

## **Same Sex Marriage in Nigeria: A Philosophical Analysis**

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### **Abstract**

*There is a framework of ethical oppositions towards same sex marriage that calls for a philosophical analysis to determine the relevance or otherwise of the foundation of Nigerian moral context in the face of the current demand for legal recognition of same sex marriage. Same sex couples want the same rights as heterosexual couples, and by classic reciprocity principles, this is something all citizens can understand: We would want the same thing, and thus the same sex couples have the Golden Rule on their side. Be that as it may, the natural law of marriage is against it. Two constituent parts reside within marriage; the unitive and openness towards procreation. Homosexual sex violates these laws. The same logic applied towards the claim regarding codifying homosexual unions. It is a violation against natural law, objective truth, and the law of complementarity. Marriage is based on the fact that we are male and female –two halves of a complete life giving whole and that life-giving power is inherent in heterosexual union. Nigerian moral context as it stand now is a context that identify with the rhythm of nature rather that with efforts to manipulate it. Consequently, Nigerians consider same sex marriage morally as an affront to the concept of marriage in content, context and practice and therefore a habit that cannot and should not be legally recognized.*

### **Introduction**

Morals vary dramatically across time and place, and all human societies have special rites, rituals and permanent structures surrounding it. For the traditional Nigeria, marital union, between a man and a woman, which aims primarily at the self-sustenance or continuity of the lineage, is rooted in the fertility of both parties and it is a community affair. Marriage constitutes the focus of existence. Life in the community in its different facets revolves around and climaxes in marriage and procreation. This traditional concept of marriage is being challenged by the demand for legal recognition of same sex couple. The challenge is ethical. Same sex couples want the same rights as heterosexual couples. However, most Nigerians believe that homosexuality is not part of our culture, and therefore cannot gain ground here. But, researches have shown that homosexuality is nobody's culture. It grew out of a series of decisions in response to life development process. As urbanization, education, international travel and the internet spread into Nigeria, it is inevitable that certain of our moral structures may be affected.

In spite of the effects of globalization, there is a framework of ethical oppositions toward homosexuality in Nigeria. This is understandable from the moral orientation of Nigerian society. For the fact that Nigerian morality is based on the beneficiary values of collective family and community well-being, homosexuality appears to challenge the moral foundations of Nigerian. In this paper, Nigerian concept of marriage, same sex marriage and some of the philosophical arguments would be analyzed.

### ***Nigerian Philosophy of Marriage***

In Nigeria, marriage is seen as a community affair. Marriage is held very sacred and in very high esteem; and of a very ontological and moral value. Among the Igala people, marriage is between families and not just individual man and woman who met somehow and think that they can live the rest of their lives together. In Nigerian moral thought, marriage and procreation belong together (Gbadegesin 51). Without procreation marriage is incomplete. This is a unity which attempts to recapture, at least in part, the lost gift of immortality. Marriage is regarded as an obligation by means of which the individual contributes the seeds of life towards man's struggle against the loss of original immortality. Biologically both the husband and wife are reproduced in their children, thus perpetuating the chain of humanity. In some societies it is believed that the living dead are reincarnated in part, so that aspects of their personalities or physical characteristics are re-born' in their descendants (Mbiti 133 ).

A person who has no descendants in effect quenches the fire of life, and becomes forever dead since his line of physical continuation is blocked. From this background idea about marriage, contemporary Nigerian contends with the contentious issues of homosexuality and same sex marriage.

### ***Marriage as Traditional Institution***

One of the most respected African scholars that captured concept of marriage is John S Mbiti. He described marriage as a complex affair with economic, social and religious aspects which often overlap so firmly that they cannot be separated from one another. It is the point where all the members of a given community meet: the departed, the living and those yet to be born. All the dimensions of time meet here and the whole drama of history is repeated, renewed and revitalized. Marriage is a drama in which everyone becomes an actor or actress and not just a spectator. Therefore, marriage is a duty, a requirement from the corporate society, and a rhythm of life in which everyone must participate. Otherwise, he who does not participate in it is a curse to the community, he is a rebel and a law breaker, he is not only abnormal but 'under human'. Failure to get married under normal circumstances means that the person concerned has rejected society and society rejects him in return (Mbiti 133).

