As we approach the 21st Century, our society is increasingly being faced with technological advances. One of such areas of advancement is the research involving human genes. The human genome-mapping project (HGMP) started on the first of October 1990 with a group of over 350 labs. But by late 90's, many important advances had been discovered concerning how to improve the human species. With these advances came ethical questions and concerns. Both moral and legal questions have been raised as to the effectiveness and safety of this technology. It is the contention of this paper to give a clearer meaning and understanding of the ethics of genetic control. As such I will discuss the wide spread fears and anxiety brought about by the introduction of this new technology. To make this aim more comprehensible, I will pay particular attention to Joseph Fletcher and his books on Genetic control, and Humanhood: Essays In Biomedical Ethics. Fletcher's ardent support for genetic control has developed worldwide debates from both ethicists and philosophers as to the safety and efficiency of genetic engineering.
The ETHICS of Joseph Fletcher, and his Views on genetic control.

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Fidelis Chungong Fru

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May 2004
DEDICATION

I will like to dedicate this work to my loving Dad.

I know you are around watching me through every step.
Abstract

As we approach the 21st Century, our society is increasingly being faced with technological advances. One of such area of advancement is the research involving human genes. The human genome-mapping project (HGMP) started on the first of October 1990 with a group of over 350 labs. But by the late 90’s, many important advances had been discover concerning how to improve the human specie. With these advances came ethical questions and concerns. Many felt genetic based elimination and screening will encourage discrimination in society. Others saw it as a means through which parents will want to create a perfect child. To others, the technology was an infringement to human values to life, reproduction and family unity.

The big question that surface is how valid are these claims? It is the contention of this paper to attempt answers to some of these questions, thus giving a clearer meaning in to developments of these technology. As such the paper will pay particular attention to the work of Joseph Fletcher in other to bring out an objective evaluation in to the technology.

However, in evaluating Fletchers views on genetic control, I shall focus my arguments on the following questions:

-What is the goal of the technology?

-How justified is the technology?

Only after answering these questions can one give a fair assessment of the technology.
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Chapter One

Introduction

1.1 Background to the study

The ability to directly manipulate the genes of plants and animals was developed during the late 1970’s. Proposals to begin human gene manipulation were put forth in the early 1980’s and aroused much controversy.

Genetic engineering as defined by the American Medical Association is “anything having to do with the manipulation of the gametes or the foetus for whatever purpose, form or conception other than sexual union in treating diseases, to the ultimate manufacture of a human being to exact specification.”

Dilemmas about advances in reproductive medicine and genetics are so breathtaking that their speed blurs and erodes the distinction about what can be done today and what can be done tomorrow. Ethicists are now faced with the new problems posed by these startling recent discoveries in modern biology and genetics in general and with human reproduction in particular. A small number of researchers argued in favour of germ line manipulation, but the majority of scientists and others opposed it.

In 1983 an important letter signed by 58 religious leaders said, “Genetic engineering of the human germ line represents a fundamental threat to the preservation of the human species as we know it, and should be opposed with the same courage and conviction as we now oppose the threat of nuclear extinction.”

In 1985 the U.S. National Institutes of Health (NIH) approved somatic gene therapy trials, but said that it would not accept proposals for germ line manipulation “at present”. That ambiguous decision did little to discourage advocates of germ line engineering. By 1985, and especially following the first clinically approved attempts at somatic gene, people became

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encouraged, and by the 1990’s, advocates of germ line engineering began writing medical, ethical and other journals in support of genetic engineering.

By the mid and late 1990’s the technology of disassembling human embryos and keeping embryonic cells alive in culture, were critically important. This made it possible, for the first time, to imagine a procedure whereby the human germ line could be engineered in a commercially practicable manner.

In March of 1998, Gregory Stock, Director of the Program on Medicine, Technology and Society at UCLA (the University of California at Los Angeles), organized a symposium on “Engineering the Human germ line.” Stock declared that the important question was “not if, but when” germ line engineering would be used. The symposium was attended by nearly 1,000 people and received front-page coverage in “The New York Times”, “he Washington Post” and elsewhere.

Four months after W. French Anderson, one of the board members of the American Medical Association, submitted a draft proposal to NIH to begin somatic gene transfer experiments on human foetuses. He acknowledged that this procedure would have a “relatively high” potential for “inadvertent gene transfer to the germ line and would help a lot of childless couples.” Anderson’s proposal was widely acclaimed by many and forwarded for examination.

1.2 The current challenge

The science of genetic engineering has risen wide spread debates as concerns its consequences and implication on mankind. It promises us the possibility of shaping some of the most important biological characteristics of human beings we choose to bring in to existence. Some expect that at most we will be able to reduce the incidences of serious genetic diseases and perhaps ensure a longer and healthier life span for our species. Others foresee not only greater heights in the health sector, but intellectual supremacy with man endowed with traits that are beyond our wildest dreams. Some critics have viewed this new technology with mixed feelings. They see it as an attempt by man to create a master race. As such they belief that tempering with human genes is immoral and the science of In vitro, cloning, artificial insemination, and nuclear transfer has to be stopped. On the other hand, advocates to this technology believe genetic engineering is the greatest brake through to
human sciences. They see this technology as the greatest challenge to mankind since it aims at creating a disease free world. The greatest challenge behind this technology has been to rid foetuses off sick genes, help couples that cannot bear children to have one, clone human beings and increase human intelligence.

However, like must new technologies, the challenges are still yet to be met and public expectations are high.

1.3 Aim of the study

The point of departure for this essay is to examine the concept of human rights and dignity in relation to genetic technology. That is the rights of people to choose what form of reproduction is best for them. My aim is to give a clearer meaning and understanding of the ethics of genetic control. As such I will discuss some of the wide spread fears, anxiety and expectations brought about by the introduction of this new technology. In relation to this, I will try to analyse the potential implications posed by genetic engineering in relation to human rights, freedom, autonomy and the sanctity of life.

