Undemocratic Capitalism: The Moral Dilemma of an African Woman about the Law and Tradition

By

Afe-Asekhauno, Anthony PhD
Department of Philosophy
University of Benin, Nigeria
anthony.asekhauno@uniben.edu
anthony.aaasekhauno@gmail.com (08034611585)
&
Victor Osahon Aiguobarueghian
Department of History and International Studies
University of Benin, Nigeria
victor.aiguobarueghian@uniben.edu (08068064201)

Abstract

For the African woman, respect for tradition is a worthy virtue but amid the decoy of freedom offered by the democratic tradition. Persuasive that either tradition or modernity is reasonable pedestal for individual course of action, the constitutive elements/demands in each lead to some moral dilemma. Hence the dilemma of an African woman constitutes in the confrontation abiding either by the law (freedom and equality), or by custom (conservative tradition and dogmatic values), or by both (with the resultant conflict). Such is against win-win condition for men who are protected by either and/or both custom and the law. Is such differing conditions therefore not segregational since the African woman is neither protected by law (beyond custom) nor by custom (beyond the law)? Unfortunately, neither is wholly singly adequate; neither is the ideal: custom subjugates the African woman; the law subjugates custom. Adopting theoretical but critical analyses of extant (including oral) literature on the issues, this work argues that the development is a product of colonialism which has continued to destabilize and disorient the African (woman) in manifold ways. It argues that western democracy (freedom) has exposed her to the lures of exploitative power over the vulnerable, to turning her thoughts away from morality and the family to avid quest for individualism; hence, it's a critique and the illusion of freedom and equality. The special focus argues that the articulation, recognition and enforcement of 'women's rights' (a hallmark of feminist doctrine) is not only one of those distractive contrivances but also an initiate of neo-colonialism, and therefore, is un-African. It concludes that the condition that must be ultimately adequate as ideal for social action ought to fulfil its purposes in recognizing/protecting the rights of each and both man and woman.

***Key words*:** Capitalism, democracy, dilemma, discrimination, woman.

I. Introduction, Methodology and Background of the Study

For the African (as an indicting example for every cultural/traditional) woman, respect for tradition is a worthy and necessary virtue; but this cherished and enduring tradition is challenged by the capitalist offing amid the decoy of freedom offered by the democratic tradition. Thus "the status of women in modern Africa has become a very controversial issue" (Nwagu 1995).

Persuasive that either tradition or modernity is reasonable pedestal for individual course of action, the constitutive elements/demands in each lead to some moral dilemma. Hence the condition put the typical traditional African woman at some dilemma. This dilemma constitutes in her having to abide either by the law (freedom and equality), or by custom (conservative tradition and dogmatic values), or by (possibly?) both—with the resultant conflict of the respective demands of the standards. Such development is against the win-win condition for men, who are protected by either and/or both custom and the law. The question is: Is such differing conditions therefore not segregational since the African woman is neither protected by law (beyond custom) nor by custom (beyond the law)? Unfortunately, as it seems, neither custom nor the law is singly wholly adequate; neither is the ideal: while custom seems (at least, in the eye of the modern law) to subjugate the African woman; the law clearly subjugates custom. Accordingly, and adopting a theoretical but critical analyses of extant (including oral) literature on the issues, this work espouses that this development is a result of colonialist intrusion and which has continued to destabilize and disorient the African (woman) in manifold ways. It shall be shown that western democracy (freedom) has exposed her to the lures of exploitative power over the vulnerable, to turning her thoughts away from communal-public morality and the family to avid quest for individualism; hence, the work shall attempt a critique and the illusion of freedom and equality which has exposed the African family to untold challenges, ranging from instability, divorce, to fatal confrontations—with devastating impact on child-upbringing. The special focus is to indicate that the articulation, recognition and enforcement of 'women's rights' (a hallmark of feminist doctrine) is not only one of those distractive contrivances but also an initiate of neo-colonialism, and therefore, is un-African.

