NATIONAL OPEN UNIVERSITY OF NIGERIA

FACULTY OF ARTS

DEPARTMENT OF RELIGIOUS STUDIES

COURSE CODE: CRS862

COURSE TITLE: APPLIED ETHICS

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CREDIT UNIT: 3

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YEAR OF REVIEW: 2021

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COURSE GUIDE

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Introduction

CRS862 Applied Ethics is a three-credit unit course prepared for the MA Christian Theology students of National Open University of Nigeria. The course is to guide the students on the rudiments of Applied Ethics. It exposes them to basic and necessary issues in applied ethics. It tells them what ethics is, as well as the branches of ethics in general and applied ethics in particular. The course also opens the students' eyes to the numerous ethical challenges that confront our world today. The students are advised to attempt the self-assessment exercises at the end of every section as well as the tutor-marked assignments at the end of every unit if they want to make the best out of this course.

Course Aims

The world in which we live is a complex one. They throw up ethical challenges that task even the most moral person on earth. A person unexposed to ethical training may act with the greatest assurance that a decision he or she has taken in the face of a moral challenge is the correct one, only to find his or her peers, at times entire society, blame him or her for his or her actions. This course aims to sharpen your capacity to take right ethical decisions. Generally, it seeks:

1. To afford you with a general understanding of ethics.
2. To expose you to the fundamental principles that affect ethical decision making.

3. To instil in you the skill to take correct ethical decision.
4. To expose you to the prevalent ethical issues in the twenty-first century.

Course Objectives

Each unit in this course has stated objectives that it seeks to achieve. Pay close attention to those objectives for a successful understanding of the course. However, by the time you are through with the course contents, especially when you have studied it with some devotion, you will be able to:

1. Apply ethical principles and theories in concrete situations
2. Know the major ethical challenges of our time
3. Take firm decisions in situations of ethical dilemma

Working through this Course

There are fourteen study units in this course. You are expected to follow these units step- by-step for effective understanding of the issues they treat. However, you must understand that what has been provided for you in this material is just a guide. You will do yourself good if you consult the recommended texts and other texts that are relevant for the course. These will help, in no small measure, to broaden your knowledge of the course. The self-assessment exercises are to test your level of understanding. Do not hesitate to test yourself with them as they will help to sharpen your understanding. As occasions demand, you will from time to time, have assignments to write. If I were you, I will take the assignments seriously knowing that they may constitute a part of my final performance in the course.

Course Materials

Major components of the course are:

1. Study Units
2. Textbooks
3. Assignments' File
4. Presentation Schedule

1. Study Units

There are fourteen study units in the course, Applied Ethics. They are broken down as follows:

MODULE 1:	**ETHICAL PRINCIPLES AND RIGHTS ISSUES**
Unit 1:	Introducing Applied Ethics
Unit 2:	Human Rights to Life
Unit 3:	Terrorism
Unit 4:	War
MODULE 2:	**BIOETHICAL ISSUES**
Unit 1:	Euthanasia
Unit 2:	Suicide
Unit 3:	Abortion
Unit 4:	Stem Cells Research and Therapy
Unit **5:**	Cloning
MODULE 3:	**BUSINESS AND ENVIRONMENTAL ETHICS**
Unit 1	Introducing Business Ethics
Unit 2	Intellectual Property Rights
Unit 3	Whistleblowing

Unit 4 Major Issues in Environmental Ethics
Unit 5 Animal Rights

REFERENCES

We have included a list of books that are relevant for every unit. You will gain greatly if you read such books and similar ones on the topics treated. Reading the books will help to build your knowledge and thereby enhancing your understanding of the course.

ASSIGNMENT FILE

Your assessment in this course will come in two forms: the tutor-marked assignments and a written examination. The tutor-marked assignment which will be organised by your tutor carries 30% of the total marks for the course.

TUTOR-MARKED ASSIGNMENT

There is a tutor-marked assignment at the end of every unit. You are advised to solve the assignments and submit your solution to your tutor. At the end of the course, the tutor-marked assignments will carry 30% of the total marks of the course.

FINAL EXAMINATION AND GRADING

Your final examination, which carries 70% of the total marks, comes at the end of the course. This will constitute a two-hour examination, where you will be asked questions on the issues that you have already encountered in the course of your study.

Course Marking Scheme

The total marks accruable to you from this course are broken down as follows:

Assessment	**Marks**
Assignments	Four assignments of 10% each, out of which the best three is selected
Final Examination	70% of the total course marks
Total	100% of course marks

How to Get the Most from this Course

In distance learning, the study units replace the university lectures. You are therefore expected to read through the course on your own and at your own time. Another aspect of this is that you do not read at the prompting of your tutor. You read when you decide to do so. Since there is no lecturer for you in this course, the study unit tells you what to do at each point. It will benefit you immensely if you obey its instructions.

The units are arranged in a common format. The first item of every unit is an introduction to the subject matter of the unit, and how a particular unit is integrated with the other units and the course as a whole. What follows next is a set of learning objectives. These objectives, as already stated, let you know what you should be able to do by the time you have completed the unit. These learning objectives are meant to guide your study. You are advised to go back to the stated objectives at the end of every unit, to know whether you have achieved them in the course of your learning.

The self-assessment exercises at the end of the units are to help you to assess your understanding of the units. Do not neglect them as the way you answer them provides you with a mirror to gauge your performance in learning the course.

Tutors and Tutorials

Your tutor will provide a human guide for you in the course of this work. However, you

are to have only fourteen hours of contact with him or her in the course of your study of this course. Pay close attention to your tutor. If you have any question to ask as regards the course it is your tutor that will provide the answer. He or she will also mark your tutor-marked assignments. You should try as much as possible to attend all the tutorials. Doing so will be of benefit to you.

Summary

This course is meant to equip you with skills needed to take practical ethical decisions in real life. It gives you invaluable insights on the major branches of applied ethics, and guide you through some of the major contemporary issues in applied ethics. Good luck!

MAIN COURSE

MODULE 1: ETHICAL PRINCIPLES AND RIGHTS ISSUES

UNIT 1: INTRODUCING APPLIED ETHICS

1.0 INTRODUCTION

Ethics is one of the major branches of philosophy. The history of ethics as a major branch of philosophy stretches back to the earliest periods in the development of philosophy. As a field with long historical past, ethics has developed elaborate theories and principles. For the most of the history of ethics, individual persons were expected to apply these ethical principles and theories in their private life. In the recent time, ethicists have evolved applied ethics to serve as the arena where ethicists will test the applicability or otherwise of their theories and principles in concrete circumstances. A successfully applied ethical principle or theory is expected to be a guide to everyone who has interest in fostering good human relationship with his fellows. This unit will examine the following issues: meaning of ethics, types of ethics, branches of applied ethics, history of applied ethics and some ethical principles that are applied in ethics.

2.0 OBJECTIVES

At the end of this unit, you will be able to:

i. Know the meaning of ethics.
ii. Distinguish between branches of ethics.
iii. Know the various branches of applied ethics.
iv. Trace the history of applied ethics.
v. Know the various theories and principles that are important in applied ethics.

3.0 MAIN CONTENTS

3.1 Meaning of Ethics

As a word, ethics originated from the Greek word *ethos* which means “character” in English language. As a discipline, ethics is a branch of philosophy concerned with the study of principles and rules of human conduct. It is a science of human behaviour whose subject matter is the discovery of the appropriate manner of conducting human actions. The ultimate ethical questions are: “what is the best possible way for us to live?” “How

do we become good." As you will later know, ethics is not just about possessing knowledge about the best way to conduct your behaviour; it is also about your acting in that way. This is expressed in the famous Socratic saying that: "To know the good is to do the good." Thus, ethics involves knowledge and action; knowing the good way to behave and behaving according to the good way known. Ethics does not only prescribe to you how to act, it also judges your actions. It is based on this description of it as judge of human actions that ethics is able to make distinction between good and bad people; good and bad government; good and bad behaviours, etc.

We must note immediately that ethics is not concerned with every form of human action. Properly speaking, ethics is only interested in what ethicists call human acts. Human acts are voluntary acts, that is, acts done freely, willingly, without compulsion or force. They are the ones which the doer of the acts could have decided to do their alternatives. Human acts are performed after due deliberation in which pros and cons of the actions are weighed in our minds. Stealing one's neighbour's property is a human act as the thief could have decided not to steal it. He equally deliberated over the action in his mind before carrying it out.

Opposed to human acts are what ethicists refer to as acts of man. Acts of man are involuntary acts. They are those acts over which one has no control but which one nevertheless performs. Acts of man are involuntary acts that are performed without willing them. They are of no ethical consequence and attract neither blame nor praise. Example of acts of man is sneezing.

Self-Assessment Exercise 3.1

Distinguish between human acts as subject of ethics and acts of man.

3.2 Types of Ethics

Normative Ethics: This type of ethics is concerned with stipulating what ought to be done or avoided, and establishing standard of behaviours. We may assume the golden rule as popularised by Jesus Christ as a good example of normative ethics because it stipulates to people how they should behave towards one another. Normative ethics seeks to discover that quality which an act must possess in order for it to be classified as a good or bad act.

Meta-ethics: Meta is a Greek word which means "beyond", "after", or above". Meta-ethics is regarded as the most philosophical, and therefore, the most abstract type of ethics. Meta-ethics studies ethics beyond specific human conducts. It considers the nature of ethics itself. It is a sort of philosophical questioning of ethical claims and values. For instance, one of the questions which meta-ethics considers is whether what we call ethics exists in itself independent of human beings who are subject of ethics. Consider the question of spirits, for instance, they exist whether there is a human being or not. Can we say the same thing of ethics? Put in another way, does ethics exist because there are human beings or would there have been something like ethics irrespective of the existence or non-existence of human beings? Again, if ethical claims exist, do they exist eternally? Philosophers have considered these questions and the answers they gave are contained in the various ethical theories and principles, some of which we shall examine later in this unit.

Applied Ethics: Applied ethics is a branch of ethics that applies ethical theories, principles and methods of philosophical reasoning to resolve particular ethical problems

(John Oakley 199; John Haldane 2003). Applied ethics examines the nature of moral challenges which we experience in the process of living our daily lives. Its concern *per se* is how to take decisions based on those ethical theories and principles.

Self-Assessment Exercise 3.2

List three types of ethics.

3.3 Major Branches of Applied Ethics

Applied ethics are classified into three. These include: bioethics, business ethics and environmental ethics.

Bioethics: This is also called the ethics of life. Bioethics is a relatively new word in ethics. It was first used in 1971 in the writings of Van Rensselaer Potter. Bioethics has come to mean simply, the application of ethical norms to human life issues like the practice of medicine, healthcare, reproduction, genetics, biology, etc. It is a branch of applied ethics which considers the relationship between the physician and his patient, as well as the duty of society to the sick. Issues that concern bioethics are issues that have to do with human life as well as death that are consequences of modern biological technology, and the values influenced by such technology.

Business Ethics: This is a branch of applied ethics that studies the nature of ethical issues that are involved in private and commercial enterprises. Such issues like social responsibilities of corporations, collective responsibility for environmental pollution, the morality of bribery and corruption, justifiability of whistleblowing against one's colleagues and competitors are tackled by business ethics.

Environmental Ethics: This is a branch of applied ethics that considers the rightness of our relationship with the rest of the natural world. The concern here is how best to treat nature. Such issues like pollution, exploitation of natural resources, overpopulation, treatment of animals, and the value of ecosystem are better handled by environmental ethics.

Self-Assessment Exercise 3.4

Discuss the three branches of applied ethics.

3.5 History of Applied Ethics

Philosophers, right from the beginning of philosophic enterprise were concerned with practical utilization of their philosophy and theories. This is also true of ethics. Indeed, one of the earliest philosophers, Aristotle, regarded ethics as "a practical enterprise". However, despite this ancient description, the type of ethics known as applied ethics is a relatively new field in ethics. Researches show that up to the second half of the twentieth century, the study of ethics focused primarily on what we described above as "meta-ethics." Then, as can be shown in the famous disagreement between Socrates and the sophists, the concern of ethics was to argue whether moral values are permanent features of the world (objective) or whether what we call values are merely a matter of preference, choice or usefulness (subjective). Socrates favoured the position that moral values are permanent features of the world, while the sophists taught that what is regarded as moral values are merely a matter of convenience and preference.

John Haldane (2003) lists a number of 20^{th} century factors that shifted attention from meta-ethics to a new form of ethics called "applied ethics". Such factors include: the experience of two world wars, the rise of totalitarian system of thought, genocide, development and use of weapons of mass destruction. According to Haldane, it was at

first a matter of serious embarrassment that professional moral philosophy had nothing at all to say about ethical questions raised by these moral issues as the prevalent mood was that the duty of a professional ethicist just like a professional chemists, was to understand the nature of the world and not to change it. The twentieth century ethicists and students of ethics, as a result of these factors, felt that the ground of study covered by ethics, to say the least, is completely limited. Thus, there was urgent need for the consideration of the ethical implications raised by these factors and more. Thus, applied ethics emerged then, first, as a type of ethics which considered civil rights, sexual ethics, morality of warfare, and bioethics.

Self-Assessment Exercise 3.5

What are the 20th century factors that gave rise to the emergence of applied ethics in that century?

3.6 Some Ethical Principles and Theories that are Relevant to Applied Ethics

There are certain ethical principles that are quite important to applied ethics. The student must note these principles for they are what are applied. In the course of your study you may also discover that there is a possibility of ethical problems arising as a result of these principles. Ethical problems arise in applied ethics when two or more of these ethical principles clash and one is uncertain about which course of action to follow. In such a matter, it is advised that one should dialogue with his reason before he makes his choice. The issue may even be more serious when one has strong reasons in favour of the two conflicting theories. When this happens, then one who is faced with making ethical decision is said to be in the grip of ethical dilemma. Below are some of the principles which are encountered in applied ethics.

Egoism: Egoism is the ethical theory that people should act only and only out of self-interest. One who acts out of self-interest does so because he hopes that by so acting he maximizes the personal consequences of his actions for himself alone. Thus, the simplest rendition of theory of egoism states that: "Each person ought to do whatever maximizes their own self-interest regardless how this affects others" (Mike Harrison 2005). Indeed, Thomas Hobbes, holds that to act to promote one's interest alone is an essential nature of man. But you may have witnessed instances where people perform acts that seem not to benefit them at all, that are entirely targeted for the well-being of others. We can cite an instance with a fire-fighter who enters the tick of the fire to save a toddler and dies in the process of exiting the scene after throwing down the toddler for people to catch. This example may seem completely altruistic to you, but Hobbes would laugh it off. His argument would simply be that the fire fighter did what he did because he hoped to gain personal glory and public praise from that.

However, ethicists have noticed that there will be constant clash between people if each person is allowed at every particular point to do that which promotes his personal interest alone. Thomas Hobbes' response to this is that people are quite intelligent and they always find a way to mask what is their interest and present them as acts of altruism. Those cases where wars and clashes exist, it is only because the individuals involved were not careful enough to package their interest as public interest.

Utilitarianism: The ethical principle of utilitarianism was developed by an English Philosopher, Jeremy Bentham in the late 18th century and was improved upon in the 19th century by the son of Bentham's friend, J. S. Mill. Utilitarianism as an ethical principle

holds that the goodness or badness of an action depends on the consequence of the action on all the people affected by it. It stipulates that actions worth pursuing are the ones that will bring greatest happiness to greatest number of people. However, a modern day utilitarian would rather speak of interests. On this note, Peter Singer (1993: 13) writes what may be a contemporary rendition of utilitarianism when he says that one should always "adopt the course of action most likely to maximise the interests of those affected." Thus, an action that satisfies the interest of those concerned is good action, one that does otherwise is bad, and therefore should be avoided.

Proponents of utilitarianism insist that the value of an action can be measured on a scale in our mind to determine whether the pleasure it brings or the interest it satisfies outweighs the pains it causes (if any) or the interests it fails to satisfy. Actions whose pains outweigh the pleasures should be avoided, and those that do not satisfy the interest of the people involved should not be performed. Only those that maximise pleasure are to be pursued. Jeremy Bentham, the chief proponent of utilitarianism lists a variety of pleasure which our actions must seek to promote. They include: pleasure of the senses, pleasure of the imagination, pleasure of wealth, pleasure of skill, pleasure of power and pleasure of expectation. Now, it is not just safe to ensure that an action brings about pleasure. The utilitarian will demand to know for how many people in the aggregate population the action will bring pleasure before permitting you to perform it. Utilitarianism insists that for an action to be sanctioned as worth pursuing it must ensure the pleasure of the majority of the population.

The Golden Rule: The golden rule is espoused by a number of leading belief systems, and is said to be contained in almost all cultures of the world. It is a sort of reciprocal action that insists that one should treat others in the same way he expects them to treat him if he were to be in the same circumstances as they find themselves.

Cultural Relativism: This ethical theory holds that moral judgements merely describe social convention, that a good course of action is what is socially approved by the majority of a particular society. Cultural relativists do not ascribe universal objectivity to ethical actions, rather morality is viewed as a product of culture. Their position, rather, is that something is only good in a society which sanctions it, and bad in another that disapproves it. Cultural relativism as an ethical theory was influenced by the discoveries made by social anthropologists who discovered wide gaps in what different societies sanction as morally wrong and as morally right. Proponents insist that to call the actions of a set of society bad while labelling others as good is to judge one society with the yardstick provided by another. One of the major arguments against cultural relativism is that it engenders conformity and works against personal initiative in ethical decisions.

Supernaturalism: This is an ethical theory which sees moral judgements as expressions of God's will. Thus, the things that we say are good actions, whether we know it or not, are the things sanctioned by God as good actions. The major criticism against supernaturalism is that it takes no note of atheists in the ideal that it urges.

Beneficence: The principle of beneficence simply states that we should always strive to do good to others. It holds that we have a duty to others, to help them insofar as we are not hurt in the process. Cosmas Ekwutosi (2008) states that "beneficence is a way of ensuring reciprocity in our relations and of passing along to others the good we have received in the past." Note that it does not matter whether the people you are expected to

help now are the same people who have helped you in the past.

Non-maleficence: The principle of non-maleficence is indeed another side of the principle of beneficence which we have stated above. Non-maleficence is stated in the Latin saying *primum non nocere* which means "first do no harm". The principle of non-maleficence holds that we should not harm others intentionally. Among the things it forbids is acting in matters where one is incompetent, and taking decisions beyond one's position to take.

Justice: The principle of justice seeks the promotion of fairness in society. This also states that people should be compensated for harms done to them by others, and that nobody should be exploited because of his position or status in society. Properly speaking, justice recommends that one should be given what belongs to one.

Paternalism: The principle of paternalism suggests that individuals should be treated in the same way parents treat their children. It upholds that one can act for the good of other persons without the consent of those persons. This is exactly what parents do for their children and it is always taken for granted that they will choose to act appropriately in every instance. Properly speaking, paternalism urges us to assist others in pursuing their best interest when those others are incapacitated from achieving those interests themselves. Ignorance is one factor that can incapacitate a person from achieving his own best interest.

Informed Consent: The principle of informed consent is quite important to bioethics as a branch of applied ethics. To a lesser extent, it is also useful to business ethics. Informed consent is often opposed to paternalism. In informed consent medical decisions affecting a patient is undertaken only with full knowledge of the patient. No matter how well-meaning a physician's intention may be, the principle of informed consent demands that he obtains the consent of the patient before administering medication on him. This entails disclosing all the pros and cons of the treatment to the patient who must be in a good state of mind to understand them. Proponents of informed consent advise that once the patient has been duly informed of the nature of the treatment open to him, the decision to be treated and not to be treated belongs to him.

Autonomy: Autonomy has its root in two Greek words: *auto* meaning "self" and *nomos* meaning "government". Etymologically speaking, autonomy means self-government. The Greeks applied the term to politics and referred to an autonomous city as one that governed itself. In the modern time, the concept of autonomy has been adopted in the field of ethics. In ethics, the principle of autonomy gives individuals the right and duty to regulate themselves. It holds that an individual should choose his own way of life, and order his life without interference from others even when others feel that he is mistaken in his choices. Beauchamp and Childress (2001) list what makes an autonomous agent to include the ability to choose: (1) intentionally, (2) with understanding, and (3) without controlling influence from others. In applied ethics, the principle of autonomy is often invoked when people want to state that they alone are responsible with what happens to their body.

However, opponents of autonomy hold that there are instances when the individual lacks the ability to be autonomous, to control and legislate for himself. They cite example with the insane, and comatose who lack the ability to reason in order to dictate for themselves. To answer such opponents, proponents of autonomy hold that a person's choice of today

when he is fit and able to make a choice should also be counted for him when he is unable and fit. This is called precedent autonomy.

Double Effect: The doctrine of double effect stipulates that one should not be held responsible for those actions of his whose effects whether good or bad, though foreseen are not intended. It can be said that for the doctrine of double effects the responsibility to which a person owes for performing an action depends on his intention for performing that action. We may provide an example here with the case of a pregnant cancerous woman who undergoes a surgery. A pro-life surgeon who is to operate on the woman knows that a successful surgery on the woman will lead to the termination of the woman's pregnancy, which amounts to abortion. To satisfy his conscience, the surgeon, even though he foresees the death of the foetus, must make sure that he does not will or intend it. All his efforts should be directed to saving the woman's life and not on killing the foetus.

Anne Thomson (1999) lists a number of circumstances where the doctrine of double effect excuses the performer of an action from responsibility arising from the action performed. They include the following:

i. The action performed is done because it will have some good effect, even though it may also have bad effects
ii. One intends only the good effects and not the bad effects of the action.
iii. The bad effect is not the means by which the good effect is achieved.

Self-Assessment Exercise 3.5

Distinguish between egoism and golden rule.

4.0 CONCLUSION

Applied ethics provides one with the tools to take concrete ethical decisions in challenging ethical situations. Knowledge of the ethical principles will always assist you in taking challenging ethical decisions whenever they arise.

5.0 SUMMARY

This course has introduced you to the meaning of ethics. It has made you to understand the nature of actions that are of interest to ethics. You were also made to understand the various divisions of ethics as well as the history of ethics. You also studied some of the relevant theories and principles that are applied in ethics.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Define ethics.
2. To know the good is to do the good. Discuss.
3. Discuss the three branches of ethics.
4. List the three types of applied ethics and discuss two of them.
5. List and comment on five theories and principles that are applied in ethics.

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UNIT 2: HUMAN RIGHT TO LIFE

1.0 INTRODUCTION

In the previous unit, we have attempted a theoretical understanding of ethics in general and applied ethics in particular. We equally studied various ethical principles that are applied in ethics. In this unit, we shall consider the human right to life. The right to life has come under continuous assault in our time. Murder and other forms of abuse are meted out to the human person, violating his right to life in the process. This unit considers the general implication of the right to life as well as the implication of its violation to the violator. In the process, we shall examine the following: meaning of human rights, the concepts of the right to life, dignity as the foundation of human right to life, history of the right to life, sources of human rights to life and instances where human right to life can be legitimately violated.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

i. Define human right.
ii. Understand the major understandings of human rights to life.
iii. Know the foundation upon which rests human rights to life.
iv. Trace the history of human right to life.
v. Understand the consequences of violating people's right to life

3.1 Meaning of Human Right

The term right is defined as entitlements or claims. On this note, Eminet Barcalow, (1997) holds that right is "a valid, legitimate or justifiable claim". The term human right is connotative of entitlements due to one simply because one is a human person. Human rights, therefore, are those rights which a human being has simply because he is a person. Human rights are necessary for the preservation of the personhood of the individual. George Khushf (2002) holds that each individual receives his human rights at the same instance that he receives his humanity.

Contemporary researches in the field of biology tend more and more to regard the *homo sapiens* as just one species of animals. Despite this classification, not even the biologists or animal rights activists have clamoured that man be subjected to the same treatment as animals. The most that has been ever demanded is that animals be subjected to the same treatment as men. It is our possession of human rights that makes it possible for us not to

be treated like every other animal. We insist that we deserve to be treated with respect on the basis of our possession of human rights. As a result, human rights impose obligation or duty on others different from the right holder not to infringe on his rights. On this note, Sam Vaknin (2005), tells us that "one's rights inform other people how they MUST behave towards one - not how they SHOULD or OUGHT to act morally" towards one. Indeed, some human rights do not just bind others from infringing on the right of the right holder, they also bind the right holder not to infringe his own rights in any way at all.

Human rights are natural in the sense that they are not invented by any human person. They are also said to be universal. By this we mean that they are applied to all human beings irrespective of age, religion, gender, health, tribe, colour, height, wealth, status, etc. What this implies is that all human beings have these rights in equal measure. The beggar in the street does not have less right than the king in his palace.

Human rights are also said to be inalienable in the sense that nobody can deprive one of his rights, one is not even free to forfeit one's right to others. What this means is that human rights are considered "too important ever to be relinquished even by a willing right-holder" (Almond, 1966). When this is viewed from the perspective of human right to life it implies not only that the right holder should not give himself out to be killed by others but that he has not the right to kill himself. This means that the duty which the claim of the holder of right to live imposes on others is also imposed on the right holder himself. Thus, the injunction thou shall not kill comprehensively involves, thou shall not kill yourself or others.

Self-Assessment Exercise 3.1

Discuss the implication of saying that human rights are both universal and inalienable.

3.2 Right to Life

The human right to life is the most fundamental of all human rights. Indeed, other types of rights are dependent on it and can be said to exist in order to protect the right to life

We have two valid ways of understanding the human right to life. We call them positive and negative concepts of right to life.

3.2.1 Positive Concept of Right to Life

The positive aspect of right to life stipulates that we are bound to engage in actions that will aid in the preservation of others' lives. A holder of the right to life may not be able to articulate the obligations we owe him as private individuals to help him maintain his life but the society in which he lives certainly owes him this right to help preserve his own life. Moralists see society as a form of social contract in which members have entered individually with the whole society. Thus, the society is always bound by duty to perform actions that will aid in the preservation of human right to life. For example, supposing that there are rumours that a deadly air borne disease is ravaging a neighbouring country and that the Nigerian region nearest to that country is at risk of contacting the same disease, the society (Nigerian state) owes the inhabitants of that region the right to find humanly possible ways to protect them from the ravaging effects of such disease no matter how costly it may be.

Sam Vaknin (2005:50), supports our position above when he observes the implication of the positive right to life as he writes that: "we all have a right to sustain our lives, maintain, prolong, or even improve them at society's expense – no matter how major and

significant the resources required. Public hospitals, state pension schemes, and police forces may be needed in order to fulfil society's obligations to prolong, maintain, and improve our lives - but fulfil them it must."

3.2.2 Negative Concept of Right to Life

The negative aspect of right to life stipulates that every individual has the right not to be killed by another. This means that you have a claim against all people in the world not to act in such a way as to end your life. This calls up some duty on others to desist from acts that will threaten your life.

Self-Assessment Exercise 3.2

List the two ways that the right to life is conceived

3.3 Dignity as Foundation of Human Right to Life

A thing of dignity is simply defined here as that which has value or worth and therefore deserves respect. The human person is defined as a being of dignity. Thus, ethicists argue that the rights which are ascribed to man arise simply because man has dignity. Immanuel Kant is the first philosopher to attribute the possession of human dignity to man. Kant (1983:), writes that: "the respect I bear others or which another can claim from me, is the acknowledgment of the dignity of another man, i.e., a worth that has no price, no equivalent for which the object of value could be exchanged. Judging something to have no worth is contempt." What Kant actually means is that a human being has worth inside him simply because he is a human being and not because of what we can gain from him. This is also followed by the recognition of the fact that human beings are irreplaceable; that you cannot exchange one human being with another human being or a human being with another thing since no other human being or thing equals another human being. This is different from other objects which you like because of the use you make of them. Your car has worth because it is able to take you to your destination. While you can speak so of your car you cannot say that your driver has worth because he is able to drive you to your destination. The worth of your driver simply exists because he is a human being. Again, your car can be exchanged with other items, like money, but no other object equals your driver as a human being and he cannot be exchanged with any other thing. This is what Kant means when he says that man, as a being of dignity, has no price. David Sulmasy (2008) distinguishes two types of dignity: attributed dignity and intrinsic dignity.

3.3.1 Attributed Dignity

This is the type of dignity which we give to others because we consider them important people in society. Sulmasy (2008) informs that no one is under compulsion to confer attributed dignity on others. One decides on his own to confer such dignity on others on account of their status or personal achievements. Thus, people to whom this kind of dignity is conferred are those whom we admire because of what they have done or what they can do. We always treat them with special respect which we don't immediately accord others. This type of dignity is discriminatory and does not apply to all and sundry. We may as well regard this kind of dignity as man-made dignity. It evokes admiration of others in us, and the loss of it evokes compassion for the person.

3.3.2 Intrinsic Dignity

Sulmasy (2008) defines intrinsic dignity as "the value something has by virtue of being the kind of thing that it is." Intrinsic relates to internal, to what is within, and not dependent on external factor. Every human being is said to possess intrinsic dignity, not

because they are rich, or beautiful, but because they are human beings. Here it does not matter whether you regard somebody as having value or not, he has it irrespective of your recognition or not, and it is expected that you accord him that respect because he has dignity in himself as a human being. This kind of dignity is God-made and it applies to all human beings.

Properly speaking, when we say that human rights are based on the fact that man is a being of dignity we mean intrinsic dignity. It is this type of dignity that makes man to command and demand respectful treatment from his fellows. Sulmasy (2008) writes that intrinsic dignity evokes respect of others in us, and when someone is treated as if he or she lacked intrinsic dignity, justice, in its most fundamental meaning, demands a response. We may take the case of murder as an example. A murderer has treated his victim as if he (the victim) lacked intrinsic dignity. Justice calls a response that the murderer too should be killed. He should be rewarded in the same measure.

Self-Assessment Exercise 3.3

Show your understanding of the concept of human dignity

3.4 Sources of Human Right to Life

There are controversies about the source of the human right to life. These controversies are built on philosophers' and legal experts' questioning of the foundation of what we call human rights. There are arguments that tend to suggest these rights are arbitrary and derived from nothing. For the proponents of such arguments, violating human rights is such an amoral issue like smoking cigarettes. However, despite such arguments as this, proponents of human rights point at three different factors that may explain the origin and source of human right to life. They are: God, social mores and customs, and reason

3.4.1 God

Human right to life is said to be conferred on man by God. Man has certain rights which God his maker specifically confers on him as man, one of which is the right to life. Proponents of this view see life as the property of God or as a trust. Like in every other endeavour, property held in trust is known not to belong to the trustee but to somebody else who has given it out to the trustee to look after. What is to be done with the property held in trust must be that instructed by the property owner.

It is assumed that no other person in the world, except God owns our lives. Our lives are "to be used for His benefit, and not to be disposed of by anyone other than Him." (Chetwynd, 2004). It is God himself who can rightly deprive a person of his human right to life. It is also expected that every person has the duty to himself to preserve the right to life which God gave to him as a human being. No authority on earth (not even that of government or United Nations) has the power to violate or make you allow the violation of your human right to life.

3.4.2 Social Mores and Cultures

The need for self-preservation is one of the driving forces of our species. As a result, every society makes rules and laws that will guide its own perpetuation. In this case, human rights (including right to life) are seen as codes that are invented by societies in order to aid their preservation. Proponents of this view point to the variation that exists in what counts as human rights and their violation between cultures. In this context, human rights are nothing more than cultural inventions, which depend on societal mores and historical contexts.

Accordingly, human right to life like all other aspects of human rights, arose as normative "responses to historical experiences of oppression." (Winston, 2007). According to this tradition, human right to life arose as a sort of moral imperative to curb social practices and conditions which endanger human life. Thus, human right to life is invented by society to enhance human flourishing and preserve the dignity of the human beings. Specifically, human right to life arose from society's own instincts to prevent experienced cases of murder, persecution, and torture.

