

**DISINHERITANCE AND WOMEN DEVELOPMENT IN IGBOLAND,
EASTERN NIGERIA: A THEOLOGICAL-ETHICAL STUDY**

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Abstract

Inheritance is the means through which asset passes from parents to children at death. However, it is common in some societies including Igbo land that women and female children are deprived of the rights to inherit the landed property of their parents or husbands at intestate. The Igbo cultural practices that support or promote disinheritance of daughters, women and widows seem not to maximally encourage women development physically, intellectually, emotionally, socially and morally. The culture of the Igbo people with regard to women's inheritance is somewhat discriminatory. It regrettably persists despite the global upsurge in women's rights that culminated in the enactment of international and national treaties on women's emancipation and empowerment. This article emphasizes that the discriminatory cultural practices of the Igbo people should be redressed on ethical and theological grounds. The article proffers that the traditional and religious leaders should arise to effect changes in the Igbo cultural practices and beliefs especially those related to women inheritance rights. By so doing, the status of women economically, socially, intellectually, emotionally and morally will drastically improve thereby enhancing the development and well-being of the women folk and the society at large.

Keywords: Disinheritance, Women, Development, Igboland, Culture, Property, Rights.

Introduction

Disinheritance is the act where people or group of people is deprived of the rights to inherit someone's property at intestate or death. It is the act of

preventing someone from inheriting one's property through the making of Will or customary laws (OALD, 1989). Development is a process of growing, nurturing, maturing or equipping someone physically, intellectually, emotionally, socially and morally for the well-being of the person and for the benefit of humanity. A person (thing or place) is developed in order to increase the value of the person (thing or place) for the well-being of the developed and for the betterment of humanity (OALD, 1989). The culture of the Igbo people with regard to women's inheritance is somewhat discriminatory. It regrettably persists despite the global upsurge in women's rights that culminated in the enactment of international and national treaties on women's emancipation and empowerment (Ifemeje, 2008:57).

This article gives a brief history of the Igbo people and also presents an overview of the cultural practices of the Igbo people with emphasis on the cultural practices that affect women's property inheritance rights, factors supporting the disadvantageous cultural practices, customs weighing against women in the land, and the effects of the discriminatory cultural practices on Igbo women. It further looks at the disinheritance of women and female children in Igboland, the customary law marriage, what disinheritance entails and the consequences of disinheritance. It is believed that this article gives a fair exposition of the discriminatory cultural practices in Igboland with particular emphasis on women's disinheritance status.

The Igbo People

The Igbo speaking people constitute one of the largest ethnic groups in Nigeria. They are the indigenous people of the South-East Nigeria and one of the three major tribes in Nigeria, viz: the Hausas, the Yoruba and the Igbos. The Igbos occupy a continuous stretch of territory roughly bounded on the North by the Igala, Idoma, and Ogoja peoples, in the East by the Ibibios, in the South by the Ijaws and in the West by the Edo peoples. A significant fraction of them are included in Rivers and Delta States (Eluwa *et al.*, 1988: 61).

Historically, women's position in Igboland in particular and Nigeria at large during the pre-colonial and colonial era was that of subjugation and perpetual subordination (Abdulraheem, 2010). Men were seen as rulers of the world as most traditions valued men more than women (Njoku, 1980). They saw women's primary duty as that of bearing children to please their husbands. Childless

wives and husbands were bound to be ridiculed by people and society at large (William, 1968:4).

The culture of women subjugation was embraced and promoted by the Igbo people since the pre-colonial era. As a result, wives and daughters of Igbo customary law marriages faced numerous oppressive, degrading and discriminatory cultural practices including disinheritance (Ifemeje, 2008:57). These practices grossly impede women's constitutionally guaranteed rights as set out in Section 42 of the 1999 Constitution of the Federal Republic of Nigeria, amongst others.

The Basis for Disinheritance of Women and Female Children in Igboland

Customary Law Marriage has been the major impetus for depriving women and female children from inheriting from their parents or husbands. Orabueze, F. O. & Ifeyinwa O. (2014) buttressed the fact that the Igbo woman, whether a daughter, a wife or a mother, is enveloped by discriminatory customary practices, which strip her of her personhood and property rights. They reiterate that women are subjected to discrimination through a tradition that disinherits them from the acquisition and ownership of property in their fathers' and husbands' houses (Orabueze & Ogbazi 2014:23).