To make this aim more comprehensible, I will pay particular attention to Joseph Fletcher’s books on genetic control. The aim will be to discuss Fletchers arguments on genetic control, his positive views on the need for this technology, and a critical analysis of his views.

1.4 Why Joseph Fletcher

Joseph Fletcher is well known for his controversial book, Situation Ethics, which he wrote in 1966. Just as this title suggests, Fletcher acknowledges that what is right in one case might be wrong in another and it is, therefore, up to each of us to decide what is the right thing to do in each situation. He begins his work by distinguishing between three ethical approaches, legalism, antinomianism and situationism. Legalism, he says, occurs when "one enters into every decision-making situation encumbered with a whole apparatus of prefabricated rules and regulation. Antinomianism on the other hand reacts to this extreme, in which the letter of the law reigns supreme, by rejecting all prefabricated rules. This approach according to Fletcher, is the one “with which one enters into the decision-making situation armed with no principles or maxims whatsoever, to say nothing of rules. In every situation according to Fletcher, one must rely upon the situation itself. That is what is presented in front of you,
there and then in other to provide its ethical solution.” Against the backdrop of these polar opposites, Fletcher offers his own approach, situationism. “The situationist enters into every decision-making situation fully armed with the ethical maxims of his community and its heritage, and he treats them with respect as illuminator of his problems”. Although Fletcher’s approach is clearly teleological, in that it emphasizes ethical outcomes, he does wholeheartedly embrace one normative value, that is, the value that is to be upheld as the norm in every situation.

Further more, Fletcher is well known as a protestant ethicist. According to him, “Only one ‘thing’ is intrinsically good,” he concludes, “namely, love: nothing else at all. From a theological point of view, Fletcher holds that ‘You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.’ This is the greatest and first commandment. And the second is like it: ‘you shall love your neighbour as yourself’. However, some critics have attacked some of Fletchers views on Christianity. It is within these historical backgrounds that one turns to understand Fletchers approach to genetics. However, it should be noted that Joseph Fletcher is associated with three main theories: Situation ethics, Christian-protestant, and utilitarianism.

My reason for choosing Joseph Fletcher stems from the fact that that he is one of the first ethicist who wrote about the ethical aspects of genetic technology.

Fletcher’s strong and positive conviction in analysing genetic control has raised a lot of opposition across many ethical and philosophical disciplines. His ardent support for genetic control has developed worldwide debates from both ethicists and philosophers as to the safety and efficiency of genetic engineering.

1.4 Structure of the study

The paper will be structured in to four main chapters. Chapter one will comprise of an introduction, which will give a background in to the study. The next section will be concentrated on the aim of the study, which will be the reasons why I decided to write on the topic and why I choose Joseph Fletcher?

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4 Ibid, P. 26
5 Matt. 23:37-40
Chapter two will be on the ethics of Joseph Fletcher. It will pay attention to Fletcher as a utilitarian, Fletcher and his theory of situation ethics, Fletcher and his theory of Christian ethics, Fletcher and his views of happiness and his distinction between human beings and person

Chapter three will be focused on Fletchers view on genetic control. As such, I will pay particular attention to his views on health and quality of life, his views on the artificial versus nature, sex and reproduction and the statues of the foetus, abortion and infanticide.

Chapter four will is a critical analysis of Fletchers views. As such I will examine the religious objections, the utilitarian consideration and the ethical consideration

Then there will be a conclusion that will involve the salient points raised in the course of the thesis.
Chapter two

The Ethics of Joseph Fletcher

In this chapter, I will present the ethics of Joseph Fletcher. Thus I will focus on three main theories. That is Fletcher and his theory of Situation ethics, Fletcher as a Christian protestant, Fletcher as a utilitarian, Fletcher and his views on persons and sub-persons, his views on Happiness and ethics in general.

2.1 Situation ethics

Situation ethics states, “in every situation, each individual is responsible for receiving the rules, norms and guidelines for action; then implement or setting aside those rules so that love is best served. (Love as in love thy neighbour as God loves you)”  

Joseph Fletcher developed the theory of situation ethics as a result of his critique on legalism and Antinomianism principles.

Legalism is the idea that there are fixed moral laws that must be obeyed by all an in all times. Antinomianism on the other hand is the idea that there are no fixed moral principles, and that one must act morally spontaneously. This latter view according to Fletcher is commonly associated with Gnostics and Christians. Gnostics claimed to access higher knowledge whereas as Christians claim to be led by the truth of the Holy Spirit.

As an alternative view, Fletcher came up with his theory of situation ethics. In advocating situation ethics, Fletcher argues that it is “neither laws and rules nor spontaneous moral that makes an action right or wrong. It is in fact the context, that is the individual, the situation and its application that is the most important in determining an action as good or evil”  

Thus what is right in one case might be wrong in another and it is, therefore, up to each of us to decide what is the right thing to do in each situation.

According to Fletcher, there can be no absolute rules or laws applied to an action, because each action will be judged differently depending on the situation. Fletcher believes that the

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7 Thompson, m (1997) Ethics- T Y books, Knox press, P.4
most important element to be considered should be love. That is how loving an action can be depending on the particular situation. In the Christian tradition, it is held that “love your neighbour as your self” (Matthew 23:37) Fletcher holds that Jesus said nothing about “birth control pill, small or large families, childlessness, homosexuality, masturbation, fornication, premarital sex, sterilisation, artificial insemination, abortion, foreplay, petting and court ship. Whether any form of sex is evil or good will depends on whether love is fully served.”