3.4.3 Reason

Many philosophers who hold that man possesses the right to life insist that this right is such that was revealed to man by his reason. Philosophers allude to a type of knowledge that just comes from natural light of reason. For such type of knowledge, what is known does not depend on any empirical foundation. It is just revealed. Proponents of reason as the origin and source of the human right to life insist that our reason is what informs us, as human beings, not to kill one another.

Self-Assessment Exercise 3.4

List the three possible sources of right to life.

3.5 The History of Human Right to Life

The term "human right" under which heading our topic, human right to life is built is relatively new, traceable to the 20th century, even though its concept is old, traceable to the ancient Greece. Thus, what is today regarded as human rights were, at one time or the other regarded as civil rights, universal rights or natural rights. You should pay attention to the term which conveys the concept of human right in different historical epochs. You must also note that every human society, in time, had codes that capture what we regard as human right to life today. However, the history which follows captures the earliest recorded human effort to respect the human right to life.

During the period before Christ (ancient period), the Greek people (particularly Athenians) assigned themselves some rights which we may today regard as civil rights. They were rights that were accorded every Athenian citizen. Examples of such rights include equality before the law and freedom of speech. However, when Athens was finally defeated in wars it engaged with Persia (present day Iran) under the military leadership of Philip and his son, Alexander the Great, there came a period when no attention was paid to those rights which the Greeks had made for themselves as the conquering forces ruled according to their own dictates. Indeed, the Athenian city state which guaranteed and protected those civil rights had ceased to exist.

It was during this period that some group of Greek philosophers known as the "Stoics" reformulated the pre-existing civil rights and called them universal rights. The Stoics were clever and explained that these rights did not belong to the Greeks alone but to all human beings. For the Stoics, the universal rights were not civil rights, neither were they derived from civil laws, but from a higher law which human reason alone could discover. Thus, our reason tells us immediately that we should not kill another person.

Among the Romans of the Middle Age, what the Stoics regarded as universal rights were called natural rights. The natural rights were said to be derived from natural laws. The natural laws on the other hand were derived from God, who made them for all human beings to follow. In proper parlance, the natural law represents what may be regarded as the laws made directly by God. The Ten Commandments as were received by Moses as

recorded in the Torah is an example of natural law. Note immediately that "Thou Shall Not Kill" is one of the injunctions recorded in the Ten Commandments. Therefore, we can show that the natural law: "Thou shall not kill" gave rise to the natural right to life.

The modern period in the history of ideas still followed the lead provided by the Romans of the Middle Age. Thus, John Locke (1632-1704), in his book, *Two Treatises on Government*, recognizes some rights, which he calls natural rights, as belonging to all human beings. These include: the natural right to life, liberty, and property. Like the Stoics but unlike the Middle Age Romans, John Locke's natural rights were derived from reason and not from God. In *1776,* the American *Declaration of Independence* affirmed that every human being has a self-evident and inalienable right to life, liberty, and the pursuit of happiness. The French *Declaration of the Rights of Man* of 1789, asserted the right to life, property, security, and resistance to oppression.

However, following the atrocities that were committed during the World War II and the unsavoury happening in the colonies, the United Nations, in 1948, formulated the *Universal Declaration of Human Rights and* enumerated the rights to: life, liberty, property, equality, justice, social security, adequate living standards, medical care, rest, and leisure, as applying to all human beings. Thus, we can say that the term, human rights, arose in 1948 to replace what was hitherto referred to as natural rights.

Following the United Nations' formulation of the *Universal Declaration of Human Rights* every country in the world was advised to incorporate the dictates of the *Universal Declaration of Human Rights* in its local constitution. It was in 1963 that the *Universal Declaration of Human Rights* was incorporated into the Constitution of the Federal Republic of Nigeria as fundamental rights of Nigerians. Such rights are today found in Chapter IV of the 1999 Nigerian Constitution. As could be expected, the right to life stands as the number one of all such rights.

From this exposition, it is clear that the right to life, starting with the Stoics, has remained an important constant in any conceptualization of human right. Indeed, it can be said that other rights exist only to safeguard the right to life.

Self-Assessment Exercise 3.5

Distinguish between the Stoics' conception of what we today call human rights from the Medieval Romans (Middle Age) conception of it.

3.6 Instances where a Person's Right to Life Can Be Legitimately Violated

So far, we have maintained that human right to life is inalienable and universal. As such, every human being irrespective of status has it. At the same time, no man can take away a person's human right to life from that person as he has it simply because he is a human being. Despite our presentation, there are instances when a person's right to life can be legitimately violated by a third party without blame. Such instances include: occasions of capital punishment and self-defence.

3.6.1 Capital Punishment

Capital punishment or death penalty has attracted serious debate in the social arena in our contemporary world. There are serious arguments for and against the practice. While some countries have abolished the death penalty, most countries, including our country, Nigeria, still sanction it. Thus, knowing that every person has the right to life, is a society that supports capital punishment, not infringing on the rights of people punished with death penalty?

The answer is not as simple as you may suppose. However, a good number of ethicists render the arguments that even though deliberate killing of a human being is bad, deliberately killing a person under certain circumstances are justified. St. Augustine of Hippo lists such circumstances to include: killing a murderer and killing an enemy in a war situation. However, you must note that Augustine does not grant any Dick and Harry the right to kill a murderer. Killing him must be sanctioned by a competent magistrate. As regards killing during war, Augustine says that one is justified in killing during war only when the war in question is one waged on the authority of God. The problem with killing during war waged on the authority of God stems from our total lack of knowledge of when God has given his authority.

However, you should note the point that capital punishment poses a challenge to the idea of the human right to life. Proponents argue that people who deserve capital punishment have forfeited their right to live and therefore should be killed. According to Anne Thomson (1999: 198), capital punishment is based "on *lex talionis* (law of retaliation), 'an eye for an eye and a tooth for a tooth.'" Hence, it is argued that a person deserving capital punishment must have committed murder against another person. Supporters argue that one who has killed another person ought to be treated in the same way as he treated his victim. They even point to the golden rule principle in order to justify this argument, he (the murderer) only did to the victim what he (the murderer) would wish to be done to him.

3.6.2 Self Defence

A person has the utmost duty to protect himself. Indeed, the philosopher, Thomas Hobbes, cautions that self-preservation is the first law of nature. A person being assailed by another person, therefore, has the duty to protect himself. If, in the course of that protection, the assailant is killed, then that be it. He has not committed murder. He only did the greatest duty which he owed himself, which incidentally resulted in the death of the assailant. You may also want to relate the justification of self-defence to the doctrine of double effect we studied in unit 1. The important thing is that the person defending himself does not wish to kill his assailant. His real intention should be to defend himself against the assailant. If in the course of his self-defence, the assailant dies, nobody can mete out the capital punishment to him.

Self-Assessment Exercise 3.6

List two instances where a person's right to life can be legitimately violated.

4.0 CONCLUSION

Protecting our human rights to life and that of our neighbours is one of the duties that we owe. This involves restraining from actions that will endanger their lives as well as ours. It also involves doing positive actions that will help to sustain their lives. Violating the right to life of others carries deadly consequences and is always punished by all known human society.

5.0 SUMMARY

You have learnt the meaning of human right, the sources of human rights, the meaning of human right to life as well as the foundation upon which human right to life is built. You have also traced the history of human rights to life as well as conditions under which a person's right to life can be legitimately violated.

6.0 TUTOR-MARKED ASSIGNMENTS

1. What is human right
2. Discuss capital punishment and self-defence in relation to right to life
3. Discuss the three sources of human right to life
4. Distinguish between intrinsic dignity and attribute dignity
5. What factors led to the United Nations Declaration of Universal Human Rights

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UNIT 3: TERRORISM

1.0 INTRODUCTION

In the previous unit we studied about human right to life and the implication of that to life. In this unit, we shall study terrorism as one of the phenomena of our age that pose serious threat to human right to life. Indeed, terrorism has assumed a life of its own in today's world. The terrorist's world is a world of murder and plunder that seeks, for the most time, to destroy even the terrorist himself. Terrorists claim that they have their reasons for acting. However, our concern with the topic here is to examine whether terrorism, no matter the reason that informs it, can ever be justified. In the course of doing this, we shall examine the following: meaning of terrorism, terms confused with terrorism, causes of terrorism and arguments against terrorism.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

i. Know the meaning of terrorism.
ii. Differentiate between forms of terrorism.
iii. Differentiate between terrorism and kindred words.
iv. Know the causes of terrorism.
v. Proffer arguments against terrorism.

3.0 MAIN CONTENTS

3.1 Meaning of Terrorism

Etymologically, the term terrorism is derived from the word 'terror'. Terror itself owes its origin to the Jacobins, a group of patriots who championed the French Revolution of the 18^{th} century and provided leadership during the revolution. The Jacobins construed terror to be a positive word and adopted terror to deal with the corrupt public officials who exploited the people in the previous government. The word terror has since acquired a negative meaning and it is from this negative meaning that terrorism is derived.

Terrorism does not enjoy a generally accepted formal definition. The difficulty in accepting a single definition for the term stems from the fact that everybody defines the term from his own perspective. Virginia Held (2008) itemizes reasons why a generally

accepted definition of terrorism is difficult. She holds that the term is often applied to:

> Violent acts performed by those whose positions and goals the speaker disapproves of and fails to apply it to similar acts by those whose positions and goals the speaker identifies with. In addition, the term is much more frequently applied to those who threaten established conditions and governments than to those using similar kinds of violence to uphold them. There is a tendency to equate terrorism with the *illegal* use of violence, but of course the questions of who decides what is illegal and on what grounds they do so are often precisely those at issue.

Bearing the above in mind, we list some of the definitions offered for terrorism.

1. It is ‘‘the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives’’ (FBI, Code of Federal Regulations).
2. It is “the use of serious violence against persons or property or the threat to use such violence, to intimidate or coerce a government, the public or any section of the public for political, religious or ideological ends.” (Keeble, 2001)
3. Terrorism is an “action, usually sudden, predictably and coercively inflicting injury upon or damage harming a person.” (Held, 2008)
4. “Terrorism is the use or threat of violence against innocent people to elicit terror in them, or in some other group of people, in order to further a political objective.”(Sterba, 2005).
5. The term ‘terrorism’ means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.” (CIA,)

A thorough identification and analysis of the differences in emphasis should be undertaken with your tutor. For instance, notice that definitions (1) and (2) include property as target of terrorism whereas (3), (4) and (5) do not. Discover that (1) insists that the use of force or violence must be unlawful whereas (2) holds that it must be serious, (3), (4) and (5) do not qualify violence. Note also that (2) and (4) include the threat to use force or violence as an instance of terrorism whereas (1), (3) and (5) do not include it. Discover also that definition (3) does not give any reason for terrorist actions. Indeed, a good number of actions like plane crash, auto accident, rape, etc. can be included into what (3) defines as terrorism since they are usually sudden, predictably and coercively inflicting injury upon or damage harming a person. You should also discover that (4) emphasizes innocent people as targets of terrorism whereas others do not mention it. See also that (5) feels that terrorists are motivated only by political reasons, that they target only civilians. No (5) also excludes government from the list of people who can engage in terrorism.

For the purpose of this lecture, let us define terrorism as violent or non-violent attack, directly or indirectly targeted at unsuspecting people either by military or civilian personnel for personal, political, social, religious, ideological and economic reasons with the intention to either kill or maim. Note that while other definitions have emphasized only violent attack, our own definition has included non-violent attack in order to take care of all other forms of terrorism we shall study later. Note also that while majority of terrorist actions target individuals directly, others target them indirectly by first of all

targeting their means of livelihood and sustenance. Note also that we have included economic and personal reasons as the motivations for terrorism.

Generally, terrorism always aims to kill and to maim. Its target is often the human beings whether they are targeted directly or it is their property that is targeted. It is often indiscriminate as it does not distinguish between its victims. Thus, an average terrorist does not mind whether his victims are children, adults, men, women, Christians, Muslims, etc. The ultimate concern of the terrorists in choosing targets is publicity. They are more unlikely to attack in remote villages where publicity and press coverage are few. A big market or office buildings in a big city may pose an understandable attraction to a terrorist group as such places provide chance of hitting more victims and attracting attention that they hope will lead to society meeting their demand.

Self-Assessment Exercise 3.1

Define terrorism.

3.2 Forms of Terrorism

We identify seven forms of terrorism. They include: conventional terrorism, bioterrorism, environmental terrorism, domestic terrorism, international terrorism, state terrorism, and non-state terrorism.

3.2.1 Conventional Terrorism

We coined this term for the purpose of our lecture to mean the type of terrorism where bombs and guns are weapons of attack. The conventional terrorists directly attack their victims with either bombs or guns with the sole intention to kill or kidnap them. The 2001 terrorists attack on the twin towers of the World Trade Centre (WTC) in the United States of America is an example of conventional terrorism where aeroplanes were converted to bombs. The terrorist attacks in the police headquarters as well as the United Nations in Abuja, in 2011 are other instances of conventional terrorism. In conventional terrorism, the terrorist hopes to use violence to instil fear on people other than their targets. They hope to use the fear which their actions have generated to force the government or the public to accede to their demands, whatever they may be. Grant Wardlaw, (1982) summarizes this point better. "Whilst the primary effect is to create fear and alarm, the objectives may be to gain concessions, obtain maximum publicity for a cause, provoke repression, break down social order, build morale in the movement or enforce obedience to it."

3.2.2 Bioterrorism

Bioterrorism entails the employment of living organisms, toxic biological products, and chemical plant growth regulators by terrorists to produce death or casualties in man, animals or plants (Reid 1969). History is replete with instances of use of biological weapons during wars. For instances, the Spartans were known to have spoiled the drinking water of the Athenians in order to infect them with typhoid. During the American civil war, soldiers often drove animals into ponds and streams of the enemy population and shot them there hoping to have the putrescent flesh poison the enemy's water. Despite the age long adoption of biological weapons in warfare, the threat which they pose in the hands of terrorists is new. Indeed, the first recorded terrorist use of biological weapons is the 2002 mailing of letters containing anthrax spores by terrorists who targeted American public. Today, scientists have experimented on bacteria, viruses, and fungi that can attack rice, maize, wheat, potatoes, and indeed all sorts of human foods

in order to cause famine and decimate human population. It is feared that these viruses, bacteria, and fungi will become more lethal tools if terrorists come in contact with them.

3.2.3 Environmental Terrorism

Environmental terrorism is an act of damaging a particular ecosystem upon which people depend for their survival. Environmental terrorists pollute air and water upon which people depend. Some big corporations have been accused in engaging in environmental terrorism for economic reasons as their activities are known to pollute environments and damage people's natural resources and source of livelihood. Governments can also engage in environmental terrorism for political reasons. A good example of environmental terrorism carried out by a government is that of Saddam Hussein of Iraq who set Kuwaiti's oil fields ablaze during the Gulf War in 1990.

Environmental terrorism does not target individuals directly, but its effect has deadly consequences on individuals. When environments are weakened or destroyed, they become incapable of sustaining lives, including that of animal and plants. It is important that we emphasise the dangers of environmental terrorism as it is the most subtle form of terrorism. People who engage in it are rarely identified as terrorists even though their actions have more consequence than what a suicide bomber or other conventional terrorists may hope to achieve. Environmental terrorism has continued with its effective destruction of the ozone layer, increase in earth's atmosphere temperature, ocean surge, flooding, tsunami, earthquake, etc., that ravage our world today.

3.2.4 Domestic Terrorism

Terrorism is said to be domestic when all the members of the terrorist group come from one country and target citizens of that one country. Domestic terrorists attack their countrymen and women.

3.2.5 International Terrorism

This is a type of terrorism that involves citizens of more than one country, or that is taken from one country to another. International terrorists collaborate as they exchange information on victims, funding, and targets. The al-Qaida is a good example of an international terrorist group.

3.2.6 State Terrorism

State terrorism exists when a government of a country bankrolls some people to carry out terrorist activities on its behalf. At times, people recruited for this type of tasks are soldiers who work clandestinely and without the knowledge of their superiors and colleagues. At some other times, they are civilians who are secretly trained to unleash terror on unsuspecting public. A state may sponsor terrorism within its territory or outside its territory. The government of the dead Libyan leader, Gadhafi, is reputed to have sponsored state terrorism both within and outside Libyan territories.

3.2.7 Non-State Terrorism

This is a type of terrorism that involves non-governmental officials as actors. Private individuals engage in acts of terrorism here in order to achieve certain goals and objectives. Such issues as globalization, abortion, euthanasia, religion, etc., have had non-state actors challenging their status with violence.

Self-Assessment Exercise 3.2

List the seven types of terrorism

3.3 Terms Confused with Terrorism

There are certain terms that are confused with terrorism. Identifying those terms will make it easier for us to understand terrorism more, and to separate it from words that have familiar but not the same meanings. Such terms that are confused with terrorism include sabotage, freedom fighting, war, and crime.

3.3.1 Sabotage

Sabotage differs from terrorism. However, there is often the tendency to confuse the instance of one for the other. This confusion may be due to the tactics adopted by their proponents. Both are often (but not always) carried out by civilians; both are illegal, both operate clandestinely, both make use of weapons, and both are violent in nature. Despite these similarities, sabotage differs from terrorism as it (sabotage) targets technological infrastructure of society, whereas terrorism targets human subjects with the intention to murder and to maim. In sabotage, attempt is made to cripple an economy, and to stop the flow of resources from huge investments. It is true that most acts of sabotage may lead to death of innocent people, it must be noted here that it is not part of the saboteurs' intention to kill people. In order to minimize or even to avoid human casualties, most acts of sabotage are perpetuated at night. Sabotage has been employed by environmental activists, and so on. Some ethicists have found some moral justifications for sabotage, but till date no justification for terrorism has been found. It (terrorism) is regarded as a prima facie evil.

3.3.2 Freedom Fighting

Acts of freedom fighters, in some instances, have been listed as instances of terrorism. However, it must be noted at once that freedom fighting is not the same as terrorism. Both of them may use violence, they may target civilian or military personnel, and may entail the use of weapons. Despite these similarities, a freedom fighter fights for his right of self-determination, and seeks to force out a foreign occupation of his native land by settlers. Historically, some nations in Africa (Angola, Algeria, South Africa, etc.), America (Cuba, Haiti, etc.), and Asia (China, India, etc.) gained their political independence through the efforts of freedom fighters who engaged colonial governments in long term battle. A freedom fighter targets only government officials and functionaries as well as government establishments. Acts of freedom fighters have certain moral justification unlike that of terrorists that are condemned by all but the terrorists themselves.

3.3.3 War

Terrorists tend to define their tactics as act of war. War like terrorism is fought to achieve some purposes, however, there are big differences that exist between war and terrorism. First, while wars are always fought by soldiers, terrorists are, most of the times, civilians. War is declared (that is, public announcements are made before the first attack), while terrorism is not declared. There are rules that govern conducts of war and people who breach these rules are tried at the end of the war. On the other hand, terrorism is not subject to any rule. War targets are often combatants while terrorists often target non-combatants. Only governments of nation states can declare war while terrorism is carried out by illegal organizations. Some wars are justifiable but terrorism remains an unjustified alternative.

3.3.4 Crime

Common sense may suggest to us that terrorism and crime are the same thing, and that a terrorist is a criminal. We must acknowledge that the difference between terrorism and ordinary crime is a thin one. But beyond whatever similarities you may note between the two, terrorism differs from crime. While a terrorist may be motivated by political, religious, ideological, or social reasons, an ordinary criminal is motivated by personal enrichment which motivates him to take away money and property belonging to others, or even kill them in the process.

Self-Assessment Exercise 3.3

Differentiate between terrorism and sabotage

3.4 Causes of Terrorism

Scholars recognize a number of factors that could lead people into engaging in terrorist acts. This section examines three of such factors.

3.4.1 Frustration

Terrorism is often carried out by people who are dissatisfied with the social structure of their society. Such people have some ideas about how they want their society to be. A comparison of the ideal in their heads and the reality in the world shows a big gap between the ideal and the real. As they lack the political powers to bring the change they desired, and are often frustrated that their desires may never be actualized, terrorism is seen by them as the only way to bring their desire to the attention of the public and to the government personnel who have the political muscle to help them satisfy their desire.

3.4.2 Religious Zealotry

Religious fanatics are known to have adopted terrorism as a way to convert others into their religion. They employ the use of force to make people profess the same religious faith with them. Religious zealots believe that they work for God, and are therefore ready to kill and be killed for God.

3.4.3 Humiliation

Humiliation brings shame and low esteem for the humiliated. As a result, people who have been humiliated are more prone to use terrorism to avenge their humiliation. Virginia Held. (2008) has suggested that the clash of cultures engendered by globalization means that some cultures are meant to feel inferior to other cultures. The owners of the humiliated culture feel repulsion on the new culture that seeks to impose itself on them and decides to fight back in a clandestine way. Most terrorists who operate from the Middle East hold that the reason why they engage in acts of terrorism is to avenge the humiliation which Islamic culture has suffered in the hands of Western culture.

3.4.4 Poverty

From the point of view of conventional terrorism, most terrorists, those who engage in suicide bombing for instance, are known to be of poor background. Such people are lured into terrorism by the huge amount of money which they are promised by the kingpins of terrorism. Recall the video coverage of the suicide bomber of the UN building in Abuja who it was said was offered ten million naira to carry out the task, and who hoped that the family he left behind would understand his act of sacrifice to free them from poverty.

Self-Assessment Exercise 3.4

Discuss three causes of terrorism which we highlighted above

3.5 History of Terrorism (Conventional Terrorism)

We have informed you earlier that the words terrorism and terror are new inventions of not up to four hundred years old, dating back to the French Revolution of the 18th century. Despite the newness of the term in world dictionaries, "acts that may, in retrospect, be defined as terrorism in fact date back even further." (Adina Friedman, 2003: 60). Indeed, terrorism as a strategy of influence is an old practice.

The Jewish group, known as the Zealots (66-73 AD) carried out the first recorded case of terrorism. The Zealots made use of the sicarii (dagger men) who derived their name from the short swords they used called sica. The group was opposed to the Roman conquest of Jewish territory. They felt that the Roman conquest of their land (Judea) and its subsequent subjugation would not have been possible without the connivance of some Jews. On the strength of this conclusion, the Sicarii engaged in acts of terror against the Jews who collaborated with the Romans. They also targeted Roman legionaries whom they either stabbed or poisoned. .

Another earlier recorded case of terrorism was between the 11th and 13th century AD Persia and Syria when a Muslim group known as the Assassins murdered governors and caliphs in the public glare as they protested efforts to suppress their belief. Since the Assassins carried out their acts in public they were often rounded up and killed. The assassins were not afraid of death as they even desired it as they believed that their deaths would ensure their entrance into paradise where God would reward them.

The Jacobins, in the 18th century France unleashed a reign of terror on the French society during the French Revolution. They murdered people who they accused of sabotaging the revolutions, and those perceived to have contributed in the past corrupt regimes. In some occasions, children and relations of such people were also not spared.

Another recorded case of terrorism was that by the Narodnaya Volya (People's Will) formed in the 19th century Russia to oppose the tsar. The Narodnaya Volya terrorist group was composed of students and intellectuals who opposed the Russian Tsar and actually succeeded in killing him (Tsar Alexander II) in 1881.

So far the recorded cases of terrorism were domestic in nature. The first recorded case of international terrorism was the murder of Archduke Ferdinand, the heir to the throne, in Sarajevo during his 1914 visit. The Black Hand Organization had organized the assassination that finally led to the World War II.

The twentieth century witnessed emergence of many terrorist organizations around the globe. While some of these organizations have targeted government power others have targeted structural change in the economy of the state of their target.

However, it was not until 11th September 2011, that the world witnessed the greatest international terrorist attack in history. It was the day that the bombing of the twin towers of world trade centre in America led to the death of more than three thousand people. This very attack that was masterminded by al-Qaida brought the menace of terrorism more to the attention of the world. The al-Qaida's mission had both religious and political background as they claim to protest American influence on Arab and Islamic nations.

This attack by al-Qaida has since been followed by other terrorist attacks around the world, the latest being that by Boko Haram in Nigeria which claimed lives of twenty-people in United Nations building in Abuja in August 2011. The Boko Haram had risen as a group protesting what they called the imposition of western culture and education in

Muslim territory in Northern Nigeria.

Self-Assessment Exercise 3.5

Discuss the emergence of the first recorded case of terrorism in the world.

3.6 Arguments against Terrorism

If there is one point on which ethicists agree it is that terrorism cannot be justified morally. The following arguments are rendered as arguments that show that terrorism is a prima facie evil.

3.6.1 Attack on Innocent People

Terrorists murder innocent people. These are people who have not offended the terrorists in any way. For most of these victims, their concern is about how to meet their daily challenges. They are neither part of the policy making process which the terrorists protest. Indeed, victims of terrorism are people who have no power and authority to meet their demands: old men and women, innocent children and non-combatants who are often unarmed. Moralists maintain that any attack on the innocent person is fundamentally wrong, and cannot be justified.

3.6.2 Disrespect for the Human Person

Terrorism does not respect the dignity of the human person. For the most part terrorists use people as mere tools to actualize their aims, be it political, social, ideological, religious or economical. Moralists insist that man should never be used as a tool, as an instrument or as a means to achieve certain things. Terrorists violate this moral prescription and feel that the people they maim and murder will force those in government to hearken to their demands.

3.6.3 Irrationality of Violence

Terrorists, most of the times, have adopted violent means in order to achieve their aims. They have hoped that violence will help to move people to consider their demands. However, experience has shown that this method rarely achieve the desired effect. Instead of instilling fear on the people, terrorist violence has emboldened governments to visit the terrorists with more violence. The sympathy which they also hope to gain from the people is replaced by the collective resolve of the populace to flush them out as collective enemies.

Self-Assessment Exercise 3.6

Discuss three arguments against terrorism

4.0 CONCLUSION

Ethicists are at loss about how to justify terrorism. Indeed, unlike other ethical issues that face mankind today, there seems to be a general consensus that terrorism is inherently evil and therefore can never be supported by conventional people. It is often said that terrorism's attack of the innocent people is what makes it one of the most despicable acts on earth.

5.0 SUMMARY

You have learnt the meaning of terrorism, types of terrorism and causes of terrorism. At this time also you should be able to distinguish terrorism from certain familiar terms. You have also learnt the arguments against terrorism as well as the reasons why terrorism is bad.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Discuss the roles of the Jacobins in the emergence of the word, terror.

2. Why do you think that defining terrorism is a difficult task?
3. Give the three arguments against terrorism.
4. List the seven types of terrorism. Discuss five.
5. Trace the history of terrorism

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UNIT 4: WAR

1.0 INTRODUCTION

The previous unit considered terrorism as one of the problems of our age that threaten human right to life. We examined the various forms of terrorism as well as the motivations that prompt the action of the terrorist. In this unit, we shall consider war as another factor that constitutes major threat to human right to life. War is destructive. It is a threat to life as well as to property. Despite this view of war, it has remained a recurring factor in world history. Indeed, recorded history may find it hard to report an "innocent" year of peace when no wars were waged between nations. We are concerned here with the search for ethical justification for war. In the course of doing this, we shall examine the following: the concept of war, realists' support for war, pacifists' opposition to war, just war theory, justice for going to war theory, and justice in the conduct of war.

2.0 ONJECTIVES

At the end of this unit, you should be able to:

i. Define War
ii. Understand the reasons why some people support war
iii. Know why war is condemned by other people
iv. Distinguish between a just and unjust wars

3.0 MAIN CONTENTS

3.1 The Concept of War

War, as defined by Clausewitz, is "a clash between major interests which is resolved by bloodshed." War simply means arms conflict between nations. War is fought with the sole intention to destroy and kill the opponents as a means of attaining one's goal. The ordinary man's notion of war is that it brings on its heels, untold destruction of lives, property and fortunes. On the contrary, statesmen and kings view war differently as instrument of policy for achieving rational ends. These rational ends may either be in form of fortunes or glory. This explains immediately, the manner in which world's historical path is littered with many instances of war. Both Thucydides and Clausewitz viewed war in this manner as an act of policy intended to achieve reasonable ends. War,

viewed as instrument of achieving rational ends, begins when the rulers of state discover an end which they judge to be good for themselves or for their state and feel that another state or its citizens stands on their way to achieving it, and go ahead to kill members of the state that pose as stumbling block.

Self-Assessment Exercise 3.1

What is war?

3.2 The Realists Support for War

War has occupied the mind of writers, historians, philosophers, scientists, religious leaders, and ethicists since time immemorial. There are enough literatures that praise war as good and another good number that despises it as evil. Scholars have adopted the term, realists, as an umbrella term for those renowned scholars and statesmen who supported war in their writings. For the members of this group, war is good and should be fought.

The earliest writing in praise of war was that by the Greek philosopher, **Heraclitus**. According to Heraclitus war is the way of the world as everything is in constant state of warring against one thing or the other. He writes that:

> War is the father of all and the king of all; it proves some people gods, and some people men; it makes some people slaves and some people free. A dry soul is wisest and best. For souls it is death to become water.

Heraclitus had seen war as the foundation of human achievements and progress. There are lots of forces which a person has to confront to emerge successful. These range from natural forces to human forces. Conquering these forces makes one strong and suited for living in society. Heraclitus' thinking has influenced modern thinkers up to Hobbes and Darwin.

Another earliest realist is the Chinese **Sun Tzu**. Sun Tzu's theory on war took off from the philosophical tradition known in China as *Taoism*. *Taoism* views the universe as a cosmic harmony. An average reader may argue that war may tend to disrupt this cosmic harmony but it is not so with Sun Tzu. Rather war maybe fought to maintain this harmony by forcing back a recalcitrant group into the harmony. Thus, instead of war being seen as a disruption, it is conceived as instrument of order in the cosmic.

However, you must note that Sun Tzu did not consider war as fighting. For him, fighting is meant for the stupid whereas the wise conquers without fighting. His understanding is that the basis of all warfare is cheating or deceit. In war, what is called for is the use of minimum force in order to deceive the enemy and catch him off balance, thereby defeating him. Sun Tzu may have reasoned that excessive use of force will harm the cosmic harmony.

Cicero reported that among the ancient Romans wars were wrong and were highly prohibited except under certain circumstances. The Roman prescription was that before any nation would go to war against another, effort should be made to resolve matters amicably. And should this resolution fail, and war was deemed necessary, the nation declaring it must give a 33 days' notice. Were it to fail in doing this, it would be regarded as an unjust aggressor.

Cicero seemed to have accepted the inevitability of war. He moved a step further from his contemporaries and articulated rules of conduct that will guide combatant in a war situation. On his own recommendation Cicero held that warring soldiers should refrain from killing or punishing enemies who were not cruel, or who surrendered. If promises

were made to the conquered people, they should be kept, and nobody should sell them into slavery.

St. **Augustine**, as influenced by his Manichean background, did not find it difficult to recommend that a Christian can go to war. Augustine held that once the right reasons are there, a Christian should not hesitate to go to war should the circumstances arise. But how did he reconcile this with Christ's injunction that his disciples should turn the other cheek in the face of even the most virulent attack and provocation? Augustine holds that a Christian's going to war does not violate Christ's injunction as long as he has the right disposition. It is on this ground that Augustine teaches that a Christian's involvement in war is right if he is fighting a just cause. He would then distinguish between just wars and unjust wars. A Christian should always engage in just wars and not in unjust wars. Just wars should be aimed at correcting an erring enemy, and to make him to accept peace which the Christian warrior extends to him.

Pope Urban II was not a theorist per se, but he was a prominent realist nonetheless. In what has been described as one of the most effective speeches in history (Laiou, 2006), Urban in 1095 AD, called for unity of warring Christian nations. In his famous *De Treuga et Pace,* Pope Urban II told the Christian nations that they had no reason to fight one another. The Christianity they shared had forged them into a brotherhood that forbade them from fighting among themselves. It also gave them duty to defend and help one another when in need. Instead of fighting one another, Christian warriors should unite to fight war with holy purpose: fighting to liberate the Eastern Church from the Muslim Seljuk Turks. Engaging in such wars would bring eternal salvation for the Christian combatants involved as they would be regarded as *pugnatores Dei* (Latin term that means God's Fighters). This was the beginning of the Christian Crusade which saw Christian warriors battling Muslims, heretics, pagans, etc. The crusaders were only motivated by the spiritual reward that awaited them in heaven.

