

13. Reclaiming Women's Agency for Reproductive Justice in Nigeria Today: Flourishing for Mother and Child in Situations of Constraints

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The issue of reproductive rights generally—and specifically for Nigerian women—is debated today because of constraints placed by Catholic teachings on reproductive health and public policies influenced by both culture and religion. These constraints have negative impacts on women's agency and on women's right to resist sexual exploitation and gain access to other important rights. Catholic teachings condemn all forms of artificial birth control, such as direct contraception, direct abortion, and direct sterilization. However, the official Church teaching encourages the use of natural means of fertility control. In *Humanae Vitae*, Paul VI prohibits the use of artificial contraceptives because they are said to obstruct the natural reproductive process. Drawing on a particular interpretation of the natural law, Paul VI encourages married couples to only engage in sexual intercourse during the wife's infertile periods if couples seek to control their birth rate.

The teaching of *Humanae Vitae* sparked negative reactions from several leading Catholic theologians when it was first promulgated. According to Joseph Selling, many lay Catholics disagreed with the teaching and refused to put it into practice. Selling attributes the reason for the rejection to “a failure in communication or a lack of adequate understanding in the part of either the laity or the hierarchy.”¹ The document generated two tensions that “undermine the credibility of

¹ Joseph A. Selling, *Reframing Catholic Theological Ethics* (Oxford: Oxford University Press, 2018), 17–18.

moral theology in general.”² First, according to Selling, the hierarchy insisted that the teaching forbidding artificial means of birth regulation “must be accepted because it came from the ‘highest authority’, that could not make a mistake on such an important issue.” Controversy over this teaching created “a stalemate that has lasted for nearly fifty years in the Roman Catholic church and has reached a point where one’s ‘submission’ to the teaching has become a test for Catholic orthodoxy applied to anyone who seeks ordination or applies for a position to teach moral theology.”³ Second, the emergence of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) in the early 1980s contributed to the tension because the teaching of *Humanae Vitae* neglects the situation of marital union in which a spouse is HIV-positive and could spread infection to their spouse if they do not use a condom as a prophylactic.⁴ The argument of Paul VI in *Humanae Vitae*—that all sexual acts must be open to procreation⁵—thus endangers the lives of people in serodiscordant relationships. Some Catholic women rejected the teaching because it exposes women to perpetual childbearing by promoting that all sexual acts must retain a procreative aim, while prohibiting artificial birth control methods by declaring them inherently wrong.⁶ Some American Catholic theologians disagreed with the teaching and wrote that spouses should be allowed to use their conscience to decide to use contraceptives in some situations.⁷ A year after *Humanae Vitae* was promulgated, a survey showed that 44 percent of women of childbearing age were using artificial birth control. By the mid 1970s, more than 80

² Selling, *Reframing Catholic Theological Ethics*, 18.

³ Selling, *Reframing Catholic Theological Ethics*, 18.

⁴ Selling, *Reframing Catholic Theological Ethics*, 12.

⁵ Selling, *Reframing Catholic Theological Ethics*, 18.

⁶ Harriet Sherwood, “Fifty Years On, and Catholics Are Still in Turmoil Over Contraception,” *The Guardian*, July 22, 2018), www.theguardian.com/society/2018/jul/22/humanae-vitae-catholic-birth-control-ban-fifty-years.

⁷ Charles Curran, “*Humanae Vitae*: Fifty Years Later,” *Theological Studies* 79, no. 3 (2018): 520–542, 520.

percent of Catholics in the US rejected the prohibition of contraceptives.⁸ Hence, the hierarchy's insistence on the acceptance of *Humanae Vitae* leaves me to wonder about the place of empathy toward women. How are we to reconcile Catholic teachings on the gift of human reason, Catholic teachings on the inviolability of conscience, and Catholic teachings that forbid contraception, abortion, and sterilization? With Selling, I wonder how the Church can move forward in a way that encourages faithful Catholics to make decisions according to their consciences.⁹

As a woman religious, who is deeply concerned for the health and well-being of women in Nigeria, I am troubled by the way that Catholic teachings on reproductive health have fostered misunderstanding and even distrust between clergy and the laity. *Lumen Gentium* puts forward the teaching that all share a "true equality" in building up the Body of Christ and suggests that, in the Church, there is "no inequality on the basis of race or nationality, social condition, or sex" (no. 32). Despite this teaching, inequality persists. A recent study from the United Nations explains that "the most recent data from 68 countries show that an estimated 44 percent of partnered women are unable to make decisions over health care, sex or contraception. As a result, nearly half of all pregnancies are unintended."¹⁰ Such data invites us to question why so many women around the world are denied the "right to decide freely and responsibly the number and spacing of their children."¹¹ When Catholic teachings ignore factors that constrain women's agency and needs in relation to their reproductive life and health, women suffer. This is especially true for women in Nigeria. A better way forward would instead empower women to make thoughtful

⁸ Sherwood, "Fifty Years On."

⁹ Selling, *Reframing Catholic Theological Ethics*, 16.

¹⁰ United Nations Population Fund (UNFPA), *State of World Population 2023: 8 Billion Lives, Infinite Possibilities: The Case for Rights and Choices* (New York: UNFPA, 2023), 4, www.unfpa.org/sites/default/files/pub-pdf/SWOP2023-ENGLISH-230329-web.pdf.

¹¹ UNFPA, *State of World Population 2023*, 4.

decisions about their bodies and lives, thereby enabling women, their families, and societies to flourish.¹²

Consequently, this paper aims at a Catholic feminist examination of the importance of reproductive justice for women in Africa and specifically Nigeria. Additionally, it deconstructs the conditions that constrain women's reproductive autonomy and their ability to stand up for their needs,¹³ and explores other complicating factors that undermine reproductive flourishing. The paper further investigates reclaiming women's agency from the perspective of a needs-based approach, which argues that human needs motivate human actions toward flourishing for mother and child.