II. Democracy: Meaning and Statement of the Problem

Following Locke, and in contrast to other forms of governance such as aristocracy and oligarchy (government by the rich), democracy is rule by the people, by the citizens in general (in classical Greek sense excluding women and slaves). In its modern sense,

democracy means the sovereignty of the people expressed not directly by a vote on any or every individual issue but through their elected representatives (Blackburn 1996: 98). The democratic tradition has pervaded most of the world stage since the late 18th century (with the emergence of the USA) through the imperialist adventures of the West. However, traditional forms of values offer formidable alternative to the tradition of democracy.

Comparatively and most generally, the system of democracy simply thrives on majority rule (quantitative), irrespective of the quality of the size, though. Besides, its preference for individualism is against human nature and often leads to ancillary social-political and economic infamies. Moreover, who is the origin of the law/constitution? Also, questions arise as to whether various mechanisms ensure that decision making authentically answers to the people or serve their interests. Besides, the worst issue with democratic tradition is that it does not regard relativity of culture which may not tolerate some of its ideals as a result of other enduring core values of a people. Thus the ultimate mission of democracy encourages imperialism (Wilson 1917). Consequently, the democratic tradition is replete with so much inadequacy that has been the bane of the world, and especially devastating for the African woman/family.

Under the democratic watch, "colonialism was the most effective machinery for exploitation of the continent…with women most hit…having to undergo a significant change in all facets of life during the colonial period" with the colonial sensitivity on gender inequality (Acholonu 1995).

And, as we settle into the 21st century, issues of grave concern have increasingly brought people face to face with questions about survival. Millions of people around the world battle with day to day existence, trying to obtain food, shelter, and clothing and redress violence or life-threatening health problems; issues of unemployment, housing, education, health care/pollution, civil wars, up-risings and ethnic conflicts, death and starvation, depletion of arable land to desertification or expansion of cities; species are becoming extinct, forests razed and all manner of hazardous chemical substances invade the biosphere, the earth heated up, threatening extinction of humanity and other specie beings. These are genuinely sufficient worries for humanity. If the pre-colonial era subjugates the African woman, at least in respect to recognition, colonialism clearly did the same with respect to education and administration as a strategy (Acholonu 1995: 76-78), and post-colonial opens her up with capitalism fatally against her virtuous traditional status…. Ever since, the modern statutes have sort to validate this trend. For instance, the UN backed the African feminist struggle under the aegis of African Women's Movement "to restore rights that have been denied as a result of cultural, institutional, behavioral and attitudinal

discrimination" (Pietilla 1990: 36). The goal is some wort feminist, expressive of affirmative action pursuant to gender equality—which though suppresses the real pride and place of *womanism*, *motherism* and motherhood assured in traditional culture.

Thus critical thinking must go beyond ordinary problem-solving techniques to question and challenge ideas, policies and institutions, not matter how sacred they may be held—for all those worries have devastating implications for the African family and especially the African woman—who thus becomes more deeply enmeshed in some dilemma necessitated by attractiveness of freedom offered in democracy and the virtues and family values offered in African traditional custom. Thus on the other side, the vaunted civilized patterns offered in the tradition of democracy ignite the passion for feminist agitation for women's rights and freedom (from male-dominated world). So struggle for gender equality has ever since the middle of the 20th century been on the rise (Acholonu 1985). The major point of feminists' argument for gender equality could be summarized in the following terms: that, 1. men and women, irrespective of sex, are equally rational as humans; 2. the existing relations between the sexes, in which women are subordinated to men, are unsatisfactory and therefore ought to be changed; 3. the existing distinctions between the sexes are not only arbitrary but also socially/humanly and culturally contrived, and therefore should be displaced; and 4. everyone, anyone ought to have the opportunity to actualize or fulfill his or her potential. These have found expressions in various UN resume: UNICED, Rio de Janeiro, 1992; The World Conference on Human Rights, Vienna, 1993; ICPD, Cairo, 1994; The World Summit on Social Development (WSSD), Copenhagen, 1995; The Beijing Conference, 1995, just to mention a few—which represent the need to spread democratic/capitalist values globally.

