer will kill again. Even if every murderer sentenced to life imprisonment without possibility of parole never leaves prison alive, which is highly doubtful, we still have to worry about murders committed in prison. The rest of the society may be protected from these killers, but we should be conscious that the prison guards and fellow inmates are not. More so, since they are already serving the maximum sentence there is nothing to fear from killing again.

(iii) *Capital punishment balances the scales of justice* – murder being the ultimate crime, simple justice requires that the murderer pay the ultimate penalty. After all, deterrence and prevention are not the only purposes of punishing criminals. An equally important purpose is to see that justice is done and moral retribution is taken. That is why we insist that the punishment must fit the crime. Furthermore, society has both the right and the obligation to express its moral outrage over the most heinous crimes committed against it. Both purposes are best served by capital punishment. Prison is just too weak a punishment for many murderers, and a prison term cannot satisfy society's outrage over vicious murders.

(iv) *Society should not be made to pay the economic costs of life sentences for murders* – When you put murderers away for life you give up all hope of reforming them. That leaves society with the

heavy cost of supporting the worst criminals in maximum security prisons until they die. Why should innocent taxpayers foot the bill for the care of depraved criminals who have demonstrated that they have no respect for societal laws and/or human life?

3.2 Argument against Capital Punishment

The *abolitionist* argument for the eradication of capital punishment can be articulated under the following (i) every human life has dignity and worth (ii) capital punishment is imposed with class and racial bias (iii) the innocent may die (iv) capital punishment compromises the judicial system.

(i) *Every human life has dignity and worth* – Capital punishment is nothing more than legalized cold-blooded murder. Whatever crime a man has committed, he is still a human being, and every human life has inherent dignity and worth. This is not to say that one is advocating leniency toward vicious murderers. We have to protect ourselves from them and we have to send a clear signal to other would-be murderers that the society will not tolerate heinous crime. But life imprisonment without possibility of parole is sufficient punishment and deterrence. To strap a fellow human being into a chair and give him a lethal dose of gas, a lethal jolt of electricity, or a lethal injection is unworthy of a civilized society. Capital punishment should have gone the way of legalized torture and mutilation years ago. It, too, is ‘cruel and unusual punishment,’ and like them it is morally unacceptable in today’s world

(ii) *Capital punishment is imposed with class and racial bias* – statistics show two very disturbing facts about the way capital punishment is imposed in our society. First, the poor, the underprivileged, and members of minority groups are far more likely to be executed than the rich and the influential. Second, in racist countries, the death penalty is far more likely to be imposed when the victim is a white man than when the victim is a member of the minority group. Regardless of your high-minded principles, capital punishment shows at best a respect for affluent, Whiteman life, not human life in general. Because its implementation is patently discriminatory and therefore unjust, it must be stopped.

(iii) *The innocent may die* – the innocents are often convicted of crime. As tragic as that is when the sentence is a prison term, the tragedy is far worse when the sentence is death. In the former case society can at least make some reparation for the time unjustly served, but no fact is more obvious than the fact that nothing can be

done for the dead. To execute even one innocent person is inexcusable, and there is no way in the world that we can rule that possibility not without abolishing the death penalty.

(iv) *Capital punishment compromises the judicial system* – capital punishment compromises our judicial system in two ways. First, though the point of capital punishment is to present a tough stance against crime, it sometimes has the opposite effect. Juries have been known to strain the evidence to convict defendants of lesser charges – or even to acquit them – when a conviction of first degree murder carries a mandatory death sentence. Second, cases of capital punishment invariably involve years of costly appeals. Not only does that delay justice, but it also subjects the victims’ families, as well as the convicts, to years of cruel and unusual punishment.

SELF-ASSESSMENT EXERCISE

Given your understanding of the *retentionists* and *abolitionists* argument, do you think capital punishment should be retained?

4.0. CONCLUSION

In this unit, we have considered four major arguments for and against capital punishment from the two major camps that is, the *retentionists* and *abolitionists*’ camps.

5.0 SUMMARY

The unit examines the argument for and against capital punishment as advanced by the *retentionists* and *abolitionists*. The argument therein seems to strike a balance such that the idea of capital punishment can and may still retain its essence if imposed by rightful authority for a crime committed.

6.0 TUTOR-MARKED ASSIGNMENT

How viable is the claim that with capital punishment the innocent may die? Explain.

7.0. REFERENCES/FURTHER READING

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MODULE 2 ABORTION

UNIT 1 MEANING AND NATURE OF ABORTION

CONTENTS

- 1.0 Introduction
- 2.0 Intended Learning Outcomes
- 3.0 Main contents
 - 3.1. What is Abortion?
 - 3.2. Methods of Abortion
 - 3.3. Moral Question about Abortion
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading.

1.0 INTRODUCTION

This unit sets to examine the meaning and nature of abortion. It among other things unveils the methods and ways of carrying out abortion as well as the moral question attached to abortion.

2.0 INTENDED LEARNING OUTCOMES

This unit will help students:

- to unveil the meaning and nature of abortion;
- to explain some of the methods and ways of carrying out abortion;
- to discuss the moral question associated with abortion with particular reference to the nature of the foetus.

3.0. MAIN CONTENTS

3.1. What is Abortion?

Abortion according to C. L. Reid (1981:362) was forcibly brought to the attention of Americans during the period in which horribly deformed babies were being born to women who had been given thalidomide drugs during pregnancy. It was illegal and women who had taken the tranquilizer on a physician's advice had to decide whether to abort illegally, risk bearing an armless or legless child, or go abroad for a legal abortion at a great expense. This seems to

be one of the major incidents that brought the issue of abortion in to limelight. However, the proper way to understand abortion is to review its etymological conception. Abortion is derived from two Latin words, *ab* and *oriri* which mean “off or away,” and “to be born,” respectively. Therefore, abortion etymologically means “to be born off or away” (Aigbodioh, 2004:101). Aside this, abortion generally is conceived as the untimely termination of pregnancy before due delivery or what Olen & Barry (1991:163) refer to as “the termination of pregnancy.” The implication of this suggests abortion as “the expulsion of a fetus from the womb before it is viable, that is, before it can live outside the mother” (J. F. Awajiusuk, 2012:36). While abortion to the Catholic Church is seen as “deliberate and direct killing, by whatever means it is carried out, of a human being in the initial phase of his or her existence, extending from conception to birth” (see Aigbodioh, 2004:101).

Abortion can happen for a number of reasons. These include spontaneous abortion which could be as a result of biochemical factors or because of an injury to the woman, pregnancy got as a result of rape, incest, unwanted pregnancy among others.

3.2. Methods of Abortion

There are various methods and techniques by which abortion could be procured in modern orthodox medicine. Some of the methods of abortion may be summed as articulated in Aigbodioh (2004: 104 - 106 and W. T. Osemwegie, 2012: 23-24) in the following manner.

1. *The Dilatation and Curettage (D & C) Technique:* The D & C is one of the oldest techniques of bringing about abortion. D & C as it is often called is the use of a sharp curette (loop-shaped knife) to cut the *conceptus* or baby into pieces and then evacuated through the cervix of the woman. This method involves high possibilities of infection.

2. *Suction Abortion:* This technique consists in the use of a suction apparatus. It is also called uterine aspiration. This method is usually used before the twelfth week of pregnancy. Here, the cervix of the mother is widened and a hollow tube with a suction machine (aspirator) is placed or slide into the uterus to rip up the baby and then suction off; i.e. empty the pieces into a vessel. This does not require the use of a sharp curette and so it is an improvement on the D & C. however, there is still likelihood of infection.