Similarly, Ezeilo (2011:253) explicates that in the vast majority of Igbo community, the family grouping is strictly patrilineal. Succession is based on the principle of primogeniture, that is, succession by the eldest son known in Igbo as "Okpala or Diokpa". Moreover, where the deceased is a polygamist and has many sons from several wives the eldest son of each wife takes part in sharing the estate. However, daughters and wives have no right of succession to their father's movable and immovable property (Ezeilo, 2011:253).

It is believed that personal property including wives and slaves descend to the eldest son as heir, or failing a son, to the eldest brother or relative. Basically, wives do not inherit because of the customary notion that women are property and therefore objects of inheritance themselves. Daughters, like wives do not inherit under customary law. The only situation where a daughter can inherit is where for example she chooses to remain unmarried in her father's house with a view to raising children in the father's home (Ezeilo, 2011:253).

The situation described above is known as the “nrachi” or “idegbe” institution. It usually happens when a father at his death leaves a substantial estate, but no surviving sons or other male issue of the lineage to inherit it. The idea behind this practice is to save the lineage from extinction. The daughter, as an “idegbe” or “nrachi” is entitled to inherit both movable and immovable property of her deceased father’s estate. The legal interest rests in her until she gives birth to her own children. However, if she bears sons and daughters, the sons and not the daughters will succeed her in accordance with the rule of primogeniture.

In a situation where a wife pre-decease her husband, succession goes as follows: The sons inherit, failing sons, the husband. The wife’s immovable property like lands, money, cattle, yams and other important chattels go to the sons or husband as the case may be. While the daughter inherits what is regarded as feminine properties, for example, jewelry, domestic utensils, dresses, cocoyam and livestock like fowls (Ezeilo, 2011:254). In Igboland, laws governing inheritance are very discriminatory against female children, especially when parents do not document their will. Even when there is a will, it is contested by family members.

Whereas, in Hausaland, women can claim some rights to property even though there’s still a degree of discrimination. A widow is entitled to $\frac{1}{4}$ of her late husband’s property where there are no children and $\frac{1}{8}$ where there are children. A widower on the other hand, is entitled to $\frac{1}{2}$ of his late wife’s property in a situation where there is no child and $\frac{1}{4}$ where she had children. In Yorubaland (Western Nigeria), widows are not deemed fit to inherit their late husbands’ estate. They are even considered property to be shared and they are sometimes, ‘shared’ by the younger brother of the deceased husband especially when she has no child. Lack of women’s right to inheritance has actually contributed to women’s poverty and under-development. Their denial of rights to property especially land, makes it traditionally difficult for them to “obtain access to bank loans or other forms of credit through the banking system for survival. This is because they do not have the collateral the banks require” (UNICEF, 2011:180).

Inheritance right is very vital in the transfer of wealth in society and indirectly relates to protection of women’s right to adequate housing and land rights and is inextricably linked with their economic autonomy (Scholz, 2004). The inhibitions placed on women in the family and inheritance laws systematically prevent the

full realisation of women's economic rights; thereby resulting in *poverty* (Adekile, 2010:4).

Understanding the Nature of Disinheritance of Women and Female Children in Igboland

Disinheritance is the act by which the owner of an estate deprives a person of the right to inherit the same, who would otherwise be his heir (Black's law dictionary, 1910). This is done by putting down a will that will ensure inheritance and disinheritance of some people. In the case of Igboland, it is the Igbo customary law that disinherits a specific gender, namely, the women and female children. Inversely, the meaning of inheritance from the universal conceptualization irrespective of societal differences refers to the act of transferring the property of the "dead" to someone who is living. This conceptualization of inheritance underlies the fact that it can occur only when someone is dead, or it is only the property of the dead person that can be inherited (Obioha, 2003:6).

In spite of the various international conventions and declarations which have provided legal platforms for the protection and promotion of women's property rights, women are still facing serious discrimination in their rights to property which include rights to ownership, control, access and inheritance. Some identified reasons for this discrimination and denial includes: Discriminatory customary laws, registration of land in male spouse's name, lack of human rights laws and policies (Folarin & Udoh, 2014: 243).

