

A PHILOSOPHICAL APPRAISAL OF ABORTION USING KANT'S CATEGORICAL IMPERATIVE

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ABSTRACT

The problem of abortion has taken a pre-eminent posture in the social stratum of our nation. In Nigeria abortion is taken to be evil but the rate at which it is carried out is something else. Innocuous babies are being wasted on daily basis, and the mothers claiming the superiority over the foetus. This they do maintaining that they have the right to determine the pregnancy to keep and one to be terminated. According to the pro-abortionists, abortion is the only option to the mother whose life is in danger, and it assists in population control. More so, they argue that it is the way out if contraceptives fail, and a means of getting rid of the agony of unwanted pregnancy. This work contends that these kinds of thoughts are the reasons while abortion continues to thrive. Hence, the womb which supposed to be a safe haven to the foetus, has been turned into an extermination chamber. This creates serious moral problems, namely, the question about the sanctity of life, the personhood of the foetus and the many-sided consequences of taking human life. Indeed, abortion has generated a twisting and an unending debate between pro-abortionists and anti-abortionists. This work titled "*A Philosophical Appraisal of Abortion Using Kant's Categorical Imperative*", nullified the pro-abortionists' view that the foetus has no personality, and therefore, should be treated as a means to an end. In line with the anti-abortionists, the work insisted that the foetus from the moment of conception is a human being. It adopts Kant's notion of goodwill, insisting that it is our duty to save life irrespective of who is involved and how it is going to affect us. A philosophical method of critical reasoning was used in this paper to analyze, explain and brings to bear, the moral and legal status of the foetus. The position of this work is that Kant's "Categorical Imperative" provides a sound moral standard for assessing the positions of the pro-abortionists and the anti-abortionists. Having used Kant's categorical imperative, this work maintains that the pro-abortionists' arguments cannot stand the moral test when critically analyzed. It exposes the fact that the foetus as a human being deserves respect, and that abortion is morally reprehensible since we cannot will that it should become a universal law of nature.

Introduction

This work is concerned with the issue of abortion which most people condemn as morally unjustifiable, and to which others adopt an attitude of indifference, and see nothing morally reprehensible about it. Hence, the question as to whether or not the foetus is a living thing has not resulted to any answer of either "Yes" or "No", thereby generating diverse opinions.

Moreover, Noonan in his book *An Utmost Absolute Value in History of Social Ethics, Morality and Social Policy*, reacting to the question "Do we have the right or the moral justification to terminate the process of personhood?", insists that if you are conceived by human parents, you are human (67) Thus, the positive argument for conception as the decisive moment of humanization is that at conception, the new being receives the genetic cord. It is this genetic information, which determines his characteristics. In other words, a being with a human genetic code is a human being. This implies that life begins at conception. At this point the foetus is enshrined with features of human being and therefore cannot be denied to live. There is no dividing line between a foetus and an infant (man). Koop in his book, *The Right to Live: The Right to Die*, strengthens this by saying that "human life begins at conception and is continuous, whether intra or extra-uterine until death" (46), hence, without the foetus, existence of a child would be highly impossible.

On a contrary note, Derek avers that experience of legal abortion in the United States of America and Britain has been carefully documented and analyzed. The investigations show that since legal abortion has been introduced, the number of deaths due to abortion has dropped dramatically (15). Abortion in United States of America today is a matter of choice, on whether the person involved wants abortion to be carried out or not, without the interference of the law. This is quite different from what is obtainable in Nigeria, despite the daily practice of abortion carried out by the experienced medical practitioners and the quacks alike, abortion still remains illegal. Though the illegality of abortion in Nigeria has little or no effect on the number of abortions carried out, for many people still indulge in it.

This work, using Kant's categorical imperative, counters the opinion of the pro-abortionists that the foetus has no personality. It argues that the foetus from the moment of conception is a human being. However, the work intends to examine and appraise abortion critically and philosophically with a view to bringing to the limelight, the negative implications of abortion and how it affects the sanctity of human life. Abortion has so many implications religious, socio-economic, biological and ethical implications. The work adopts Kant's idea of goodwill, which discourages one from performing an action because of its end result. An action is said to be praiseworthy, when it is performed with the right motive of duty. Duty is to be performed entirely for its own sake. Following Kant's ethical principles, the work vehemently negates all the flimsy excuses that the pro-abortionists see as reasons for carrying out abortion, such as deformity, privacy of the mother, rape, teenage pregnancy, education of the mother, population control etcetera. It also refutes their notion that holds that the unborn belong to the

subhuman group and their claim that life begins after birth when the baby breaths air. The position of the pro-abortionists that abortion can sometimes be allowed to save the mother's life in danger since the unborn foetus is not a fully developed human but merely a potential human being who is at the process of gradual development into a human is rejected. This work is of the opinion that there is no actuality without potentiality. Finally, the work maintains that any intentional taking of an unborn child's life is homicide.