3. *Saline Abortion*: This method is carried out after twelfth week of pregnancy. Here a needle is inserted through the abdominal wall into the amniotic sac where the fetus is planted. The needle contained a saline solution which the fetus swallows and causes it to die within two hours of dehydration and hemorrhage. Within 24 hours the woman goes into labour and delivers a dead fetus. This method may result in complications and causes psychological problems for the woman.

4. *Prostaglandins Abortion*: This method is similar to the saline abortion. Like the saline abortion, it is performed in later pregnancies usually between 3 to 6 weeks. The procedure is that a physician will inject prostaglandins; a hormones for natural birth and saline injection into the amniotic sac where the *conceptus* is floating which result in a premature delivery and death of the baby.

5. *Self-induced Abortion*: This form of abortion is carried out with little or no proper medical supervision. In most cases, it is secretly carried out by woman; especially young girls who patronize road side chemists or pharmacy stores to buy abortion pills and some of these pills are swallowed while others are inserted into the body through the vaginal which eventually terminate the life of the fetus. Apart from these pills, many also swallow local herbs, take dry-gins etc. this method can easily result in infections and hemorrhaging. Complications may be very severe to cause both death of the woman and the fetus. It is strongly discouraged. It accounts for one of the strong reasons in support of the legalization of abortion.

3.3. Moral Question about Abortion

Abortion like any other moral issues raises the question of its morality or otherwise. The central moral question attached to abortion is the question of the biological status of the fetus. That is, at what stage does life begins? This question raises further queries concerning the ontological status of the fetus such as: (i) whether the fetus is an individual organism; (ii) whether the fetus is biologically a human being; (iii) whether the fetus is psychologically a human being; and (iv) whether the fetus is a person.

In response to the question of when life begins, three fundamental perspectives were given. They are (i) Conception (ii) Quickening (iii) Viability.

Some scholars are of the view that life begins at conception, that is the moment a female germ cell, or *ovum*, is penetrated by male

germ cell, *spermatozoon*. This is the period spanning through the first trimester. This position is often associated with the religious people. Others are of the view that life begins at the second trimester which is the quickening stage. This is the stage at which the mother begins to feel the movements of the fetus. This occurs somewhere between the thirteenth and twentieth weeks while another stage in the development of the fetus is the viability stage. This is the point at which the fetus is capable of surviving outside the womb. The fetus ordinarily reaches viability around the twenty-fourth week (Ollen & Barry, 1991:162-163).

SELF-ASSESSMENT EXERCISE

What is your understanding of abortion?

4.0 CONCLUSION

In this unit, we have considered the meaning and nature of abortion vis-à-vis methods of abortion and the moral question attached to the morality and/or otherwise of abortion.

5.0. SUMMARY

The unit examines the meaning and nature of abortion. Abortion is conceived as untimely termination of pregnancy which could be intentional or accidental. Five methods of abortion were discussed. The central question that deals with the ontological status of the fetus is examined along the probable responses to the biological and/or the ontological status of the fetus.

6.0 TUTOR-MARKED ASSIGNMENT

How logical do you consider the probable responses to the ontological status of the fetus and which of the responses is more appealing? Discuss.

7.0. REFERENCES/FURTHER READING

Aigbodioh, J. A. (2004). *Practical Issues in Applied ethics: The Facts, Arguments and Options*, Ekpoma: Inno Printing Press.

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UNIT 2 VIEWS AND TYPES OF ABORTION

CONTENTS

- 1.0 Introduction
- 2.0 Intended Learning Outcomes
- 3.0. Main contents
 - 3.1.1. Schools of Thought in Abortion
 - 3.1.2. Types of Abortion
- 4.0. Conclusion
- 5.0. Summary
- 6.0. Tutor-Marked Assignment
- 7.0. References/Further Reading

1.0. INTRODUCTION

In this unit attention is given to types of abortion. This is done within the understanding of the three major views (schools) of thought (conservative, libertarian and moderate).

2.0. INTENDED LEARNING OUTCOMES

This unit will help students:

- to unveil the different schools of thought that relate to abortion;
- to explain the three major types of abortion

3.0. MAIN CONTENTS

3.1.1. Schools of Thought in Abortion

Abortion as a moral issue has been addressed from different perspectives. These perspectives are referred to as schools of thought and they include conservative, libertarian and moderate schools of thought. This will be explained one after the other.

Conservative School of Thought – this school of thought is often associated with the Church, especially the Roman Catholics. To them abortion under any guise is immoral and should not be accepted. In the view of the conservative, “human life starts at conception, that is, as soon as the chromosomes from the sperm of the father and the ovum of the mother are united, then a human being exists that must be valued in the same way as if ‘he or she’

were already born (J. P. Thiroux, 1995:279). The thought of this school is vehemently against abortion. In fact, they are technically referred to as *pro-life*.

The Libertarian School of Thought – this is a direct opposite of the conservative position. In the view of the libertarian, abortion is always morally justifiable, regardless of the reasons or the time in foetal development. Their position is premised on the absolute right of the mother, and this position is shared by almost all feminists. For instance, Margret Sanger, a feminist, argues that “no woman can call herself free who does not own and control her body” (A. O. Echekwube, 1999:199). To them the fetus is more or less a parasite whose survival hinges on the carrier, that is, the mother.

The Moderate School of Thought – the view of this school is more or less a go between the conservative and the libertarian. In their view, abortion should be permitted up to a certain point in foetal development and/or claim that some reasons, not all, provide a sufficient justification for abortion (see E. Barcalow, 1994:235). This position is defended in two ways: one we might maintain that while a fetus is not a person at conception, it becomes a person at some point before birth. Two, that though a fetus is not fully an actual person before birth, the closer it comes to the ninth month, the closer it transforms from a potential person to an actual person.

3.1.2. Types of Abortion

Following the different schools of thought in abortion, three major types of abortion are identified. They are spontaneous, induced and therapeutic abortion.

Spontaneous abortion – these are abortions that occurred as a result of internal biochemical factors or because of an injury to the woman. These kinds of abortions are ordinarily termed *miscarriage*. These generally involve no moral issues (Olen & Barry, 1991:163). This kind of abortion do affects the psychological state of the woman/carrier which in any case requires consolation from her spouse, families and relatives for the loss.

Induced abortion – this type of abortion occurs when a pregnant woman deliberately, voluntarily, intentionally, willfully or consciously remove or terminate her pregnancy for reasons that best suit her. These reasons popularly or often range from rape, unwanted babies, incest, poverty, psycho-dysfunctioning or damage, social or economic hardship etc. Unlike the spontaneous abortion; the woman does not feel sorrowful for the loss of an

unexpected baby, neither is she psychologically affected by the loss of the baby (W. T. Osemwegie, 2012:23). This form of abortions happens very early, as when a woman takes a drug such as the 'morning-after pill' in order to prevent the blastocyst from implanting in the uterine wall (Olen & Barry, 1991:163).

Therapeutic abortion – this type of abortion is often carried out to protect and/or safe the life and health of the carrier, that is, the pregnant woman. The pregnancy is terminated following medical advice when it is perceived that the pregnancy poses health challenges or risk to the life of the mother. In this type of abortion the woman may be unhappy, sad about the loss of the baby but she does not have a choice (W. T. Osemwegie, 2012:23).

SELF-ASSESSMENT EXERCISE

Outline and discuss any two of the types of abortion.

4.0 CONCLUSION

This unit exposes the major views and types of abortion. This is achieved through a peep into the meaning and nature of the different views that is associated with abortion.

5.0 SUMMARY

The unit examined the three views through which abortion is discussed, namely conservative, libertarian and moderate. It discussed the three major types of abortion, that is, spontaneous, induced and therapeutic abortion.

