

THE NATURAL LAW THEORY OF MORALITY AND THE HOMOSEXUALITY DEBATE IN AN AFRICAN CULTURE

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Abstract

Same sex relationship has recently been criticized by many not only on grounds of being immoral but also as a practice that erodes certain values attached to marriage and procreation in some African cultures. This paper examines the immorality or otherwise of homosexuality as an act. It argues that homosexual behaviour is degrading and damaging as an act because it devalues the institution of marriage and its related values in the Yoruba culture. The paper underscores the fact that a typical Yoruba would make allusions to either Christian or Islamic injunctions to justify the moral unacceptability of homosexuality as an act. It employs Aquinas natural law theory of morality to further argue that homosexual act is unnatural hence it goes against what reason dictates. The paper also argues that we cannot completely rule out the possibility that homosexual acts are consequences of certain predisposing biological factors over which actors have no control and if this is the case, then they cannot act otherwise. In the light of this, the paper argued for both nature and nurture as predisposing factors of homosexual behavior. It concludes by stressing that in spite of some biological arguments in favour of homosexual act, such act threatens the viability of the Yoruba community where special value is placed on the institution of marriage and procreation.

Key words: Africa, homosexual, ethics, natural law, values, Yoruba, Islam, Christianity,

Introduction

Recently, there has been a whole lot of debate about the practice of homosexuality in some countries. Homosexuality, which is commonly referred to as same sex relationship or marriage has been rejected not only on grounds of destroying the sense of identity of those who engage in it but also on the basis of negating the order of creation thereby threatening the viability of many African communities. This paper examines homosexuality as an act and its consequent implications on the community in which the actor belongs. It employs the natural law theory of morality in order to explain that since what is natural is morally right and what is unnatural is morally wrong, homosexuality as an act is unnatural hence it is morally wrong. It argues that in some African culture, same sex relationship not only threatens the institution of marriage and its related values, it also devalues it. It draws on the Yoruba culture in order to buttress this point stressing at the same time that religious injunctions are important to those in this culture hence the need to take into consideration, certain Christian and Islamic injunctions as they relate to the homosexuality debate.

The paper further argues that one cannot completely rule out the possibility that homosexual behavior is a consequence of some biological factors over which the actor has no control. But since homosexuality tends towards not begetting children and begetting children defines the essence or even success of any marriage in Africa, homosexuality would be considered a bad omen by a typical Yoruba. Correct application of moral laws of nature shows that homosexuality runs contrary to the values attached to marriage and procreation; values which many Africans particularly the Yoruba hold in high esteem. An important question to be raised in the contest of this discourse is: what is the result of such same-sex relationship? Is homosexual practice beneficial

in any respect? Is homosexuality a choice shaped by environment or a biologically inherited trait? These and many more are what this paper sets out to examine. For the purpose of this paper however, whenever the discussion is on the sacredness of the institution of marriage, the concern is with opposite sex marriage not same sex marriage.

The natural law theory in ethics and its prescriptions

The claim that human beings are governed by certain innate or basic laws rather than legislated laws has been the central assumption of the natural law theory in ethics. According to this theory, there are several basic goods appropriate to the nature of persons. These goods are ends toward which persons are naturally inclined. They include, for example, life and health, knowledge and truth, friendship and society (Fox and DeMarco, 1990:121. Aquinas believes that everyone should always be open to the realization of these goods and hence never oppose them. According to him:

We should be positively oriented towards these goods and promote them as much as we can because it is the first precept of law that good is to be done and promoted and evil is to be avoided. All other precepts of the natural law are based upon this: so that all the things which the practical reason naturally apprehends as man's good belong to the precepts of the natural law under the form of things to be done or avoided (Baumgarth and Regan, 1988:47)

Thomas Aquinas (1988) further maintains that the first principle of nature which emphasizes the promotion of good and the avoidance of evil is self-evident not only because nature has bestowed this and other practical principles on us, but also because human beings can discover what these moral

laws of nature are by using their reason just as they can discover the laws of logic (Barcalow, 1994:151). These laws serve as the foundation of moral reasoning. Not only do they apply to rational creatures that are capable of understanding and following the moral laws of nature, they are the same everywhere and are established by nature rather than by human beings (Barcalow, 1994: 151). They operate independently of what people believe, desire, want, need or feel. If the first principle of the moral law of nature is that good is to be done and evil is to be avoided, then good has the nature of an end, and evil, the nature of the contrary. All those things to which man has a natural inclination should naturally be apprehended by reason as good and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance. Therefore 'the order of the precepts of the natural law is according to the order of natural inclinations' (Baumgarth and Regan, 1988:47).

The centrality of Aquinas natural law theory of morality is that each kind of thing or species has its own characteristic way of life and way of behaving that is part of its inherent nature. If this is case, then an organism's inherent nature provides norms or standards of what is good for things of that kind. Some ways of life, conditions or forms of behavior enables members of a species to survive and flourish; others do not. For instance it is good for a shark but not for a cat to live in water; it is also good for a lion but not for a cow to eat meat (Barcalow, 1994:150). For human beings, reason dictates how they should act and acting in accordance with reason means acting in conformity with nature. Hence whatever is contrary to reason is unnatural and therefore immoral. It is on the basis of this that Aquinas has condemned homosexual practices as special sins which are contrary to nature. According to him, contrary to heterosexual intercourse, which is natural to all animals, is male homosexual union

which has received the special name of the unnatural vice (see Baumgarth and Regan, 1988:47).

The natural law theory of morality has existed in both classical and thomistic forms. In its classical form, Moral laws are conceived as varying from nation to nation and are viewed as positive laws, that is, as laws prescribed by legislative authorities. Hence they are mere artifacts of society and conventions which are not really binding. This conventionalist view, an early cultural relativism, was opposed from the time of Plato and Aristotle to Cicero and beyond. For them, morality is natural not conventional. This is because there is a natural law that must be obeyed whether it is written down by legislative authorities or not (Holt, 2008). On the thomistic account, 'natural law theory is a theory about the relationship between morality and human nature, the theory that who we are determines how we ought to act. There is a way of living that is in accordance with human nature, this kind of natural law theory holds, and morality prescribes that we live such a life' (Holt, 2008). Aquinas understood human nature to be defined by reason and freedom; 'it is our ability to reason and to make our own free choices, after all, that sets us apart from animals. Whereas material objects and animals without free will do by nature, deterministically, as God wills them to do, we who have free will may choose either to play our part in God's plan or not. Reason can tell us what this part is; our purpose is discoverable. With freedom comes responsibility to do as we were made to do' (Holt, 2008).