Historically, the major point of democratic values/principles is purportedly the opportunity for popular participation in governance—the essence of democracy and the emergent feminist struggles for freedom. But this thought, traceable to classical Athens and Locke, is fraught with three major dogmas/idols: one, the illusion of freedom and equality (leading to inequality and social stratification); two, of majority rule (a misplaced priority arising from the emphasis on superiority of quantity over quality); and three, of representative governance—simply a veil on the mass of citizens. Since the idol of freedom leads to immorality; since the idol of equality breeds an unbridled quest for amassment of material possessiveness, private and state competition, violence, criminality and terrorism; and since the idol of representative governance and majority rule upholds democracy or politics as a game of numbers, the African woman is compressed deeper in the first ditch of the dilemma (Asekhauno & Sowemimo 2021).

But a central problem with all the points above and many similar ones is the they obviously fail to trace the root of social and cultural conceptualization of the sexes, that the fact of being a man is no peculiarity—it is the fact of being a woman that needs to be explained; woman is not an autonomous being, since she is defined not in herself but in relation to man—even though "gender in traditional Africa is not a biological concept but a social construct…while the more socio-political and economic roes of man expose him to the full notice of society…the more psycho-spiritual role of women needs tact, diplomacy, inner strength and perseverance…" (Acholonu 1995: iv). This is where the thesis of this article is that the seemingly insurmountable barrier to gender equality is rooted in nature, and is strengthened by culture, at least, as is demonstrable among the Etsako example—thereby depicting the un-Africanness of feminism (Acholonu 103); a development which compounds the dilemma for the African woman.

III. Dilemmas Explained

Essentially, every true dilemma poses some nasty situation for its victim. The technique was introduced in the ancient times as rhetoric devise for placing an opponent in an awkward position in order to win a point in an argument; it was introduced as a study and method in logic and critical thought. In debate and controversy, one gets into a dilemma when forced by the premises into a choice between two conclusions, neither of which one ordinarily would want to accept. Typically, a dilemma implies one being in a situation where she needs to choose from two or more compelling options—whether favorable (constructive) or (more often) unfavorable or unpleasant (destructive), none of which is desired (Searles 1956). The two strands is represented symbolically; compare:

Constructive Dilemma (CD)	&	*Destructive Dilemma (DD)*
$(p > q) \cdot (r > s)$		$(p > q) \cdot (r > s)$
$p \vee r$		$-q \vee -s$
Therefore, $q \vee s$.		Therefore, $-p \vee -r$.

The dilemma arises from the confusion in the choice-making that may even lead to indecision. Moral dilemmas, according to Johnson, arise when "duties such as those just treated come into conflict" (1990: 5). For instance, instead of competent renal dialysis, a patient wishes to forego treatment and die—then the principle of autonomy comes into conflict with, say, the principle of beneficence and non-maleficence for the medical practitioner (Beauchamp and Childress 1979: 4-6). Situations as such call for gradation and prioritization. In Mathew, Chapter 23: 23, Jesus claimed that there are greater and lesser matters of law.

IV. Traditional African Society and Values: A Terse Review

Among traditional Africa, fortunately, the fundamental principles of humanitarian morality were part of the very concept of political authority and legality; and "no positive enactment or statute, however clearly it expressed and however clearly it conformed to the formal criteria of validity of a given legal system, could be valid if it contravened the basic principles of morality" (Radbruch 1958). Yet the principles of morality are what African cultures embrace more than the law. Moral formation in traditional Africa is given to children at a very tender age in order to acquire the habits, attitudes, beliefs, skills and motives that enable an individual to fit into a community. An individual lived in and was part of the community and it was every one's duty to uphold the community's values. Thus morality was and still is part and parcel of the community. Beyond all the points of the above, people still bore allegiance to their traditional political authorities.