The Jewish philosopher, **Moses Maimonides** (1135-1204), had provided rational reason to justify the Old Testament injunction to the Jews to battle the Canaanites, Amalekites, etc. Maimonides took off with his justification by distinguishing between two types of wars: obligatory war/war of commandment and voluntary war. The obligatory wars are wars commanded by God to save the Israelites from the hands of their enemies. Israel's' fight against the Amalekites, and the Canaanites, qualify as obligatory wars. Voluntary war on the other hand, is war waged by kings for their own personal glory and for the expansion of their territories. While one is bound to fight the obligatory wars, no king should wage voluntary war. However, Maimonides holds that even before declaring obligatory war, the king must first of all sue for peace with the enemy nation, and is only justified in going to war if his offer of peace is rejected. An offer of peace is judged to have been accepted if the enemies accept to (1) obey the seven commandments given to Noah's sons, which include : "no idolatry; no cursing of God's name; no unjustified bloodshed; no forbidden sexual liaisons; no theft; mandatory creation of a judicial system; and finally, no eating of any part of a living animal"(Noah, 2006: 96); (2) pay tax and; (3) be in servitude which excludes them from ruling over any Jew. A rejection of any of these means rejection of all. If this was rejected in a voluntary war, the warriors should kill all male adults. If it were in obligatory war, every single human being (including children and women) would be killed.

Maimonides' system also includes direction to warriors on how they are to conduct themselves in times of war.

> What man is there that is fearful and faint-hearted? This is to be taken at its face value, [of one who] lacks the courage to withstand the rigours of war. Once he engages in the rigours of war he should rely on 'the Hope of Israel' (God), his saviour in times of distress, and know that he is engaging in war for the Unity of the Name. He should take his life in his hands, neither fear nor tremble, not think of his wife or children, but erase their memory and all considerations other than war from his mind he bears responsibility for the blood of all Israel, and if he does not win, or fails to exert himself to the utmost, it is as if he spilled the blood of everyone … he who fights courageously and fearlessly with the sole intention of sanctifying the Divine Name will certainly suffer no harm, but will … earn the [rewards of the] World to Come (Maimonides, Mishneh Torah: Melakhim 7).

Support for war did not stop with Maimonides. **Niccolo Machiavelli's** books, *The Prince* and *The Art of War,* are celebration of war and war tactics. From Machiavelli's own estimation, a ruler (prince) exists, is effective and prosperous to the extent that he wages war against private individuals and against other states. For Machiavelli, (as well as Thomas Hobbes after him) to engage in conflict and squabbles is natural to man. Kings and princes, because their kingdoms and principalities is a collection of large number of men, they embody this tendency to war in great measure. He advises that a ruler should be ready and able to engage in warfare as success in this is what makes great rulers.

Carl Von Clausewitz (1780-1831) wrote a book, *On War,* which was published posthumously in 1832. Clausewitz holds that states have the right to engage in war in order to achieve whatever purpose they deem fit. In doing so, they should aim to be as effective as possible, employing whatever weaponry that is within their reach in order to defeat their enemies. He does not deem it fit that there should be a law or principle that should govern soldiers during war since *inter arma silent leges* (in time of war, the laws are silent).

Self-Assessment Exercise 3.2

Compare and contrast St. Augustine's position on war with that of Sun Tzu

3.3 Pacifists' Opposition to War

Objections to war has existed side by side support for it. It exists in form of religions (Christ warned his disciples against any form of physical confrontation, and Islam means religion of peace), and writings of philosophers. Like its counterpart in support of war, literature in opposition to war exists. In what follows, we shall attempt to sieve out the highpoints of such literature as they concern us here.

The Stoics. Among the earliest recorded objection to war was that of a group of philosophers known as the Stoics. The Stoics believed in the universal brotherhood of mankind and therefore condemned war in its entirety. For the Stoics, war was simply bad. A member of the Stoics, Chrisyppus, co-authored a book with Diogenes which they called *The Uselessness of Weapons,* wherein he condemned war.

Early Christian Church fathers were mainly pacifists. Both Tertullian and Origen held that Christians should not go to war. Their position was understandable, given that they interpreted Christ's injunction to turn the other cheek (Matthew 5:39–40, Luke 6:29) to

mean a prohibition of war.

In the modern time, opposition to war was championed by **Jean Jacques Rousseau**. His argument was that there is nothing natural about war. It is only an instrument of the strong against the weak. Rousseau holds that since wars pit weak armies against strong armies, all citizens should unite against the strong force. In his summation, no war fought by professional soldiers is ever just. The only just war is the collective resolve of the citizenry to bail out their states in times of crises. Indeed, Rousseau wants a state where soldiers would be completely useless and unnecessary. He has idea about how a state should be defended without soldiers.

> I know that the state should not remain without defenders; but its true defenders are its members. Each citizen ought to be a soldier by duty, none by profession.(Rousseau cited in Karma Nabulsi 2006: 50).

Indeed, Rousseau's position is understandable. In the philosophical circle, he is remembered for the saying that man is born free but he is everywhere in chains. His professed aim is to promote freedom for man. He knows that wars entail conquest, and conquest entails subjection and slavery.

Self-Assessment Exercise 3.3

What is Rousseau's alternative to professional soldiers?

3.4 Just War (Justum Bellum) Theory

Just war theory affirms that some wars can be justified while others cannot be justified. The theory evolves from the understanding that certain historical wars are entirely bad in themselves and cannot be supported morally whereas other historical wars can be supported morally. Thus, a just war is war which a normal moralist can support when presented with all the facts about the conflict. Moralists insist that for a war to be just two conditions must be met. The first condition is that there should be a sufficient reason/justification to embark on the war *jus ad bellum* (justice for going to war) and the combatants must comport themselves in an acceptable manner *jus in bello* (justice in the conduct of war).

The main concern of Just war theory is set down by Lee (2007). Thus:

> Just war theory consists of a set of rules and norms that seek to control military violence, to limit or restrict its exercise. It is a theory of limited war. Unlike doctrines of pacifism, it does not seek to outlaw all war; it assumes that some military violence is morally justified. It accepts the assumption that in a world of sovereign states without an overarching governing authority, military violence must be available to states, at least to protect themselves from aggression. At the same time, … Just War Theory does not assume that any use of military violence that furthers a belligerent's national interests is justified; it seeks to impose moral limits on military violence. It assumes that even in a world of sovereign states, states have some mutual moral obligations not to interfere with each other.

The just war theory is intended to be a guide to both leaders of nations and military personnel in matters of war.

Self-Assessment Exercise 3.4

Demonstrate your understanding of issues involved in just war theory

3.5 Justice for going to War (*Jus Ad Bellum*) theory

Jus ad bellum is one of the two arms of just war theory. It is concerned with reasons that

can justify a nation's involvement in war. Traditionally, the following have been listed: just cause, attempt at peaceful resolution should have been exhausted, declaration by competent authority, possessing right intention, having a reasonable chance for success, and the end being proportional to the means used (Moseley, 1998).

3.5.1 Just Cause

This is the first condition for *jus ad bellum.* It prohibits engaging in wars for the personal aggrandisement of leaders. In the contemporary time, a nation that is preparing to battle another nation in war must prove that it has sufficient reason for doing so. Ethicists insist that the only just cause upon which a state can battle another is only on the ground of self-defence. Self-defence presupposes an attack or aggression from another state. What this implies is that at every war, there can be only one just party. The party that attacks first can never be considered as a just party.

Despite the simple admiration you may have for the just cause condition, moralists are still confused on what constitutes self-defence and even aggression. A country may consider insult, armies marching over borders, shooting of citizens, etc., as instances of aggression. To introduce you to the heat of the problem, we may raise the question: Is a country that is retaliating (militarily) from an insult making use of its right to self-defence? To make the matter of self-defence clearer to you, those who ascribe it to countries hold that you see a country as analogous to an individual. If an individual has right to self-defence, then a country has right to self-defence. In quarrels involving individuals, acts of retaliation are clearly distinguished from self-defence. One can only defend oneself from being killed by another. One cannot justifiably engage in acts of self-defence against a person who has urinated on him, for instance for the only justification of self-defence is that one only kills another who wants to kill him before he succeeds.

He can only retaliate, in his own person or the law does it on his behalf. In acts of self-defence, one may go free if the aggressor is killed, but in acts of retaliation as we have exemplified above, one will be held for murder if the aggressor is killed. In the light of the above, you may reconsider our question: Is a country that is retaliating from an attack making use of its right to self-defence?

3.5.2 Attempt at Peaceful Reconciliation Must Have Been Exhausted

This demands that war should always be the last resort to settling whatever issue that is under contention. The contemporary paradigm is that every attempt should be made to settle international disputes by negotiation, and by dialogue instead of by war.

3.5.3 Declaration by Competent Authority

If a nation has just cause to engage in war, if it has unsuccessfully exploited other means within its power to end the war, but fails in having the war declared by a competent authority empowered by its constitution to declare war it ceases from being a just party in the war. This does not mean that the other party becomes the just party when this happens. You must note that while it is not possible for two parties in a war to be just, it is possible for them to be unjust. Hence, the decision to go to war must be taken by a legitimate authority. Every constitution has stipulation on who should declare war against another country, both the citizenry and the international community look out to make sure that the war being fought was declared properly. In some countries this authority to declare war lies in the hands of the president, in others the prime-minister.

3.5.4 Possessing Right Intention

Wars are not fought for personal aggrandisement of leaders. On this ground, we may hold that what constitutes ultimate right intention is to ensure peace between the two nations.

3.5.5 Having a Reasonable Chance for Success

This demands that a nation declaring war on another must make sure that it has some chances of winning the enemy. Moralists consider it suicidal to engage in war without adequate preparation. Thus, a thorough assessment of men and weapons is necessary.

3.5.6 The End Being Proportional to the Means Used

This demands that the goals intended to achieve in the war is not outweighed by the havoc caused by the war. A mental calculation of economics of war is necessary here. The warring nation will make sure that the cost of fighting does not soar higher than the intended goal of fighting. An example will help to illustrate this. A country that seeks to retrieve 500 acres of land confiscated from it by another country is not expected to land in the capital of the aggressor state and open fire on people and structures. If it does so and wrecks havocs in form of death and destruction of property, and finally forces the aggressor state to release the land forcefully taken from it, the means is said not to be proportionate to the end.

Self-Assessment Exercise 3.5

List five conditions for jus ad bellum

3.6 Justice in the Conduct of War (*Jus in Bello*)

The *jus in bello* is meant to control the combatants in the course of the war. The jus in bello is meant to counter the thinking that *inter arma silent leges* (in time of war, the laws are silent). Basically, there are two principles which govern *jus in bello.* They include: discrimination and proportionality.

3.6.1 Principle of Discrimination

The principle of discrimination, also known as non-combatant immunity seeks to protect human rights in the course of war. What this means is that combatants should be able to separate military population from civilian population. While the military population can be attacked, the civilian population should not be attacked. It is true that there are often civilian casualties in every war, the principle only seeks to prevent civilians from being direct target of military attack. In general, the principle of discrimination also prohibits taking civilians as hostages; impose regulations governing the treatment of captured or surrendered soldiers (POWs); outlaws reprisals against either civilians or POWs; recognize neutral territory and the rights of citizens of neutral states; and uphold the inviolability of diplomats and other accredited representatives.

The principle of discrimination has come under attack in some philosophical circles. It is argued that civilians provide ancillary services that sustain the military men in the battle field. As a result, it can be considered right to target such civilians in order to cut off the support for the military and end the war sooner than expected. Again it is also argued that in modern warfare where Weapons of Mass Destruction (WMD) may be deployed it is increasingly difficult to separate military personnel from civilian population.

3.6.2 Principle of Proportionality

This principle requires that every particular action taken in the course of the war be targeted to winning the war, and therefore, ending the war. What is being avoided here is causing gratuitous harm to people and property simply because one has the means to do

so.

Self-Assessment Exercise 3.6

List the two principles of *jus in bello*

4.0 CONCLUSION

War, we must reiterate, is destructive. However, despite the destructive nature of war, some wars can be justified. To be justified, a particular war has to meet certain standards. These standards must be met before going to war and another set of it must also be satisfied in the course of fighting the war.

5.0 SUMMARY

You have studied the meaning of war. The unit has also showed you different positions in support and against war. Most importantly, you have also learnt that there are conditions which every war should meet to qualify as a just war.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Compare and contrast the ordinary man's notion of war with the statesman's notion of it.
2. Discuss Maimonides' justification of the divine injunction to Jews to go to war against enemies.
3. What are the issues involved in just war theory
4. Discuss five conditions for jus ad bellum
5. Discuss the two principles of *jus in bello*

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MODULE 2: BIOETHICAL ISSUES

Unit 1: Euthanasia
Unit 2: Suicide
Unit 3: Abortion
Unit 4: Stem Cells Research and Therapy
Unit 5: Cloning

UNIT 1: EUTHANASIA

1.0 INTRODUCTION

In the previous module you were exposed to the nature of ethics in general and applied ethics in particular. We equally considered a number of ethical principles that are applied in ethics. The ethical implications of some of the contemporary human right issues that plague the world of today were also considered.

In this module, we are concerned with bioethics. Here our concern is to consider ethical problems that arise as a result of increased advancement in Medicare. The practice of euthanasia which is an age-long phenomenon is one of the problems thrown up by advancement in modern medicare. History records instances of "gerontocide" (we have coined this term for the purpose of this lecture to mean the killing of old people), and killing of the sick in order to ease their pain. Advancements in medical technology and science have availed mankind of resources that could relieve pain of sick people and even prolong their lives in the process. Such advancements have thrown up, to a higher dimension, the issue of euthanasia: since machines can now keep patients from dying, and relieve their pains, is it still necessary to engage in euthanasia? The ethicists' concern with euthanasia goes beyond the necessity of its practice. The concern of ethicists is to determine whether the practice of euthanasia as euthanasia can ever be justified. To examine this question is the main target of this unit. In the course of doing this, the unit will consider the following: meaning of euthanasia, types of euthanasia, the practice of euthanasia around the world, moral arguments in support of euthanasia as well as moral arguments euthanasia.

2.0 OBJECTIVES

At the end of this unit, you will be able to:

i. Understand the meaning of euthanasia
ii. State the various types of euthanasia
iii. Present arguments for and against euthanasia

3.1 The Meaning of Euthanasia

Etymologically, the word *euthanasia* is derived from two Greek words *eu* meaning "good"and *thanatos* meaning "death". A combination of the two words gives us *good death.* For the Greeks, one died a good death if one died a natural death without encountering any agony at the moment of one's death. The Greeks prayed to their gods to grant them euthanasia understood as good death devoid of agony. This Greek understanding of euthanasia persisted till 1869 when it acquired a new meaning in the hands of a historian, William Lecky.

William Lecky (cited in Miles, 2004: 78) redefined euthanasia to mean "abridgement of the pangs of disease." This abridgement was accomplished by a physician putting the sick person to death. The contemporary notion of euthanasia as putting an end to life in order to curtail suffering from ailments follows Lecky's definition. Patients who suffer from terminal disease often wish to have their problems solved, but there are instances when they consider their conditions unbearable and wish to end their suffering by having a physician kill them. When this wish is executed, euthanasia is said to have taken place. Sam Vankin (2005), gives us a technical definition of euthanasia that incorporates what we may later discuss as types of euthanasia. According to him:

> Euthanasia is the intentional premature termination of another person's life either by direct intervention (***active euthanasia***) or by withholding life-prolonging measures and resources (***passive euthanasia***), either at the express or implied request of that person (***voluntary euthanasia***), or in the absence of such approval (***non-voluntaryeuthanasia***).

A death that qualifies as euthanasia must meet four criteria. First, the processes leading to it must be intended to cause death by the physician who brings them about. Second, the person (physician) bringing about death must only be motivated by the desire to do good to the person for whom euthanasia is intended. Third, the death must be seen to benefit the individual who dies. Fourth, the death must be brought about by a competent physician. The fourth criterion is what distinguishes euthanasia from mercy killing, a concept that is always confused with euthanasia. According to Kumar Amarasekara and Mirko Bagaric (2004), mercy killing involves the killing of a victim by a friend or family member out of pity. In euthanasia, it is a doctor that brings about the patient's death, hoping to do him good in the process.

Euthanasia poses ethical challenge both to the physicians and to the general public. Physicians are trained to save lives and to ease pain. Most often, patients bring before the physicians cases that call up their duty to save life and to ease pain at the same time. However, a conflict exists when a physician faces a challenge that tears him apart between choosing to ease pain and to cut life short. He is often unsure about how to act when faced with such conflict. The ethical dilemma involved in euthanasia is in form of what course of action the physician should choose. If he decides to ease the pain of the patient and bring about his death, he may feel that he has not performed his duty as physician to save life, and may even go home thinking that he has harmed the patient. On another note, if he refuses to grant the patient's wish to die he may be overtaken by

another feeling that he has failed in his duty to ease pain, and in the process violated the patient's freedom to decide for himself. In the main, the challenge which euthanasia poses to physicians can be tabulated into four questions. Karen Sanders and Chris Chaloner (2007), list such questions thus:

- To what extent should a patient's autonomous choices and decisions be respected and acted on?
- How valuable is human life?
- To what extent should an individual's quality of life determine whether his or her life has value?
- What are the limits of professional obligation for doctors and nurses?

The public (seen from the perspective of relatives of victims of euthanasia) faces a different challenge. Euthanasia may present them as uncaring, and desiring the death of their relation for selfish purposes. They may also be seen as having coerced or tricked victims of euthanasia into demanding their own death. A combination of these challenges and more is what makes euthanasia one of the debated phenomena of our time.

Self-Assessment Exercise 3.1

Define euthanasia.

3.2 Types of Euthanasia

Five types of euthanasia are distinguished. They include the following: active euthanasia, passive euthanasia, voluntary euthanasia, non-voluntary euthanasia and involuntary euthanasia.

3.2.1 Active Euthanasia

Active euthanasia is also known as positive or direct euthanasia. In active euthanasia, an action is performed that will bring about the death of a patient. Active euthanasia involves direct killing of a terminally ill patient by a physician. For a case of euthanasia to count as active, the physician must do something, perform an act, like administering a lethal injection or turning off life-support machines which had been sustaining the patient. This case involves discontinuing or stopping a treatment, and giving the patient a substance that will kill him. The death of the patient that results as a result of active suicide is not natural as it is caused, not by his disease or sickness, but by a substance introduced into his system by a physician. Active euthanasia presents the most difficult challenge to the conscience of the physician as he is left to battle with himself as regards his level of culpability in the patient's death.

3.2.2 Passive Euthanasia

Passive euthanasia is also called negative or indirect euthanasia. It involves letting or allowing a patient to die by withholding treatment for his ailment. In passive euthanasia, treatment is not started in the first instance, and the patient is just left to die earlier than would have been possible if he were given treatment. In passive euthanasia, death occurs through acts of omission. Here, the physician does nothing to prolong the life of the patient. He fails to give him a drug or to relieve his pain. A patient who is administered passive euthanasia is said to die a natural death as he is allowed to die from his sickness or disease without any intervention. This type of euthanasia tends to provide fewer dilemmas to a physician's psychology as he feels that he is not the cause of the death of the patient.

We can say here that active and passive euthanasia are the two main types of euthanasia.

The other types which we shall study immediately show the various forms active and passive euthanasia can take. Thus, active and passive euthanasia can either be vouluntary, non-voluntary or involuntary.

3.2.3 Voluntary Euthanasia

A voluntary euthanasia is had at the patient's own request. Here, a sick patient explicitly expresses his desire to die and requests a physician to bring an end to his life. In voluntary euthanasia, the patient weighs his condition rationally and comes to the conclusion that death is better for him than life and goes ahead to ask a physician to help quicken his death. It is believed here that the patient has the authority to reject treatment and that the physician does not have the duty to continue treatment when the patient has demanded otherwise. If a physicians has already started treatment of the patient and stops at his own request or injects a dangerous drug that kills him, voluntary euthanasia is said to be active. If the patient expresses his preference to death, and physicians fail to treat him at all on the strength of his request, and he dies as a consequence, voluntary euthanasia is said to be passive.

3.2.4 Non-Voluntary Euthanasia

Non-voluntary euthanasia entails the termination of a patient's life without his consent, with the intention to benefit him. In non-voluntary euthanasia, one of two conditions must exist. One, the patient's consent may not have been sort. Two, it is not possible for the patient to give his consent, in which case the patient may be an infant, mentally ill persons, person in coma or others who have lost consciousness and the power to decide for themselves who have not earlier, while in good mental condition to do so, rejected euthanasia for himself.

3.2.5 Involuntary Euthanasia

Involuntary euthanasia entails killing or allowing a patient who has expressed the desire to continue to live despite his conditions to die. It also involves killing or withholding treatment from a person who is competent to give or not to give his consent without his consent being sort. Vaknin (2005) writes that involuntary euthanasia is "euphemism for murder." In involuntary euthanasia, the decision to administer euthanasia is taken off entirely from the patient. Other people take the decision and claim that the decision they have taken is good for the patient.

Self-Assessment Exercise 3.2

Distinguish between non-voluntary and involuntary suicide

3.3 Voluntary Euthanasia and Physician Assisted Suicide Compared

The line between voluntary euthanasia and physician-assisted suicide is a blurred one. Indeed some scholars argue that there is no distinction between both of them. This means that what is regarded as voluntary euthanasia is an instance of physician-assisted suicide and *vice versa*. In voluntary euthanasia and physician-assisted suicide, death is brought through the cooperation of another person, who either kills the patient (euthanasia) or provides the patient with means to kill himself (physician assisted suicide). In the two cases, the patient must express the preference to die. A physician is involved in the two cases. The two cases aim to achieve a "painless" and "peaceful" death. A combination of these factors is what influences some scholars to argue that voluntary euthanasia and physician-assisted suicide are the same.

On the contrary, moralists are quick to point out the sharp conceptual and practical

differences that exist between voluntary euthanasia and physician assisted suicide. The difference lies in who commits the last act that brings about death. In voluntary euthanasia, "a person other than the one who dies (a physician) performs the last act which causes death. Assisted suicide occurs when the suicide is committed (by the victim himself) following the assistance given by another (physician)" Amarasekara and Bagaric, 2004).

Indeed, the involvement of a physician in the two cases should not blur the difference between them. In physician assisted suicide, the physician only avails the patient of a lethal substance that can kill him, and leaves the patient to administer the drug to himself. Physician-assisted suicide victims are often people who are capable of administering the drug-causing death to themselves. Most physicians tend to prefer assisting in suicide than in giving active euthanasia since they can only argue that they did not kill their patients. They only brought some drugs to their knowledge and told them that such drugs could kill. A way to justify their actions is to insist that telling somebody that something can kill them does not amount to killing them. If the contrary were to be the case, the physicians who possessed this knowledge for a long time could have ended their lives. Both the decision and the act to commit suicide are in the hands of the suicide himself.

In active euthanasia, the physician sources the drug that can kill the patient, and with his own hand (physician's hand) administers it to the patient. Generally, active euthanasia is often administered to persons who lack the ability to administer the drugs that will lead to their death to themselves. Again, able patients who believe that all suicides will go to hell may be moved by this religious thinking that, in order to avoid hell, it is better to ask other person's to end their lives. How God will distinguish the two acts is left for your imagination.

Self-Assessment Exercise 3.3

Show your understanding of the differences and similarities between physician-assisted

3.4 The Practice of Euthanasia Around the World

Euthanasia is an ancient practice. The earliest recorded case of euthanasia was among the Greeks where some physicians were known to provide euthanasia to their patients who needed it especially if they were terminally ill. The so-called father of modern medicine, Hippocrates, in the famous Hippocratic Oath which all doctors were meant to take attempted to legislate against the practice of euthanasia among Greek medical doctors. As a line in the famous Oath stipulates, physicians were made to swear that they "will not give a drug that is deadly."

However, despite the view expressed by Hippocrates, the tradition of Greek medicine felt that it was a challenge of the gods for one to attempt to cure a case which had become terminal because the gods wanted the person to die. They did not conceive medicine as instrument of defeat of death. A well-known physician and spiritualists, Asclepius, who resurrected the dead was punished for obstructing what was purely a prerogative of the divinities. Miles (2004) cited a passage written by an early Greek physician which captures the major attitude among Greek physicians towards euthanasia. In his words:

> I would define medicine as the complete removal of the distress of the sick, the alleviation of the more violent diseases, and the refusal to undertake to cure cases in which the disease has already won the mastery, knowing that everything is not possible to medicine. . . . A man

> who thinks that a science can perform what is outside its province, or that nature can accomplish unnatural things is guilty of ignorance more akin to madness than to lack of learning.

From this it is clear that the Greeks, even if they did not practice active euthanasia, were engaged passively in the practice.

The trend among traditional Africans was that of non-voluntary or involuntary euthanasia. The Africans did not legislate for or against euthanasia. The Africans regarded some sicknesses, especially terminally ones, as having rendered one in a situation where death was preferable. When it was concluded that a person's condition had advanced to such a stage, relations usually took decisions on his behalf and told the traditional healer to cease every form of medication so that they could take the sick person home to die. The Africans, if what they did could be regarded as a form of active euthanasia, did not administer any lethal or poisonous substance on the sick person. They merely withdrew treatment or refused to initiate one where a case was thought to be hopeless.

The Orientals, too, did not have any legislation for or against euthanasia. However, analysis of Confucian literature on suicide tends to point to the fact that a culture which promoted suicide under certain circumstances could not object to euthanasia. The Chinese, particularly, felt that life should be lived well and when circumstances contrive to make good living impossible, that one should at least die a good death understood as committing suicide. Given this position, it is observed that in case where one is not able to bring about one's death one might ask another to help him to die a good death.

The modern man's interest in euthanasia stems from the search for a moral justification to legalize the practice. Despite the arguments of proponents, the Netherlands is the only country in the world to have sanctioned euthanasia in its territory. However, the Netherland's law that sanctions euthanasia stipulates that a request for euthanasia should only be granted by a committee which would examine the case.

Self-Assessment Exercise 3.4

Discuss the practice of euthanasia among early Greeks

3.5 Moral Arguments for Euthanasia

The following are arguments offered against euthanasia

3.5.1 Argument from Compassion

Supporters of euthanasia hold that compassion and mercy should be shown to people who are in great pain by helping them to cease living. It becomes a wicked and cruel act not to help alleviate the pain of others when they plead that their lives be terminated to alleviate their pain. Proponents believe that dying is part of human living, that part of dignified living also entails dying with dignity. The right to die with dignity is to be protected as the right to live. They hold that a person's dignity is negatively affected if he is left to suffer in pain when his request to have his life terminated is refused. Lo (2002) expresses the point this way:

> If one has to die one way or another, one should die in such a way that can render one's life meaningful or honorable. In other words, though death is the termination of life, dying is still a part of life. "How one dies" is part of "how one lives." Hence, dying should serve life. To take charge of one's life implies to take charge of one's dying. To secure a

noble and honorable life implies that one should secure a noble and honorable death. To live meaningfully implies to manage the time and circumstances of one's death in such a way that one can also die meaningfully.

The argument here is that bare life and bare death have no ethical implication. What has implication is the quality of life and quality of death.

3.5.2 Euthanasia Promotes Human Freedom and Autonomy

Patients who rationally demand to be killed or allowed to die have the right to determine what happens to their lives. They have the freedom to decide that they no longer want to live and want their physicians to help end their lives. Proponents of euthanasia hold that granting the person's wish to be killed promotes his autonomy and freedom. Refusing to grant his desire deprives him his autonomy as a human person.

3.5.3 Physician's Duty to Patients

One of the duties of a physician to his patient is to relieve his patient's pain. A physician who helps a patient with euthanasia has done his duty of relieving pain.

3.5.4 Social and Economic Burden

Proponents of euthanasia hold that the rising cost of medical care entails that patients who need treatment would have to pay handsomely for a meaningful medical care. The cost is even higher when the patient needs extraordinary care. Proponents argue that there is nothing wrong in spending such huge amount of money if the patient would recover. However, cases that call for euthanasia are cases where the patients are known to harbour no hope of recovery. So why waste resources that would be useful to sustain the living on a hopeless case.

Self-Assessment Exercise 3.5

List three arguments in support of euthanasia

3.6 Arguments Against Euthanasia

3.6.1 Life is Valuable

Opponents of euthanasia hold that human life is an absolute value that is eternally good no matter the condition it finds itself in. Euthanasia deprives the human person of something he values. This argument is based on the belief that human right to life is inalienable. Allowing euthanasia entails alienating a person from his right to life. Doing this is regarded as morally wrong.

3.6.2 Euthanasia is Cry for Help

Opponents of euthanasia hold that the patient who cries to have his life ended due to the pains he suffers is only asking for help to relieve his pains. What this calls for is care and understanding from the people around him and not to kill him. They hold that one can only rationally clamour for what one has tasted before. The patient who clamours for euthanasia has not tasted death, and so cannot rationally clamour for death.

3.6.3 What is called for is Improved Medical Research and Care System

Opponents of euthanasia hold that instead of supporting euthanasia proponents should rather clamour for improved health care system. They hold that an improved health care system will be able to manage pains and sufferings effectively by bringing them to an end without causing the death of patients. Advancements in the medical field have made it possible for diseases and sicknesses considered incurable in the past to have reliable cure. No one knows whether a cure for a particular ailment is around the corner, and a patient

may look back from the land of the dead, if it were possible, and feel bad to discover that the ailment for whose sake he demanded that his life be taken has acquired a cure, and that he could have benefited if his death had been delayed. Thus instead of killing the patient, efforts should be made to intensify search for solution to his ailment.

3.6.4 Slippery Slope Argument

Opponents of euthanasia hold that permitting euthanasia will lead to the sanctioning of other practices that will see other categories of people being murdered in cold blood. Particularly, there is fear that sanctioning euthanasia will encourage people to murder physically infirmed persons, the comatose, and even the mentally deranged people.

Self-Assessment Exercise 3.6

List three arguments against euthanasia

4.0 CONCLUSION

New medical inventions are promising total alleviation of pains and sufferings of patients. Until such alleviation is finally discovered, euthanasia will continue to be a major issue in bioethics. Knowing the arguments for and against euthanasia will help one to decide on the appropriate course of action to follow.

5.0 SUMMARY

You have learnt the meaning of euthanasia. You also studied the different forms euthanasia can take as well as the various arguments for and against the practice of euthanasia.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Compare the attitudes of traditional Africans to that of early Greeks with regards to euthanasia.
2. Is physician assisted suicide the same as euthanasia?
3. What are the four conditions that a death must meet to qualify as euthanasia?
4. Is euthanasia morally justifiable? Give at least four reasons for your answer.
5. Discuss the five types of euthanasia

7.0 REFERENCES/SUGGESTIONS FOR FURTHER READINGS

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UNIT 2: SUICIDE

1.0 INTRODUCTION

In the previous unit we studied about euthanasia. You learnt that in euthanasia another person helps a terminally ill person to die in order to ease the pains of his illness. You also learnt that euthanasia can take different forms. Besides these, you equally discovered that there are moral arguments for and against euthanasia. In this unit we are concerned with suicide. Like euthanasia, suicide is one of the social phenomena that task applied ethics. More and more people around the globe commit suicide on daily basis despite improvement in health and food security. Indeed, many victims of suicide are people from whom you least expected suicide. An interdisciplinary approach has been on-going to discover the real motivations of suicide. Not much has been achieved in this regard. This unit is concerned with examining the moral arguments for and against suicide. In the process, it shall examine the following: the meaning of suicide, types of suicide, terms confused with suicide, philosophers on suicide, arguments for and against suicide.