If we are to tow the path of the classical view of the natural law theory of morality, the implication would be that moral principles are valid relative to a particular individual or society. To this end, same sex marriage will be viewed as morally acceptable relative to the individual who engages in such practice or relative to the group of people who are homosexuals. Since there are no objective standards through

which actions can be assessed going by this classical view, then actions are considered right relative to different standards. Similarly, one may want to argue based on the thomistic account that if human nature is truly defined by reason and freedom, then homosexual acts are actions that consenting individuals of the same sex who are also rational have voluntarily agreed to partake. In this sense, their actions will not be considered contrary to nature because they are acting in accordance with what, in their own view, human nature defines. They may argue that since reason sets the path to follow and that it is only left to them to discover that path, they have chosen to thread the path of being a homosexual which for them is what reason dictates. They may further argue that based on their own understanding and interpretation of the concept of 'the inherent nature of an organism or organisms of the same species acting in accordance with what nature defines', as human beings, it inheres in their nature either as an individual or as a group to be attracted to each other. This is one of the problems of the thomistic account of the natural law theory of morality. But it goes beyond this. There is therefore need to provide a more convincing account of the idea of 'the inherent nature of human beings' so that it will be easier to specify actions that are condemned because they are contrary to the nature of human beings. In order to avoid the double-standard conclusion arrived at by the classical account and to foster a better understanding and interpretation of the idea of 'the inherent nature of human beings', a thomistic approach to the natural law theory of morality will be employed for the purpose of this paper.

Central to the thomistic approach is the claim that what is consistent with moral laws of nature is right and what is not in keeping with these laws is wrong. According to this approach, human beings have reasoning faculties and the Laws of Nature are discernable by human reason. Thus, humans are

morally obliged to use their reasoning faculties to discern what the laws are and then to act in conformity with them. Human beings have a natural drive to eat, drink, sleep and procreate. These actions are in accordance with a natural law for species survival and procreation. But while activities in conformity with such laws are morally good, those that work contrary to them are morally wrong. What can be inferred from this is that the natural law theory of morality derives from a rational deduction of what would be consistent with what appear to reason to be the laws of nature governing human behavior (Pecorino, 2000). What are the laws of nature that provide guidance for human actions? Pecorino highlights some of them as including: the law of survival, the natural action for living things to maintain themselves and to reproduce, and so on (Pecorino, 2000), though some critics are of the view that it is a major problem for this theory to determine what exactly those laws are and how they apply to human circumstances.

From the discussion thus far, one would see why the natural law theory of morality is significant for the homosexuality debate. Dianne Irving (2000) has provided reasons why the natural law theory of morality is useful in many ethical dilemmas. First, natural law ethical theory aids in understanding which human actions are morally right or wrong through the aid of human reason alone without making reference to divine revelation. Also, natural law ethical theory is objectively grounded in what one can describe as our objectively knowable human nature. That is, in what is really good or bad for us as human beings, as individuals and as members of human communities (see Fagothey, 1963: pp. 128-131). Furthermore, the natural law theory of morality is not deduced from non-empirically derived and questionable philosophical premises or religious dogmas, or from variable emotions or personal opinions. For example, it is wrong to use cocaine because our human natures are such that cocaine

seriously harms, sometimes even destroys the body, mind and spirit. It can also seriously harm others close to us as well as to our human society at large. That is just the way we human beings are "made"; and we can know this fact objectively and empirically (Irving, 2000). Because the basic assumptions of natural law theory are proximately grounded on an objectively knowable human nature, they are applicable to all human beings, precisely because we all possess such human nature. The possession of natures which are specifically human is precisely what we all have in common. This is true regardless of time, culture, background, race, sex, religion or political affiliation (Irving, 2000)

Thus, if properly understood and applied, natural law theory should be ideal for our pluralistic society since presumably, we are human beings and that holds at least in common for all. What is fundamentally good or bad for human beings in general will hold for everybody. Although secondary differences must be taken into consideration, the primary precept of the natural law will be the same for everybody by virtue of their common humanity, and these precepts cannot be changed because our human nature and what is objectively and fundamentally good or bad for them cannot change (Irvin, 2000).

However, Fagothey (1963:112) has identified three determinants of human action in natural law ethical theory which not only determine its rightness or wrongness but must be good for an action to be considered good. These are: the act itself, the motive or intention and the circumstances. *The act itself* (what the agent wills) may be good, evil, or neutral (indifferent) by its very nature. There exist acts which in themselves, are always seriously wrong by reason of their object, independent of circumstances (that is, the kind of act willed). Fagothey gave examples of such acts as including:

whatever is hostile to life itself, such as any kind of homicide, genocide, abortion, euthanasia and voluntary suicide; whatever violates the integrity of the human person, such as mutilation, physical and mental torture and attempts to coerce the spirit; whatever is offensive to human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution and trafficking in women and children; degrading conditions of work which treat laborers as mere instruments of profit, and not as free responsible persons; all these acts and the like are a disgrace, and so long as they infect human civilization they contaminate those who inflict them more than those who suffer injustice ... (Fagothey, 1963, 94-98).

There is also the *motive or intention* (consciously willed). This is what the agent wants to achieve by the act, that is, the end, purpose or goal of the action and why the action is performed (may be in order to kill a person, to avoid social disgrace, to ensure better spacing of children, or to cure a deadly disease). Finally are the *circumstances* which are the accidental surroundings of the act which also include the consequences of the act. For instance the act of intercourse with a willing spouse or forcibly with a stranger or one's child; or that there are no other medical treatments available. Going by these three determinants, it is important to note that an action which is evil in itself (by its nature) cannot be made good or indifferent by any intentions, goals or circumstances - no matter how good or praiseworthy these are *per se*. On the other hand, an action which is good in itself (by its nature) can be morally ruined by any gravely bad intentions or circumstances (Fagothey, 1963).