In most Nigerian thought, marriage and procreation are a unity: without procreation marriage is incomplete. Marriage is regarded as an obligation by means of which the individual contributes the seeds of life towards man's struggle against the loss of original immortality. A person who, therefore, has no descendants in effect quenches the fire of life, and becomes forever dead since his line of physical continuation is blocked if he does not get married and bear children. According to Mbiti (134), this is a sacred understanding and obligation which must neither be abused nor despised. Similarly, marriage and procreation as a unity attempt to recapture immortality in the matter of 'remembering' the living-dead. So long as there are persons in the family who remember someone who has physical died this person is not really dead: he is still alive in the minds of his relatives and neighbors who knew him while he was in human form. His name still means something personal, and he can 'appear' to members of his family who knew him and who would recognize him by name. This, as we have seen, is extremely important in Nigerian societies. This is a serious philosophical concern among traditional Nigerian peoples. To lack someone close who keeps the departed in their personal immortality is the worst misfortune and punishment that any person could suffer. To die without getting married and without children is to be completely cut off from the human society, to become disconnected, to become an outcast and to lose all links with mankind. Everybody is expected to get married and bear children and, that is, the greatest expectation of the individual for himself.

Marriage is a family affair and it involves the combining of two lives, two families, and sometimes even two communities. Marriage is sacred in Nigeria and in other African nations because it solidifies relationship that enriches communities and nations by bringing forth new life and new hope. The union of man and woman is a celebration of the natural continuity of life. Marriage is the only known incubator for the raising of balanced socially functional children (Aja, 543). Because the bride is the link between the unborn and the ancestors, she is treated with respect. A bride may bear a very powerful child. An Igala adage on the significance of the bride says, "No one knows the mother of the king". In other word every bride is a potential mother of the king (Apeh 10). Mbiti (139) identifies the traditional African family as a setting wherein the vertical power structure of the society is introduced and sustained as predominant over the freedom of individuals.

In Nigerian thought, 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, namely; 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 (Turaki, 65). Similarly, sex is not used for biological purposes alone. It has also ontological, religious and social uses. Mbiti (147) likens it to a solemn seal or signature, in which sex is used as a sacred action, as 'sacrament' signifying inward spiritual values. Mbiti list what constitutes sexual offences in African societies to include; ritual offences which arise on account of taboos and ritual regulations, where people (including married couples) are forbidden from having sexual relations at given times, adultery, when discovered is severely dealt with in some societies the guilty person (particularly a man) would be whipped, stoned to death, made to pay compensation or have his head or other part of his body mutilated, Fornication, incest, rape, seduction, homosexual relations, sleeping with a forbidden 'relative' or domestic animals, intimacy between relatives,

children watching the genitals of their parents (in the wide usage of the term), all constitute sexual offences in Nigerian community. Nigerians are very sensitive to any departure from the accepted norm concerning all aspects of sex.

This is fundamentally an ontological attitude, since any offence upsets the smooth relationships of the community which includes those who have already departed (Mbiti 148). Marriage then, is an ontological duty and responsibility for every Nigerian.

### ***Same Sex Marriage in Nigeria***

One of the contentious issues in the debate over homosexuality and same sex marriage in Nigeria is whether a marriage between persons of the same gender is totally alien to Nigerian culture and tradition. Those opposing same sex marriage have continued to argue that same gender union is foreign to Africa. But on the contrary, Leo Igwe (2008) has argued that homosexuals have always existed in Africa. He is of the view that gay sex is as old as Nigerians in Africa, and predates the contact with Arab and western cultures, but as in other cultures, gays in Africa have until recently been in the closet, expressing their sexual emotions and orientation in private, with heterosexuality as the norm. Consequently, homosexuals in Nigeria contract heterosexual relationship to bear children and to live 'normal lives'. That is why some say there are no gays in Nigeria.

