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African perspectives of moral status: a framework for evaluating global bioethical issues

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ABSTRACT

This paper offers an African perspective on moral status grounded on an understanding of personhood. These concepts are key to understanding the differences in emphasis and the values at play when global ethical issues are analysed within the African context. Drawing from African philosophical reflections on the descriptive and normative concepts of personhood, I propose a dual notion of subject and object moral status. I explain how object moral status, duties owed to persons, is differently grounded with respect to subject moral status, which refers to communally directed agency. This distinction influences the African way of conceptualising and addressing ethical issues, where, without ignoring rights of persons, moral consideration about the agency of right bearers is often factored into ethical deliberation. As a practical example, I look at the debate surrounding legal access to safe abortion on the African continent. I suggest a Gadamerian approach to diffuse the tensions that sometimes arise between universalist advocates of rights and cultural decolonisationists.

INTRODUCTION

An observer may wonder why out of the 66 countries in the world where abortion on demand is legal, only 6 are in Africa. Or out of the 26 countries with the most restrictive laws on abortion, 14 are African (Center for Reproductive Rights 2021). According to Amnesty International (2018), homosexuality is outlawed in 34 African countries. Female genital cutting of some type is practised among specific communities in at least 29 African countries according to the United Nations Population Fund (2020). Local and international human rights activists and lobby groups across the African continent have for decades advocated for changes in legislature and practices regarding these issues. These efforts have sometimes been met with opposition from traditional conservatives who see these calls for change as a form of imposition from former colonial powers or as a threat to their identities and cultures.

I hold that an important path to dialogue on these and other issues lies in a better comprehension of the ethical framework within which many African cultures operate. Failure to do so can lead to new forms of colonisation where 'well-intentioned' activists may only to end up imposing their values and norms on African societies. Ethical questions such as the abolition of female genital cutting, access to legal abortion, gay rights, when promoted solely from the viewpoint of rights and liberties of individuals, fail to capture the ethical environment within which African communities deliberate these issues. This is not to deny the importance of rights and liberties, but to explore how they fit into an African ethical framework.

To this end, I examine two key concepts in moral theory that recur in bioethical debates: personhood and moral status. The way these concepts are understood within African moral frameworks is key to understanding the differences in emphasis and values at play when global ethical issues are analysed within the African context. In highlighting these points, I hope to lay the grounds for a more fruitful dialogue between Africans and non-Africans, and to provide a background for elaborating a normative theory that is both in tune with indigenous frameworks and yet capable of engaging with globally relevant issues.

In the vast field of bioethics, the past three decades have seen several publications of monographs, edited volumes and academic papers on bioethics from African perspectives. Leading figures like Tangwa (2019), Atuire (2019) Behrens (2017), Andoh (2011), Metz (2010a) and Gbadegesin (1993) have argued for an African framework of bioethics. Others, Bamford (2019) and Widdows (2007), have pointed to the risk of a bioethical neocolonialism. Yet others, Coleman (2017) and Barugahare (2018), have expressed doubts about the use of expressions such as 'African Bioethics'. This paper contributes to the existing literature by offering a view that can form the basis for an African framing and deliberation on ethical issues regarding persons and their moral status.

A frequent objection to any theory purporting to be African is how any single viewpoint can claim to represent 1.4 billion people living in 54 countries, who speak up to 2000 different languages, and have different cultural traditions. The vision I present here is grounded in the published works of African philosophers, mainly academic philosophers who address philosophical questions from the viewpoint of the traditions of various African peoples. I am not claiming that the views I present are *the* African framework or that they wholly represent a continent that is so vast and diverse.

My focus is the conceptual schema of ethical debates within the African context. As an example of a possible application of the ideas I explore, I examine the debate surrounding access to legal abortion. The exercise of unearthing the underlying frameworks can be useful to Africans who want to gain better self-understanding of their prejudgements and to non-Africans wanting to engage in fruitful dialogue with Africans. The next section of this paper is dedicated to teasing out a constitutively

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relational conception of personhood and how it informs the ideals of human flourishing as a communal endeavour. Section III explores the dual conception of moral status as 'object moral status' and 'subject moral status', to show how full moral status is conceived of and grounded within this African framework. In Section IV, I show how these concepts play out in deliberations on ethical issues.

A RELATIONAL NOTION OF PERSONHOOD

The question of who a person is and what it takes to become one has been central to the works of many African philosophers. Masolo (2010, 135) describes the question of personhood as 'the pinnacle of African difference in philosophical theory'. Most African philosophers subscribe to a non-atomistic communal view of the human person. One of the most cited texts in African accounts of personhood is Mbiti (1990, 106):

> Only in terms of other people does the individual become conscious of his own being, his own duties. (…) The individual can only say: 'I am, because we are; and since we are, therefore I am'. This is a cardinal point in the understanding of the African view of man.

Three elements can be drawn from Mbiti's account. First, persons are defined or define themselves in a relational context. Second, persons are communal in their beings. Third, and perhaps less explicit, personhood is tinged with normativity. For many African philosophers, being a person does not only confer privileges and entitlements but also duties owed to others.