The homosexuality debate and the moral abhorrence of the act

Are homosexual relationships truly contrary to the laws of nature? If the answer is yes, some may want to argue that homosexual practices be condemned completely because it is unnatural. But if one considers the argument of the natural law theory of morality which says that 'each kind of thing or species has its own characteristic way of life and way of behaving that is part of its inherent nature' (Barcalow, 1994:150), then one may be tempted to want to hold that homosexuals are members of the same species in which case one may also want to consider the genetic make-up that characterizes homosexuals which makes it somewhat natural to find members of the same sex attractive. This is because an organism's inherent nature provides norms or standards of what is good for things of that kind (Barcalow, 1994:150). One cannot rule out the possibility of both biological and environmental influences that predispose actors to same sex relationships. Some biological factors which help explain some causes of homosexuality include hormonal differences, DNA traits, as well as the size of the hypothalamus in comparison between a homosexual man and a heterosexual man. In an attempt to attribute the causes of homosexual behavior to nature, Ashleigh (2012) made reference to the experiment conducted by D.F Swaab in 1900 which became the first experiment to document a physiological difference in the anatomical structure of a homosexual person's brain. While conducting post-mortem examinations, Swaab discovered that a portion of the hypothalamus was structurally different in a homosexual person's brain than in a heterosexual person's brain; finding that the suprachiasmatic nucleus (SCN), a small portion of the hypothalamus was generally twice as large as the suprachiasmatic nucleus (SCN) in heterosexual males.

Ashleigh further explains that as at the same time Swaab conducted his experiment, another scientist, Laura Allen, made a quite similar discovery in the hypothalamus also; finding that the anterior commissure (AC) of the hypothalamus was also significantly larger in the homosexual subjects than that of the heterosexuals (see Ashleigh, 2012). The centrality of Ashleigh's argument is that homosexual and heterosexual men differ in the central neuronal mechanisms that control sexual behavior. The difference in anatomy was no product of upbringing or environment, but rather pre-natal cerebral development and structural differentiation. Homosexuality is therefore caused by a person's biological and genetic foundation because it has to do with brain anatomy and genetics and this further explains why sexual orientation is not due to environmental factors.

Contrastively, some social scientists are of the opinion that homosexual behaviors are consequences of environmental factors. For these people, homosexuality is essentially the primary responsibility of the social and cultural environment in which individuals find themselves. Family influences shape us at those influential stages in our life which determine our ways of life predisposing us to certain sexual orientations be it heterosexual, homosexual or bisexual. Just as variables of the family process are predictors of child adjustment so also do family support has a crucial impact on adolescent health and adjustment (See Rhon, 2012). The primary task of parenting lies in the ability to nurture and protect one's child. Children have different upbringings, education, religions and culture, psychosocial backgrounds, socio-economic attributes and emotional or traumatic events, which impact and mold who and what that child is and the way in which the parents or parent copes with these challenges is reflected on their child. For that reason, the qualities of the relationship are better

predictors of child adjustment than variables of family structure (See Rhon, 2012)

Homosexuality is an issue that concerns both Muslims and Christians because both religions share almost the same values. What are the concerns of these religions as they relate to the homosexual debate? The Bible and the Qur'an have rejected homosexual practices not only on religious grounds but also on grounds of not conforming to what one can describe as appropriate human sexual expression. What constitutes appropriate human sexual expression and how does one describe it? Responding to this question, Thomas Schmidt (1995) opines that a fundamental problematic underlies the controversy regarding the homosexuality debate and in order to have a proper understanding of this problematic, it is important to analyze what appropriate human sexual expression would be. The creation account of Genesis 1–2 and its later use by Jesus has been viewed by some authors as significant in establishing how an appropriate human sexual expression ought to be (see Schmidt, 1995: 43).

Complementing Schmidt's account, Ted Grimsrud (2012) opines that our understanding of appropriate human sexual expression should follow from Genesis particularly its emphasis on creation which serves to make four crucial points regarding sexuality. These are: that reproduction is good, that sex is good, that marriage is good and that male and female are necessary sexual counterparts (See Grimsrud, 2012 and Schmidt, 1995: 43). The implication of these for the homosexuality debate is that same sex sexual relationships are problematic not only because this act reflects an implicit rejection of the very order of creation (which consequently implies a rejection of God), but also because it undermines the sanctity of opposite-sex marriage. Because it is implicit in homosexual acts that a different expression of sexuality outside of the God-created intent for human beings is good

(Schmidt, 1995:48), such a rejection of God's will has become unacceptable for all Christians who accept the authority of the Bible. Leviticus 18:22-23 and 20:13 express the most direct teaching in the Old Testament proscribing same-sex sexual relationships. Leviticus 18:22 says 'you shall not lie with a male as with a woman. It is an abomination' while Leviticus 18: 23 says: 'Nor shall you mate with any animal, to defile yourself with it. Nor shall any woman stand before an animal to mate with. It is perversion' (Graham, 2003:133). Similarly, Leviticus 20:13 says that: 'If a man lies with a male as he lies with a woman, both of them have committed abomination. They shall surely be put to death. Their blood shall be upon them' (Graham, 2003:136). The main reason the Bible speaks so clearly about sexual activity which does not occur within the context of opposite-sex marriage is, in Schmidt's view, because illicit sexual activity is understood to be a threat to the very social foundations of the Bible's faith communities. Hence, if God's intent for opposite-sex marriage is the only appropriate context for sexual relationships, then the denials of the exclusivity of this context implicit in same-sex relationships means rejecting God (Grimsrud, 2012).