Reproductive Justice and the Threats to Women's Reproductive Rights and Agency in Africa/Nigeria

In 1994, during the International Conference on Population and Development (ICPD) organized by the United Nations (UN), a group of African American women introduced the term reproductive justice.¹⁴ They coined the term because of the realization that the manner in which wealthy white women in the women's rights movement defined issues concerning women did not represent the worldview, situation and interests of marginalized women and women of color.¹⁵ These scholar-activists "maintained that reproductive safety and dignity depended on having the resources to get good medical care and decent housing, to have a job that paid a living wage, to live without police harassment, to live free

¹² UNFPA, *State of World Population 2023*, 28.

¹³ Marshall Rosenberg, *Nonviolent Communication: A Language of Life*, 3rd ed. (Encinitas, CA: PuddleDancer Press, 2015), 52–57.

¹⁴ Joan C. Christler, "Introduction: A Global Approach to Reproductive Justice – Psychosocial and Legal Aspects and Implications," *William and Mary Journal of Women and the Law* 20, no. 1 (2003): 1–24, 1.

¹⁵ Loretta J. Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland: University of California Press, 2017), 55.

of racism in a physically healthy environment,” and that these were “fundamental conditions for reproductive dignity and safety.”¹⁶ According to Loretta Ross, one of the founders of SisterSong,¹⁷ reproductive justice is “the complete physical, mental, spiritual, political, social and economic well-being of women and girls, based on the full achievement and protection of women’s human rights.”¹⁸ While reproductive justice advocates defend access to contraception and abortion as morally legitimate, these issues are not the primary focus on the movement.¹⁹ Given that racism and classism continue to impact the lives of women, some people have no access to reproductive health care facilities and services such as abortion and contraceptives, even when such services are legal. Disparities in access result from many complex factors, including immigration status, structural racism, economic resources, gender-based violence, unfavorable work policies, lack of education, and so forth.²⁰ Reproductive justice scholarship has described the structural factors that prevent people from experiencing reproductive flourishing. Thus, the relationship between reproductive justice and Catholic social justice is the ethical framework that “weaves reproductive rights with social justice.”²¹

Women’s reproductive rights are endangered in many places around the world. Reproductive rights involve the freedom to make decisions

¹⁶ Ross and Solinger, *Reproductive Justice*, 56.

¹⁷ For more information about SisterSong and their reproductive justice advocacy, see their website: www.sistersong.net/about-x2.

¹⁸ Sara P. Diaz, “A Map for Feminist Solidarity: How to Teach about Women of Color and Reproductive Justice in Jesuit WGS Classrooms,” *Feminist Teacher* 27, no. 1 (2016): 24–46, 26. See also Loretta J. Ross, “Understanding Reproductive Justice: Transforming the Pro-Choice Movement,” *Off Our Backs* 36, no. 4 (2006): 14–19.

¹⁹ Nancy Felipe Russo and Julia R. Steinberg, “Contraception and Abortion: Critical Tools for Achieving Reproductive Justice,” in *Reproductive Justice: A Global Concern*, ed. Joan C. Chrisler (Santa Barbara, CA: Praeger, 2012), 145–171, 145.

²⁰ Loretta J. Ross, “Reproductive Equity,” Catholics for Choice, 2023, www.catholicsforchoice.org/issues/reproductive-choice/.

²¹ Loretta J. Ross, “Reproductive Equity.”

about issues regarding a person's reproductive health.²² According to the World Health Organization (WHO) reproductive rights involve "the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents."²³ However, this definition does not represent the experiences of African women who have limited access to health facilities. I now turn to factors that threaten women's reproductive rights and agency and impede reproductive justice in Nigeria.

Factors that Threaten Women's Reproductive Rights and Impede Reproductive Justice in Nigeria

In the context of Nigeria, there are several factors that threaten women's reproductive rights and agency, thus hindering the realization of reproductive justice. Scholars have claimed that culture and religion are to blame, especially when they promote a patriarchal worldview that perceives women's sexual and reproductive autonomy as a threat to the existing patriarchal system.²⁴ For example, the Association for Women's Rights in Development explains that the effects of Nigeria's patriarchal conservatism are significant for women and girls who face high rates of sexual violence. Further, "Sexual and reproductive healthcare is extremely limited; Nigeria alone contributes more than 10 percent of the global burden of maternal deaths, despite representing only 2.5 percent of the

²² Chitu Womehoma Princewill and Anita Riecher-Rössler, "Education and Reproductive Autonomy: The Case of Married Nigerian Women," *Narrative Inquiry in Bioethics* 7, no. 3 (2017): 231–244, 232.

²³ United Nations, "Report of the International Conference on Population and Development," September 13, 1994, www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/a_conf.171_13_rev.1.pdf.

²⁴ Russo and Steinberg, "Contraception and Abortion," 147.

global population, and a 2013 study showed that only 16 percent of Nigerian women of reproductive age (15–49) have access to and use contraceptives.”²⁵ According to data published by the United Nations, more than four out of five Nigerian women lack the freedom to determine their reproductive rights and are not able to prevent unintended pregnancies; some Nigerian women who face unplanned pregnancies resort to unsafe abortion, while others give birth and do their best to raise their children amidst challenging circumstances.²⁶ Nigerian women experience much discrimination. Too often, because of cultural assumptions, women are believed to exist solely for the benefit of men.²⁷

Tragically, religious teachings can contribute to these assumptions, undermining the dignity of women. Religious doctrines about marriage, for example, contribute to the invisibility of married women's suffering, especially when husbands believe they have divinely sanctioned power over their wives, who must submit to them. According to Adeniyi Israel Adekunle, the concept of “marital rape” is “alien in Nigeria.”²⁸ Further, efforts to reform laws on the basis of gender and opportunity equality are often rejected by the National Assembly. All these factors negatively impact women's reproductive health in the country.²⁹

²⁵ Olu Timehin Adegbeye, “Nigeria: Not Left Out of the Global Rollback of Sexual and Reproductive Rights,” Association for Women's Rights in Development, 2023, www.awid.org/news-and-analysis/nigeria-not-left-out-global-rollback-sexual-and-reproductive-rights.