Igwe condemned what he called Nigerian rash of comments dripping hatred, disgust, and condemnation for the homosexuals. Whilst many called for the burning, execution, decapitation or stabbing of these 'vile' men with their 'disgusting' lifestyle, others lamented the decline of Nigerian moral values and the concomitant importation of depraved western cultural values. Under no circumstances, it was argued, should the notion of human rights be extended to such persons, because after all, they were sub-human, doing stuff that even animals would not do. Advocates of the current trend in the same-sex debate readily put blame on Nigerian colonizers for inserting anti-gay laws in their statutes books on the eve of their departure. They hold that the present persecution of homosexuals in Nigeria has some roots in the colonial experience. Western imperialists forced on these colonies their social, cultural and political ideologies. Unfortunately, at independence most African countries blindly adopted the laws and constitutions of their erstwhile colonizers. For instance, the former British Colonies, Nigeria, Kenya, Uganda, Ghana, adopted the British common law which until the 1960s prohibited homosexuality; while the Islamic majority states adopted the Shari'a law - introduced to Africa by Arab jihadists - which sanctions death for gay sex. So homosexuality is a crime in Nigeria.

Mensah (8) is of the view that, the fact that anti-gay laws were inserted into the statute books by the departing British colonialists should in itself put paid to that ridiculous notion that the idea that homosexuality is a western concept and therefore foreign to Africa as nonsense. Homosexuality, he claimed, cuts across all cultures worldwide and is simply human, in as much as it is also derided across cultures. In fact, until relatively recently in western societies, homosexuality was frowned upon and criminalized in many countries. Even today, in spite of liberal laws, there are gay men in the west who hide their sexuality and go through loveless marriages just for the sake of keeping up appearances; fearful of the ridicule and contempt of their peers were their secrets to come out. The strict Nigerian communal expectations of yesteryear simply meant men who had sexual feelings for men were forced to bury them whilst they went through the tortuous and sometimes unhappy ritual of marriage and procreation that was expected of them, and in many instances, led double lives. The argument therefore that homosexuality is intrinsically a western pervasion foisted on poor but pure hapless Nigerians fits into an interesting narrative, but it is simply a hysterically jingoistic, ignorant one devoid of any intellectual basis or evidence.

On several fronts in Africa's evolving culture, the pressure to conform, which is the bedrock of our ancient communalistic society, is fast evaporating, and clearly in that vacuum groups begin to assert themselves as they cast off the 'yoke' of conformity. It therefore should come as no surprise that homosexuals in Ghana, South Africa and Nigeria are becoming bolder by the day (Igwe 1-5). As urbanization and education and international travel and the internet spread into Africa, it is inevitable that certain structures will tumble down, and we may be powerless to do much about it. For instance, many educated Nigerian women with independent careers and finances no longer feel the need to remain trapped in loveless and sometimes abusive marriages just to conform to traditional society's expectation of 'stable' marriages. Single parenthood no longer is a matter of eternal shame.

A woman's choice to work as a prostitute no longer raises hysterical outrage-certainly not in the anonymous jungles that our cities have become. As people become more and more aware of their democratic rights of self-expression through the concept of human rights (which of course is a positive thing, surely), they will remind you that it is their life if you dare reproach them. Our extended family system is dying slowly and the nuclear family gains centre ground. Many young people come from broken homes and have taken their own destinies into their hands. We are very slowly but gradually ceasing to care what another person does with his or her life. It is within this context of the western-style individuality taking over Nigerian communality that the gay Nigerians feels unwilling to live according to the strict demands of societal expectation and demands to be left alone to get on with his life as he sees fit.