6.0 TUTOR-MARKED ASSIGNMENT

Given your understanding of the different views associated with abortion, which one do you consider more appropriate? Justify your choice.

7.0 REFERENCES/FURTHER READING

Barcalow, E. (1994). *Moral Philosophy: theory and Issues*, Belmont: Wadsworth Publishing Company.

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UNIT 3 ARGUMENT FOR AND AGAINST ABORTION

CONTENTS

- 1.0 Introduction
- 2.0 Intended Learning Outcomes
- 3.0 Main contents
 - 3.1.1. Argument for Abortion
 - 3.1.2. Argument against Abortion
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

1.0 INTRODUCTION

This unit sets to examine arguments advanced for and against the morality or otherwise of abortion. This is to further the readers understanding of the views on abortion as earlier discussed. This is done with a reflection on the *Pro-choice* and *Pro-life* contention on the morality and/or otherwise of abortion. Those who support abortion and argue for its permissibility are the one termed *Pro-choice*, while those who oppose it are referred to as *Pro-life* (W. T. Osemwegie, 2012:27-28; C. L. Reid, 1981; Olen & Barry, 1991; A. O. Echekwube, 1999; J. A. Aigbodioh, 2004). Each of these two strands has its contention on which their position is spurred. It is their views and positions that this unit sets to bring to fore.

2.0 INTENDED LEARNING OUTCOMES

This unit will help students:

- to understand the difference between the *Pro-choice* and *Pro-life*;
- to be able to familiarize with some of the arguments that sustained abortion as well as those that stand against its acceptance.

3.0 MAIN CONTENTS

Here we shall be examining the argument for and against abortion. This is fundamental to understanding the essence of abortion in order to ascertain its permissibility and/or otherwise in the contemporary age.

3.1 Argument for Abortion

The *Pro-choice* argument for the permissibility of capital punishment can be articulated under the following (i) women have rights over their own bodies (ii) Unwanted pregnancies carry physical and emotional burdens (iii) the alternative to legal abortion is back alley abortion (iv) the woman counts more than the fetus.

(i) *Women have rights over their own bodies* - the main argument here is that an unwanted pregnancy is an invasion of the woman's body, and to force a woman to carry fetus to term is to force her to use her body for purposes she doesn't want to use it for. So the real issue here is whether they have the right to avail themselves of a simple, safe medical procedure to allow themselves to live their lives as they choose. Clearly the answer has to be yes. It is as fundamental a right as one can think of it.

(ii) *Unwanted pregnancies carry physical and emotional burdens* – the point here is that pregnancy is not easy for women. Apart from the morning sickness, the back pains, the pain of childbirth, and a host of other discomforts in normal pregnancies, the possibility of unforeseen complications poses a real risk to their physical health and sometimes even their lives. To demand that a woman face all that in an unwanted pregnancy is to demand too much. And the unreasonable demands do not even stop there. Unwanted pregnancies carry emotional burdens as well as physical ones. Pregnancy can be a significant interruption in a woman's life, and motherhood can bring a serious disruption of her hopes and plans. Reproductive freedom is not just a slogan. It is a matter of allowing a woman to control her own destiny.

(iii) *The alternative to legal abortion is back alley abortion* – this is saying that thinking that the burdens of unwanted pregnancy are minor, but many women don't. If safe, legal abortions are not available to them they will resort to unsafe, illegal abortions. And if the past is any guide, that means serious infections in many cases and in some cases even death, especially for poor women who won't be able to afford anything but back alley abortion.

(iv) *The woman counts more than the fetus* – the argument here is that the woman counts more than the fetus. It is argued that such position that the fetus counts more than the woman is a single assumption which cannot be true. To the *Pro-choice*, through this argument a woman is a full-fledged person. She has real desires and fears, real aspirations and memories. She is connected to the world through her family and friends. She cares about her life and

her future. At the very most a fetus has only the potential for all that. And though, that is not suggestive of the assumption that the fetus' potential counts for nothing, but that an *actual* full human life out in the world has to count more than a *potential* full human life in the womb.

3.2 Argument against Abortion

The *Pro-life* argument for the impermissibility of abortion include the following (i) Abortion is murder (ii) Abortion sets a dangerous precedent (iii) Abortion involves psychological risks to the woman (iv) Alternative to abortion are available (v) Women must be responsible for their sexual activity

(i) *Abortion is murder* – the simple fact of this argument in matter of abortion is that it is murder. What you call a 'fetus' is an unborn baby, a human being, and an abortion is nothing but the deliberate killing of that human being.

(ii) *Abortion sets a dangerous precedent* – the point here in the view of the pro-life is that anything that leads to disrespect for human life is wrong. Whatever else you say about abortion, it certainly leads to disrespect for and a causal attitude toward human life. And that doesn't just hold for abortions of convenience or for sex selection. It holds for therapeutic abortions and abortions of deformed fetuses as well. Once we decide that some human lives can be destroyed because they are inconvenient or not worth living, what is to stop us from killing the severely handicapped, the dysfunctional, the senile, and the mentally ill.

(iii) *Abortion involves psychological risks to the woman* – the argument here is that a woman and the child she is carrying are as close to each other as any two humans can get. And this is not just biological closeness, but emotional and psychological. Just ask any mother. A woman who intentionally harms her unborn child violates the deepest levels of her unconscious needs and desires, and she is bound to pay a psychological price for it. Many already have, as both psychologists and women who have had abortions can tell you.

(iv) *Alternative to abortion are available* – the pro-life through this anti-abortion argument posits that the rights advocates of abortion only make it sound as though abortion is the only alternative to rearing an unwanted child. But it is not. Countless couples and individuals are dying to have children but cannot, because of all the abortion mills throughout the country, many of them cannot even adopt a health infant. So adoption is one alternative to abortion. Even in cases of severely deformed infants there are alternatives. If

no one wants to adopt them, there are plenty of agencies and institutions to take care of them.

(v) *Women must be responsible for their sexual activity* – the onus of this argument is that no woman *has* to get pregnant if she does not want. There are plenty of readily available contraceptives in the market. If a woman doesn't take advantage of them, it is her own fault and she has to take responsibility for her carelessness. To condone abortion is to condone her own irresponsibility. Even worse, it is to condone the killing of innocent life as an after-the-fact form of birth control.

SELF-ASSESSMENT EXERCISE

Within your understanding of the *Pro-choice* and *Pro-life*, do you think abortion should be legalized? Justify your claim.

4.0. CONCLUSION

In this unit, we have considered four major argument for and five argument against abortion from the two major camps that is, the *Pro-choice* and *Pro-life* camps.

5.0 SUMMARY

The unit examines the argument for and against abortion as advanced by the *Pro-choice* and *Pro-life*. The argument therein seems to strike a balance such that the idea of abortion can and may still retain its essence if the views of the schools of thought in abortion could be sustained.

6.0 TUTOR-MARKED ASSIGNMENT

How viable is the claim that abortion is murder? Explain.

7.0. REFERENCES/FURTHER READING

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MODULE 4 SAME SEX MARRIAGE**UNIT 1 MEANING AND NATURE OF SAME SEX MARRIAGE****CONTENTS**

- 1.0. Introduction
- 2.0. Intended Learning Outcomes
- 3.0. Main contents
 - 3.1. What is Marriage?
 - 3.2. What is Same Sex Marriage?
- 4.0. Conclusion
- 5.0. Summary
- 6.0. Tutor-Marked Assignment
- 7.0. References/Further Reading

1.0. INTRODUCTION

This unit attempts a conceptual clarification of the key term of this module, namely; marriage, same sex marriage. In addition to this, it takes a philosophical excursion into the nature of same sex marriage, as well as stating the countries in which it is being legalized.