It is a fact that among traditional African societies, one finds that morality permeated every aspect of life and this had to be reflected in the law (Radbruch 1958). Laws and codes of behavior and moral values, albeit unwritten, were deeply ingrained in every member of the society and this is what curbed vices and other improper behavior. Morality, as understood in the African world-view was law in a sense. Law was also a command of the monarch or gods/ancestors; thus, there is no clear-cut distinction between law and morality since the rules of conduct did in a way amount to law. Breaking them meant isolating oneself from one's community and the society was such that one could not exist outside a community—hence attracting the wrath of gods/ancestors or banishment or exclusion of one from his/her community was dreaded some to compliance.

However, in modern African societies, the situation is different. Society is now state-structured, run according to several but hierarchical set of laws/authorities. For example, in Nigeria, the state is run according to the hierarchy laid out in and consistent with Section 13 of the 1999 Constitution. These include: (i) the written law; (ii) the common law and the doctrines of equity; (iii) any established and current custom or usage; and (iv) the principle of justice, equity, and good conscience. Unfortunately, customary law is only applicable in so far as it is not repugnant to natural justice, equity and good conscience; and is not incompatible either directly or by necessary implication with any written law. However, it should be noted that what was deemed as natural justice, equity and good conscience was what the colonial masters bequeathed as such and it had completely nothing to do with what the Africans considered as natural justice, equity and good conscience. This is simply because African customs and cultures were considered as primitive and barbaric—regardless of whether or not they were organized. Nonetheless, written laws were set and put in place, and were supposed to set the moral standard in the emergent society. Yet,

according to Lord Patrick, "there is a public morality which provides the cement of any human society, and that the law, especially the criminal law, must regard it as a primary function to maintain this public morality" (Delvin 1965: 17). There is the option of tilting to individualism of modernism—thereby appreciating colonialism? Yet there was some metaphysical pyramid was the basis of the monarchistic political institutions in traditional Africa—having to dwindle under the democratic option posing untold acculturation, culture shock, and, for the conservatist, some dilemma?

V. Marriage, the Family and System of Values Among Traditional Africa: The Etsako Experience

The Etsako is a geo-political division in *Afemai*-land. *Afemai*-land comprises of the entire geo-political landscape of the northern part of Edo State, Nigeria. The Etsako has vivid vibrant culture, under clearly defined traditional political structures put in place to foster peace and are custodians of custom and values. There are villages, each under a Village Head; and several villages under a Clan Head. Genealogically, the term *Etsako* has a symbolic origination. Historically, foreigners coined the term to describe "the people who file their teeth" (Onimhawo 2000; Ojior 2007). It is historical that the Etsako migrated from the Benin kingdom in 17th-18th centuries (Ainemhomhe 1980: 1-2; Asekhauno 2016). Etsako is a population of about 577, 100 thousand people (NPC 2006/16). So the scope of this study covers the three Local government areas in Etsako division, viz., Etsako-East, Etsako-West, and Etsako Central. Succinctly put, Etsako culture stipulates modes of dressing, feeding, building houses, communication/language, marriage, child rearing, worship, etc. And all these are taught, and transmitted as norms and values; preserved as custom and tradition; and, accordingly, defines sex-roles and ascendances; but there are certain roles associated with specific sexes and age; such also defines personality. These are therefore barriers to individual freedom and personal development, aspiration and expression; thus is the first (destructive) pedestal for the woman.

We treat of Africa as the region spanning all of Africa south of the Sahara, because Egypt and the northern Africa was part of the Mediterranean world of immoralities; and modern South Africa would also be treated as peculiar—as a result of the its multi-racial environment emerging from a popular struggle against all forms of discrimination (even though the time is ripe for another struggle against all practices that offend against natural justice, human dignity and good conscience, all around the world). So it does not matter where. The cultures are identical in their essentials, though with different intensities (Akintude 2001: 1). So beyond the popular forms of *polygamy*, (*polygyny or polyandry*), and *monogamy*, variants of marriage in traditional Africa include *Surrogacy*—allows a barren wife to choose a fertile female to have (a) dowry paid on her, and (b) sex with one's

