

PERSONHOOD AND ABORTION: AN AFRICAN PERSPECTIVE

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INTRODUCTION

One of the most fundamental issues in contemporary ethical discourse, which philosophers have not been able to reach any considerable consensus is the question of personhood. It is the question of what constitutes the humanness, dignity and personal identity of a being. Within the Western philosophical circle, no uncontroversial answer prevails. Any answer given to the fundamental question has serious implications for one's moral judgment on the moral worthiness or otherwise of moral issues like euthanasia, human rights, capital punishment, helping the poor, abortion amongst others. For instance, in the discourse on abortion, the question of personhood takes the form of: When does personhood begin and can there be any justifiable grounds for consciously bringing to an abrupt end, the existence of such personhood by another individual? Some modern bio-ethicists like Baruch Brody, I.W. Summer and Mary Warren have responded to this question and in fact come up with certain criteria of personhood which suit their advocacy for abortion.

While the question of personhood and abortion has received spontaneous reactions, albeit controversies, from philosophers in the Western philosophical tradition, it has received apathy in African philosophical discourse. This paper is an attempt to explore an African philosophical perspective to the themes of personhood and abortion. Using the Yoruba thought as a foil, the paper seeks to provide a comparative critique of Warren's position on the discourse and consequently, to establish that human personhood for the Yoruba begins at pre-conception and that the act of abortion is ethically condemnable in Yoruba ethics.

WHAT IS ABORTION?

For the purpose of our discussion in this paper we will be defining abortion as the deliberate removal or deliberate action to cause the expulsion of a fetus from the womb of the human female or mother so as to result in the death of the fetus¹. This definition is important in view of the fact that some abortions are not deliberate. Abortions that involve miscarriages are not deliberate; they do not signify that the mother or pregnant woman acted in any way as to expel the fetus from her womb. Abortion in a sense must be voluntary, deliberate and it must involve the removal of a human fetus.

THE DEBATE

An understanding of our discourse on abortion entails that we note the central argument

on abortion which states that:

1st Premise: To kill innocent human beings is wrong.

2nd Premise: The fetuses are innocent human beings

Conclusion: To kill the fetuses is wrong.²

This is the basic pro-life argument on abortion. It is argued that all deliberate killing of innocent people is wrong. Abortion is considered killing of innocent people. Therefore abortion is considered wrong.

This argument, following the laws of formal logic is considered not only sound but also valid. However, on close scrutiny one may begin to experience some problems or objections with the premises. While most people agree that deliberate killing of innocent people is wrong, that the fetus is a human being is a statement that calls for further questioning. On the one hand, pro-abortionist may want to argue that the fetus is not actually a human being or person. So the personhood of the fetus is in question for if the fetus is not a human being then killing it is not wrong.

Pro-abortionists insist that abortion is not the deliberate killing of an innocent person because the fetus is not a person. The term ‘human being’ in the argument refers either to a genetically human being or to a person, that is, a human being in the moral sense. On the other hand, anti-abortionists assume that the fetus is alive or else abortion is just like having an appendectomy or tonsillectomy. But because it is easy to see a fetus as an offshoot of the human female compared to the dog, an orange or bird or anything else makes the question of the rightness or wrongness of the removal worth looking at. The question is whether the fetus is a human being or a person.

The reactions to this question lead to a debate which extends to the question of rights. Some argue that the mother has a right to decide what is going on in her body. That is, she has a right to decide whether to terminate a pregnancy or not. However, this right is not absolute because others argue that because the fetus is a person; such conscious termination violates its constitutional and moral right.

Anti-abortionists argue that the right to life is more important than the right to privacy. Hence the fetus’s right to life overrides that of the mother’s right to privacy. And as such, given that the fetus is a person, it has an inherent right to be protected. Indeed, persons have a right to life while non-persons like cells, tissues and organs don’t. The pertinent question becomes whether the fetus is already a human being or plainly cells, tissues and organs.

IS THE FETUS A HUMAN BEING OR A PERSON?

There are common arguments for determining the ontological status of a fetus. By ontology we mean the kind of being the fetus is. Beauchamp and Walters³ says the ontological status embraces a lot of questions. It may be asked: Is the fetus an individual organism; is it a biologically human being; a psychologically human being or a person? The argument is that only a human being has a right to life. A human being belongs to human community and only a

human can be considered as a person. According to Olen and Barry⁴, to affirm that the fetus is a biologically human being is to attribute more significant status to the fetus than to affirm that it is just a human organism. To say that the fetus is a psychologically human is even to assign a more significant status while to say that it is a person is to assign the most significant status. The answer to the above will help determine how to treat the fetus, whether as one that has a right to be protected or otherwise.