2.0. INTENDED LEARNING OUTCOMES

This unit will help students:

- to comprehend the meaning of marriage and same sex marriage;
- to understand the nature of same sex marriage;
- to mention the countries in which same sex marriage is legalized.

3.0. MAIN CONTENTS**3.1. What is marriage?**

Marriage is the world's oldest institution. In Christendom, it is believed that it was instituted by God himself, (Genesis 2:18) and it is as old as man's creation (Bible Dictionary). Marriage therefore, is believed to be a sacred union that exists between a man and a

woman. The term marriage has been described elsewhere as “a socially sanctioned union, typically of one man and one woman, in this connection called husband and wife. Typically, they form a family, socially, through forming a household, which is often subsequently extended biologically, through children. It is found in all societies, but in widely varying forms” (Ibrahim B. Syed, 2019:1). In Islam, marriage has been defined as “a contract that results in the man and woman living with each other and supporting each other within the limits of what has been laid down for them in terms of rights and obligations” (Ibrahim B. Syed, 2019:4). Furthermore, “it is a mutual contract between a man and a woman whose goal is for each to enjoy the other, become a pious family and sound society (Ibrahim B. Syed, 2019:4).

Marriage according to Lord Bughley refers to, “the voluntary union for life of one man and one woman to the exclusion of all others” (Duhaime, L., n.d.). In Islam, the function of marriage has been stated thus:

Marriage acts as an outlet for sexual needs and regulates it so one does not become a slave to his/her desires. It is a social necessity because through marriage, families are established and the family is the fundamental unit of every society...Marriage is the only legitimate way to indulge in intimacy between a man and a woman (Ahmad B. Dogarawa, 2009:2).

It has further been canvassed that:

Marriage exists to bring a man and a woman together as husband and wife to be father and mother to any children their union produces. It is based on the anthropological truth that men and women are different and complementary, the biological fact that reproduction depends on a man and a woman, and the social reality that children need both a mother and a father (Anderson, 2013).

Traditionally, marriage, according to Henry Tichler, “is the socially recognized, legitimized, and supported union of individuals of opposite sexes” (Tichler, 2004:296). He goes further to characterize marriage as involving some basic elements viz:

(1) It takes place in a public and usually formal manner; (2) it includes sexual intercourse as an explicit element of the relationship; (3) it provides the essential for legitimizing offspring; that is, it provides newborns with socially accepted statuses, and

(4) it is intended to be a stable and enduring relationship (Tichler, 2004:296).

Tichler's definition and characterization of marriage is typical of the traditional and religious sense of marriage, and it is the sense in which "marriage" was known for many decades. However, with the advent of liberal voices for the recognition of same-sex couples, there have been several calls for re-conceptualization of the term marriage, to the extent that marriage is now regarded as *the union of two people living together as spouses in a family*. This characterization fits same-sex marriage quite well. Indeed, it is in this sense that same-sex marriage is basically seen as involving "two people of the same-sex living together as spouses/family" (Tichler, 2004:296). The notion of same-sex connotes so many other notions describing a certain intimate relationship having to do with people of the same sex attracted to each other. Thus, the idea of same-sex involves homosexuality, gay and lesbianism. These terms simply refer to activities of persons having sexual feelings or orientation to persons of their own sex. The terms homosexual and gay are mostly used to characterize the males, while the term lesbian refer to the female homosexuals.

3.2. What is same sex marriage?

Same-sex marriage, also known as gay marriage, is a marriage entered into by people of the same sex, either as a secular civil ceremony or in a religious setting. The requirements of a marriage in a country depend on its applicable laws and regulations. In most religious countries, it is imperative that a marriage only takes place between a man and a woman who are bond together to form a family based on both religious and national laws, whereas in some countries that have a rather liberal view on religion, religious law does not play any significant role in a marriage contract between two individuals but rather the provisions of applicable laws. In the Nigerian contest, a legal and legitimate marriage relationship must occur only between a man and a woman, unlike some countries whereby a legal and legitimate marriage may also take place between persons of the same sex.

The practice of same-sex marriage (or gay-marriage as mostly used in the western world) is not a recent thing as some people would want to believe. Though the first law providing for people of same-sex marriage was enacted in the 21st century, precisely in the Netherlands, in April 2001, the practice of same-sex marriage has

been there right from ancient times. Historian John Boswell records that the first performance of same-sex marriage between child emperor Elagabus to Hierocles, his chariot driver, as the husband. He is also said to have married Zoticus, an athlete in a lavish public ceremony in Rome. Nero, the first Roman Emperor, is recorded in history to have engaged in same-sex marriage. He married two other males on different occasions. The first was Pythagoras, with whom Nero was the bride. He later married Sporus, a young boy, and here took the role of the groom. These were done in a public ceremony with all the solemnities of matrimony (Frier, B.W., 2004).

Medieval times accord the same-sex marriage between Perodias and Munho Vandilas in the Galician municipality of Rairiz de Veig, Spain. This union occurred April 16, 1061 and was conducted by a Priest in a small chapel.

The contemporary period witnessed a heightening of gay rights activism in the 1970s, especially in the western world. Though gay people were not initially interested in marriage as they deemed it to be a traditional institution, they successfully laid the seed for recognition of such unions. The search for legal recognition of same-sex relationship took root between the 1980s and 1990s. Denmark was the trail blazer in recognizing a legal relationship between same-sex couples in 1989. In 2001, the Netherlands became the first nation to legally recognize same-sex marriage and since then, many countries have followed suit, viz: Belgium (2003), Spain (2005), Canada (2005), South Africa (2006), Norway (2009) Sweden (2009), Portugal (2010), Iceland (2010); Argentina (2010) Denmark (2012), Brazil (2013), France (2013), Uruguay (2013) New Zealand (2013) United Kingdom, Luxembury (2015), United States (2015), Ireland (2015), Finland (2017). It is believed that more than 20 nations so far, have legally recognized same sex marriage.

The above chronicle, one may argue, does not suggest that same-sex marriage is yet a global phenomenon. But it should be noted that when it began during the Roman Empire and the medieval period, a lot of people took it merely as an isolated phenomenon. But today, the phenomenon has become somewhat ubiquitous around every continent of the world. Meanwhile, it is imperative to note that same-sex marriage is not entirely a western phenomenon. In Africa for instance, there are some traditional societies that

recognize and accept the marriage between two women; one taking the role of the man (husband), and the other taking the role of the wife. But this type of marriage is regarded as non-sexual. In Nigeria for instance, it has been recorded that same-sex marriage is recognized in the southern part of the country. Leo Igwe (2009) notes that in Igbo culture, a woman could marry another woman (as a wife) to perpetuate her inheritance and family lineage, if, for instance, her husband is dead and she had no child for him. Also, in a childless marriage, where the husband is alive, the wife can take the initiative to marry a younger woman for her husband. This arrangement is also common among the Ibibio, and other sub-cultures. Female same-sex marriage is also practiced in Kenya, among the Gikuyu, Nandi, Kamba, Kipsigis people. There, such marriages are not propelled by homosexuality but is a way of sustaining family lineage and inheritance; especially for families without sons. (Lilian, L.A., & et.al 2013: 35). According to Paul (2011), such traditional practices have been aspects of the traditional practices and were protected under Article II (1) of the 2010 constitution. Paul notes that a case in point was referred to by Justice Jackson Ojwang, where Kibserea, an 85-year-old childless widow married a single mother of two boys who was in her thirties, named Jesang. Kibserea paid a dowry to Jesang's father and a traditional Nandi wedding ceremony was held in 2006. Kibserea had also promised to choose a mature man to satisfy Jesang's sexual needs. In this wise, Kibserea became the socially and legally recognized husband of Jesang, and of course the father of her wife's children. Paul, citing the *Journal of Ethnology* notes that: "... a female husband is a woman who pays bride wealth for, and thus marries (but does not have sexual intercourse with) another woman. By so doing, she becomes the social and legal father of her wife's children." (Paul C., 2011).