Providing a similar account to that offered by Grimsrud and Schmidt, Richard Hays (1996) explains that 'the practice of same-sex sex may be understood as a type of "sacrament" for the contra-faith of those who reject God as creator and ruler of the universe. Faith in God includes, by definition, an acceptance of the order God has created and 'to blatantly deny the exclusive normativity of male/female sexuality *is par excellence*, an expression of the refusal to honor God as God' (Hays, 1996:386). Speaking in a similar vein, Stanley Grenz (1998), opines that 'our direction as human beings may be seen in the fact that God created human beings as male and female' (Genesis 1:27). Also, Genesis 2:18 tells us that 'simply as male, the first human being was incomplete. To be complete

therefore, human living must include both sexes, different from one another and yet complimentary' (Grenz, 1998: 103). Grenz (1998) describes sexual intercourse as an act that has profound symbolic meaning with three fundamental messages as its core. First, sexual intercourse symbolizes the exclusive bond between husband and wife – reflecting the biblical confession that the person of faith has an exclusive bond with God. It also symbolizes the mutuality of the marriage relationship – each partner finding pleasure in the intimacy and seeking to foster the other's pleasure. Lastly, sexual intercourse symbolizes the married couple's openness to new life emerging from their relationship through the birth of children (Grenz, 1998: 108). Grenz stresses that legitimate and appropriate sexual intimacy must always be symbolic in these ways, and that the institution of marriage is meant to foster such rich symbolism. In doing so, marriage serves as a crucial element in the life of the faith community (Grimsrud, 2012). If this is the case, then same-sex covenant relationships simply cannot share in the richness of this symbolism. The conclusion to be drawn from this is that same sex covenant relationships among Christians should not be allowed because they devalue the sacred institution of marriage.

In spite of the above arguments, there are also arguments making a case for homosexual practices. As quoted by Ted Grimstrum (2012), Daniel Helminiak (1994: 32) for instance argues that regarding present day issues, we must not draw strong conclusions about the applicability of biblical texts. This according to him is because we do not have adequate historical background to determine what the texts meant to their writers when they wrote them and even first readers. This uncertainty he says, applies to many biblical texts that appear to address issues of same sex sexuality. Helminiak further argues that when properly examined, biblical teachings concerning same sex sexuality as seen in the Bible was not

addressing the same type of relations that are under scrutiny in today's context. According to him, 'the Bible did not know of homosexuality as a sexual orientation; only of homogenital acts. Hence, it gives no answer about spontaneous affection for people of the same sex and about the ethical possibility of expressing that affection in loving, sexual relationships' (Helminiak, 1994:33). In Helminiak's view therefore, an action is only wrong for a reason, not simply because a Bible verse seems to label it as such. It follows therefore that if the reason for which it is wrong no longer holds and no other reason is given, then it cannot be judged wrong (Helminiak, 1994: 33)

However, although male/male sex or relationship is described as an abominable act in Leviticus 20:13, by abomination, Helminiak understands it as meaning impurity or the violation of a taboo. It is not something wrong in itself, a sin. It is a ritual violation (Helminiak, 1994:52). Helminiak's conclusion therefore is that the focus in Leviticus is on practical, historically-particular concerns. The prohibition against male/male sex in Leviticus must not be seen as a timeless, absolute prohibition. Rather, it is time and context bound. Lending credence to Helminiak's position, Myers and Scanzoni (2005) opine that the Bible does not use the actual word "homosexuality". The few references to same sex sexual acts takes into cognizance other kinds of related problems such as idolatry, violent rape, lust, exploitation and promiscuity. The Bible seems to have no awareness of our contemporary understandings of homosexual orientation or the possibility of covenanted same-sex partnerships (Myers and Scanzoni, 2005, 84-85). It is as a result of this that Grimstrum (2012) sounds a note of caution. According to him, to force people of same sex who are attracted to each other to enter into heterosexual marriages may be highly problematic. In doing this, a significant number to people may be consigned to lives that will be less fulfilling and fruitful than they could be. Similarly,

Myers and Scanzoni (2005) opine that the notion of innate sexual differences and the need for heterosexual marriage to provide the context for a needed complementarity that uniquely allows for human wholeness in practice, tends to foster a continued attitude of the dependence of women on men for their completeness (Myers and Scanzoni, 2005:111). Such approach according to them hinders everyone's call to be whole persons who can develop both their active and affective sides. In a similar development, Rogers (2006:65) argues that the Bible's condemnation of sexual contact between two men reflects historical cultural assumptions that saw such conduct as a confusion of sex roles; assumptions totally ignorant of what we understand today to be the innate sexual orientation of many who are attracted to those of the their same sex.

Having examined arguments making a case for homosexual acts, one may want to know whether the Leviticus is reflecting an underlying, universal, creation-based principle as the basis for the prohibition of male/male sex, or whether it is reflecting instead time-bound contextual concerns that no longer are directly relevant for Christians (Grimstrum, 2012). Rogers (2006) respond by stressing that:

Although the Bible's strongest anti-male/male sexual relationship statements are found in the book of Leviticus, the cultural context for those statements then was the need Israelites felt for strong cohesiveness as a means of sustaining their identity as a people in relation to the Egyptians and Canaanites. A major aspect of maintaining this separation was to avoid "mixing" in any way with Canaanites and their social and religious practices. The need not to mix came to apply to a wide range of behaviors, not having more than one kind of seed in a field and not having more than one kind

of fabric in one's clothing. For two men to have sex would be to mix sex roles, one taking on the role of a woman, thus crossing a cultural boundary in intolerable ways. Thus, the condemnation of male/male sex in Leviticus applied to a specific cultural context. It was not a timeless, absolute directive (Rogers, 2006: 72).

Apart for the religious tenets of Christianity, Islam also forbids homosexual behavior. There are two major references to homosexual behavior in the Quran although there are also other related ones. The two main references are Qur'an 7: 80-81 and 26:165. In Qur'an 7: 80-81, Allah explains that "We also sent Lut : He said to his people : "Do ye commit lewdness such as no people in creation (ever) committed before you? For ye practice your lusts on men in preference to women: ye are indeed a people transgressing beyond bounds." (Qur'an 7:80-81). Similarly, Qur'an 26:165-166 holds that "Of all the creatures in the world, will ye approach males, and leave the whom Allah has created for you to be your mates? Nay, ye are a people transgressing (all limits)!". Other verses include Qur'an 27:55 and 29:28-29. Qur'an 27:55 holds that 'Would ye really approach men in your lusts rather than women? Nay, ye are a people (grossly) ignorant!' while Qur'an 29:28-29 says 'And (remember) Lut: behold, he said to his people: "Ye do commit lewdness, such as no people in Creation (ever) committed before you. Do ye indeed approach men, and cut off the highway and practice wickedness (even) in your councils?" But his people gave no answer but this: they said: "Bring us the Wrath of God if thou tell the truth".