Although some others consider a genetic human as a person because it is argued that a genetic human has a full genetic code. Mostly, the dividing line for a person has been categorized at the level of conception, brain functioning, viability and at birth. At implantation the embryo attaches itself to the lining of the uterus and develops and receives nutrition from the mother. It is possible to argue that since death is defined by the end of brain functioning then brain life is the functioning of a person.

It can also be argued that not until later in the second trimester of pregnancy that an unborn child becomes aware that it exists. Hence, personhood cannot start until then. Until this stage the fetus cannot suffer real harm because it does not know it exists. Some also consider viability as a dividing line of personhood. By viability we mean when the fetus is able to live or survive outside the mother's womb. Finally, there are those who are of the opinion that a fetus is not really a person until birth. By implication, it is not until it is a separate individual that it becomes a person.

Mary Ann Warren, a major proponent of the anti-abortionist, argues a moral claim that the fetus is not a person.⁵ In arriving at this conclusion, she first distinguishes between personhood as a moral status as distinct from biology. On her showing, only persons have rights, including the right to life. Both personhood and the right of persons are independent of the biological status of membership in the human species.

Asking what it is about other people that seem most important morally, Warren offers five basic relevant factors. They are: consciousness, reasoning, self – motivated activity, the capacity to communicate, the presence of self-concepts, and self-awareness.⁶

If we say you are a person you must be conscious of the world in and around you. Not only that, you must be aware of your mental life; you must be able to make choices and be able to solve problems including (not just problems but) complex ones. This is what distinguishes a person from other beings such as an ape, mosquito, rat and so on.

Using Warren's criteria of a person, a fetus does not appear to qualify as a person. Hence, the fetus does not have a claim to right, including the right to life. For example the mental life definite of a person is such that he must be capable of certain highly sophisticated fully functioning brain system; this, the fetus cannot do.

There is no doubt that Warren's list consists of features that seem central to a person. The things on the list really are relevant to our understanding of human beings as human beings. Most importantly, being a person requires understanding and reason. If anybody meets all of Warren's criteria, we would surely have to conclude that it ought to be accorded full rights and

status, and that it counts as a person. So, does the fetus qualify to be a person?

In the early stages of pregnancy, the fetus would not possess a single one of the characteristics on this list. And even late in the pregnancy, the fetus would only be conscious thus fulfilling one out of the five criteria. By implication Warren's criteria of person disregards so many other categories of people. For example, the elderly, handicapped, the young or infants, the mentally retarded will not qualify as having capacity to solve complex problems. Hence they have no right to live.

Arguments that the fetus is a person often proceed by pointing out the ways in which fetuses resemble fully-developed humans. But Warren would insist: not just any resemblance will do. For example, the fact that a fetus tend to look more and more like a paradigmatic person as pregnancy proceeds is irrelevant. The relevant considerations are, more or less, the ones noted on the relevant factors⁷. And from that point of view, we must conclude that, in the relevant respects, a fetus, even a full developed one, is considerably less person- like (than) the average fish.

THE YORUBA PERSPECTIVE ON ABORTION

How then will the Africans in their traditional thought system react to the views of Warren and abortion in general? To avoid over generalization of views and ideas the emphasis in this paper will be on the Yoruba culture and not on other cultures in Africa. We will arrive at the Yoruba view firstly through the concept of person and secondly their attitude to life, common beliefs, ideas, values about a child and their right to life.

The question what is man or who is a person has been addressed by a lot of scholars in Yoruba thought. It is possible to identify the structural, the religious and normative aspects of a person. However, this distinction is not a water tight one. A lot of scholars on Yoruba literature agree that man or a human person is made up of three basic elements or parts: *Ara* (body), *emi* (breath) and *ori* (the inner head or personality soul).

