Traditional Surrogacy in Igbo Culture: An Appraisal of Ethical Issues

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Abstract

Surrogacy as a form of assisted reproductive mechanism is prevalent in the Igbo culture but in another dimension. The traditional surrogacy practice in the south-eastern part of Nigeria is anchored on the quest for procreation in a marriage union for the protection of family lineage against extinction. In Igbo Culture, children are regarded as a boost to the social status of their parents; they attract to their parents a sense of personal fulfilment, honour and prestige. To this extent, couples by procreating, gain community acceptance and social respect whereby Infertile couples face family pressure especially from the husband's family; they are stigmatized and ridiculed by society. The traditional surrogacy practiced was embraced as an alternative for families who lack children or male children who will inherit their properties and continue the family lineage. The authors beyond defining the concept, went further to discuss the practice of traditional surrogacy in Igbo culture and also x-rayed the ethical issues that have arisen in the practice. Several recommendations were made that the authors believe if embraced, can help reduce the rate at which traditional surrogacy is practised, as once the root cause is addressed, then there will be solution.

Keywords: Ethical, Surrogacy, Traditional, Consideration, Culture

1. INTRODUCTION

The term surrogacy is a practice which is supported by science, technology, morality and legality. It is as old as civilization itself and it is one of the forms of alternative reproductive treatment or technologies prevalent in our time.[1]The issues concerning it cut across all facets of life. Etymologically, the term surrogacy is from the Latin word ‘’*subrogare’’*which means to replace, substitute or stand-in for. It therefore, suggests that there is an original or natural process or thing to be replaced by another process or thing which is not original or natural. In a situation where what is to be substituted is not about naturalness, it can concern what is legitimate being replaced by what is not. It is this substitution and its attendant consequences that made surrogacy a moral and legal issue, especially because human beings are involved. [2]

The act of surrogacy involves helping someone to have a child or to meet the need of child bearing. It has been discovered that giving birth to a child is a natural duty of homosapiens and indeed other non-human animals. The duty of procreation to perpetuate young ones in other to populate the world for the continuity of human race is not something that societies and individuals take with levity especially in Africa and Nigeria. Surrogacy is therefore multifaceted in terms of the reasons adduced for its practice and the benefits that can accrue from it.[3]

In Nigeria, especially in the Igbo Culture, children are ranked as the major component in a marriage union. The absence of children is seen as a big problem and couple without children seems to be regarded as a no body or people, whose future is blank. In the Igbo culture, when a

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[1]Christine L. Keran , ‘Surrogacy; A Last Resort Alternative for Infertile Women or Commodification. Wis women Law J. 1997 Spring;12(1): 113-118.

[2]Definition of surrogacy <https://www.etymonline.com/word/surrogacy> Accessed 07/11/2024

[3]An African Perspective on Surrogacy and justification of motherhood. <(PDF) An African Perspective on Surrogacy and the Justification of Motherhood | Akande Aina - Academia.edu> Accessed 9/11/2024

woman is barren or the husband is unable to have a male child, it is a heavy burden on them and they go out of their way to see what they can do to change the situation.[4]

Traditional surrogacy is a practice that have been embraced within the Igbo culture as a salvaging mechanism embraced by women to ensure that their family lineage does not go into extinction. Traditional surrogacy is the most widely used method of surrogate pregnancy, as well as the most historically prevalent. Before the era of assisted reproductive technology and IVF, traditional surrogacy was the only form of surrogacy available.[5]

However, this method was used in the ancient cultures and communities without the application of technology. The husband of the infertile woman would have access to another woman and after the birth of the child, the woman would hand over the child to the husband and his wife.

It is sad, that infertility is viewed as a disability and couples often times do not want to be tagged with disability of any sort. The utilization of traditional surrogacy over time, has raised several ethical issues, which this paper addresses extensively.

