

## EXPLORING THE EFFECTS OF CULTURAL NORMS AND PRACTICES ON FEMALE INHERITANCE IN IMO STATE, NIGERIA\*

### Abstract

*The diverse cultural norms and practices that exist among different people of the world determine their values and acceptable ways of life. The customary norm and practice of female disinheritance that exist among the Igbo people of the South Eastern State of Nigeria especially in Imo State is no doubt a contemporary challenge which has attracted diverse interests of study. Women in Nigeria especially in Imo State have suffered a whole lot of discriminatory practices which are resultant effects of customary and traditional practices. This has however prompted the need for this paper. The paper explored the effect of cultural norms and practices of the Imo State people which have fanned the embers of female disinheritance. It also investigated the effect or otherwise of existing customary norms on women inheritance especially patriarchy and its perpetuating tendencies towards the disinheritance of women in Imo State. The Methodology employed was empirical with particular attention to field work and comprehensive analysis. The 300 questionnaires that were shared were interview guided-based to achieve optimal responses. The questionnaires were randomly distributed and they formed the primary source of data while textbooks, articles and journals formed secondary sources of data. This paper is divided into sections which are geared towards exploring the effects of cultural norms and practiced in the disinheritance of women Imo State. The result of this study showed that the effect of cultural practices and norms on female disinheritance is enormous (99.3%) and that only radical and drastic measures can be taken to combat its fast spreading effects. Study recommended complete abolition of the customary practice of female disinheritance and creation of special courts for the purpose of settling disinheritance matters as to fast-track the course of justice.*

**Keywords:** Cultural, norms, practices, female, disinheritance, Imo state.

### 1. Introduction

In Imo State of Nigeria, several women are being disinherited basically because of the existing customs and traditions of the people, the state being a patriarchal state. Given that the State is largely made up of Christians, one may be bothered where these disinheritance practices are coming from. The Christian bible for instance allowed women inheritance when the daughters of Zelophehad asked Moses for their father's inheritance; and Moses after due consultation with God gave them their father's inheritance.<sup>1</sup> These daughters of Zelophehad confronted Moses, Eleazar the priest and all the congregation of Israel demanding a share of their father's inheritance and they said '.....give to us a possession among our father's brothers'<sup>2</sup> Moses brought their case before God and God spoke to Moses saying: 'The daughters of Zelophehad are right in what they are saying. *You shall indeed let them possess an inheritance among their father's brother*<sup>3</sup> and pass the inheritance of their father unto them<sup>4</sup>... it shall be for the Israelites a statute and ordinance as the lord commanded Moses'<sup>5</sup> Irrespective of the fact that God instructed Moses to allow the daughters of Zelophehad to inherit, God further commanded that what had transpired between them which is female inheritance of her father's property should be a statute and an ordinance among the people.<sup>6</sup> This entails that the practice should be carried out from generation to generation as a law, yet, the state being a Christian state has been seen to largely disinherit women by practicing otherwise. On the other hand, It is also stated in the Qur'ān, 'O ye who believe! It is not lawful for you to forcibly inherit the women (of your deceased kinsmen).'<sup>7</sup> It also assured women that their property, either inherited or self-acquired through personal earnings before or after marriage, is exclusively their

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<sup>1</sup> Numbers 27 verse 4b. *New Revised Standard Edition*

<sup>2</sup> Numbers 27 verse 4b. *New Revised Standard Edition*.

<sup>3</sup> Emphasis is the Researcher's.

<sup>4</sup> Numbers 27 verse 6-7. *New Revised Standard Edition*.

<sup>5</sup> Numbers 27 verse 11b. *New Revised Standard Edition*.

<sup>6</sup> Emphasis is the Researcher's.

<sup>7</sup> Qur'ān: *An-Nisā'* 4:19

own and their male guardians do not have any claim over it.<sup>8</sup> It therefore becomes an issue of concern where the disinheritance of women in Imo state is coming from. An investigation into this study has revealed that customary norms and traditional practices especially as it has to do with patriarchy in a patriarchal society like Imo State cannot be left out as a major cause of female disinheritance in the State. While patriarchy as a major customary practice remains the proximate cause of disinheritance in Imo State, avid practice of the local norms remain the immediate cause of female disinheritance in the State.