Also in the *hadith*, mention was made of same sex gay and lesbian acts. The *Hadith* are collections of sayings attributed to Muhammad (S.A.W). Many Hadiths (ahadith) discuss liwat (sexual intercourse between males). Two examples are: "When a man mounts another man, the throne

of God shakes" and "Kill the one that is doing it and also kill the one that it is being done to" (referring here to the active and passive partners in homosexual sexual intercourse) (www.thereligionofpeace.com). Just as mention was made of gay acts, so also was there at least one mention of lesbian behavior in the Hadith: "Sihag (lesbian sexual activity) of women is zina (illegitimate sexual intercourse) among them." (www.missionislam.com). As narrated by Abu Sa'id al-Khudr, 'the Prophet (S.A.W) said: A man should not look at the private parts of another man, and a woman should not look at the private parts of another woman. A man should not lie with another man without wearing lower garment under one cover; and a woman should not lie with another woman without wearing lower garment under one cover. (Abu Dawood) (see www.missionislam.com).

Similarly, as narrated by Abu Hurayrah: 'the Prophet (S.A.W) said: A man should not lie with another man and a woman should not lie with another woman without covering their private parts except a child or a father' (Abu Dawood) (See www.missionislam.com). Also, Abu Dawud (4462) reports that: The Messenger of Allah (peace and blessings of Allah be upon him) said, "Whoever you find doing the action of the people of Lot, execute the one who does it and the one to whom it is done." Again, Abu Dawud (4448) narrates that "If a man who is not married is seized committing sodomy, he will be stoned to death." (Note the implicit approval of sodomizing one's wife). Bukhari (72:774) also reports that "The Prophet cursed effeminate men (those men who are in the similitude (assume the manners of women) and those women who assume the manners of men, and he said, 'Turn them out of your houses' The Prophet turned out such-and-such man, and 'Umar turned out such-and-such woman." Finally, Al-Tirmidhi, Sunan 1:152 reports that Muhammad said, "Whoever is found conducting himself in the manner of the people of

Lot, kill the doer and the receiver."
(www.thereligionofpeace.com)

It is pertinent to note that both Christianity and Islam are religions that regulate the lives of African people and they derive their values from both religions. In Islam for example, it is often said that even though this religion allows some latitude to ponder and reconsider some issues, homosexuality is clearly and explicitly condemned by the Quran (see Qur'an 7:80-83, 11:77-79). The Prophet and his progeny once said, 'when we have a conflict with the Quran, which is the word of God verbatim, we do not ask where the Quran went wrong but rather why are we, limited beings, in conflict with the wisdom of the absolute, God Almighty' (www.missionislam.com). What follows from this is that Muslims do not make up their religion but receive and obey it. This is not to say that Muslims hate the homosexual person but rather that they find the behavior morally repugnant. Their interests lie in helping those who have these tendencies or practice such behavior and at the same time showing love and care. This has become imperative because everything has been created in pairs by God and each is endowed with physical and psychological characteristics to complement and complete one another. The Quran chapter 4 verse 1 for instance states that 'human beings have been created from one living entity (nafs) which represents the origin of both the male and the female. The human species though has included male and female since its existence. The "mating" or "spousing" of male and female sexes is original in human nature and out of this instinctive relationship the human race develops, continues and spreads'. Also, 'between the two sexes a gravitating combination of love, tenderness, and care is engendered, so that each finds in the other completeness, tranquility, and support' (Quran 30:21). This is because 'having children and loving them represents another fulfillment of human nature (Quran 42:49-50)' and 'it is

through this spousal complementation and completion, that each spouse achieves comfort, and enjoys peace of mind, satisfaction, and fulfillment. These relationships extend beyond the physical sexual contact and to psychological, spiritual relations' (Quran, 7:189). However, the blessings of this completeness are not the end of such accomplishment:

They continue and develop through bringing forth children, raising them, and providing the whole family with material, emotional, and moral needs. The pleasures of completion and procreation may well be extended and multiplied, when one is granted grandchildren, who not only represent genealogical continuation, but are also a dynamic revitalization of the human race. Such physical-psychological-spiritual development through spousing and mating, followed by procreation which may continue for more than one generation, ought to lead every sensible human being to be grateful to God for His successive and multiplying favors with his own family throughout his lifetime. Such persons and their happy veritable families would be models for the whole society (Quran 25:72) (see www.missionislam.com).

The above indented quotation tends to make one want to know whether homosexual act is in any way beneficial to humanity at large. In what way (s) is this act likely to advance or retard humanity? Even if there is a genetic propensity towards homosexuality as some would claim, the nobility of the human spirit can overcome it. Some people may have a strong urge to have a homosexual contact, a heterosexual contact with one other than one's own spouse, or to steal or kill. The nobility of the human spirit is to resist all these and

this is what elevates human beings to a greater status above that of animals.

It is interesting to note that both Islam and Christianity as religions are committed not only to upholding the family unit and its values but also to protecting it as one of the most important and socially viable nucleus of any society without neglecting the need to maintain a balance between the rights of individual and society's wellbeing. Both religions place a higher value on society's wellbeing than an individual's right to actively promote counter values that will ultimately damage the society at large (www.missionislam.com). Members of a particular society have the right to resist the introduction of any value that is likely to constitute a threat to the wellbeing of its members and ensure the protection of certain important values against such an onslaught. This resistance should never be an aggression against any individual or groups, but a firm and principled stand against the counter values being promoted, while promoting those important values with conviction but in a subtle manner within the society. In what way (s) has the Yoruba culture been able to collectively promote some of these values and counter the threat of homosexuality?

Values placed on the institution of marriage and procreation in the Yoruba culture

An important moral question to be raised in the homosexuality debate is: when two people of the same sex interact to produce orgasms, what are the likely benefits of such relationship? Homosexual practice is often considered a morally abhorrent act in many countries particularly in Africa where the purpose of orgasms is not only for sexual gratification but also to produce offspring. Certain values are placed on marriage and procreation in Africa. According to Alexander Abasili,

Marriage and procreation are intertwined and inseparable in Africa. It is almost always presumed that readiness for marriage is readiness for procreation; to get married is an opportunity to contribute freely, through procreation, to the survival of the lineage and society at large. During marriage (both traditional, Islamic and Christian), one of the most appreciated and common gestures of good-will shown to the newly married couple is praying for them for the fruit of the womb: 'may God grant you many children', 'you shall give birth to male and female', 'in nine months we shall gather to celebrate the birth of your baby'. In these wishes, both the societal perception of marriage and the use of sexuality in marriage as primarily geared toward the begetting of progeny are encapsulated (Abasili, 2012).

