WOMEN AND SUCCESSION UNDER IGBO CUSTOMARY LAW: AN ONTOLOGICAL PERSPECTIVE*

Abstract

There is increasing modern tendency over contentions on property inheritance at customary law. The focus of the seeming impasse has diametrically polarized the society and pitched one gender against the other. This is particularly so where settlement of succession is based on intestacy as opposed to inter vivos or testamentary disposition and in this wise, accentuated by the dictates of primordial cultural tenets anchored on the people's ontology. Echoes from the courts on this score have in the main, attempted to settle the issue based on the often subjective test of the repugnancy doctrine. Thus, judicial interventions and crass legalism have not, in the face of persistent tacit resistance at the community level, settled the needless impasse with finality of permanence. This paper posits that unless and until the courts comprehend, appreciate and aptly apply the people's ontology viewed from the people's prism, the needless unhealthy gender rivalry will persist to the detriment of the society.

Keywords: Women, Succession, Customary law, Ontology.

1. Introduction

Women are no doubt priceless joy. This view resonates with the Igbo speaking people spread across the present day, Southeast and some segments of South South and North Central Nigeria. It also holds sway among some other ethnic nationalities in Africa. The importance and inestimable value of womanhood was acknowledged by God Himself at creation when He declared:

> It is not good that the man should be alone; I will make him an help meet for him… And the Lord God caused a deep sleep to fall upon Adam, and he slept: and he took one of his ribs, and closed up the flesh instead thereof; And the rib, which the Lord God had taken from man, made he a woman, and brought her unto the man. And Adam said, this is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of man.[1]

The role of women in procreation and perpetuation of human society is self evident. It cannot be wished away howsoever. Succession, which in common parlance is referred to as inheritance, is the devolution of title to properly under the law of descent and distribution.[2] It is the practice of passing on or transmission of property, titles, rights and obligations vested in a person at his death, to some other person(s). The rules of succession differ among various societies and have sometimes changed over time showing adaptability thereby without entirely losing its character.[3] In Law, an heir to a deceased person is usually entitled to receive a share of the deceased's property subject to the rules of succession in the jurisdiction in which the deceased was a citizen or where the deceased died or owned property at the time of death. Succession may be either under the terms of a Will or by intestate law if the deceased made no Will. A testator is a person who makes a Will while a person who dies without making a Will is said to have died intestate.

2. Testate and Intestate Successions

Testate succession occurs where the deceased made a Will while intestate succession manifests where no Will was made. Intestate succession appears to be the norm at customary law. Written Wills are usually unknown to customary law. However, incidents of nuncupative Wills, otherwise referred to as oral Wills which are declared publicly and solemnly by a declarant testator before a number of witnesses as well as incidents of death - bed dispositions or dying declarations are both recognized at customary law.[4] If inheritance is predicated on disposition by Will, then it becomes less problematic and a *fortiori* less susceptible to manipulations. In such cases, properties or the estate of the deceased are shared in accordance with the wishes of the testator as encapsulated in his or her Will. This is so, irrespective of the gender of the beneficiary devisee, bequattee, or legatee as the case may be. Ordinarily, a person can bequeath property to another by giving, assigning, or transferring such property by formal declaration either *inter vivos* or after death.[5] The act of giving property by Will is referred to as a bequest.[6] A devisee is a recipient of property by Will.[7] On a similar note, a legatee is someone who is named in a Will to take personal property. Such a person has thus, received a legacy or bequest.[8]

***By Chijioke Uzoma AGBO, PhD**, Legal Practitioner and Lecturer, Faculty of Law, Enugu State University of Science of Technology (ESUT). Email: chjioke.agbo@esut.edu.ng; chijiagbodlaw@gmail.com

[1] The Holy Bible, King James Version, Genesis Chapter 2, verses 18, 21 – 23.
[2] A. A. Kolajo, *Customary Law in Nigeria Through the Cases*, (Ibadan: Spectrum Books Ltd, 2005) p.156.
[3] Osborne, CJ in *Lewis v Bankokle* (1908) 1 NLR 81 at pp 100-101.
[4] A. A .Kolajo, *op cit* (n.2) p.156.
[5] B. A Garner (ed), *Black' s Law Dictionary*, (8th edn, St Paul' s Minn: Thomson Publishers, 2004) p.168.
[6] *Ibid.*
[7] *Ibid,* p. 484.
[8] *Ibid,* p. 916.