(Fletcher quoted by Jenkins p.49)

The precept he argues, “to do what is most loving” is not a law but a motive and an attitude that can inform moral choice. One needs to take each situation separately and act in love accordingly even if it means braking established moral rules and codes of practice. For example it is considered wrong to steal. But if you steal a gun, there by preventing some one from being killed, then you have acted in love and thus your theft is non-accountable. In fact Fletcher insists that the only accountability in situation ethics is whether your action will result in the highest possible expression of love for others. Fletcher’s position was developed in response to the legalism and the idea of absolute laws and rules and the idea of antinomianism. (That is doing what seems right at the time)

In a null share, one can deduce six principles from Fletchers discussion on situation ethics and love namely:

1. No actions are intrinsically right or wrong. Nothing is good in and of itself except for love. Actions are good if they help people and bad if they don't. One cannot expect to live responsibly with moral absolutes;
2. Good actions should not be done for reward (E.g. seeking altruistic deeds in return) but should be done for their own sake. Jesus and Paul taught love as the highest principle above the Law;
3. Justice is love at work in the community.
4. Love is practical and not selective. We should show love to all, even our enemies. Christian love is unconditional;
5. Love is the end - never a means to something else;

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8 Matt. 23:37-40
Humans have the responsibility of freedom. They are not bound by any Law. With this comes the responsibility to do the most loving thing in every situation.

Fletcher claims that it is a mistake to generalise. You can't say 'It is never right to lie to your family? One must always consider the situation, and the reasons. “A concrete situation is needed, not a generalisation.”10 (Vardy & Grosch p.130)

Many have claimed that Situation Ethics looks a lot like utilitarianism except that Fletcher has substituted 'love' for 'happiness'.

Situation Ethics has been criticised on a number of important points. For example, in order to 'do the most loving thing' in every situation one must look to the long-term consequences of one's actions in the present moment. Would lying for instance not kill the value and worth of truthfulness and virtue?

However, Fletchers ethics is influenced by his Christian believes. We shall now look in to Fletcher-the protestant.

2.2 Protestant ethicist

"Protestant" is a term applied to many different Christian denominations, with a wide range of beliefs. They trace their beliefs under Martin Luther during the 16-century reformation. The reformers preached that it is by God's grace alone that people are saved. They challenged the authority of the Pope and encouraged their followers to read and interpret the scriptures for themselves.

Joseph Fletcher stands in the protestant tradition as he holds that “There is only one thing that is always good and right intrinsically regardless of the context, and that one thing is love.”11 Nevertheless, he goes on to warn us not to make love a ‘thing’, suggesting that it is a tangible object floating around, which must be idolized and respected, since it is the only intrinsic good. Fletcher also highlights that “the ruling norm of Christian decision is love:

10 Grosch &Vardy Quoting Fletcher in The puzzle of Ethics, P 130
11 Fletcher, Ibid, P60
The story of Jesus forgoing to Sabbath law to satisfy the hungry population is well narrated in Corinthians 1, 10:23-24 of the New Testament Bible.
nothing else.” He validates this by citing the example of Jesus who was willing to forgo the Sabbath law if it prevented people from going hungry. As such Fletcher renounces the idea of rules. He simply rejects out rightly the legalism and the authoritarianism of the catholic position biomedical ethics. He denies the idea of a natural law doctrine in the approach to medical ethics. According to Fletcher, the practical cause of an action should be motivated by love and we should learn to put people first rather than laws. Thus it is possible for an action to be wrong (E.g. abortion) yet be morally right in the context of a specific situation (E.g. aborting a foetus to save its mother’s life). Despite accepting the Situationist’s notion of love as the highest principle, Proportionalists do not accept the view that love can make a wrong action right. However according to Fletcher, love is a predicate to any given situation. He validates this by saying “when we say love is always good, we mean that what ever is loving in a particular situation is good since love is a way of relating to people”12

2.3 Utilitarianism

The theory of Utilitarianism is commonly understood in terms of utility. That is, ‘the greatest happiness for the greatest number’. It finds it most famous expression in the work of Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873) but is also mentioned in the work of David Hume (1711-1776) and can trace its origins back to Epicurus (341-270 BCE). They hold that we “ought to promote the greatest good of the greatest number”. Since utility is mostly translated as usefulness, this theory is sometimes said to be viewed as “what is right is what is most useful”, in so far as It gives you the greatest happiness. This principle asserts that in all circumstances, we ought to produce the greatest possible balance of value over disvalue for all people affected with happiness being our main goal.

Fletcher agrees that we ought to look to the product of what is intrinsically valuable rather than extrinsically valuable. That is what is good in its self and not merely what is good as a means to something else. For example neither undergoing nor performing an abortion is considered intrinsically good. However, many people will say sometimes that it is extrinsically good as a means to another end, such as the restoration of an ill woman to a state of health. Fletcher belief that we ought to seek certain experiences and conditions in life that are good in them selves without reference to their further consequences, and that all actions are ultimately to be gauged in terms of happiness. However later Utilitarian philosophers have

12 Fletcher, Ibid, P.61
not looked favourably on this monistic concept of intrinsic value. They argue that other values besides happiness precede intrinsic worth; amongst these values are friendship, knowledge, courage, health, beauty and certain moral qualities. They further argue that we can measure and compare the value of pleasure and happiness of these intrinsic values.

Fletcher highlights this theme of happiness in his book on genetic control, holding that we ought to prevent harm and pain at all levels, starting with the unborn, up till the adult. But he however gives a twist to happiness as he stipulates that only persons are eligible to happiness since they possess rational qualities. He forwards this argument, as we shall see in the next section.

2.4 Humanness and the person

Fletcher makes a distinction between persons and sub-persons. His main argument is that life is valuable only to persons who have certain capacities in life. Thus the lives of sub-persons are not valuable in themselves. Sub-persons cannot attain real happiness and pleasures and as a consequence since they have no moral value.