## **2. The Problem, the Methodology, the Result and the Findings**

The customary practice of disinheriting women is an issue of global concern hence this paper. This practice has continued to be predominant especially in Imo State irrespective of the diverse domesticated international treaties, conventions and judicial precedents which prohibits such practices. This paper therefore intends to answer a sole research question: To what extent has the existing cultural norms and practices perpetuated disinheritance of women? The aim of this study is to explore the effect of the existing customary norms and practices of the Igbo people of Imo State on the disinheritance of women. The paper investigates the effect or otherwise of existing customary norms on women inheritance especially the patriarchy and its perpetuating tendencies towards the disinheritance of women especially in Imo States.

It is clear that the customary norms and practices of a people determine the value they attach to different issues of life. For instance, In United States of America, there is a cultural practice of inheritance which allows the Latin American women to become land owners mainly by inheritance while their male counterparts are much more made to acquire land.<sup>9</sup> According to Johnson,<sup>10</sup> this inheritance which allows female ownership of land is important for poverty alleviation and that women's control of land as an asset is associated with positive development outcome at the household and individual levels. Substantiating this fact, Mead,<sup>11</sup> stated that 'man made for himself a fabric of culture within which human life was dignified by form and meanings'. To Levi-Strauss,<sup>12</sup> culture like language, is essentially a collection of arbitrary symbols. He was concerned with the patterning of elements, the way cultural elements relate to one another to form the overall system. Cultural practices represent routine behaviour that carries the norms and values of the society; it is often not easily changed. To corroborate the debate on the subject of cultural practices and norms on female disinheritance, Okeke,<sup>13</sup> has argued against viewing gender discrimination inherent in cultural practices as acceptable because it is the 'tradition'. She shows how patriarchal continuities, even when they contain contradictions, can support claims of the rightness of traditions. This is exemplified in the contradictions between statutory and customary law, and the weaknesses in statutory law which uphold men's privileges in relation to property rights and inheritance laws. This scenario often results in unequal power relations which promote an inequitable social structure that favours the dominant gender.<sup>14</sup>

Furthermore, Scholz<sup>15</sup> has stated that culture is often misappropriated and misused as a justification or pretext for the subjugation of women. Culture simply means the totality of the way of life of a people and acceptable way of doing things over a long period of time. It is a mirror of acceptable usage as espoused in *Lewis v Bankole*<sup>16</sup> by Osburn J. Traditionally, cultural norms pose obstacle to women development and achievement. Customs and traditions have continued to relegate their position to virtually no status, thereby limiting their rights to equality and freedom. Scholz<sup>17</sup> continued by stating

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<sup>8</sup> Samar Fatima, *Study of The Status of Women in Islamic Law and Society with Special Reference to Pakistan* (Durham: University of Durham, 1986), 10

<sup>9</sup>N L Johnson Etal. *Gender, Assets and Agricultural Development: Lessons from Eight Projects*. (Washington DC: World Developments Publications 2016) p 295.

<sup>10</sup> *Ibid.*

<sup>11</sup>G H Mead. *The Individual and the Social Self*. (Chicago: University of Chicago Press 1982) p 17.

<sup>12</sup>C Levi-Strauss. *Structural Anthropology*. (NewYork: Garden City Anchor 1967) p 19.

<sup>13</sup>P Okeke. *Reconfiguring Traditional Women's Rights and Social Status in Contemporary Nigeria And Africa Today*. (New York: Winter and Bloomington Publishers 2000) p 6.

<sup>14</sup> *Ibid.*

<sup>15</sup>*Ibid* p 16.

<sup>16</sup>(1908) 1NLR 81

<sup>17</sup> *Ibid.*

that inheritance rights are no exception in the way and manner culture is often misappropriated and misused as a justification or pretext for the subjugation of women. To fight for the inheritance rights of an individual woman is often viewed as an affront to culture and tradition. Women are made to feel that to do so runs counter to their own culture or even their own religion; to fight would be extremely shameful, to the point of sacrilege; this is because women are regarded as being unworthy of receiving their inheritance, such denial often on supposedly religious grounds is rife. This blatant misinterpretation and misapplication of religion as applied by culture not only denies women their rights as enshrined in the religious law, but also their internationally recognized human rights to inheritance, housing and land. In Egypt for instance, Inheritance disputes tend to arise when women inherit a house or other building, especially if the structure in question is the family home<sup>18</sup>. In such cases, male heirs prevent female heirs from inheriting their rightful share of the residence. Men justify such action by referring to the traditional notion that men, not women, are responsible for providing the family home. In general, matters of this kind are governed and settled according to traditional social norms, not according to the national laws<sup>19</sup>. Viale<sup>20</sup> has opined that diverse norms and practices of succession and inheritance cannot be viewed separately from cultural practices in the society in which they operate. Whether grouped around lines of paternal or maternal relatives, the extended family is traditionally the building block of cultural inheritance in societies. The organization of the extended family defines control and inheritance of properties which include land, houses, cattle and other assets along either patrilineal or matrilineal<sup>21</sup> lines. Schroth and Martinez<sup>22</sup> in concurring with Viale opine that most cultures are patrilineal in nature with only a few that are matrilineal communities, this entails that control of property by the elder males of the family was considered the most adequate manner to manage communal property<sup>23</sup>.