2. DEFINITION OF CONCEPTS

a. TRADITIONAL:

This refers to an inherited, established, or customary pattern of thought, action, or behaviour (such as a religious practice or a social custom) prevalent in a community, tribe, group of people. It can also be seen as cultural continuity in social attitudes, customs, and institutions etc.

b. SURROGACY:

Surrogacy is an important method of assisted human procreation for those who cannot, or choose not, to procreate in the traditional manner. Surrogacy, one of the most dramatic of the new reproductive technologies, is an arrangement by which a woman agrees to be impregnated by assisted conception, carries the resulting foetus, and relinquishes all parental rights of the child at birth. [6]

This method of Artificial Reproductive Technologies is like a quick solution to those married women who are unable to conceive due to various physical, genetic and medical reasons. Surrogacy is traditionally defined as the procedure whereby a couple contracts with a woman (known as the surrogate) to conceive a child for them, carry it to term, and then relinquish to the couple all her parental rights. The word 'surrogate has its origin from a Latin word '*surrogatus',* meaning a substitute, that is, a person appointed to act in the place of another. Hence a surrogate mother is a woman who carries a child on behalf of another woman, either from her own ovum or from the implantation in her womb of a fertilized egg from another woman.[7]

c. ETHICAL ISSUES:

Ethical issues occur when a given decision, scenario or activity creates a conflict with societal moral principles. Ethics is concerned with rights, responsibilities, language use, and moral

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[4] **Udobata Onunwa, 'Igbo traditional attitude to children. a religious interpretation of a socio-economic need 1988.<https://www.jstor.org/stable/40760332> Accessed 06/11.2024**

[5] **Surrogacy: Legal, ethical and moral issues. <(pdf) surrogacy: legal, ethical and moral issues (researchgate.net)> Accessed 10/11/ 2024.**

[6] Mary Ann-Ajayi & Olanike S. Adelakin, 'Surrogacy and its implications in Nigeria emerging issues in Women's Reproductive Rights' in Nigeria ABUAD(2018) 5(1) < https : // www. researchgate .net/publication/354921010_Surrogacy_and_its_Implications_in_Nigeria_Emerging_Issues_in_Women's_Reproductive_Rights> Accessed 08/11/2024

[7] Sidharacharyulu, 'Surrogacy; Legal Implications(1998) 3NCLJ. 60-61.

decision-making. It investigates normative questions about what people ought to do or which behaviour is morally right.[8]

3. TRADITIONAL SURROGACY IN IGBO CULTURE

Surrogacy has been appreciated and as well as criticized. It has over the years been described as ''gift of life'' or gift of love as well as termed ''rent a womb'' depending from the view point it is looked at. Regardless of its benefits, surrogacy has also generated considerable legal, moral and ethical debate. Due to the uncertainty prevailing over the various issues surrounding surrogacy, it is considered as a legal and ethical mine-field.[9]

Surrogate motherhood practice is widely accepted in the southeastern part of Nigeria and more profoundly within the Igbo culture. The practice is a means of child acquisition as children in Igboland are considered very important, as a childless woman is seen as a woman without any form of security in her husband's family. Children are seen as a form of solidification of a marriage union.[10]

More so, children are also a source of social prestige in Igbo culture as the Igbo society is patrilineal in nature as properties and inheritance pass on from parents to children and such properties are lost to relatives or strangers, where a family lacks children.

In Igbo Culture, it is allowed for a woman who is unable to bear children or who does not have a male child to marry another woman to bear children for her. This surrogate is customarily impregnated by the husband of the woman or by another man and the children she bears belongs to the intending mother.[11]

In another circumstance, women whose husbands have died leaving them without children also marries other women to bear children for them as surrogates. Also, where a man has only female children and is old, his wife is permitted to marry another woman but, in this instance, the woman begins to bear children by close relatives of the family and not necessarily the aged husband.[12]

This practice got its widely usage because of the way young women who gets pregnant outside wedlock are treated shameful. Hence this arrangement is gladly accepted by young women who feels that their children will be received in a family setting and are well taken care of. The traditional surrogacy practice acceptance in the Igbo culture is also fuelled by the fact that the intending mother has control over the surrogate and the child. This makes surrogacy an attractive, less cumbersome means of child acquisition for childless women.[13]

The affordability of this practice stems from the fact that most of the women who are given off as surrogates are young girls who became pregnant outside of marriage, which is considered to be a disgrace to their family. As such families are happy and eager to give out these young women to

