

IMPLICATION FOR FLETCHERIAN LOVE TO ASSISTED REPRODUCTION AND SURVIVAL OF HUMANITY.

By

Paschal Chinonye Anaeke
Department of Philosophy
University of Lagos, Nigeria.
E-mail: anaekepas@gmail.com
Phone: +234-8033881433

Abstract

This paper examines Joseph Fletcher's concept of love and its implications for assisted reproduction (AR) and the survival of humanity. Fletcher, in his seminal work, *Situation Ethics: The New Morality* (1966), suggests that love is pivotal to the morality of human action. Thus, actions inspired by love are morally praiseworthy and ought to be recommended. This work tries to analytically decipher the import of love in Fletcher and how such love-inspired ethics could be applied to resolve conflicts concerning the morality of AR. A case is made for a situational approach to ethical reasoning when human continuity is threatened by the problem of infertility. And this, based on situational exigencies, makes the need for AR a viable ethical alternative when natural means of procreation proves unfruitful. Proponents of the need for robust control of population explosion seem to be carried away by the narrative of overpopulation and consider talks about infertility as irrelevant viewing from the macro level. However, a more humane understanding of the prevalence of infertility is possible when viewed from the micro level taking cognizance of familial and cultural considerations. Despite some rebuttals of AR as demeaning parenthood and procreation, the paper argues that the evolution of society and the need for sustaining humanity make AR an act of beneficence and legitimate means of making babies. Thus when human continuation is imperiled, procreative intervention to preserve the human species ought to be seen as both therapeutic and ethical.

Keywords: Assisted reproduction, ethics, Fletcher's love, infertility, therapeutic.

Background

Joseph Fletcher (1905-1991), an American Episcopal priest is the proponent of the situational approach to ethical evaluation. In his seminal work, *Situation Ethics, The New Morality*, (1966), makes a case for a careful understanding and discernment of ethical situations before arriving at an ethical decision. In his view (1966:43), supposedly inspired by his Christian background, he exalted the norm of "love" as the measure or standard denominator which qualifies an action or ethical decision as either right or wrong. In other words, his concept of "love" is the principal determinant of the morality of an action.

...love is not something we have or are; it is something we do. Our task is to act so that more good (i.e., loving-kindness) will occur than any possible alternatives; we are to be "optimific" to seek an optimum of loving-kindness. It is an attitude, a disposition, a leaning, a preference, and a purpose (Fletcher, 1966:61).

This paper thus seeks to critically understand what Fletcher's concept of love, as an attitude of mind, consists in and how it could be applied to solve human problems relating to

childlessness and the need for assisted reproduction. A convincing reply to such questions about the import of Fletcher's concept of love will go a long way to enhancing deep comprehension of the place of love in ethical decision-making. In Fletcher, love could be seen to connote a manifest act of goodwill towards others. It represents an attitude of the mind to act in beneficence towards others. It is worthy of note here that Fletcher does not abhor rules or precepts but he sees them as guides that could be set aside if they are at variance with the demand of love in any particular circumstance.

Fletcher (ibid) avers that "when we say that love is always good, what is meant is that whatever that is loving in a particular situation is good". Given this assertion, it becomes imperative to explore the real import of love in Fletcher's view in the contemporary time and its implications for the survival of humanity in an age when human continuity is threatened by the rising rate of infertility, marriages without procreative intent and worst of all by pandemics. This paper focuses on the former.

A brief look at Infertility and assisted reproduction

It will be pertinent at this juncture to cast light on the concepts of infertility and assisted reproduction. The World Health Organization, WHO, (2020) explains infertility as a dysfunction in the reproductive system that results in the inability to conceive after about one year of copulation targeted at achieving pregnancy and childbirth. While the above explanation relates to primary infertility, secondary infertility occurs when one who had conceived in the past is unable to conceive again after several calculated attempts.

An entry in the *Lancet Global Health* (2022) suggests that though current data on infertility is not readily available, an estimate of about 48 million couples and about 186 million individuals worldwide suffer from infertility. This data according to the world health body represents about 15% of people of reproductive age. Infertility, one of the existential problems of humanity, is connected with many causes, however, the attention of this paper here is simply to get a working definition of the concept and not to go into fuller details regarding all there is about infertility. Assisted reproduction on the other hand, generally refers to any assistance accorded to someone who is unable to conceive ordinarily.