Discussing the structural aspect of man, Bolaji Idowu says that the man is made up of the *ara* (body) plus *emi*⁸. The *emi* he translates as English approximation of (spirit). To him the body is concrete, tangible thing of flesh and bones and can be known through the senses. The *ara* (body) can also be described in a general way or analytically by anatomy⁹. The *ara* is a creation of the arch- divinity, Orisanla. He was assigned by the Supreme Being to do the molding of human bodies. *Emi* which he translated as spirit is invisible and tangible. It is that which gives life to the whole body, and thus can be described through its causal functions. It's presence in or absence from the body is known only by the fact that a person is alive or dead. While the body can be created, and is created, by the arch divinity, it is Olodumare, the Supreme Being alone, who puts the *emi* into man thus giving him life and being.

The *emi* is the active principle. It is the life giving element that makes human beings the creatures of Olodumare. This is the religious aspect of man. *Eniyan* (a person) according to Akinwowo can be described as *eda*¹⁰. Thus the Yoruba says *eda ni eniyan* that is, man is one who or that is created or one who is chosen for a purpose. Man is seen as an emanation of the

divine entity from whom all beings emanated.

Emi is also closely associated with breath and the whole mechanism of breathing. The fact that a man breathes show that *emi* is in him, the breath is not *emi*. *Emi* is causative of breath and so it is the “breather”, that which breathes in man. The breath is *emi*- “that which is breathed”. When a person is dead the Yoruba will say his *emi* is gone (*emi re ti lo*). *Emi* is also used for “life” as the bare fact of animate existence.

Apart from these two parts, scholars in Yoruba tradition also agree that the Yoruba’s discussion of man does not end with the body (*ara*) and (*emi*) but also with a third part known as the *ori*. *Ori* is another part of man that the Yoruba considers with great importance. The *ori* suggest that man is a person with individuality before birth with spiritual life; thus, a right to live. Life begins before birth, as soon as one acquires *ori* which is one’s individuality.

However, going by the Yoruba word for person-*eniyan* we can say that apart from the structural component of *eniyan* man also has a normative or social dimension. The Yoruba is an incurably social being. A person among the Yoruba is believed to have social right from origin. They have a strong sense of communal living and they do not hesitate to exhibit such. They emphasize that a person should grow and be significantly relevant in the affairs of the society. A person who has attained this standard is regarded as a responsible human being. This is the normative aspect of a human being or person.

This normative aspect of a human being in Yoruba society describes man, his behavior (*Ihuwasi*) and relationship with others (*Iyesi*). The Yoruba consider in strong terms man’s relationship with each other in the society. If one shows good human relations in the society he is considered as a good person. Thus they say *o s’enia*- he acts the person or he behaves as a person should. This means that he shows in his life and personal relations with others the high qualities of a person. The opposite description *ki s’enia; nse lo fi awo enia bo ra* (he is not a person; he merely assumes the skin of a person) means that the person is socially unworthy. So in his character, he is not fit to be called a person, even though he goes about in the semblance of one. When the Yoruba says *enia k’enia* they mean a mere caricature of a person, a reprobate. It is this social aspect of man that is linked with good character and it is that which distinguishes a person from a brute.

Thus, we can argue that in Yoruba thought the structural, religious and normative aspects of man make a complete human being. However, a human being has to be alive and live in a society to attain a social position and not the other way round. When the Yoruba says *ki se eniyan* (he/she is not a person) they are not in any way saying that one is a beast or non-human being but they are making a judgmental statement on the moral standing of the human being who in one way or the other has fallen short of the expected moral standard. This expected moral standard is to a large extent taught, inculcated and instilled upon by the society.¹¹

So one can be *eniyan* (a person) and not be an *eniyan* (a person). In the first sense, he will be referred to as a member of the biological species, one who possess the structural components of man. And in the second sense one as one who possesses all of the above and does not have good human relations. These require a balanced attitude and relationship between the unseen

attributes which is a balanced relationship between *ero*, (thought) *laakaye* (intelligence), *imo* (knowledge), and *ogbon* (wisdom).

So how does the concept of person highlighted above fit into our discourse on abortion and personhood? Definitely the fetus cannot qualify for the normative aspect of man. The fetus, we can argue, qualifies for the structural and religious aspect of man in that it possesses the structural and religious elements. The fetus possesses the *ara*, *emi* and *ori* which are necessary to be able to achieve the normative as one goes on interacting within the society. *Ori* (human destiny) suggests that there is life and individuality before birth that needs to be actualized hence; the fetus has a right to live to actualize this destiny.

