



Abortion in the Contemporary World: A Study of Traditional MBEMBE Society in Obubra Local Government Area of Cross River State, Nigeria

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ABSTRACT

This thesis studied Abortion in the Contemporary World with focus on Mbembe Traditional Society of Obubra Local Government Area, Cross River State, Nigeria. The work adopted a poly-method approach where data was gathered from primary and secondary sources. The findings revealed that, the controversy on the permissiveness or prohibition of abortion is all inclusive as all humans take positions in the debate on self-volition. Also the study revealed that the Mbembe culture absolutely condemned abortion under whatever guise and culprits are punished variously depending on the assumed age of the fetus. The work therefore recommended that since no human culture is static and every pregnancy was a “sure risk” on the unborn baby, the expectant mother, the family and even the entire immediate community as the case may be, extant laws or legislations should be modified. Finally, the work suggested that the life of any living mother should be prioritized as the “Being” with human significance at the given period; after all, the “expected” is only but a future substance without concrete assurances of survival yet.

Key words: Abortion, culture, ethics, society

Introduction

There is no community of humans in the contemporary world where the debate on abortion has not polarized the contenders and audience into factions. The debate on abortion which spontaneously erupted on the world scene, has provoked international controversy, polarizing people, dividing countries and setting churches against the states (Winnail,2005). It is indeed a worldwide public health problem (Abortion is a Global Issue,2018). While many argued for its total prohibition citing the sacredness and humanness of the fetus, others tenaciously held that the embryo is not more significant than a mere tissue deserving to be detached from the mother’s womb at the convenience of the mother. This dichotomy gave birth to the intractable debate on abortion in the contemporary world with conflicts perhaps more dreaded than murder and euthanasia put together. The conflict seemed severe and unending because abortion discourse has not been limited to scholars and practitioners only but has engaged numerous fronts: Churches and other religious organizations, Political office holders, candidates vying for political Offices, the Judiciary and the general public have all taken their positions on abortion. In the United State for example, since 1973 when the

Supreme Court in its decision on the popular *Rev vs Wade* case which legalized abortion through the second trimester of pregnancy (Johnson, 2005), the polemic: social, ethical, political and legal have really not abated.

Again, it is because abortion debate has raged unabated from the views of critics and defenders who have stretched their stance to the extreme. From one extreme end abortion opponents requested absolute prohibition of abortion calling the practice “murder of innocent and vulnerable persons”. On the other end the pro-choice feminists argued that the woman has absolute right to abortion on demand at any time during pregnancy. The opposing resolute positions have deepened the cleavage between the contending ends and further account for the intractability of abortion debate so far. Also, the arguments are differently based. Personhood of the fetus is a major issue. Some regarded a fetus as a person right from conception, an entity with potentials of being an adult, while others defer drastically on the period of fetus personhood. Some simply claimed that second and third trimesters are the periods of fetus personhood considering fetus cognitive criterion and development of human features in the burgeoning human life. No argument from the schools can be adjudged baseless and unfounded but ultimately significant as it has to do with life and existence of man. Abortion in itself is evil yet the *defecto* life matters. During the ever vast learning process, it is pertinent to advise that man should not discard the aphorism which states that “a bird at hand is worth two more in the bush”.

Conceptual views on abortion

In any agrarian society a fertile portion of farmland attracts unending stream of farmers; so it is with the debate on abortion in the contemporary world. Every human that ever lives survived the likely chances of abortion and naturally possess the locus *standi* to have a take on abortion discourse. But what is abortion? Shield (2004) holds the idea that abortion is the deliberate and artificial induced removal of an embryo or fetus from the womb. Dzurgba (2005) on the other hand states that abortion is a medical operation in which baby development inside the woman's womb is stopped so that the baby is not born. What is common about abortion is that, there is a commencement and subsequent development of a fetus, embryo all called it any name in the womb of an expectant mother which if allowed time will attain maturity. Abortion therefore is a premature means of terminating growth of a fetus before maturity. On moral status of abortion, Grassian (1992) asserts that arguments about moral status of abortion basically sprout from three premises. Firstly, that early abortion is right since the fetus is nothing more than the removal of a piece of tissue from the mother's body. Secondly that every unborn child is a human person with all rights from conception and thirdly, that fetus is a potential person with right from conception but not that rights of a "full person". This again opened the floodgate on the subject.

View on personhood of fetus

Mary Anne Warren (1973), provided strict psychological standard for personhood, defining a person only as "a full-fledged member of the moral community". She proposed a set of cognitive criteria central to personhood, which includes consciousness, development of capacity to reasoning and problem solving, self motivation, activity, capacity to communicate and self-awareness. A fully developed fetus is no more like a person than a new born puppy and cannot have right sufficient to override a woman's right to have an abortion in any stage of pregnancy. As it concerns the infants, Warren argued further that whatever consideration for infants is not sufficient to override a woman's right to freedom, happiness and self determination. Towing the same line of argument, Michael Tooley (1972), asserts that neither abortion nor infanticide is intrinsically wrong or undesired. He states further that an organism possesses the concept of serious right to life only if it possesses the concept of a self. Thus he aligns with Warren to uphold the view that mere potential is not enough guarantee to personhood.