2.0 OBJECTIVES

At the end of the unit, you should be able to:

i. Define suicide.
ii. Differentiate between suicide.
iii. Know the causes of suicide.
iv. Distinguish suicide from related terms.
v. Discuss the moral arguments for and against suicide.

3.0 MAIN CONTENTS

3.1 The Meaning of Suicide

Suicide simply means self-killing. It is an act of killing oneself. It involves intentional taking away of one's life by oneself. In committing suicide, a person freely wills his own death and takes actions to bring it about. We must emphasise that the decision to take away his own life is freely taken by the suicide himself, and he brings it about by himself. If somebody forces him to kill himself, it is no longer suicide but murder. Indeed, McMahan (2002), argues that the idea of a coerced or forced suicide is a misnomer. This is because one who commits coerced suicide cannot be said to have committed suicide to escape being punished in a different manner, as death remains the supreme price. One may

surrender to rape or even amputation in order to escape being killed but it is unthinkable that one will choose to kill oneself in order to escape being raped or amputated.
Ekwutosi (2008) holds that a killing is suicide only when that killing is direct and committed on one's own authority. It is direct when it is willed or desired to kill oneself. It is done on one's own authority when no power, either that of the state or that of God, etc. compels one to kill oneself. In committing suicide, a person either kills himself or performs actions he knows will bring about his death. In the case of performing actions that will bring about his own death, the suicide knows that the effect of his actions will lead to death either in the short run or long run and goes ahead to perform it. What makes suicide a complex phenomenon is the fact that the killer and victim of suicide is one and the same person. The same person who kills is the same person that is killed.
We often hear people say that life is sweet. We assume that the sweetness of life is what makes people want to live despite all odds. Not minding how sweet we assume life to be, suicide has become a major problem of our own world today. It is estimated that about 1 million people commit suicide every year around the globe (WHO 2002). Mishara and Weisstub (2008) report that: "There are more deaths by suicide annually than in all wars, conflicts, terrorist acts and homicides combined."
The complex nature of suicide makes it an issue of interest to sociologists, medical practitioners, and ethicists. The **sociologists** want to establish the social implication of suicide. They want to determine whether suicide is a private or public matter, that is, whether suicide is something that concerns the victim alone. The **medical practitioners'** concern with suicide is to determine whether the desire to commit suicide is as a result of mental disorder in the victim. Is the victim sick to have rejected life and all the sweetness that it entails? For the **ethicists**, the concern is to determine the moral justifiability of suicide. What is at stake is discovering what influences a suicide to take his own life as well as determining whether the suicide can ever be justified for taking away his own life.

Self-Assessment Exercise 3.1

Demonstrate your understanding of the term suicide

3.2 Types of Suicide

Suicidologists distinguish between five types of suicide. They include: positive suicide, negative suicide, rational suicide, irrational suicide and physician-assisted suicide.

3.2.1 Positive Suicide

In positive suicide, the victim performs actions that will lead to his death. He carries out death-causing acts with the intention to end his life. Positive suicide, properly speaking, entails acts of commission.

3.2.2 Negative Suicide

As opposed to positive suicide, negative suicide entails acts of omission. In negative suicide, one refuses to take precautions that will prolong one's life. Instances of negative suicide are witnessed in medically ill patients who refuse to accept treatment because they prefer death to life. In negative suicide the victim knows that he will save himself if he takes some precautions but he refuses to take those precautions. A patient who is placed in life supporting machines who withdraws the machines so that she will die has committed negative suicide.

3.2.3 Rational Suicide

Suicide, whether positive or negative, can be said to be rational when the victim of

suicide committed suicide after careful consideration of his case and concludes that there is no way out of his predicament. This is often the case when suicide is considered as a way out of a very painful and helpful situation. The suicide weighs the implication of continuing living on his general future and comes to the conclusion that death is preferable to such a miserable future given his miserable condition. One who makes this decision and goes ahead to end his own life as a result of it is said to have committed rational suicide. Apart from defining suicide as a way out of his miserable condition, a perpetrator of suicide also sees it as a way of avoiding his being a burden to others.

McMahan (2002), justifies rational suicide. He holds that suicide is good whenever a person considers his life as not worth living because it is dominated by pain and suffering which he feels cannot be counterbalanced by compensating goods. He states that:

> Some people, of course, claim that life is always worth living, or at least that it always can be made to be worth living. But if it is true that pain and suffering are in themselves bad, it seems that a life that contains little or nothing but pain and suffering—one, moreover, that is neither redeemed by its good effects on others nor elevated, ennobled, or enlightened by the experience of suffering—cannot be worth enduring. I will assume that, when a life is bad in this way for the one whose life it is, and when that individual's death would not be worse for anyone else, it can be prudentially rational for that individual to commit suicide.

3.2.4 Irrational Suicide

Suicide is said to be irrational when it is carried out without careful consideration of the options before one about whether to kill oneself or not. It is believed that one who commits irrational suicide could have chosen not to kill oneself if one had considered the options before one rationally. Drug addicts and depressed individuals are known to commit irrational suicide more.

3.2.5 Physician-Assisted Suicide

In physician-assisted suicide, a physician helps a person to procure means to end his life but allows the person to administer the means to himself. What the physician does is to recommend drugs or other agents that could cause the death of the suicide if he administers it to himself. If the person goes ahead to administer the physician's prescriptions to himself and dies as a result of that his death is referred to as an instance of physician-assisted suicide.

Self-Assessment Exercise 3.2

List four types of suicide

3.3 Terms Confused with Suicide

Arguments have raged on what constitutes suicide and what does not constitute suicide. The arguments have revolved around certain terms which some scholars insist should be categorized as suicide. Other scholars have pointed out a sharp distinction that marks out suicide from such terms. They hold that suicide is self-regarding whereas the other terms are other-regarding. Suicide is said to be self-regarding because the victim only thinks of himself; to avoid shame for himself, to escape his suffering, etc, while embarking on his suicide. Other regarding acts are performed for the sake of others who may be one, hundred or one million in number. The terms that are traditionally confused with suicide include: martyrdom, and death through hunger strikes.

3.3.1 Martyrdom

Martyrs are people who give up their lives for the sake of the religious belief they hold. Martyrs do not kill themselves directly but they present themselves to situations that expose them to be killed. They know that such situations will bring about their deaths and go ahead to confront them, meeting their deaths in the process.

There are scholars who insist that martyrdom is an instant of suicide. They hold that even though a martyr may not have killed himself directly, his action can be classified as an instance of negative suicide. They also point some instances where the so-called martyrs perform actions which will directly bring about his death. It is based on this that such bombers who die in the course of bombing their targets are regarded as suicide bombers. Their death in the process is defined as an act of suicide.

However, despite such position as exposed above, it must be stated that martyrdom is different from suicide. A martyr is motivated by religious reasons. His death is a pious activity which he feels is commanded by his God who assures him of paradise as a reward for his martyrdom. The question is not whether it is true or not that God commanded the martyr to allow his life to be taken but that what he believes is that God commanded him to do so. A martyr believes that God owns his life, and that if he dies through martyrdom, he has merely given his life back to God in whose service he has died. A suicide, on the contrary, believes that his own life is his property that should be used as he wishes whereas a martyr believes that God owns his life and that his martyrdom implies a command from God to offer him the life which he gave him to hold for him in trust.

3.3.2 Immolation

Like martyrdom, immolation has a religious undertone. However, while a martyr offers himself up to be killed by another for the sake of God, in immolation, one kills oneself as a sacrifice to God. This means that immolation is a religious practice. A person who immolates himself is different from a common suicide as both of them are motivated by different factors. Modern medical practitioners suggest that suicide could be a fallout of mental pathology like depression. If this is the case it means that suicide is never a rational exercise.

On the contrary, a person engages in immolation because of his love for God and compassion for fellow men. Immolation is practiced in China by Mahayana Buddhists who burn themselves to death as a form of sacrifice offered to Buddha. In Japan, a form of self-immolation known as *seppuku* or *hara kiri* (a more vulgar use of the term which means to slice one's abdomen) was practiced.

3.3.3 Death through Hunger Strikes

People who protest one form of injustice or another are known to have refused food in order to press home their demands. What they demand may be a social condition which they see as injustice. There have been instances where such people were known to have died in the course of their hunger strike. Some scholars argue that one who dies in the course of hunger strike has committed suicide. He knows that his action will lead to death and goes ahead to perform it.

Despite such arguments that see one who died as a result of embarking on hunger strike as suicide, we must be able to show that there is a distinction between the two. One who is engaged in hunger strike is doing so for the sake of higher and noble principles to

which he wants to draw society's attention. He gives society the chance to determine whether his life is important to it or not. If he is allowed to die in the process he is not seen as a suicide.

Self-Assessment Exercise 3.3

Differentiate between suicide and martyrdom

3.4 Historical Presentation of Philosophers' Position on Suicide

In a time that spans more than two thousand years, philosophers have found discussion on suicide one of the important issues of social and ethical concerns. In this section, we shall examine the position of some prominent philosophers on the permissibility or otherwise of suicide.

3.4.1 Plato

Plato was one of the giants of ancient Greek philosophy. During Plato's era, the Greeks repudiated suicide. One who kills himself was meant to receive a posthumous punishment which would see the victim's hand severed from his body and buried separately from the rest of his body. A suicide in the time of Plato was, also, buried apart from people who did not kill themselves.

In opposition to whatever view his countrymen held about suicide, Plato insisted that there are conditions under which suicide could be justified. He lists such conditions to include: shame, extreme distress, poverty, unavoidable misfortune, chronic or incurable disease, incontrollable criminal tendency, and external compulsions. When afflicted or possessed by any of these conditions, Plato advised, a person should simply end it all by himself.

3.4.2 Aristotle

Aristotle, another great Greek philosopher, is famous for his treatment of what constitute virtue, among others. He lists types of virtue and included courage as one of the essential virtues which everyman should strive to cultivate. In his treatment of suicide, Aristotle invokes the virtue of courage and holds that one who kills oneself is a coward. For Aristotle, cowardice is opposite of courage. If courage is a virtue, it means that cowardice is a vice. From this point it is clear that Aristotle condemns suicide.

3.4.3 Mencius

Mencius is reputed as the second most powerful Chinese philosopher after Confucius. He holds that one has a duty to guard one's life generously. However, he maintains that life should not be guarded to the detriment of justice and virtue. Faced with a situation that will force one to either commit suicide or commit vice and injustice, a wise man should choose suicide than to give in to vice and injustice. Mencius' view on suicide is expressed in his passage on fish and bear's palm. He writes thus:

> Fish is what I want; bear's palm is also what I want. If I cannot have both, I would rather take bear's palm than fish. Life is what I want; yi" (justice or dutifulness) is also what I want. If I cannot have both, I would rather take *yia* than life. On the one hand, though life is what I want, there is something I want more than life. That is why I do not cling to life at all cost. On the other hand, though death is what I loathe, there is something I loathe more than death. That is why there are dangers I do not avoid ... Yet there are ways of remaining alive and ways of avoiding death to which a man will not resort. In other words, there are things a

> man wants more than life and there are also things he loathes more than death. This is an attitude not confined to the moral person but common to all persons. The moral person simply never loses it. *(Mencius,cited in* Lo, 2002).

What is emphasised by Mencius is the supremacy of uprightness to biological living.

3.4.4 Epictetus

Epictetus was known for his permanent impairment as a lame person. He was also a slave who gained his freedom perhaps on the strength of his intelligence. The banishment he suffered from Rome in the hands of Emperor Domitian in 89 AD added to his sorrows of personal woes. Epictetus was a member of school of philosophy known as the Stoics. Earlier Stoics had supported suicide under certain conditions as they held that a wise man, if he suffered pain and handicap or disease has a duty to his relatives and his countrymen to kill himself.

Despite his being a Stoic, Epictetus deviated from the traditional Stoic teaching on suicide. He examined all the reasons which people gave for committing suicide. He lists such reasons to include: suffering from tyranny, injustice, false imprisonment, etc. Perhaps, drawing from his own personal experience, Epictetus felt that these reasons were not enough to compel one to take one's own life. Indeed, Epictetus advises that no reason is strong enough to justify a person to kill himself. He reasons that life is given by God, and that no matter the condition one finds oneself one should understand it that it is God who has placed one there as station of one's service. A wise man can only wait to God to release him from wherever he has placed him instead of taking laws into his own hands. Thus, one should not kill oneself for none of the evils which one wants to escape in the course of suicide can really harm one. Epictetus writes that it is only our flesh that can be touched and not our real self. For him, our real self is our moral will. Proving his point with a tyrant, Epictetus writes thus:

> When the tyrant threatens and summons me, I answer, 'Who is it that you are threatening?' If he says, 'I will put you in chains,' I respond, 'It is my hands and my feet he is threatening.' If he says, 'I will behead you,' I respond, 'It is my neck he is threatening.' . . . So doesn't he threaten you at all? No, not so long as I regard all this as nothing to me. But if I let myself fear any of these threats, then yes, he does threaten me. Who then is left for me to fear? A man who can master the things in my own power?—There is no such man. A man who can master the things that are not in my power?—Why should I trouble myself about him? (Epictetus' Discourse 1. 29).

3.4.5 St. Augustine

St. Augustine of Hippo was a medieval philosopher from North Africa. He was firm in condemning suicide which he regarded as a wicked act. The issue of suicide was an important issue at the time of St. Augustine. For Augustine, the divine injunction, thou shall not kill, is a commandment that forbids not only the killing of others but also the killing of oneself. Two issues influenced St. Augustine's concern with suicide. One, he lived during the period when Christians were persecuted in Rome following the sack of Rome in 410 AD. In order to escape persecution in form of rape and enslavement many Christian faithful killed themselves. Some Church fathers like Ambrose regarded suicide

committed under this circumstance as heroic. Two, some Christian sects, like the Circumcellions, a subsect of the Donatists, advised its members to practice suicide as religious act of faith. According to them, any suicide committed immediately after confession enables one to escape from sin and to have quicker and easier access to heaven.

Augustine took up these two positions in his book *De Civitas Dei* (*The City of God).* He writes that no amount of persecution can justify suicide. He felt that one who resorted to suicide in the face of persecution has weak soul, and has committed a sin greater than he seeks to avoid by his act of suicide. He writes that suicide does one a greater dishonour than even slavery and rape. Augustine writes that rape is neither sin nor dishonour and the raped should not feel shame since she has not consented to be raped. One who indulges in suicide to escape any of these instances of dishonour only plunges oneself into greater dishonour. On the issue of seeing suicide as an avenue to escape sin and make heaven Augustine writes that whoever that commits suicide to escape from sin is not a worthy Christian as he has proved that he has no hope in God's ability to deliver him from temptation.

3.4.6 Thomas More

Thomas More marshalled his position on suicide in his book, *Utopia*. More was against what he called suicide by private initiative. Suicide by private initiative means a type of suicide whereby one just decides on one's own to die and goes ahead to kill oneself. For More, suicide is permitted to the terminally ill only on the advice and counsel of either a priest or a magistrate.

3.4.7 St. Thomas Aquinas

Thomas Aquinas was a thirteen century philosopher and theologian. In the legal circle, Aquinas is known for his theory of natural law which is a law urged by God himself. He holds that one who commits suicide has violated the natural law to preserve oneself. One who violates the natural law is a sinner but violating the natural law to preserve oneself is the greatest of all sins. For Aquinas, a suicide commits sin against himself as he has denied himself time to repent from his sin. He sins against God for he has taken away life which is God's property. He also sins against the community which he belongs, depriving it of talented citizens and depriving children of their parents.

3.4.8 David Hume

Hume was a Scottish philosopher. Hume's position on suicide shows the view of one who has studied the contributions of his predecessors. He is an avid supporter of suicide as he defended a person's right to commit suicide. With style and gusto, Hume offers counter-arguments which he hopes will dislodge the arguments of opponents of suicide one after another. First he tackles the argument that a suicide plays God by deciding on the how and time of his death. On this, Hume argues that instead of viewing a suicide as one that violates God's plan he should rather be praised for bringing to fulfilment God's commandment to man to alter nature for his own good. A suicide is only obeying this commandment to subdue nature for our happiness. Hume, therefore, would see no difference between diverting River Niger and killing oneself since both entail obstructing nature. Hume also maintained that if it were true that it belongs to God alone to decide when we shall die, it will be wrong for us to take health care and other measure that will lengthen our lives since those seem to obstruct God from taking us.

Another argument which Hume put forward to support his position on suicide is the argument about God's goodness. He holds that a good God will not like to watch one while one suffers when one could take one's life. Hume also holds that the argument that the suicide harms society by taking his life holds no water. For him a suicide only ceases to live. When he ceases to live he ceases to receive benefit from society. Therefore, he does not owe society. It will be wicked of society to still expect to receive something from a man who no longer receives any from it.

3.4.9 Immanuel Kant

Immanuel Kant presents a difficult reading on the issue of suicide. In one instance he presents suicide as the greatest of moral transgressions and argues that one who commits suicide is incapable of abstaining from any other vice. Indeed, many scholars of Kant hold unto this to argue that Kant forbids suicide. But theirs is a one-sided reading of Kant. There are conditions which Kant holds will justify suicide. When those conditions do not exist one should rather not commit suicide as committing suicide for suicide's sake is against the natural inclination to preserve oneself. Nature predisposes man to love himself, and this predisposition is what moves man towards self-preservation. It is based on this consideration that Kant holds that man should not commit suicide. Suicide entails self-destruction, and goes against the natural inclination to preserve oneself.

However, despite the view expressed above, Kant holds that morality and sense of beneficence to others can justify suicide. He identifies morality and dignity as something higher than life. Since morality is higher than life it means that life can be sacrificed for the sake of morality. From this, it becomes clear that there is a type of suicide which Kant favours. One should rather commit suicide than allow debasement of one's dignity. When one is called upon to choose between death and violating moral rules, Kant holds that one should choose death. Writing on this issue, Kant (1930) holds that:Life is not to be highly regarded for its own sake. I should endeavour to preserve my own life only so far as I am worthy to live ... Yet there is much in the world far more important than life. To observe morality is far more important. It is better to sacrifice one's life than one's morality. To live is not a necessity; but to live honourably while life lasts is a necessity. (1930: 150-152).

> We are in duty bound to take care of our life; but in this connection it must be remarked that life, in and for itself, is not the greatest of the gifts entrusted to our keeping and of which we must take care. There are duties which are far greater than life and which can often be fulfilled only by sacrificing life ... If a man cannot preserve his life except by dishonouring his humanity, he ought rather to sacrifice it; ... It is not his life that he loses, but only the prolongation of his years, for nature has already decreed that he must die at some time; what matters is that, so long as he lives, man should live honourably and should not disgrace the dignity of humanity ... If, then, I cannot preserve my life except by disgraceful conduct, virtue relieves me of this duty because a higher duty here comes into play and commands me to sacrifice my life (1930: 154-157)

Kant also justifies suicide on the basis of our duty to others. One can kill oneself for the sake of others, for we owe them the duty of beneficence. To demonstrate this, Kant cites the example of Cato the Younger (95-46 BC), who killed himself for the sake of others as a good condition where suicide can be shown to be noble. He writes that Cato: Knew that the entire Roman nation relied upon him in their resistance to Caesar, but he found that he

could not prevent himself from falling into Caesar's hands. What was he to do? If he, the champion of freedom, submitted, everyone would say, 'If Cato himself submits, what else can we do? If, on the other hand, he killed himself, his death might spur on the Romans to fight to the bitter end in defense of their freedom. So he killed himself. He thought that it was necessary for him to die. He thought that if he could not go on living as Cato, he could not go on living at all. It must certainly be admitted that in a case such as this, where suicide is a virtue, appearances are in its favour (Kant, 1930:149).

3.4.10 Friedrich Nietzsche

Friedrich Nietzsche justifies suicide under certain conditions. He holds that suicide is preferable to living invalid life. For Nietzsche, it is the duty of physicians to advise their patients that suicide is preferable to certain kind of life. It is an act of wickedness and indecency for one who is incurably ill to continue to live as he merely drains society's resources. Nietzsche holds that life should be lived proudly but when this is no longer possible, death, through suicide, is preferable.

3.4.11 John Stuart Mill

John Stuart Mill, one of the influential British philosophers of the 19th century, did not comment directly on suicide. However, a statement attributed to J. S. Mill is used by proponent s and opponents of suicide to support their positions. Mill's position is found on his famous book *On Liberty*. He has written therein that the only condition under which one's action can be restricted is only and only if his action can harm others. This position of Mill is known in philosophy as harm principle. He holds that acts that regard oneself alone, that affects only the doer, cannot be regarded as moral actions. For Mill only other-regarding acts, which affect other people can be regarded as moral acts and therefore subject of moral scrutiny.

Proponents of suicide hold that suicide is a self-regarding act, that the suicide does not harm anyone by his act of suicide. If suicide can ever be regarded as a harm it is a harm done to oneself. In accordance with Mill's harm principle, an act done unto oneself and that affects only oneself is not a subject of morality, suicide, therefore, is not a subject of morality. One cannot be blamed or praised for committing suicide. We should rather remain indifferent in the face of suicide. They use this position to mean that Mill supported suicide.

Opponents of suicide also invoke the same passage to support their opposition to suicide. For them, killing oneself harms other people. It affects relations, friends, and colleagues negatively when one commits suicide. Ekwutosi (2008) supports this view as he writes that:Since motives for suicide include spite and malevolence, a suicide may be deliberately other-regarding; that is, it may be intended to hurt other people by making them feel guilty, sorry, or incompetent…On the basis of Mill's principle of harm, such motivated suicide would not be excusable. There is no doubt that very few of our actions are self- regarding and it is quite arguable that anyone who contemplates suicide should be aware of that. After all no man is an island, entire of itself; everyman is a piece of the continent, a part of the main."

Self-Assessment Exercise 3.4

Contrast Mencius' view on suicide with that of St. Augustine.

3.5 Moral Arguments for Suicide

People who support suicide has proposed certain arguments in order to justify their

position. In what follows, we shall articulate some of the arguments put forward by supporters of suicide.

3.5.1 Suicide as Proof of Man's Freedom

Proponents of suicide hold that man's freedom entails that he possesses control over himself, and as such, he has right to determine when and how he shall end his life. In committing suicide, one merely exercises this freedom. To prevent him from killing himself is looked down upon as a restriction to his freedom to determine his own life and death. This viewpoint believes that man is the owner of his life. Life is seen here as a property which the life owner owns. If other properties are treated as the owner likes, proponents insist that life should also be treated as such. He can do with his life whatever he wills, and can dispose of it whenever he wants.

3.5.2 Suicide Aims to Protect the Dignity of the Human Person

Proponents of suicide hold that man is a being of dignity. They argue that certain existential conditions impugn on the dignity of the human person. Consider the case of a critically ill person who could neither walk, talk, nor eat, and who is in fact supported by machine to live. Proponents of suicide hold that one who is under such condition as described is more or less in a vegetative condition. Continuing to keep such a person alive is an affront on his dignity as a human person. Such person should be allowed to kill himself in order to still live the earthly stage with some form of dignity.

3.5.3 Suicide Entails Wise Management of Gift of Life

Proponents of suicide maintain that if indeed we consider life as a gift from God, then it means that suicide is justified. They argue that since life is a gift, the recipient of the gift of life has the liberty to use the gifts he has received as it pleases him. A wise manager of gift knows when the gift is no longer of benefit to him. He discards the gift when such time arises. The same should be applied to life. When life is no more worth living, a person should simply kill himself.

3.5.4 Suicide Does Not Usurp God's Power

This is an argument of opponents of suicide who hold that suicide usurps God's power to decide when to take our life. Proponents of suicide argue that it is an insult to God to say that a mere human being can usurp the work of a powerful being like God. God's power as a supreme being is intact. Nobody can ever usurp it. If God does not want man to commit suicide he would have not granted him the power to commit suicide.

3.5.5 To Live is a Matter of Choice

The proponents of suicide emphasise that the individual has the freedom to determine whether he should continue to live or die. Here, supporters do not see suicide as a way to put an end to an uninspiring and miserable life. Rather one should have the liberty to commit suicide whenever he desires whether he is terminally ill or not. For this people, the right to live also implies the right to die.

Self-Assessment Exercise 3.5

Defend the argument that suicide entails a wise management of life

3.6 Moral Arguments against Suicide

Opponents of suicide present convincing arguments to support their position that suicide is morally wrong. The arguments below capture the essence of their position.

3.6.1 Life is a Trust

Opponents of suicide see life as property of God. God owns our life. He only gives it to

us to hold for him in trust. Thus, life is a trust. Since life is a trust, given to us by God to hold for him, we should only do with our lives what is commanded by God alone. In essence, God is the only person who should decide when and how to take our life. If one takes his own life he is only usurping the power of God to dispense life and death as he wishes.

3.6.2 Life is Sacred

Opponents of suicide hold that human life is sacred. The sacred nature of human life entails that life should be treated with utmost dignity and respect. The injunction to treat the human person as a being of dignity deserving respect makes a demand not only on other but also on oneself not to kill oneself. A person should treat himself with reverence. Suicide violates the reverence we ought to hold for our lives.

3.6.3 Suicide is an Injury to Society

Opponents of suicide hold that a suicide is a wicked person who causes injury to society. They hold that individual belongs to society and that every individual has a role he plays in society. When one commits suicide one deprives society of the contribution he owes it. In line with this, opponents of suicide hold that in choosing suicide, the victim is selfish not to have considered the implication of his action on others. He only regards himself and fails to regard others. They contend that a suicide lives so many people worst off than he can ever imagine. Apart from society which loses his services, his family members and friends also suffer the psychological trauma and public shame associated with being in some kind of relationship with a suicide.

Self-Assessment Exercise 3.6

Discuss the three arguments offered by opponents of suicide.

4.0 CONCLUSION

Reported cases of suicide seem to be on the increase. People kill themselves for reasons that you may consider silly. However, the fact that such reasons were strong enough to the suicide means that he has taken it far more serious than you. It is still a matter of serious debates in ethics to establish whether a suicide, for whatever reason he commits the act, can be justified. We have not proffered an answer, but we have led you into the heart of the debate, and made you a participant in the debate.

5.0 SUMMARY

Whether to commit suicide or to refrain from it, is what we have considered in this unit. We have given you arguments proposed by supporters of suicide on why suicide is right. We have also opened your minds to some arguments that see suicide as evil. You have also contrasted suicide with other terms that seem to be similar to suicide. In the end, you are to remember the moral principles we treated in unit 1 of module 1 before you take your decision on the rightfulness or wrongfulness of suicide.

6.0 TUTOR-MARKED ASSIGNMNETS

1. In what way is the study of suicide a thing of concern to the following: sociologists, medical practitioners and ethicists?
2. Discuss the five types of suicide.
3. Comment on the following's view on suicide: Epictetus, Kant, Aquinas and David Hume.
4. Condemn suicide using J. S. Mill's harm principle.

5. Compare and contrast suicide with the following: Immolation, martyrdom, and death from hunger strike.
6. Discuss five arguments in support of suicide.

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UNIT 3: ABORTION

1.0 INTRODUCTION

In the last unit we considered the ethical implications of one killing oneself. A number of arguments were proffered for and against the practice. In this unit, attention has shifted to the unborn as we shall consider the ethical implications of abortion. Indeed, abortion has elicited the greatest ethical controversy in applied ethics. The arguments to abort are as strong as the counter arguments not to abort. Perhaps, what makes abortion argument a highly controversial issue is the fact that it involves taking a decision about a third person (in the language of pro-lifers) or a potential person (in the language of abortionists). In what follows, we shall try to understand abortion as well as the intricacies that are involved in the great abortion debate. In the course of doing so, we shall examine the following: meaning of abortion, types of abortion, abortion in world historical traditions, reasons that influence women's choice of abortion, the issue of identity in abortion debate, and arguments for and against abortion.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

i. Understand the meaning of abortion.
ii. Distinguish between the different types of abortion.
iii. Trace the way different traditions and ages view abortion.
iv. Know why some women opt for abortion
v. Assess arguments for and against abortion

3.0 MAIN CONTENTS

3.1 What is Abortion?

Abortion simply means the termination of pregnancy before it has attained viability. Viability is used to signify the stage whereby the foetus is able to survive outside the womb. When abortion occurs, a foetus is not allowed to develop to maturity. Abortion involves killing the foetus as "the foetus dies by being mangled or poisoned in the process of being removed from the uterus." (McMahan 2002: 378). Many cultures

condemn abortion but despite this condemnation, more and more people are engaged in it. It is reported that about 53 million abortions are performed annually across the world while Nigeria accounts for about 610, 000 cases of the total figure (Oye-Adeniran et al 2002: 19). Experts point at various medical risks which a woman who engages in abortion is open to, especially where unsafe abortion is involved. These range from cancer, to mental ill-health, complication in subsequent pregnancies, pelvic sepsis, septicaemia, haemorrhage, renal failure, uterine perforation and other genital tract injuries, gastro-intestinal tract injuries, and death among others. Notwithstanding the health risks of abortion, the huge debate involved in abortion today is not about the health risks posed by abortion but about the moral questions it raises as more and more abortion is performed every day. Today, to abort or not to abort is more of an ethical question than any other.

Self-Assessment Exercise 3.1

What is abortion?

3.2. Types of Abortion

Two main types of abortion are distinguished: spontaneous abortion and induced abortion.

3.2.1 Spontaneous Abortion

The type of abortion called spontaneous abortion is an instant of what we refer to as miscarriage in our everyday-man-in-the-street language. Other instances of miscarriage include stillbirth, a situation where the foetus dies in the womb after it has attained 20th week gestation. Generally, there is high prevalence of miscarriage among pregnant women as about 1 out of every 8 pregnancy end up in miscarriage.

In defining spontaneous abortion, Ekwutosi (2008), holds that it is a termination of pregnancy that occurs due to natural causes before the 20th week of gestation. Spontaneous abortion could be referred to as an act of man; unwilled and involuntary. The woman who undergoes spontaneous abortion does not wish for it. In most cases, women who lost their foetus as a result of spontaneous abortion feel deep sorrow for the loss they have suffered. Nobody is held responsible for this type of abortion as it happens in an unexpected and unplanned manner and even in a most unlikely place. Cosmas Ekwutosi lists some factors which may lead to spontaneous abortion to include: accidental trauma, natural causes, incorrect replication of chromosomes, and environmental issues. Since spontaneous abortion is caused by factors other than human beings, it falls outside the consideration of ethics, and therefore is not a moral issue. Nobody is held responsible for spontaneous abortion.

3.2.2 Induced Abortion

Induced abortion occurs when a pregnancy is terminated before the foetus becomes viable. Induced abortion is caused by human beings. It is a deliberate elimination of the foetus from the woman's womb before it has acquired the ability to survive outside the womb. There many methods of carrying out induced abortion but the underling characteristic is that a human being is involved in the process of terminating the foetus.

Properly speaking, induced abortion is abortion *per se.* Arguments and disagreements about abortion are mainly about induced abortion. Some ethicists consider induced abortion as subject of ethics, and held that whoever procures induced abortion should be held responsible for it. Many countries have legislations which forbid people from

engaging in induced abortion except in under certain circumstances. There are also a number of countries where abortion is legitimate and a woman can acquire it whenever she wants and for whatever reason she wants.

Self-Assessment Exercise 3.2

Discuss the moral status of spontaneous abortion

3.3 Abortion in World Historical Tradition

Abortion is one of the oldest recorded practices engaged by mankind. For most of ancient cultures, abortion was prohibited. However, there were instances where women took herbs and engaged in strenuous exercises that would lead to the termination of unwanted pregnancies. In Africa, traditional healers provided secret abortion to women who needed them. Such healers, when discovered, together with the women who procured the abortion, were looked down upon as deviants who had violated the spiritual ethics of the land, and upset the harmonious relationship that existed between the world of men and that of the spirits from where children were believed to emerge. Among the Igbo, a sacrificial ritual of cleansing the land, similar to that done to expatiate the consequences of murder, must take place to restore this harmonious relationship with the spirit world. The African view about abortion was influenced by the belief that the foetus was already a human being.