Mbiti is not alone in holding this view. A look at three other accounts of personhood from different African traditions confirms this view. First, Gyekye (1995, 85), drawing from Ghanaian Akan sources, holds that the human person is ontologically made up of *okra* (soul), *sunsum* (spirit) and *honam* (body). The *okra,* normally translated as the soul, is perceived to be a spark of the divine[1] and the principle of human life that constitutes the innermost being of the person. Etymologically, *okra* is a combination of '*o*' a marker of singularity and '*kra*' which means

> '…to take leave of, twice daily farewell…; to depart, leaving an injunction or commission to those that remain; to dismiss on an errand… to give an errand; to send word to; to tell a message; to advertise, advice, apprise, inform, give notice of…; to appoint or ordain beforehand, to predestinate…' (Christaller 1881, 254–255).

The word encapsulates both the notion of departing—bidding farewell—and bearing a message or task as one departs. Thus, the human soul is a divine spark carrying a destiny (*nkrabea*) in a person's life (Abraham 2015, 55). The *sunsum,* translated as the spirit 'appears to have been a spiritual substance responsible for *suban,* character, genius, temper and quality. *Sunsum* is moral in its operation, not automatic, and is educable. Whereas the *okra* is that which makes the person breathe and so is the principle of life, the *sunsum* is not, and is thought to be able to leave one during sleep, like an astral body' (Abraham 2015, 56). The *honam* is the body which represents the material constituent of being human (Gyekye 1995, 99). Apart from these key elements, the Akans also believe that every human has two genetically transmitted elements, *ntoro* (translated as inherited characteristics) and *mogya* (blood) that are derived from the mother and the father (Gyekye 1995, 94).

There are different renderings and interpretations of these elements among Akan scholars: Rattray (1927), Danquah (1944), Busia (1954), Wiredu and Gyekye (1992), and Gyekye (1995). Nevertheless, from an observer's viewpoint, and for our purposes, the interesting point about the Akan account of the human person is the claim that the constitutive elements of being human are in themselves relational: the *okra* relates to the divine, the *sunsum, ntoro,mogya* and *honam* are related both to the father and mother; and all these elements relate to each other in determinate ways. In other words, at the core of every human person is a web of relations that are genetic, physiological, and metaphysical. This relationality is at the root of Akan communitarianism. Thus, the saying among the Akan that *onipa firi sro besi a, obesi nipa kurom* (when a man descends from heaven, he descends into a human society) is not just a social description, but an ontological statement. Abraham (1992, 25) writes: 'A human being was thought of as a complex whole of various constituents derived from the mother, the father, the clan, and the supreme being. Some of these constituents outline his personality, his character and destiny'. It is what makes it inconceivable to isolate a human being from her communal self. It is also the basis for the claim by Abraham (1992, 25–26) that: 'a person's well-being was based on the harmonious functioning of all these constituent elements'.

Another African philosophical schema in which relationality is at the fore theoretically and practically is the Bulsa tradition. The Bulsa, unlike the Akan who reside in the forest belt straddling between Ghana and the Ivory Coast, are a Savannah ethnic group whose cultural leanings are towards the Sahel. The Buli word for human being is *nurbiik*, meaning a son or daughter of a person. A human being is considered as one who matters to someone. The concept of *biik*—filiation—is particularly important to the Bulsa as illustrated by the saying that *nworuk kan nak ku dek biik a paar kobi ya*, literally meaning that 'even lightening will never strike its own offspring to the bone', or '*biak kan dom ku dek biik a paar kobi ya*' meaning 'a dog never bites its own puppy to the bone', it will always exercise restraint (Atuire 2019). In this schema, the respect awarded to every person is not solely dependent on personal achievement, but on the ontological category of being in a filial relation to another being who is a person. Personhood is thus a relationally derived category or notion. The other to whom each individual matters is not only a living relative, but also the ancestral lineage. Linguistically, it is customary for the Bulsa to introduce themselves by first referring to their family names before specifying their first names. This underscores the fact that even though each person has an individual name, she comes into being within a network of constitutive relations and a lineage.

The importance of the category of relation in the African notion of personhood is not limited to West African peoples like the Akan and the Bulsa. Starting from the works of the Kenyan John Mbiti, the Nigerian Chukwudum Okolo, and the South African philosophers Lesiba Teffo and Abraham Roux, Metz (2018, 214) arrives at the following hypothesis about the African view of the essence of natural objects: 'the essence of any concrete, natural object is, at least in part, necessarily constituted by its relationship with elements of the world beyond the thing's intrinsic properties'. He posits this against 'the Anglo-American, and more broadly Western, philosophical tradition', where 'the self or person is usually identified with something internal, either a soul that contains mental states, a brain that contains mental states or, most common these days, a chain of mental states themselves, some of which are self-aware'. (p. 215).