²⁶ Adegbeye, “Nigeria: Not Left Out.” See also UNFPA, *State of World Population 2023*, 12.

²⁷ Melissa Browning, *Risky Marriage: HIV and Intimate Relationships in Tanzania* (Lanham, MD: Lexington, 2013), 25–28.

²⁸ Adeniyi Israel Adekunle, “Marital Rape: An Examination of the Current Position of Law in Nigeria,” *This Day*, September 7, 2021, www.thisdaylive.com/index.php/2021/09/07/marital-rape-an-examination-of-the-current-position-of-law-in-nigeria#.

²⁹ Lilian Akhirome-Omonfuegbe, “A Critical Appraisal of Women's Reproductive Rights in Nigeria,” *Journal of Sustainable Development Law and Policy* 10, no. 1 & 2 (2019): 258–280, 277. See also Nkolika Ijeoma Aniekwu, *Reproductive Health Law: A Jurisprudential Analysis of Gender Specific Human Rights for the African Region* (Nigeria: Ambik Press, 2011), 84.

Additionally, bride price,³⁰ by bestowing reproductive authority to men while decreasing the reproductive autonomy of women, results in domestic violence and continuous patriarchy.³¹ In Nigeria, women often bear the blame of infertility and the inability to bear a male child, which negatively impact their marriage and reproductive justice.³² Consequently, the Nigerian culture approves polygamy for men, while the family and society treat women without a male child with less respect.³³ Patriarchy, which promotes absolute respect for men, hinders women's reproductive autonomy. For instance, in the Ikwerre community in Rivers state, Nigeria, a woman cannot decide about her reproductive health without the husband's consent.³⁴ Such a decision without the husband could lead to a divorce or physical violence.³⁵ Thus, the patriarchal system in Nigeria promotes violence against women and constrains their agency in relation to their reproductive health and justice. Unfortunately, patriarchy is legitimized by fixation in cultural practices that are detrimental to the flourishing of women.

³⁰ Bride price refers to the money and items a man pays to marry a woman. The intending husband pays the money and items (as requested by the woman's family) to the intending wife's family and kinsmen. Solomon Ademiluka, "Bride Price and Christian Marriage in Nigeria," *HTS Theologiese Studies/Theological Studies* 77, no. 4 (2021): 1–8, 1. The intention for paying a bride price is to validate the marriage, although it automatically bestows ownership of the woman to the man because the woman's family gives nothing in exchange for having the man. Consequently, some men use it as an opportunity to sexually exploit their wives against their consent, and their wives have no right to refuse sexual intercourse whenever their husbands request it. Refusal of sexual intercourse sometimes results in domestic violence against the woman. See also Browning, *Risky Marriage*, 33.

³¹ Odunola D. Oladejo, "A Reproductive Justice Approach to Understanding Yoruba Women's Experiences with Early Marriage and Bride Price in Nigeria," (Oregon: MA Thesis, Oregon State University, 2020), 24.

³² Oladejo, "A Reproductive Justice Approach," 25–26.

³³ Oladejo, "A Reproductive Justice Approach," 26.

³⁴ Spousal consent laws are not exclusive to Nigeria. See, for example, the analysis of Stephanie Ann Puen in this volume, "Considerations for a Comprehensive Sex Education Grounded in Catholic Social Thought for Reproductive Justice in the Philippines."

³⁵ Princewill and Riecher-Rössler, "Education and Reproductive Autonomy," 238.

Another cultural and religious practice that affects women's reproductive rights, autonomy, and justice is Female Genital Cutting (FGC). FGC involves the removal of the clitoris, not for medical reasons but to control female sexuality.³⁶ FGC can be performed during infancy without the child's consent or as a rite of transition to adulthood which may or may not involve the consent of the person involved. Such a practice is based on religious, cultural, or social reasons.³⁷ Traditional Female Genital Cutting (TFGC) raises the question of agency as it is mainly based on social pressure which compels compliance.³⁸ For instance, 27 percent of Nigerian women between age 15 and 49 have experienced FGC despite the existence of policies to prevent it in Nigeria. Unfortunately, because of inadequate awareness, implementation and monitoring, laws and policies tend to be ineffective.³⁹

Cultural norms and traditions are major obstacles to implementing reproductive rights in Nigeria.⁴⁰ Though section 42 (1) of the Nigerian Constitution promotes freedom from discrimination, discriminatory practices hinder the implementation of that section of the Constitution. Women continue to experience employment discrimination, and men are overrepresented in the public sector. Even when they achieve employment,

³⁶ Mary Nyangweso Wangila, *Female Circumcision: The Interplay of Religion, Culture, and Gender in Kenya* (Maryknoll, NY: Orbis, 2007), 8–9, 45–76.

³⁷ Virginia Braun, "Female Genital Cutting around the Globe: A Matter of Reproductive Justice," in *Reproductive Justice: A Global Concern*, ed. Joan C. Chrisler (Santa Barbara, CA: Praeger, 2012), 29–55, 30–31.

³⁸ Braun, "Female Genital Cutting," 32.