In ancient Greece where abortion was permitted, physicians administered what was known then as vaginal pessaries to pregnant women. Pessaries were known to cause serious infections to the foetus and therefore led to their expulsion before maturity. If ancient Greece sanctioned abortion for women, it must be noted that no abortion was legally procured without the consent of a male guardian who could be a husband, brother, uncle, or master. Women had less autonomy among the ancient Greeks, and were known to be subordinate to men and not the real owners of the pregnancy which they carried. Therefore, to successfully undertake a legal abortion, a woman needed the collaboration of a male guardian who stood as the real owner of the foetus and therefore gave his consent to have the baby aborted. It was indeed considered as an offence for any physician to abort a pregnancy without the consent of a male guardian. However, there were instances where women went behind their male guardians to procure illegal abortion for themselves. Some ancient Greek physicians were reported to have provided abortifacents to their patients who needed them.

It is instructive to note that the Greeks did not regard the foetus as a human being. With this type of thinking it was easier for them to permit the destruction of the foetus once certain conditions were met. Indeed, the Greeks took positive measures to abort the pregnancy of their slaves, unmarried daughter, or even that of a wife if the wife's pregnancy was suspected to have resulted from intercourse between the woman and another man other than her husband or if the expected child was suspected of harbouring any deformity in the womb. The earliest Greek prohibition of abortion was around 100 B.C.E. when an inscription was placed on the shrine of the fertility god Agdistis to the effect that worshippers, before entering the shrine, would swear that they would not, under any circumstance, have a hand in love-charms, abortives, or contraceptives.

The Jews regarded a foetus as becoming a full-fledged human being after it had emerged from its mother's womb, that is after birth. This Jewish position has been construed to mean that the Jews approved abortion especially when one who caused a woman to

miscarriage by heating her was asked only to pay a fine whereas one who caused the death of one already given birth paid for it with his own life.

Among the Romans of the 1st century A. D., there were notable objections to abortion. For instance, Scribonus Largus, considered abortion as a grave offence more heinous than murder as a foetus was murdered with all of its unfulfilled promise in any successful abortion. The medieval church fathers would also give their weight to the argument that abortion was evil. They subsequently condemned it in strong terms and administered oaths to physicians to the effect that they would not be part of any effort to procure abortion.

However, despite the sanction of the early fathers against abortion, historians today point out a section in the work of Thomas Aquinas (1205-1274) that tended to support abortion at a certain stage of pregnancy. Aquinas had followed the lead of Aristotle and held that the foetus does not acquire a soul until after 40 days for male and 80 days for female. The argument is that since the soul is regarded as indispensible in the definition of a human person one without a soul is, technically speaking, a non-human person. It is a living entity like toad or any other living object but certainly not a human person. The implication was seized by proponents of abortion to argue that Aquinas and Aristotle before him (two of the greatest ethicists of their different epochs) sanctioned abortion during certain period of pregnancy. However, you must note that there was nowhere Aquinas mentioned abortion in his consideration of ensoulment.

Most modern states that emerged following the renaissance interlude found no special need to make any legislation for or against abortion. What this means was that one could procure abortion if she wanted. Up till the second half of 20th century abortion was freely available especially for those with good contacts of physicians who could do it, who could also pay for the cost of abortion which was quite exorbitant because of the clandestine nature of the practice. That abortion was clandestine during this period was not because of its legal status. Rather, it was because the Church legislated against it.

Thus, in an era where no legal punishment was available, spiritual punishment was meted out to people who procured abortion.

However, the first recorded effort to legally ban abortion was in the 19th century England and America. During the period, efforts were made to distinguish early and late abortion. While early abortion was permitted, late abortion (after the 20th week of gestation) was prohibited and prosecuted. However, there was a strong crusade which started in the mid 19th century to ban abortion at every stage of pregnancy. This was championed by the Roman Catholic Church as well as some protestant clerics, and physicians (the physicians' motives were to flush out those physicians who specialized in abortion from their midst) as well as to protect the right and life of women, and to defend the right of the foetus as a human person. Advancements in reproductive research contributed greatly in the change of view on abortion. New knowledge made physicians to have scientific and philosophical reasons to consider the foetus as a human person. Rosenblum (cited in Robert Karrer 2010) articulated this point finely. He writes thus: Only in the second quarter of the 19th century did biological research advance to the extent of understanding the actual mechanism of development. The 19th century saw a gradual hut profoundly influential revolution in the scientific understanding of the beginning of individual mammalian life. Although sperm had been discovered in 1677. The mammalian egg

was not identified until 1827. The cell was first recognized as the structural unit of organisms in 1839. and the egg and sperm were recognized as cells in the next two decades. These developments were brought to the attention of the American state legislatures and public by those professionals most familiar with their unfolding import—physicians. It was the new research finding which persuaded doctors that the old "quickening" distinction embodied in the common and some statutory law was unscientific and indefensible.

The 1970 decision of the United States Supreme Court in Roe v. Wade that a woman has right to procure abortion changed the course of abortion history. Ever since then many states in the United States of America have legalized abortion, and some other countries have also legalized the practice. It is this legalization of abortion in some countries of the world that threw up the great ethical controversy that abortion has generated. In Nigeria, for instance, abortion is criminal and only permitted in cases where it is considered as part of conditions for healing a pregnant woman. Despite the criminalization of abortion in Nigeria, the number of recorded cases still rises on yearly basis. Ayo-Odeniran *et al* (2002) peg the figure at 610,000 per annual. The figure may be underestimated in view of the fact that most abortions procured in the country are unrecorded as physicians fear persecution from both the government and the public. Most women are also known to administer abortion pills to themselves that it is hard to keep comprehensive record of cases. It may not be rash to say that incidences of unrecorded abortion far outweigh recorded cases in Nigeria, and indeed in all countries where the practice is illegal. Today, there are people in Nigeria who clamour for government legalization of abortion as well as those who campaign against it.

Self-Assessment Exercise 3.3

Compare and contrast the ancient African attitude to abortion with that of the Jews.

3.4 Reasons that Influence Women's Choice of Abortion

Two major reasons are responsible for women's decisions to engage in induced abortion. They include: health and psychological factors.

3.4.1 Health Reasons

Abortion is procured for health reasons when it is discovered that the continuation of a pregnancy will affect the health of the mother negatively, and may even lead to her death. In some cases, the foetus is suspected to have suffered some impairments that the resulting baby, if allowed to mature, will suffer physical or mental disability. There are arguments that the woman who is faced with the first case has right to preserve her life, and that if the foetus threatens that right, that the foetus should be terminated immediately. However, a counter argument applies the principle of double effect, and holds that what should be sought is the preservation of the woman's life and not the termination of the pregnancy. On the other hand, all opponents of abortion hold the view that it is completely wrong to terminate a foetus simply because the expected child is suspected of turning out with some disability. They hold that the right to life is also applicable to disable persons.

3.4.2 Psychological Reasons

There are instances where abortion is procured simply because the woman or her family feels shame because of a pregnancy and even consider the pregnancy as an embarrassment to their honour. Instances of this abound where the pregnancy is as a

result of rape, incest, premarital sexual relationship or extramarital sexual relationship involving the woman and another person other than her husband. In any of these cases induced abortion is considered as a condition necessary to remedy the situation and bring matters under control. Most proponents of abortion invoke the principle of autonomy to support procuring abortion for psychological reasons as they hold that the woman seeking abortion has the right to decide what happens to her. However, opponents argue that the principle of non-maleficence mandates the woman not to harm the foetus. Indeed, opponents of abortion consider all cases of abortion due to psychological reasons as criminal.

Self-Assessment Exercise 3.4

Discuss the psychological reasons that may influence a woman's decision to procure abortion

3.5 The Issues of Identity in the Abortion Debate

Determining the morality of abortion has remained a controversial issue till date. Proponents and opponents alike have strong points to prove that the positions they hold about abortion are the right ones. In the main, the arguments that support or oppose abortion are based on the status and identity of the foetus. Is the foetus a human person? Is it a human being? Marquis (2007) articulated the two positions and called them the personhood argument and the human life argument respectively.

3.5.1 The Personhood Argument

This is often the position of the proponents of abortion. The personhood argument holds that foetuses are not human persons. At the root of the argument is the fact that human right to life is reserved for human persons and not for any other kind of being, be it God, angel or animals. In the case of God and spirits we lack the ability to kill them, and in the case of animals they lack the dignity proper to man, and therefore make no special demand on man not to kill them.

Those who argue that the foetus is not a human person lists some of the characteristics of a human person. According to proponents, a human person is known to possess the following characteristics: (1) consciousness and, in particular, the capacity to feel pain, (2) reasoning, (3) self-motivated activity, (4) the capacity to communicate in a reasonably sophisticated way, and (5) the presence of self-concepts (Warren 1979). A human person should also possess the desire to live. (Tooley 1972). In her analysis,Warren holds that there may be a case of an individual who may not possess all of these qualities. Example can be given with an imbecile who may lack the capacity to be self-motivated, to communicate in a reasonably sophisticated manner, and self-consciousness, but possess the capacity to feel pain and reason. For Warren the two characteristics possessed make the imbecile a human person.

In the case of a foetus, Warren argues that it does not possess any of these, at least prior to the 20th week of gestation, and therefore is not a person. What makes killing wrong is because those killed are persons, a foetus is not a person, therefore, terminating a foetus is morally permissible. One who has procured an abortion at a certain period during the pregnancy (often before the 20th week gestation) before the foetus develops any of the above characteristics (mainly consciousness) is said to have merely stopped a human person from coming into existence, and has not killed someone. More specifically, proponents compare an abortion with contraception or even absenting from sexual

intercourse when a woman is ovulating knowing that the outcome will lead to pregnancy. In the two circumstances, efforts are made to stop a life from coming into existence, and most people do not raise eyebrows when contraception is involved, none at all objects in the case of abstinence. Strong opposition to abortion, proponents argue, stems from our ignorance that abortion and the two cases cited amount to the same thing, stopping someone from coming into existence and not killing someone.

However, hard-core abortionists make no distinction between prior and post 20th week gestation period. For them abortion is permissible at any time during pregnancy as a human being only comes into existence sometime after birth. The hard-core abortionists allude to what is called psychological continuity argument to support their view. According to psychological continuity argument a human being becomes a human person only if it is able to make a link between his or her past mental stage (memory) and his present mental stage. In order not to bore you with rigorous philosophical argument, let us say that a psychological continuity argument of the human person holds that one is a human person if he is able to remember what he did in the past and establishes that the person who performs the past actions is the same person who stands here today. A foetus, and indeed, a new born baby cannot do this, terminating their life is morally permissible.

You must note that supporters of abortion are quick to distinguish between a human being and a human person. For all they care, a foetus and a new born baby may be a human being but insofar as they do not possess psychological continuity, they are not human persons. The foundation of their arguments is that human beings are not moral agents and are therefore not subjects of human rights, whereas human persons are moral agents, and therefore, subjects of human rights, including the right to life.

3.5.2 The Human Life Arguments

This signifies the position of the anti-abortionists or pro-lifers. According to this position, abortion involves the taking away of human life, and is simply morally not permitted. For the most part, anti-abortionists claim that a human being is formed immediately conception takes place. They assume that once a pregnancy is conceived, the foetus becomes a full-fledged human being with all the rights and privileges accorded to other members of the human species. The Catechism of the Catholic Church states this point thus: "Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person…Since it must be treated from conception as a person, the embryo must be defended in its integrity, cared for, and healed, as far as possible, like any other human being…from its conception, the child has the right to life. Direct abortion . . . is a criminal practice, gravely contrary to the moral law…"

However, there are anti-abortionists who are more inclined to believing the scientific view that a human person does not result from a pregnancy until the twentieth week of the pregnancy. For this people still, it is still morally impermissible to engage in abortion since abortion amounts to killing a potential human being. For them a potential human being is a human being, a human being in equity as lawyers are wont to say.

Marquis (2007), in his famous future of value theory condemns abortion at any stage on the ground that abortion deprives the aborted futures of values. Marquis defines futures of value as consisting “of all of the goods of life we would have experienced had we not been killed. Foetuses have futures like ours, for their futures contain all that ours contain

and more." This future of value theory is derived from the belief that foetuses have potentials. Don Marquis' argument derives the good of the unborn from our own good. He infers from all the beautiful memories we cherished about ourselves in the past, the present experience we love and value and the future good experiences we anticipate and hold that abortion is bad because it deprives the foetuses the opportunity of experiencing what we experienced and many more. On this note, abortion is presented as a selfish and wicked endeavour that seeks to deprive another of what (experiences, good) should rightly be his. If the argument is stretched further, it can be said that killing a foetus also deprives society all the good things that the foetus could have achieved for the welfare of society if it were allowed to be born. One may point at highly successfully people in society and imagine what would have happened if they were aborted when they were still regarded as foetuses.

Self-Assessment Exercise 3.5

Is the foetus a human person? Give reasons for your answer.

3.6 Moral Arguments in Favour of Abortion

We are concerned here with moral arguments given by proponents of abortion as they try to justify abortion. A list of such arguments include: (1) Right to Bodily Integrity of the Woman; (2) Population Control; (3) Method of Eliminating Crime

3.6.1 Right to Bodily Integrity of the Woman

This argument simply holds that a pregnant woman should really decide what happens to her body. This argument holds that a woman is in charge of her body and should, therefore, determine what happens to her body. In line with this, the woman should be able to decide whether she wants to carry a pregnancy to maturity or not. Supporters of this position view a woman's body as belonging to her alone. They hold that telling a woman to nurture a pregnancy against her will amounts to violating her autonomy for the sake of the foetus in her womb. Ekwutosi (2008) puts the view of supporters clearer: "If no one can be compelled to donate an organ to another or submit to other invasive procedures on his or her own body for however noble a cause, why should women be compelled just because they happen to become pregnant?"

Antiabortionists argue against such view. They hold that the woman who seeks to procure abortion should also remember that the foetus which she wants to terminate also has right to bodily integrity that should be protected. It is not permissible to protect the bodily integrity of another person (the mother) on the detriment of another. Again, opponents of abortion argue that a foetus has the right to use the mother's body in order to attain viability since her pregnancy resulted from an act of sexual intercourse which she engaged in without any precaution against conception. Thus, by acceding to engage in the sexual relationship that brought about the child, the mother overrides her own right to bodily integrity in relation to the foetus. This position, though, is silent in cases where pregnancy was caused by rape where the mother's consent was not sought, and was not given.

3.6.2 Population Control

Ever since Malthus raised the famous issue of the consequences of over-population in our world, mankind has taken steps to maintain the population of the world. In the recent time we have seen countries like China legislate on the number of children a couple should have. People who support abortion view it as a major way of controlling

population and saving the world from the imminent danger imposed by over population.
Opponents of abortion uphold the necessity of controlling population but insist that it is wrong to achieve good through bad means. They hold that there are other methods of controlling population growth and that it is wrong to achieve by denying other people of their own right to life.

3.6.3 Method of Eliminating Crime

Proponents of abortion hold that abortion will help to eliminate crime in the world. In today's world where terrorists and other criminals hold sway, the prospect of a world where such personalities were not born interests our imagination. Abortion proponents hold that such personalities would not be terrorising the world if they were aborted and not allowed to enter the world.
However, antiabortionists hold that there is not yet any art or science of detecting a criminal in the womb. The impossibility of this makes using abortion as a way of eliminating crime very untenable.

Self-Assessment Exercise 3.6

Discuss the antiabortionists view against the position that the woman has the right to bodily integrity.

3.7 Moral Arguments against Abortion

Prolifers and antiabortionists have put together some arguments to prove that abortion is morally wrong. Some of such arguments include (1) Argument from the Sanctity of Life; (2) Need to be Responsible; (3) The danger of Abortion to Human Health.

3.7.1 Argument from the Sanctity of Human Life

Opponents of abortion argue against abortion on the ground that the life terminated in abortion is a human life. They hold that human life is sacred. The sanctity of human life makes it imperative that life should be respected. Since life is sacred its preservation assumes utmost importance. Dworkin (1993: 73), states this implication of regarding human life as sacred thus: "The life of any human organism, including a foetus, has intrinsic value whether or not it also has instrumental or personal value . . . [A]ny form of human life [is] something we should respect and honor and protect as marvelous in itself." The position that life is sacred is what makes killing wrong, including that of a foetus. This position is premised on any of these arguments: (a) the foetus is a human being (b) that the foetus is potential person (c) that the foetus is already a person.
Proponents of abortion who argue against this point hold that they affirm a person's right to life but argue that the foetus is not a subject of right. They deny that the foetus is a human being, but add that being a human being does not just make one a subject of right, a moral being. What confers right on anyone is the fact of that one is a person. The foetus, by being a potential person, they argue lack the right to life. They hold that it is wrong to treat a foetus as a person simply because it has the potential to be a person. There are many potentials that were never realized and how are we sure that a particular foetus will not become one of such cases.

3.7.2 Need to Be Responsible

Prolifers hold that the human person is a being of responsibility. They hold that a woman who gets pregnant should bear the responsibility of her actions that brought about the pregnancy. For them, aborting a pregnancy amounts to dodging responsibility as human persons. This is a wicked act, they hold.

Proponents of abortion counter this argument by holding that no woman decides to get pregnant in order to abort it later. They argue that most cases of abortion resulted from pregnancies that came mistakenly and were unplanned. They hold that it is wicked to punish a person with a baby due to a mistake she makes in the past. They equally hold that if the resulting child is seen as an adequate punishment for the mother for her past mistake, that the child is not being treated as a person with dignity. Rather it is being treated as an instrument of punishing the mother. Proponents of abortion hold that this is evil, more evil than abortion which they consider a harmless exercise.

3.7.3 The Danger of Abortion to Human Health

Antiabortionists hold that despite the advancement of medical technology, abortion still constitutes serious medical risks for the pregnant woman. They cite instances where women were maimed or even where they died in the process of procuring abortion. They hold that a woman who has subjected herself to the risks involved in procuring abortion have acted in such a way as to waive their right to life which they have no right to do. In a sense, such women have violated the sanctity of their own persons.

Antiabortionists also point to cases of malformed children who were victims of unsuccessful abortion. Some of such children became imbeciles, while others are known to suffer from other forms of avoidable illness.

Proponents of abortion present a counter argument that the antiabortionists are responsible for the health dangers involved in abortion. They hold that modern medicine has perfected abortion procedure but that the campaign of the antiabortionists prevents women from consulting professionals who can handle the intricacies involved in abortion. On account of this, many women who need abortion are discrete about it and do not take time to know where to consult trained abortion experts.

Self-Assessment Exercise 3.7

Defend the antiabortionists' view that the foetus' life is sacred

4.0 CONCLUSION

The practice of abortion has polarised mankind than no other. It is one of the few cases where a husband and his wife readily harbour different and opposing views. Settling the great controversy involved in abortion disagreement depends on settling another important question: When does a human person begin to exist? The controversy surrounding abortion has rested on this question. Once it is settled the abortion debate will naturally fade away.

5.0 SUMMARY

In this unit, you have learnt the meaning of abortion. You have also understood the different forms of abortion. Besides these, you have followed the history of abortion from many traditions of the world. At the end you were exposed to the various arguments that support or criticise abortion.

6.0 TUTOR-MARKED ASSIGNMENTS

Distinguish between spontaneous and induced abortion. Discuss the two main reasons why women engage in abortion. The foetus is a human person. Argue for or against this position. Discuss three arguments against abortion.

Discuss the aspect of Aquinas' teaching which proponents of abortion use to support abortion.

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UNIT 4: STEM CELLS RESEARCH AND THERAPY

1.0 INTRODUCTION

In the previous unit we studied about abortion as well as the ethical implications of it. In this unit we are concerned with stem cells research and therapy. The discovery of stem cells is one of the most important discoveries of the twentieth and twenty-first centuries. Their potential as antidotes to diseases and sickness as well as early death seems to project them as a welcomed discovery. However, stem cells research has generated a controversy, second only to that of abortion, in the world of today. The source of the debate is the fact that the most important stem cell needed for the human body can mainly be sourced from the human embryo. The same process that yields as stem cell from an embryo destroys the embryo at the same time. In this unit, we shall examine the following issues: meaning of stem cells, types of stem cells, history of stem cells research and therapy, arguments for and against stem cells research and therapy.

2.0 OBJECTIVES

At the end of this unit, you will be able to:

i. Define stem cell
ii. Distinguish the different types of stem cells
iii. Trace the history of stem cells research
iv. Present your own arguments in favour or against stem cells research and therapy

3.0 MAIN CONTENTS

3.1 Understanding Stem Cell Research and Therapy

Stem cells are undifferentiated cells that are self-renewing and have the potential to produce specialized differentiated cells. The importance which medical and biotechnological researchers place on stem cells is attributed to their multiplying ability as they are able to develop into many kinds of human tissues and organs. More importantly, a stem cell can be propagated for many years in a laboratory. Indeed, any disease that is as a result of cell damage or cell malfunction can be healed by replacing the damaged or malfunctioned cells with stem cells which grow to form the damaged cells. Stem cells research promises to provide cure for a number of wicked diseases that

torment mankind like Parkinson disease, diabetes, cancer, and so on.

Self-Assessment Exercise 3.1

Define stem cell.

3.2 Types of Stem Cell

Stem cells are differentiated according to their potency. Stem cell potency refers to the potential of a stem cell to generate new cell phenotypes. Basically, there are three basic types of stem cells. They include: Totipotent, pluripotent and multipotent stem cells.

3.2.1 Totipotent Stem Cells

Totipotent stem cells are stem cells that have the capacity to give rise to the whole organism as an integrated living being. A naturally fertilized egg, that is, a one egg embryo, is the ultimate example of totipotent stem cell. A one egg embryo is an embryo that has not divided itself, and that is at most four days old since fertilization occurred. Totipotent cells like a one egg cell contain the potency to differentiate into all cells of the three embryonic germ layers and extraembryonic cell types (like placenta) necessary for foetal development. Researches about totipotent stem cells raise no ethical questions at all.

3.2.2 Pluripotent Stem Cells

Pluripotent stem cells are stem cells that possess the capacity to give rise to the many different individual cell types of the human body. Pluripotent stem cells, like the totipotent stem cells possess the potency to differentiate into all cells of the three embryonic germ layers but unlike the totipotent stem cells they lack the potency to differentiate into extraembryonic cell types (like placenta) which are quite important for foetal development. What this means is that pluripotent stem cells, while they are able to grow into any part of the human body cannot form a complete human body.

According to Keown (2005), pluripotent stem cells have the "ability to divide for indefinite periods in culture and give rise to other more specialized cells. They are infinitely flexible and can turn into any other cell in the body. For instance, a particular pluripotent stem cell can grow into a brain cell, a muscle cell, a heart cell, a skin cell, a liver cell, blood cell and so on, when cultured to do so. One who knows how to play the game of scrabble would easily have a clearer picture of the nature of pluripotent stem cells as they function exactly in the body the way a blank functions in the game of scrabble by taking on any value as you want it. What this means is that the pluripotent stem cells can be cultured and made to become any type of cell needed in the body. Researchers see this as having great implication for treatment of many human diseases like cancer, Parkinson, diabetes, and so on. Thus, a pluripotent cell introduced into the body will grow the decaying, decayed, injured or dead cells (parts) of the body. There are three confirmed sources of pluripotent stem cells. They include: embryo, foetus, and teratocarcinomas. Besides these, unconfirmed data suggest that human bone marrow contain pluripotent stem cells.

Embryo: Pluripotent stem cell derived from embryo is known as embryonic stem cell (ES). Embryonic stem cells are formed in the inner cell mass of an embryo at the blastocyst stage of pregnancy (about 5-10 days after fertilization of egg, when the embryo is undergoing cell division, and before implantation in the womb occurs). What this means is that one who needs embryonic stem cell will target a 5-10 days old fertilized egg, and extract the inner cell mass. A typical embryonic stem cell has the capacity to

take on the form of all the cells in the human body.
One major source of embryonic stem cells is leftover embryos that remain after fertility treatment. Embryos used for fertility treatment are derived through in vitro fertilization (IVF). More embryos than are necessary are often produced during such treatments and couples may donate the leftovers. Another major source is foetal tissue of terminated/aborted pregnancies. At any rate, these two sources of embryonic stem cells, because they involve the use of embryo, have generated much ethical controversies.
Foetus: Pluripotent stem cells derived from foetus are known as embryonic germ cells (EG cells). The only sure way of acquiring embryonic germ cells is through induced abortions that occurred between the 5^{th} and 9^{th} weeks of pregnancy. Scientists think that embryonic stem cells (ES) are more elastics than EG and therefore has more propensity to become different kinds of cell than the EG.
Teratocarcinomas: Teratocarcinomas is a rare type of cancer that is rich in pluripotent stem cells. Stem cells derived from teratocarcinomas is called EC cells.

3.2.3 Multipotent Stem Cells

Multipotent stem cells are also known as somatic stem cells or adult stem cells or tissue stem cells. This type of stem cells is found in specific parts of the body of already born individuals (children and adults) in whose bodies they produce tissues of the same type. Olstorn et al (2005) define multipotent stem cells as: Undifferentiated cells found among mature and specialized cells in a tissue or organ. They reside in various tissues in the human body, with bone marrow, peripheral blood, skin, skeletal muscle and liver being well known examples. They can differentiate to yield the specialized cells of the tissue or organ, and their main function is to maintain and repair the tissue in which they are found.
Researches involving multipotent stem cells do not raise any ethical issues apart from the normal issues raised by other kinds of researches involving human beings. These are issues related to informed consent and others.

Self-Assessment Exercise 3.2

Discuss the three sources of pluripotent stem cells

3.3 History of Stem Cell Research and Therapy

Stem cell research is about tissue generation. The idea of tissue generation first reached us from the Greek mythology that has existed for more than 2500 years. It was contained in the myth of Prometheus. According to the myth, Prometheus, one of the Greek gods had brought mankind the gifts of the arts and sciences. However, his most important gift to mankind was fire which he stole from the thunder-god, Zeus and brought down to mankind on earth. The myth has it that Prometheus was a lover of humanity. When he was assigned to divide the meat of an ox between the gods and men, Prometheus divided the meat into two unequal parts and kept them in two separate pans. The first pan consisted of all the bones as well as the fat of the ox whereas the second pan consisted of all the meaty flesh of the fox. The gods were to choose first and were to be represented by Zeus. Prometheus, knowing fully well the contents of the two parts, tricked Zeus into choosing the pan that contained bones and fat.
On discovering that he had been tricked into choosing bones and fat, Zeus became annoyed and vowed to make sure that the meat became useless to man. The only way to ensure this was to make sure that mankind lacked the power of making fire that would be

needed in boiling and cooking the meat. Knowing that the meat would become useless without fire, Prometheus found a way to steal fire where it was hidden by Zeus and gave it to man. Zeus was not happy that his most important monopoly (fire) had been stolen and sent down to men on earth that he decided to punish Prometheus. Prometheus was captured and chained to a rock. An eagle was sent every day to eat his liver. The liver regenerated every night and Prometheus remained alive (Russell, 1967; Taylor, 1997; Funderud, 2008).

Stem cell research has proved that this ancient Greek myth is a mirror of reality; that some tissues of the human body, including the liver, can actually regenerate. The first scientific observation about regeneration was witnessed in lower animals when it was noticed that amphibians can regenerate the whole of their amputated limbs. Subsequent researches were focused on discovering whether regeneration could ever be possible with mammals. Two scientists, Till and McCulloch, in 1961, published a work wherein they showed that "different blood cell lineages originated from the same stem cell" (Funderund, 2008). This only confirmed the existence of multipotent stem cells. The roles of these stem cells in normal tissue maintenance were discovered during this period.

Early researches on embryonic stem cells were concentrated on mouse. However, discovery about human embryonic stem cell was made in 1998 when researchers in University of Wisconsin, United States of America led by James Thomson, made a successful derivation of human embryonic stem cell from an embryo donated by a couple who no longer needed them for their infertility treatment. In the same year, scholars from John Hopkins University, led by John Gearheart, announced that they had derived GS cells from a foetus gotten from a therapeutic abortion. These sources of stem cells generated heated debates about the moral implications of stem cell research. However, scientists say they are exploiting other avenues of deriving stem cells which will pose lesser ethical questions.

Self-Assessment Exercise 3.3

Recount the history of stem cells research

3.4 Arguments against Stem Cells Research

Stem cells research, especially embryonic stem cells research, poses a number of ethical questions. These questions have generated arguments against stem cells research. The following are some of the arguments proffered against stem cells research.

3.4.1 Embryonic stem cell research destroys human life

This argument borders on the status of the embryo: Is the embryo a human person or not? Opponents of stem cells research argue that human life begins at fertilization. They hold that the pre-implantation embryo used for stem cell research is a human being. For this reason it amounts to murder to extract the inner cell of a blastocyst embryo in order to use it as stem cell. This is because, an embryo is always destroyed in the process of the extraction. Here, the life of embryo is considered as equal to the life of any living human being on earth. The same arguments that make it unethical to murder a human being no matter how noble the reasons are also make it unethical to use an embryo as research specimen.

3.4.2 Humans are not to be treated as objects

This argument takes its bearing from Immanuel Kant's moral imperative which advices that each person should be treated as an end in himself. This forbids any attempt to use a

human person as an instrument to actualize certain goals. Here, it is taken for granted that the embryo is a human person. Thus, since the embryo is a human person it should not be used to heal another human person. To do this is to denigrate the embryo and treat it as a means.

3.4.3 In vitro fertilization is wrong

Some proponents of stem cell research have sought ways whereby embryos gotten for stem cell research are not taken from pregnant women. As a result, they devised means of achieving fertilization outside the human body. This is often done by sourcing semen through "condomistic intercourse, *coitus interuptus,* (withdrawal) or masturbation" (Ekwutosi, 2008). The sourced semen is later mixed with a female ovum and allowed to fertilize in a culture prepared in the laboratory. Proponents of stem cell argue that they have not violated ethical codes once stem cell is taking from such cultured embryo.

However, a counter argument championed and sponsored by the Catholic Church hold that in vitro fertilization as alternative to fertilization resulting from conjugal intercourse is morally wrong. Thus, every form of artificial insemination is rejected. And should an embryo result from such practice making use of it for research purposes is ethically wrong.

3.4.4 Stem cell research undermines the natural life span

Opponents of stem cell research hold that every creature on earth has its natural life span decreed by God or by nature as the case may be. They hold that stem cell research may prolong life unnecessarily. Shostak (2002) lent credence to this view when he wrote that: Entrepreneurial scientists will perform human stem-cell research, and the possibility of immortality research through stem cells will soon become global business… Making human beings immortal depends on changing the biological machine's design and mode of production—its development. Rather than allowing development to run its course to completion, it will have to be stopped short of its end. An endless source of stem cells will have to be installed early enough in development to give the cells adequate experience with the organism's history, and gonads, the sources of germ cells, will have to be suppressed.

Such schema will make life boring and will surely compound the global population crisis.

3.4.5 Slippery Slope Arguments

Permitting embryonic stem cells research for therapeutic reasons may lead to other unwholesome practices by the practitioners. For instance, researchers may abandon therapeutic reasons and mass-produce embryos for research in toxicology and drug testing.

Self-Assessment Exercise 3.4

Discuss the five arguments against stem cells research

3.5 Arguments in Favour of Embryonic Stem Cell Research

Despite the arguments of opponents of stem cells research, supporters still believe that stem cells research is of great value to mankind. They offer the following reasons about why stem cells research should be pursued.