A Will has been defined as a testamentary and revocable document that is made, executed and attested according to law by which a person with sound disposing mind and memory distributes his property or gives further instructions and appoints his personal representatives subject to limitations imposed by law.[9] The Will must however, comply with the laws of the jurisdiction at the time it was created, or it will be declared invalid and the laws of intestacy will then apply. Thus, Wills cannot alter the settled customary law of inheritance. Accordingly, where there are statutory limitations to power of testamentary dispositions by a testator, or indeed, a qualification of the property to be devised, then they must be observed.[10]

Inheritance based on intestacy is subject to a variety of laws including the customary law and in Enugu State, the Administration of Estates Law.[11] This category of inheritance raises issues of concern and contention. In *Anusiem v Anusiem*,[12] the court held on appeal that in the absence of proof of a Will or Wills, the presumption is that the deceased died interstate and thus, the deceased's property would, by the operation of the native law and custom practised in the area, devolve on those entitled to it thereunder.

3. Native Custom and Ontology

Every society has a set of customs which regulates its affairs generally and guides its development from one generation to another. Custom is understood to mean the established and commonly acceptable usage of a people in a given society.[13] These customs constitute the customary law of the people. Customary law is statutory defined as: 'A body of rules regulating rights and imposing correlative duties, being a rule or body of rules which obtains and is fortified by established usage and which is appropriate and applicable to any particular cause, matter, dispute, issue or question'.[14] Accordingly, customary law has been judicially defined as 'a mirror of accepted usage'.[15] It must have the ascent of the native community and it is this ascent that gives a custom its validity. It must therefore be shown that the custom is recognized by the native community as regulating its affairs.[16] The custom is not static but flexible.[17] It is the organic or living law of the people, regulating their lives and transactions. Thus, according to Obaseki JSC in *Oyewunmi v Ogunesan*[18]

> Customary law is the organic or living law of the indigenous people of Nigeria, regulating their lives and transactions. It is organic, in that it is not static. It is regulatory, in that it controls the lives and transactions of the community subject to it. It is said that custom is the mirror of the culture of the people. I would say that customary law goes further and imports justice to the lives of all those subject to it?

Inheritance issues constitute one of such societal ' transactions' governed by the custom of the people. Intestate succession in Igbo communities is governed by the principle of primogeniture and this has implications for inheritance flowing therefrom. By the concept of primogeniture, succession is through the male line by the oldest member of the family with the *Okpara, Diokpara or Diokpa* succeeding a deceased head of the family. Thus, apart from assuming the status of leadership, he also inherits the *Obi* or *Nkoro* with the immediate surrounding land to the *Obi* or *Nkoro* sometimes referred to as *Ani Obi or Ani Nkoro*. The *Okpara, Diokpara, or Diokpa* similarly controls and manages other parcels of land owned by the deceased on behalf of, or in trust for, the beneficiary male children.[19]

The underlying philosophical basis of the Igbo concept of primogeniture appears to be anchored on the Igbo people's ontology. Ontology is the philosophical understanding of the nature of beings, existence or reality as well as the basic classifications of beings and their interaction. Ontology often deals with the fundamental questions about the existence of entities or beings and their categorization and relationship within a hierarchy,