³⁹ Akhirome-Omonfuegbe, "A Critical Appraisal," 276. See also Jane Muthumbi, Joar Svanemyr, Elisa Scolaro, Marleen Temmerman, and Lale Say, "Female Genital Mutilation: A Literature Review of the Current Status of Legislation and Policies in 27 African Countries and Yemen," *African Journal of Reproductive Health* 19, no. 3 (2015): 34. For analysis of a case study within the Catholic moral tradition, see Meghan J. Clark, "Charity, Justice, and Development in Practice: A Case Study of the Daughters of Charity in East Africa," *Journal of Moral Theology* 9, no. 2 (2020): 1–14, 9–14, jmt.scholasticahq.com/article/13334-charity-justice-and-development-in-practice-a-case-study-of-the-daughters-of-charity-in-east-africa.

⁴⁰ Isabel Apawo Phiri and Sarojini Nadar, eds., *African Women, Religion, and Health: Essays in Honor of Mercy Amba Ewudziwa Oduyoye* (Maryknoll, NY: Orbis, 2006), 4–9.

women receive less pay for their services and experience inequality compared to their male counterparts. Therefore, many Nigerian women have less access to resources and constitute the majority of impoverished Nigerians, which affects their reproductive health and decision-making.⁴¹ Religion and culture each play a critical role in enforcing laws concerning reproductive rights because of their influence in public policies. For instance, abortion is criminalized in Nigeria unless the abortion was performed to save the life of the mother. However, critics argue that abortion restrictions result in a greater number of illegal and unsafe abortions, which endanger the lives and reproductive health of women.⁴² Annually, out of fifty thousand maternal deaths, twenty thousand occur because of complications from unsafe abortions.⁴³ Laws against abortion and contraceptives can also lead low-income women to unintended pregnancies and childbirth; some women, out of extreme desperation, even “resort to dumping their babies in dustbins, in pit toilets, and in canals,” according to a report by the Center for Reproductive Rights.⁴⁴ Laws against abortion are not particular to Nigeria. Generally, in Africa, the restrictive law regarding abortion makes it impossible for women to have access to safe abortions. 97 percent of the abortion performed in Africa are unsafe.⁴⁵ Sub-Saharan Africa accounts for 57 percent of the estimated 358,000 of the global yearly maternal deaths.⁴⁶ Therefore, in

⁴¹ Akhirome-Omonfuebe, “A Critical Appraisal of Women’s Reproductive Rights in Nigeria,” 276.

⁴² Egondu Grace Ikeatu, “Violations of Women’s Reproductive Rights in Nigeria,” *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 11, no. 2 (2020): 157–174, 170–171.

⁴³ Center for Reproductive Rights, “Women’s Reproductive Rights in Nigeria: A Shadow Report,” reproductiverights.org/wp-content/uploads/2018/08/Nigeria-CEDAW-1998.pdf. See also Chiweshe Malvern and Catriona Macleod, “Cultural De-colonization versus Liberal Approaches to Abortion in Africa: The Politics of Representation and Voice,” *African Journal of Reproductive Health* 22, no. 2 (2018): 49–59, 49–50.

⁴⁴ Center for Reproductive Rights, “Women’s Reproductive Rights in Nigeria.”

⁴⁵ Malvern and Macleod, “Cultural De-colonization,” 52.

⁴⁶ Princewill and Riecher-Rössler, “Education and Reproductive Autonomy,” 231.

Africa and specifically Nigeria, laws and policies influenced by cultural and religious norms constrain women's agency in issues concerning their reproductive health leading to reproductive injustice, maternal death, and lack of flourishing for mother and child.

Another problem militating against women's reproductive rights in Nigeria is the inability to match realities with laws and policies. There are laws that promote access to information on reproductive health and family planning. However, during sessions or classes, "issues of birth spacing and limiting the number of one's children" are hardly addressed.⁴⁷ In addition, Nigerian law does not consider spousal rape (which could result in unintended pregnancy and undermines birth spacing) as a crime because it is legitimized with the idea that a married woman is expected to be open to sexual intercourse with the husband whenever he asks for it.⁴⁸ Besides, in Nigeria, a female victim of rape hardly gets justice because she must provide evidence to validate her case.⁴⁹ Consequently, the victim gets frustrated while the perpetrator gets acquitted. Victims of rape often do not report their rape experiences to avoid stigmatization. This is an addition to rape exposing women to unintended pregnancies and sexually transmitted diseases.⁵⁰

Generally, the purpose of law is to protect the vulnerable and to promote integral human flourishing. But because of the influence of religion and culture in Nigeria, the law does not serve this noble purpose.⁵¹ When the law fails to protect Nigerian women, this threatens both reproductive justice and human flourishing. According to Sylvia Tamale, law, religion, and culture in Africa are used to dehumanize those whose

⁴⁷ Center for Reproductive Rights, "Women's Reproductive Rights in Nigeria."

⁴⁸ Ikeatu, "Violations of Women's Reproductive Rights in Nigeria," 161.

⁴⁹ See also "Religio-Cultural Underpinnings of Gender and Reproductive Injustice and Their Impact on Women's Agency in India" in this edited volume by Virginia Saldanha, who examines similar legal barriers for survivors of sexual violence in India.

⁵⁰ Ikeatu, "Violations of Women's Reproductive Rights in Nigeria," 161.