husband to bear children in her (the wife's) name (although the court held, in *Meribe vs. Egwu*, and *M. Kpelanya vs. Tsoka & Anor,* that such marriages are repugnant to natural justice and good conscience); *Sororate*—as among the *Kgatla* of South Africa, permits or requires a man to marry the younger (if any) sister of deceased wife as a single or an additional one to others because of his good experience with the deceased; *Widow Inheritance*—permits one to marry his dead father's or brother's wife and the children therefrom are his; *Ghost marriage*—requires a younger brother of a dead bachelor to marry and raise a family in his (the dead bachelor) name, as among the Zulu and Nuer; and *Levirate*— permits one to marry his dead father's or brother's (or any kin's) wife and the children therefrom belong to the deceased, as in the Sudan. Yet Acholonu (1995) claims that woman husband did hold sway among Africans, even though this report falsely seem to adulate modern lesbianism. However, each of those conditions poses some unsattling mood for the African woman.

In all the forms, marriage is formalized by the payment of bride-wealth. The issue of same-sex marriage, perhaps arises because what is clear is that the sexuality of the parties to this union is essentially and only of those of opposing gender (Idara 2010).

VI. Woman's Choices: Negative Factors Built on Comparative Culture

The Second Disjunct of the African woman Dilemma revolves around factors built on culture against the choices available to her. Take the Etsako experience for instance. The Etsako woman's woes begin in the belief that she is borne out of the *excess* of man, as a helper. So even from creation, a woman is believed to be inferior to man, hence the name woman (rooted in the Christian belief; Gen. 1: 27). If this adapted creationism is true, she then cannot be head of what she was extracted, for it is said that a tree cannot be greater than its planter (just as man can be greater than neither his creator, nor the earth from which he was made). Moreover, at Qur'an (4:34) it is written that "Men are superior to women on account of the qualities with which God hath gifted the one above the other" (Ukaga 2003). This approach is theological, meaning that man's superiority to woman is divine, metaphysical-base and deterministic. This is a major hindrance to gender equality. Familiar roles, differentiated by sex and there is a very clear cut sex-base division of labor. As also found in the major religions/cultures of the world, such as Christianity, Islam, and the Oriental, Etsako ascribes mainly domestic roles to women—for example, cooking. Seen as woman, (married or not) a female is expected to be the keeper of the home while a male strives to provide for the family. In this case, she is domesticated. This also implies that she would not be trained formally, thus she is unexposed, loss of touch with civilization and newer and changing methods. The woman in Etsako has limited/guided aspiration. Because she is domesticated and dependent, she is subservient. And since culture stamps

this, she has little or no channel open for redress (Asekhauno 2002). This is a formidable interference to feminist progress.

Even in appearance, as also stressed by Christian or Islamic cultures, the Etsako woman is expected to be dressed covering the "essential aspects" of the body (though Islam emphasizes the entire body, a worse requirement). This inhibits self-expression, and the woman therefore cannot do sport such as swimming and athletics. This is compounded by the other artificial ornament/jewelries like the wearing of rings (eye, nose, and ears) and even (tight) in the selection and wearing of certain clothing that could reveal or conceal (depending on the individual's conviction) some of the areas of the body capable of igniting emotion; these sometimes impel a (especially African) woman to continually adjust and maintain a particular sitting pattern reminiscent of the historic Hindu *Yoga* posture—and in similar many cultures. The idea of putting women in *Purdah* (as is in Islam, to protect the woman's virtue) forecloses any possibility of improvement on this condition. Again this is barricade to feminist progress.

More so, the identity of a female is transient and contingent. As a young female, she does participate in age-grade activities, a position she forfeits at Manhood celebrations (when such now hold meeting outside their male folks). At marriage, a woman in Etsako changes her surname from her father's to the husbands, for the man is regarded as the head of the household. One could ask why the husband does not change to the wife's (though some variations exist in cultures such as in Ghana). Why must women be honored, cuddled, and delicately treated—often by men? Why in the time of trouble must women be the ones to be held…by men? Why must men in Etsako pay Dowry on women and not the other way (and women relatives received smaller share of the bride are wealth from a married daughter then the male relation)? This fact is aggravated by yet the practice among the Etsako of breaking a small part of an upper incisor of a newly married woman, as a sign of marriage comparable to the modern day wearing of wedding-ring; it indicates to other people that such female is or was once married. Thus a divorcee was/is easily known and stigmatized. Importantly and uniquely, this sign (of non-virginity) spans beyond the particular marriage, even life-long. This again is inhibitive to individuality, freedom and independence on the part of women in Etsako; it is a hurdle to feminist progress.