3.5.1 Embryos are no human beings

Supporters of stem cell research hold that embryos are no human beings. For the holders of this position a human being is one who is able to think, to feel and to be self-conscious. The embryo lacks all of these characteristics, and therefore does not qualify to

be treated as a human being. If anyone uses it in a research process, that person has not engaged himself in an unethical practice. Proponents of this view prefer, rather, to view the embryo as a potential human being. However, potentiality does not confer to an embryo the right of a proper human being. Proponents argue that since experience has shown us that not all potential cases are actualized, it is improper to treat potentials as real. They argue that some poor embryos are known to be incapable of developing into a foetus, but can still be used for stem cell research.

3.5.2 Therapeutic Reasons

Most arguments in support of stem cells research revolve around the usefulness of stem cell research in curing dangerous human diseases. Proponents point at a number of debilitating human diseases, and hold that they affect their victims in ways that diminish their dignity as human persons and call for our pity. Stem cells research offers a way to help such victims out of their predicaments.

3.5.3 Scientific Development

Proponents of stem cells research see it as holding out great possibilities for expanding research and human knowledge. Continuing research on stem cell will offer mankind a great opportunity to explore important biological issues. It could also offer alternatives for drug testing. Thus, instead of testing drugs on living human beings, cultured human cells can be used as alternative.

Self-Assessment Exercise 3.5

List the arguments in support of stem cell research and discuss one of them.

4.0 CONCLUSION

Stem cells research and therapy hold out great promises for mankind. It holds out the possibility of complete control of human diseases that ravage the human person. The cells are capable of renewing a person's body in such a way that dead body tissues are constantly replaced by newly generated ones. However, stem cells research poses great moral debate since the source of the most potent stem cell is the embryo. Until researchers discover better alternative to human embryo as source of pluripotent stem cell, the controversy about stem cell will continue.

5.0 SUMMARY

In this unit, you have understood the meaning of stem cells. You have also understood why stem cells research is of great importance to medical and biotechnological researchers. You also studied the different types of stem cells, the history of stem cells as well as the arguments against and in favour of stem cells research and therapy.

6.0 TUTOR-MARKED ASSIGNMNETS

Why do medical and biotechnological researchers place great importance to stem cell research?

Distinguish between pluripotent stem cell and totipotent stem cell.

Discuss the embryo as a source of pluripotent stem cells.

What is multipotent stem cell?

Discuss the three arguments against stem cell research.

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UNIT 5: CLONING

1.0 INTRODUCTION

In the last unit we studied stem cells research. We considered the various promises that it poses to us as human beings. We also looked at the negative implications of it. Closely related to the issue of stem cells research and therapy studied in the previous unit is cloning. The discovery that cloning is possible was first greeted with excitement. However, fear of abuse as well as complications that could arise from cloning dampened the excitement, and raised questions about the necessity of cloning. In what follows we shall try to understand cloning as well as the arguments offered by the proponents and opponents of cloning. We shall examine the meaning of cloning, methods of cloning, history of cloning, reasons for cloning, relational status of a clone, moral arguments for and against cloning.

2.0 OBJECTIVES

At the end of this unit, you will be able to:

i. Know the meaning of cloning.
ii. Understand the different methods of cloning
iii. Trace the history of cloning
iv. Consider the relational status of a clone.
v. Proffer arguments in support or opposition to cloning.

3.1 What is Cloning?

We owe the origin of the word cloning to a Greek word, *klon,* which means "twig" in English language. A clone is a genetic duplicate, a sort of photocopy of an original organism.

Cloning is a process whereby a living organism is brought into existence through the laboratory manipulation of genetic makeup of another individual, dead or alive. The familiar way of bringing a new born into the world is through sexual intercourse involving a male and a female whereby a male sperm fertilizes female ovum. In cloning, this procedure is bypassed and a new born is brought into the world asexually (without sexual intercourse involving man and woman). Cloning occurs when a DNA of an organism (human beings, rats, goats, etc.) is artificially taken, mostly from the skin,

manipulated in a test tube and introduced into another organism (humans, rats, goats, etc.) where it develops as an embryo and later given birth to. In a birth that resulted from normal male and female sexual intercourse, the two parents contribute 23 chromosomes each which go on to make up the genetic heritage of the new born. In cloning, the offspring inherits only the 46 chromosome of one person. Indeed, cloning replicates the owner of the gene that was cloned.

Cloning is one of the latest and controversial discoveries in the twentieth century. It has wide implications for biology, health, pharmacy, biotechnology, and agriculture. In cloning, genes of organisms are manipulated to achieve certain and sure result. Clones are intended as exact copies of the organism from which they were cloned. However, scientists are quick to point out that certain influences and unexplored conditions are likely to prevent a clone from being the exact physical copy of the original. Beyond the physical, it is argued that a clone cannot be the same person as the original person. They are two persons. Shostak (2002) captures the point this way: A clone is supposed to be a facsimile of the nuclear-donor, but a human being, clone or not, is inevitably its own person, not the nuclear donor carried over to a new body. In all likelihood, one's clone would develop its own personality, living in its own time and place, even if one tutors one's clone personally. A personality is something acquired over a lifetime, influenced heavily by nurture, experience, and learning, and such a lifetime is unlikely to be transferred to the new body by a mere nucleus (even with a good dose of donor cytoplasm).

Self-Assessment Exercise 3.1

Demonstrate your understanding of cloning

3.2 Methods of Cloning

There are two methods of cloning: embryonic cloning and Somatic Nuclear Cell Transfer.

3.2.1 Embryonic Cloning or Artificial Embryonic Twinning

In embryonic cloning, a researcher works with a pre-implantation embryo (an embryo that is yet to be implanted in the womb). In this process, the embryo is cultured in the laboratory where its cells are separated and then introduced into a woman's womb. The cells go on, individually to develop into different foetuses, but genetically identical with each other. In embryonic cloning, the embryo resulted from a combination of male spermatozoa and female egg. This type of cloning, as you must have guessed is used for the purposes of begetting identical twins. These identical twins still possess the chromosomes of the two parents whose sperm and ovum united to form their embryos.

3.2.2 Somatic Nuclear Cell Transfer

Among the many names of somatic nuclear cell transfer are, nuclear cell substitution or somatic cloning or nuclear transfer or nuclear transplantation. In somatic cloning, nucleus is extracted from the cell of the body of a living or dead organism and implanted into the enucleated (without nucleus) cell of a female ovum. This is kept in the laboratory for proper stimulation and observation. If it begins to divide as it should under normal conception, it is transferred into the uterus of a woman (Ekwutosi 2008). The embryo that results from this process will be genetically identical to the organism whose nucleus was extracted from its cell. Thus, the resulting foetus is regarded as product of one person: the owner of the extracted nucleus.

Self-Assessment Exercise 3.2

Highlight the difference between the two methods of cloning

3.3 History of Cloning

Horticulturalists had been engaged in what we may call plant cloning for a long time now. The Horticulturalists, however, do not call what they do cloning. They prefer to use the term budding. They would cut from a mature plant, insert the cutting into another plant, and allow the cutting to grow into identical copies of the original plant from which the cutting was made. The horticulturalists use this to mass-produce good breeds of plants.

Scientists, working in their laboratories, had experimented on animal cloning since the 1950s. However, this experimentation was restricted to practicing with tadpoles and frogs. The possibility of cloning mammals had tickled the imagination of scientists since the 1970s. However, this was mostly in form of peer reviewed articles in learned journals. Artistes would later exploit this in the famous film, *The Boys from Brazil.* It was only in 1993 that five scientists, Jerry Hall, Robert Stillman, and three others informed their colleagues in the American Fertility Society that they had carried out an experiment in which they cloned human embryo. Even though the embryos cloned by these scientists were nonviable (it lacks the capacity to become a human baby as it was produced in a process that saw the fertilization of egg with more than one person's sperm).

The first recorded case of cloning a mammal was in 1996, when a cloned sheep was born. The sheep, born at Roslin Institute near Edinburg in Britain was named Dolly. Dolly was replica of an ewe (a Finn Dorset) whose nucleus was taken and injected into the egg of another sheep (a Scottish Blackface) whose nucleus was extracted and discarded. The Scottish Blackface which owned the egg carried Dolly till its nativity. When Dolly was born in 1996, it carried all the genetic of the Finn Dorset that owned the nucleus and none of the Scottish Blackface that nurtured it.

The story of Dolly was that the two animals that were responsible for its birth never mated. Indeed the Finn Dorset that owed the cell whose nucleus was extracted, preserved, and injected into the Scottish Blackface died in 1994, two clear years before Dolly was born. Dolly grew up, and was the same as all other Finn Dorset ewe that were reproduced through sexual intercourse. In 1998 , it was able to give birth like other ewes, and this was even followed by more births in 1999.

The successful cloning of Dolly opened a wide door for all sorts of experimentation on cloning. It did not take time before these too yielded fruits. The birth of Marguerite (a calf) was announced in France, Cumulina (a mice) in Hawaii, as well as other examples that followed them.

The success which scientists achieved with cloning animals soon trickled the imagination of men. The cloned animals had genetic proximity with the human species. This gave rise to the thinking that humans could be cloned, after all. The thinking was that cloning human would help man to recreate loved ones or pets, who have died. There was also the attraction to clone oneself while even still alive.

While some people were still contemplating the implication of a cloned human being, the Raelian religious cult (founded by French journalist, Claude Vorilhon) built their article of faith around cloning. They profess that human beings were created by extraterrestrial beings and that the resurrection of Jesus Christ was made possible through an advanced

cloning technique. For them, once one dies, his soul ceases to live, and cloning is the only path to immortality. Simple cloning, they assured, would be followed by invention of a technology that would be able to transfer the content of a person's memory into a cloned version of him. Once this is done, then, we can say that mankind has perfected personal immortality. In furtherance of their objectives, the Raelians announced that they have spearheaded the birth of the first cloned child, delivered by Caesarean operation on 26th December 2002. This first clone human-child was named Eve. They also claimed the birth of another child to a lesbian couple in Netherlands in January 2003. This was followed by another claim that a third cloned child was delivered in Japan to a couple who had lost their child. The new born baby was a clone of the dead child. Till date, no person has been able to verify the above claims. For the most part, the world looked at the group as a collection of charlatans, even though ethical questions were raised that considered the implication of their claims if they turned out to be true.

However, the ethical questions about cloning reached a crescendo when scientists working in US-based Advanced Cell Technology informed the world that they had developed a preembryo from the combination of a cow's enucleated egg and a human nucleus. The repulsion that trailed the announcement was targeted at the possible monster that could be the outcome of this research if allowed to come to fruition. The same repulsion had made ethicists found their voices again to consider the ethical implications of cloning.

Self-Assessment Exercise 3.3

Trace the history of cloning

3.4 Reasons for Cloning

Cloning is envisaged to serve a number of purposes. Wilmut *et al* (2000), the scientists that cloned Dolly, gave five reasons why scientists engage in cloning thus: The first is for research—producing even purer laboratory strains; the second is in agriculture and other areas of domestic breeding— replicating elite animals; the third is in animal conservation; the fourth is for multiplying tissues, as opposed to whole individuals, for use in human medicine; and the fifth is human reproductive clinics.

We shall follow the lead of Wilmut *et al*. In that case we shall list the following as reasons for cloning: (1) Research Reason; (2) Agricultural Reasons (3) Animal Conservation Reasons (4) Therapeutic Reasons and (5) Reproductive reasons.

3.4.1 Research Reasons

Cloning for research purposes is meant to satisfy researchers' quest for knowledge. The case of Jerry Hall and Robert Stillman is quite a good example of engaging in cloning for knowledge sake. When cloning is for research reasons, the researcher only seeks to understand how cloning works. He may also seek to test new hypothesis that he or a colleague has put forward concerning cloning to see whether it would be confirmed by a research. Researchers who are interested in cloning for knowledge sake are unlikely to create a viable embryo, and when they do it they may limit themselves to that of lower animals. However, there is fear that the curiousity that leads the researchers into experimenting on the embryos will also lead them into allowing viable embryos and into wanting to see the outcome of their research.

3.4.2 Agricultural Reasons

Some breeds of livestock have proved to be better than others in nourishing the human

body. Cloning for agricultural reasons seeks to increase the production of such breeds whereas the bad breeds will be gradually phased out. Agricultural cloning will increase meat availability.

3.4.3 Animal Conservation Reasons

Scientists have informed us of a number of animals that were once in existence but have now gone into extinction. A thing goes into extinction when all instances of it can no longer be found anywhere on earth. If the condition for an animal's survival on earth no longer exists that animal immediately goes into extinction, especially if it cannot force itself to adapt to the new conditions. There are scientific reports which inform us today that a number of animals are affected in this way. Cloning for animal conservation reasons ensures that such animal is preserved as scientists work to see how to make them adapt. Through cloning, scientists can also recreate extinct species

3.4.4 Therapeutic Reasons

In therapeutic cloning, a patient's somatic cell is transferred to an enucleated egg in order to generate embryonic stem (ES) cells that share the patient's genome and, after differentiation, can be used as therapy without the need for immunosuppressive drugs. (Bonnicksen, 2007). It is suggested that the first attempt at cloning which later resulted in the birth of Dolly was aimed at therapeutic reasons. Experts hope that through therapeutic cloning people would be able to shed off/wear off old and weak tissues in their bodies for stronger and new ones. Such diseases that affect the cells can be replaced by new cells produced through cloning.

Despite the promises which therapeutic cloning hold out to us, opponents are quick to point that it affects the human embryos negatively as stem cells needed for therapeutic cloning are got from human embryos in a complex process that also leads to the death of the lending embryos. There is also another fear that cloning for therapeutic reasons will also lead to pursuit of reproductive cloning. However, proponents argue that this risk can be mitigated if governments set up national bodies to ensure responsible development.

3.4.5 Reproductive Reasons

Cloning for reproductive reasons has to do with creating a human being through cloning. In reproductive cloning, a genetically identical copy of a living or dead human person is produced. The moral arguments against cloning results from cloning for reproductive reasons.

Self-Assessment Exercise 3.4

Discuss the agricultural and research reasons for cloning

3.5 The Relational Status of a Clone

Philosophers are at difficulty to establish the relational status of a clone, especially one cloned somatically. One of the questions at the heart of this difficulty is whether to see the clone as the offspring of the owner (original) of the nucleus that resulted in the clone. There is argument to the effect that the clone cannot be regarded as an offspring of the original. This is because the natural procedures that gives one identity as a biological parent to another human person demands that a child be born through the union of male sperm and female ovum.

The second question is whether to consider the clone and the original as one and the same person. Ethicists frown at this and hold that the clone and the original are not the same person. Even though the gene of the original was recreated in the clone, the original

himself was not recreated. In this regard Ekwutosi (2008) gives us two reasons that make it impossible to regard the clone as exactly the same as the original.

1. Mitochondrial genes: The argument is that the whole gene of the enucleated cell is not removed when the nucleus is removed from the cell as about 0.2 percent still remains in the wall of the cell (this gene is called mitochondrial gene). Thus, when the nucleus of another cell is introduced into the enucleated cell it comes in with only 99.8 % of the cloned genes which joins with the 0.2 % of the enucleated genes to form the new person. So the original is not entirely the same person
2. The second reason is that cloning only creates the genetic base of a person. It has no influence on the non-genetic bases such as environment, subjective experience, character, habit, and personal decisions based on free will. Based on these, it is concluded that the resulting child will lack the memory of the original, as well as his personality as these are influenced by factors other than genes.

Having shown that the clone and the original are not one and the same person, our question still persists: What is the relational status of a clone? Juengst (2005) volunteers a plausible answer. The relationship between a clone and a cloned is that of twins: "delayed twins." What the two of them have is mere identical genome, the same that identical twins have. In this sense, they are two persons, who have individual rights and duties as different persons even though they have the same genomes as identical twins. However, there is a difference between identical twins and "delayed twins". Morscher (2005) explains this difference thus: The existentially and morally relevant difference consists in the fact that identical twins exist synchronically or simultaneously, whereas the cloned individual starts living only *after* the original from which it has been cloned and *knows* about this fact.

Self-Assessment Exercise 3.5

Do you consider the clone and the original as one and the same person? Give reasons for your answer.

3.6 Moral Arguments against Human Cloning

The following are arguments offered against cloning.

3.6.1 Cloning is Dangerous for the Cloned

This is the most current and the most widely accepted (even though not the most philosophically correct) argument against cloning. It holds that cloning a human organism is morally wrong because the practice of cloning poses great risk and danger for the clone. People who hold to this position always cite the fate that befell Dolly as that which will befall any clone. Dolly developed immediately with gene of an adult ewe, and within few years of its birth suffered sicknesses meant for adult ewes, (arthritis and progressive lung disease)and finally died. Cloning a human being to suffer the fate of Dolly is nothing but mere wickedness, and is forbidden by the principle of non-maleficence.

3.6.2 Cloning will produce monsters

This argument anticipates the possible misuse of human cloning if allowed. This is more of a slippery slope argument against cloning. Permitting cloning will engender a lot of other inhuman practices like eugenics, setting up stores for human spare parts, and finally for the reproduction of a superman or a monster. Also, scientists who have experimented on animal cloning hold that many cloned foetuses exhibit 'giantism', as they grow so

large that it becomes impossible for them to be carried in any womb. If this happens in a human pregnancy what would be the fate of the pregnancy.

3.6.3 Cloning whittles down human autonomy

The Rubinstein argument against cloning holds that cloning is morally bad in itself as it will destroy the human dignity, autonomy, and freedom of the clone. A clone will not be allowed to develop into his own person. Rather he will be pushed into taking up the societal role of the person from whom he was cloned.

3.6.4 Cloning usurps God's duty

Another argument against cloning is that it challenges the authority of God. God is conceived in many religions(Christianity, Judaism, ATR, and Islam) as the creator of man. Creating man in a laboratory is seen as an affront to God's authority.

3.6.5 Cloning is Wasteful

Opponents of cloning maintain that cloning is highly unnecessary and overly wasteful. Scientists report that, so far, successful manipulation of an egg cell occurs after 104 unsuccessful attempts. What this means is that valuable eggs are wasted in the course of trying to achieve a single cloning whose perfection no one is yet certain.

Self-Assessment Exercise 3.6

List the five reasons why cloning is morally wrong

3.7 Moral Arguments in Favour of Cloning

The following are reasons offered in support of cloning.

3.7.1 Solution to Infertility

Many counsellors have observed that childlessness is the major threat to family life. Most couples are torn apart because one of them is incapable of bringing forth a child into the world. Proponents of cloning argue that with cloning, infertility will be a thing of the past, as parents who lack the capacity to give birth through sexual intercourse can easily resort to cloning in order to have a child that is truly their offspring unlike what is the case with adoption.

3.7.2 Source of Organ Transplantation

Physicians who engage in organ transplantation note the time and energy it takes them to locate a donor for organ transplant whose organ matches that of the patient. There are instances when matching donors are not found. Cloning will solve this problem, as he clone will be a ready-made match of the original who will be a natural standby donor of organ transplant in case the need arises for the original.

3.7.3 A Surer Way of Birth Control

For the first time in history, cloning offers the opportunity of controlling the type of persons to be brought into the world. Proponents hold that not every person will be cloned as only geniuses, people of great talents, of great beauty and characters will be cloned. Criminals, imbeciles, the handicapped, and the poor will not be cloned. Cloning such people will make the world better as their contributions will help in the development of the world.

Self-Assessment Argument 3.7

List the three arguments against cloning

4.0 CONCLUSION

We are yet to confirm the first recorded case of a cloned human being. Arguments for and against cloning are only meant to anticipate or to forestall human cloning. So far,

many governments of the world have banned experimentation on cloning. This means that, for now, opponents of cloning have won the battle.

5.0 SUMMARY

You have been exposed to the nature of cloning as well as to the different methods of cloning. You have also studied the various purposes cloning serves as well as the historical development of cloning. You have equally learnt the various arguments that support or oppose cloning.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Differentiate the chromosomes of a clone from that of one born through sexual intercourse.
2. Discuss the two methods of cloning.
3. What circumstance heightened the controversy about cloning?
4. Discuss the five reasons against cloning.
5. Discuss three arguments in support of cloning.

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MODULE 3: BUSINESS AND ENVIRONMENTAL ETHICS

UNIT 1 INTRODUCING BUSINESS ETHICS

1.0 INTRODUCTION

In the previous module we studied bioethics as one of the aspects of applied ethics. We considered the ethical implications of practices engendered by advancement in modern science. Thus, such issues like euthanasia, suicide, abortion, stem cells research and cloning were considered.

In this module we shall consider issues that are of concern to the remaining two aspects of applied ethics: business ethics and environmental ethics. We shall begin with business ethics. The global nature of today's business means that a single business affects people across continental borders. The implication of this is that a crisis suffered by a company domiciled in one country may affect negatively the lives of people living in all parts of the world. More and more of such crisis have been witnessed and mankind has suffered the consequences. The unspoken agreement is that some of the crises that pulled down big businesses could have been avoided if the businesses had been ethical in their dealings. Thus, business ethics is conceived to serve as the moral conscience of businesses. In this unit we shall examine the following: meaning of business ethics, history of business ethics, reasons why business should be ethical, guides of business conducts, and corporate social responsibility.

2.0 OBJECTIVES

At the end of this study, you will be able to:

i. Define business ethics
ii. Trace the history of business ethics
iii. Offer strong arguments why business should be ethical
iv. Know the codes that ought to guide businesses

v. Understand the implications of business social responsibility

3.0 MAIN CONTENTS

3.1 Meaning of Business Ethics?

Business ethics is one of the major branches of applied ethics. It is defined as comprising "principles and standards that guide behaviour in the world of business." (Ferrell, Fredrich, and Ferrell. N.d.). It seeks to apply ethical principles to the issues of business with the aim of regulating interpersonal conduct that are engendered by business interactions. Business ethicists recognize that the aim of businesses is the maximization of profits for the business owners, what they recommend are ways of conduct that will continue to ensure that this aim is never jeopardised, and that it is pursued in justice and decency. Business ethics, as a discipline, is meant to build integrity, engender responsible behaviour on business men and women. It also seeks to counter the view that business is an all comers affair that obeys no rule or regulation.

Indeed, the prevalent spate of scandals that involves companies, threatening to bring them down, and in the process endangering the livelihood of people who have built their lives around them, have made business ethics more imperative in our time than before. The issue is even more complicated than you think. The globalized nature of the world of today where businesses have gone international means that a scandal that affects a company in Nigeria is felt in the lives of people in faraway places as in Brazil and South Korea. There is no field of business that is exempt from this scandal. The media, religion, manufacturing, information and communication, sports worlds, and so on, have been affected negatively by unethical behaviours. This has raised the issue of teaching business ethics. The assumption is that unethical behaviour in business is caused by ignorance of ethical behaviours that are required from business people.

In our introduction in unit 1 of module 1we hold that ethics is meant for human persons. You must be wandering now why we expect good conducts from businesses which are not human beings. You are right in thinking that a business is not a human person. But you must also know that a business is managed by human persons. In business world, businesses and companies are regarded as cooperate persons. As a discipline in ethics, business ethics looks at a business as a *persona ficta* (fictional person). This manner of viewing a business or a company is necessary because ethicists insists that a company should have its own values and characters different from the values and characters of the people who manage its affairs. Recognition of the importance of this point is necessary. If a company's values are tied to the values of its managers it means that these values change as managers change. It also means that what to expect from a company at every particular period of its history is dependent on who manages it.

3.1 Self-Assessment Exercise 3.1

Show your understanding of business ethics

3.2 History of Business Ethics

Philosophers' interest in business (trade) dates back to the ancient period. The Greek philosopher, Plato, was the first philosopher to show interest in business. Plato had conceived every form of business, since it entails making profit as something that is despicable. He held that business life belonged to the people with the least intellectual and moral characters. In one of his books, entitled, *Laws,* Plato condemns all forms of trade which is the general name that applied to what we call business today. He wrote

that trade: “fills the land with wholesaling and retailing, breeds shifty and deceitful habits in a man's soul and makes the citizens distrustful and hostile' (Laws 705a).

Plato’s student and contemporary, Aristotle followed Plato’s lead and condemned trade as discredited because “it is not in accordance with nature, but involves men taking things from one another.” (Meikle, 1996). According to Aristotle, barter was the best medium of exchange, while trading represented degeneracy. Aristotle’s condemnation of trade stems from his division of two kinds of wealth: true wealth and false wealth. True wealth is aggregate of materials that are useful to individuals and society as a whole. One only goes to barter the things that he needs. False wealth includes those things that are owned for the mere sake of owning them. A business man, in Aristotle’s view, stores up wealth for its own sake, that it may be said that he is rich, and not for the use his wealth will serve the community or serve himself.

Another ancient voice in consideration of business was Cicero, the Roman philosopher and orator. Cicero raised a moral question for the business man. He had asked whether a grain dealer who was taking his grain for sale in a community that was suffering from famine, was obliged, on arriving the community before other grain dealers who he knew were coming after him, to inform the members of the community that other traders were coming after him. Cicero had asked the question knowing that revealing or not revealing that other grain dealers were coming after him would affect the price of his goods. Cicero’s answer was that the dealer was morally bound to inform the affected community that other dealers were on his heel. It is fraudulent if he failed to inform them, and therefore made more money than would have been possible if he had competitors.

St. Thomas Aquinas, in the medieval time, had taken up Cicero’s question and reconsidered it. Aquinas held that, against Cicero’s postulation, the grain dealer had no obligation to inform the traders that there were other merchants coming after him. He held that the business man would only be making a prediction if he told them that there were others coming after him. Circumstances might conspire to stop them from arriving at the community. In this case his prediction had turned out to be false, and he had equally deprived himself of a just price.

Another issue of business that was of interest to Aquinas was labour remuneration. He had gone to consider whether a labourer that was poorly remunerated had acted unethical if he secretly took money from his employer. Aquinas response was that such labourer had not acted unethical in so far as what he took was for his sustenance and not meant to be stored away.

If Aquinas answered Cicero, Plato and Aristotle’s view on business were unanswered and unchallenged until the 18th century when Adam Smith emerged. Adam Smith is famous for his great book, *The Wealth of Nations.* In that great book, Adam Smith had written that:

> It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard of their own interest. We address ourselves not to their humanity, but to their self-love and never talk to them of our own necessities, but of their advantage.

The implication of the above quote is that profit-making, condemned by Plato and Aristotle, is necessary if mankind wants to erect a lasting economic system. The system of production and merchandising can only be propelled by the positive greed of the business

man to make wealth and more wealth.

Despite the views expressed by the philosophers treated above on business, business ethics as a field of study did not emerge until the 1970s. Specifically, business ethics as a field of study owes its origin to America. 1970's was the decade when business professors and philosophers asked questions and proffered answers about the practices of business people who made so much gain to the detriment of society. A very good instance of this was the industrial waste generated by manufacturing companies which destroyed the atmosphere for everyone whereas owners of the companies alone enjoyed the wealth that came from their productions.

Thus, philosophers and business professors started to argue that business people owe social responsibility to the people on account of their activities. The kernel of the argument was that industrialists cannot continue to debase the environment with the hope that someone else should worry about the consequences of their actions. Other topics that were later considered under business ethics included the questions of bribery, deceptive advertising, price collusion, product safety, and the environment. During the period, too, business ethicists also identified many challenges that faced business people and considered what would be the best possible reaction.

The 1980s up to the 2000s is regarded as period of solidification of business ethics as a field of study. As could be expected, many universities across the world now have courses mounted on business ethics.

Self-Assessment Exercise 3.2

Compare and contrast Aristotle's position on traders with that of Adam Smith.

3.3 Reasons Why Business Should be Ethical

At the long run, it pays, not only the public but also businesses, to be ethical. The following reasons given on why business should be ethical explains the various advantages an ethical business gains because it is ethical.

3.3.1 Legal Reasons

Being ethical saves a business from many legal troubles which acting otherwise would have brought for it. In today's world, there are many avenues for a business to be unethical if it chooses to. This becomes even more attractive because there are few chances of detection either by the law or the unsuspecting public. For instances, when managers of business demand for sex from prospective employees, they are acting unethically. Some prospective employees may not report this but once it gets reported, the business is in serious trouble. To avoid costly prosecution that may follow from this, businesses need to be ethical.

3.3.2 Public Image

One of the factors that determine the survivability of a business is public perception. People are more likely to patronize a business they judge to be ethical than one that is not ethical. A company may discover that it can repackage its expired and substandard products for sale in the market. There is a possibility that such company may go undetected by law enforcers. However, there is another possibility that two members of the company's staff will gossip about this and it sieves into the public ear. When this happens, the public will perceive the company's product as bad and avoids patronizing it. The point being made is that customers are more unlikely to patronize an unethical company. Thus, a company may be forced to be ethical and do the right thing because it

fears the consequence of doing otherwise.

3.3.3 Pragmatic Reasons

This is more concerned with what happens to a business in the short run than in a long run. For instance, people on noticing that the quality of a particular product has gone down drop it there and then in the market where this discovery is made. This is a natural and instant reaction to a company's unethical behaviour in packaging its products.

Self-Assessment Exercise 3.3

List the three reasons why businesses are ethical

3.4 Guides of Business Conducts

In today's corporate world, businesses have assumed their own personalities and identities. Despite this, businesses are also owned and managed by a number of persons who also have their own individual personalities intact as human persons. At the level of individuals, a person takes a private decision as regards ethical questions based on his cultivated values. Our social experience shows that at times, one person's values often differ from another person's values, and values indeed do clash. It is true that individuals do bring in these their clashing values into their various positions in the companies and businesses. How does a company rise beyond individual differences in order to engage in conducts that are ethical in nature despite the personal outlook of individuals who constitute the company and manage its affairs?

It is suggested that in order that companies should not be guided by the ethical principles of their managers which at times clash, it is necessary that a company be guided by the various codes of operations that are enacted to it. These codes often stipulate ethical behaviours that are sanctioned for companies, for their own good. While some of these codes are in form of laws, others are not really laws but are regulations which stipulate series of dos and don'ts for businesses. There are four levels of codes which businesses are expected to observe if they are to be judged ethical. They include: (1) International Codes, (2) National Codes, (3) National Codes (4) Business or Trade Codes

3.4.1 International Codes

Businesses now have lives that stretch across many borders. International business codes regulate the activities of businesses and multinational companies across borders. A major effort in the development of international business code was that known as inter-faith declaration entitled 'A Code of Ethics on International Business for Christians, Muslims and Jews' in the mid-1990s. Besides the interfaith, transparency international, is also an organization that issues guidelines and regulates behaviours of businesses and companies around the world. Together, these institutions and more publish codes of conduct which should be a guide to businesses and companies in their quests to be ethical. A company or business can look up to this for guide. In the past, it was possible for companies to engage in behaviours that are unwholesome which are forbidden by law in one country but which the law of another country is silent on. Such companies had claimed lack of jurisdiction when the case of their misbehaviour is brought up in the law court of the country that forbids their behaviour. With international codes, it is now possible to hold companies accountable for what they do in all parts of the world. The knowledge of international codes makes companies to be ethical.

3.4.2 National Codes

Within the national territories, countries have codes of conduct which seek to regulate the

affairs of businesses. These codes are addressed specifically to companies and businesses, private or public, within the territory of particular countries. The Nigerian Code of Conduct Tribunal issues a number of guidelines that should guide private and public businesses as well as public functionaries in their affairs. A company that seeks to maintain ethical standard should look for these guidelines and observe them.

3.4.3 Trade and Professional Codes

These seek to regulate activities of companies that are engaged in similar businesses. A good example of this in Nigeria is the NCC (Nigerian Communication Commission) which regulates activities of all telecommunication related businesses in the country. A telecommunication company that seeks to be ethical in its operation must discover the codes set down by the NCC and observe them.