From a Christian point of view, he argues that only persons are created in the image of God. As such only persons should be valued.

Fletcher defines Humanness, as that distinctive attribute that qualifies a human being. From a purely utilitarian view point, Fletcher acknowledges that it will be better at times to spare sub-persons the subjugation of pain, torture and suffering by letting them to die. His argument is that if we don’t let them to die, we will only be subjecting them to unhappiness. Fletcher considers the doctrine that human life is valuable in its self irrespective of the quality of the particular individual as unjustified. He denies that this doctrine is an expression of God’s will. Instead he sees the Jewish Christian concept of man as the image of God as an interpretation of the expression that only “persons have intrinsic value”. When defending the sanctity of human life, Christians sometimes turn to the fifth commandment-thou shall not kill. According to the Christian doctrine, man was created in the image of God. As such only God has the right to create or take away a life. This gives life its mystic, thus making it sacred. The view that human life is sacred puts efforts to control reproduction and other genetic advancements as a sacrilege. Fletcher argues that Biologically, we are all humans. But we have to learn to distinguish between persons and sub-persons.
Persons according to Fletcher, must possess the following qualities:

1. Persons must have minimum intelligence. That is they must have an IQ grade of above 40.
2. Persons must have the capacity for self-awareness. That is you must be aware of your dignity, have a sense of hygiene, be aware of your rights and have a sense of belonging.
3. Further more Fletcher believes that persons should have a mastery of self-control.
4. A sense of time
5. A sense of future
6. A Sense of past
7. A capacity to relate and communicate with others
8. A sense of curiosity. That is a person always wants to know.\textsuperscript{13}

Thus defective foetus, defective newborns and moribund patients are not persons since they lack these attributes or qualities that make up a person. Biological acclamation of Homo sapient life is not enough to make humans “persons” In medical practice then, according to Fletcher, one can be justified in “ hastening the end of such lives”. That is the lives of non-persons or sub-persons in contrast to persons whose lives are valuable.

At first view, Fletchers ideas on persons and sub-persons looks like an indicator of a good or pleasant and happy life rather than a distinction between persons and sub-persons. People react to situations differently. Some might be too hyperactive while others are not. More so, some of these criteria sound like virtuous traits for a moral good life; that has noting to do with differences. However, some critics might argue like John Harris that it is not the existence of these features that give value to life, rather they function as some prerequisites for valuing life. The value of life should be based on how individuals value their lives. Thus valuable lives are those lives that are valued\textsuperscript{14}

\textsuperscript{13} Fletcher J (1979), Humanhood: Essays in Biomedical Ethics, New York. 11.

What ever the case might be, one thing remains certain, we should always strive for happiness. Fletcher in discussing happiness holds that only persons are capable of real happiness, since they possess rational capacities.

2.5 Happiness

As we have seen above, Fletcher relates happiness to an internal feeling that is associated only with rational thinking people or persons. He makes a distinction with happiness and euphoria, calling the happiness of sub-persons euphoria\(^\text{15}\). Euphoria is a state of happiness that is void of meaning. Fools and idiots who laugh on the road with out any real sense of reason are said to be having a state of euphoria. As such any happiness associated with meaninglessness is normally called euphoria. In distinguishing happiness, the similarity between Fletcher and John Staart Mill directly comes to mind as Mill made strong claims in support of “happiness and pleasure as a rational function” that is happiness should have a quality label associated to it. Mill is renown among the utilitarian for his qualitative view on happiness. He believes like Fletcher that happiness should be based on quality. As such only rational thinking people have the ability for rational behaviours, thus only them can possess true happiness.

However, according to Jeremy Bentham, happiness and pleasure should be general, involving every thing that can make one happy. That is “happiness is everything in general and noting in particular\(^\text{16}\)”. According to Bentham, any pleasure is valuable. The end goal is that it should give you joy. Bentham is renown for his quantitative view to happiness.

Having these two different views, one possible criticism on Fletchers theory could be seen from the point of view of Bentham. If happiness encompasses everything, then fools, idiots and other retarded persons should be termed happy. One could then view their euphoria from a Bentham point of view as a means to another kind of happiness. It could be argued that what Fletcher sees as euphoria, another might see as another king of happiness that gives maximum joy and bliss to other people. For example you cannot say with abject certainty that the retarded people or babies you see smiling, are not happy.

\(^{15}\) Fletcher, J (1979) Humanhood: Essays In Bioethics, New York, P23

\(^{16}\) Fletcher, Ibid, P 24
Fletcher however holds to his argument by stresses that “a full and rich humanness calls for a creative and happy balance of reason, self and situation. A mind without emotion and reason is impoverished; emotion without the mind on the other hand is useless.”\textsuperscript{17}

Fletchers view of happiness, has some implications on abortion and infanticide in that, one can deduce the following meaning:

1. Both abortion and infanticide can be justified if it prevents any situation that might lead to misery or pain to the mother.
2. According to Fletcher, the foetus is a sub-human and letting it go will be of little or no moral importance since it has no qualities of a person and will instead prevent it from future pain.

The central dilemma in the abortion debate is the clash of presumed or perceived rights. On the one hand, the foetus is an unborn child, or a growing baby, thus having a right as a human being to life. On the other hand, the foetus is not considered as a person or an individual human being but rather a disposable part of a woman’s body and therefore subjected to a woman’s right to control her body. The question is at what point is the foetus a person or at what point do we consider it as a human being with rights?

Following Fletchers line of argument, abortion can be justified if it first of all:

- Gives the woman maximum happiness and satisfaction compared to any alternative.

The, removing of the foetus in this case could be compared to a woman having control over her body and taking a way a ceast. Thus abortion is not a moral problem in itself. Human health and human happiness can justify it.