---

[9] Kola Abayomi, *Wills Law and Practice*, (Lagos: Mbeyi & Associates Nig. Ltd, 2004) p. 6.
[10] A. A Kolajo, *op cit* (n. 2) pp. 156 and 157 See for instance, subsection (I) of section 3 of the Wills Law of Bendel State which makes power of testamentary disposition of a testator subject to any customary law relating thereto. There is however, no statutory limitation, to a testator' s power of testamentary disposition under the English Wills Act of 1837.
[11] Cap 5, vol. 1, Revised Laws of Enugu State, 2004.
[12](1993) 2 NWLR (pt. 276) 485.
[13] O. N. Ogbu, *Modern Nigerian Legal System*, (3rd edn, Enugu: SNAAP Press Ltd, 2013) p. 92.
[14] Section 2, Customary Courts Law, Cap 32, Revised Laws of Enugu State 2004 (As Amended in 2011).
[15] Bairaman FJ in *Owonyin v Omotosho* (1961) I AII NLR 304 at p. 309.
[16] Atkin LJ in *Eshugbayi Eleko v Officer Administrating the Government of Nigeria* (1931) AC 662 at p. 673.
[17] Osborn CJ in *Lewis v Bankole* supra (n. 3) pp. 100 – 101.
[18] (1990) 3 NWLR (pt. 137) 182 at 207.
[19] *Ejiamike v Ejiamike* (1972) 2 ECSLR II.

including their sub-divisions depicting their similarities or otherwise as well as their interactive relations. The whole essence of life for the native African is based on their ontology. And so, to him ' being' is synonymous with force' . Accordingly, the African speaks, acts and lives as if ' beings' were ' forces' . Force in the African conception, is not an accidental reality. It is more than a necessary attribute of being. It is the nature of being. Force is being, and being, is force. African, nay Igbo ontology envisages a hierarchical ordering of forces reflecting their primogeniture with God at the apex; then man-including women (living and dead); animals; plants; and minerals.[20] This is hierarchical ordering depicts the ' vital force' and *a fortiori*, vital rank' of the African. It is on this foundation that gender roles are *a priori* assigned and they impact on the patterns of intestate inheritance marriage rites *(idu uno)* and funeral rites (duality for women) in Igbo land. Furthermore, a violent invasion of a community by armed invaders will attract violent confrontation by adult male members of the community, not women. The much women can do in the circumstance is to raise alarm by cries. By the same token, preparation of food and management of kitchen and food affairs in the family is the responsibility of women. Tilling the soil and performing such similar hard labour including hunting and the like, are neatly within the domain of men. Similar examples could be replicated in virtually all spheres of communal living. Thus, the African ontological ideas give meaning to African notions of customs and norms as a means of regulating social interaction and social relationships.

Communal living among native Africans is closely knit and interwoven within the ordered ontological hierarchy and harmony including, but not limited to gender roles. The life of the African is not limited to his own person, but necessarily extends to all that is within his fatherly influence in his community, family, etc and thus, ontologically subject to him. These include his posterity, land possessions, beasts and all other goods. Thus every disobedience, distortion, attack or attempt thereof on the harmony of the ontological hierarchy or against any person(s) who depend on him, or upon his material possession will be considered as an injury to the integrity of his being, the intensity of his life, his vital rank and by implication, his vital force. This perhaps explains why women, wives (Including widows) and female children are generally not entitled to partake in the sharing of properties of their husbands or parents. Thus, daughters, like wives, do not inherit under Igbo customary law except perhaps where a daughter chooses to remain unmarried in her father's home with the aim of raising children to avert family extinction. This scenario arises where a deceased adult make leaves behind an estate without a surviving male child to inherit the estate. This is a customary practice to perpetuate family lineage. Under such circumstances, the daughter will be entitled to inherit both movable and immovable property from her deceased father's estate. The legal interest vests in her until she gives birth to her own children. If she bears sons and daughters, the sons rather than the daughters succeed her in accordance with the rule of primogeniture.[21]

Under Igbo customary law, a widow appears to have no right of ownership over any property of her deceased husband but rather exercises mere possessory rights over a parcel of family property subject to good behaviour.[22] In the *Nezianya case supra*, upon the demise of her husband, the widow of the deceased let out his house to tenants. Later, she sold a portion of the deceased husband's land and used the proceeds to build extra huts which she also let out to tenants. When she attempted to sell more of the land, her late husband's family objected and asserted that she had no right to do so. The only child which she had for her late husband was a girl, who pre-deceased her. The widow devised the property to her said daughter's children who sued the husband's family claiming a right to exclusive possession on the premise that the widow, their grandmother, had long adverse possession of the land. The matter was based on Onitsha native law and custom under which the learned trial judge held that the claim failed.