Metz argues for a relational account of the self which he calls the 'Afro-relational approach'. This account does not exclude the intrinsic property approach but calls for greater attention to the African view in which the essence of an object cannot be fully captured without considering its relational features. Metz does not 'deny that there are intrinsic properties or even that

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they might be partly constitutive of essences of non-artefactual objects such as selves and water' (p. 220). What he says is that 'relational properties are invariably also at least partly constitutive of such essences' (p. 220).

These views about what it is be a person, also inform the idea of human flourishing that we find in African normative frameworks. The relationship between the descriptive account and the normative ideal, however, is not a simple direct derivation. Abraham's claim shows that the descriptive accounts constitute a background that informs and orients about activities that are appropriate to the well-being of humans. The normativity can therefore be seen as a sort of teleological eudaemonism. This makes African ethical frameworks lean towards virtue ethics, *arethe* or achievement of excellence. Yet, unlike the classic Greek model that emphasises individual virtues like justice, courage, temperance and wisdom, proper to the conception of the human being as a 'rational animal' or the Christian model that privileges the theological virtues of faith, hope and charity, proper to humans as individuals 'created in the image and likeness of God', the African model sees excellence in actions that enhance the positive development and consolidation of social virtues such as compassion, generosity, gregariousness, which are proper to the 'intrinsically relational being'. Emphasis on the relational notion of personhood places the human being in a socially embedded position where she is owed duties and she is required to contribute to the realisation of the personhood of others.

A DUAL CONCEPTION OF MORAL STATUS

Normative undercurrents to personhood are not unique to African thought. Similar traits can be seen in other philosophical traditions. For example, the Kantian notion of the person as an 'end in itself' can be interpreted normatively because it prohibits the 'use of the person as a means to an end'. Other accounts of personhood, for example, Boethius' *naturae rationalis individua substantia,* Locke's self-consciousness, and more recently, Peter Singer's idea of self-awareness and awareness of existence over time, implicitly point to some normativity, at least in restrictions and/or duties not to engage with persons as one would other beings that do not possess these qualities or capacities (Singer 1979, 122). The peculiarity of the African frameworks we are considering lies in the importance given to the normative dimension of personhood.

The moral status of an entity makes it worthy of consideration in our moral decision making. Beings that have a moral status can be wronged and they impose duties on us simply because of who or what they are, that is, by their own right. Thus, they are objects of direct duty unlike other beings which impose indirect duties on us. It may be morally unacceptable to key scratch the car that always takes my reserved parking space at work. But this is not because of a duty towards the car, which has no moral status, but to its owner. The question of moral status plays an important role in many bioethical debates: embryo stem cell research; abortion; euthanasia of patients in coma; homophobia; among others. The duties owed to beings are at the centre of these debates, that is, their moral status, determines to a large extent the choices of what can or ought to be done.

Talk about moral persons can take two forms. A moral person can be seen either as an object (patient) of the actions or omissions of another or as a subject (agent) whose agency has a moral value (Behrens 2011). This allows us to conceive of moral status in a dual manner. In the first place, we can talk of object moral status (OMS) where a being is worthy of moral consideration or is owed moral duties by an agent. We can also talk about subject moral status (SMS) whereby an agent's moral worth is linked to the moral quality of her agency. The African notion of full moral status (FMS) requires both OMS and SMS.[2]

Object moral status

Philosophical considerations of moral status try to establish why some beings are owed duties, can be wronged, or are worthy of moral consideration. This approach sees these beings as the patients of moral action or as objects which have a status that makes them distinct from other objects that do not have a moral status. For some, the grounds for having moral status can be sophisticated cognitive capacities such as self-awareness (McMahan 2002, 45), the capacity to will (Quinn 1984) or an awareness of oneself as a continuing subject of mental states (Tooley 1972, 44). Others like Jaworska (2007) would include affective categories like the capacity to desire, and Harman (1999) the capacity to develop a sophisticated mental state. These ways of grounding moral status seek to find qualities or characteristics within the object. Each one of these approaches comes with its difficulties especially when it comes to justifying the moral status of embryos or persons with severe cognitive capacities or possible visitors from other planets.

Within African philosophy, Metz has written extensively about moral status. According to Metz (2011), the Anglo-American philosophical reflection on moral status can be divided into holism and individualism:

> English-speaking philosophical accounts of moral status are typically either holist or individualist. For example, claiming that a being warrants moral consideration in the light of its capacity for reason or pleasure implies that moral status is a function of something internal to an individual. In contrast, views that ascribe moral status to ecosystems and to species are holist accounts, deeming moral status to inhere in groups of certain kinds (387-388).

He also criticises some relational accounts of moral status as parochial because they 'are arbitrary, or partial in the wrong ways' (p. 390) roughly because 'if something has moral status only if it would reciprocate in some way on being cared for, only if it is a communal relationship itself, or only if it is part of a community, then too many beings that uncontroversially have moral status would be excluded' (p. 393). In contrast, his African view of moral status, would thus be:

> that a being has moral status roughly in so far as it is capable of being part of a communal relationship of a certain kind. A large majority of existing relational theories of morality appeal to actual relationships, but my suggestion instead is to appeal to modal ones (p. 393).