SELF-ASSESSMENT EXERCISE

4.0 CONCLUSION

In this unit, we have considered the meaning of marriage and same sex marriage. On the meaning of marriage, Lord Bughley refers to marriage as "the voluntary union for life of one man and one woman to the exclusion of all others." Similarly, Henry Tichler (2004) defines marriage as "the socially recognized, legitimized, and supported union of individuals of opposite sexes". Same-sex marriage is a marriage entered into by people of the same sex,

either as a secular civil ceremony or in a religious setting. Thus, the foregoing shows that while the western practice of same-sex marriage is propelled by homosexuality, the sub-Saharan Africans practice is borne out of the need to perpetuate the lineage and inheritance of the family, which could be argued, is based on the traditional demand of marriage.

5.0 SUMMARY

Marriage is the world's oldest institution which is believed to be a sacred union that exists between a man and a woman. Same-sex marriage is also known as gay marriage which is a marriage entered into by people of the same sex. The first law providing for people of same-sex marriage was enacted in the 21st century, precisely in the Netherlands, in April 2001.

6.0 TUTOR-MARKED ASSIGNMENT

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UNIT 2 ARGUMENTS FOR AND AGAINST SAME SEX MARRIAGE

CONTENTS

- 1.0. Introduction
- 2.0. Intended Learning Outcomes
- 3.0. Main contents
 - 3.1. Arguments for Same Sex Marriage
 - 3.2. Arguments against Same Sex Marriage
- 4.0. Conclusion
- 5.0. Summary
- 6.0. References/Further Reading

1.0 INTRODUCTION

This unit attempts an exposition into the debate about same sex marriage. The debate comes from two camps, whereby one is in support and the other against same sex marriage.

2.0 INTENDED LEARNING OUTCOMES

This unit will help students:

- to discuss the arguments for same sex marriage;
- to discuss the arguments against same sex marriage.

3.0 MAIN CONTENTS

The intellectual debate over same-sex marriage has been for several years, and the debate has recently succeeded in gaining same-sex couples some of the same benefits regularly bestowed upon different sex couples in the private and public sectors in some countries. They have thus far been unsuccessful, however, in gaining world-wide recognition of same-sex unions as marriages. In view of the aforementioned, this section shall expose some of the arguments for and against same-sex marriage.

3.1. Arguments for Same Sex Marriage

Homosexuality is normal: Homosexuality is a normal variant within the human condition. In some useful aspects, homosexuality might be likened to left-handedness, another normal variant in the human condition. Interestingly, cultural and social pressures often

encourage left-handed children to become right-handed although evidence indicates that such a forced conversion can cause multiple problems, including learning disorders and stuttering. Historically, religions have condemned left-handedness, justifying this with many biblical passages, including Matthew 25:32-34. Many religious schools punished students who used their left hands (Alhassan, A.B., 2017). Perhaps even more pertinent is that in 19th century Europe, homosexuals were referred to as “left-handed” (Chris, M., 2019). However, the American Academy of Pediatrics, the American Counseling Association, the American Psychiatric Association, the American Psychological Association, the National Association of School Psychologists, the National Association of Social Workers, the National Psychoanalytic Association have all declared that homosexuality is normal (Robinson, B.A., 2017).

Love thy Neighbor: Supporters of same-sex marriage acknowledge there are passages in the Bible that condemn same-sex marriage but they note that biblical traditions grew out of different times with different customs and different needs. Leviticus, for example, widely cited as the basis for God’s opposition to homosexuality, also declares that God wants children who curse their parents to be put to death (20:9)

However, the overwhelming message of the New Testament is love, not hate. Jesus never once mentions homosexuality. It is clear that what is important in the Bible is not a family structure based on biology or even heterosexual relationships but the quality of love exhibited in relationships, observes Episcopal priest Rev. Jay Emerson Johnson (Articles of Faith: Biblical Values for American Families). Therefore, if same-sex couples exhibit such love they deserve world-wide acceptance.

Religious and Personal Liberty: Appeals to religious freedom must be rooted in consistent teaching and practice. But the Catholic Church, for instance, does not recognize marriages after divorce, unless the partner seeking to remarry obtains an annulment. Yet it has been willing to accord divorced partners who remarry under civil law the same privileges it accords marriages performed within the Church. The examples opponents to same-sex marriage cite as interfering with religious liberty have all occurred under existing anti-discrimination laws. Are they advocating overturning those laws? In most of these cases religious institutions are not being forced to conform to laws they find morally repugnant. Rather,

they are being asked to decide whether they will continue to accept significant government subsidies that come with certain strings attached, as was the case with Catholic Charities involvement with adoptions in Massachusetts and Illinois. Personal liberty is compatible with religious freedom. If exemptions need to be made to accommodate religions that should be possible. The courts have for many years been reviewing and ruling on cases that test the boundary line between religious freedom and equal protection. Amendments to countries' constitutions to limit marriage to a union of a man and a woman single out one class of men for discrimination. Support seems driven primarily by profound personal discomfort with homosexuality, not a desire to defend the institution of marriage. Indeed, the debate about same-sex marriage may have spurred a dramatic increase in violence toward gays and lesbians. According to political scientist Gary Segura: in 2008, crimes in America against gay men and lesbians accounted for seventy-one percent of all hate-motivated murders and fifty-five percent of all hate-motivated rapes. He concludes, "there is simply no other person in society who endures the likelihood of being harmed as a consequence of their identity than a gay man or lesbian" (Amicus Brief). Moral disapproval alone should not be a sufficient reason to deny rights to a minority. Unless a clear and imminent danger exists, countries do not and should not regulate family life on the basis of parental characteristics.

3.2. Arguments against Same Sex Marriage

Same sex marriage is a sin: The acceptance of same-sex marriage legitimizes and gives society's blessing on homosexual behavior. Almost all major religions condemn homosexuality as sinful behavior (See William Witt, *Hermeneutics of Same-sex Marriage*. March 4, 2012. http://willgwitt.org/hermeneutics_of_same-sex_practice/). Leviticus, the third book of the Hebrew Bible says, "Thou shalt not lie with mankind, as with womankind: it is abomination" (Leviticus 18:22). The New Testament affirms this view, noting, "... God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones...Men committed indecent acts with other men, and received in themselves the due penalty for their perversion" (Romans 1:26-27). Islam teaches that homosexuality is a vile form of fornication punishable by death (Guide to Understanding Islam). Orthodox Judaism considers it an "abomination" and punishable by death (Rabbi Amsel). In 2003, the Southern Baptist Convention came to

a resolution which stated that “‘same-sex marriage’ would convey a societal approval of a homosexual lifestyle, which the Bible calls sinful and dangerous both to the individuals involved and to society at large” (On Same-Sex Marriage, June 2003). Similarly, the Evangelical Presbyterian Church believes, “[H]omosexual practice is a distortion of the image of God as it is still reflected in fallen man, and a perversion of the sexual relationship as God intended it to be” (Position Paper on Homosexuality).