It was argued on appeal that the native law and custom in question ought not to be applied because it was repugnant to the principles of natural justice, equity and good conscience. The court held that under the native law and custom of Onitsha, a widow's possession of her deceased husband's property is not that of a stranger, and however long it is, it is not adverse to her husband's family and does not make her the owner. She cannot deal with the property without the consent of her late husband's family, actual or implied from the circumstances. The court further held that no equity arose in the widow's favour through her long possession because it was acquired by her *qua* membership of her husband's family and with the consent, actual or implied of the family. The court held obiter, that if a husband dies without a male child, his real property descends to his family, his female child(ren) do not inherit it according to Onitsha custom. A husband may during his lifetime allocate a house or parcel of land to the separate use of his wife. However, unless an outright gift is established thereby, the property so allocated

[20] Placide Tempels, *Bantu Philosophy*, (Paris: Presence African 1969) pp. 51-52.
[21] There are however, a few exceptions with respect to Onitsha native custom. See the decision in *Ukeje v Ukeje* (2001) 27 WRN 14.
[22] *Nezianya v Okagbue* (1963) ALL NLR 358.

will, on the demise of the husband, still revert as family property. In *Chinweze v Mazi*,[23] the Supreme Court held that under customary law, a wife has only a life interest in the property of her deceased husband and if she dies, her interest extinguishes.

It seems therefore apposite that the only circumstances under which the native rule of inheritance would not apply are where the husband or father either distributes his estate *inter vivos* as gift to the wife or female child(ren) in the presence of family members as witnesses or by testamentary disposition by way of a Will.

4. Customary Inheritance and the Validity Question

Various enactments enabling the courts to apply and enforce customary law also set conditions for determining the validity of the specific customs or rules of customary law sought to be applied and enforced. For instance, by the provisions of paragraph (a) of sub-section (1) of section 5 of the Customary Court Law of Enugu State supra, a Customary Court shall subject to the provisions of the Constitution[24] and the Customary Court Law administer the customary law prevailing in the area of jurisdiction of the court or binding on the parties to a dispute, so far as that customary law is not repugnant to natural justice, equity and good conscience nor incompatible either directly or by necessary implication with any written law for the time being in force.

Besides the foregoing requirements, sub-section (3) of section 18 of the Evidence Act 2011 imparts the requirement of ' public policy' test but failed to define the purport thereof. Yet, the rule of customary law must not be contrary to public policy. What constitutes ' public policy' like ' national interest' seems to escape precise definition . The term ' public policy' is a fluid concept but conveys the most basic concepts of justice and morality and the dynamics thereto which society regards as sacred. Public policy us judicially pronounced to connote the ideas in vogue for the time being in a community as to the conditions necessary to ensure communal welfare such that anything which is generally regarded as injurious to communal interest is treated as against the public policy. Thus, public policy is not fixed, but fluctuates in accordance with changing circumstances of the time.[25] This yardstick appears to be uncertain and sometimes unpredictable since it is based on the preferences of the individual assessor. It seems susceptible to the problem of lack of certainty and predictability.

With respect to the incompatibility test, it is almost always a daunting task to determine whether a particular custom is compatible with any written law for the time being in force. This is because this yardstick presupposes the knowledge of all written law in force. Such knowledge may be too farfetched. Besides, it seems even doubly daunting to determine whether such custom is impliedly or indirectly incompatible with such written law.

It seems that interpretation based on the repugnancy test will depend on the individual doing the appraisal and the prism through which he does it. It is thus, a subjective exercise, If however, the repugnancy test means ' fair and just or conscionable' as Professor Gaius Ezejiofor opines,[26] then such ' fairness' cannot be understood in abstraction. It must be encapsulated within the existential realities of a people as accepted by them. Thus, while some native customs of yesteryears such as human sacrifice and the like may be said to be ' barbaric and uncivilised' much less can it be a justification for wholesome condemnation of the entire Igbo customary law and its underlying ontology which has *a priori* assigned gender roles.[27]

5. The Validity Question and the Emerging Contest

The 'validity question' has given greater impetus to gender activists to reinvent political fervor and launch a relentless ' war' on the status quo with respect to women inheritance. It seems very doubtful however, whether these needless gender wars impact positively on human society. In some instances, activism has been overstretched to the detriment and disquiet of social harmony. A few instances well suffice to buttress the point.