Igwe (8) further gave a panoramic view of what same sex marriage looks like in Igbo land. The Igbo he says, recognizes and practice same-sex marriages among women for procreative purposes. Traditionally a homosexual relationship does not enjoy equal status and recognition with a heterosexual relationship, which is considered to have procreative (and reproductive) value. He regarded Nigerian position on homosexuality as myths and misconceptions, which must be corrected and clarified if Nigeria is to make progress on this critical issue. Some of the misconceptions include claims that homosexuality is unNigerian, and that gay sex is unnatural and a form of sexual perversion imported to Africa from the West. These misconceptions have served the interests of homophobes and gay bashers on the continent and beyond. They have misrepresented Nigerian culture and conscience. If homosexuality is unNigerian, does it mean that heterosexuality is Nigerian? Are Nigerians the ones that exported opposite-sex relationships to other parts of the world? Should we blame Africa for the corruption, immorality and perversions that plague the world due to straight sex? How does one determine what is Nigerian or unNigerian? Who determines what natural or unnatural sex is? Who certifies what is sexually moral or normal? What makes a consensual same-sex relationship a taboo and consensual sex among heterosexuals a tradition? (Igwe 8).

While answers to this probing questions are as a matter of fact required from any serious mind who want to objectively research into same-sex marriage in Nigeria, suffice it to say here that, because of the moral context of Nigeria and its' communitarian nature, same-sex marriage is still stigmatized. Gay sex is a very sensitive and controversial issue and presents the most populous Black Country on earth with one of the greatest moral, social and legal challenges and dilemmas in the 21st century. What is prevailing in Nigeria is not necessarily religion-based homophobia because, before the advent of Christianity and Islam, Nigerians had and practiced their moral values which were in agreement with their secretive attitude to sex.

Homosexual activity in Nigeria has been legally prohibited, with sanctions of up to 14 years imprisonment. According to Section 214 of the Penal Code (Third Edition 1967) "any person who has carnal knowledge of any person against the order of nature or permits a male person to have carnal knowledge of him or her against the order of nature is guilty of a felony and liable to imprisonment for 14 years". Under Section 215 "Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony and liable to imprisonment for 7 years. Under Section 217, "Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him or attempts to procure the commission of any such act by any male person, whether in public or private, is guilty of a felony and is liable to imprisonment for three years." Maximum penalties for non-consensual acts are the same as for consensual acts. Thus, under Section 352 of the Penal Code assault with intent to have "carnal knowledge with a man (or woman) against the order of nature" also carries a maximum penalty of 14 years' imprisonment, while unlawful and indecent assaults on a male person can be punished with up to three years' imprisonment.

More recently, legislation was proposed in Nigeria that would ban same-sex blessing or marriage ceremonies, penalize those involved in them, and outlaw efforts to promote same-sex activity of any kind and through any means, with penalties of five years imprisonment. This proposed legislation has been publicly upheld by the Nigerian moral community. The Nigerian Senate recently took a strong stand against same sex marriage in Nigeria in an all-in-favor debate on a bill prohibiting same sex marriage in Nigeria. Domingo Obende the sponsor of the bill opened the debate with an argument that, "We as a country need to act very fast for this trend not to find its way into our country." "Same sex marriage cannot be allowed on moral and religious grounds. The Muslim religion forbids it.

Christianity forbids it and the Nigerian traditional religion forbids it. It should not be allowed because it will lead to a breakdown of the society.” All senators that debated the bill at the plenary accepted Obende’s line of argument. “It is morally and spiritually wrong and unacceptable,” said Oluremi Tinubu. Nigeria’s Senate President David Mark voiced support for the bill for the prohibition of Same Sex Marriage.

In his opening remarks at the public hearing organized by the Senate Committee on Judiciary, Human Rights and Legal matters on 31st October, 2011, he said, "My faith as Christian abhors it. It is incomprehensible to contemplate same sex marriage. I cannot understand it. I cannot be a party to it," he told the audience, deriding what he called "the importation of a foreign culture". "There are enough men and women to marry each other. The whole idea is the importation of foreign culture but this one would be a freedom too many. We cannot allow our tradition and value system to be eroded. "It is offensive. It is repugnant. I will preach against it and we must stand up to reject same sex marriages in Nigeria. "I do not think any religion supports this. I don't know where this whole idea of same sex marriage comes from." He concluded that same-sex marriage is offensive to both culture and tradition.

The position of the Senate President did not go down well with the gay community in Nigeria. In their own argument presented by their spokes person Dr. Otibho Obiowu at the public hearing, many Nigerians have left their homeland because same-sex unions are not supported, "Many talented Nigerians are living in the Diaspora openly as gays, lesbians, bisexuals and transsexuals," he said. "We contribute positively to the development of our country of residence but are afraid to come and live and contribute to the development of our motherland because of victimization."