Another major reason is the tripartite system of marriage in Nigeria (that is, *customary, religious and statutory*). This system has resulted in "a plurality of legal provisions and precedents regarding property rights and inheritance" (UNICEF, 2011). The legal plurality makes it difficult to implement and enforce certain laws that enhance, promote and protect women's rights because these laws contradict one another.

Religious laws contradict customary and statutory laws and vice versa. While, Islamic and statutory laws recognise women's rights to land, the customary laws especially in Igboland do not uphold property rights of women thereby leading to women's disinheritance and under-development. Under the statutory marriage, the married women's property Act gives women the rights to acquire,

hold or dispose of property, whether acquired before or after marriage, whereas the customary law is against such arrangement (Folarin & Udoh, 2014: 243).

In some ethnic groups, particularly in South-East Nigeria, widows are disinherited of land or other property upon their husbands' deaths, although they may be allowed to hold them in custody for their sons. Among the Igbos, women also cannot take away property acquired during marriage without their husbands' consent. In contrast, among the Yoruba, daughters have a right to inherit a share of their fathers' land and other property, but widows are disinherited. Also, under the Islamic law, the women are better protected, as they can own property in their own right as well as inherit property from parents and husbands. But in a patrilineal society, such as Igboland, a woman's inheritance right to land is pegged on marriage. Hence, a daughter does not receive land when her father dies and even a widow does not inherit land; she generally acts as a caretaker until her sons come of age. A childless woman or a woman who bore only daughters is in a precarious position as she does not stand any chance of acquiring any form of land within the family.

The process through which inheritance procedure is spelt out could be by means of personal will or society's ways of doing it, which has survived through traditions. But, even though the society's consideration overrides that of the individual especially in the traditional-rural setting, the natural law presupposes that every person has the right to deal with his or her property, as he/she likes, especially for self-development of the family and the community. In Igboland, it is the kinsmen that determine how inheritance is shared based on the conventional practice which has been accepted by all for centuries and has brought together relatives, families and communities previously facing property sharing challenges. For avoidance of hatred and bias the kinsmen ensure that all sons, including the prodigal sons, share in the inheritance of the father, while the females are disinherited. This is possible particularly on the basis of the operational rules and regulations in existence.

Focusing on the inheritance right of women as practiced among the Igbos, it is clear that there is discrimination and injustice against women. Instead of perceiving women as stakeholders to property inheritance, they are consciously disinherited and even regarded as property to be inherited. The women's right to property is therefore only non-landed property of their mothers. Married women customarily enjoy what belongs to their husbands while they are alive, and the

reverse becomes the case when their husbands die. A widow who does not have a male child does not have a stake on the landed property of the husband's estate. Apart from land property that is tangible as an object of inheritance, non-land property such as money, and other movable property could be accessible to women. In the societies under study, the monetary aspect of the property of a deceased is not a major concern to the kinsmen or sons who determine how the deceased's property is shared. There is no standard or rules in sharing or inheriting non-landed property (like money); though in some families it is still a problem (Obioha, 2003:13).

A daughter could inherit her father's property only when the man is still alive. Daughters do not inherit their fathers' property after death unless a "non-traditional" land property is given to the daughter by the father while alive. This sort of gift normally should not be revoked by the male children, though there may still be problems in some families. It is therefore very clear that the place of women, whether married or unmarried is that of the disadvantaged. The practice exhibits the level of male dominance even on things that could be considered for women. Both the property of fathers and mothers (particularly land) are inherited by sons in exclusion of the daughters. Women have no direct and express right to land property (Obi, 1963).

Also, women's inheritance usually is non-land property on which a high economic value is rarely placed. Whereas, men inherit material and property highly economically valued. The inheritance practice in Igboland adds nothing economically to the well-being of the women folk (Obioha, 2003:14). Women and female children are customarily disinherited, cut off and deprived of their husbands' and fathers' estate (American Heritage dictionary of the English language, 2016). It is therefore high time that women are duly developed economically by allowing them inheritance, socially and intellectually by highly educating them.