The Man Kant

Immanuel Kant (1724-1804) was born at Konigsberg (East Prussia, now Kaliningrad in USSR), Russia. He is a son of a saddler, reputedly of Scottish origin, raised in relative poverty and the puritanical strictness of pietism. Kant entered university of Konigsberg located in his home town where he studied mathematics and philosophy. He later became a lecturer and consequently a professor of philosophy in the same institution. Immanuel Kant announced a revolution in Philosophy, with his Inaugural Dissertation of 1770. The Critical Philosophy, as Kant came to call his system, received its definitive statement in the Critique of Pure Reason, published in 1781, and in the series of works that issued from his pen during the two decades (Kant *A Collection of Critical Essays* 1).

Kant in his book *Groundwork of Metaphysics* maintains that the moral value of a life cannot be measured by everyday success; it must be measured by its degree of embodiment of principle. "A life lived according to principle is good, regardless of material success or failure" (5). He went further and observed that the only good thing in the universe is goodwill. Duty is the key word in morality, not pleasure as Aristippus and other hedonists hold. The imperative call of duty is categorical and conditional. Stumpf contends that the essence of morally good act is the principle that a person affirms, when he wills act: "The good will is good not because its causes or accomplishes, not because of its usefulness that is to obey in the attainment of some set of purposes but alone because of the willing, that is to say, it is good of itself" (316). A rational being strives to do what ought to be done, and this Kant distinguishes from an act that a person does either from inclination or self interest.

Moreover, in *the fundamental Principles of the Metaphysics of Morals* Kant argues that:

All imperatives are formulae determining an action, which is necessary according to the principle of a will in some respects. If now the action is good only as a means to something, then the imperative is hypothetical, if it is conceived as good in itself and consequently as being necessary, the principle of a will, which of itself conforming to reason, then it is categorical (32).

Conversely, Kant's argument that to act in the morally right way; that one must act from duty, begins with an argument that the highest good must be both good in itself, and good without qualification. For Kant, therefore, it is not the consequences of an action that makes it right or wrong, but the motive of the person who carries out the action. Obviously, in the book titled *The Moral Law* Kant posits that law seems to

mandate man to certain maxims and informs him that duty is the action to which a person is bound, it is as a matter of fact, an obligation, which remains one and the same (as to the action), although the obligation to it may be of different kinds (416).

In addition, it is of great germane to note that Kant Kicks against the treatment of rational beings as a means to an end. This is because it can lead to inequality and disregard for man's dignity. Kant used the notion of duty, freedom, autonomy of the will and kingdom of the ends that are subsumed in categorical imperative to solving some contemporary issues in ethics such as abortion, euthanasia, self defense, killing and letting die in medical practices, and in revitalizing and according respect to man, as a moral agent.

The Concept of Duty in Kant's Ethics

The concept of duty is inseparable with humanity, for to be a moral and even free being, you ought to be duty-bound or at least, conscious of duty. For man to be duty conscious, then, it entails certain forces of law. Hence, man is bound by the moral will to determine his function towards his end. Kant, as stated in Talbot's book titled *A Romp Through Ethics: For Complete Beginners*, argues that to act in the morally right way, people must act from duty (<http://en.m.wikipeclici.org/wiki/leonlologicaethics>).

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One of the formulations of categorical imperative is: "So act that the maxim of your will can always at the same time be valid as a principle making universal law". This implies that duty is of close relationship with the willing power or the morally good will, that is that without qualifications.

Maynard, in *The Great Books of the Western World*, stresses that "A will which acts for the sake of duty is goodwill, and equally the salient feature of moral consciousness" (108). More so, Kant obliges us to preserve our life only because it is our duty to do so, rather than striving for our own personal end.

Notion of Abortion

Abortion from time immemorial has been with man through the ages and in almost every culture. Hence, according to Sanderson, abortion has long history and can be traced back to civilizations as varied as China under Shennong (C. 2700 BCE), Ancient Egypt with its Ebers Papyrus (C. 1550 BCE) and Roman Empire in the time of Juvenal (C.200 CE). (<http://cn.m.wikipedia.org/wiki/abortion>). In Greek culture, prominent scholars and philosophers like Plutarch, Plato and Aristotle advocated abortion as means of family planning. According to Plato, the children of the inferior Guardians, and any defective offspring of the others, will be quietly and secretly disposed off

(241).The Romans also considered infanticide as product of household economy. One can say that philosophies and systems which permit infanticide also permit abortion.