This definition comprises traditional and medically assisted reproduction. The traditional method has to do with the forms of reproductive assistance like widow inheritance and other customary ways of assisted procreation for family continuity practiced in traditional societies. Then, medically assisted reproduction refers to assisted reproductive technologies like artificial insemination, surrogacy, in vitro fertilization et cetera developed to offer reproductive assistance to those who could not reproduce without medical aid (Mason and Ekman, 2017).

Fletcherian love and the quest for procreation

The linking of Fletcher's idea of love to human survival/continuity is borne out of the objective of this paper to apply Fletcher's situation ethics as a theoretical basis for justifying

moral decisions in therapeutic practice. Of particular attention here is in the area of application of technology to human procreation given his *optimific* rendition of the idea of love in an ethical situation. Here Fletcher glorifies love as that which produces good consequences and thus a moral good. "Whatever that is loving in any particular situation is good" (Fletcher, 1966). Within this scenario, the meaning of Fletcher's idea of love becomes key to understanding the interaction between the situational approach to ethical decision-making and the need for human continuity. It is thus pertinent at this juncture to interrogate how love could be better served in an ethical situation that has to do with the issue of life creation. With specific reference to biomedical decision-making, especially the ones related to cases of assisted reproduction, if love will guide or illuminate our actions and decisions, what then is the object of this love? What is the loving thing to do? In other words, what is our moral obligation to human survival when the same is threatened in the face of technology which seems to provide answers to the predicament? Stephen G. Post captures the idea of love being propagated here. According to him: Love is a disposition of the self that manifests in solicitude for the welfare of the other and usually a delight in his or her presence. (Post, 1998: 631). Thus, this paper seeks to demonstrate a manifest love for human continuity by advocating the application of technology in human procreation when it becomes inevitable to do so by reason of certain dysfunction in the natural reproductive system.

Fletcher (1966) vehemently suggests that in certain critical situations, laws or rules could be set aside so that love and reason can prevail. Within the context of this study, while "reason" implies critical evaluation or discernment of a situation, "love" points to the needed attitude and commitment towards the preservation of the human species through reproduction in the face of multifarious threats that signal its possible extinction.

Fletcher thus appeals to both the affective and the rational faculties of the human mind as playing active roles in ethical decision-making. Consequently, while love flows from the affective domain, reason flows from the rational faculty. These points to empathetic discernment of the moral situation with a view of arriving at ethical decisions that are not only fitting but improve human flourishing and happiness.

Incidentally, Post (1998) portrays love as a self-transcendent attitude or disposition culminating in an altruistic transfer of interest to another. Notably, applying situation ethics to decision-making in assisted procreation cases does not imply a flight from the weight of moral responsibility or integrity, but rather a noble, genuine, and altruistic commitment to serve the demand of love as the situation may warrant.

Fletcher's emphasis on love should not be divorced from his Christian perspective and orientation of love of neighbour (Romans 13:8); that love is the summary of the whole commandments (cf. Galatians 5: 14) and also in Paul's saying, "all is lawful but not all is helpful" (1Corinthians 6:2). Fletcher emphasizes the word "helpful or expedient", and conceives of it as constructive (Fletcher, 1966; 41). Thus, Fletcher's idea of love derives inspiration from the above-mentioned Christian perspective. That is to say, Fletcher would consider the choice of procreation for the good of humanity as an action motivated by love and thus a *summum bonum* or a *peremptory norm*. However, inasmuch as this study is not too concerned with theological or Biblical analysis of the concept of love, it intends to define and explicate Fletcher's idea of love to fit into biomedical situations relevant to procreation in

humans.

To achieve this, there will be an effort to strip Fletcher's SE, as applied in this study, of all religious underpinnings. This will pave the way for understanding of love in a biomedical dilemmical situation as that which guides in making a decision that is not only creative but constructive and fitting and so considered therapeutic and ethical. With this refined perspective to love, bioethicists could justifiably apply reason in ethical decisionmaking in concrete circumstances without recourse to grundnorm or hardened principles canonized as immutable laws.