Same-sex "marriage" would further isolate marriage from its procreative purpose: Traditionally, marriage and procreation have been tightly connected to one another. Indeed, from a sociological perspective, the primary purpose that marriage serves is to secure a mother and father for each child who is born into a society. Now, however, many Westerners see marriage in primarily emotional terms. Among other things, the danger with this mentality is that it fosters an anti-natalist mindset that fuels population decline, which in turn puts tremendous social, political, and economic strains on the larger society. Same-sex marriage would only further undercut the procreative norm long associated with marriage insofar as it establishes that there is no necessary link between procreation and marriage. This was spelt out in the *Goodridge* decision in Massachusetts, where the majority opinion dismissed the procreative meaning of marriage. It is no accident that the countries that have legalized or are considering legalizing same-sex marriage have some of the lowest fertility rates in the world. For instance, the Netherlands, Sweden, and Canada have birthrates that hover around 1.6 children per woman--well below the replacement fertility rate of 2.1.

Same-Sex Marriage Endangers Children: “Marriage is fundamentally about the needs of children,” says David Blankenhorn, author of *The Future of Marriage* and the founder and president of the Institute for American Values. “(W)hat children need most are mothers and fathers” (Robert P. George and Ryan T. Anderson, April 23, 2007.). The mother and the father bring different and important traits to child rearing. Psychiatrist Harold M. Voth of the Menninger Foundation wrote in 1978, “One of the most important functions of parenting is to evoke, develop and reinforce gender identity and then proceed to shepherd the developing child in such a way as to bring his psychological side into harmony with his biological side and therefore develop a solid sense of maleness or femaleness . . .” (Report of Commission on

Sexual Orientation and the Law. State of Hawaii). Children are better off when raised by both a father and mother. Child Trends, a leading independent nonpartisan research concludes;

Research clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage. Children in single parent families, children born to unmarried mothers, and children in step-families or cohabiting relationships face higher risks of poor outcomes There is thus value for children in promoting strong, stable marriages between biological parents [I]t is not simply the presence of two parents . . . but the presence of two biological parents that seems to support children’s development. (Kristin Anderson Moore, Susan M. Jekielek and Carol Emig, June 2002)

The Catholic Church raises to a moral principle “the right of the child to be born from one father and one mother who are father and mother both from a biological and a legal point of view” (Compendium of the Social Doctrine of the Church).

We know from biology that two males or two females cannot have a marital union that is biologically open to new life. This means that, in order for a same-sex couple to conceive a child, the couple would have to take either sperm or an egg from someone who is a stranger to their relationship. So, in order to conceive a child, a same-sex couple would have to overlook the child’s right to be raised by both of his or her biological parents.

Religious Liberty: The acceptance of same-sex marriage can be said to be a threat to religious freedom. The Catholic Church defines ‘religious freedom’ as meaning “that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits” (Dignitatis Humane. Pope Paul VI. December 7, 1965). If same-sex marriage is widely accepted, churches will be forced to aid and abet behavior contrary to their moral teachings. The United States Conference of Catholic Bishops notes,

Changing the legal term “marriage” is not one change in the law, but rather amounts to thousands of changes at once. The term “marriage” can be found in family law, employment law, trusts and

estates, healthcare law, tax law, property law, and many others. These laws affect and pervasively regulate religious institutions, such as churches, religiously-affiliated schools, hospitals, and families... When Church and State disagree on what the term “marriage” means ... conflict results . . . as the State will apply various sanctions against the Church for its refusal to comply with the State’s definition” (Marriage: Unique for a Reason. The United States Conference of Catholic Bishops).

SELF-ASSESSMENT EXERCISE

4.0 CONCLUSION

In this unit, we have been able to discuss the arguments for and against same-sex marriage. Advocates of same-sex marriage see homosexuality as a normal variant within the human condition and should be accepted generally. On the other hand, the reasons given by opponents of same-sex marriage are grounded on biological stance, religious stance and purpose of the institution of marriage. With respect to the institution of marriage, these opponents argue, same-sex couples are simply not similar to different sex couples, because marriage by definition, morally and practically requires a man and a woman.

5.0 SUMMARY

According to the supporters of same-sex marriage, homosexuality is a normal variant within the human condition. It was pointed out that even Jesus Christ never mentioned homosexuality in his response to the Pharisee’s question but emphasized ‘love’ as the most supreme of all laws.

Opponents of same-sex marriage posit that same sex-marriage is a sin against God. Furthermore, it does not conform with the ideal of marriage, which is supposed to be between man and woman.

6.0 TUTOR-MARKED ASSIGNMENT

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MODULE 5 CLONING

UNIT 1 UNDERSTANDING CLONING

CONTENTS

- 1.0. Introduction
- 2.0. Intended Learning Outcomes
- 3.0. Main contents
 - 3.1. What is Cloning?
 - 3.2. History of Cloning
 - 3.3. Types of Cloning
 - 3.3.1. Therapeutic
 - 3.3.2. Reproductive
 - 3.3.3. DNA
 - 3.4. Uses of Cloning
- 4.0. Conclusion
- 5.0. Summary
- 6.0. Tutor-Marked Assignment
- 7.0. References/Further Reading

1.0. INTRODUCTION

This unit attempts a conceptual clarification of the key term of this module, cloning. In addition to this, it takes a philosophical excursion into the history of cloning as well as the types and uses of cloning.

2.0. INTENDED LEARNING OUTCOMES

This unit will help students:

- to comprehend the meaning of cloning;
- to understand the historical evolution of cloning;
- to discuss different types and uses of cloning.

3.0. MAIN CONTENTS

3.1. What is Cloning?

The word clone is used in many different contexts in biological research but in its most simple and strict sense, it refers to a precise

genetic copy of a molecule, cell, plant, animal, or human being. In some of these contexts, cloning refers to established technologies that have been part of agricultural practice for a very long time and currently form an important part of the foundations of modern biological research.

Indeed, genetically identical copies of whole organisms are commonplace in the plant breeding world and are commonly referred to as “varieties” rather than clones. Many valuable horticultural or agricultural strains are maintained solely by vegetative propagation from an original plant, reflecting the ease with which it is possible to regenerate a complete plant from a small cutting. The developmental process in animals does not usually permit cloning as easily as in plants. Many simpler invertebrate species, however, such as certain kinds of worms, are capable of regenerating a whole organism from a small piece, even though this is not necessarily their usual mode of reproduction. Vertebrates have lost this ability entirely, although regeneration of certain limbs, organs, or tissues can occur to varying degrees in some animals.

Although a single adult vertebrate cannot generate another whole organism, cloning of vertebrates does occur in nature, in a limited way, through multiple births, primarily with the formation of identical twins. However, twins occur by chance in humans and other mammals with the separation of a single embryo into halves at an early stage of development. The resulting offspring are genetically identical, having been derived from one zygote, which resulted from the fertilization of one egg by one sperm.

At the molecular and cellular level, scientists have been cloning human and animal cells and genes for several decades. The scientific justification for such cloning is that it provides greater quantities of identical cells or genes for study; each cell or molecule is identical to the others.

At the simplest level, molecular biologists routinely make clones of deoxyribonucleic acid (DNA), the molecular basis of genes. DNA fragments containing genes are copied and amplified in a host cell, usually a bacterium. The availability of large quantities of identical DNA makes possible many scientific experiments. This process, often called molecular cloning, is the mainstay of recombinant DNA technology and has led to the production of such important

medicines as insulin to treat diabetes, tissue plasminogen activator (tPA) to dissolve clots after a heart attack, and erythropoietin (EPO) to treat anemia associated with dialysis for kidney disease.