[8] Yip C, Han NR, Sng BL. Legal and ethical issues in research. Indian J Anaesth. 2016 Sep;60(9):684-688.
[9]Amelia Gentleman, 'India Nurtures Business of Surrogate Motherhood' N.Y. Times, March. 10 (2008), available at http://www.nytimes.com/2008/03/10/world/asia/lsurrogate.html Accessed on 10 /11/2024
[10]A. Aina, ' An African Perspective on surrogacy and the justification of motherhood', Bangladesh Journal of Bioethics 2017; 8(3):18-25
[11]Nwahaghi F.N, 'The problem of Childlessness in Igbo Perspective. (1995)Ibom Journal of Social issues 2:102-113
[12]Imaobong Toby, 'Westernization and African Culture: A study of woman to woman marriage among the Annans, Akwa Ibom State Nigeria'. (2024)Unizik Journal of Culture and Civilization 2(1).45-50.
[13]Ibid

marriage to anyone who desires them in order to remove the shame and stigma brought to the family.

Furthermore, this practice of traditional surrogacy tends to give the surrogates some sense of identity and honour in the society, as all parties involved are satisfied. The surrogate and her family get to have their shame wiped away and the contracting woman gets to have her child or children.[14]

It is trite to note, that this traditional surrogacy practice has several names it is called in different communities. In Anioma which is in Delta state, it is called "Iha Idegbe''. This practice extends even to posthumous marriages where dead men or even a miscarried male child can give birth through surrogates in posthumous marriage. For them in Anioma, it is never too late for a man to marry.[15]

4. ETHICAL ISSUES IN TRADITIONAL SURROGACY

Having analysed the traditional surrogacy concept under the Igbo Culture, we will then discuss the ethical issues involved which are the rightness or wrongness of the practice, which are also the drawbacks that this practice poses.

It is also important that we examine the morality of this practice in relation to the parties involved and the parties involved and the society at large. Firstly, one of the ethical issues that has arisen in the traditional surrogacy practice is the issue of:

a. Exploitation of the Female Gender

It is believed that the vulnerability of the female gender is exploited under the guise of surrogacy arrangement. The surrogate is exploited economically, emotionally, and physically. Many young women who end up as surrogates are those who are desperate for financial consideration, care, survival, family security. Most of these surrogates are young women who became pregnant outside wedlock and have brought shame to their family; hence they agree to the surrogacy arrangement to remove the shame from their family.

It is the thought of many theorists, that these surrogates to save them from social stigma and they agree to become surrogates as a matter of necessity and not necessarily their choice. Some of the surrogates are also orphans, who just needs a place of succour and comfort and they see the surrogate arrangement as a safe haven for them. [16] Moreso, the decision to embrace surrogacy is often not given by the surrogates but by their parents or guardians as the arrangement is seen as an exploitation of their state of vulnerability. The drawback then lies in the fact that must a person's vulnerability be exploited at the expense of raising a family or bearing children for another.

For a young girl, who gets pregnant outside wedlock, it is a proper thing for her to be adequately advised to give up the child for adoption, rather than chase out the child, the family can encourage, motivate her to go back to school to realise her dreams rather than cutting them off by forcing a surrogacy arrangement on the young woman.

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[14]Olanike S. Adelakun, 'The Concept of Surrogacy in Nigeria: Issues, Prospects and Challenges' (2018) 18 African Human Rights Law Journal 621.

[15]C. Nathaniel, 'Iha- Idegbe- A philosophical appraisal of surrogacy as a respite to childlessness in Anioma Delta state (2024) DSLJ 2(2) 30-35.

[16]Rukiye Turk, Fusun Terzioglu, 'Ethical consideration in the surrogate maternity practice. Published by Kafekase University School of Health Sciences Turkey (2021). <https://dergipark.org.tr/en/download/article-file/412634> Accessed 22 October, 2024.

b. Traditional Surrogacy Promotes Woman to Woman Marriage:

It is believed that traditional surrogacy promotes woman to woman marriage, which is a practice in the Igbo culture and among patriarchal societies in Africa, where a woman pays the bride price of another woman for the purposes of procreation on behalf of the woman paying the bride price.[17]