This paper contends that love is better served when we prioritize human survival and continuity over and above every other extraneous consideration. At this point, it makes sense to agree with DeGrazia (2012) that to choose to procreate is to participate in ensuring the immortality of humanity. He avers that through childbearing, new humans are added to humanity and the new entrants will also play their part by continuing the chain of human procreation. Thus participating in the reproductive act amounts to a contribution to human continuation which is a service to humanity (see DeGrazia 2012: 199).

Within the context of this discussion, this statement applies to all aspects of human reproduction, be it assisted or not, though the interest here is on assisted procreation. Conversely, the position of De Marco (1991) on biotechnologies, assisted reproduction inclusively, is at odds with the above pro-natalist view of DeGrazia. De-Marco sees biotechnologies as an affront to parenthood and procreation.

...by initiating human life apart from the embrace of husband and wife, leads ultimately to so weakened a notion of parenthood that in specific instances, the parents themselves are unable to recognize their own identities as mothers and fathers. And without such recognition, parents are unlikely to exercise their parental responsibilities. The various technologies that increase the number of ways human life can be initiated inevitably dilute the notion of parenthood. This dilution, at a certain point, renders parenthood either unrecognizable or meaningless. Biotechnology does not free people to become parents as much as it obscures the very nature of parenthood. (1991:22-23).

This is where the demand of love is put to a radical test. Here lies the problem -to go with DeGrazia or with De- Marco? Remarkably, De-Marco, an ardent defender of the inviolable dignity and intrinsic worth of the human person, is bothered about the growing reproductive medical research, the innovations that increase ways life could be initiated, and the seemingly unlimited power that medical practitioners exercise in the process of life creation which could be subject to abuses of some sorts. He thus seeks to protect the dignity of procreation which is a noble task. For instance, reflecting on the controversies surrounding surrogate motherhood, he argues that surrogacy should be rejected owing to the fact that it introduces confusion into the notion of motherhood "and proposes to settle custody dispute between two women by evaluating the mental conception of the initiating parties as superior to the biological conception of the surrogate" (De Marco, 1991: 167-168).

However, the above reaction arose in response to the controversy sparked off by the famous *Baby M Case* when there was a legal tussle for custody of a baby born under a surrogacy arrangement. Obviously, such arrangement occasions "a biological and cultural conundrum

in which the newborn baby has no genetic relationship to its birth mother (the gestational surrogate), or to the woman who organized the deal and will likely be called mom" (Mason and Ekman, 2017:2). But looking at the overarching need for human continuity and reproduction as the access point, though tends towards a slippery slope, it is pertinent to concur that abuse should not preclude use but rather calls for regulation. In DeGrazia, we see an inexorable nexus between reproduction and future human existence which is to say that procreation is critical to human continuity such that any obstruction in this life channel portends danger for the human species.

Indeed, to make our ethical conviction accessible to reason and not to fall into simplistic acceptance of DeGrazia or naïve rejection of De Marco, it is pertinent here to think like consequentialists for the sake of human continuity thus bringing in situational consideration in times of emergency as significant in ethical decision making. The position of De Marco aligns with the idea of "humanness as key to bioethics" (see Dennis, 2022).

The idea of recognition of humanness in biomedical practice is anchored on the Kantian principle of the inherent dignity of the human person (Dean, 2006). However, for therapeutic reasons, this paper agrees with the belief that the advancement of the integral good of humanity is critical in appraising any bio-medical intervention, thus the study considers ARTs as ethical interventions that conduce to human welfare such that to ensure human continuation, an attitude of loving commitment towards human existence is essential. Consequently, in certain ethical situations, the demand of love could interfere with the full exercise of human autonomy. (See *principles in conflict* below).

Fletcher's love and assisted procreation

It is important to recall here that Fletcher's concept of love is expanded within the context of this study to imply an attitude of care for human continuity. This paper sees in Stephen Post, a more robust idea of love which I apply to modify Fletcher's position. In the view of Post (1998), love implies an attitude of care and advocacy for the good of the beloved. Perceiving infertility as a bane to human continuity, this paper advocates for the immortality of humanity through procreation with the norm of love as the ethical warrant. This idea of love could thus inspire actions that would address some intolerant belief systems, income, and knowledge gaps which could be indicated as exacerbating poor attitudes and patronage of assisted reproduction. The attention here is on the former.