The Queer Alliance of Nigeria, an organization that works to promote the well being and the rights of sexual minorities in their own presentation during the public hearing hold that ; sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviors, practices, roles and relationships. Sexuality is also influenced by the interaction of biological, psychological, social, economic, cultural, ethical, legal, political, historical and religious and spiritual factors. It therefore suffices to say that homosexuality is inherent in a particular percentage of the citizenry of our country. Sexuality they claim is a core component of what makes us human beings. Same Sex attraction as we know is not a matter of choice. No one will willingly choose to belong to a marginalized group within any particular society. They hinge their argument on the Nigeria's constitution which they claim guarantee every citizen their fundamental human rights. Chapter IV of the constitution gives a list of these rights. Notable is the Right to the Dignity of the Human Person, The Right to Freedom from Discrimination and The Right to Peaceful Assembly and Association.

Nigeria’s signatory to international covenants and treaties (notably Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Nigerian Charter on Human and Peoples' Rights, Convention on the Elimination of all forms of Discrimination against Women etc.), recognizes the fact that we know and acknowledge that sexual orientation and gender identity is and should be a protected clause in the context of human rights. It also means that as people and a country, there is sexual diversity amongst us. The Right to Freedom from Discrimination has been interpreted internationally to include freedom from discrimination on the basis of sexual orientation and gender identity. While the constitution endorse the Right to Freedom from Discrimination, discriminatory and repressive laws found in the Penal And Criminal Codes of the nation gives a breeding ground for the perpetration of hate crimes and violations of human rights on grounds of sexual orientation and gender identity in the country.

This bill which is coming on the heels of penalizing legislation will further make life difficult for sexual minorities. In this light, they concluded,” this bill is totally unnecessary and we as citizens of Nigeria urge the Senate and other bodies, to open up possibilities of discussing human sexuality in an open atmosphere rather than debating to further criminalize people with this orientation where it is already illegal and criminal”. Leo Igwe who represented the Nigerian Humanist Movement expressed the views of the body. According to him, the body is deeply concerned by yet another move by the Nigerian Parliament to criminalize same sex marriage in the country. This bill is a big distraction and a waste of Nigeria's limited legislative resources he argued.

“It will worsen Nigeria's human rights records and undermine the efforts by Nigerians to foster true democracy, national dialogue and tolerant pluralism”. It is difficult to comprehend why the Nigerian Parliament wants to set the country on a path against the global trend of abolishing homophobia and ending all forms of discrimination against persons on the basis of sexual orientation and gender identity.

Nigerian Humanists hereby urge the lawmakers to shelve this bill and instead to consider decriminalizing homosexuality and taking other legislative measures to promote, protect, uphold and enforce the full human rights of all persons despite the race, ethnicity, sex, sexual orientation, religion or belief.

In a joint Memorandum submitted to the senate on the bill by, The Amnesty International, Human Rights Watch (HRW) and the International Gay and Lesbian Human Rights Commission (IGLHRC), they strongly urge the Nigerian Senate not to pass the 'Same Gender Marriage (Prohibition) Bill 2011 as the bill 'Same Gender Marriage Prohibition Bill, 2011' Violates Constitution. Nigerian position was earlier emphasized during the recent council meeting of the UN Human Rights. Earlier, Nigeria at UN Human Rights Council warned that the UN could be turned into a “guinea pig” of policies that cannot be implemented by member states, following a resolution that endorsed the rights of gay, lesbian and transgender people. Speaking on behalf of the Nigerian group, Nigeria’s representative at the Council Ositadinma Anaedu said Africa countries, “and more than 90 per cent of the Nigerian people” did not support the resolution. He said notions on sexual orientation should not be imposed on countries. He queried the hypocrisy of some African representatives who voted in favor of the motion and reinstated the fact that same-sex is illegal in Nigeria and it is punishable by death through stoning in the 12 states that have adopted Shari’ a law, and by up to 14 years imprisonment throughout Nigeria.