One curious aspect of Etsako conception of the sexes is concerning the treatment of adulterers. In Etsako, women are penalized for adulterous acts, men never. At marriage, a woman is perceived to have surrendered all her rights to her husband, and the man some, for he still has some sexual leverage and liberty. If an aggrieved woman set to be promiscuous (and therefore adulterous) as her husband possibly is, she stands the

inevitability of adverse consequences—sickness and death of the siblings. More so, women are more frequently accused of witchcraft by men (who also preside at the trial councils at which such cases are heard). Regrettably, these treatments represent sure limitations to and aggravation of women's already needle-tight freedom in Etsako (Oliegbe 1995). They are therefore another set of encumbrances to feminist progress.

Many a patriarchal, patrilineal or primogeniture society (such as among the Bini) place high value for male children. This is because a male child is believed to be the posterity of a descent, lineage or family name. He is therefore a heir and principal inheritor of a deceased father's property or estate. Among the Hausas, this type of discrimination is right from birth, for the birth of a boy is "greeted with seven ululations" but for a girl, just three; just on the third day, a boy is started with breast milk, but the girl on the fourth day; so it is when it comes to education and recognition Ejembi 1997). In many cultures, there is less compensation for the murder of a woman than for a man. This of course is a barrier to feminist progress.

In fact, why do we have gender indicators? What about masculine or feminine names and gender distinctions such as man/woman, boy/girl, James/Janet, Tony/Tonia? Why are these distinctions necessary? In short, why is there requirement for indication of sex (male/female) in the completion of data or entry forms? Is it necessary or not? It seems to me that agencies need to be guided with such information so as to be enabled to deal appropriately with psycho-physical emergencies. Consequently, the cost of care for a female could be much higher than that for males. This, again implies that males and females are not equal, an impediment to feminism.

Among some cultures, as in Etsako, women are denied some responsibilities as a result of their peculiar nature. For example, women cannot be priest to shrine; they are not allowed entry to holy places during their menstruating period. If menstruation is a necessity to procreation, it ought then to be the holiest of times and therefore reverenced and cared for by all. Anyway, in either case, whether menstrual period is reverenced or detested, would be therefore a ground for discrimination, based on sex. This reality is antithetical to gender equality and a hindrance to feminism.

With respect to health, women in Etsako (as in Hausa-land and Islam) are denied several important social interaction (such as shaking hands with males) and several types of food and health-care (particularly during pregnancy); subjected to very health-threatening practices such as genital mutilation, circumcision, and early marriage (Ejembi 1997). These beliefs may be held to be founded on myths. Yet a myth is a highly symbolic account or

story of a supernatural or extraordinary event within a culture or subculture. The myth is continually retold and contemplated fir its wisdom, philosophy, inspiration or practicality (Hogan 1996: 255). Cultural validation of these practices is a formidable complication to feminism—compounded by the incongruences of the vaunted ideals of democracy, including commercial surrogacy (Weithermer 2016). Most cases of women abuse in traditional Africa are perpetrated by women, though the Ashanti of Ghana and Nigerian Efiks (Calabar) may be rare exemptions (Acholonu 1995).

VII. The Moral Dilemma of African Woman: The Arguments

From the foregoing, while it could be claimed that traditional African system of value might not, political structures in modern Africa do (or attempts to) accommodate extensive political participation (especially as it concerns woman); and while the modern African woman attaches to the ideals of capitalism, traditional value system denies her opportunity for democratic participation—hence the phrase 'undemocratic capitalism' and the consequent dilemma.