If we accede to the argument that "to love is to champion the other's interest with the anxiety of care deepened and intensified" (Post; *ibid*). Then we can comprehend the thrust of this study which is to ensure future human survival amidst threats to its continued existence and this calls for a disposition of care. To care in this sense includes observing that something is at stake and thus should not be treated apathetically (see Ruddick, 1990).

Reflecting on the issue of childlessness, Fletcher (1969) remarks that infertility renders many couples incapable of accomplishing the biblical divine mandate "be fruitful and multiply." (Gen 1:28). However, through man's creative ingenuity by means of advancement in scientific technologies, the hope of the barren to conceive and bear children is restored (Basterra, 2004). Fletcher is optimistic in the power of biomedicine to eliminate certain

barriers to human reproduction. He remarks that advancement in reproductive technology makes it possible for the barren to overcome this impediment to procreation. He recognizes that married couples are often presented with the following alternatives:

They may submit to a life of barren love, a so-called natural calamity over which they have no right to exert any control or adopt any means to overcome it;

they may outwit the frustration by resorting to illicit (i.e, extra-marital) conception by adultery;

they may achieve partial compensation by adopting someone else's baby;

they may turn to medical care for artificial insemination from the husband in cases of impotence or some physiological difficulty, and from a donor, some third party, in cases of incurable sterility in the husband (1969:102).

It is noteworthy here that Fletcher focuses narrowly on artificial insemination and male- factor infertility, it is understandable that he was writing when the breakthrough in egg freezing and cryopreservation has not come to the fore. This paper aligns with the fourth option- turning to medical technologies for a solution when the natural method of conception fails because the immortality of humanity is only achievable through reproduction.

I consider it relevant to add the fifth point here which is *the patronage of baby factories*. The issue of illicit reproductive practices, the issue of baby selling, and child theft have also existed and attracted patronage by couples desperately in need of babies. While this paper condemns such unwholesome practices, it encourages wider awareness and acceptance of assisted reproductive technologies as ethically sanctioned means of procreation. This paper is of the view that addressing such problems that encourage turning to the *black market or backdoor* means of *having* or *owning* babies and granting an ethical warrant to *regulated* assisted reproduction as therapeutic will be capable of addressing the problem of baby factories.

Returning to the dilemma of choice encountered between the positions of De-Marco and DeGrazia, I choose to go with DeGrazia since the desire and choice to procreate, in my understanding, manifests love for the continuity of humanity for the right reason, when confronted with a dilemma to either believe that assisted reproduction is morally unacceptable or that procreating is desirable because it fulfills humanity's biological destiny. I contend that the choice of assisted reproduction when the natural method fails is an act of beneficence that helps humanity and contributes to human continuity. Such is to be considered both therapeutic and ethical and thus a noble choice that trumps abandoning oneself to the mercy of infertility and some metaphysical practices that may tend to offer answers to reproductive challenges but without assurance.

A good example is that of a traditional African widow who chooses to make her reproductive capability of procreative service to the family of her deceased husband. The decision to perpetuate the family name, to ensure human continuity, could be considered a beneficent and altruistic act. Such a choice is grounded on human solidarity and participatory identification with communal values which never impedes a sense of autonomy but rather enhances it. Thus, the act of the widow above could easily be comprehended within a communal ethics setting. Such might have warranted Thaddeus Metz (2018:84) to consider communal ethics as "a promising new approach to ethics of human reproduction." It is also important to note here that discourse about human continuity through procreation could often be theoretically examined, but in practical terms, the burden of infertility manifests in families as the basic unit

of the human community. Therefore, based on familial and cultural considerations, reproductive interventions and ethics of human reproduction should address the reproductive difficulties facing this procreative unit of society.

Beneficence and principle-based ethics

In an attempt to create what I may refer to, in this paper, as a sort of standard operating procedure for ethical analysis and evaluation in bioethics, the Belmont Report (1979) enunciates three basic principles. These are (a) the principle of respect for persons, which embodies respect for autonomy and the idea of informed consent; (b) the principle of justice, which incorporates fair share and benefits from proceeds of research; and (c) the principle of beneficence, which connotes minimization of risks and maximization of benefits to persons and society. The three principles were later complemented by a fourth- the principle of non-maleficence ("doing no harm"). Traces of these principles could easily be discerned in the Hippocratic Oath for physicians (see Oxtoby, K. 2016).