Aristotle in his book, *Generation of Animals and Politics*, offered some pieces of advice with regard to choice between abandoning an infant and rearing it. He says: "Let there be law that no crippled child be reared... there must be a limit to the production of children" (443). Hippocrates, the father of Western medicine, holding a contrary view to the above position, argues against abortion, emphasizing the inherent medical dangers in its procurement. Hence, instructed that no one should give deadly drug or wrong counsel to his fellow man. Aquinas in his *Summa Theologica* states: ... just as we may not bury a man if he is only probably dead, so we may not kill a foetus, if it is only probably non human... the morally safer course must be followed, which is to treat the embryo as a living human being" (118). Abortion in Nigeria is illegal, and a crime if performed; it is, however, a contradiction that in Nigeria where abortion is still illegal; abortions are carried out by doctors in many private clinics and hospitals, and even by quacks, and backyard abortionists with unsterilized equipment.

Philosophical Arguments of the Pro-abortionists and the Anti-abortionists

Philosophical Arguments of the Pro-abortionists

Our discussion so far shows that abortion generates a moral dilemma for mankind and this leads many people to abandon theory and resort to their own conviction and self interest in dealing with abortion issue. This is responsible for so many million cases of abortion every year the world over.

Considering the abortion challenges, Ekennia avers that abortion motivated by social conditions may have different and complicated grounds. He painted a very vivid picture of the conditions touching deeply on human emotions and dignity. He asked: consider a situation where armed robbers invaded a family and raped a mother and her daughters, or even nuns. What would happen if some of them become pregnant from this rape? Suppose a father puts her daughter in a family way or a girl become pregnant from her cousin, or a girl of thirteen years becomes pregnant, what would be the best action to take? What would happen if an undergraduate female student is pregnant without being sure of who might be responsible? Finally, supposes a woman whose husband lives in a foreign country becomes pregnant a few months before the expected return of the husband, what would she do? (46).

Some of these questions, though hypothetical, could have some resemblance of historical scenarios. Different women might react differently to these scenarios but experience shows that majority of them would opt for abortion. The above instances are pointers which show that the abortion problem confronts people at what we may call the 'limit points' in their lives, that is, at a cross-road, where they would not know whether to go to the right or to the left. The demand for abortion meets them at a point where "what ought I to do now?" become a situation of "to be or not to be". In fact, the arguments for abortion rotate around human situations and we shall attempt to classify the arguments or reasons for wanting to procure abortion as follows:

The first is the advocates of abortion who argued that it is justified to carry out abortion in case of rape. They opine that it is a heavy load imposed on such a mother

against her will. The second argument the pro-abortionists raised concerned the social and economic factor. They argue that if a child would be social and economic burden to a mother or family, it is a sufficient reason to carry out abortion. And also if the would-be mother is unmarried, in order to avoid shame and damage to her reputation, it is better to induce abortion to save her from embarrassment.

The third has to do with the pro-abortionists' insistence that abortion should be induced for medical or therapeutic reasons. According to them, when the life of a pregnant woman is seriously threatened health-wise, it warrants abortion to be carried out to safe guard the life of the woman.

The fourth displayed the pro-abortionists thinking that over population is a possible reason for inducing abortion. According to Ikwun, over population accompanies many negative trends. It brings undue pressure on scarce resources and adversely effects the environment (108). This argument about overpopulation sounds valid at a glance but one need to know that nature abhors vacuum. Nature has a way of taking care of itself. Some nations have tried to embark on such a project in the past but are today paying couples to bear more children because of the shortage of man power in the labour market. Fifth, feminism, that is, women's liberation movement, advocates for freedom to use their bodies as they like, in order to exercise their rights against male domination.

Philosophical Arguments of the Anti-abortionists

As the pro abortionists justify abortion and look at it as something permissible, anti-abortionists question the plausibility and justification of their arguments. The anti-abortionists centered their argument on the status of fertilized ovum. They argued strongly against the pro-abortionists claim that foetus is non human; hence, maintaining that human life begins at conception.