It is argued that the main reason for woman-to-woman marriage is barrenness and lack of male child inheritor. It is important to note, that male children from woman-to-woman marriage is said to guarantee a woman to inherit her husband's property and secures her economic needs by establishing her rights to occupy a property, which is inherited by the children from the marriage.[18]

Despite the above reasons, it is imperative that a child is born in a normal marriage setting, as marriage is a sacred union and institution between a man and a woman. The traditional surrogacy arrangement projects a social contract type of marriage, which gives the contracting party(intending mother) or the woman husband the legal right over the children born by the surrogate and under the Igbo culture, the intending mother has both cultural and legal rights over the children.[19]

This form of arrangement deprives the surrogate of an intimate attachment in the relationship as the purpose of the surrogate in the family, is just to bear children fulfilling the procreation desire of the intending mother.[20]

c. Traditional Surrogacy Promote Promiscuity and Adultery

Traditional surrogacy comes in different forms and in some instance, the young woman brought into the surrogacy arrangement is permitted to sleep with family relatives or other men for the sake of procreation, as the children to be born are the paramount interest of the intending mother.

This leverage or the perceived liberty to be with different men leads the surrogate to a life of promiscuity and adultery, since the surrogates are seen as a married woman.

It is important to note, that beyond getting pregnant, these surrogates that thinks that they have the license to continue sleeping around without restraints. They now begin to turn themselves to prostitutes or adulterers, since they are married. Ethically, it is seen to be wrong as the idea of chastity or faithfulness in the marriage setting is destroyed and promiscuity is encouraged and adulterous living.[21]

d. Disruption of Family Lineage/ Pattern

In a normal societal setting, a child should be born within a known family and marriage setting or arrangement. The traditional surrogacy practice disrupts this normal form and causes a distortion of the family lineage and pattern.[22]

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[17]Uchendu .E, Azodo A.U and M.N Eke, 'Woman- Woman marriage in Igboland. In Gender and sexuality in African Literature and film,(2017) (Eds) Africa World press, Trenton, New Jersey USA. ISBN 9781592214693 PP:141-145.

[18]Green B., 'The Institution of woman to woman marriage in Africa; A cross -cultural analysis Ethnology, (1998) 37: 395- 398.

[19]Nyanugo .H, 'Female Husbands without male wives; women, culture and marriage in Africa (2014) Open society Initiative for southern Africa Massachusetts Journal USA.

[20]Ibid

[21] Innocent Nwosu, 'Determinants and Consequences of surrogate marriage among the Igbo, South East Nigeria (2019), Global Journal of Research and Review 5(2), 40-45.

[22] Saxena P, Mishra A. Malik S.- Surrogacy; ethical and legal issues. Indian J. Community med 2012, 37(4) 211-13.

The traditional surrogacy gives the surrogate the liberty to meet with different men for the purposes of procreation. These men are not liable for the wellbeing of the children and are not to lay claims when the child is born, as the child belongs to the intending mother legally and culturally.[23]

Ethically, the children are deprived the right to know their biological father, or genetic parents. As this right is fundamental for the children. Moreso, the biological fathers of these children do not contribute to their welfare and it makes such men irresponsible, as they play no role whatsoever in the lives of their children, as culturally they are not to connect with the children who belongs to the intending mother.[24]

e. Treating the Woman's Body as a Commodity

Ethically by virtue of the practice of traditional surrogacy practice, the surrogate/ woman's body is commodified. The commodification of the woman body projects the female gender as a commodity, a machine for making of babies. The surrogates are seen as an item that has been born to serve only the purpose of the intending mother.[25]

The Concept of surrogacy turns childbearing function of the female body as a commercial contract enterprise/ venture. It is trite that since the function of the surrogate starts and ends with childbearing and there is no room for intimacy, love, relationship, it subjects the woman's body as a childbearing vessel or machine for commercial purposes.[26]

This violates the emotional connection; a mother has with its child and abuses the natural process of procreation. The fact that the surrogate cannot lay claim over the children, where the intending mother is alive breaks the bond that is shared between a mother and child.[27]

It is imperative to note, that in all of this process, the surrogate is aware of its purpose, which is commercial and ethically goes outside the purposes of childbearing as ordained by God. Also, the surrogate mother is treated as a mere 'means to an end', they are used and dumped. They are nothing other than commercial 'wombs'. Surrogacy is similar to prostitution. If prostitution is unethical then traditional surrogacy should be unethical too because both involve the abuse of the body indecently. [28]

5. CONCLUSION

The authors believe that traditional surrogacy came into existence owing to the patrilineal nature of the Igbo culture which holds in high esteem children and more especially the male child as inheritor primogenitor of the family lineage.