These authors have all emphasized in one way or the other that cultural norms and practices of a people determine who inherits what and therefore has a huge effect on any disadvantaged gender which most at times are the women. This disinheritance of women became bad in India that at a point, it led to female infanticide as Waheed<sup>24</sup> stated that many parents would rather resort to the practice of infanticide of their female daughters at birth rather than allow them to inherit as to combat the idea of family property leaving the family. Amaral<sup>25</sup> in corroborating Nagarajan<sup>26</sup> proposition on inheritance stated that female inheritance is aimed at reducing gender inequalities as it allows female to have full ownership and testamentary rights over all properties; as Nagarajan,<sup>27</sup> earlier stated that pressure may reduce the women's ability to hold on to the land they inherited.

<sup>18</sup> [http://www.ohchr.org/english/bodies/docs/RatificationStatus.pdf\(2004\)Office of the UN High Commissioner for Human Rights \(OHCHR\), 'Status of Ratifications of the Principal International Human Rights Treaties.](http://www.ohchr.org/english/bodies/docs/RatificationStatus.pdf(2004)Office%20of%20the%20UN%20High%20Commissioner%20for%20Human%20Rights%20(OHCHR),%20'Status%20of%20Ratifications%20of%20the%20Principal%20International%20Human%20Rights%20Treaties.') Accessed 7/5/2020

<sup>19</sup> UN Human Rights Committee, 'Concluding observations of the Human Rights Committee: Accessed 7/5/2020

<sup>20</sup>B Viale. *Children and women's rights to property and inheritance in Mozambique*, (Mozambique: Save the Children in Mozambique and Food and Agriculture Organization of the United Nations Publishers 2009) P3-4. Accessed 7/5/2020

<sup>21</sup> In matrilineal families in the northern part of the country, control over resources is generally also in the hands of men but property inheritance occurs from mother to daughter. Combined with a residence pattern in which women predominantly continue to live alongside their families, this gave women increased influence over access to lineage property and land. However, in recent decades patrilineal norms have begun to replace customary practice in matrilineal societies on a large scale and women have lost considerable power to their brothers, sons and uncles, who are nowadays commonly identified as the head of the family and owner of the land. Also, most matrilineal families now seem to choose the location of their residence either according to patrilocal patterns, or in a totally new area. This alienates women from their relatives and diminishes the control they would traditionally have had over assets in their families' land and other property. Where a widow's male family members, her brothers and uncles would have normally decided on the division and management of assets, this role has been increasingly taken over by the husband's relatives, reflecting norms of a patrilineal society.

<sup>22</sup>M Schroth and Q Martinez, *Women and Daughters' Inheritance Rights*. (Kenya: Maldolife Publisher 2007) p 13.

<sup>23</sup> *Ibid*.

<sup>24</sup>A Waheed. Dowry Among Indian Muslims: Ideals and Practices. *Indian Journal of Gender Studies 2009 Vol 72*. [journals.sagepub.com](http://journals.sagepub.com)

<sup>25</sup>S A Maral: Do Improved Property Rights Decrease Violence against Women in India? <https://www.ssrnpapers.ssrn.com>. Accessed 7/05/2020.

<sup>25</sup> *ibid*

<sup>26</sup> Nagarajan *Op Cit* 17.

<sup>27</sup>H Nagarajan. Women's Inheritance Rights and Intergenerational Transmission of Resources in India. *Journal of Human Resources (2013) jhr.uwpress.org p 17*.

This paper had employed an empirical research methodology with particular attention to field work and comprehensive analysis. The 300 questionnaires that were shared were interview guided based to achieve optimal responses. The questionnaires were randomly distributed and they formed the primary source of data while textbooks, articles and journals formed secondary sources of data. The result of the field work carried out in Imo State of Nigeria on the effect of cultural practices and norms on inheritance of women of revealed the following: A total of 300 questionnaires were distributed; 295 questionnaires were properly filled and used for the analysis. This gave a response rate of 98.3%.