Fletcher believes that “the truly ethical question is not whether we can justify compulsory pregnancy but the moral problem is whether one should ever refuse a woman abortion”.\textsuperscript{18} As such it is not immoral to use living embryo and foetus as research, if it will help to safe human life. Infanticide too according to Fletcher is justified because when infants are born

\textsuperscript{17} Fletcher, Ibid, P. 22
\textsuperscript{18} Fletcher, ibid, P. 138
with severe disease or disabilities; infanticide is a means to relieve them from suffering. As we will see, Fletcher's ideas will have greater implications on his views on genetic control.
Chapter three

Fletcher’s view of genetic control

In this chapter, I want to investigate Fletchers views on genetic control. The section will focus on Fletchers arguments for the need of embracing this new technology. The investigations on Fletchers argument will be analysed with the following questions:

- What is the goal of this technology?
- Is genetic control justified?

Our discussions in this chapter will be centred on Fletchers believes for the need for genetic engineering on Reproduction and sex, his views on nature vers artificiality, his views on health and quality of life and his views on the statues of the foetus, abortion and infanticide.

Fletcher’s main focus here is to justify the importance of genetic engineering. The goal for genetic engineering he believes is to create a disease free world. As such he exploits all the means through which genetic engineering can be profitable to mankind.

In presenting a positive view of genetic technology, Fletcher argues thus:

3.1 Health and quality of life

According to Fletcher, genetic engineering is the best possible discovery of recent times since it aims at “locating and altering genes that causes defects in people”. The idea behind the technology is to “get rid of the bad traits in order to liberate the good once” according to Fletcher, we have “certainly allowed our race to develop at random for too long and its high time we give some thoughts to what medical advances can do to improve the quality of our species”

Fletchers central argument here is that with genetic control, we can avoid the thousands of babies born each year with genetic disorders, thus improving health care and improving the

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19 Fletcher, J (1988). The Ethics Of Genetic Control. New York, P. 4  
20 Fletcher, J. ibid P. 4  
21 Fletcher, J. ibid, P 22
quality of human life. According to Fletcher, genetic control also has an economic side to its advantage. Fletcher justifies this by saying that “think of the enormous cost in medicine, surgery, artificial aids and diet controls for the increased number of victims”. According to Fletcher; life would loose its zest if we allow these illnesses to spread.

He argues that “if we enable the weak and the deformed to live and propagate their kind, we face the prospect of genetic twilight; but if we let them die or suffer if we can help them, we face the certainty of a moral twilight. Thus terrible and uncorrectable foetus will have to be aborted or after birth, let go for those that are able to live to reproductive maturity”.

In justifying his argument, Fletcher holds that “the accusation that the new biology is trying to create a master race is fair enough if it means that people will end up having fewer defects and more control over the crippling accidents of nature and are better able to master life’s up’s and down’s.” When health care resources are scare, he insists, it will be “immoral to let children be born with disabilities, which will intend lead to more social cost.” According to Fletcher the, genetic control has offered mankind a possibility to perfect, shape and improve on the quality of life of its future generations.

From Fletchers arguments as seen above, we can deduce the following conclusions in support of genetic engineering for health care purposes: It will help reduce diseases, improve quality of life, improve the human species and encourage financial stability. The main goal is for improving the quality of life.

3.2 Artificial versus Natural

The use of genetic technology has been questioned and criticised in that it goes contrary to nature. Naturalist like Johnson Thompson have questioned genetic technology by asking “Would tempering with human genes not go contrary to the natural laws of life and reproduction?” Her line of questioning falls in line with that of Dr Bole Asongwe when

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22 Fletcher, J. ibid, P.29  
23 Fletcher, J. ibid, P.29  
24 Fletcher, J. ibid, P13  
he questions that “Do we need to strive for artificiality when we have all reasons to be natural?”26

Fletcher in this section tried to explain that there is noting wrong in being artificial and that to condemn something as wrong because it’s artificial is irrational and incorrect. He argues, “People think natural is better than artificial. Natural is not intrinsically superior to artificial. Nature left alone will finish us with diseases and deformity while medicine intensified with technology advances life.” 27

According to Fletcher, the word natural like god, the soul and creation is a pancheston that explains everything in general and noting in particular. Man he argues is higher than other animals because of its intelligence and brain capacity. As such man has artificiality as his hallmark. Innovations like genetic engineering Fletcher argues has been resisted like all other technologies as the TV, printing, automobile and airplanes 28

According to Fletcher, artificial means are necessary to get rid of some of these diseases. Fletcher argues that naturally, “all human beings have the genetic load of three to eight defects and this could double in two hundred years if we go on spreading disorders through random sexual reproduction, multiplying the illnesses and cost that results from bad genes. Natural selection has never solved these problems” 29

According to Fletcher, we need artificial methods through genetic technology in other to help to solve our growing genetic problems of infertility, hereditary diseases and mental disorders. He dismisses the criticism that man is trying to create a master race, thus playing god. He questions that: what is wrong in getting close to the mysteries of life if it means fewer people getting sick? Fletcher argues that the opponents of genetic engineering are mostly people not directly affected with such problems. This is analogous to Robert Sinsheimer when he holds that “when you are diabetic, or have children with genetic disorders or low IQ below ninety, then you will think differently. (13)

Fletcher further stresses the importance of artificiality in medicine by stating “ a foetus is very vulnerable to many kinds of diseases at his early stage. These diseases ranges from

28 Fletcher, J, ibid, p. 35
29 Fletcher, J, ibid, P 29
congenial defects, when the Rh positive red blood cells of the foetus are destroyed, thalidomide, phenylketonuria, a defect in the liver enzymes and Huntington’s chorea to name a few.” According to Fletcher, it would be difficult to dictate and cure these diseases without the help of artificial technology. So if people should argue that artificiality is inferior, what are their bases for their argument?