Metz sees the distinction between object and subject of moral status (p. 394). Yet he grounds both on the capacity to be part of a communal relationship. For Metz, the determining feature of moral status is the capacity to be part of a communal relationship, where a communal relationship is one 'in which people identify with each other and exhibit solidarity with one another' and capacity 'means being able to—without changes to a thing's nature—to be part of a communal relationship.' (p. 393).

Whereas I agree with the general thrust of Metz' view which places the capacity to commune as a criterion, I hold that a more consistent account of African thought systems distinguishes between the way object and moral status are grounded without the need for a modal account. Moreover, by insisting on the capacity to commune as a 'relationship in which people identify with each other and exhibit solidarity with one another', Metz's position fails to adequately account for two important

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features. First, persons with severe cognitive capacities who have no possibility of establishing relationships as described above, may find themselves bereft of moral status. Second, and perhaps more characteristically, many African peoples accord a respect and some form of moral standing to some natural objects in their environments. Members of communities are required to treat these objects which may be rivers, mountains, and the earth, as beings that are worthy of moral consideration and can be wronged.[3]

In the African account I am upholding, all humans have OMS irrespective of the cognitive, affective or moral capacities. For the Akans, it is sufficient to be a bearer of an *okra*, *sunsum* and *honam* to possess OMS. This is evident in the fact that even when a morally deplorable person is referred to as *onye nipa*—he/she is not a person—the Akans are quick to add that we still have a duty not to treat them in a humane way (Gyekye 1997, 49). The Bulsa account also holds that every *nurbiik*—human being—bears a relationship with other beings (including dead ancestors) that makes them worthy of respect. The grounding of OMS is not so much in a capacity, modal or real, but in the existing reality of possessing certain properties that are intrinsically relational. The human being that emerges out of these relations, possesses an individuality symbolised by the Akan *nkrabea* or the Bulsa *wen* in the of form an interior self which cannot be interfered with arbitrarily by others.

Subject moral status

Having established the grounding for OMS, we now turn our attention to SMS. The underpinnings of this distinction can be found in the works of many African philosophers; Menkiti (1984), Wiredu and Gyekye (1992), Gyekye (1997), who subscribe to a normative notion of personhood that does not just rely on being, but on agency. SMS refers to the perceived moral quality of the subject's agency. The criterion for determining the quality of SMS is the degree to which the agent promotes or fosters communal human flourishing. FMS is accorded only to beings that possess both OMS and a good level of SMS.

Forms of SMS can be found in many normative frameworks. For example, when examining legal moral persons like corporations, we assign a sort of moral grading to them depending on our perception of their agency in areas we consider morally relevant. These could be fair wages, respect for the environment, investment in corporate social responsibility projects, fulfilment of tax obligations, policies of equity and inclusion in matters of gender, race, and sexual orientation, avoidance of exploitation of the poor or investment in arms, and many others depending on our moral priorities and sensitivities. Corporate realities do not have the requirements of OMS. When we harm a company, the ultimate targets are the proprietors, employees, or potential stakeholders or beneficiaries of the company's activities. Yet, we often choose whether to engage with or boycott some companies based on our evaluation of their moral agency. Corporate bodies that have a poor moral record can be said to have a low moral standing.[4]

The peculiar characteristic of the African perspective in moral discourse is the prominent role given to SMS. The characteristics of a good moral person are: 'kindness, generosity, compassion, benevolence, and respect for others; in short, any action or behaviour conducive to the promotion of the well-being of others' (Gyekye 1997, 50). Wiredu and Gyekye (1992, 194) qualify further by adding that morality is 'not just the de facto conformity to the requirements of the harmony of interests, but also that conformity to those requirements which is inspired an imaginative and *sympathetic identification* with the interests of others even at the cost of a possible abridgement of one's own interests'.

This communal and empathic ethical framework is also described by Metz (2010a), when he says that from the African perspective, 'an action is right just insofar as it is a way of living harmoniously or prizing communal relationships, ones in which people identify with each other and exhibit solidarity with one another; otherwise, an action is wrong' (p. 51). He goes on to describe how this plays out in the lives of sub-Saharan African peoples:

> indigenous sub-Saharans often think that society should be akin to family; they typically refer to people outside the nuclear family with titles such as 'sisi' and 'mama'; they tend to believe in the moral importance of greetings, even to strangers; they normally think that there is some obligation to wed and procreate; they generally say that 'charity begins at home', or that 'family comes first'; they frequently believe that ritual and tradition have a certain degree of moral significance; they do not believe that retribution is a proper aim of criminal justice, inclining towards reconciliation; they commonly think that there is a strong duty for the rich to aid the poor; and they often value consensus in decision making, seeking unanimous agreement and not resting content with majority rule (p. 52).

At the heart of a subject's moral standing as an agent is the exercise of activities that promote communal humanism. FMS will thus be assigned to a being on account of being human (OMS) and through agency in the promotion of communal humanism (SMS). From this perspective, in the African context, ethical issues are often analysed not only from the duties owed to people—their rights—but also from the exercise of virtue that ought to accompany the enjoyment of rights.