The moral dilemma confronting every modern African woman is hinged on the fact that she is under multifaceted responsibility: to man (husband), family (extended), custom/tradition (taboos), and the law (religious vows and the statutes) amid self-esteem; and none of these platforms subjugate the others. Thus she is bound by: 1. either the law (freedom and equality), or custom (conservative tradition, dogmatic values); or possibly (unlike the man) both. Hence it is a win-win for man (protected by either and/or both custom and law). But, then the foundation or mind of both custom and law therefore is segregational since the African woman is not protected by law (beyond custom); nor by custom (beyond the law); and for each to be ultimately binding and the ideal, it ought to fulfil its purposes in upholding the rights of each and both man and woman. For a modern African woman, neither platform is such effective; therefore neither is the ideal. Hence, under the law, modern African woman is a under the illusion of virtue, freedom and equality. Thus she must be critical of the freedom offered under democracy, and weigh the potency of feminist struggle for gender equality in the face of culture—checking out the fact that in much of Africa, infidelity by a male spouse is tolerable, it could (and does) lead to polygyny; whereas infidelity by a female spouse is taboo (and if appropriate propitiations are not made) that often leads to death of the male spouse and/successive children (Asekhauno 2012). Thus, freedom (for the modern African woman) does imply abandoned custom and established tradition; it largely ignores the need for a moral family/community.

Consider modern African woman in respect to the emergent social media. According to Asekhauno and Isenmila,

> And unfortunately or otherwise for Beauvoir, developments in contemporary art-world and general entertainment indicate a show of aesthetics replete with feminine nude pictures, scenes, photography, roles, and other performances depicting women's willingness and complacency sattling the minds of men—what a final devastating nuance for womanhood! With avid disregard for culture/morality but unfortunate appreciation of nature, a woman, herself even (often) proclaims: 'treat me like a lady'! Without regard for decency, women, in their passions, have preferred to become mere brutes and toys! Her conviction is internalized and advertised; it is enhanced/globalized by the social media platform—a condition which cements the final blow to feminism. In this way, women, aware of their freedom, cravings and responsibility, are in favor of being reduced to an *Order* for other *subjects* (including animals), which is, in the least, the greatest mark of *bad faith*. Interesting, invariably, that is women's essential nature (2021).

VIII. Analysis and Conclusion

But while traditional African system of value might not, political structures in modern Africa do (or attempts to) as it concerns woman; while the modern African woman attaches to the ideals of capitalism, traditional value system denies her opportunity for democratic participation—hence the phrase 'undemocratic capitalism' and the dilemma.

For our case at point, the African woman is torn between the ideals of both democracy (preference for individuality and rights) and community (preference for freedom and equality), and, unfortunately, worsened by their non-genuine religiosity and bourgeoning attitudes. On the one hand, either the woman accepts and pursues the ideals of freedom, or she accepts the ideals of virtuousness—thus is the constructive dilemma. Either one rejects the overthrow of exaggerated freedom offered in capitalism or he rejects being the passive virtuous mother—thus is the destructive dilemma. Now, which one would reason, conscience or religions embrace?

Now, all matters of law are weightier in the sense that (1) they are objectively true whether anyone believes them or not, (2) they apply universally to all cases similar in a morally relevant way. But some moral absolutes can be weightier than others. Moreland made a distinction which may be helpful—that law, a prima facie duty is an absolute in the sense

that it is defined as an objectively true moral duty that can be overridden by a stringent duty. When two duties conflict and one duty override another, the less stringent duty does not disappear completely, but is still present in a morally relevant way. These are examples of exemptions of duties, not exceptions of duties. An exception would be a case where a duty would apply (say the duty to tell the truth), but for some reason, it "goes on holiday", so to speak, and it no longer applies to the other hand, is a case where duty is overridden by a weightier duty, much the same way that a king can trump a check in a game of cards, but the prima facie duty still makes its presence felt and does not disappear (Moreland 1990: 18-22).