Another type of cloning is conducted at the cellular level. In cellular cloning copies are made of cells derived from the soma, or body, by growing these cells in culture in a laboratory. The genetic makeup of the resulting cloned cells, called a cell line, is identical to that of the original cell. This, too, is a highly reliable procedure, which is also used to test and sometimes to produce new medicines such as those listed above. Since molecular and cellular cloning of this sort does not involve germ cells (eggs or sperm), the cloned cells are not capable of developing into a baby.

The third type of cloning aims to reproduce genetically identical animals. Cloning of animals can typically be divided into two distinct processes, blastomere separation and nuclear transplantation cloning.

3.2. History of Cloning

In 1903 Herber Webber, a U.S. department of agriculture personal, was the first to use the word 'clon' which later was spelled clone. According Clone Safety, Webber's definition of a 'clon' was "any group of cells or organisms produced asexually from a single sexually produced ancestor" (Clone Safety). The first historically noted cloning was with frogs. This cloning was done by Robert Briggs and Thomas King in 1952. This idea of cloning frogs was first offered up by Hans Spemann in 1938 (Clone Safety). In 1963 China created clones of carp. According to Wikipedia Tong Dizhou performed the process by "inserting the DNA from a cell of a male carp into an egg from a female carp" (Clone Safety; Wikipedia).

During the years of 1994 and 1997 scientists Neal First, Ian Wilmut, and his colleagues at Roslin institute contributed to the cloning of Dolly the sheep. 1994 - Neal First makes genetic copies of calves from embryos whose cells then divide until they reach about 120. 1995 – Wilmut builds onto First's experiment by using sheep embryos instead and inactivating the embryos before transferring the nuclei from the embryos into sheep eggs. 1996 - Wilmut and his colleagues had a successful cloned sheep that everyone knows as Dolly. 1997 – Wilmut and his colleagues officially went public with their successful cloned sheep (ahc.umn). This progress in cloning brought up many questions about the

ethics and safety of cloning causing President Bill Clinton to place a five-year ban on cloning in 1997 (ahc.umn). In 1998 The University of Hawaii had successfully clone three generations of mice (ahc.umn).

In 2003 the U.S. House passed the Human Cloning Prohibition Act. Canada followed close behind by also banning cloning in 2005. Unlike the U.S. and Canada, South Korea allows scientists to continue attempts at cloning. Also, in 2005 “United Nations past a non-binding declaration calling on all Member States to ban all forms of human cloning” (UN, 2005). During history, after Dolly, many different animals have been cloned, including Rhesus monkey, Gaur (first endangered species cloned), cattle, a cat, a dog, a rat, a mule, horse, water buffalo, and a camel have all been cloned. (Donald, 2020: 552)

3.3. Types of Cloning

There are three types of cloning, Therapeutic, Reproductive, and DNA Cloning (Human Genome Project).

3.3.1. Therapeutic: The purpose of this cloning is to grow stem cells. They use the stem cells to harvest organs and help treat diseases not for human cloning. (Human Genome Project) According to the Stem Cell Center the definition of therapeutic cloning refers to “the removal of a nucleus, which contains genetic material, from virtually any cell of the body (a somatic cell) and its transfer by injection into an unfertilized egg from which the nucleus has also been removed. The newly reconstructed entity then starts dividing. After 4-5 days in culture, embryonic stem cells then can be removed and used to create many embryonic stem cells in culture” (Stem Cell Centre).

Many times, while attempting therapeutic cloning the embryo is destroyed, causing many people to be skeptical of this type of cloning (CBSE).

3.3.2. Reproductive: Reproductive cloning is the most commonly known of the three types of cloning. Reproductive cloning is a technologically based way of creating an animal with the same nuclear DNA as the animal’s DNA it was taken from (Human Genome Project). Dolly the sheep was created by reproductive cloning (Human Genome Project). And according to the Human Genome Project this was cause by a process called “somatic cell

nuclear transfer' (SCNT), scientists transfer genetic material from the nucleus of a donor adult cell to an egg whose nucleus, and thus its genetic material, has been removed. The reconstructed egg containing the DNA from a donor cell must be treated with chemicals or electric current in order to stimulate cell division. Once the cloned embryo reaches a suitable stage, it is transferred to the uterus of a female host where it continues to develop until birth" (Human Genome Project).

3.3.3. DNA: DNA cloning is also known as "Molecular cloning, Gene cloning, and Recombinant DNA technology" (CBSE). According to genome.gov "Gene cloning, also known as DNA cloning, is a very different process from reproductive and therapeutic cloning." According to the Human Genome Project, DNA cloning is the "transfer of a DNA fragment of interest from one organism to a self-replicating genetic element such as a bacterial plasmid. The DNA of interest can then be propagated in a foreign host cell." What this is saying is DNA cloning is making copies of DNA fragments (Human Genome Project; CBSE)

3.4. Uses of Cloning

Reproductive Uses: Reproductive cloning could be used by cloning animals and then using the cloned animals for drug testing and other treatments. This could also be used to produce perfect foods like dairy (National Human Genome Research Institute, 2020). Also, Reproductive cloning can be used to rebuild populations. "In 2001, researchers produced the first clone of an endangered species: a type of Asian ox known as a guar. Sadly, the baby guar, which had developed inside a surrogate cow mother, died just a few days after its birth. In 2003, another endangered type of ox, called the Banteg, was successfully cloned. Soon after, three African wildcats were cloned using frozen embryos as a source of DNA. Although some experts think cloning can save many species that would otherwise disappear, others argue that cloning produces a population of genetically identical individuals that lack the genetic variability necessary for species survival" (National Human Genome Research Institute, 2020).

Therapeutic Cloning Uses: Therapeutic cloning can be used "to grow tissues in the laboratory that can be used to grow healthy tissue to replace injured or diseased tissues." This is saying that in the future once this use is perfected many diseases will be cured. "In addition, it may be possible to learn more about the molecular

causes of disease by studying embryonic stem cell lines from cloned embryos derived from the cells of animals or humans with different diseases.” In the future we will be able to prevent diseases. (National Human Genome Research Institute, 2020).

DNA Cloning Uses: DNA cloning can be used to study the human genome and figure out what genes contribute to certain diseases (CBSE).

SELF-ASSESSMENT EXERCISE

4.0. CONCLUSION

In this unit, we have considered the meaning, history, types and uses of cloning. We were made to understand that the term ‘clone’ is being used in many different contexts in biological research. In some of these contexts, cloning is said to refer to established technologies that have been part of agricultural practice for a very long time and currently form an important part of the foundations of modern biological research.

5.0. SUMMARY

Cloning refers to a precise genetic copy of a molecule, cell, plant, animal, or human being. There are three types of cloning, Therapeutic, Reproductive, and DNA Cloning. Cloning can be used for reproductive, therapeutic and DNA purposes.

6.0. TUTOR-MARKED ASSIGNMENT

7.0 REFERENCES/FURTHER READING

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UNIT 2 ARGUMENTS FOR AND AGAINST CLONING

CONTENTS

- 1.0. Introduction
- 2.0. Intended Learning Outcomes
- 3.0. Main contents
 - 3.1. Arguments for Cloning
 - 3.2. Arguments against Cloning
- 4.0. Conclusion
- 5.0. Summary
- 6.0. References/Further Reading.

1.0. INTRODUCTION

This unit attempts an exposition into the debate about cloning. The debate comes from two camps, whereby one is in support and the other against cloning.

2.0. INTENDED LEARNING OUTCOMES

This unit will help students:

- to discuss the arguments for cloning;
- to discuss the arguments against cloning.