Personhood in Warren standard is dam too difficult to meet not only by the unborn but by infants, children and adults as well who have cognitive deficiencies. The position licensed abortion, infanticide, euthanasia and suicide which to a very large extent negate the fundamentals of natural justice. Tooley who seemingly aligns with Warren and guarantees personhood only to an organism that possesses the concept of self as a continuing entity does not only deny personhood to fetus and infants but unwittingly grants personhood to strange species. Tooley fails to convince humanity on the true state of animals. Do animals possess self? Should animals be regarded as persons who possess right to life? The inability of Tooley to provide adequate and satisfactory explanations to these questions impoverished his argument.

Marquis view on personhood of fetus

This argument emerged as a supposed answer to the teething question of personhood. Marquis (1989) who owned up the evil in killing of adults said it was only morally wrong because of the natural property the adult possesses which includes the experiences, activities, projects and enjoyments that would have constituted the victims' future life. It is the loss of this valuable future that Marquis calls the "future like ours". Marquis therefore sees abortion as inherently wrong because the fetus like adult has a value future. Marquis was however undecided and failed to portray the line between human and other species. An animal which if allowed to live will very likely have a valuable future, (depending on what valuable future stands for), the question of, if they have a share in the right to personhood is unresolved. Furthermore, one will deduce that Marquis must technically be permissive to euthanasia. If only the loss of valuable future justifies murder, then euthanasia should be naturally right.

Boonin view on personhood of fetus

David Boonin cited in Johnson (2004) holds the opinion that a fetus acquires a right to life only at the point in fetal development when organized cortical brain activity is present. The cortical criterion is the only morally relevant requirement for moral standing and right to life. Thus, it is the natural property which fetus must possess that will make killing it morally wrong. By implication Boonin did not just deny all fetuses the right to life but only that this right does not exist from the moment of conception. Therefore, abortion in typical circumstances (before cortical development) is permissible.

One can go on and on discussing views which are as many as there are scholars. A critical analysis portrays that both proponents and opponents of abortion controversy requires resolving the question of personhood and right to life. Since fetus's moral standing is believed to hinge on its personhood, the argument is yet unresolved. The created gap has necessitated this research aimed at studying Mbembe traditional society.

Abortion: A global concern

It is evidence from our preceding sections that controversies on the legality or otherwise of abortion has a universal concern assuming unprecedented dimensions in recent centuries, particularly the 20th century. To a reasonable extent this has proven that man from inception might not have been so cruel. But why has abortion become so pronounced? Surprisingly enough many countries that sternly prohibited abortion in the past now liberalized and embraced the heinous practice. Women now abandoned their traditional gender roles, such as respect for virginity till marriage to freely take to sexual

promiscuity with men who sought pleasure in unprotected sex without any regard for consequences. In the ancient Roman Empire, citizens did not believe in depopulating a world through 'artificial means'. The Catholic Church at the time was said to permit extreme punishment for women who aborted their babies and midwives with confirmed evidences to have assisted in the abortion process (Abortion is a Global issue,2018). The women executed for abortion offences were usually thought as witches.

In the Soviet Union(now Russia) majority of pregnancies were known to have been terminated through abortion. Nowadays and in China for example, abortion was legalized in 1957. China took a step further to adopt a "one child" policy in 1979 (Winnail,2005). This policy limited the choice of parents who desired more children but are restricted to just one. Subsequent development of ultrasound technology further aggravated the child birth conditions since parents learn the gender of their unborn children before birth. This in effect leads to sex-selective abortions by parents. There was lack of unanimity on the legality of abortion among the Jews. While some recognized full personhood and full moral right after birth others advocated for abortion on demand. Yet others say it should be allowed only on 'grave case' without agreement on what constitute "grave case".

Discussions on abortion in the contemporary era will be inconclusive without reference made to the highly controversial Supreme Court decision which legalized abortion in the case of *Rev vs Wade* in 1973. The judges who split 7 for and 2 against upheld that fetuses are not "full legal person" and women do indeed have a right to privacy which gives them right to abortion on demand during the first trimester. The decision further permitted the State to legislate concerning the second and third trimesters when abortion become riskier (Grassian,1992). Though one will say the Supreme Court decision does not absolutely legalized abortion in the United States, yet the impact from that decision considerably influenced the world to this day. In spite of wide divergence on abortion view, there is a stronger consensus that the welfare of a pregnant woman is more important than that of the fetus (Gaussian,1992). It is obvious from our discussion that "former world" where traditional and moral views held sway abortion was eschewed. This is contrary to the modern world dominated not only by liberal opinions but technology that directs human decisions. In this situation efforts to hold on to traditional norms are also disregarded and christened as savage and uncivilized. A synergy of these two worlds will suggestively make for a better place worth living.