As such Fletcher insists that there is nothing wrong in using artificial technology (genetic engineering) in improving our species contrary to the belief that it is artificial and risky.

### 3.3 Sex and Reproduction

The use of genetic technology for reproduction has raised a lot of controversies as to the value and importance of life. Many have asked if it is all right to refuse couples their rights to reproduce through sexual intercourse? What of family values? What will become of our future generation if their grow up knowing they were manufactured genetically? Others have asked if sex is necessary for reproduction under this technology? In an attempt to this answer, Fletcher holds that “sex in the sense of coital intercourse is no longer necessary for human reproduction”\(^{30}\) He stresses that to adopt a policy of genetic control would mean “giving up the game of sexual roulette and chance in which parents simply and blindly accept all products of conception regardless of their quality. Control means choice of course and choice means selection for quality”\(^{31}\)

The question of selection and choice however takes us to another line of questions. Would selecting and changing some of our children’s not make them mere objects of manufacture? Should genetic intervention be limited to cure only? What of the tendency for abuse? Who takes responsibility for what? And what are the possible assurances to limited risk?

Fletcher’s justification of reproduction genetics follows his idea of improving human species. According to Fletcher, random sexual practices might call for speculations as to the outcome of our species. The goal is to reduce natural accidents by choosing the best for our children. He holds that “love making and baby making has been divorced”. Sex is free from the contingency and complications of reproduction and sexual practices can now proceed on its own merits as an independent value of life. We should learn to make love and not babies

\(^{30}\) Fletcher, J, ibid, P. 12

\(^{31}\) Fletcher, J, ibid, P. 110
contrary to the old idea of sex necessary for reproduction only”\textsuperscript{32} Fletcher stresses that gone are the old sayings that “all life comes from the egg”. With genetic advancement, we understand how to produce by cloning, a new individual from a body. We can now choose the sex of the child we want, its genetic make up and its physical morphology He proceeds in saying that “future is mankind’s own creation as much as it is the result of circumstances and man now has the privilege and responsibility to shape himself as well as the future” through genetic technology.\textsuperscript{33}

Long gone are the days of miracles when Abraham in the book of Genesis had to produce a child at ninety. Now our days it could be managed in a number or different ways without supernatural assistance.\textsuperscript{34}

From the discussions as seen above, one can deduce the following conclusions about Fletchers arguments:

- There are no moral restrictions involved when dealing with sub-persons, since they don’t have the qualities of persons
- As such, abortion in itself is not a moral problem because the foetus is not a person and human health, happiness and the need for a good life can justify the act.
- Genetic screening and genetic manipulation should be encouraged since it will help us improve the quality of our species.

It is within these lines of arguments that I will like to analyse the ideas of Fletcher.

\textsuperscript{32} Fletcher, J, ibid, P. 15
\textsuperscript{33} Fletcher, J, ibid, P. 5
\textsuperscript{34} Fletcher, J, ibid, P. 11
Chapter Four

A critical analysis of Fletchers view

From the above discussions, it is obvious that Fletchers utilitarian background, his Christian background and his idea of situation ethics have oriented his line of arguing. In discussing genetic control, Fletcher has torched on a lot of moral issues that has been interpreted differently. In summarising Fletchers arguments, one can deduce the following conclusions:

- Only persons are valuable, since they have certain qualities that qualify them as persons.
- The doctrine that all human beings are equally valuable is wrong. Only persons are valuable.
- According to the principle of human dignity, human life has to be free from frustrations. As such we should let go mentally retarded patients, since their lives lack fulfilment.
- And lastly, genetic engineering should be accepted since it will prevent unwanted natural accidents, reduce diseases and improve the quality of life.

One can raise different kinds of objections against Fletchers discussions on genetic control. I will in the following, discuss some of the objections.

4.1 Catholic objections

In arguing against genetic engineering and abortion, Catholics always base their argument on the doctrine of the sanctity of life. The doctrine of the sanctity of human life can be traced as far back as in the Christian tradition. From the metaphysical point of view, according to the mainstream view, the Jewish-Christian tradition have argued that life is the most fundamental of all values on earth. According to scholastics, life is existence itself – ‘vivere viventibus est esse’. The scholastics always refer to Genesis1: 26 holding that “man was created in the image of God” As such there is no such thing as a lesser or greater life. Their main point of argument is that man has no right to destroy life because he cannot create one. Their fundamental belief is that the decisions about life belong to God since life is a gift from God. Commenting on life being a gift from God, Frederic Bastiat in his book The law: The Classic
Blueprint For a Society writes thus, *we hold from God the gift, which includes all others. The gift is life- physical, intellectual and moral life. But life cannot maintain itself alone. The creator of life has entrusted us with the responsibility of preserving, developing and protecting it. In other that we may accomplish this, he has provided us with a collection of marvellous facilities. And he has put us in the mist of a variety of natural resources.*

Christianity thus sees abortion as a sacrilege that must be prohibited. According to a declaration, from the Christian doctrine of faith in Rome,

“The first right of the human person is his life. He has other goods, some may be precious, but the most fundamental is life. It does not belong to the society, nor does it belong to public authority in any form to recognize this right for some and not for others: all discrimination to life are Evil whether be it founded on race, sex, colour or religion.*35

To buttress the point on discrimination, the document further stresses that;

“This right is antecedent to its recognition; it demands recognition and it is strictly unjust to refuse it. Any discrimination based on the various stages of life is no more justified than any other discrimination. The right to life remains complete in an old person, even one greatly weakened, it is not lost by one who is incurably sick. The right to life is no less to be respected in the small infant just born than in the mature person”.