In *Ukeje & Anor Ukeje*,[28]the Court of Appeal declared a rule of Igbo customary law which disentitled a female whether born in or out of wedlock from sharing in the deceased father's estate as void, being in conflict with the

[23] (1989) INWLR (pt.97) 254 at p. 270.
[24] Constitution of the Federal Republic of Nigeria 1999 (As Amended), Hereafter,' the Constitution' .
[25]A. I. Okekeifere, ' The Enforcement and Challenge of Foreign Arbitral Awards in Nigeria' , *Journal of International Arbitration*, (1997, Vol. 14, No. 3, p.236. see also *Okonkwo v Okagbue* (1994) 9 NWLR (pt. 368) 301 at p. 321.
[26] G. Ezejiofor, ' Sources of Nigerian Law' in C.O Okonkwo (ed), *Introduction to Nigerian Law* (London: Sweet & Maxwell, 1980) p.43.
[27] See for instance the interpretations of the *idi-igi* and *ori-ojori* rules of Yoruba customary law in *Dawodu v Danmole* (1962) I WLR 1053. See fuller details in A.O.Obilade, *The Nigerian Legal System*, (London: Sweet & Maxwell, 1979) pp.100-110; O.N.Ogbu, *op cit* (n.23)pp.112-129.
[28] (2001) 27 WRN 14.

provisions of section 39 of the Constitution of the Federal Republic of Nigeria 1979 which is similar to section 42 of the extant Constitution. The said section outlaws all forms of discrimination on grounds of circumstance of birth.

In *Mojekwu v Mojekwu*[29] Niki Tobi JCA (as he then was) observed as follows:

> …In my humble view, it is the monopoly of God to determine the sex of a body and not the parents. Although the scientific world disagrees with this divine truth, I believe that God, the Creator of human beings, is also the final authority on who should be male or female. Accordingly, for a custom or customary law to discriminate against a particular sex is to say the least an affront to the Almighty God himself…

The same case got to the Supreme Court on appeal as *Mojekwu v Iwuchukwu*[30] due to substitution of one of the parties. The apex court held that in the determination of who was entitled to the statutory right of occupancy over the property known as No.61 Venn Road South, Onitsha was not in accordance with the Nnewi custom of *Oli ikpe'* but the *lex situs* rule of *kola tenancy* of the Mgbelekeke family of Onitsha which entitles female inheritance. In *Uke v Iro*[31] the Court of Appeal took the view that rights of all sexes are protected under the Nigerian Constitution. According to Pats-Achalonu JCA (as he then was): 'any law or custom that seeks to relegate women to the status of second class citizens, thus depriving them of their invaluable and constitutionally guaranteed rights, are laws and customs fit for the garbage and should be consigned to history'.[32] On a seemingly similar note, in *Nzekwu v Nzekwu*[33], the Supreme Court held that any Onitsha custom which postulates that an *Okpala* has the right to alienate the property of a deceased person in the lifetime of his widow is barbarous, uncivilized and repugnant to equity and good conscience.