Consequences of Disinheritance of Women and Female Children in Igboland

Disinheritance is really a "dirty" word. This is so as no one likes to be disinherited. Disinheritance places both inheriting and disinherited people in an uncomfortable position. Disinheritance of the female gender in the region under study places the recipient male people in an uncomfortable relationship with their sibling(s). It creates either explicit or implicit problems between the children. While the parents and disinherited children may not have had a strong

and lasting relationship, the siblings may have a strong and lasting relationship. The disinheritation of one or some persons causes a rift and lasting tensions in the family (Chika & Nneka, 2004:24).

Moreover, disinherit could put the recipient children in an awkward position of having to decide whether to honour their parents' wishes and uphold the disinheritation; or whether they should go against their parents' wishes and share the inheritance with the disinherited children. Where there is disinheritation of one or some children and the widow, there is bound to be chaos and aggression in the family.

Culturally, disinheritation weakens the disinherited and makes them somewhat inferior by virtue of the culture. Most women especially in the rural areas of Igboland are very complacent on this issue. Worse still, they appear to have accepted their subjugated position as normal and cultural, since they have been in such conditions for ages (Chika & Nneka, 2004:24). Strengthened even further by their low intellectual and social stand; since could not easily oppose their cultural norms.

Disinheritation also denies women and female children sound education and they cannot defend their rights due to their poor educational level. Politically, due to disinheritation of women on landed property, they also find it difficult to vie successfully for strategic elective positions. At present, women are still struggling with the 35% affirmative action on women's representation (Abuah, 2015). The need for social, intellectual and emotional development of women is high.

Socio-economically, as a result of disinheritation, women in the rural areas are not exposed and are not economically empowered. The rural women are the most disadvantaged and vulnerable group whose lives are marked by hardship, deprivation, and uncertainty. The International Fund for Agricultural Development (IFAD:1993), noted and observed that rural women are the worst nourished, and sicknesses are far more widespread among them than among their male counterparts. It could be concluded that disinheritation of women contributes to the deepening of women's poverty. A widow who has been discriminated with no inheritance finds it difficult to cope with life issues.

As a result of the disinheritance of female children, even a lazy male child has far more better future than a hardworking female child. At the demise of a father, a lazy son can become rich by the wealth of his father accrued to him. But, a lazy female child will become poor and deepen in poverty, especially if her laziness also deprived her of education. In Igboland, no female child inherits land, while male children have the privilege to inherit all lands and to use or dispose of them as they wish. Males therefore thrive on the disinheritance of females. Land is a highly valued commodity, yet, women are deprived of it. Landlessness of course, is one of the causes of women's poverty especially in the rural areas. Disinheritance also contributes to women's unemployment, underemployment and under-development. They lack collateral and securities for bank loans for their self-development. As such, men are richer than women.

Even in matrimonial property, when a marriage faces dissolution, the contribution of the wife to a house built in partnership (between the husband and the wife) is often disregarded. This is due to the belief that the house is owned by the man, so whatever contribution the wife made in the course of building the house is irrelevant, thereby exposing the widow to untold suffering she never expected. When women whether single, married or widows are denied property rights, this hinders their access to and realization of their capacities. It is ethically right for women to be allowed their full inheritance rights so as to elevate their economic, political and socio-cultural status (Adekile, 2010:3)

Conclusion

This article dealt with the cultural practices of the Igbo people with specific concern on women disinheritance. An overview of the cultural practices and disinheritance practice as it affects women and female children as discussed are very discriminatory: male children inherit family property, whereas, daughters, women and widows inherit none. The study shows that the cultural practice with regards to women's inheritance needs to be consciously redressed on ethical ground, and the customary laws which degrade womanhood should be abolished on theological ground.

Recommendations

The factors encouraging customary practices against women should be checked, tested and nullified as the case may be.

Practices such as disinheritance of wives, widows and female children, male preference, payment and refund of the bride price, marginalization of women's

right in the case of dissolution of customary law marriage and the polygamous nature of customary law marriage should be legally, traditionally and religiously condemned.

Domestic violence and discrimination of all forms must stop. Women's property disinheritance must also cease. Cultural practices and other harmful widowhood practices which degrade women's dignity in Igboland should be properly upgraded.

The right of women to inherit must be practiced to enable women overcome poverty. Women need to be totally developed physically, intellectually, economically, socially, emotionally and morally in this 21st century for the betterment of the present-day society.

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