This goes straight to explain that the right to life applies to everybody no matter the conditions in life. It should have no boundaries or selections. As such, whether you are a patient, an infant, sick, retarded or deformed you have a right to life. The document further emphasizes that:

“In reality, respect for human life starts from the process when couplelation begins. From the time that the Ovum is fertilized, a life is begun, which is neither that of the father nor the mother; it is rather the life of a new human being with his own growth. It would never be made human if it were not human already”37

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36 ibid, No 11-12
37 ibid, no 12
According to the Papal declaration in Rome, the mere fact of distinguishing persons from sub-person would be considered immoral. Christianity states, “All man is created equal in the eyes of God.”

They strongly condemn abortion, quoting from the Ten Commandments that states, “thou shall not kill” their central argument against abortion is that life is sacred and no one has the right to play God by taking away the life of any body or tempering with his genes for improving quality. Catholics see life as sacred because they say it is a gift from God and only God alone knows the meaning and value of man’s existence here on earth. If you are born retarded, deformed or with illnesses, they hold its God’s choice and he alone knows the reasons for letting it happen, as such, they belief that reproduction should take place in a natural context involving sexual intercourse and a family. And the product of this union should be loved and accepted despite its physical or mental state. In agreement with this view, Dworkin affirms, “The Roman Catholic Church is the sternest, most vigilant, and no doubt most effective opponent of euthanasia, as it is of abortion.”

Dworkin also captures this claim clearly when he writes, with regard to abortion;

“Indeed, as I have said, the stress some prominent catholic place on the consistency of the church’s views... is itself an argument that its opposition to abortion does not depend on the assumption that a fetus is a person with rights and interests”

We can conclude that Fletchers distinction between human beings and persons comes in to conflict with Catholic views on the sanctity of human life.

However, despite the fact that Catholicism provides a widely spread ground for opposing genetic control, its arguments will remain abstract to those who do not accept religion, More so, most of these arguments are based on the metaphysical, and the mysteries of the supernatural. They appear as set down rules of what should be done and not, without any solutions as to the burning medical problems. However, it would be good to give an ethical evaluation before validating any sound assessments.

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39 Ibid, P. 21
4.2 Ethical evaluation

From the debate presented above, we get the feeling that the main goal of genetic engineering is for the future good of our species. Fletcher himself spells this out by stating that “it is for the best for our children” As such, genetic screening and selection should be encouraged since it will improve the quality of children we shall bring forth.

According to our social standards, a good parent is one who makes all the sacrifices in life to make sure their children have a good education, health and a stable mental state of mind. Why then should parents not be allowed to seek the best for children even through genetic? What is unethical in giving the best for your child? Allen Buchanan makes this clear by saying “parents are generally expected by society to produce the best children. It’s their duty to keep the children healthy, keep them away from crime, drugs and hazardous plays. Parents even take preventive health measures through administering constant vaccinations and vitamins, even if it runs contrary to their personal believes or religion. If genetic technology gave parents the way to enhance the resistance of their children to certain diseases and the intervention pose only risks comparable to those pose by vaccination, should parents not be accepted to use them?” 40 Is it not morally and ethically wrong to let a child be born of with disabilities when we could prevent it by not letting him be born?

We applaud parents, who are strict on their children, monitor their diets, their fat intake, and their education. Why not genetic engineering, if it will be for the good of the child? The fundamental idea of parents pursuing what is best for their children may seem unproblematic. But what we fail to see is that parents are only developing capacities their children already have, or are capable of having. They are merely bringing out the best in them by developing the potentials they already have. In contrast to the use of genetic engineering, parents are changing their children in a different way altogether. By altering with their genes, it gives them a different genotypic structure thus making them different. For example, how a child is fed might affect his strength, his intelligence, resistance and growth. But tempering with a child’s gene makes him a different individual altogether. This brings us to the moral question; are there adequate or defensible standards for determining what would be best for our children? Who decides it and following which criteria? Would accepting genetic selection not create inequality in society? What does that say to people with disabilities? By accepting such

40 Buchanan et al (2000), From Chance to Choice, Cambridge University press, P.159
autonomy, would the government not in fact be saying that persons living with such diseases have a lower value than other people?

Anders Nordgen attempts an answer to these questions by holding that “we have to make a distinction between a disease on the one hand, and persons living with the disease on the other hand. It is completely possible to abort a foetus to prevent it from being born with a certain disease and at the same time, deeply care for persons living with this disease. In other words, it is possible to devalue a disease without devaluating persons living with it.”\textsuperscript{41} It is possible to argue therefore that while persons living with a disease have full moral standing, embryos and foetuses do not. Persons living with a disease therefore have a right not to be killed while under certain circumstances, it might be morally accepted to abort embryos and foetuses.

However, some critics like James Zanden have argued that “rather than killing innocent foetuses and embryos, why not allow non medical institutions to make such an intervention by creating institutions to help rehabilitate and settle them?”\textsuperscript{42} His main argument is that we “already have schools for the dumb, deaf, handicapped, Schools for training of cognitive abilities and cosmetic surgery. Why not create one to help rehabilitate kids with gene displacement?

This to my view will still have future implications in that it will help widen the gap between the rich and the poor. Only wealthy families would be able to afford it and this might lead to a situation of a genetic upper class.

However, in assessing the ethical implications of genetic engineering, we should not ignore social factors. Reproductive autonomy does not only involve the foetus and the parents. It also involves the family, relatives and the community at large. Imagine the ethical implications of a child growing up knowing he was genetically produced. Or imagine a child asking you; I wonder who I would have been had my parents not altered my genotype. Are our schools and state institutions ready to accommodate children genetically manufactured?