Abortion in Nigeria

Nigeria is a country with diverse ancient cultures. According to Jekayinfa (2002), culture with multi-ethnic vices. There is no evidence known to the researchers of any of these ancient cultures where abortion was permitted. Abortion in Nigeria has remained a taboo. Abortion is legally restricted in Nigeria, permitted in exceptional cases to save life. Sections 228, 229 and 230 of the Criminal Code which operates in the Southern States of Nigeria state that, any person providing a miscarriage to a woman is guilty of a felony and should on conviction serve 14 years' imprisonment. Section 229 specifically states that any woman obtaining a miscarriage is guilty of a felony and on conviction should be imprisoned for 7 years. Section 230 states that anyone supplying anything intended for a woman's miscarriage is also guilty of a felony and should on conviction be imprisoned for 3 years(Laws of the Federation of Nigeria, 1990. Criminal Code, Cap. 77).

The restriction is however doing the citizenry no good as it turned around to encourage secret abortions. Gaestel (2013) states that, in Nigeria abortion is legally restricted...but at least 760, 000 abortions happen every year, mostly outside the legal parameters, and from 3,000 to 34,000 women die annually from unsafe abortions. Ogbu (2013), also states that according to a research done by the Guttmacher Institute, a frightening estimate of 456,000 unsafe abortions are done in Nigeria every year. Abiodun (2015), also reported a joint study carried out by the Society of Gynecologists with Nigeria's Ministry of Health, which provided the estimate of woman engaged in unsafe abortion at about 20,000 each year. The implication of high mortality rate in Nigeria as shown above is not unconnected with the policy where abortion is restricted. If restricting abortion has led to increase dead of the unborn and expectant mothers who patronized quack medical practitioners and meet untimely deaths, the Nigerian government should legalize abortion and at least save the expectant mothers. The intimidating figure of 40% maternal deaths in Nigeria, making it the second leading cause of maternal mortality in the country (Gaestel, 2013), is terribly frightening. Since two evils can only make a more severe evil and the concern for ethics is the rightness of an issue, the authors are of the opinion that abortion policies in Nigeria should be revisited and possibly modified.

Christian view on abortion

Pope Pius XI in Grassian (1992),states that, as to abortion. however much we may pity the mother whose health and even life is gravely imperiled in performance of the duty allotted to her by nature, nevertheless what could ever be a sufficient reason for excusing in any way the direct murder of the innocent. Uduigwomen and Ajour (2009), in "Abortion in Contemporary Socio-Ethical Issues and Problems" and writing from the Christian background aver that conception without consent by incest, rape, unplanned pregnancy, sex selection, personal or economic hardships and anticipated deformation are not enough reasons to justify abortion. The sanctity of life should take pre-eminence over and above all other considerations. They concluded that from the biblical perspective, abortion is absolutely wrong, immoral and against God's will.

Though the bible has no direct claim on forbidding abortion, evidences abound in the bible prohibiting the killing of the unborn baby and attributing personhood to start from conception.Exodus21:22- 25 states that; If men who are fighting hit a pregnant woman and she gives birth prematurely, but there is no serious injury, the offender must be fined whatever the woman's husband demands and the Court allows. But if there is serious injury you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise. Isaiah 49:1 clearly states that, "listen to me, O coastlands and hearken, you people from afar. The Lord called me from the womb, from the body of my mother he named my name. And Jeremiah speaking with the same conviction testified that "Before I formed you in the womb I know you, and before you were born, I consecrated

you, I appointed you a prophet to the people” (Jeremiah 1:5). These passages are emphatic on the position of the Christian Scriptures attributing right to personhood from conception. Besides human interpretation and very unnecessary colourations, abortion from the biblical premise is ethically wrong.

Abortion: The Mbembe perspective

Mbembe nation comprised of the geographical expanse of land bordering the northern axis of Yakurr Local Government Area through the southern borders of Ikom Local Government Area to the lower belt of Yala Local Government Area all in Cross River State. The area also shares boundary with eastern end of Ebonyi State (Ajah, 2018). Akam Community in Ikom Local Government Area and Okpodon in Yala Local Government Area, though separately located also constitute the Mbembe nation.