The US Department of State, in a Press Statement of 1st February 2006, censured the proposed legislation, on the grounds that it "threatened to limit rights of sexual minorities". Many other political groups around the world have also condemned the proposed legislation and pleaded for its withdrawal. The moral implication the reactions from the American Department of State posses are grave. How far can the “values of the west” be used to evaluate Nigerian morality? Temisan, Ebijuwa (165) argued that “a society can be said to be good if such moral values can lead to the promotion of good human relations and happiness. That is, if it produces programmes, policies and laws that are necessary for the attainment of social and public goods such as peace, security, justice and freedom. These social and public goods are given expression in different societies in the manner in which they enhance human social interaction-the benefit of which can be seen in the preservation and the promotion of the good life and the resources of both physical and human development.

Arising from the above, positive human values will then be those values which different societies consider important in the course of the development of man and his environment. We find such values in how society’s activities guarantee freedom, peace, justice, harmony, and so on. Now, because different societies are at different stages of their historical experiences, it will be wrong to say that they are all at par in their quest for positive human values. Emphasizing this view, Oladipo (49) says that even when due allowance has been made for the existence of different epistemologies and values- a consequence of the fact that the world, at least for now, is “irretrievably fractured”-we still would have to admit the fact that our world-views and values do not have equal merit. But that does not in any way suggest inferiority in moral values, but differences in moral conceptions (Sogolo, 140).

Proponents have argued that humanism provides a viable moral framework for Nigerians to combat homophobia and establish the human rights of all gays and lesbians in Nigeria. Humanist morality is based on concern for human dignity, happiness and fulfillment. It is not a set of absolutist edicts and commandments handed down as eternal moral truths by some deity, but comprise principles and values discovered and informed by human knowledge and experience. Humanism is a progressive outlook founded on liberal and civilizing values. And one of them is that all human beings are equal in dignity and value. In most African countries, where homosexuality is regarded both as a crime and taboo, it is almost impossible to find anyone who will readily and openly admit to being gay. And few people with human rights credentials are willing to stick out their necks by putting homosexuality on their agenda as they draw a line between morality and law. Although protesting the discrimination of single women in Kenya, Alice Ndegwa, coordinator of the Forum for Single Women’s Rights, says her lobby group cannot champion homosexuality. Lesbian and gay relationships, she says, are against nature and God’s teachings and that marriage can only be between a man and a woman.

She described homosexuality as awful, a bad behavior and not part of human rights.” It is foolhardy, she stresses, for a person to excuse immoral behavior by simply saying one’s genes demand that one steals, molests children, or commits suicide, for example.

From the arguments above, one discovers that Nigerian society has two views of homosexuality.

The traditional or conservative view which holds that homosexuality is an aberration, and the orientation a disorder, and the behavior is pathological, and the opposing liberal view which holds that homosexuality is a normal variant in the human condition, that it is determined before birth, and homosexual behavior is natural for those so oriented. The gay community has been tremendously successful in gaining acceptance for the second view. This view, however, rests on a number of questionable premises, which if false, lead us back to the traditional view. The burden of proof should be with those who say it is normal and natural. This is because the only hard evidence that we have--the biological evidence--clearly indicates that it is a disorder, in that homosexuality represents a tendency to want to use body parts for some purpose other than that for which they were designed.

The question that readily comes to mind is; Are people "born gay?" Do they choose to be gay? What causes homosexuality? Some claim that homosexual orientation is biologically determined through genetics or hormones in the same way that eye or hair color is fixed. This claim is used to advance the argument that because homosexuality is caused rather than chosen then it cannot be immoral; instead it is normal and good (Sullivan 24). Regardless of where you stand on the pleasure-relational aspects of sexuality, man and woman's sexuality is inextricably associated with reproduction, and two men or two women cannot reproduce. Therefore, homosexuality is a condition that, in a fundamental way, is contrary to nature. Biologically, it is simply not natural or normal. The advocates of acceptance of homosexuality, have put forth a great effort to convince the world that homosexuality is in fact both natural and normal, that it is simply different, and that only because it is the orientation of a minority, do we classify it as a disorder or perversion. In applied ethics, what is normal is what is in accordance with the norm; what is common. When we talk about what is natural, we are talking about what is in accordance with nature. Most arguments favoring homosexuality as normal and natural, therefore, are aimed at creating an impression that homosexuality is extremely widespread, that it occurs everywhere in nature. (Sullivan 171). Sullivan further identified six existing ideological arguments for and against in the homosexual debate. This includes; the prohibitionists, the liberationists, the conservatives, the liberals, the natural law arguments and the legal/human rights arguments. All these views sum up reactions of Nigerians on same sex marriage.