Terry Macmillan holds that children are not “property to be disposed of by parents. They are not out to live up to their expectations. They should be treated and respected as individuals.” Ron Epstein however makes this clear by illuminating that

\textsuperscript{41} Nordgren A, (2001), Responsible Genetics, Kluwer Academic publishers, P. 254
What will it be like in a future world where your life started with your parents designing your genes? In addition to screening for unwanted genetic diseases, they select for sex, height, eye-, hair-, and skin-colour. Pressured by the current social fads, they may also choose genes whose overall functions are not clearly understood but are rumoured to be connected with temperament, intelligence, mindfulness, and perhaps sexual orientation. You may be genetically engineered to be an enhanced clone of one of your parents, or of a celebrity whose genetic heritage your parents have purchased at great price. If your parents are poor, they may be paid to design you with genes tailored for a particular occupation, together with a pre-birth contract for future employment. As in the film ‘Gattaca’, you probably belong to a clearly defined social class according to the degree of your genetic enhancement.”

Further more, we run the risk of attributing everything in life on genes, which will be unethical. Anders Nordgen makes this clear by saying that “it is part of everyday language to hear that it is from the genes.” As such people run the risk of assessing and accepting certain negative aspects of life because they belief it is normal. Examples are hot temperateness, mail dominance, and aggressiveness.

More so should gene selection be accepted, what will become of insurance companies and other state institutions? We run the risk of these corporations asking for insurances before having any dealing. This will mean some people will be forced to pay heavy insurances, thus encouraging social inequality.

Critics like Beauchamp and Childress have argued “we ought to produce those conditions in life that are good in themselves without reference to their further consequence.” I would argue in favour of looking in to the future implications of introducing a full-scale genetic technology at all levels. As such in other to evaluate the validity of genetic engineering, we must first of all ask these ethical questions:

- Is it ethically right to deny couples sexual copulation for reproductive bases if they can reproduce normally? That is should we refuse healthy couples from having children

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through sexual intercourse because we want to prevent the risk of nature’s accidents (deformity, retardation etc)?

- Does this technology guarantee maximum satisfaction and safety to its users?
- Does the technology respect the value of life? Is it disrespectful to intervene in the gene structure of babies, if not for curative purposes? Even as a curative measure, does it solve the problems of infertility and create a sick free world?

Some would argue like Kenneth Alpern that “the reimplantation of an embryo for curing infertility is just a therapeutic remedy, for the patient still remains infertile even if transfer results in live children” what is supposing being treated he holds is the desire for people to have children. It is like placing a “false teeth in a patient without teeth, while the clinical condition itself remains” 46

I would argue from a utilitarian point of view that, if the couples end up being satisfied, then the implantation was worth it. More so if it ends up that the value of life is respected, then it’s fine. Further more, if it stops the pain of the childless couples, and gives no pain to the child involve, then I see nothing wrong with it.

Humanistically speaking, we wish good health for everybody, through out the whole spectrum of human life and this may mean exerting our control on health even before life is conceived. But can science give us that kind of control, and would it be ethically right?

Conclusion

All in all, I have presented in the paper the views of Joseph Fletcher, both as a utilitarian and as protestant ethicists. From Fletchers idea of situation ethics, we deduce the following arguments.

- No action is intrinsically right or wrong except for love.
- Every action should be judged depending on the situation one is faced with.
- There should no fix moral principles and laws that one should compel one to obey.

From his idea of situation ethics, I have tried to show how it has influenced his views on genetic control. I have also presented Fletcher as a protestant ethicist. As a protestant ethicist, Fletcher believes that Christian moral laws should not be fixed. It should be flexible enough to accommodate the situations presented in front of them. He gives the example of Jesus who had to forgo the Sabbath to feed hungry people. Thus to Fletcher, what should count most should be love for one another.

More so, as a protestant ethicist, Fletcher believes that only Persons are created in the image of God, and only Persons have intrinsic value. I have also shown how these believes have affected his argument for the need of genetic control, especially if it has to safe lives and bring happiness to the people involved.

I have also presented Fletcher as a utilitarian. As a utilitarian, Fletcher believes we should strive at what makes us happy in life.

It is within this lines that Fletcher believes that genetic control should be encouraged because:

- It will enhance the human specie. As such this will help reduce diseases, and encourage stronger and healthier human species.
- He also applauds Genetic control on the grounds that it will bring happiness to humanity because, with less people sick, there will be more joy, less financial stress on medication and more social stability within families.

However, I have also exposed some of the wide fears from the Catholic point of view and from other human rights activists, as they base their argument on the sanctity of human life and the need to protect the rights of foetuses.

However, from the debate presented above, one can draw up the following arguments:

According to the Catholic tradition, Human life is a gift from God, as such it is morally wrong to kill a human being or use genetic means of reproduction. In conclusion, genetic reproduction, abortion and infanticide are morally wrong.

On the other hand, we have the Fletcher’s idea of thought, which believes that according to the principle of human dignity, each human being has the right to live a fulfilled life free of
illnesses. As such the lives of mental defect patient are unfulfilling since they don’t possess rational qualities. Thus it is permissible to prevent their birth. In conclusion, abortion and genetic control should permissible.

I would however argue that I found no reason to object in general the use of genetic technology as bad. I did however find some efforts in pursing advantages that should be restricted. For example, where ever genetic intervention facilitates parents to pursue what is best for their children, without imposing unacceptable harms or risk, and where a child’s right to an open future is respected, there should be no objection to parents using genetic interventions to pursue the best off springs they can.

It would be morally unfair if parents make reproductive decisions that result in their children suffering from handicaps and illnesses that might have been avoided by wiser genetic decisions. I however support legal restrictions on the other hand, on what parents may ask of genetic intervention for their children. If they use these technologies for other measures other than curative measures, then their actions should be stopped. But to conclude that the technology is wholly bad would be very unfair, because if judiciously utilised, it can serve humanity positively.
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