The Yoruba concept of person on another hand supports the potentiality argument. They often say *eyin ni di akuko* (it is the egg that becomes the egg). The Yoruba believe strongly that there are many developmental stages in life. We have early, middle and late. Life has to begin somewhere and we don't go from nothing to something. At the moment of conception, life begins and it is at this moment that a human being is biologically under construction from early to middle to late and then birth. When the baby is born, s/he also undergoes developmental stages of life too. The fetus is regarded as *atinuke* (one who is shown affection from the womb). However if there is a conflict between the existence of the mother and the fetus the mother's right takes precedence in that the Yoruba consider that a mother can always conceive and give birth to another baby. The basis for this will then not be because they do not consider that the fetus has no right to life while the mother has. In this situation the Yoruba will say *omi lo danu agbe o fo* (it is the water that poured away and the calabash is not fractured). However the context in which this applied correctly is with miscarriages and not deliberate termination of pregnancies. Deliberate termination of pregnancy is viewed by the Yoruba as an act of irresponsibility which they discourage.

Arguably, the Yoruba, from all indications, will want to say that life begins at conception and that the fetus is a potential human being. If we go further by the idea of *ori*, the fetus is an individual that has a right to life from the moment of creation. Another strong point that shows that the Yoruba will not consider abortion as right is their attitude towards child bearing, marriage, care and love for children and their attitude towards the pregnant and the various stages of pregnancy; their belief that children are a survival of the race and family. Let us consider some of these:

In Yoruba tradition, as observed by Lambo, there is no unwanted child or unplanned baby. He is particularly welcomed by the mother into the closest possible relationship¹². Lambo noted that the warmth and security which the infant enjoys may be compared to a prolongation of intrauterine existence as an exergestate fetus. Precautions are usually taken by pregnant women against illness, accidents and miscarriages¹³. The Yoruba give the pregnant woman a lot of considerable support. The Yoruba woman takes pride in being pregnant¹⁴. While pregnancy outside wedlock is discouraged yet the presence of a child is a welcoming event. The entire society is involved in pregnancy because the child is seen as a carrier of the society.

The Yoruba shows so much affection to the pregnant woman. Potentiality of life to Yoruba is very important. Pregnancy among the Yoruba is regarded as an act of creating a new

life. It is further regarded as sacred, complex and dangerous. Because they regard pregnancy as involving life and the women generate new life, then it is the belief of the Yoruba that the pregnant woman should not kill any form of animal for example, a fowl. This is because one who gives life does not destroy. She is known as *abaramoji* (two in one). Childlessness is regarded as a great calamity to a family. It is attributed though unfoundedly to the sinful living in the life of the woman's previous incarnation¹⁵. Parents are worried if their daughters do not get pregnant within the first year of marriage. Rituals sacrifices are offered and *Ifa* priests and diviners are consulted. A pregnant woman is thus happy because her fertility is proof of her virility and evidence of her being favored by the ancestral spirits and her fellow men. Procreation is the ultimate goal of marriage; hence the importance and significance of the child among the Yoruba. A child is desired as an evidence of the man's potency and a sign of the woman's fertility. Thus it validates marriage. So consideration of abortion contradicts totally the views and ideas of the Yoruba on the importance of pregnancy and childbearing in marriage.

At this point, one may ask whether this attitude affects children born out of marriage. According to Sannoh, in Yoruba culture there is hardly any stigma attached to children born out of wedlock. The new born, no matter its position in the family, is welcome. The Yoruba believes that a baby does not have an enemy and that a child is the sign of a good thing in the family¹⁶. So a new child is welcomed with affection, love, warmth and an enthusiastic culture. The death of a fetus, on the other hand, is viewed as a bad omen and calamity. The Yoruba strongly believes that one does not know a child that will take care of the parents at old age. So discrimination against any child even those unborn is not encouraged.

There are a lot of myths and taboos associated with pregnancy. For example, hunters are to refrain from killing animals during the months their wives are pregnant. Also, sexual intercourse should be avoided entirely in the early months for it leads to multiple births and miscarriages. A pregnant woman is forbidden to eat certain types of meat in order to avoid difficult and prolonged labor. The implication of these taboos is that the fetus has life and it is so much cherished that the Yoruba does not want to have any complication associated with its life-span, labor or birth. If there were taboos, rituals and myths surrounding pregnancy so as to avoid miscarriage then one can argue that deliberate termination of pregnancy will not be a welcome event among the Yoruba.