The moral aspects and distinctions cited above are very important in understanding the current discussion about moral dilemmas. In sum, an evaluation of this concept can only be possible using the main characterization of morality as: (1) its function; (2) its supremacy (prima facie); and (3) the distinctive sentiment involved (the individual self) (Edward 1998: 564-566). These distinctions do seem to treat of the dilemma as arising from the tasking of the law alone; they ignore those undeniable or essential gender-related features built on nature. In other words, there, aside the cultural, are many physical, social, psychological, and even genetic conditions which place men and women in respective statuses. Thus if Acholonu (1995) tend to denigrate those conditions based on culture, then it may not possibly obliterate those built on nature. The more obvious are: sexuality and its consequent issues/roles, emotional susceptibility or stability, and nutritive complexities. Here are a few.

(i) *Sexuality* First and foremost, any human being is either a man or a woman, never both; man is *man* and not *woman*. This is a physical and biological fact. Thus men are physically different from women, especially in shape and flair. This implies that there exist some special roles along the lines of sex. And these confer/ascribe several enablements amidst other disability, still along the lines of sex. So men and women function upon different capacities, a condition which also is a foundation for status definition—although arguments (like Trebilcot's 1994) may not admit this with hardly any validity. Sex-role differentiation is a basic natural definition of gender inequality for what is not is not, and what is, is.

(ii) *Physicality* The mere possession of unique physical attributes/features does not make men and women unequal; but some condition place, especially women, on a plane to which she must be subservient. One example is the fragility of a woman's thoracic region, so delicate that she cannot compete equally favorably with men whose same region is an

expression of strength. Women having to breast-feed, a role ascribed by nature, worsens the scenario.

A still worse case is the fact of conception/birth. The period of gestation is debilitating, distressing and disenabling or incapacitating: the womb becomes enlarged and heavy. This affects a woman's performance and attention to other duty. If this is not the case, why should there be maternity leave---for pregnant women? Pregnancy renders a woman socially almost irrelevant, for she can neither perform certain functions efficiently nor compete equally with others. Men cannot be in this condition.

Moreover, menstruation as a fact of womanhood another disenabling condition. Dysmenorrheal has several inconveniencing and discomforting stress that are also pose some shackles to woman's freedom and social participation. One sad case is where woman has to excuse herself to either change menstrual pads or urgently attend to a flow that just started without warning!

Women could menopause at what time they cannot any longer expect to bear children; invariably, the fear of impending menopause can generate untold phobia, a lot psychological perplexities which again can be inhibiting. All these features subjugate woman's physical ability but tailor her to weaker emotions and therefore several biases. Aspects of these physical attributes, biases, weaknesses are either suppressed or emphasized and strengthened by culture. Nonetheless, they are encumbrances to gender equality and obstacle to feminism, thus exacerbating the dilemma.

Invariably, women's natural roles are indispensable. It is common saying amongst Africans that "behind every successful man there is a (because of her virtue and) woman" (Acholonu 1995); it might just be modified that "behind every successful woman there either is no man or are men". If nature subjugate (even modern) African woman, the presence of the law (still culture) put her in some dilemma out of which only the law and culture could pull her. Thus, for the modern African woman to emerge from the dilemma, and against the trend of the demands of capitalist tendencies, I propose, about the idol of freedom (leading to immorality), moderation; about the idol of equality (breeding competition—individual and state, violence, criminality and terrorism), I support state-sponsored welfare for the woman (Asekhauno 2015).

It could sattling to conclude that the condition that must be ultimately adequate as ideal for social action ought to fulfil its purposes in recognizing/protecting the rights of each and both man and woman. The modern African woman should be guided, perhaps, by a blend

of both tradition and the law. Men and women should be and see themselves as partners not competititors; the top needs the bottom, and the bottom needs the top—for each to realize its indispensable essence as a moral agent in the body in relation to the self, others, and God. Hence there should be deliberate lowering of standards so as to accommodate the interests of women.

Against this trend, however, I propose social welfare and guided minds, away from violent individual/imperial competition to embrace the fact that humanity is one; to acknowledge that all men are brothers, irrespective of all perceived social, racial, economic, religious and political distinctions. Humanity should be one another's keeper. This would stamp out the inordinacies that today heat-up our gender-biased world.

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