**Table 4.3: Relationship between Sex and Women Inheritance Right**

Variables	Women have Inheritance Right		Test of association	
	Yes n (%)	No n (%)	X <sup>2</sup>	p-value
Sex				
Male	4(3.2%)	121(96.8%)	2.949	0.086
Female	1(0.6%)	169(99.4%)		

*Statistically significant (p≤0.05)*

Table 4.3 showed that very few 4 (3.2%) of the male respondents said that women have inheritance right while majority 121(96.8%) of the male said that women do not have inheritance right. Also, less than 1(0.6%) of the female who participated in this study said that women have inheritance right and most 169(99.4%) of the female respondents said that women do not have inheritance right.

**Table 4.4: Factors Affecting Women Inheritance**

Variables	(n=295) Yes	(n=295) No
	Frequency (%)	Frequency (%)
Patriarchy and male dominance	285 (96.6)	10 (3.4)
Customary norms & practices	293 (99.3)	2 (0.7)

Table 4.4 showed that most of the respondents 285 (96.6%) said that patriarchy and male dominance affects women inheritance and only 10 (3.4%) of the respondents said that patriarchy and male dominance do not affects women inheritance. Most of the participants 293 (99.3%) said that customary norms & practices affect women inheritance and 2 (0.7%) the participants did not agree customary norms & practices affect women inheritance

**Table 4.5: Association between factors affecting women inheritance and women inheritance right**

Variables	Women have Inheritance Right		Test of association	
	Yes n (%)	No n (%)	X <sup>2</sup>	p-value
Factors affecting women inheritance				
Patriarchy male dominance			0.178	Fisher's Exact
Yes	5 (1.8%)	280 (98.2%)		
No	10 (100%)	0(0.0%)		
Customary norms & practices			0.035	Fisher's Exact
Yes	5(1.7%)	288(98.3%)		
No	0(0.0%)	2(100%)		

*Statistically significant (p≤0.05)*

Table 4.5 showed that there was no statistical significant association between patriarchy/ male dominance, and customary norms & practices, with inheritance right among women.

### **3. Discussion and Conclusion**

A total of 300 questionnaires were distributed; 295 questionnaires were properly filled and used for the analysis. This gave a response rate of 98.3%. To appreciate if cultural practices have any effect on women inheritance, it was important to determine from the respondents if women have an inheritance right at all. Table 4.3 above showed that very few 4 (3.2%) of the male respondents said that women

have inheritance right while majority 121(96.8%) of the male said that women do not have inheritance right. Also, less than 1(0.6%) of the female who participated in this study said that women have inheritance right and most 169(99.4%) of the female respondents said that women do not have inheritance right. This means that most of the female respondents in Imo State are not even aware of their inheritance rights. This is in conformity with what Scholz<sup>28</sup>said in his book under review. Table 4.4 showed that most of the respondents 285 (96.6%) said that patriarchy and male dominance affects women inheritance and only 10 (3.4%) of the respondents said that patriarchy male and male dominance do not affects women inheritance. Most of the participants 293 (99.3%) said that customary norms & practices affect women inheritance and 2 (0.7%) the participants did not agree customary norms & practices affect women inheritance. The result of this study is in conformity with the words of Viale<sup>29</sup>under review in section two of this paper. Table 4.5 showed that there was no statistical significant association between patriarchy/ male dominance, and customary norms & practices, with inheritance right among women.

#### **4. Recommendations**

There should be a complete abolition of the cultural practices and norms that prevent women from inheritance. The male dominance tendency to stifle the female counter-parts through the practice of patriarchy should be completely eradicated. There should be enactment of laws that regulate customary norms and traditions in Imo State to prohibit female disinheritance on daughters and wives. Imo state should make a further advancement on their widowhood inheritance laws which should also extend to wives and daughters. There should be establishment of special monitoring agencies whose duties shall strict-to-senso be to ensure that the laws enacted to regulate customary norms and traditions in Imo State remain active, effective and not rendered a toothless bulldog. There should be establishment of special courts whose duty shall be to litigate strictly on cultural norms and traditions bothering on female disinheritance. This will further fast track the course of justice and even encourage women who would have ordinarily been discouraged by long lasting litigations in court to seek for redress.

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<sup>28</sup>*Ibid* p 16.

<sup>29</sup>B Viale. *Children and women's rights to property and inheritance in Mozambique*, (Mozambique: Save the Children in Mozambique and Food and Agriculture Organization of the United Nations Publishers 2009) P3-4. Accessed 7/5/2020