From the above, one would see that the significance of marriage and procreation cannot be underestimated in many African societies. Traditionally, the purpose of marriage was procreation. Children were regarded as the seal of marriage. Parents had the role of looking after the well-being and development of their children, yet the whole community shared responsibility for child rearing (Gecaga, 2007). To this end, a sociologist has stressed that:

In traditional African society there was a procreative emphasis on marriage due to the value attached to children. Marriage was believed to be divinely instituted and sanctioned. Child bearing was a sacred duty that had to be carried out because transmitting life meant sharing in the divine prerogative of creation itself. In some countries like Uganda, the name of God is often made part of the children's name. For example,

ByaKatonda means 'for or by the creator'. This shows how people associated God with the continuation of life through the birth of children. Moreover, children served to perpetuate the family name and maintain the link between ancestors and the living. A woman's status in society was determined by the children she bore and her entire life was centered on them (Gecaga, 2007).

Because marriage rites are followed so strictly in Africa, African marriage rites are considered very important to the African people. Marriage symbolizes the beginning of a new life:

In African Traditional Religion, marriage is a cherished fecundity and is intended for procreation. Marriage involves not only interpersonal relations but also intercommunity relations. The survival of kinship in the social structure depends on marriage; marriage always establishes very strong bonds between the individuals belonging to different families and clans, especially when children are born. When a community seeks out a wife or a son-in-law, they look for one that lives up to their expectations; a person with good moral qualities, industrious in physical work, respectful towards their elders and a good reputation. Physical attractiveness doesn't matter as much as the community's expectations. Fertility is the central requirement in marriage (www.wowessays.com).

The purpose of marriage is the social reproduction of the kinship group. The entire community, including living and deceased, are involved in the marriage process. There are certain rituals and taboos that must be observed in regard to marriage. Respect of in-laws and the observance of distance

between in-laws, just to name a few. Prayers and sacrifices are offered to the ancestors on behalf of the groom and the bride. Fertility and healthy deliveries are prayed for. A marriage ceremony takes place over a certain period of time. There are stages of marriage which differ from community to community. But the basic stages include: friendship between the groom and the bride, courtship though this may not be needed in some communities and finally, the marriage proper which involves paying bride price to the bride's family. Once a child is delivered after the marriage, the marriage is complete. Through the birth of a child, the marriage union is complete and a husband and wife belong completely to one another. This consequently seals the bond between the two families and communities. Life in African communities is when the husband and the wife are together, alone one is considered an animal (www.wowessays.com).

The Yoruba culture places great value on the need to marry and procreate. The homeland of Yoruba culture is West Africa. This homeland spans the four West African countries of Nigeria, Benin Republic, Togo and Ghana (Abimbola, 2006:35). The Yoruba people occupy the southwestern part of Nigeria with an estimated population of fifteen millions in Lagos and thirty five million in southwestern parts of Nigeria due to their large concentration (Abimbola, 2006:35). There are many stories, myths and legends in the sacred text of Yoruba religion (Ifa) which serve to explain that Ile-Ife is the place where the earth and all its inhabitants were created. Although their language is mainly Yoruba, there are over fifty different dialects of Yoruba language in West Africa and the diaspora.

The preference for marriage and procreation among the Yoruba has been discussed by Oyeronke Olajubu (2012) who also describes the essence of sex in this culture in her work: *A social-cultural analysis of celibacy among the Yoruba*.

According to her, the proper use of sex aims at just one goal: to have children and this is done in order to ensure continuity of the human race. Sex is recognized as a gift from the creator to both men and women, but its use is monitored to avoid abuse. The Yoruba do not attach any form of guilt to sexual feelings except where they are not properly utilized, such as in incestuous relationships or when they violate specific religious values such as sex on the bare ground or in the afternoon (Olajubu, 2012). Similarly, the Yoruba would frown at same sex relationships mainly because this is contrary to values which are highly valued among them. One can add that the high value placed on marriage and procreation accounts for why homosexual act is often seen as highly degrading and abominable among the Yoruba. Such act is likely to subvert and damage certain traditional African socio-cultural values and practices particularly as they relate to marriage and procreation in Yoruba land.

Marriage is the prescribed setting for the exercise of human sexuality among the Yoruba (Olajubu, 2012). In order to further illustrate the importance of marriage in the Yoruba society, Olajubu explains that:

Marriage is a duty expected of all adult male and female members of Yoruba society. Marriage is one of the characteristics of a mature person, because to be unmarried is perceived as a feature of childhood, irrespective of the individual's age. Marriage conveys a status of responsibility, which may not be true of an unmarried person. This status at marriage is manifested at different levels for the male as well as the female. For the Yoruba woman, marriage is an indication of her maturity because she is able to change residence from her father's house to that of her husband. In addition, it shows her ability to manage both human and

natural resources. Also, it bestows on her the privilege to belong to the league of mothers. Marriage for the man is an indication of maturity because he now becomes a provider and guardian of others in the family.... Again, the status that marriage bestows on both male and female in Yorubaland transcends this life into the hereafter because on it hinges the phenomenon of the ancestors. Marriage is a rhythm of life in which everyone must participate: the ancestors, the living, and the yet unborn. (Olajubu, 2012).