Answers to some objections

In the case of infants or other persons with limited cognitive capacities due to illness or age, the lack of SMS is perceived as a *privatio*—lacking something that is due—and not a negation in being. In other words, such persons enjoy OMS which imposes duties on the others to safeguard and respect their objective moral status. And, given that their *privatio* is not a result of a wrong exercise of their moral agency, there is arguably an even greater obligation to assist them.

Different is the case of persons who are known to have exercised good moral qualities but at some point, cease to do so, as a result of forms of mental disorder. This can sometimes be problematic because in trying to account for the change of behaviour, when a mental disorder is erroneously perceived as a moral failure, there is a risk of blaming the victim. This has been highlighted in the study by Kong (2021) of the experiences of suicide survivors in Ghana. She comments:

> The moral status of personhood is earned when social norms are properly internalised and social obligations are fulfilled as an upstanding member of the community. Whether individuals observe or disregard their duties to the social community can mean the attainment, diminishment, or even loss of one's status of personhood. Thus, the communal context *shapes* individual selves while also *evaluating* who deserves the status of personhood based on their compliance to socially expected norms. (…)Yet the case of male suicide lays bare the incoherence at the heart of this strongly communitarian conception of personhood: what drives the behaviour of the individuals in the case studies above is not a rejection of social responsibility or disregard for the community, but rather an intense sense of personal responsibility towards fulfilling socially informed norms and roles, particularly associated with gender (pp. 88-89).

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The distinction between OMS and SMS also provides an explanation to how natural objects such as mountains, rivers, oceans and trees are accorded a moral status in many African frameworks. These objects are often regarded as sacred, sometimes worshipped, and reparatory sacrifices and actions are offered to them when it is perceived that they have been wronged. For example, among fishing communities in Ghana, reparatory sacrifices are offered to the ocean gods when the rule prohibiting going out to sea on specific days has been violated. Among farming communities, sacrifices are offered to the earth and the skies at the beginning of the farming season. These objects are perceived as having an agency that contributes to communal humanism by providing favourable or unfavourable conditions. Since they are perceived as agents, they are accorded a moral status. As a result, they cannot be violated or exploited according to the whims or economic necessities of a group of human beings.[5] For example, among the Bulsa, *teng-kaasika*—literally spoiling the earth—refers to grave evils such as murder, rape, stealing of livestock, committed within the community. A specific ritual of *teng-nyuka*—drinking the earth—is required as part of the healing and reconciliation process for righting such wrongs (Atuire 2019). Natural objects can thus be said to have SMS because of the agency that is attributed to them. But they do not possess FMS because they lack OMS.

Summary: FMS

The African conception of moral status that I am proposing here is dual and grounded differently. First, OMS is grounded on being a member of the human species irrespective of capacities and agency. All that is required is to possess the metaphysical attributes of being human. These attributes are constitutively relational. Second, SMS is accorded in varying degrees to individual beings, humans and non-humans, based on their perceived agency in contributing towards communal humanism. We may say that while OMS has a holistic grounding, SMS has an individualistic grounding. FMS is accorded to beings that have both OMS and a perceived high level of SMS.

IMPLICATIONS IN ETHICAL DELIBERATIONS

The concepts outlined above operate within a cultural context. Such contexts are never simple nor static, they are more of an ethical environment, which, in the words of Blackburn (2003), 'determines what we find acceptable or unacceptable, admirable or contemptible'. An ethical environment 'determines our conception of when things are going well and when they are going badly. It determines our conception of what is due to us, and what is due from us, as we relate to others. It shapes our emotional responses, determining what is a cause of pride or shame, or anger or gratitude, or what can be forgiven and what cannot. It gives us our standards – our standards of behaviour'.' (p. 1).

The ethical environment in contemporary African contexts is an interplay of the dual aspects of moral status outlined above. On the one hand, relying on OMS, it is widely accepted that duties are owed to every human person irrespective of race, ethnicity, religion, gender or sexual orientation. And, even more so towards vulnerable categories like children, the elderly and the sick. On the other, drawing from an SMS perspective, questions are raised about whether the concession or liberalisation of certain rights enhances or disincentivises people from pursuing their obligation to achieve FMS by practising virtues that society upholds. Thus, issues that would be considered simply as a question of human rights, based on entitlements that come with being human, become moralised. Human rights activists habitually argue from a framework of respecting and promoting the individual possibilities and liberties of persons as bearers of rights. This approach dovetails with an OMS approach where duties are owed to persons. However, it does not fully capture the normative requisite for persons to strive to achieve FMS through exercising their SMS by promoting communal values.

A further important aspect of the current African ethical environment is the push back against colonialism and its agenda to depict indigenous knowledge and cultures as inferior, needing external agency to be 'civilised' or 'modernised'. Africans are wary of projects that seem to be yet another form neocolonialism. For example, talking about human rights, Motsamai Molefe, a leading South African philosopher expresses this sentiment in the following way:

> My position as an African scholar born in a world that still bears features of colonisation and Western influence is that we need to proceed from a position of intellectual suspicion with regard to values born out of the Western enlightenment project (Murphy 2003), particularly when there are Western scholars who cast doubt on the ontological status of this very idea of rights (Murphy 2003) and more so when we are in the political space burdened with African people seeking African solution to African problems. This intellectual suspicion is born out of a political objective to seek local axiological strategies for securing the human good without appeal to rights, particularly given that we are aware that rights are just ' one way' to secure a life of dignity and this way is reported to be ' foreign' to non-Western societies including Africa.