⁵¹ Teresia Mbari Hinga, *African, Christian, Feminist: The Enduring Search for What Matters* (Maryknoll, NY: Orbis, 2017), 3–10, 176–178.

sexuality do not conform to the norm, including homosexuals, prostitutes, single mothers, rape survivors, widows, and persons living with HIV.⁵² Conservative Christians and Muslims in Africa focus on sexuality as the highest moral concern while neglecting the pressing moral issues such as corruption and embezzlement of public funds that require immediate attention.⁵³ Consequently, women's agency to determine their reproductive rights is often restrained through religion, culture, and law.⁵⁴ Affirming Tamale's position on the need to focus less on sexuality and focus more on bigger moral problems that need attention, Pope Francis during his journey from the Central African Republic was asked about his position concerning the need to use condoms to prevent HIV since Africa is being devastated by the disease. In response, Francis explained that the question is too narrow. Francis said there are bigger problems that need attention, such as "malnutrition, exploitation, slave labor, the lack of drinking water: these are the problems." He continued, "Let's not worry about using this or that bandage for a small wound. The big wound is social injustice, environmental injustice, the injustice I mentioned with exploitation and malnutrition."⁵⁵ Pope Francis further used the analysis of healing on the sabbath—"Tell us, Master, is it permissible to heal on the sabbath"—to drive his message home (I shall return to this later).⁵⁶ Hence, Tamale and

⁵² Sylvia Tamale, "Exploring the Contours of African Sexualities: Religion, Law and Power," *African Human Rights Law Journal* vol. 14, no. 1 (2014): 150–177, 158. See also Nontando Hadebe, "Can Anything Good Come from Nazareth? Come and See!: An Invitation to Dialogue between Queer Theories and African Theologies," *Concilium* 5 (2019): 81–90.

⁵³ Tamale, "Exploring the Contours," 158. Jesuit theologian and Nigerian scholar Agbonkhanmeghe E. Orobator describes "the big five" as governance, integrity of creation, genetically modified organisms, resource extraction, and domestic justice. See Agbonkhanmeghe E. Orobator, "Ethics Brewed in an African Pot," *Journal of the Society of Christian Ethics* 31, no. 1 (2011): 3–16, www.jstor.org/stable/23562639.

⁵⁴ Tamale, "Exploring the Contours of African Sexualities: Religion, Law and Power," 168.

⁵⁵ Pope Francis, "In-flight Press Conference of His Holiness Pope Francis from the Central African Republic to Rome," November 30, 2015, www.vatican.va/content/francesco/en/speeches/2015/november/documents/papa-francesco_20151130_repubblica-centrafricana-conferenza-stampa.html.

⁵⁶ Pope Francis, "In-flight Press Conference."

Pope Francis remind Africans that less energy should be placed on using laws, religion and cultural norms that diminish reproductive health and women's agency. Instead, laws should be used to protect the vulnerable and promote reproductive justice, while also paying attention to other bigger moral issues that promote social injustice.

Another significant challenge results from cultural pluralism and the reality of diverse experiences across the continent of Africa—a continent home to fifty-four countries, over three thousand ethnic groups, and over two thousand living languages.⁵⁷ African countries have diverse cultures, so researchers must avoid speaking for others in such a way that they homogenize African culture. Such homogenization negatively affects conversations about reproductive justice in Africa. Such conversations are influenced not only by voices within but also well-funded groups that offer external pressures to conform—whether they be foreign aid mandates, non-governmental organizations, churches, or multi-national corporations. We see this conflict regarding abortion in particular in Obianuju Ekeocha's assertion that abortion is “unAfrican,” based on her tribal perspective which generalizes the prohibition of abortion for all Africans.⁵⁸ According to Ekeocha, an African pro-life leader, the efforts of Europeans and North Americans to promote legalization of abortion in Africa is not for liberation but neocolonialism. She further argues that “most of the African communities actually believe by their traditions and their cultural standards that abortion is a direct attack on human life.”⁵⁹ In response, Mette Gjerskov, a Danish Socialist Member of Parliament,

⁵⁷ Statista Research Department, “Number of Living Languages in Africa, 2022,” July 18, 2023, www.statista.com/statistics/1280625/number-of-living-languages-in-africa-by-country/#:~:text=Number%20of%20languages%20spoken%20in%20Africa%202022%2C%20by%20country&text=As%20of%202022%2C%20there%20were,with%20over%20200%20living%20languages.

⁵⁸ Malvern and Macleod, “Cultural De-colonization versus Liberal Approaches to Abortion in Africa,” 55.

⁵⁹ Obianuju Ekeocha, “African Woman Schools UN Delegate on Why Pushing Abortion is ‘Neo-Colonialism’,” *Life Site News*, April 5, 2016, www.lifesitenews.com/news/watch-african-woman-schools-un-official-on-why-pushing-abortion-is-neo-colo/.

argues that in her discussions with several African women, she discovered that different women want different things. She further argues that “my lesson learned . . . being from a colonizing society . . . is to allow people to make their choices,” and “to freely decide over their own bodies, their own sexuality, how many babies they want, if they want contraception, if they want abortion . . . The way to avoid a new colonization is to let people make their own choices.”⁶⁰ Both Ekeocha and Gjerskov tend to speak for the whole of Africa from their own perspectives. Ekeocha’s homogenization of African culture undermines the voices of other women, while Gjerskov pays attention to reclaiming women’s agency and their freedom to choose for themselves as rational beings capable of making informed decisions, even as some claim this is an unAfrican perspective. A way forward must recognize the importance of centering African women, allowing women to speak for themselves and make choices, even as they do so in contexts influenced by many complex factors that are beyond their control.⁶¹

Furthermore, inadequate education, lack of economic resources, and conflict affect reproductive rights and justice in Africa/Nigeria. Religious bodies sometimes capitalize on the ignorance of the people and, without sufficient scientific proof, suggest to their members not to use contraceptives despite the increase in sexually transmitted diseases. Such assertions are usually based on the assumption that contraceptives (condoms) are insufficient in preventing sexually transmitted diseases. Some Catholic bishops continue to encourage countries that have a large number of persons affected by HIV/AIDS to avoid using condoms because they mistakenly argue that condoms do not prevent HIV transmission, while neglecting the scientific proof by World Health Organization (WHO) that condoms, when used correctly for every sexual

⁶⁰ Ekeocha, “African Woman Schools UN Delegate.”