Indeed, for the anti-abortionists, human life begins at fertilization. They asserted that the entity that results from fertilization is new living reality and it is human. What it requires to be fully developed is adequate environment and favourable conditions (Eboh 164). In line with this argument, Lowen in her article titled "Abortion Arguments from Pro-life and Pro choice Sides and Main Points of Debate" maintains that: "Since life begins at conception, abortion is akin to murder as it is the act of taking human life. Abortion is indirect defiance of the commonly accepted idea of the sanctity of human life (<http://womensissues.about.com/oct/reprodi ctiveright/a/aborionargumenthtm>).

Ozumba stresses that abortion is not only dehumanizing, it is a murder. In the process of trying to exterminate the foetus, the mother at the same time is exposed to discomforts, pain and uncertainty (137). The anti-abortionists advice in the instance of rape and incest that irrespective of the psychological trauma about the forceful sex, that the solution is not abortion is insightful. It is better to deliver the baby and see him/her as an innocent child, who knows nothing about the incidence that preceded his/her arrival. By so doing, the mother will avail herself from the untold trauma that she stands to witness after committing abortion.

Kant's Categorical Imperative Vis-A-Vis Abortion

In this chapter the work attempts an application of Kant's categorical imperative to the problem of abortion. Shonfeld in the book *The Philosophy of the young Kant: The Pre-Critical Project*, observes that Kant's early pre-critical publications (1746-1756) are devoted primarily to solving a variety of broadly cosmological problems and to developing increasingly comprehensive metaphysics that would help in proffering panacea to these problems (<http://plato.stanford.edu/entries/kant-science/>).

Furthermore, in an attempt to solving some cosmological problems, Kant maintains that moral law holds without exception unlike the scientific inquiry that is based on experience. Science reveals to us physical "laws" that hold true of the universe as it is now, but cannot provide absolutely conclusive guarantees that these laws will forever hold true. Thus, Heinrich in his book, *The Categorical Imperative: The Moral Philosophy*, writes that for Kant

Moral laws must hold for every rational being. Therefore, any maxim devised by our will must first go through the test for universality to ensure it is a universalizable maxim, if it passes it, it becomes an objective principle, if it fails, it becomes a subjective principle.

[\(http://moleboiworldpress.com.2012/05/ethicsfeasibleanddesirable/\)](http://moleboiworldpress.com.2012/05/ethicsfeasibleanddesirable/).

In other words, for Kant, the question about how does one find out whether the action one intends to perform is morally right or wrong? or the yardstick for distinguishing between right and wrong actions is through universalization. If one wants to know whether the action one intends to perform is morally right or wrong, one should examine the maxim of the action. That is, it's underlying principle and universalize it. Consequently, the critical guiding question is: Would you wish the maxim of your action to become a universal law? In other words, would you consider it desirable if everybody in a similar situation as yourself performs a similar action as you intend to perform? When this principle of universalization is applied to the issue of abortion, the striking question remains; would you as a woman wish that whenever a woman is pregnant she should procure abortion? Again, would we wish that abortion should not become a universal law? If yes, then we should refrain from it.

Succinctly, Kant would say if it is our desire that abortion should become a universal law, then it is morally right for every woman to procure abortion, once she is pregnant. But if it is our negative desire and intention to have abortion done whenever women are pregnant, then it is a sign that the act of abortion in question is morally wrong. Following this excerpt, the universality of abortion shows that the act is right and its non universality shows that abortion is wrong. This work disagrees with Kant here, it insists that weather abortion is universalized or not; it is evil, and should not be tolerated. More so, Kant's categorical imperative as an unconditional imperative, does not command one to do something which is a means to an end, what it commands is good in itself.. It admits no exception, no "if: or condition is attached to it.

Kant frowns at abortion or any killing whatsoever performed to bring happiness or to reinstate the dignity of woman, who goes about flirting and consequently becomes

pregnant. Abortion is an immoral act and anyone who indulges in it, does it out of wrong motive. The right motive is "to do the right thing", "to do one's duty;" and "to respect the moral law". A rational being that consistently has the right motive has what Kant calls a good will.

However, to treat the foetus with levity and less dignity is to act disrespectfully to the moral law that establishes all as rational autonomous being (Orofuke 55). Lafare, in trying to proffer a panacea to the abortion problem, which has been understood in different ways, followed Kant's footsteps and his famous formulation, which holds thus: "So act as to treat humanity, whether in thine own person or in that of any other; in every case as an end withal, never as a means only" (<http://finstnict.westvalky.edu/lafare/kantetjit>). This is another way of stating such maxims "Do unto others as you would wish them do unto you". It is an injunction for us to respect others because they are rational beings like us. To treat them not as a means to achieving what we want and disregard their personhood, but to respect their status as rational autonomous beings. This invariably implies that in any conflict between men such as the foetus and its mother, each must be counted as having of equal value in the conflict.