The emergence of the ethics of principles, (or *principlism*) became popularized, further expatiated and the scope of its operationality rigorously defined by Tom Beauchamp and James Childress (2019) in their seminal book, *Principles of Biomedical Ethics*. The incidence of principle-based ethics tends to bring a certain form of tension between Western individualism and non-western communalism in ethical reasoning. However, some utilitarian ethicists argue that consideration for human good, in general, should take precedence over the issue of individual autonomy in a crisis situation. This was the scenario during the covid-19 pandemic when a lockdown was imposed and compulsory vaccination was required to curtail the spread of the deadly disease.

With respect to the above, Samuel (2020) points out that there is a certain form of misconception about the main import of the principle of respect for autonomy in an ethical situation. He thus seeks to expatiate on the "thin and thick" conceptions of autonomy to correct the erroneous impression. He argues that the thin notion of autonomy is what has given rise to the erroneous belief of putting ethical principles in hierarchical order as if one has an overriding effect over the others whereas they all interact in a network with human good as the central objective. In his view, embracing the more robust notion of autonomy does not diminish the value placed on human happiness and wellbeing; he rather argues that the narrow notion of autonomy is what has seemingly elevated beneficence, the consequentialist principle, to seem to gain a foothold on the ethical scenery in crisis times. Reis-Dennis claims not to be pricing autonomy over and above other principles in the network, but he tends to draw attention to the role of autonomy in understanding the foundation of moral and legal rules.

In the view of Ten Have (2016), the principle of respect for autonomy remains but one in a network of moral principles for evaluating bioethical problems, however, he suggests that attempts should be made altogether to look into the social, cultural, and economic conditions that precipitate such problems. By implication, therefore, a good sense of interculturality should not only pre-dispose us to recognize human diversity but also propel us to respect contextual realities and dynamic human experience. This is to say that the task of ethicists should not be that of arbitrary or wanton application of principles to complex situations. Rather, there should be a careful discernment of the moral situation that could eventually

circumscribe ethical decisions based on a careful assessment of the situation on what is in the best interest of humanity as a whole.

In a similar line of thought, Beauchamp and Childress (2019: 197) contend that morality requires not only that we treat persons autonomously and refrain from harming them, but also that we contribute to their welfare. This argument brings us to the bedrock of the utilitarian principle of beneficence that gestures to the direction of Fletcher's idea of love. Within this perspective, we see that beneficence is tantamount to taking positive steps to achieve human good. The application of Fletcher's concept of love to a biomedical situation not only reflects the principle of beneficence which, in an ethical dilemma, overrides respect for autonomy but also embodies the positive features of utilitarian ethics such as commitment to human wellbeing.

Thus, when we encourage the use of technology in human reproduction to overcome or circumvent the problem of infertility, such action is motivated by love for the survival of the human species and so ought to be considered as a procreative therapy. Within this perspective of understanding, the principle of beneficence of which situation ethics proves to be the suitable tag; beckons on us to prioritize life over livelihood in times of crisis as was done during the covid-19 challenge. At this time, lockdown and quarantine were imposed, such reduced the exercise of autonomy and promoted actions that benefit humanity as a whole.

Principles in Conflict

From the foregoing, we see a situation when moral principles come into conflict which gives rise to the crisis of precedence. A recent experience of such conflict between the principle of respect for autonomy and the principle of beneficence played out in the ethical landscape during the most challenging time of the Covid-19 pandemic as we shall see here. Such re-echoes the kind of conflict Fletcher (1966) points out as playing out between legalistic and situationist approach to ethical reasoning. As observable in the covid-19 pandemic ethical challenge, the principle of beneficence takes an overriding effect over the principle of respect for autonomy. This also alludes to the conviction of Crane (1968:34) that "situation ethics constitutes more or less systematic answers to all the moral questions that plague our society here and now". Similarly, Beauchamp and Childress (2009: 207) further acknowledge that: beneficence provides the primary goal and rationale of medicine and healthcare while not losing sight of the fact of possible conflict of principles.