3.4.4 Company Codes

Here we refer to the codes of conduct which every company draws for everybody that is involved in its affairs. It is also important that everybody that is involved in the company's affairs knows what the codes expect of them. Most senior managers of companies often see the company codes as being made for the lower cadre staff. Nothing can be further from the truth than this. The company codes are meant for every person including the person at the highest point of a company's administration ladder. Indeed, the codes apply to him more since there are less human regulation for him than for the ordinary staff. Indeed, the unethical behaviours of lower cadre staff are often dictated easily and punished, whereas that of the high cadre and shareholders are rarely dictated and rarely punished. Incidentally, they are what pull a company down once dictated by the public. What is being emphasized here is that a company should be guided by the codes it has drawn up for itself. This is the most minimum commitment it owes itself for its own survival.

Self-Assessment Exercise 3.4

Compare and contrast international codes and company codes as guides of business conduct

3.5 Corporate Social Responsibility (CSR) and Ethics

The most recent definition of Corporate Social Responsibility (CSR) is that offered by the European Union (2011) where it defines corporate social responsibility as "the responsibility of enterprises for their impacts on society." Corporate social responsibility implies being alive to the demands that society makes on an enterprise. In corporate social responsibility an enterprise is viewed as an individual (*persona ficta*) with assigned roles in society. An enterprise is socially responsible if, in the long run, it maximizes good benefits for society and minimizes negative consequences for it. Thus, just as individuals are expected to fulfil their roles for the good of society, enterprises are also expected to work to fulfil their responsibility to society. Fulfilling an enterprise's social responsibility helps that enterprise to grow and achieve its own objectives. We must note here that a company does not engage in social responsibility just to impress individuals. On this note, Megone (2002) sounds a caveat about corporate social responsibility. She cautions that: "If, however, a socially responsible act does not contribute to the business objective, then it is wrong – ethically as well as financially – for a business to perform it." Thus, the major reason why a business should be socially responsible is because being so helps its cause, favours it to win customers and at the end helps it to make profit.In

line with this, the EU (2011) lists three ways that corporate social responsibility can benefit an enterprise. They are as follows:

1. It helps the competitiveness ability of the enterprise, brings benefits in terms of risk management, cost savings, access to capital, customer relationships, human resource management, and innovation capacity.
2. Since CSR requires engagement with internal and external stakeholders, it enables enterprises to better anticipate and take advantage of fast changing societal expectations and operating conditions. It can therefore drive the development of new markets and create opportunities for growth.
3. By addressing their social responsibility enterprises can build long-term employee, consumer and citizen trust as a basis for sustainable business models. Higher levels of trust in turn help to create an environment in which enterprises can innovate and grow.

In all, every company has the following responsibilities which it should perform in order to benefit itself and to benefit society: (1) Profit responsibility, (2) Stakeholder responsibility, (3) Societal Responsibility

3.5.1 Profit Responsibility

In business ethics, profit is regarded as long term owner value. Thus, to make profit and more profit, after all is said and done, is the chief reason why business owners set up businesses. Business managers and others who are responsible for the business have a duty to make sure that this important owner value is met. Making profit does not favour the shareholders alone. The employees and the general public derive some advantages from it as it enables the business from which they get their means of survival to continue in operation. Meeting its profit responsibility also demands that companies strive to produce goods and services that are needed by the people. It also demands that they are sold out to them at affordable price.

3.5.2 Stakeholder Responsibility

The term stakeholder is said to have been a new entrant in the dictionaries. First used in 1963 in a report by the Stanford Research Institute's Long Range Planning Service to capture the essence of stockholders (shareholders) as the only group whose interest management needs to take care of. Stakeholder is defined as "those groups without whose support the organization would cease to exist" (Freeman 1984).Stakeholder refers to all the people apart from the owners who have something to do with a business, whose actions affect or affected by a business. The lists of a company's stakeholder can include managers, employees, customers, lenders, stockholders, suppliers, distributors, pressure groups, competitors, government, and others who live within the area the company operates. Every company has a sphere of responsibility which it owes all these categories of people. Thus, in whatever actions they take, business managers bear in mind that they are responsible for the effects their actions produced on these people. Companies are to work to produce good effects for all these people and never bad ones. This responsibility owed to the stakeholders is built on the benefits which he the company receives from them.

It follows that if a contribution is made or risk taken, and this contribution or risk is accepted by the other party, then the party is obliged to return a benefit (or protection from harm) to the risk-taker. Thus, the act of

contributing a stake (if accepted) confers rights to the stakeholder. Correspondingly, the act of accepting the contribution from the stakeholder imparts responsibilities on the organization (Michelle Greenwood and Helen De Cieri 2007)

Ethicists have established a connection between unsatisfactory behaviour among workers and the failure of management to meet company's responsibility to them. Thus, stakeholder responsibility demands that employees, for instance, should be treated fairly. One way of ensuring fair treatment of employees is to remunerate them properly. A good company pays its workers according to their productivity level. Besides taking good care of its workers, a company owes the responsibility of seeing that their staff obey laws be it local, state or federal laws. We have used the employees merely as example of a stakeholder group to whom a company owes responsibility. This does not mean that the employees are rated above other stakeholders. Moralists insist that the concept of stakeholder emphasises that despite their clashing interests "all corporate stakeholders have equal moral status" (Cragg 2002). What this entails is that the managers' duty is mainly that of balancing these clashing interests. They (managers) "must act in the interest of stakeholders as their agents" (Evan and Freeman 2004: 82).

3.5.3 Societal Responsibility

This relates to the good an enterprise is expected to do for society. A business is expected to do good first to the immediate community that houses it, then to the country where it exists and finally to the whole world. This responsibility can be psychological in nature, it can be educational, economical, and even political but one characteristic of it is that it is not codified in any law. One way a business does its role to its immediate community, one where it is situated, is by supporting as much charitable causes as possible. Business ethicists emphasise the 'as possible' attached to this, because they hold that supporting charitable causes cannot be had when owner value has not been assured. Megone (2002: 29-30) warns that to promote societal responsibility when owner value has not been maximized is hypocritical.

Beyond the community where it is situated, a business also owes responsibility to the country where it operates as well as to the world in general. The nature of this responsibility is such that may require a business to be environmental friendly. A company is environmental friendly when its activities do not contribute in harming the environment and endangering our world.

Self-Assessment Exercise 3.5

List the three types of social responsibility a company owes and discuss any one of them.

4.0 CONCLUSION

The relevance of business ethics in today's business world cannot be over-emphasised. Indeed, adopting business ethics will help the productivity level of a company, ensure its profit level, and above all sustain its business life. On the contrary, a company to whom business ethics does not make any meaning soon finds out that its days as a business venture are numbered.

5.0 SUMMARY

In this unit, we have led you through the meaning of business ethics, and explained to you in the process a number of reasons why business ethics is important in today's world. You have also been exposed to the history of business ethics as well as to what constitute

business social responsibility.

6.0 TUTOR-MARKED ASSIGNMENTS

1. How has the globalized nature of our world make business ethics an important index in our world?
2. Discuss the importance of viewing business as a *persona ficta.*
3. How did industrialization affect the emergence of business ethics in the 1970s?
4. Discuss three reasons why you think businesses should be ethical.
5. Discuss the various codes that guide businesses.
6. What is business social responsibility?

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UNIT 2 INTELLECTUAL PROPERTY RIGHTS

1.0 INTRODUCTION

In the previous unit we introduced business ethics to you. We traced the history of business ethics as well as other concerns that are of interest to business ethics. In this unit, we shall consider, intellectual property rights, another topic that is of great interest to business ethics. The idea of property has expanded from being understood as tangible materials to include intangible and immaterial stuffs. The greatest part of human history has known only about physical property. The long years of physical property has given it the advantage of being developed, and being protected both by laws and ethics. The same is not true of immaterial property. While it is impossible to find a person in any part of the world who professes ignorance of physical property rights, the greatest majority of people on earth live in utmost ignorance of intellectual property rights. A good number of these, if they come in contact with it, will without any qualms of conscience violate the intellectual property rights of others. This unit considers the implications of property rights protection. In doing this, it will explore the meaning of intellectual property rights, history of intellectual property rights, copyrights and patents, violability of intellectual property rights, arguments for and against intellectual property rights.

2.0 OBJECTIVES

At the end of this unit, you will be able to:

i. Know the meaning of intellectual property rights
ii. Relate the history of the development of the idea of intellectual property
iii. Proffer arguments for and against intellectual property rights

3.0 MAIN CONTENTS

3.1 Understanding Intellectual Property Rights

Intellectual property rights is a term that covers one's proprietary rights to what one has written, invented, painted, sculpted, composed, produced or created. It is a term that recognizes that, just as is the case with physical property, using or taking another person's idea without his permission is morally wrong (Simon Rogerson, 2002: 172). The need to protect intellectual property rights arises from the nature of intellectual

property itself. This has been observed to be immaterial or intangible. The intangible nature of intellectual property means that its owner may not be aware of its lost even while millions of people take hold of it. In physical property, infringement is always in form of dispossession, and it is easy to prove this as one can always point at the absence of the item from the place where it was formally kept. This is not the case with intellectual property as the owner may not point to any physical absence to prove the loss of property. The loss will also not limit his ability to use the property. Intellectual property rights, therefore, gives an inventor, writer, musician, developer, the right to control the use, sale, performance, etc., of his intellectual works over a specified period of time.

The need to recognize and protect intellectual property rights has widened following the advent of information and communication technology. Property like music, books, drugs, CDs, and so on, can easily be laid hand on by pirates and manufactured by them without paying a dime to the original owner of the idea they are pirating. Thus, intellectual property rights seek to protect ideas from the greed of pirates. This grants owners of the idea the opportunity to reap from the labours of their mind.

In business ethics, discussion about intellectual property rights keeps expanding in importance. Fairchild and de Vuyst (2005) hinge this expansion on the fact that "brainpower supposedly drives the post-modern economy." Thus, there is the need to emphasise that respect for intellectual property rights is necessary for the sustenance of the 21st century world of business.

Self-Assessment Exercise 3.1

Demonstrate your understanding of intellectual property rights.

3.2 History of the Development of Idea of Intellectual Property

The earliest recorded rule about ownership of property is traced to the Romans. The Romans had made a rule which states that *res nullius fit primi occupantis* (the first possessor of a thing became the owner by right of occupancy). For the Romans, one who first takes hold of what has hitherto been a no man's property becomes its original owner and other people are prevented from seeking to take the property away from him.

John Locke, the 18th century English philosopher, was one of the first persons to offer a philosophical consideration of private ownership, and property in general. However, his position can be shown to have been influenced by the Roman rule which we stated above. Locke has sought the ground upon which to justify individual ownership of gifts of nature. Using land as a veritable example of gift of nature, Locke holds that a piece of land rightly belongs to the first person who mixes his sweat with what God has freely given. To mix one's sweat is Locke's euphemism for work. The idea of property was so fundamental to Locke that he included the right to own property as one of man's basic rights. The importance which John Locke attached to property right stemmed from his thinking that possessing property right is quite fundamental for survival and the right to life. To survive, and to live, one should be able to appropriate things for one's benefit (Kimmpa, 2005).

Before the era of the industrial revolution, the concept of intellectual property rights was not yet conceived. Despite the non-formal formulation of the concept artistes and scientists often felt that the ideas they have generated belonged to them. Thus, if society had not devised ways of protecting them against abuse and theft, the artists and scientists

on their own, devised ingenious ways of protecting their works from theft. The major way of doing this was to keep one's intellectual work secret. Leonardo da Vinci, the great artist, wrote down his ideas in mirror-writing in order to keep them secret from others and prevent their being stolen. Mathematicians were also known to have written their proofs in secret codes. The consequence was that ideas did not circulate among scientists and artists and there were quite few inventions and discoveries.

The later development of the concept of intellectual property and the rights associated with it was influenced by the Lockean concept of property which we described above. The need to protect ideas and material products was strongly felt during the early period of industrial revolution. If labour or work is what entitles one to ownership of physical property, thinkers hold that the same labour or work should entitle one to ownership of intellectual property. Thinkers of the industrial revolution era felt "that patent protection encourages invention and creativity by protecting ownership of new ideas, and allows the inventor or creator to reap benefits from that idea, just as the farmer benefits from good agricultural practices on her land" (Werhane and Gorman 2005). The thinkers were aware of the need to circulate ideas and invention, what they offered in their formulation of intellectual property was a system that would achieve three things at the same time: (1) ensure that original owners of ideas reap from their creativity (2) ensure that ideas are circulated around the world without hindrance (3) ensure that creative people are always encouraged to be more creative.

This way of thinking about intellectual property rights influenced some countries to enact laws that protected the rights of intellectual property owners. However, the initial attempt at protecting intellectual property rights only targeted property owned by citizens. The United States of America, for instance, refused to grant property rights to works produced by non-Americans even though they had been licensed elsewhere until 1891.

However, the growing dominance of information and communication technology means that information and ideas are shared across borders, and that there is the growing need to protect owners of ideas from people who may use their works unjustly. This influenced the modern day collaboration among nations on intellectual property laws.

Self-Assessment Exercise 3.2

Discuss the state of intellectual property law before the industrial revolution.

3.3 Copyrights and Patents as Protectors of Intellectual Property Rights

The terms, copyright and patent, refer to legal protection which guards a person's intellectual works. Beyond this understanding, there is a noticeable difference involved in the two terms which can be shown once the terms are defined individually. Copyright is defined as "a renewable, legal protection that allows an author to control the reproduction of an original work" (Resnik 1998). Copyright is intended majorly to guard the works of arts. These include: literary, dramatic, audio-visual, and choreographic works; pictorial, graphic, and sculptural artwork; music; motion pictures; and sound recordings (Foster and Shook 1993 cited in Resnik 1998). For the most part copyrights are held for life, once its owner is able to renew it, and one may not reproduce a copyrighted material until many years after the death of the copyright owner.

Patent, on the other hand, is a legal permission that gives one the right to control the production, use, and commercialization of an invention for a period of time (David Resnik 1998). This period of time varies from one country to another. In Nigeria, a patent

right lasts only for twenty years, and within those twenty years, the patent holder must renew the patent on yearly basis. Once he fails to do this, even if it is for just for one year, the patent is said to have elapsed. A lapsed patent can never be reclaimed. Patents are intended to protect the works of scientists over a period of time. Once the period expires, it cannot be renewed and the patent owner loses his rights to the patented-property which becomes public property. It is thought that the period of the patent is enough for the inventor or his sponsor to recoup expenses and earn some money from his work.

One may wonder why patents are not held for life like copyright. The answer to the question lies in the nature of what is patented: scientific works. Scientific works are often built upon scientific works. Allowing a person to hold a scientific work for life may mean that there may not be enough opportunity to build upon a particular scientific work. This will retard development in the field of science. Granting scientists patent throughout the duration of their lives may also mean that interests generated by their works may wane before the patent holder dies.

One seeking a patent for one's work must approach the patent body in his country and submit a well-detailed explanation about his invention. This will also include instructions on how to produce the invention in such a way that an expert in the field will be able to produce the invention if he follows the instruction. Patent can only be granted to original and useful works. In Nigeria patents are not usually granted to an inventor of an item but to the first person to produce the invention for patenting. What this means is that an inventor should guard his invention jealously until he has patented it.

In sum, patents and copyrights are two veritable instruments for protecting original works from people who may want to exploit the owners of the work. Initially, patent and copyrights were fashioned to protect works of Science and Arts. A check at the status of patents and copyrights show that what is protected has moved to include biotechnology products like plant tissues and animals, computer softwares, business methods, smells, sounds, and colours (Bruno de Vuyst 72).

Self-Assessment Exercise 3.3

Differentiate between copyright and patent

3.4 Is Intellectual Property Right Inviolable?

In our treatment of rights in unit 2 of module 1, we argued that human rights are inviolable. We explained what we mean by inviolable as involving a situation where no one can take away any body's rights. Intellectual property rights, since they are subsumed under the human right to property can be said to be inviolable. What this means is that nobody should violate a person's right to intellectual property without suffering some punishments for it. In order to ensure the protection of these rights, most countries of the world made laws that punish those who violate intellectual property rights.

Despite such provisions, the question has been raised whether there are instances where intellectual property rights can be justifiably violated. Before 2001 and 2002, scholars have been in agreement that intellectual property rights cannot be violated no matter the circumstances. However, events in 2001 and 2002 led to the reconsideration of the question.

Werhane and Gorman (2005) gave the background for such reconsideration. This was the anthrax scare in the United States of America which occurred in 2001 and 2002.

Following the threat of terrorist attack in the United States of America in which anthrax was to be used as weapon, it was discovered that the only antidote to anthrax was a drug known as Cipro, manufactured by Bayer. As could be expected Bayer owned the patent for Cipro. Prior to the 2001/2002 threat of anthrax attack there was little demand for Cipro. This meant that Bayer did not produce Cipro in large quantity and did not have a stockpile of the drug. However, the threat meant that there was a sudden and increased demand of Cipro which Bayer seemed unable to meet. In the face of this, the US government threatened to override Cipro's patent and give the license for the production of the drug to more companies. The threat was not executed as Bayer rose to the occasion and succeeded in meeting demands.

The Bayern drama led to the reconsideration of the issue of patent. Thus, the old question was asked anew: Are there circumstances under which intellectual property rights can be justifiably violated? Following from what transpired above between the US government and Bayer, there is a growing agreement among ethicists that intellectual property rights can be violated in matters of emergency when life and liberty are at stake. Thus, it is considered irrational to insist on protecting abstract rights when such protection endangers human life. Countries like Brazil and India had stood on this to engage on the manufacturing of generic versions of HIV/AIDS drugs in order to respond to life-threatening challenges the disease poses to their citizenry.

Self-Assessment Exercise 3.4

Under what condition can intellectual property rights be violated?

3.5 Arguments Against Intellectual Property Rights

Some scholars seem not to find anything wrong in violating other people's intellectual property rights. They offer some arguments to show that there is nothing with the practice. Below are some of the reasons given to justify the violation of intellectual property rights.

3.5.1 It involves Monopoly

Opponents of intellectual property rights argue that it enhances monopoly as it gives one person or a group of persons so much power to dictate the prices of goods and services. From the economic point of view, monopolists ensure maximum exploitation of others in their quest to ensure maximum profit for themselves. Thus, eliminating intellectual property rights entails that there will be more and more competition for goods and services. When this is done, prices of goods will be lower and more and more people will afford essential goods. Holders of this view always give example with HIV/AIDS drugs. They hold that these drugs were quite exorbitant and mostly out of the reach of the poor people who needed them when their copyrights were held by one company. However, as others acquired the right to produce the drugs, their prices came down drastically. This afforded victims of HIV/AIDS the opportunity to access the drugs for their treatments.

3.5.2 It Inhibits Progress and Development

Most products that we know today did not achieve the perfection they have attained at a trial and in the hand of one individual or group alone. This was achieved through an elaborate system of trial and errors in which many people living in different ages and countries contributed aspects of the finished products we know and praise today. Opponents argue that intellectual property right hinders such collaboration that will enhance progress and further development of a product or invention.

3.5.3 Problem of Identifying all the Owners of Intellectual Property

As stated, most intellectual property is never the product of one person. They are products of accumulated years of research that involves many persons who live in many places and at different times. Werhane and Gorman (2005) capture this point thus:

> Intellectual property is almost always a result of a long history of scientific or technological development and numbers of networks of creativity, not the act of a single person or a group of people at one moment in time. So-called ownership of an idea is different from ownership of a piece of property, because the development of intellectual property is part of a historical, cultural, and scientific network, a system of the interchange of ideas.

However, tradition has seen the right to the property being granted to one person or one group. Determining the proper group or person to be granted this right poses a major problem to moralists. Is the right to be given to the person who discovered the idea? Or to the person or company who developed the idea? Indeed, a single idea can have many discoverers that stretch centuries as well as many developers that stretch centuries. Opponents of intellectual property right hold that the impossibility of covering all these people in the intellectual property right means that those that are covered by it act unjustly if they receive patent protection for what they alone did not produce.

3.5.6 Intellectual Property Cannot Be Owned

What is often regarded as intellectual knowledge is rather knowledge. Opponents of intellectual property rights hold that the so-called intellectual property are not owned by any one person. They are placed there by nature or God for discovery by man. In this sense, the so-called inventors are nothing but discoverers. They have not invented anything new. They have only succeeded in uncovering what nature has covered and hidden from mankind. If these people deserve praise from their efforts, it is not the type of protection that will see their discoveries as their property.

Self-Assessment 3.5

Discuss three arguments against intellectual property rights

3.6 Moral Arguments for Intellectual Property Rights

Supporters of intellectual property rights have proffered arguments to justify intellectual property rights. Below are some of the arguments they have projected.

3.6.1 Intellectual Property Rights Enhance Creativity

Proponents of intellectual property rights hold that without protecting rights to intellectual property creative people will not be motivated to create anything. Ensuring people that they have right to live on their ideas serves as incentive for such people to develop more ideas. Thus, if there is no protection for intellectual property rights people will rather devote their time, energy and talents to other things that will bring food on their table, and will consider engaging in intellectual creativity will be considered a mere hobby which can only be engaged in when one has time to spare.

3.6.2 It Ensures a Reserve of Resources for Financing Research

Intellectual property is always a product of research. Most of these researches are well beyond the financial capacities of a single individual. This is why companies often come in to sponsor new researches by paying researches to carry out research on a particular field. There is always an equal chance of failure and success in such research. If it turns out to be a failure the sponsoring companies loose. However, whenever their investment

yields a return in terms of new discoveries, companies have patent rights to such inventions. Having such rights means that they will recoup their expenses and investments, and make more money which they will use for future research. The argument is that if there is nothing like intellectual property rights companies will not be motivated to sponsor research. The implication is that new products, including drugs, will not be discovered.

3.6.3 It is a Right Reward for Labour

The popular cliché that a labourer deserves his wages, proponents insist, should also apply to owners of intellectual property. Such property are products of years of works and deprivation. Thus, if a manual labourer easily receives recompense for his manual labour, an intellectual labourer should also receive recompense for his own labour. Intellectual property right, therefore, ensures that an intellectual labourer receives the rewards due to him on account of his labour.

Self-Assessment Exercise 3.6

Discuss three reasons why intellectual property rights should be protected.

4.0 CONCLUSIONS

Protecting intellectual property rights has been shown to possess its pros and cons. It is one of the duties of business ethics to ensure that these pros and cons and harmonised. In the process, what is ensured is a system that will protect the property owner and sees to it that he does not exploit others.

5.0 SUMMARY

In this unit, you have learnt the meaning of intellectual property rights. You have understood why it is important to protect intellectual property rights. You have also studied the arguments for and against intellectual property rights.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Contrast the loss of physical property and that of intellectual property
2. How did artists and scientists keep their works from theft before the invention of property rights?
3. What are the three things the formulation of intellectual property rights was meant to achieve?
4. Describe the status of patent in Nigeria?
5. Discuss five arguments against intellectual property rights

7.0 REFERNCES/SUGGESTIONS FOR FURTHER READINGS

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UNIT 3 WHISTLEBLOWING

1.0 INTRODUCTION

The previous unit considered the ethical implications of intellectual property rights. The question: Is it right to uphold intellectual property right was considered. In this unit, we shall examine the ethical implication of whistleblowing. A number of businesses around the world have succumbed to the tight grip of corruption. This has contributed to the mass of unemployment in the world, among other consequences. The practice of whistleblowing is intended to nip corruption and other unwholesome practices in business in the bud before they destroy the businesses. In this unit, we shall examine the meaning of whistleblowing, the whistleblowing options available to a whistleblower, and moral dilemma involved in whistleblowing.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

i. Define whistleblowing
ii. Know the various options open to a whistleblower
iii. Appreciate the moral dilemma faced by a whistleblower

3.0 MAIN CONTENTS

3.1 Meaning of Whistleblowing

Whistleblowing is a term adopted in business whose origin is traceable to two sources. The first is from the activities of police officers who blow their whistles to beckon on the public to help them apprehend a criminal. The second source of whistleblowing is the referee who officiates in sports competition. A referee in football match, for instance, blows his whistle to stop play once a foul or infringement has been committed by a player.

When adopted in business, whistleblowing has been defined in many ways. For the purpose of our lecture, we accept the following as good examples of definition of the term:

1. Raising a concern about malpractice within an organization or through an independent structure associated with it (*UK Committee on Standards in Public Life*);
2. Giving information (usually to the authorities) about illegal or underhand practices (*Chambers Dictionary*);
3. Exposing to the press a malpractice or cover-up in a business or government office

(*US, Brewer's Dictionary*)

You should discuss with your tutor the differences noticed in these three definitions given above. For instance, you should note that (1) and (2) above emphasise that whistleblowing is done internally, whereas (3) emphasise that it is to the public, the press that the report should be made. Whistleblowing is targeted to stop corruption and wrongdoing in work place.

Self-Assessment Exercise 3.1

Demonstrate your understanding of whistleblowing

3.2 The Whistleblowing Options

The twenty first century companies operate in what has often been called cut throat competition by observers. The nature of this competition is that everybody wants to put everybody out of business. Many underhand practices are adopted in order to achieve this. Often business men and women justify these practices because they consider business as war. The idea that all is fair in war lies behind their thinking. The ethical question about whistleblowing concerns what should be the role of employees, co-staff, victims, etc., who observe underhand practices taking place in their fields of work or elsewhere. Should they stay silent? Should they privately admonish the person involved? Should they report the matter? If yes to who should they report? Should they report to higher authorities within the company (presuming the underhand practice was not performed by the highest placed officer)? Should they report to the press? Should they report to law enforcement agencies? Any of the steps above that is taken has its own consequences when properly analysed. In what follows, the moral implication of taking any of the steps listed above shall be considered.

3.2.1 Silence/Mute

Staying silent or mute is an option before a person or a firm that has discovered malpractice in the activities of another company. Indeed, to stay silent involves less risk for the person or firm that has discovered malpractice. Borrie and Dehn (2002) discusses some factors that may warrant a prospective whistle-blower to keep silent. Thus, the following factors are listed:

1. The fear that his or her facts could be mistaken or that there may be an innocent explanation to the misbehaviour
2. A whistle-blower is more likely to keep silent where he is aware that other colleagues or competitors have knowledge of the misbehaviour he seeks to report but choose to stay silent.
3. A whistle-blower is unlikely to report a misbehaving colleague in an organization that has weak and adversarial labour relation with its employees
4. In a culture where corruption is common and is seen as a way of life, a whistle-blower has the tendency to keep silent
5. If a whistle-blower will be expected to prove his point instead of the company investigating his allegations to ascertain their truthfulness, a whistle-blower is unlikely to blow his whistle.
6. If a whistle-blower is not convinced that something will be done to address the wrongdoing, he is unlikely to blow his whistle.
7. If a whistle-blower is sure that his whistleblowing will affect his relationship with fellow workers negatively he is unlikely to report wrongdoing.

Keeping silent when factors (5) and (6) are not involved is judged to be ethically wrong for any person who has discovered wrongdoing and fails to report it. Indeed, keeping silent in the face of serious wrongdoing affects the life span of the company as the unreported unethical behaviour will continue to eat deep into the company affected. The person who has kept silent denies the employers the opportunity to protect their interests in a company which they established for public good. Borrie and Dehn tell us that a culture of silence favours unscrupulous staff who will conclude that every kind of behaviour is acceptable in the company. Finally, keeping silent may have dangerous effect on the general public. A very good example may suffice here. It is a case that involved Pfizer, a pharmaceutical company based in the United States of America. Pfizer had carried out a clinical trial of one of its new drugs in Kano without letting those used in the trial to know that they were being used as guinea pigs for a new drug. This practice violated a number of rights of the victims and eventually led to the death of hundreds of them. Our argument is that if a member of staff who knew about this malpractice had not kept silent about it, lives might have been saved.

3.2.2 Internal Whistleblowing

Most ethicists favour blowing the whistle internally. This involves bringing the attention of malpractice to relevant authorities within an organization where the malpractice occurs. It is expected that when whistles are blown internally, that authorities should set up relevant mechanisms to address the questions that were raised. One example of laxity from authorities in addressing a wrongdoing discourages potential whistle-blowers from reporting malpractice or to go public with their information. Countless examples exist to this effect.

In favouring internal whistleblowing to keeping silent and external whistleblowing the UK Committee on Standards in Public Life (1996) holds that in order to encourage the practice of internal whistleblowing, an organization should:

1. Have a clear statement that malpractice is taken seriously in the organization and an indication of the sorts of matters regarded as malpractice;
2. Have respect for the confidentiality of staff raising concerns if they wish, and an opportunity to raise concerns outside the line management structure;
3. Stipulate penalties for making false and malicious allegations.

Beyond this, an organization should also devote an internal communication line for whistleblowing.

Companies are to encourage the practice of internal whistleblowing as it saves them from harms that have the potential of bringing down their businesses. The experience of banks that went under in Nigeria because some top management staff engaged in unreported malpractice is a serious pointer to the harm that not reporting misbehaviours will cause a company.

3.2.3 External Whistleblowing

Whistleblowing is external when a case or cases of malpractice are reported to the press or the law enforcement officers. If there is one issue which moralists are agreement in, it is that internal whistleblowing is always a preferred option among the three options being considered. However, there are instances when blowing the whistle internally is not safe for the whistle-blower. Moralists hold that when the ground is not safe for the whistle-blower to sound his whistle internally, the only options left to him is to go external with

his allegations or to keep silent.
Blowing one's whistle externally has a wide implication and can raise many ethical and legal questions. Some of these questions concern confidentiality and secrecy. Opponents of external whistleblowing argue that an employee owes the duty of confidentiality to his employers and that reporting underhand practices in the company violates this. Indeed, some employees who had gone external with their information had faced and heavy charges in the law court brought against them by the company against whom they blew their whistle. Borrie and Dehn (2002) are of the opinion that an external whistle blower is often left in the cold in most legal systems, as "there is no protection for a worker who makes an outside disclosure – even if it is in good faith, justified and reasonable." Apart from the legal alternative, some companies had sacked such an employee, and argue that he would be a bad influence on others and that his presence will affect work place comradeship, and therefore, affect productivity.
To avoid the unsavoury consequences of external whistleblowing, one who engages in it often does so anonymously. It is quite easy to dismiss an anonymous whistle-blower as a malicious person crying wolf where none exists. The greatest argument against external whistleblowing is that one who is engaged in it does not seek redress. He is more often said to be concerned with damaging the reputation of a company, and finally putting such company out of business.

Self-Assessment Exercise 3.2

Which one do you favour between staying silent and going public with information about malpractice? Give reasons for you position.

3.3 Moral Dilemma Involved in Whistleblowing

It is not an easy decision for a worker to blow whistles against his colleagues or superiors. Apart from the social and personal consequence of the act, which may be in form of isolation and rejection by others as well as sack and other punishment by officials of the company, a whistle-blower also battles with his conscience on the moral status of his actions. The battle in the whistle-blower's mind is that between: (1) his loyalty to his colleagues and company and (2) his duty to society.

3.3.1 Loyalty to Colleagues

Every company expects its staff to be loyal to it. Beyond this, workers are also expected to share some level of camaraderie among themselves. There is this argument that whatever misdemeanour that exists within a company can be sorted out between the the culprit and the one who discovered him. When a worker blows a whistle against his fellow workers, he is often viewed as a disloyal staff whose only intent is to damage the reputation of their colleagues. The case is even worst when the whistle-blower has been disciplined in the past by the same official against whom he blows his whistle. In this case he is accused of fashioning his whistleblowing as a revenge for the disciplinary measures taken against him in the past.
Thus, in order to guide against his act of whistleblowing being tagged as a betrayal, and a revenge, a whistleblower should ensure the following:

1. That he is not reporting a harm done to him or to a group to which he belongs
2. That the harm is serious enough to justify disclosure. A serious harm is one which has the capacity to injure the public.
3. That previous efforts to solve the matter internally has failed

4. That he has all the details about the case he is reporting as experience has proved that some acts of whistleblowing were

3.3.2 Duty to Public

The view of the whistleblower as a betrayer may compel him to keep his cool and allow peace reign. However, the company where corruption thrives, for instance, is a part of society. Thus, anything that has adverse effect on the company affects society. As such, the whistleblower owes society the duty to report unwholesome practices he observes in the course of his work.