### ***Nigerian Moral Context and Same Sex Marriage***

I am aware of differences in perceptions pertaining homosexual’s rights, between Western and Nigerian homosexuals. The overwhelming evidence against same sex marriage in Nigeria points to the fact that Nigerian moral context does not welcome the practice. Kwasi Wiredu (69) described moral context as those paradigms and specialized language of ethical theories that bind our thinking and the observance of rules for the harmonious adjustment of the interests of the individuals in a giving society. Same sex marriage is one of the difficult situations in which ethics, morality and law are all pulling in different directions. The initial challenge is an ethical one. Same sex couples want the same rights as heterosexual couples, and by classic reciprocity principles, this is something all citizens can understand: We would want the same thing, and thus the same sex couples have the Golden Rule on their side.

The moral systems of many Nigerians declare homosexual relations to be an absolute wrong, and thus conduct that should not and cannot be approved by legislation. So there is an absolutist analysis that opposes same sex marriage, and a utilitarian analysis that says it is wrong as well. That analysis concludes that the institution of marriage, the stability of the family, and the welfare of society generally will suffer if marriage is expanded to include same sex couples; in classic utilitarian terms, the unequal treatment of gays is necessary to ensure a larger societal good. This absolute condemnation of homosexuality has old roots: it arose from the classic "if everybody does it" standard, at a time in antiquity when the survival of a tribe, a race, or a community depended on procreation between men and women (Mbiti 193). If everybody was homosexual, society was doomed, so it made sense to evolve strict taboos against the conduct. In the absence of any concrete documentation of factors justifying the withholding of equal treatment, granting the rights was the right approach.

In the Nigerian moral context, same sex marriage has been described as an oxymoron, meaning the terms are incompatible upon considering marriage's inherent nature. Two constituent parts reside within marriage. The first is unitive, when two become one. Homosexuals cannot, by definition, satisfy this requirement. Secondly, marriage includes openness towards procreation. Homosexual sex violates the law of complementarity, whereby male and female, while sexually different, are indeed complementary.

One completes the other and leads toward reproductive potentiality whereby the unitive portion is not being interrupted, halted, nor harmed, but is instead being maximized. Homosexual sex has no procreative value, and thereby negates marriage's second component. The same logic applies toward the specious claim regarding codifying homosexual unions. Gay "marriage" is a violation against natural law, objective truth, and the law of complementarity (Wiredu 68). Marriage is based on the fact that we are male and female - two halves of a complete, life-giving whole - and that this life-giving power is inherent in heterosexual intercourse. This ability to transmit life is what invests marriage with its "transcendent, moral, cultural, and social significance.

### **Summary**

I have argued in this paper that the issue of homosexuality is determined by the encounter of two cultural and ethical paradigms. I have also pointed out that, generally speaking, traditional Nigerian societies are explicitly inimical to same sex marriage. I gave reasons for such a stand, namely; our normative understanding of marriage as a union between a man and a woman, and the context of our moral norms and values which is purely ontological and communitarian. These no doubt has made homosexuality morally unacceptable. Nigerian moral context as I have argued in this paper has communitarian foundation. It is different from the liberal Western morality. It is a communitarian morality. As long as Nigerian moral context remain communitarian, homosexuality as it is been propagated today, will remain an aberration, deviant, unnatural, foreign and unacceptable sexual practice. Homosexuality as it is today has failed Nigerian moral test.

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