Thus, curtailing respect for autonomy in times when human life is in danger will amount to applying ethics for the human good. We ought to understand as Ten Have (2016:91) remarks that what constitutes worthwhile ethics goes beyond merely identifying and applying principles to complex situations, rather, ethics transcends such narrow scope and climaxes in demonstrating a thorough understanding of the human condition and thus adapting the same to improve the human condition. This is exactly what plays out when the principle of respect for autonomy is relaxed in favour of the principle of beneficence because of the existential threat posed to humanity by the pandemic.

Consequently, it is obvious, as Ten Have (2016) believes, that ethical reasoning ought to take cognizance of human situations, conditions, and predicaments because ethics has

significance only if applicable to humanity. In Fletcher's view (1966: 31), "situation ethics calls upon us to keep laws at a subservient place so that only love and reason count when the chips are down." This is not different from what is done during the pandemic when respect for autonomy was overridden by the principle of beneficence. This is situation ethics propelled by *Fletcherian love* in action. It is indeed pertinent to recall also the remark of John Crane (1968: 34) in praise of situation ethics. According to him, situation ethics has the character of simplicity, it is humane and gears towards the need of people as against the demand of principle, affirms rather than denies life. Similarly, Beauchamp and Childress (2009: 197) aver that beneficence is not unconnected with acts of mercy, kindness, charity, altruistic act, and in fact, all acts with the intention of benefitting others whereas pro-autonomy ethicists would feel uncomfortable if it becomes the customary that laws and social rules could only be defensible by resort to their good consequences. This is exactly what worries Reis Dennis (2020) when he rose in defense of autonomy during the covid-19 challenge. But then, the situational approach to ethical reasoning, the new morality, which plays out at the time of global pandemic and human crisis, is not talking about the 'only way' but 'a way' based on the merit of the circumstances and situational exigencies. Thus having recourse to situation ethics based on the intention of good consequence does not undermine autonomy but shows that rules are for humanity and not humanity for rules and that principles and values could operate in a symbiotic relation to improving human life and flourishing.

To this end, the principle of beneficence, which I equate here with Fletcher's love ethic, bears a corresponding similarity with the position of Beauchamp and Childress (2009: 197) that it refers to a statement of moral obligation to act for the benefit of others. Going by the fact that decision making in Fletcher's new morality is based on a responsible estimate and discernment of the ethical situation and not just an arbitrary decision making, such consideration for human conditions, situations and predicaments find expression in decisions in situation ethics. Therefore, it suffices to agree that discernment is a key factor in situation ethics. Beauchamp and Childress (2009: 40) posit that "the virtue of discernment brings sensitive insight, astute judgement, and understanding to action." This implies that, in their view, discernment connotes the ability to make objective and fitting decisions uninfluenced by extraneous factors.

It is important therefore to realize that situation ethics, being an aspect of utilitarian ethics-teleological and consequential in outlook, derive even more credence as the appropriate ethical option in dilemmatic situations. The ethical landscape during the pandemic when the principle of respect for autonomy gives way to the principle of beneficence, reveals the primacy of flexible ethical reasoning over rigid and dogmatic positions. The covid-19 pandemic challenge generates an ethical dilemma that was tackled to a large extent by relaxing individual autonomy and elevating beneficence to ensure human continuity and flourishing. This is considered a good consequence and thus a justificatory factor in the ethics of the situation. Thus, when human continuity is threatened by the failure of the natural method of procreation, assisted reproduction should be inevitably welcome as an ethical alternative.

Way forward

In the effort to address global problems and other fundamental problems of humanity which impede human flourishing like epidemics, pandemics, infertility, environmental degradation etc., the ethical approach ought to prioritize the survival of humanity as its central objective. To this end, formulating ethical policies must embody a good understanding of the human condition and predicaments. When human existence is threatened as in the case of Ebola virus disease (EVD), covid-19 pandemic, global warming, or in the face of growing rate of infertility which in turn depopulates humanity, the survival of humanity should be the illuminating factor underlying any worthwhile ethical discuss. Such points to (bio) ethics as a science of survival as Potter (1971) enunciates.