Instead of saying that the fetus is not a person because it cannot perform certain functions, the Yoruba will rather consider that the fetus will grow to have ability to perform such higher functions. As earlier observed, the idea of the Yoruba that it is the egg that will later become a hen suggests great potentiality on the part of the fetus.

The egg after all cannot become a human being, the orange tree cannot grow to become a human being but a fetus will. The infant for example does not have the ability to speak but will grow into speech. We can say that within the fetus has the capacity to blossom into a full person. Like we earlier said, actuality is a gradual process. Killing the fetus because it is still undergoing this process is analogous to killing a ten year old because he is not like an eighty year old who has attained full growth. This will be ridiculous. Potentiality and actuality affect various stages of life both in the womb and outside the womb.

Thus the potentiality argument will fit perfectly into the Yoruba world system. The argument says:

To kill a potential human being is wrong.
The fetus is a potential human being.
Therefore, to kill the fetus is wrong.

Those who suggest viability as the dividing line between the fetus and the human being have forgotten to take note of technological advancement that varies from one society to the other. Some countries are more advanced technologically that the fetus can live outside the womb earlier than others. Even for some underdeveloped countries, infants struggle to survive because of the lack of care and facilities available for them. We can also argue that if the death of the fetus does not matter anyway then there won't be any need for incubators and so much effort on the intensive care units in our hospitals meant to advance the protection and growth of the fetus that cannot live inside the womb.

Dividing the line at viability can also be extended to children who though not biologically attached to their mothers but cannot live independently of them. This may sound ridiculous because though the fetus like the baby is attached to the mother biologically or emotionally yet one can argue that they have different identities and individualities. Even to argue that brain death is the dividing line will not suffice because while brain death is the equivalent of the death of a person, it does not follow that 'brain life' is the equivalent of the beginning of life.

Conclusion

There is no doubt that the Yoruba will not support the criteria laid down by Warren on personhood. These criteria will not allow us consider the fetus as a person and this will have serious implications on the right of the fetus to actualize its potentiality. Considering the fact that the creation of *eniyán* (a person) dates back even to pre-conception, then we can conclude that being a person for the Yoruba does not only start at conception but from the moment Orisanlá (arch divinity) molded man, Olodumare (Supreme Being) breaths in the *emi* and the *ori* is acquired. Conception only marks the physical manifestation of all that has been going on in the spiritual or metaphysical realm. Therefore, a termination of the fetus is a violation of the right of a person to live. Any human being with the three components according to the Yoruba understanding contains an element of spirituality and affinity to the Supreme Being. On these premises, we conclude that a fetus is entitled to life, and liberty; and abortion is therefore morally condemnable.

Endnotes

¹(<http://www.csus.edu/indiv/g/gaskilld/SocialIssues14/Abortion.htm>).

² Mary Ann Warren, "On the moral and legal status of abortion". In T.A Mappes and J.S. Zembaty eds. *Social Ethics: Morality and Social Policy*. New York: The McGraw- Hill, Inc. 1997, 10-18.

³Beauchamp T. and Walters L., *Contemporary Issues in Bioethics*, Belmont: Dickenson, 1978,

p.188.

⁴ Olen J. and Barry V., "Abortion" *Applying Ethics*, California: Wadsworth Publishing Company, 1992, 164.

⁵ Warren, *Op.cit.*, 11.

⁶ *Ibid.*, 11-13.

⁷ *Ibid.*, 15-16.

⁸ Bolaji. Idowu. *Olodumare: God in Yoruba Belief*. London: Longman, 1962, 29.

⁹ *Ibid.*, 30.

¹⁰ A. Akinwowo, "Oral tradition as a source of psychological knowledge". In E.B. Wilson, ed. *Philosophy and Society: Selected Readings*. Ile-Ife: Nigerian Psychological Association, 61.

¹¹ Idowu, *op.cit.*, 155.

¹² T.A. Lambo, *Growth of African children psychological aspects*. Western Nigeria: Government Printer, 1962, 78.

¹³ T.A. Lambo, *The child and the mother-child relationship in major cultures in Africa*. (UNICEF) 10, 1962, 4.

¹⁴ B. O. Sannoh, "Traditional Yoruba child psychology". In E.B. Wilson ed. *Philosophy and Society: Selected Readings*. Ile –Ife: Nigerian Psychological Association, 99.

¹⁵ *Ibid.*, 97.

¹⁶ *Ibid.*, 100.

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