An example: the debate about legal access to safe abortion

Although not all African philosophers would agree with Molefe's position (eg, Gyekye 1997; Ajei 2015), the sentiments he expresses resonate in public discourse. It is not uncommon to hear expressions like 'it is un-African' when ethical issues such as the right to legal abortion, LGBTQI rights, euthanasia, are debated. At the same time it is also true that advocacy for human rights, driven by international organisations, mostly originating from the Western world, often employ conceptual frameworks and language that fail to resonate fully with the ethical environment we have so far presented. A classic example is captured by Chiweshe and Macleod (2018) where they present an altercation on the issue of legal access to abortion between a Danish politician and a Nigerian-born activist at a UN meeting.

> Mette Gjerskov*: Thank you … my name is Mette Gjerskov. I am from the, uh, Danish parliament. I am a former minister, and, um, first allow me to, to express my respect for all the work you do for, for women all over the world and, of course, Africa. Um, I was a bit provoked by the thought of neocolonialism. Being from Europe, uh, of course, this hurts me, and, uh, so I would like to share a bit, because I have been to Africa, uh, and I know there are different countries and I've been to Zimbabwe and Mali and Tunisia and, uh, Tanzania and Kenya and Rwanda and a lot of African countries, and I've spoken to a lot of African women. And, and, and my lesson learnt from being from a colony, colonialistic, uh, uh, society is do no harm. Allow people to make their own choices ((applause)). And when I've been to Africa, I've spoken to a lot of women and some women want this and some women want that, but I think we should allow them to decide for themselves ((applause)). And that is, that includes freely decide over their own body, their own sexuality, when and how many babies they want, if they want contraception, if they want abortion. We don't have to put it on anybody else ((applause)). So, so, if you want to make sure that you don't start a neocolonisation, you let people make their own choices, decide over their own body. Thank you very much (applause*).

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Aside the appeal to personal experience for legitimisation, the principal argument put forward by Gjerskov is the right to choose, and in this case the right of women to decide over their body, sexuality and reproduction. This approach focuses on the OMS, the duties society owes to women as free responsible full members of the community whose liberties should not be curbed by oppressive normative superstructures. Freedom of choice is the fundamental value she is advocating for. What she fails to capture is SMS which places a normative standard on the type of choices that a person makes. Thus, from an African ethical viewpoint, the question will not only be about making choices, but also about the moral content or value of these choices and how they contribute to community building.

A culturally defensive reaction to Gjerskov's views were expressed by the Nigerian activist, Ekeocha.

> Sorry I'd like to just address, I'd like to address, uh, the female who had spoken, the Danish female who had spoken about, uh, comparing African women not having the right to choose what to do with her body (makes hand gesture indicating quotation marks) and it being colonisation. It's actually quite amazing how you were able to kind of twist that into shape, uh, to, to that thought. But I must say this to you: um, I am from a tribe called the Igbo tribe in Nigeria. If I tried to translate in my native tongue what it means for a woman to choose what to do with her body, I couldn't. Most of the African native languages don't even have a way of phrasing abortion to mean anything good. Now, as a community, as communities of people and as societies where it actually then becomes colonisation, a neo-colonisation is when the people from the Western world come to Africa and try to give us these kinds of language that we could never translate into our native tongue. They tell us that it actually can mean something for a woman to do something with her body which isn't really morally bad. But, anyway, the first thing that we have to think of and remember is that as communities, which was one thing that I highlighted right at the beginning, culturally most of the African communities actually believe by tradition, by their, their cultural standards that abortion is a direct attack on human life. So, for anybody to convince the woman that abortion is good (applause) sorry (holds hand up to cease applause). So, I'm sorry, so, for anybody to be able to convince any woman in Africa that abortion is a good thing and can be a good thing, you first have to tell her that what her parents and her grandparents and her ancestors taught her was, is actually wrong. You gonna must tell her that they have always been wrong in their thinking. And that, madam, is colonisation (applause).

Ekeocha's response contains a number of debatable assumptions. For example, the absence of an Igbo expression for 'a woman to choose what to do with her body' does not necessarily conclude an absence of the value or concept. Second, the claim that culturally 'most of the African communities actually believe by tradition, by their cultural standards that abortion is a direct attack on human life' is debatable. Among the Akan in Ghana, the expression traditionally used for abortion is *'see adee'*—spoiling the thing. The mere fact of referring to the pregnancy as 'the thing' suggests that it may not be the same as what Ekeocha describes as 'a direct attack on human life'. As Bleek (1990) shows in his studies of the Kwahu and Akyem Akans of Ghana, the question whether precolonial African peoples practised or did not practice abortion is unresolved. Even though the practice may have been very rare, there was wide knowledge of how abortions can be done (Devereux 1955). Bleek (1990) did find there was a high prevalence of (unsafe) abortion among young women even though the practice is often illegal and socially frowned on. Ekeocha also commits a fallacy in her rebuttal: Gjerskov's argument is that choice is important, however Ekeocha transforms this to 'abortion is a good thing'. Finally, Ekeocha's argument is grounded on the idea of what is African versus what is colonial imposition. This way of framing the discussion changes the subject of discussion yet can be appealing in an ethical environment of communities fighting back against centuries of epistemic injustice.