Within such climate of understanding, ethicists ought to align with the understanding that the principles operate in a network and that principles must interact and be ready to remove the garment of rigidity or dominance if doing so better adds value to humanity. Thus, trying to push too hard to defend respect for individual autonomy in the face of global threat to humanity seems unhelpful and that realization might have prompted Reis-Dennis to rather seek to illuminate the distinction between thin and thick conceptions of autonomy so as to expose the origin of what he identifies as a misconception of the idea of principle of autonomy.

Ten Have (2016: 83-84) makes a formidable point which ought to represent the needed ethical reasoning in such critical times. According to him: ethics is not simply the application of principles to complex situation, it is not merely a theory to consider in practice, it transcends the attempt to distinguish right from wrong or good from bad, ethics, in his view, embodies the effort to comprehend the meaning of humanity. He went further to insist that ethics incorporates experience, moral sensitivity, social concerns and public virtue. From the foregoing, Have makes us understand that our contemporary disposition to ethics especially at critical times should show sensitivity to human condition especially those ugly circumstances that impede human flourishing. Consequently, ethics at critical moments for example, ought not to be at odds with human welfare in general.

Conclusion

In this paper, I have made an effort within certain limits to illuminate aspects of Fletcher's situation ethics with respect to its guiding principle—the norm of love and scope of applicability as well as its connection with the principle of beneficence. Fletcher (1966) is of the view that in certain circumstances, law and rule could be relaxed so that love and reason count. Hence this paper represents an attempt to decipher the meaning and bioethical import of Fletcher's idea of love and how it plays out in real-life crisis situations for human good especially when human procreation/continuity is critical.

The ethical climate during the covid-19 pandemic challenge where the utilitarian principle of beneficence seems to gain a stronger ethical foothold in the ethical climate shows how respect for autonomy which represents a legalistic approach to ethical reasoning could bow for the sake of the greater human good—the preservation of life. This good consequence intended reveals how Fletcher's love and the principle of beneficence become synonymous in making our ethical reasoning gear toward human good when survival is imperiled. Obviously, reproduction is the access key to human continuity (see Meilaender 2013). Similarly, Ten Have (2016:115) avers that “responsibility to posterity is cardinal to ensure the survival of humankind”. A critical understanding of the relationship between the immortality of humanity through the procreative act of humans would reveal that

procreation is an essential part of our obligation to the preservation of the human species. The ethical imperative of responsibility to human survival thus reveals the necessity of engagement in human procreation.

Therefore, within this perspective of understanding, any policy or practice that deprioritizes procreation is a disservice to humanity. Life creation is a biological imperative (see Meilaender 2013; De Grazia, 2012) thus participation in the reproductive act is part of an obligation to posterity. (Of course, there could be some legitimate exceptions though not examined here).

Consequently, in a situation of assisted reproduction, whether through the use of technology in human reproduction or in the case of the traditional method of assisted reproduction when such is done in positive identification with community values given that infertility with its devastating effect impedes human flourishing and continuity, our ethical reasoning ought to center on the need to preserve humanity. Within such a scenario when the preservation of the human species is of the essence, the choice of assisted reproduction should be welcome as both a therapeutic and an ethical alternative. Thus understanding assisted reproduction as a procreative therapy ought to override any such belief that seems to deride assisted reproduction as demeaning parenthood and procreation. Concerning the issue of changing nature of parenthood brought about by the revolution in reproductive technologies, this paper agrees with Fletcher (1969:139) that "parenthood is a moral relationship with children, not a material or mere physical relationship." Thus establishing a family bond transcends genetic consideration and incorporates acceptance, respect, nurturing, love, and care that are definitive of parenthood in the traditional sense. Fletcherian love could thus translate into a practical experience if appropriately channeled to influence policies and address those factors such as public aloofness, faith-based rebuff, dogmatic belief systems, and material and epistemic poverty that inhibit access to assisted reproduction.

References

Beauchamp Tom, L., and Childress James, F., (2009) *Principles of Biomedical Ethics* (6th edition). Oxford: Oxford UP.

Beauchamp Tom, L., and Childress James, F (2019) *Principles of Biomedical Ethics* (8th edition) New York: Oxford University Press.