Marriage and procreation are inextricably linked in the Yoruba culture. For instance a typical Yoruba would say *omoniyi* (having a child is prestigious), *omoboni* (metaphorically, children are like coverings, they are assurances in old age), *omolayo* (children symbolizes happiness), *omo l'eere aye* (children are one's gain on earth). Children are so important in Yoruba culture because according to them, *Bi okete ba d'agba*, *omu omo re nii maa mu* (literally meaning when a squirrel grows old, it sucks from the breastmilk of the child. *Okete* here is used metaphorically to mean human beings and *omu* here is used to denote things like food, clothing, shelter and all other necessary things needed to take care of the elderly especially at old age. A child is expected to take care of the elderly at this stage of life; this defines one of the essences of procreation. A typical Yoruba values children more than any other material possession. This is often expressed in a proverb that says: *bi a l'ogun eru*, *bi a l'ogbon iwofa*, *omo eni ni omo eni* (if a person has twenty slaves and thirty pawns, his child will always remain his child. It is in a similar vein that Oyeronke Olajubu explains that:

Having children is essential in Yoruba marriages. Children are the glory of marriages, and the more there are of them the greater the glory. The

significance of having children is frequently recorded in Yoruba oral genres including songs, stories, proverbs, dictums, and dirges. Examples of some sayings on the importance of procreation in Yoruba oral genres are: *omoniyi*, *omonide*, *omol'aso*, *omoni i wo 'le de nil'ojo ale*, meaning “children guarantee prestige,” “children are as brass,” “children are cloths (because they shield parents from shame),” “children take care of the house (concerns) for parents in old age and after death.” (Olajubu, 2012)

For the Yoruba, the need to sustain the family lineage through procreation is important. This is why a typical Yoruba would describe a childless married male or female as *olori arugun* (*first in the line of destructive beings*) because according to them, *Eni a bi, t'iko bi eniyan, olori arungun ni* (whosoever is given birth to by a human being and yet fails to give birth to somebody is the leader of a group of destructive beings). The Yoruba believe that a childless person (the cause of which may be voluntary or non-voluntary is heading towards destruction). Destruction in this context has to do with the family lineage. This implies that the person is gradually tending towards the elimination of his/her family lineage hence it is advisable to procreate to avoid this. The Yoruba would say for instance that: *esin ku o fi iru s'aiye* (when a horse dies, he leaves his tail in the world). This proverb is often used to refer to a man who is dead but left a child who can deputize for him.

This is not to say that all children take care of their aged ones. It is interesting to note that even some successful children for one reason or the other, do not take care of their aged ones. For such children, proverbs like *akuku bii san ju rada rada* (to be childless is better than a useless/worthless child) are often used to describe them. This is not a common phenomenon though, but in situations where we have children

like this, they can be called to order by well-respected members of the community. This is made possible because the Yoruba society is communitarian in nature. Also, the fact that people have children in their early days does not mean such children will live till they are old. Advice like: *omo ko l'ayole, eni omo sin l'o bimo* (one cannot rejoice at the instance of having a child, it is the person who is buried by a child that actually has a child) are often used to caution couples who are childless and are also desperate to have children.

However, with particular reference to the institution of marriage, the Yoruba believe that human beings are not homosexuals by nature and this accounts for the value placed on the institution of marriage. For instance sayings like: *a ki i dagba ma l'aya, ibi aye bagbe banil'a a je e*, (a man must marry a woman no matter how late in his life time), *foforo foforo imu iyawo, oya ju iyara ofifo lo*, (it is better to marry an ugly woman than to have an empty house), and *gogoro bi agba, a to bale ma l'obirin* (an adult male who refuses to have a wife reduces himself to the level of a young inexperienced boy) all serve to explain the importance of the sacred institution of marriage in Yorubaland. Also, prayers like *eyin iyawo koni mo eni* (the wife's back will not be so familiar with where she sleeps) are often used to wish the couple well after marriage. The expectation is that she gets pregnant soon after the marriage ceremony. If it turns out otherwise, then this means there is a delay in her ability to get pregnant the implication of which is that the wife's back will become familiar with where she sleeps.

The Yoruba expressions thus far serve to explain not only this culture's preference for marriage and procreation in particular but also African preference in general. This is not to say that other cultures do not value marriage and procreation but in Africa, such value is so high that a childless marriage is considered a misnomer. Godfrey Tangwa (2012) puts this in

perspective when he explains that the value placed on procreation differs across culture. For him,

Procreation is a value for human beings in general and within all human cultures. But the ways and manner in which this value is manifested and expressed differ from place to place, from culture to culture, and these differences can be used as a rough gauge of the extent or magnitude to which the value is affirmed or upheld against competing values. There is no part of Africa where children are not greatly valued and where, as a consequence, large families do not exist or polygamy is not practiced. Children are so highly valued in Africa that procreation is everywhere considered the main purpose of marriage and the main cause of, if not justification for, polygamy and other forms of marriage which may be considered more or less strange from the perspective of other cultures. Conversely, childlessness remains the main cause of divorce, as a childless marriage is considered to be equivalent to no marriage at all (Tangwa, 2012).

Interestingly, many have argued that procreation should not be viewed as the only essence of marriage; companionship also gives marriage its meaning. Such minimalist account of marriage will only succeed in reducing marital sexual intercourse to its procreative functions only, which, according to some, is equivalent to ‘animalistic perception of the use of sexuality’ (Abasili, 2012). Consequent upon this, Waite and Gallagher (2000) has explained that defining marriage solely on the basis of its procreative function strips marriage of some of its vital aspects and meaning (Waite and Gallagher, 2000: 79). Companionship and mutual assistance between married

partners is a vital purpose of marriage that also deserves attention. The companionship of married couples rooted in love constitutes enough grounds for happy married life even without children. With love for each other, married couple can also enjoy sex that is noble, and both emotionally and physically fulfilling because such pleasure is also part of marital or conjugal love and life.

Granted that procreation is not the only essence of marriage, these values are no doubt cherished by a typical Yoruba. It is against this background that Alexander Abasili explains, following Lucy Mair (1969), that the basis of African emphasis on procreation 'is that the religious values associated with sex are concentrated on procreation and not on sexual activity as such' (Mair, 1969:3). This accounts for why, for the Yoruba people, sex between married couples is seen primarily as an act of procreation not mere satisfaction. Hence the practice of voluntary childlessness among couples in some parts of the world in which couples for various reasons voluntarily abstain from having children, is foreign to many African culture particularly Yoruba culture. When applied to the homosexuality debate therefore, the implication is that both men and women are not expected to remain unmarried not to talk of engage in same sex relationships or marriage. This accounts for why childless couples are sometimes subjected to family pressure. The parents and the relatives of such couples will consistently reiterate the consequences of dying childless or without an heir. To avoid this type of pressure, some men either divorce their wife or marry another that can give them a child or go into polygamy, while for women, some of them resign to fate or opt out of the marriage.