This work says no to abortion because in carrying out abortion both the mother's life and that of the foetus are unsafe. In other words, it argues that abortion is morally bad, even if the mother can survive at the end of it. There are other things that she cannot escape from, such as psychological trauma, fear, agony and inflammatory diseases that abortion causes. This work equally disagrees with the view that contraceptive is alternative to abortion. Bearing in mind that contraceptive prevents a life from coming to be, some contraceptives, no doubt, are abortifacients. This work, having looked at the negative implications of contraceptive, maintains that it has close link with abortion and, therefore, should not be seen as alternative to abortion. This research charges us to kick against contraceptive because a society in which contraceptives are widely used, there is always difficult time keeping free of abortion, since the life style and attitude that contraception fosters and creates an alleged need for abortion. Moreover, it argues against the contraceptive mentality, which treats sexual intercourse as though it had little natural connection with babies; it thinks of babies as an "accident", unwelcomed intrusion into a sexual relationship, and as a burden, perhaps, reducing one's sexual partner to sexual object since it renders sexual intercourse without any real commitment.

The work presents arguments that ignite and reinforce the position of anti-abortionists, but with the insistence that there has to be a well-spelt out constitutional provision, which should be effectively implemented to checkmate the prevalent practices of abortion in Nigeria. It applies the moral principle of categorical imperative, and its universal moral principles, as a therapeutic weapon to addressing the problem of abortion in Nigeria.

Conclusion

It is clear from the foregoing that abortion is morally bad. It is an abominable crime against an innocent unborn baby. Obviously, abortion denies the human community of members, who could have contributed their invaluable quota to the growth of the society. It is not only medically, but also ethico-religiously wrong. Life from the moment of conception is sacred and only God has the exclusive prerogative to give and dispose of life. Hence, human beings hold life in trust for God.

Furthermore, allowing abortion as a result of complication that may take the mother's life is to replace virtue with vice and create moral decadence and deterioration of growth in the society. This is because, by so doing, there is violation of fundamental human rights which sustain equality and promote peace and respect for humanity.. Moreover, this work advances the position that abortion is not the best answer to an unwanted pregnancy. It rather advocates for ethical revolution, moral education, and adoption of scriptural counsel.

Again, this work maintains that foetus in its mother's womb is a human being, possessing life and thus capable of enjoying a right to life. However, in recognition of the unique sanctity of life, as the highest priority in the phenomenal order of the existence, this research work, therefore, enjoins us to be reasonable in acting, and be guided by a moral sense of duty with considerable attachment of Kant's notion of good will. As a philosophical study, it is quite unwise and illogical to claim that this work aspires to completely solve or put to an end, the problems of abortion. But to an extent, the contributions it makes on the issue of abortion are reasonable, and a workable solution, if adhered to vehemently in solving abortion problem. Succinctly, this work is of the view that the pro abortionist's arguments are parochial in nature, hence cannot stand the test of the legal, and the moral status of the foetus.

This work further disagrees with the flimsy excuses the pro abortionists do give as reasons for inducing abortion, such as financial constraint, over population, defects, rape, incest, socio economic factor, education, among others. It recommends that the following solutions be sought in order to prevent would be mother from committing abortion. As a matter of fact, the incidence of "unwanted pregnancy" can be reduced when we start the sensitization of its consequences, beginning from our various families. Parents should not hesitate or shy away from giving early and frank sex education to their children. In other words, sex discussion should not be a taboo, since children will get all necessary information they need from outside the home like internet, phone, television etcetera, and this may not be favourable for their sex life

More so, mothers should be disposed to take the responsibility of would be child, and assist their daughters at this crucial moment. In most cases, a would be mother commits abortion not because she does not want the baby, but just to mingle away from the rigorous questions, and shame that will emanate from both parents, peer groups, and the society at large.

Various levels of governments should put in place positive policies that will guarantee help for families, unmarried mothers, and grants for children. They should be ready to apprehend and jail anyone who fails to protect the fundamental human rights, especially that of the right to life of the children born outside wedlock. These provisions

can save would-be mother from social stigma, psychological trauma of being pregnant outside marriage, and offer her an ample opportunity to finish her studies or to begin, and chances of getting a young man for marriage. Having expounded and suggested the above articulated and profitable solutions, this work using Kant's categorical imperative has evidently inculcated and established an etiquette by which we can understand the pros and cons of abortion, and insist on moral probity and respect for humanity.

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