Beauchamp, Tom (2019) "The Principle of Beneficence in Applied Ethics", *The Stanford Encyclopedia of Philosophy* (Spring Edition), Edward N. Zalta (ed.), available at:

vol. 128, Pp.49-66. Springer, Cham. Available at: https://doi.org/10.1007/978-3-319-60684-2_4 <https://plato.stanford.edu/archives/spr2019/entries/principle-beneficence/>. Assessed, 10/08/2022.

Basterra, F.J.E. (1994) *Bioethics* Middlegreen: St. Pauls.

Crane, J. (1968) "A west coast sermon", in Cox H, (ed.) *The Situation Ethics Debate. Critical back talk about situation ethics and sharp reply by Joseph Fletcher*. Philadelphia: The Westminster Press. Pp.33-36.

Cui, W. (2010). 'Mother or nothing: the agony of infertility'. *Bulletin of the World Health Organization*, 88(12), 881–882. <https://www.who.int/bulletin/volumes/88/12/10.011210>. Accessed: January 21, 2021.

Dean Richard (2006). *The value of humanity in Kant's moral theory*. Oxford: Clarendon Press.

DeGrazia, D. (2012). *Creation Ethics. Reproduction, Genetics and Quality of Life*. New York: Oxford U.P.

De Marco, D (1991) *Biotechnology and the Assault on Parenthood*. San Francisco, Ignatius Press.

Fletcher, J. (1966) *Situation Ethics. The New Morality*. (Introduction by James F. Childress). Philadelphia: Westminster Press.

Dennis, Hollinger P. (2022) *Why Humanness is Key to Bioethics*: The Bioethics podcast, Center for Bioethics and Human Dignity. Available at: <https://www.cbhd.org/content/why-humanness-key-bioethics>. Assessed: August 04, 2022.

Lee, J. (2021). Surrogacy: Beyond the Commercial/ Altruistic Distinction. *Journal of Medical Ethics*: available at: <https://doi.org/10.1136/medethics-2021-108093>.

Mason, M.A. & Ekman T: (2017). *Babies of Technology. Assisted Reproduction and the Right of the Child*. New Haven. Yale U.P.

Meilaender, G. (2013). *Should We Live Forever? The Ethical Ambiguities of Aging*. Cambridge: W.M.B. Eerdmans Publishing Co.

Metz, T. (2018). A Bioethic of Communion: Beyond Care and the Four Principles with Regard to Reproduction. In: Soniewicka, M. (eds) *The Ethics of Reproductive Genetics*. Philosophy and Medicine,

Miller, B. 'Autonomy', in *Macmillan Compendium: Bioethics, sex genetics, and human reproduction*. Ed. Reich, Warren et al. (1997) New York: Simon and Schuster.

Oxtoby K. (2016) "Is the Hippocratic Oath still relevant to practicing doctors today? *BMJ* 2016;355. Available at: <https://doi.org/10.01136/bmj.i16629>, Dec 14, 2016.

Potter, Van R. (1971) *Bioethics: bridge to the future*. Prentice Hall: Englewood Cliffs.

Post, Stephen G. (1998). "Love" in Reich, W.T. (ed.) *Bioethics: Sex, Genetics, and Human Reproduction*. (MacMillan Compendium). New York: Macmillan Library Reference. Pp631-636.

Samuel, Reis-Dennis. (2020) "Understanding autonomy: an urgent intervention".

Journal of Law and the Biosciences. (Isaa0037, <https://doi.org/10.1093/jib/isaa037>).

Ruddick, Sara. (1990). *Maternal Thinking: Towards a Politics of Peace*. New York: Ballantine Books.

Ten Have, H. (2016). *Global Bioethics, an Introduction*. New York: Routledge.

World Health Organization (2020). *Infertility*. Available at <https://www.who.int/newsroom/facts-sheets/detail/infertility> Assessed: August 01, 2022.

Yuanyuan, Wang. (2022) "Infertility-why the silence?" *The Lancet Global Health*. Available at: [https://doi.org/10.1016/S2214-109X\(22\)00215-7](https://doi.org/10.1016/S2214-109X(22)00215-7). Assessed: August 16, 2022.