⁶¹ For an analysis of the economic constraints that impact women’s decisions to form a family, see Kate Ward, “Never Just a Choice: Three Theoretical Approaches to Economic Constraints on Family Formation,” in this volume.

act, reliably prevent the spread of HIV.⁶² A scientific study conducted by WHO and the US National Institutes of Health shows that “intact condoms . . . are essentially impermeable to particles the size of STD pathogens including the smallest sexually transmitted virus . . . condoms provide a highly effective barrier to transmission of particles or similar size to those of the smallest STD viruses.”⁶³ This reveals the tension between religious assumptions and scientific discoveries.

Conflict also undermines reproductive justice. In Northeast Nigeria, the Boko Haram conflict impacts negatively on the sexual and reproductive health and rights of women. The Boko Haram conflict exposes women to different kinds of gender-based violence, such as sex trafficking, rape, and forced marriage, leading to sexually transmitted diseases, unwanted pregnancy and maternal deaths.⁶⁴ Hence, poverty, ignorance, and conflict prevent women from enjoying reproductive justice.

Reclaiming Women's Agency: The Needs-Based Theory

Given these extensive threats to reproductive justice in Nigeria, how can women reclaim their agency, and what should be the role of the Catholic Church in advancing reproductive justice? A woman's ability to identify her needs is essential for reproductive justice and the flourishing of mother and child. A needs-based approach does not begin with norms that are promulgated by a person in authority. Rather, a needs-based approach focuses on the person in her vulnerability and gives careful attention to how she recognizes, names, and describes her needs. A needs-based approach involves healthy intimate relationships, respect for one's partner,

⁶² Steve Bradshaw, “Vatican: Condoms Don't Stop AIDS,” *The Guardian*, October 9, 2003, www.theguardian.com/world/2003/oct/09/aids.

⁶³ Bradshaw, “Vatican: Condoms Don't Stop AIDS.”

⁶⁴ Center for Reproductive Rights, “The Center Releases New Report on Sexual and Reproductive Rights in Nigerian Conflict Zones,” reproductiverights.org/the-center-releases-new-report-on-sexual-and-reproductive-rights-in-nigerian-conflict-zones/.

the importance of self-care, providing a safe environment for childbirth, care, and development. Individual needs and social needs must be analyzed separately. For example, successful childbirth requires “a material environment adequate to basic pre-and post-natal health needs,” while “the societal need for biological reproduction will often conflict with other individual needs—particularly those of women.”⁶⁵ However, the ability of a woman to identify and stay connected to her needs gives her the agency to make choices based on these needs and the strategies to satisfy the needs at any given time.

Marshall Rosenberg's needs-based theory offers a helpful framework for reclaiming women's agency. According to Rosenberg, we live in a world where people are easily criticized for expressing their needs. Women are the highest victims of such criticisms. “For centuries, the image of the loving woman has been associated with sacrifice and the denial of one's own needs to take care of others. Because women are socialized to view the caretaking of others as their highest duty, they often learn to ignore their own needs.”⁶⁶ Women who have internalized such beliefs reveal their needs in a manner that reinforces the belief that their needs do not matter. For fear of expressing her needs, even when a woman is tired and needs rest, she feels afraid to express it by enumerating all the tasks she performed during the day. The listeners, instead of understanding her needs, would rather resist it because the woman expressed herself in a manner that undervalues her needs.⁶⁷ Citing an example of his mother, Rosenberg posits that during a workshop he attended with her, he observed his mother's reaction during a discussion with other women on “how frightening it was to be expressing their needs.”⁶⁸ His mother felt very disgusted and sad when she realized that, for thirty-six years, she was angry

⁶⁵ Len Doyal and Ian Gough, “A Theory of Human Needs,” *Critical Social Policy* 4, no. 10 (1984): 6–38, 19.

⁶⁶ Rosenberg, *Nonviolent Communication*, 55.

⁶⁷ Rosenberg, *Nonviolent Communication*, 56.

⁶⁸ Rosenberg, *Nonviolent Communication*, 56.

with her husband for not satisfying her needs and she “never once clearly told him what she needed.”⁶⁹ Many women find it difficult to identify and express their needs. Instead, “They hint around and go through all kinds of convolutions, but never would they ask directly for what they needed.”⁷⁰ Thus, Rosenberg’s mother, like other women, was unable to identify and clearly express her needs because of cultural conditioning, lack of awareness that she is motivated by needs, and the lack of language to clearly pinpoint her needs and express them to her husband and others.

Needs are important for wellbeing because they motivate human actions,⁷¹ and their satisfaction requires agency. Agency “refers to the experience of choice and volition in one’s behavior and to the personal authentic endorsement of one’s activities and action.”⁷² This implies a person’s capacity to make choices of actions and take responsibility for the actions. Therefore, human actions are important for understanding and identifying needs. People need the mental capacity, autonomy, and freedom to choose the actions to satisfy their needs.⁷³ Additionally, connecting with feelings enables people to identify their needs. Feelings are messengers that alert people that their needs are met or unmet and they use emotional words to express it to others.⁷⁴ Survival and autonomy are basic needs necessary for human flourishing. They provide opportunities for realizing other goals.⁷⁵ Edward Deci and Richard Ryan affirm that there is a relationship between need and goal because satisfying a need leads to

⁶⁹ Rosenberg, *Nonviolent Communication*, 56.

⁷⁰ Rosenberg, *Nonviolent Communication*, 56.