The severity of abortion in Mbembe society is allotted according to the stage of the pregnancy: first trimester, second trimester and third trimester. The punishment meted to offenders who aborted at early stages, say first three months is milder compared to the others involved in the act when the pregnancy is four months and above. A woman who aborted within the first three months of pregnancy, if caught is made to offer expiatory sacrifices using items as may be prescribed by the divinity (Chief Ebokpo Iguma). In addition, Chief Odamdik Akoru held the opinion that, even those who were forgiven, they still suffer terrible diseases resulting to death in some cases. For abortions committed after four months of pregnancy, Ujukwa John Igbege of Appiapumtet emphatically averred that the expectant mothers offered sacrifices involving several items. The items included goat, cock, hen, ram, kola nuts, sweet alligator pepper, fresh palm oil and many others. The sacrifices may culminate in ostracizing the offender who will live never to return to the community. Chief Otaba Obeje of Ogamua Village, Madam Alice Ekima of Owakande village and Chief Egeri Ewona of Okpechi were unanimous that any woman who abort a pregnancy that is above five months does not only offer sacrifices to appease the deities of the land or ostracized but is prohibited from marrying anywhere within Mbembe communities of this world.

For the male lover, betrothal or husband confirmed to have consented to the act, he also offered sacrifices to clean the land. In addition, he performed certain rituals at the dead of the night under the supervision of members of the *Igwo* divinity. At dawn the culprit used fresh palm fronds to sweep round the whole community and smearing all the doorposts with water as a symbol of cleansing. Finally, the culprit danced with necked body at the playground with the exception of fresh palm fronds hung on his neck down to his knees. While he danced, he spoke words of apology to the people and begged for pardon promising never to repeat the act again. From the foregoing it is without doubt that abortion is absolutely prohibited in Mbembe society.

Consequences of abortion

One thing is common from the survey of the various cultural backgrounds: abortion no matter what argument one intends to assign moral justification to it, abortion is inherently evil. This is more explicit as we study the consequences of abortion.

Culture of death.

Legalizing abortion in full scale will certainly lead to an ungodly society where human being will be less important than a chicken. Johnson (2018) states that permissiveness of abortion will inevitably leads to the devolution of human life. This leverage may lead to other forms of killings including infanticide.

High maternal mortality rate

It is undisputable that abortion results in increase dead of mothers. Winnail (2005) reveals that in many countries... abortions are routinely done under conditions so much unsafe that the mother is at grave risk of complications and suffering, or even death. And Gaestel (2013), stating the obvious about Nigeria asserts that, Nigeria has one of the highest rates of maternal death in the world, with 545 per 100,000 live births in 2008, though estimates vary. abortion cause half of the death of pregnant women.

Abortion contravenes traditional culture,

Justification of abortion is a child of modernization. Frankly peaking no ancient or rather primitive society ever thought of killing the unborn child let alone that of the mother in the process. Robert Bork decried the scourge of abortion and states that Abortion. deepens and legitimates nihilism (disregard for traditional values) that is spreading in our culture and finds killing for convenience acceptable (qtd. in Winnail,2005). This is one reason why the Mbembe society punish abortionist no matter the reasons alleged to be responsible for the action.

General conclusion.

Participating in the abortion debate anywhere in the world automatically pitches one among controversial groups. This is because whichever direction you place your opinion, the same sharply contradicts very many others. Aware of the volatile nature of the subject the work studied some views on abortion to ascertain other scholarly postulations. Furthermore, the work surveyed some global cultures including Nigeria. The culture of Mbembe concerning abortion was also studied from where the work discussed the consequences. It was concluded that since every coin has two sides, abortion should be seen as such. In spite of the grave effect, some situations of life depend on abortions to thrive.

Recommendations

Ancient norms and values should be revived. The traditional practice of maintaining virginity till marriage should be revived. Also, the traditional method of instilling fear in the youth should be encouraged. For mature men and women, the traditional oath-taking with a promise never to carelessly or recklessly kill or abort a pregnancy should be resuscitated and made a condition for every adult, 18 years and above.

The aphorisms that “half bread is better than none” or “a bird at hand is worth more than two in the bush” should be a watchword. At critical moments, mother should be preferred.

Legislations prohibiting “public abortion ”thus encouraging secret practices with high patronage of quackery should be revisited. Reasonable reasons should legitimate pregnant mothers to visit public or government hospitals to seek abortion processes.

List of interviewees

S/N	NAME OF INTERVIEWEE	AGE	SEX	PLAC OF INTERVIEW	PROFESSION	DATE
1	His Highness, Ch. Otaba Obeji	73	M	Ogamana	Clan Head	3/3/23
2	Chief Ebokpo Iguma	67	M	Idomo	Village Head	10/3/23
3	Ch. Odamdik Akoru	61	M	Eja	Village Head	17/3/23
4	Ujukwa John Igbege	64	M	Appiapumtet	Village Head	20/3/23
5	Madam Alice Ekima	59	F	Owakande	Woman Leader	23/3/23
6	Chief Egeri Ewona	68	M	Okpechi	Village Head	31/3/23

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