In our view, a Gadamerian approach is required to diffuse the tension around this type of conflict. This requires the parties in a dispute of this type to recognise that their prejudgments form a prism through which they engage morally with others and interpret events (Gadamer 2004). These prejudgements form a conceptual interpretative schema and language through which reality is perceived. Failure to acknowledge these prejudgements can lead to people talking past each other or even worse to resorting to mechanisms of power to impose views on 'weaker' parties, thereby leading to forms of epistemic imperialism. It could also lead to weaker parties retreating into relativistic positions that leave little or no room for global ethical discussions: 'this is our way of doing things'.

For persons partial to the idea of allowing legal access to abortion, a culturally sensitive approach would require taking into account the various layers present in an African ethical environment. There are at least four layers. First, an OMS status viewpoint points to the duties we owe to others as members of a community. These duties are owed in a way that is analogous to the duties we have to seek the well-being of members of family without first counting on whether they are good or bad persons. A communitarian vision that highlights the fostering of good relations for the well-being of all cannot omit to care for others even when their choices may be disagreeable. From this viewpoint, a woman seeking an abortion can be viewed as a member of the community experiencing a situation of deep distress because of an unwanted pregnancy. A true communitarian spirit as we have tried to present in this paper cannot just abandon her or remain insensitive to her plight. This is even more so when we consider that the distress and the reasons for seeking an abortion are sometimes rooted in values that the community claims to uphold. As Bleek (1981) shows, shame is a driver to have an abortion in communities that stigmatise women who are pregnant from relationships that are considered to be morally reprehensible. Bearing a child under such circumstances can lead to a lifetime of marginalisation and stigma. Another important aspect, from a communitarian viewpoint, is the fact that due to lack of access to safe abortion, a large number of women die or suffer severe health damages as a result of unsafe abortions on the continent.[6] Some might see this as an argument for even more stringent laws against abortion. However, as Bearak *et al*. (2020), have shown, even under the most punitive laws, women will still find ways to abort when they feel the need to and that abortion rates are not necessarily lower in countries with restrictive or prohibitive laws. The key here is that the communitarian duty to care for the well-being of all, especially the most vulnerable, requires attending to the needs of women seeking a safe abortion. This approach resonates more with the African ethical framework than Gjerskov's argument that leverages the right of women to choose what to do with their bodies while remaining silent about the possible moral outcome of such choices.

A second level of evaluation is that of SMS, where persons are required to exercise their liberties in ways that contribute to the good of others and community. Childbearing is generally considered as a value among many African communities. Under this prism, some argue that liberalising abortion through access to safe legal abortion could undermine the value of childbearing and also foster irresponsible sexual behaviour which in turn could disintegrate families and lower general moral

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standards. The thrust of this argument is to uphold the moral commitment of all members of society, in particular women, to pursuing moral excellence by engendering children and avoiding sexual encounters that are not protected by the assurance that, in case of pregnancy, the necessary conditions for raising up a child would be available. However, from the African viewpoint of SMS there are two counter arguments to this position. First, abortion is not a total refusal of childbearing. It is more often a question of the circumstances under which that child would be born. Many young women who recur to abortion, if done safely, would later go on to have children. In the case of more mature women, it is often the case that they already have children who they want to take good care of and cannot afford either physically, or psychologically or economically to add another child. Interpreting access to abortion as promoting an antichildren culture, would seem an exaggeration. On the question of increased access to safe abortion as a measure that lowers moral standards by cushioning irresponsible sexual behaviours, even if one were to accept this idea of moral standards, it is worth pointing out that blocking access to safe abortion would not be a top priority in achieving the intended goal of upholding moral standards. The streets of African cities are full of captivating billboards promoting all types of easily accessible contraceptives that promise the elation of sexual experiences free from any uneasiness about unwanted pregnancies. Popular culture, music, dance and fashion regularly sexualise and objectivise the African girl, not to mention male abuse of alcohol and other inebriating substances that lead to uninhibited behaviour. A balanced and informed sexual education for girls and boys would perhaps go a long way to promote responsible sexual behaviour than merely prohibiting abortion and exposing women to the risk of unsafe medical procedures.