Conclusion

Thus far, this paper has examined the debate surrounding homosexuality as an act. It drew on the natural

law theory of morality to explain that homosexuality acts are morally wrong because according to this theory, it is morally right for an organism to act in accordance with its inherent nature and if this is the case, then any act (homosexuality inclusive) that is contrary to human nature and reason is forbidden and therefore wrong. The paper further argued that there is need for a more plausible account of what constitutes human nature otherwise homosexuals might want to argue that it conforms to their nature to be attracted to the same sex. In this sense, they may appeal to biology as being responsible for their act over which they have no control. The paper made reference to some nature and nurture arguments as ways of making a case for homosexual behavior but argued at the same time that because Islam and Christianity share almost the same moral values, certain religious considerations are important in the homosexuality debate. It underscored the fact that homosexual behavior runs contrary to the values of marriage and procreation which are held in high esteem by many African culture particularly the Yoruba culture. As a way of concluding the paper, it stressed that same sex marriage is morally unacceptable in many African communities because it devalues the foundation of not only the Yoruba communities but other religious communities.

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References

- Abasili, A.I., (2012): 'Seeing Tamar through the Prism of an African woman: A Contextual reading of Genesis 38'. Available online at: <http://home.medewerker.uva.nl/a.brenner/bestanden/Abasili.pdf>. Retrieved, 25th September.
- Abimbola, K., (2006), *Yoruba Culture: A philosophical Account* (United Kingdom: Iroko Academic Publishers).
- African Marriage, (2012), Available online at: <http://www.wowessays.com/dbase/af1/nyv25.shtml>. Retrieved 25th September.
- Ashleigh, (2012), 'Homosexuality Debate: Nature or Nurture'. Available online at: The Philosopher's Zone, News and Views: Law, Philosophy and Psychology <http://www.philosopherzone.com/homosexuality-debate/nature1/>. Retrieved, 18th September.
- Barcalow, E., (1994), *Moral Philosophy: Theory and Issues*, (California: Wadsworth Publishing Company).
- Baumgarth, W., and Regan, S.J., (eds.) (1988), *St. Thomas Aquinas on Law, Morality and Politics*, (Indianapolis, IN: Hackett)
- Fagothey, A. (1963), *Right and Reason* (2nd or 3rd editions only) (St. Louis: The C.V. Mosby Company).
- Fox, R.M., and DeMarco, J.P., (1990), *Moral Reasoning: A Philosophic Approach to Applied Ethics*, (U.S.A: Holt, Rinehart and Winston, Inc.).
- Gecaga, M., (2007), 'The Plight of the African Child: Reflections on the Response of the Church'. *Studies in World Christianity*, Volume 13, Number 2, pp. 142-159
- Graham, M., (ed.) (2003), *Women of Faith Devotional Bible: A Message of Grace and Hope for Everyday* (U.S.A: Thomas Nelson Publishers)
- Grenz, S.J (1998) *Welcoming but Not Affirming: An Evangelical Response to Homosexuality*. (Louisville: Westminster/John Knox Press, 1998).
- Grimrud, T., (2012), 'The "Homosexuality" Debate: Two Streams of Biblical Interpretation'. *Peace Theology*, Available online at: <http://peacetheology.net/homosexuality/thehomosexuality-debate-two-streams-of-biblical-interpretation/>. Retrieved 18th September.
- Hays, R.B., (1996) *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics*. (San Francisco: HarperSanFrancisco).
- Helminiak, D.A (1994), *What the Bible Really Says About Homosexuality*. (San Francisco: Alamo Square Press).
- Holt, T., (2008), 'Philosophy of Religion: Natural Law Theory'. Available online at: <http://www.philosophyofreligion.info/christian-ethics/natural-law-theory/>. Retrieved, 20th September, 2012.

Irving, D.N (2000), 'Abortion: Correct Application of Natural Law theory'. Available online at:http://www.lifeissues.net/writers/irv/irv_08natlaw.html Retrieved 15th September, 2012.

Islam and Homosexuality: A Collection of Articles dealing with this subject: The Qur'an and Homosexuality: Available online at: <http://www.missionislam.com/knowledge/homosexualitymy.htm> Retrieved 20th September.

Mair, L., (1969) *African Marriage and Social Change* (London: Frank Cass).

Myers, D.G and Scanzoni, L.D., (2005) *What God Has Joined Together? A Christian Case for Gay Marriage* (San Francisco: HarperSanFrancisco).

Olajubu, O. (2012), 'A Social-Cultural Analysis of Celibacy among the Yoruba: Oyo Alafin's Servants as a Case Study'. Available online at: www.unilorin.edu.ng/publications/olademoo/OYERONKE. Retrieved 20th September.

Pecorino, P.A (2000), 'Divine command theory and Natural Law Theory'. Available online at:http://www.qcc.cuny.edu/socialsciences/ppecorino/INTRO_TEXT/Chapter%208%20Ethics/Natural_Law_Theory.htm. Retrieved, 15th September 23, 2012

Rhon (2012), 'Homosexuality Debate: Nature or Nurture'. Available online at: The Philosopher's Zone, News and Views: Law, Philosophy and Psychology: <http://www.philosopherzone.com/homosexuality-debate/nature1/>. Retrieved, 18th September.

Rogers, J., (2006), *Jesus, The Bible, and Homosexuality: Explode the Myths, Heal the Church*. (Westminster: John Knox).

Schmidt, T.E (1995), *Straight and Narrow? Compassion and Clarity in the Homosexuality Debate* (Downers Grove, IL: InterVarsity Press).

Tangwa, G., (2012), 'Art and African Sociocultural Practices: Worldview, Belief and Value Systems with Particular Reference to Francophone Africa'. Available online at: http://www.gobata.com/files/art_african_sociocultural_practices.pdf. Retrieved 15th, September.

Waite, L.J and Gallagher, M., (2000), *The Case for Marriage: Why Married People as Happier, Healthier, and Better Off Financially* (New York, NY: Doubleday).

What does the religion of peace say about homosexuality?. Available online at:

<http://www.thereligionofpeace.com/Quran/026-homosexuality.htm>.

Retrieved, 20thSeptember.