⁷¹ Marina Milyavskaya and Richard Koestner, “Psychological Needs, Motivation, and Well-Being: A Test of Self-Determination Theory Across Multiple Domains,” *Personality and Individual Differences* 50, no. 3 (2011): 387–391, 387.

⁷² Milyavskaya and Koestner, “Psychological Needs,” 387.

⁷³ Doyal and Gough, “A Theory of Human Needs,” 15.

⁷⁴ Marshall B. Rosenberg, *A Model for Nonviolent Communication* (Philadelphia, PA: New Society Publisher, 2003), 18–20.

⁷⁵ Doyal and Gough, “A Theory of Human Needs,” 15.

achieving a goal.⁷⁶ For them, needs refer to “innate psychological nutriment that are essential for ongoing psychological growth, integrity, and well-being.”⁷⁷ They identify needs for autonomy, relatedness, and competence as examples.⁷⁸ These needs are necessary for healthy development and if unmet, might lead to negative impacts. In addition, “A need is a construct that stands for a force that organizes perception, apperception, intellection, conation and action in such a way to transform in a certain direction an existing, unsatisfying situation.”⁷⁹ Thus, need is what motivates a human action. People identify their needs through connecting with their feelings and perform actions that would support them in meeting the needs. Lack of agency in satisfying needs has negative impacts on human beings, especially women.

Reclaiming women's agency will require undoing women's cultural conditioning that enslaves them to that image of the loving woman that has been associated with sacrificing and denying her own needs to take care of others.⁸⁰ Women are socialized to view the caretaking of others as their priority, and they often learn to ignore their own needs.⁸¹ They also find it difficult to clearly express their needs to others. Consequently, women continue to forget that they need to first acknowledge their need for self-care in order to care for others.⁸² However, contemporary society continues to expect women to care for others, satisfy their husbands' sexual needs, and remain open to procreation before caring for themselves. Such expectations from women undermine reproductive justice. For instance, in Nigeria, a woman is expected to care for her husband by

⁷⁶ Edward L. Deci and Richard M. Ryan, “The ‘What’ and ‘Why’ of Goal Pursuits: Human Needs and the Self-Determination of Behavior,” *Psychological Inquiry* 11, no. 4 (2000): 227–268, 228.

⁷⁷ Deci and Ryan, “The ‘What’ and ‘Why,’” 228–229.

⁷⁸ Deci and Ryan, “The ‘What’ and ‘Why,’” 228–229.

⁷⁹ Deci and Ryan, “The ‘What’ and ‘Why,’” 228–229.

⁸⁰ Browning, *Risky Marriage*, 119–150.

⁸¹ Rosenberg, *Nonviolent Communication: A Language of Life*, 55.

⁸² Matthew Linn, Sheila Fabricant, Dennis Linn, *Healing of the Eight Stages of Life* (Mahwah, NJ: Paulist Press, 1988), 186.

preparing food for him, washing his clothes, and making herself available for sexual intercourse whenever her husband requests for it, or the husband can rape her if she refuses. This suggests that the woman has no right over her body, and it impacts negatively on her agency and reproductive rights. Imagine a woman whose husband asks her for sex every day without contraceptives because he thinks they are obeying the Church's law. Or consider the situation of a woman whose husband began sleeping with other women outside their marital union. She felt unsafe to sleep with her husband without a condom because she was no longer sure that the husband was HIV-negative. What would be the fate of that woman? Here the Church laws have left her stranded to bear the consequences of being a fertile woman, a faithful wife, and a woman who cannot assert control over her own reproductive health.⁸³

A needs-based approach offers women the opportunity to reclaim their agency through the awareness that need is what motivates human actions and they should be courageous to express their needs. Rosenberg's mother only realized that living from the energy of one's needs is very empowering after having lived with her husband for thirty-six years. Many women are not aware of the role connecting and expressing needs play in their life because they have been socialized (including in Catholic spaces) not to care about their own needs but to always prioritize the needs of others. In addition, even when some women are aware of their needs, they lack the language to express them because of fear of being judged. Consequently, needs-consciousness and the ability to communicate needs are essential for women to reclaim their agency. Need awareness is a process that involves a person's constant self-connection to reflect on a previous or an ongoing experience. Through reflecting on the experience, the person can identify the feelings that emanate from the experience because feelings assist in identifying the needs that are present in the experience. Pleasant feelings reveal met needs, while unpleasant feelings reveal unmet needs. Once the person can identify the needs, the person then communicates it by using

⁸³ Browning, *Risky Marriage*, 39–97, 135–188.

clear, positive, and action language to ask for support in satisfying the needs.⁸⁴ This involves dialogue about needs and taking responsibility for one's needs. In a situation whereby a husband asks the wife for sex and the wife is not disposed, how can she respond using the needs-based approach? A creative way of responding might be to connect with how she feels about the request to enable her to identify her needs at that moment which might be the need for rest, safety, understanding, support, and so forth. Having identified the needs, she could express them to the husband using a compassionate language that invites dialogue. Needs-consciousness can support couples to use dialogue in resolving issues concerning reproductive rights and health, and other marital issues. The ability of women to develop the needs-consciousness will enable them to reclaim their agency to take responsibility for their needs and to make thoughtful decisions about their reproductive capacity. It involves considering the circumstances surrounding them because individuals living in relationship with others do not take decisions in isolation as they consider the needs of other associates such as their spouse, the extended family, the state, and economic resources.⁸⁵ Achieving this will require socialization of women and their spouses in nonviolent communication which is a needs-based and dialogue approach.

A Role for the Catholic Church in Nigeria

The Catholic Church's role in advancing reproductive justice in Nigeria must take a multi-sectoral approach in order to address the complex issues discussed in this essay, including poverty, gender-based violence, and neocolonialism. An approach is needed that is rooted in justice and nonviolence. Africa could take inspiration from a needs-based and dialogue approach. The latter shares deep affinity with the teaching of the

⁸⁴ Rosenberg, *Nonviolent Communication*, 6–7.