The third level of consideration is the cultural decolonisation perspective that Ekeocha seems to appeal to in her rebuttal. An evaluation of this view needs to be grounded on an understanding of what is morally wrong about colonisation. Colonialism is morally wrong because, as Renzo (2019) puts it, 'undermines the capacity of political communities to exercise their self-determining agency in a particular way. When political communities are treated in this way, they suffer a distinctive wrong'. Colonialism is often accompanied by other evils such as racism, looting, appropriation of resources and other horrors. However, these evils can be found in other contexts which we would not normally describe as colonialism. What colonialism does is to structurally subtract people's agency and substitute it with agency that plays in favour of the coloniser. The self-determining capacity of the colonised disappears only to be substituted by epistemic, social, and political systems that serve more the interests of the coloniser than the colonised. Decolonisation is about restoring that self-determining capacity to the colonised. It is not about retreating into a static notion of precolonial culture perceived as an uncontaminated reality. As Appiah (1998) argues, cultures regularly interact and intermingle. The wrong about colonialism is imposing one culture to the disadvantage of another.

From this perspective, it is possible to see how African voices like Molefe and Ekeocha are suspicious when issues like the right to legal access to abortion seem to be driven mainly by organisations and institutions that are rooted in what is broadly called the West. This is a perspective that is often not fully appreciated by universalists who appeal to human rights as decontextualised normative concepts. This approach is perceived as colonising because it seems to suggest an internal incapacity of African countries to address issues such as abortion without foreign 'Western' intervention. Such a perception, grounded or not, resembles the colonial agenda of undermining indigenous agency. Nevertheless, as Africans, we need to keep in mind that the issue of unsafe abortions is not a problem because 'Westerners' think it is, but that it is a question that annually affects the lives and livelihoods of more than a million women on the continent. The available data (see note 6) show that neither ignoring the issue nor implementing restrictive measures are safe solutions. What is needed is a multilayered approach that will include sex education, removal of stigma, socioeconomic emancipation of women, access to safe contraception and safe abortion where needed.

Lastly, I have so far avoided the religious aspect of the debate on abortion because it is not limited to the African context. It does however play an important role in Africa because religion is generally more widely practised in Africa than in other parts of the world. The point to be made here is the need to carefully distinguish moral values grounded on religions such as Christianity and Islam from African traditional frameworks and to further decide the place of such normative frameworks in countries that aim to have a pluralistic approach to religion.

CONCLUSION

Deliberation on bioethical issues of global relevance requires a rich framework that resonates with the people from different regions of the world in order to be effective and to avoid falling into forms of cultural imperialism. Drawing from extant African philosophical reflections on the descriptive and normative concepts of personhood, I have teased out a notion an African notion of SMS and OMS. This distinction which is embedded in a relational and communal notion of the human person, influences the African way of conceptualising and addressing bioethical issues. This perspective highlights the need to promote subject moral agency and not only the duties owed to persons. In doing this my goal is to offer a clearer conceptual framework for Africans to understand themselves and for non-Africans who engage in dialogue on global ethical issues within the African context. This perspective can also contribute to enrich the global conversation as well as offer a platform for a more detailed and complete conversation on some of the bioethical issues I have summarily alluded to in this paper.

Correction notice This article has been corrected since it was first published. The licence has been updated to open access CC BY.

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NOTES

1. The notion of divine (Onyankopon) here is above all the metaphysical idea of a supreme uncreated being (see Gyekye 1995, 70). Wiredu 1996 draws a distinction between the Christian religious notion of God and the Akan concept natural philosophic concept of the divine.
2. A similar claim could be made about Kantian ethics. The difference with African philosophy lies in the way moral status is grounded and the importance of relational virtues in evaluating moral status.
3. For example, among the Bulsa, part of reparation for violent crime requires acts of appeasement towards the earth which has also been offended by the act. See for example: Schott, R, 1987. Traditional law and religion among the Bulsa of Northern Ghana. *Journal of African Law*, pp. 58–69.
4. A related question, even though outside the narrow scope of this paper, is corporate agency in African philosophy. Corporate beings or communities such as ethnicities can be considered as having SMS. When a community fails to take care of its poor and vulnerable or is intolerant towards foreigners, such a community is often dubbed as wicked or evil. Persons from such a community may suffer discrimination from members of other communities.
5. This point is often missed by governments and corporate bodies engaged in the extraction of natural resources. When disputes with local communities emerge in the course of pursuing projects that alter or destroy the natural environment, governments and corporate bodies try to appease communities by offering material or financial compensations but do not seem to capture the 'mourning' of communities for the loss of an agent with moral status.
6. According to WHO (2021), in developed regions, it is estimated that 30 women die for every 100 000 unsafe abortions. That number rises to 220 deaths per 100 000 unsafe abortions in developing regions and 520 deaths per 100 000 unsafe abortions in sub-Saharan Africa. (https://www.who.int/news-room/fact-sheets/detail/preventing-unsafe-abortion). The Guttmacher institute adds: In 2012, nearly 7 per 1000 women of reproductive age in Africa were treated for complications from unsafe abortion. In all, about 1.6 million women in the region are treated for such complications each year. Africa is the world region with the highest number of abortion-related deaths. In 2014, at least 9% of maternal deaths (or 16 000 deaths) in Africa were from unsafe abortion (https://www.guttmacher.org/sites/default/files/factsheet/ib_aww-africa.pdf).

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