3.0 MAIN CONTENT

3.1 Arguments for Cloning

Cure for infertility: The most straightforward reason why someone may want to reproduce through cloning is to have a genetically related child. Currently, those who want a child but cannot produce an embryo because they are infertile, can either use a donor embryo and carry it to term (or have it carried to term by a surrogate), or adopt a child. In neither case, however, will the child be genetically related to them. Cloning would allow these people to have a genetically related child. Moreover, if a couple uses the female partner's egg in the cloning procedure, then the child could be genetically related to both rearing parents, as it would share his mitochondrial DNA with the woman whose egg was used, and the nuclear DNA of the woman's partner who provided the somatic

cell. Many deny that individuals have a justified interest in having a child that is genetically related to them (Bartholet, 1999; Levy and Lotz 2005). Regardless of whether the desire to have a child who is genetically related is ethically problematic in some way, it is often considered a sufficient reason to allow people access to other cures for infertility – namely in-vitro fertilization (IVF). Therefore, it may also provide a plausible basis for allowing access to cloning technologies.

Increase Health/Well-being for Children: Cloning may also be desirable for parents who do not necessarily want a child who is genetically related to them, but who want a child who is expected to have a high level of health and/or well-being. Cloning would enable parents to have a child with a genome identical to that of a person with good health and/or other desirable characteristics. John Harris (2004, pp. 29-30) stresses the point that cloning allows parents to provide someone with a ‘tried and tested’ genome, not one created by the genetic lottery of sexual reproduction and the random combination of chromosomes. If we choose our cell donor wisely, Harris argues, we will be able to protect the clone from many hereditary disorders and many other genetic problems. Furthermore, SCNT could be used in combination with gene editing technologies like CRISPR/Cas9 (a type of enzyme, used in gene editing technologies).

This could be used to create ‘near’ clones, which have the same genotype as a very healthy donor, but with subtle improvements. It is not clear how effective such a technique would be. The effects of genes on health and well-being are relative to the environments in which they are expressed. Subtle environmental changes between generations could turn a genome associated with health to one associated with serious disease. However, if the relevant environmental conditions remain the same, cloning could be the most effective way to create a child with the greatest expected health/wellbeing.

A ‘replacement child’: In 2009, Panos Zavos, a controversial fertility doctor in the US, claimed to have created cloned embryos using tissues from three deceased people, one of them a young girl who had died in a car crash (Jones, 2009). He said his intent was to study the cloning procedure, not to create babies. However, he stressed that in the future, cloning could be used to create genetic copies of deceased loved ones. For example, parents whose child

had died could create a genetically identical ‘replacement child’. Again, this could be used in combination with gene editing technologies, to produce near clones of a deceased child. Parents who had tragically lost a child due to some genetic disease, could produce a clone of that child with the fatal flaw corrected. However, the motivation of cloning a child as a replacement is based on erroneous assumptions about cloning. The idea that by cloning a child we would create a copy of that same child embodies the view that identity is solely determined by our genes. But this type of genetic determinism is clearly false. Though genes influence our personal development, so does the complex and irreproducible context in which our lives take place. We know this from studying monozygotic twins. Notwithstanding, the fact that such twins are genetically identical to each other and, therefore, sometimes look very similar and often share many character traits, habits and preferences, they are different individuals, with different identities (Segal, 1999). Cloning a deceased child would not produce an identical child, but a different child, just as ‘standard’ reproduction does.

A saviour sibling: A further possible motivation for engaging in cloning is to create a child who could act as a tissue donor for a sick sibling. For example, if a child has a blood disease, the treatment of which requires a hematopoietic stem cell transplantation, stem cells from the umbilical cord blood collected after the birth of the younger clone could be used for transplantation to the progenitor. The creation of such ‘saviour siblings’ is already permitted using pre-implantation genetic diagnosis and IVF. Cloning could potentially be a more effective method for producing children who are saviour siblings. In sum, cloning could significantly expand our procreative options. The two clearest motivations for using cloning will be as a cure for infertility and to create saviour siblings. As we already allow people to access reproductive technologies for these purposes, these appear to be justified reasons for allowing people to access cloning techniques. An argument is owed for why producing children through cloning is more unethical than using other reproductive technologies (or standard sexual reproduction).

3.2 Arguments against cloning

Cloning is Unnatural: That cloning is unnatural and therefore wrong is one of the most often heard arguments against cloning

(see, for example, The President's Council on Bioethics, 2002, chapter 5) but also one of the least convincing. To say that something is 'unnatural' can be interpreted in various ways. Perhaps the most obvious sense in which cloning is unnatural is that it is artificial – it is the product of purposeful human activity. It seems implausible, however, that all that is artificial is bad as this implies that all medicine is bad. Another sense in which cloning is unnatural is that it is unusual. It is not what we normally do. But why would the 'unusualness' of something make it wrong? Many new technologies are unusual. We do not generally think that this provides a good reason not to develop or use them. To determine whether we should develop or use new unusual technologies, we typically look at the expected consequences of doing so.

Cloning threatens autonomy: Many fears that cloning threatens the autonomy of a child, by locking them into particular futures. This may be bad in itself, or bad because it might reduce the clone's wellbeing. In its report 'Human Cloning and Human Dignity: An Ethical Inquiry', the President's Council on Bioethics (2002) wrote that being genetically unique is "an emblem of independence and individuality" and allows us to go forward "with a relatively indeterminate future in front of us" (Chapter five, section c). Such concerns have formed the basis of strong opposition to cloning. As discussed above, the concern that a clone's identity and individuality is threatened relies on the mistaken belief that who and what we become is entirely determined by our genes. Sharing the same genome with another organism does not threaten identity, and monozygotic twins are proof of this. Furthermore, it is not clear how cloning threatens an agent's autonomy in a more significant way than normal reproduction. Each child is somewhat limited in the life plans they can pursue because of their genes; cloned or not. As long as an equivalent number of life plans are open to a clone as there are to a normal child, and clones are not coerced into pursuing particular life plans, they can live just as autonomously as normal children.

The clone will be treated as a means: Cloning arouses people's imagination about the clone, but also about those who will choose to have a child through cloning. Often dubious motives are ascribed to them: they would want a child that is 'just like so-and-so' causing people to view them as objects or as commodities like a new car or a new house (see, for example, Putnam, 1997, pp. 7-8). They would want an attractive child (a clone of Scarlett Johansson)

or a child with tennis talent (a clone of Serena Williams) purely to show off. Dictators would want armies of clones to achieve their political goals. People would clone themselves out of vanity. Parents would clone their existing child so that the clone can serve as an organ bank for that child. The conclusion is then that cloning is wrong because the clone will be used as a mere means to others' ends.

Complex family relationships: Another concern is that cloning threatens traditional family structures. Similar fears have been echoed in debates about homosexuals adopting children, IVF and other assisted reproduction techniques. But cloning may present unique problems by blurring generational boundaries. A clone does not have genetic parents in the traditional sense and this may alter family structures. However, it is not clear that generational blurring would lead to a cloned child being more confused about his family ties than some children are now.

SELF-ASSESSMENT EXERCISE

4.0 CONCLUSION

All things considered, whether or not cloning is permissible depends on the weight of the reasons for doing it, and the weight of the reasons against doing it. We have argued that there are cases in which individuals may be justified in using cloning technologies as a means for reproduction, especially when this is the only way to create a child who is genetically related to the donor, or to produce a child to act as a saviour sibling. Furthermore, the arguments adduced against cloning do not provide strong reasons to believe these specific uses of cloning technologies would be unethical.

5.0. SUMMARY

6.0 TUTOR-MARKED ASSIGNMENT

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