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[23] Kenneth Okwuosa, 'An ethical evaluation of traditional surrogacy in Igbo Culture, South East Nigeria, Sapienta global journal of Arts, Humanities and Development Studies (2020) 2(1) , 50-54.

[24]B. Adeniyi, O.T Jacob, 'Surrogacy, marriage and Commodification of the womb; A religo -ethical Perspective (2023) International Journal of Research in Education and Sustainable Development. 2(5), 43-48 .

[25]Ibid

[26]Falana C, 'Surrogate Motherhood: A philosophical discourse ''Journal of emerging trends in education research and policy studies (2013), 2(1) 32- 38.

[27] O.J. Umeora et al 'Surrogacy in Nigeria: Legal, ethical, social, cultural, psychological and religious musings' African Journal of Medical and Health Sciences (2014) 13(2) 105-106.

[28] O. Ogunwade, 'Socio-legal issues of surrogacy in Nigeria: A quagmire (2020) AJLHR 4(1) 22-26.

The institution of marriage in Igbo culture has children as its solidification, beyond companionship and love that marriage should be centred on. It is important to note that women in marriages, are pressured to do whatever they can to see that they are well grounded and rooted in their matrimonial home, so as to not allow relatives or strangers partake of their husbands and family inheritance.

This quest for children especially the male children is the foundation of traditional surrogacy. In Nigeria in general, children are regarded as a boost to the social status of their parents; they attract to their parents a sense of personal fulfilment, honour and prestige. To this extent, couples by procreating, gain community acceptance and social respect whereby Infertile couples face family pressure especially from the husband's family; they are stigmatized and ridiculed by society.

The authors have examined the Igbo culture and how traditional surrogacy came to be. More so,the concept of surrogate motherhood was also discussed and the traditional surrogacy motherhood concept for ease of understanding.

The fulcrum of this paper is hinged on the ethical issues that has arisen from the practice of traditional surrogacy within the Igbo culture as widely practiced. These ethical issues are the drawbacks that has been seen to play out from the practice of traditional surrogacy.

The authors also made some recommendations that if embraced, can help solve the issues upon which traditional surrogacy is predicated upon. It is believed that if the main issues which is cultural attachment to children especially male children, which ideology have been ingrained in the heart of Nigerians especially the Igbos, are well handled, then there will be a great reduction in the practice of traditional surrogacy.

6. RECOMMENDATIONS

1. There is need for constant social orientation in the rural parts of the south Eastern part of Nigeria on the fact that the pressure put on women without children are not in line with societal norms. There is need for culture change to enable women who are childless not to feel less important or desperate.

2. The concept of disenfranchisement of female children in inheritance should be thrown away. Communities should embrace the judgment in *UKEJE V UKEJE*[29], by the supreme court, as this will solve a lot of problems.

3. Young ladies who gets pregnant outside wedlock should be well counselled to consider adoption rather than being married out as surrogates to cover their family shame.

4. More activism and advocacy outreach is needed in conjunction with the media to preach message, so that people in the rural areas can hear and begin to work with the message passed.

5. The security agencies and the traditional rules needs to be tutored on right protection of women and girls and also the negativity of right violations that are being perpetrated in

[29](*2014) 11 NWLR (PT.1418) 384*

many communities on women perpetrated in many communities on women who bore no male children or are childless.

6. The religious organizations need to be tasked with the duty of teaching their congregation about the need to abolish most of the traditional practices that does not promote the society.

7. Adoption must be encouraged and people should be taught the advantages of adoption, its procedures must also be explained to people frequently by social officers in the various local Government Areas.

8. More advocacy needs to be done by the government, non -government organization speaking against commodification of the woman body. Women and young girls must be discouraged from seeking financial considerations in exchange for surrogate motherhood.