Self-Assessment Exercise 3.3

Discuss the moral dilemma faced by a whistleblower.

4.0 CONCLUSION

Whistleblowing is intended as an ethical practice that will ensure good practice among operators of businesses and companies. However, whistleblowing is not an easy exercise, so the whistleblower must exercise utmost caution as he embarks on the exercise. He must get his acts rights and make sure that he does not shout tiger where none exists.

5.0 SUMMARY

This unit has offered you a good understanding of whistleblowing. It has revealed t you the advantages as well as the risks involved in whistleblowing. It has also guided you on the path to the best whistleblowing practice.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Trace the source of origin of whistleblowing in business
2. Discuss the three options before a whistleblower
3. Discuss the ethical dilemmas before a whistleblower

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Unit 4 Major Issues in Environmental Ethics

1.0 INTRODUCTION

In the three previous units of this module, we were concerned with business ethics. Here we shall introduce environmental ethics and consider some of the issues that are important to it. Environmental ethics is one of the branches of applied ethics. Scholars are making steady effort to enlarge the field. Issues of environmental ethics revolve mainly on how best to relate with the environments: land (water, soil and plants) and animals. The discipline intends to initiate a shift in our attitude to the environment. In this unit, we shall examine the following: meaning of environmental ethics, religious influence on human attitudes to the environmental ethics, land preservation and necessity for environmental ethics.

2.0 OBJECTIVE

At the end of this unit, you should be able to:

i. Define environmental ethics.
ii. Understand religious teachings that influence attitudes towards the environment.
iii. Know why environmental ethics is important
iv. Understand the necessity for land preservation

3.0 CONTENTS

3.1 Meaning of Environmental Ethics

The branch of applied ethics known as environmental ethics is concerned with applying ethical principles and theories in our relation with non-human individuals (land, atmosphere, water, soil and animals). It seeks to examine what should constitute the proper human relationships with nature. Environmental ethics emphasises that not every form of attitude towards the environment is sanctioned. It recommends what is the best possible way to behave in relation to nature.

Before now, what has motivated our behaviour towards the environment is our human instinct for self-preservation and survival. The environment plays a great role in our survival (we depend on it for our food, maintaining the ecosystem, balancing the air, etc.) that we must develop serious interest in promoting its well-being if we seriously care about our own well-being. Taking care of the well-being of environment amounts to taking care of what we need to continue to exist on earth. The implication is that we abandon the environment whenever we reach the conclusion that it no longer serves our

need.

One of the important achievements of environmental ethics is its contribution in our reconceptualising of the term, environment, and in reformulation of man's place in it. For most of human history, environment has been perceived as something out there, different from human beings. In essence, the environment was conceived merely as trees, air, and the general atmosphere. For all intents and purposes, man was excluded from the sphere of the environment and nature. Francis Bacon, writing in the 16th century A. D. demonstrates this separatedness between the human being and the environment when he writes that: "scientific knowledge equals power over nature." Descartes, in the same century also proclaimed that human beings: are "masters and possessors of nature", (S. Hodgson and S, Perdan, 2002). The implication is that human beings are different and above nature. The point we are making so far can be summarised in the following words of Fromm (2009): "Understood rather literally, the environment was the stuff that surrounds us: factories, automobiles, trees, skies.

However, recent consciousness about the environment influenced by environmental ethics, among some other important influences, views environment not as something that is separate from mankind but as a sort of a web in which man is also included.

> The "environment," as we now apprehend it, runs right through us in endless waves, and if we were to watch ourselves via some ideal microscopic time-lapse video, we would see water, air, food, microbes, toxins entering our bodies as we shed, excrete, and exhale our processed materials back out… The Environment is Us (Harold 2009).

This has a wide implication. The principle of self-preservation prohibits us from harming ourselves. In the same way, since the environment is us, we are also bound by duty not to harm the environment; otherwise we shall be harming ourselves. Environment is also viewed as something good not just because it helps in the preservation of mankind, but because it is something that has intrinsic value or worth. This means that the environment, apart from whatever good mankind derives from it, is good in itself. This position makes it imperative that one should continue to care for the environment even when he feels that environment is of no more use to him.

Self-Assessment Exercise 3.1

How has environmental ethics affected the way we define the environment?

3.2 Religious Influence of Human Attitudes to the Environment

The discipline of environmental ethics is a recent one, dating back to the 1970s. However, despite the recent origin of the discipline, mankind had related with the environments in differing manners. These manners of relating to the environment were informed by people's religious beliefs.

The **Judeo-Christian** religion, for instance is said to have influenced a negative attitude to the environment. The historian, Lynn White, in an article published in 1967, *The Historical Roots of Our Ecologic Crisis,* was the first person to call attention to the fact that Christian religion was responsible for influencing people's behaviour and attitude toward the environment. He held that the Biblical picture that mankind was created in the divine image and given the injunction to conquer other creatures (Gen 1: 26-28) created a dichotomy between man and the whole of nature. Man defines himself as the prince of the earth and sees other creatures as mere tools for the satisfaction of his wants. In

obedience to this divine injunction, Christians are said to have engaged in great plunder of the earth resources in the quest to actualize the divine injunction to conquer the earth. Proponents of this position often point to the historical practice whereby missionaries accompanied imperialists into new worlds where environmental havocs were wrecked by introducing new plants in places that knew nothing about the crops.

A number of recent literatures have challenged this negative view of the Bible championed by Lynn White. They argue that the injunction to man was not for him to exploit the environment in a senseless manner but for him to serve as stewards of all creation; to manage the resources of the earth in a diligent manner. Proponents of this position point out the tone of Genesis where God declared that all creatures were good. It is unlikely that God would have ordered man to plunder other creatures which were also good in their own rights. His intention would have been to have him tend for the other good creatures. Indeed, apart from serving man's need, creation was conceived to promote God's glory. There is no way a dilapidated environment will promote the glory of God.

The Asian mystic religions, **Buddhism** and **Hinduis m**, present another view that influenced attitudes about the environments among their adherents. In Buddhist thought, for instance, mankind is not seen as a special creation of God whose interests nature should serve. Like all other sentient beings, mankind, as conceived by Buddhism, is also subject to the laws of *samsara*, the circle of rebirths. Buddhism teaches that human beings can be reborn as animals or trees and while the animals and trees can also be reborn as human beings. The implication is that Buddhism sees a kinship relation arising from dependent origination existing between man and other works of nature. This kinship relation demands that the environment be treated the same way we treat fellow human beings. Thus, if the Buddhist refrains from killing an animal it is because he sees a relationship between himself and the animal. Peter Harvey (2000) captures the logic of Buddhist teaching. He writes that:

> One's present fortunate position as a human is only a temporary state of affairs, dependent on past good karma. One cannot isolate oneself from the plight of animals, as one has oneself experienced it, just as animals have had past rebirths as humans. Moreover, in the ancient round of rebirths, every being one comes across, down to an insect, will at *some* time have been a close relative or friend, and have been very good to one. Bearing this in mind, one should return the kindness in the present.

Besides this, Buddhism sees the earth as abode of some gods, who though invisible, share the earth with man. These gods do not live in houses as human beings do. They live in large trees and healing herbs which acquire their potency to heal simply because gods live on them. Destroying a tree may amount to destroying the abode of the gods. Such destructions may anger the gods who may decide to punish man for this transgression.

Recently, scholars have questioned the positive influence on environment attributed to Buddhism. They point to the Buddhist teaching that the ultimate goal of a Buddha is not to better this world, but to achieve permanent escape from it as everything in it is impermanent. Thus, the Buddhist emphasis on nirvana is intended to serve as motivation to transcend samsara, the rebirth system that will always lead one back and forth into the world. In the Buddhist system, the earth is not a stable system as it is in continuous

process of war, and decay, and will eventually die as a result of a consuming fire that will engulf it. When this happens, the lives that have been existing on earth will transform into immaterial substances and wait the coming into being of a new earth. Once the new earth is born, the immaterial lives will become material again and begin to live on the new earth which will undergo all the same processes as the dead earth. In the end, nothing is permanent. Scholars argue that such view of the earth is far from being friendly to the environment.

Proponents of **Islamic** religion present it as environmentally friendly religion. This is because Islam regards the whole universe, including man, as the creation of Allah. Everything created by Allah is good and they all join in the worship and praise of Allah. They all are to submit in praising Allah, man being the only one who occasionally becomes disobedient.

The Islamic Quran does not conceive the earthly creatures as being made to serve human purposes, rather man plays the role of the *khalifa* (meaning servant) for all other creatures. As *khalifa* man is expected not to engage in wastefulness, and destruction of other creatures. His task is to preserve and protect them.

Besides the Quran, the Islamic hadiths (Muslim oral traditions), is said to be environmental friendly. It was reported that Prophet Mohammed instructed Muslims to have respect for plants and animals. Muslims point at two of the prophet's favourite quotes to prove that he was environmentally conscious. The quotes are as follows: ''The entire earth is a mosque'' and'' Live in this world as if you will live in it forever, and live for the next world as if you will die tomorrow.'' Muslims hold that these two sayings are proofs of Islamic consciousness for environmental well-being.

Self-Assessment Exercise 3.2

Compare and contrast the positive influences of Buddhism and Christianity on their adherents in relation to the environment.

3.3 Land Preservation

Land preservation relates to the conservation of land and the general atmosphere in such a way that they are able to sustain the lives of plants, animals, and human beings. Scholars in physical sciences, environmental sciences, natural sciences, and philosophy believe that mankind have overused the land. There is fear that uncontrolled industrialization had weakened the earth's capacity to sustain lives, that the increase release of poisonous chemicals into the atmosphere poses serious dangers to mankind as they drastically affect the health of the human population, as well as that of plants and animals. The philosopher, Aldo Leopold, made an analogy between the land of today and slaves of the ancient times. He holds that land is as enslaved today as human beings were enslaved then. This enslavement of land did not start today. It is a process that started many years ago but intensified in the past one hundred years when industrialization intensified. Leopold tells us that if we look back to the ancient period and blame the ancient men for enslaving human beings, future generations will look back to our days on earth and blame us for enslaving the land.

Leopold recommends that the best way to treat the land (water, soil, plants) is to view them as part of our moral community. One owes duty and responsibility to one's moral community. In human relations, mankind do not harm members of their kindred or tribe. They target outsiders for attack. If we regard the land as part of our natural community

we should refrain from harming it. Thus, to refrain from harming the land, and to make pronouncements that will refrain man from doing so as part of our cultural heritage form what Leopold said should constitute land ethic, a branch of environmental ethics. "A land ethic changes the role of *Homo sapiens* from conqueror of the land-community to plain member and citizen of it. It implies respect for his fellow-members, *and also respect for the community as such*" (Kenneth Goodpaster cited in J. Baird Callicott, 1999: 306).

Callicott (2008), drawing from Leopold, gives three scientific reasons why mankind should embrace land preservations. They are (1) evolutionary reasons (2) ecological reasons (3) Copernican astronomical reasons.

Evolutionary Reasons: This draws from the evolutionary theory of Charles Darwin where all things, animate and inanimate, are said to have derived and developed from one another. As a result, mankind should see itself as having a common origin with land and in deed with every other creature in the world. Based on this, Callicott advocates for the development of "'kinship with fellow creatures', with 'fellow voyagers' with us in the 'odyssey of evolution'".

Ecological Reasons: Ecology is derived from the Greek word *oikos,* which means "household". From this perspective, the earth is seen as a very big and complex household which contains human beings, animals, plants, atmosphere, etc. Thus, the whole of nature should be seen as a big household. We should see ourselves as having a sort of social relation with non-human beings where everything is integrated with everything in a mutually advantageous way. As humans, we should be able to extend our sympathies to the land as a member of the household which we belong.

Copernican Astronomical Reasons: Here, the earth is viewed as a small planet in the midst of other planets in a hostile universe. There is a constant struggle among the planets for survival. The earth belongs to us and the land (water, soil, plants), and so we should all bind together as a community to ensure that it is not swallowed up by competition in a hostile universe.

Self-Assessment Exercise 3.3

Discuss Aldo Leopold's analogy between slaves of the ancient times and land of today.

3.4 The Necessity for Environmental Ethics

Proponents of environmental ethics support it for a number of reasons. Some of such reasons are listed below.

3.4.1 Anthropocentric Reasons

Environmental hazards threaten the lives of human beings on earth. Scientists project that the earth is nearing its carrying capacity and that when this happens the earth will be incapable of sustaining lives, human lives inclusive. Thus, teaching environmental ethics is in the best interest of the human species as it reinforces the need to conserve the environment. Conserving the environment is a way of ensuring that the earth still retains the capacity to sustain lives, including the human lives. Indeed, human beings depend on plants and animals to survive. If anything were to happen to these, and let us assume that humans survive, there is the possibility that they will have nothing to feed on that will sustain them. This view expresses the point that conserving the environment is necessary only on account of the dangers doing otherwise will pose to humanity.

3.4.2 Refraining from Harming Sentient Beings

Sentient beings are those beings which have the capacity to feel pleasure or pain.

Environmental degradation causes harms and pains to sentient beings which include animals and human beings. In ethics, it is emphasised that one should not cause others pain, environmental ethics makes it possible to stretch these others to include animals as harming them or performing actions that will indirectly cause them pain is completely wicked.

3.4.3 Reverence for Life

The respect which we hold for life should not just be for human lives. The lives of animals and plants should be also respected. Albert Schweitzer who championed this view maintains that all lives, plants and animals inclusive, are equally valuable.

3.4.4 The Usefulness of Nature Itself

The idea that nature and environment are of importance to man is another major reason offered for the protection of environment. Thus, destroying certain plants and animals may deprive mankind of the advantages it may gain from such plants or animals in future. He holds that certain plants and animals have served medicinal purposes for man and more are being discovered to possess medicinal qualities, destroying those plants and animals will deprive mankind of the benefits it will reap from them when the times and ingenuity to exploit them comes.

3.4.5 Human Health

Taking care of the environment is a sure way to prevent many diseases that affect mankind today. Most of these diseases are as a result of disruption of the environment engendered by human actions and activities. Diseases are caused by a multiple of human factors which range from economical, to ecological, genetic, historical, developmental, physiological and the cultural. Modern medicine today recognizes its limitations in improving the health of the public. Environment is a strong alternative to medicine in sustaining health, more so, since some of the diseases are caused by environmental degradation.

3.4.6 Duties to Future Generations

Another reason why we should safeguard the environment stems from the duty we owe to future generations. Assuming that the harm we cause to the environment today may not be able to destroy the earth in our own lives time, are we to exploit nature the way it pleases us? Ethicists answer no. They hold that most of the dangers that human actions on the environment pose to man on earth are cumulative, and that since we know that what we do today has serious effect on the generations coming after us, we are bound to consider their well-beings in our actions and decisions.

Self-Assessment Exercise 3.4

Discuss five reasons why environmental ethics is necessary

4.0 CONCLUSION

Among other things, a good attitude towards the environment will sustain the environment and make it fit for human habitation. Environmental ethics targets at fostering better relationship with the environments. It seeks to recommend the best possible way to behave in our dealings with the environment.

5.0 SUMMARY

In this unit, you have been made to understand the meaning of environmental ethics. You have also been exposed to the way our religious teachings and beliefs influence our attitudes to the environment as well as the need to reconceptualise our understanding of

the term, environment.

6.0 TUTOR-MARKED ASSIGNMENTS

1. Consider five reasons why environmental ethics is necessary
2. Give and discuss three reasons rendered by J. Baird Callicott why mankind should embrace land preservation
3. In what ways can the teachings of Christianity and Buddhism be detrimental to the environment?
4. "The environment is us". Discuss the implication of the statement.

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UNIT 5 ANIMAL RIGHTS

1.0 INTRODUCTION

In the previous unit we introduced environmental ethics and treated some of the issues that of importance to it. In this unit, we shall consider animal rights. The claim that animals have rights has come to challenge our traditional views about them. Accepting that animals have rights makes special demand on us as regards the appropriate ways to treat animals. Every right calls for obligation from other men to respect the right of the right holder. In the case of animals, it is not their fellow animals that are called to respect their rights but we, the human beings. In what follows, we shall examine the body of what constitutes animal rights and the special demands these rights make of us. We shall also seek to understand the following: philosophers' perception of animals before our age, animal sentience, versions of pro-animal arguments, and arguments against animal rights.

2.0 OBJECTIVES

At the end of this course, you will be able to:

i. Understand animal rights
ii. Comment on animal sentience
iii. Evaluate the various views about animals
iv. Describe the versions of pro-animal arguments
v. Render arguments against animal rights

3.0 MAIN CONTENTS

3.1 Understanding Animal Rights

In unit 2 of module 1 of this text, we had a brief discussion about human rights which we defined as entitlements due to man as man. Likewise, animal rights are entitlements due to animals as animals. Some scholars are fast to point out that what we intend to capture as animal rights are rather vague and ambiguous. This vagueness arises first from the concept, animals, which Vaknin (2005) informs us is only a concept. Practically, we know animals individually: goat, cat, dog, snake (and a biologist would add human being to the list). We react differently in the presence of these animals that we dare not lump them together. Our reaction in the face of a lion cannot be the same in the face of a sheep. This implies that we may not grant them the same rights. From this perspective it is difficult to speak of animal rights.

Despite such objections as raised above, proponents of animal rights hold that animals have some entitlements which belong to them simply because they are animals. Every right calls for obligation from others to respect the rights of the right holder. Radical animal rights activists hold that, not minding the differences observed in animals, we should extend the same rights which we have accorded to infants to animals.

Human beings use animals for a number of reasons: meat, sports, furs, skins, experimentation and zoological reasons, (Thomson, 1999). Animal rights defenders hold that it is wrong to use animals for any of the purposes listed above. They clamour for the universal recognition of animal rights and for the subsequent protection of same. Particular emphasis is often laid on animal rights to bodily integrity and not to be harmed.

The thinking that animals' rights should be protected and preserved was first championed by Peter Singer, an Australian Philosopher. Singer wrote a book, *Animal Liberation,* first published in 1975, where he argued that animals have rights that should be protected just as human beings' rights are protected. This raises the question about what types of rights animals have. Singer does not assign them the same rights as men. Animal's nature, he argues, should dictate the type of rights it should have just like a human's nature dictates the type of right human being should have. A female member of the *homo sapiens* has certain rights which her nature accords her. Singer argue that those who clamour for right to abortion do not claim the same right for men for in their nature men cannot abort. In the same way, animals have certain rights which should be respected for their own preservation.

Proponents of animal rights argue that the true path to respecting animal rights and preservation lies in pressurizing the governments to stop sponsoring the use of animals in experiments as well as in humans stopping the practice of using animals as meat. They also level a number of criticisms against "modern ways of meat acquisition as harmful to the balance of nature since animals that are being reared for their meat consume far greater resources than they yield. This renders the entire process uneconomic and wasteful. Second, animals suffer when they are killed. This is known as the 'humane' argument and its aim is to reduce and ultimately put an end to animal suffering (Peter Harvey, 48).

Self-Assessment Exercise 3.1

Demonstrate your understanding of issues involved in animal rights.

3.2 Philosophers' Perception of Animals before Our Age

Right from the ancient Greek period, philosophers have been concerned with discovering the nature of animals. This is necessary if they are to understand the proper way of relating with them. In what follows, we shall examine philosophers' views about animals, and the mode of relation their views engendered in their interaction with animals.

Pythagoras was one of the earliest Greek philosophers. He was also a mathematician and musician as well as a great religious leader/founder. However, it is Pythagoras the philosopher as well as the mathematician that are popular today. Every school leaver in Nigeria must have come in contact with the popular Pythagorean theorem. Pythagoras' view about animals was influenced by his religious belief. The religion he founded propagated the doctrine of transmigration of souls (*metempsychosis* in Greek): a process whereby the souls of men enter different things during successive periods of reincarnation. Thus, one who is a man in this life may return in the next life as a goat, in

another as snail, and as dog in yet another and so on. Based on this, Pythagoras held that animals which existed during his life time might have lived previously as human beings. Kenny (2006) reported an encounter that portrays Pythagoras' view about animals thus: Once, it is said, he stopped a man whipping a puppy, claiming to have recognized in its whimper the voice of a dear dead friend. He believed that the soul, having migrated into different kinds of animal in succession, was eventually reincarnated as a human being. He himself claimed to remember having been, some centuries earlier, a hero at the siege of Troy.

As a consequence, he devised that animals should be treated with kindness. Members of his religion were forbidden from eating animals, and he himself was reputed to have preached to animals.

Anaximander is another ancient Greek philosopher who has opinion about animal. In natural science, Anaximander is reputed to be the earliest evolutionists. According to Anaximander, human beings did not begin to exist as human beings. The present nature of a human being would not have allowed the first human beings to survive if they came unto the world as new human infants. This is because human beings need longer time to mature and unlike other animals they cannot survive without care. He maintained that human beings were nurtured in the womb of fish-like animals whose belly burst open when the human beings developing in them reached puberty years. The implication of this is that fish becomes the direct ancestor of human beings. As a consequence of this, Anaximander abstained from eating fish.

Aquinas, during the medieval period, held that animals feel the same way that human beings feel but that they differ greatly from human beings because they cannot reason. For Aquinas, reason is one of the major qualities that distinguishes a human being from animals.

Another major view about animal was one held by **Descartes** who said that animals are mere organic machines that only reacted to stimuli. According to Descartes, animals feel neither pleasure nor pain. We are only deceived into thinking that animals feel pain or pleasure by their actions, and because we see them seem to possess some of the organs we have. According to him:I see no argument for animals having thoughts except the fact that since they have eyes, ears, tongues, and other sense-organs like ours, it seems likely that they have sensations like us; and since thought is included in our mode of sensation, similar thought seems to be attributable to them. This argument, which is very obvious, has taken possession of the minds of all men from their earliest age. But there are other arguments, stronger and more numerous, but not so obvious to everyone, which strongly urge the opposite (Descartes cited in Anthony Kenny, 2006: 219).

This has ethical implication; our sympathies are only to those who feel pain and pleasure. Since animals are incapable of this, we owe them no sympathy and can treat them as we like. However, if ever we owe animals any obligation it is indirect moral obligation wherein we are only restrained from torturing animals because torturing them will dispose us to using violence against our fellow human beings.

The argument that animals cannot suffer pain was stretched further by **Malebranche** who also held that animals are incapable of feeling pain and suffering. According to him, animals did not inherit Adam's punishment as a result of the fall since they were not descendants of Adam. Pains and sufferings are consequences of the fall reserved for

descendants of Adam. The implication of this is that animals can be killed since they do not suffer any pain. Using them for meat and for any other thing cannot be wrong.

Self-Assessment Exercise 3.2

Compare Pythagoras' and Malebranche's views on animal, showing the implication of each view to animal protection

3.3 Animal Sentience

For the most of human history, those who deny animals rights have based their arguments on the fact that animals do not feel pain or pleasure. Before now, western scholars, influenced by a French philosopher known as Rene Descartes (see 3.2) argued strongly that animals are mere machines that lack the capacity to feel and think.

Promoters of animal rights have hinged their position on their ability to dislodge opponents of animal feelings. Thus, the position that animals have rights is based on animal's nature as a sentient being: that is a being that feels pleasure and pain, that can experience emotion and suffering and to whom these feelings matter. The position that animals have feelings is indeed a recent one. It was first proposed by Charles Darwin in his book, *Expressions of Emotions in Man and Animals,* published in 1872 wherein Darwin states as follows:

> We have seen that the senses and intuitions, the various emotions and faculties, such as love, memory, attention and curiosity, imitation, reason etc, of which man boasts, may be found in an incipient, or even sometimes a well-developed condition, in the lower animals (Darwin cited in J. D'Silva).

It took scholars hundred years to scientifically confirm Darwin's position on animal sentience as recent studies by both scientists and philosophers favour the position that animals can at least feel. They share this characteristic with human beings. From this it is inferred that just as we are expected to perform actions that will enhance human pleasure and avoid the ones that will cause pain we are also expected to engage in actions that will enhance animal pleasure and desist from the ones that will cause them pain. It is instructive that Buddhist ethics had arrived at the same conclusion several millennia ago as it forbade Buddhists from harming any being that breathes. "Whoever, seeking his own happiness, harms with the rod pleasure loving beings gets no happiness hereafter" (Harvey, 2000).

Self-Assessment Exercise 3.3

How did the idea of animal sentience affect the present day treatment of animals?

3.4 Three Versions of Pro-Animal Arguments

Below are samples of arguments presented by pro-animal thinkers. You should do well to note the difference between the three arguments offered.

Steven Wise: Wise is a professor of Law and the author of the book, *Drawing the Line*: *Science and the Case for Animal Rights*. In his book, Wise argues for the extension of legal rights to animals. A legal right extended to animals means that a person can be charged to court for ill-treating any animal. Wise seems aware the difficulty of actualizing his case since animals are so unlike humans in the sense that a human being whose rights have been violated can, on his or her own, approach a court for redress. He can also be sued when he violates another person's rights. The same is not true with animals. They cannot sue on their own neither can they be sued. Wise's answer was that

these incapacities do not deny that animals deserve some rights. He holds that infants, too cannot sue and cannot also be sued but this does not stop us from granting them legal rights. His advocacy then, is that the same rights that are accorded to infants should be accorded to animals.

Wise sees far-reaching similarities between infants and certain animal species. Such animals, just like human toddlers, exhibit awareness, cognizance, and communication. It is based on their exhibition of these qualities that we refer to infants as persons. Wise argues that since some animals exhibit the same qualities they are to be counted as persons, "animal persons", and extended the same rights as human persons that have them.

Peter Singer's theory seeks to promote animal interests. He approaches the question from utilitarian point of view. Utilitarianism holds that in performing our actions, man should favour those which can promote the interest of all those who will be affected by his actions. Singer holds that animals' interests are also affected by our actions, and that they should be taken into consideration as we decide the actions we are to perform. However, recent critics argue that Singer failed to differentiate between active interests and passive interests. They hold that if Singer had done this, he would have realized that what animals have are passive interests, cars, too, have this type of interest, to be washed. Passive interests do not matter. It is active interests that matter. Animals lack cognitive abilities that would have enabled it to formulate active interests, as such, its interests should not be taken into account in moral decisions.

John Webster: Webster's theory is about animal welfare. He holds that mankind has social contract with animals. The nature of this contract is such that animals are deployed to work for man. Besides this, they also serve as major source of food for man. His position is that animals have to be taken care of by man. They should not be allowed to suffer, and all resources should be committed to keep them happy and fit.

Self-Assessment Exercise 3.4

Discuss Steven Wise's concept of animal rights

3. 5 Arguments against Animal Rights

Some scholars have offered arguments against animal rights. The following capture a number of such arguments.

3.5.1 Other Creatures are Meant to Serve Man's Purpose

The claim that other creatures are meant to serve the need of humanity is said to be supported by the Judeo-Christian religion. The divine order to man, in the book of *Genesis,* to conquer and subdue nature is said to support this position. Indeed, earlier Christian philosophers and theologians express the view that nature is placed at the service of mankind. Thinkers like Augustine, Aquinas, Kant, hold that animals, for instance, should be used for human purposes. They also expressed the thought that one can only show remorse and compassion to one's kind. Animals are not of the same kind with humans. Therefore, "anyone who expressed sympathy for brutes must be something of a brute (Clark, 1999). Also, a Jesuit of the late 19th century, Rickaby (cited in Linzey 2006) expressed a similar view: "we have no duties of charity, nor duties of any kind to the lower animals, as neither to stocks or stones."

3.5.2 The Impossibility of Binding Non-Humans to Agreement/Contracts

Some animals are recognized as quite dangerous to humans. Most of these animals even

consider the human being as natural preys to satisfy their wants for food and meat. Opponents of animal preservation, for instance, would argue that abstaining from killing such animals once they come in contact with man amounts to man choosing self-destruction for himself. Thus, the decision not to kill animals would have been binding on man if those animals can reciprocate the agreement not to harm them and refrain from harming man. From this point of view, it is argued that nature itself put a wedge between man and the beasts. Thomson (1999) expresses the point thus:

> A rational being will see that it is rational to put oneself under commitments to other rational beings, who similarly agree to be bound by moral rules. In that way each person will do better than they would have done if there were no rules, because all others will be conceding rights to them. However, animals will not be able to understand the basis of a social contract, and will not be able to respect the rights of others, so it will scarcely be possible, and certainly not rational to enter into a social contract with animals…
>
> It might be said that having a right is conditional upon being able to respect the rights of others, i.e. that those who have rights also have duties to respect the rights of others. It is then claimed that animals can't have duties, because they would not be able to understand and operate with the concept of a duty, so they can't have rights either.

3.5.3 Decrease in Care for Humans

Opponents of environmental ethics hold that the care being advocated for animals is leading gradually into neglect of the care that is due to man. They hold that the resources needed to maintain and sustain animals will go a long way in taking care of the human needs. This also takes care of the view of animals as important source of protein for the human beings. If animals are preserved in such a way that is being advocated by major environmentalists it means that man will lose a major source of protein and this will have a serious implication to his diet and health. Thus, if animals should be preserved, it should be to such an extent that they are to serve as food for man.

3.5.4 Anthropomorphic Argument

This position holds that those who attribute sentience to animals are merely engaged in anthropomorphism. Anthropomorphism is the process whereby human attributes are assigned to a non-human being, be it God, angel, or animal. Proponents of this view argue that we cannot really know how animals feel because we can never be in their condition to be able to discover how they feel, and animals cannot speak to us to tell us about the pains they allegedly feel. Now assuming that we consider that animals feel pain, we are not sure that they feel it the way we feel or that their feelings are important to them the way our own feelings are to us.

3.5.5 The Benjamin Franklin Objection

This argument is named after Franklin Benjamin, a one-time U. S. A. president who wrote of his abandonment of the life of a vegetarian in his *Autobiography*. Benjamin argued that he had abstained from meat and fish until one day when he was present in a place where his friends prepared fish to be fried. They cut open the stomach of the fish and Benjamin discovered to his horror and disappointment that the fish he, as usual, wanted to refrain from eating had a smaller fish it had eaten in its stomach. From that

day, Franklin decided to abandon life as a vegan. He records his conclusion this way: "Well, if you eat one another, I don't see why we may not eat you" (Benjamin Franklin cited in Singer, 1979).

This seems to counter the position of vegetarians who advocate total abstinence from all sorts of fish and meat. Preventing human beings from eating animals do not prevent those animals from being eaten by other animals. They would sooner or later be eaten by other animals so there is no need stopping human beings from enjoying them as meat. Advocating animal rights, therefore, would seem like turning human beings into slaves of animals who will eventually end up eating up the animals that humans beings are called to take care of.

Self-Assessment Exercise 3.5

List the five arguments against environmental ethics

4.0 CONCLUSION

Proponents of animal rights have linked it with the various factors that are necessary for the sustenance of the environment. But beyond this, they hold that animals have something intrinsic in them that calls for our respect. The proof that animals possess sentience, proponents argue, entitles them to all the rights that man have on account of his sentience.

5.0 SUMMARY

Generally, this module exposed you to two aspects of applied ethics, namely: business ethics and environmental ethics. You were shown some of the topics that are of interest to the two of them. A number of arguments and counter arguments that arose as a result of these two aspects of applied ethics were also treated.

Finally, this last unit has exposed you to the issues involved in animal rights debate. It has also exposed you to the various concepts of animals advocated by philosophers. You equally learnt that animals have sentience, and that it is on account of this that proponents demand that they should be accorded certain rights.

6.0 TUTOR-MARKED ASSIGNMENTS

1. It is difficult to speak of animal rights. Comment.
2. What is animal sentience?
3. Compare and contrast Peter Singer's animal interest argument with John Webster's animal welfare argument.
4. Discuss three arguments against animal rights.

7.0 REFERENCES/SUGGESTIONS FOR FURTHER RESEARCH

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