⁸⁵ Catherine Powell, "Up from Marriage: Freedom, Solitude, and Individual Autonomy in the Shadow of Marriage Equality," *Fordham Law Review* 84, no. 1 (2015): 69–78, 74.

Catholic Church and is rooted in equal dignity of the spouses which ensues from human dignity, voice, and bodily integrity (which are also values in a reproductive justice framework) with the aim to promote agency, responsibility, dialogue, and mutual recognition. The Church should contribute by playing a role of accompaniment while focusing on questions such as: What are each person's needs? How can we support spouses in using their conscience in their marital relationships? Such an approach moves away from the top-down Church teaching framework. It involves the Church listening to people's needs and together exploring with them sustainable strategies to meet their needs without making decisions for them. It also involves the Church's ability to use conflict mediation skills to support spouses' marital issues. Consequently, conflict mediation strategies for dealing with marital conflict are needed. What does a needs-based approach say when one partner declares a need and the other partner declares a competing need? How is the negotiation to unfold? If both partners are equal, then how are competing needs negotiated? Rosenberg's conflict mediation approach provides excellent strategies for dealing with marital conflicts because of its focus on empathy and equality in satisfying disputants' needs.⁸⁶ Thus, the Church can take inspiration from Rosenberg's mediation approach and be a role model in dialogue (synodality), which points towards the possibility of negotiating needs without violence.

This is a broader way of being Church. Pope Francis affirms: "He who accompanies does not substitute the Lord, does not do the work in the place of the person accompanied, but walks alongside him or her, encouraging them to interpret what is stirring in their heart, the quintessential place where the Lord speaks."⁸⁷ Effective accompaniment finds its root in spiritual kinship, because we are sisters and brothers, members of the same community journeying together. Accompaniment

⁸⁶ Rosenberg, *Nonviolent Communication*, 161–177.

⁸⁷ Pope Francis, "General Audience," January 4, 2023, www.vatican.va/content/francesco/en/audiences/2023/documents/20230104-udienza-generale.html.

without inclusive kinship might lead to excessive dependency and infantilization,⁸⁸ as seen in the past whereby a small group of clergy makes decisions for married couples without involving them. The church needs to empower her members with the “art of accompaniment” which teaches to step into the space of the other with caution. “The pace of this accompaniment must be steady and reassuring, reflecting our closeness and our compassionate gaze which also heals, liberates and encourages growth in the Christian life” (*Evangelii Gaudium*, no. 169). Thus, the role of the church is to accompany married couples in their marital journey and allow them to discover sustainable strategies that can support them in meeting their reproductive needs depending on their circumstances.

Furthermore, the equality of women, together with their rights to self-determination and bodily integrity, is very important for the flourishing of mother and child. Consequently, a woman needs the agency to be able to decide whether she is ready to yield to her husband’s sexual demands at a particular time. Such a decision should be explored together by spouses on the bases of understanding, equality, and respecting each other’s needs. The decision whether to use contraceptives or not should be left for the spouses, especially the woman. Leaving spouses with only the option of natural family planning can lead to unintentional pregnancy and resulting harm for married women. Some women do not understand their monthly cycle, and they are not able to know when they are fertile or not. Some cannot demand periodic abstinence from their partners even as they have good reasons to avoid pregnancy.⁸⁹ A focus on social justice and reproduction would enrich Nigerians positively.

The needs of women and the needs of society need not be opposed. The entire society benefits when women experience safety in intimate relationships and when their health is protected in pregnancy, childbirth, and the recovery period. The church’s teaching on family formation

⁸⁸ Francis, “General Audience.”

⁸⁹ Susan Rakoczy, “A Gendered Critique of The Catholic Church’s Teaching on Marriage and Family: 1965–2016,” *Scriptura* 115, no. 1 (2016): 1–19, 17.

should thus be developed with a focus on accompaniment, discernment, and inclusive kinship. The Catholic Church should promote a kind of flourishing which enables women to take responsibility for their reproductive rights and health in collaboration with their spouses. It requires empowering couples through accompaniment and education on needs-consciousness and how to communicate their needs to one another in nonviolent ways that promote dialogue. Protecting existing life is as important as protecting the unborn.

Conclusion

Factors such as culture and religion, societal laws and policies, politics of representation, lack of economic resources, conflict, inadequate education, and more continue to hinder reproductive justice in Nigeria. This paper has examined the importance of reclaiming women's agency for reproductive justice to enable the flourishing of mother and child in Nigeria. It explored the Catholic framework which prohibits spouses from using artificial contraceptives and abortion for women. While these teachings aim to protect life, they do not demonstrate respect for women's needs in complex cases. We need a framework that promotes women's agency. Reproductive justice offers Nigerian women the opportunity to gain access to reproductive rights and health.

The paper further explored a needs-based approach to support reclaiming women's agency and boost their ability to take responsibilities for their needs, express them to others and satisfy the needs with adequate and sustainable strategies. The needs-based approach will also support spouses and the Catholic church in advancing reproductive justice in Nigeria. It offers spouses the awareness that their actions are motivated by their needs. Needs-consciousness will enable women and their spouses to take responsibility for their actions in alignment with the Catholic value of responsible parenthood. Further, spouses should be encouraged in mutual discernment rooted in mutual respect. A needs-based approach

offers spouses the opportunity to use dialogue in resolving reproductive conflicts. Within this framework, the Catholic Church's role is to accompany spouses in issues concerning reproductive health. It involves including and allowing spouses to use their conscience in decision making, instead of making laws for them. Training spouses in nonviolent communication will support them in applying the need-based approach in their everyday life.



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