It is instructive to note that a generalized approach to this issue without any attempt at distinguishing matters appropriately will almost always result in absurdity and injustice. The art of distinguishing was aptly applied by Hon. Justice G.C. Nnamani, President of the Customary Court of Appeal of Enugu State, with admirable and uncommon distinction in *Michael Eze & Ors v Agnes Nnamani*[34] In that case, the plaintiffs in a representative capacity sued the defendant at the Customary Court, Mbuluanwari sitting at Ugwuomu Nike seeking a declaration that they are entitled to the customary right of occupancy as beneficial owners over three parcels of land, two of which are situate at Ngene Obidi along Abakaliki Expressway Akpuoga and one situate at Obodo Akpuoga Nike, property of Okorie Nwa Aneke of the said Akpuoga community. They also sought a perpetual injunction restraining the defendant, her agents, servants or privies from entering the land without their prior consent and authority. Okorie Nwa Aneke died intestate without a surviving male child. Although the plaintiffs (now appellants) and the defendant (now respondent) are cousins, the respondent is a surviving daughter of the said Okorie Nwa Aneke (deceased) but is married and living with her husband in her matrimonial home. The appellants' claim was predicated on their performance of the funeral rites of late Okorie Nwa Aneke as his closet kinsmen under the native law and custom of Akpuoga Nike. The respondent contended on the other hand, that she was qualified to inherit her late father's estate first, because she took care of him till death; second, because her late father gave the estate to her in appreciation of her love and care; and third, because she performed the funeral rites of her late father. At the conclusion of trial, the Customary Court entered judgment In favour of the defendant. Dissatisfied with the judgment, the plaintiffs appealed to the Customary Court of Appeal of Enugu State praying for the setting aside of the said judgment and urging the court to enter judgment for the appellants. One of the issues raised for determination in the appeal is: 'Whether the respondent is entitled to inherit the estate of her father under the custom of Akpuoga Nike in the circumstance of this case and if answered in the negative, whether non-entitlement is repugnant to natural justice, equity and good conscience'.

Allowing the appeal, the Customary Court of Appeal of Enugu State per Hon. Justice G.C.Nnamani relied on relevant portions of the evidence adduced by the parties before the Court below, particularly the evidence of the PW4, the traditional ruler of the parties. Overwhelming evidence on the customs of Akpuoga Nike shows that 'the funeral rites of a man who dies having no surviving male child but daughters who are married, are performed by his kinsmen'. The court also observed that the application of this custom in Igbo land is so rife that judicial notice of it can be taken.[35]

[29] (1997) 7 NWLR (pt. 512) 283.
[30] (2004) 11 NWLR (Pt. 883) 196.
[31] (2001) 1 NWLR (pt723) 196.
[32] *Ibid*, at p.202.
[33] (1989) 2 NWLR (PT.104) 373.
[34] (2017) 1 ESCCAR 215.
[35] *Ibid*, p. 234.

Justice G.C. Nnamani drew from his concurring judgment in *Columbus Chukwu & Anor v Kelvin Obasi & Anor*[36] as follows:

> …Does a woman continue to retain domestic legal capacity in his maiden home after she had become lawfully married to her husband and his family? Exactly what is the meaning, connotation and implication of marriage? Marriage entails legal severance of the married woman from her maiden roots and fusion with her husband and his people in a legal bond that is only broken upon divorce (and we dare add,' or death). Payment of the bride price and hand over of the bride to the groom and his people create this legal bond and fusion.

Thus, his lordship came to the conclusion that the obligation to perform the funeral rites of the deceased and consequently inherit his estate was that of the appellants and not the respondent. By virtue of marriage, the respondent now belongs to another family. With respect to the second limb of the issue raised for determination, that is, whether the non-entitlement of the respondent to inherit her deceased father' s estate was repugnant to natural justice, equity and good conscience, his lordship distinguished the instant case from the decision of the Court in *Ukeje & Anor v Ukeje supra*. The *Ukeje* case as noted earlier abhors discrimination on grounds of circumstance of birth of a female child pursuant to subsections (1) and (2) of section 42 of the Constitution.

Justice G.C. Nnamani clearly showed that in the *Ukeje* case, the respondent, Miss Gladys Ada Ukeje, an acknowledged biological daughter of L.O.Ukeje (deceased) who was married to a German national was already divorced and she indeed, tendered the judgment in her divorce proceedings (Exhibit 1). Thus, she was ' once again an Ukeje and *a fortiori* qualified to co- inherit her late father' s estate irrespective of the circumstances of her birth. In the *Eze v Nnamani* appeal, the respondent is firmly married and living with her husband. And so, ' with her marriage still subsisting, her case does not fit into the narrow compass of *Ukeje v Ukeje*.. According to his lordship, a different consideration would have applied if the respondent was a spinster or divorced and is back into her maiden family.[37]

It is important to note as the court did in the *Eze v Nnamani* case that the concept of natural justice, equity and good conscience is based on rights and does not operate in vacuo. The respondent has no right to perform her late father's funeral rites. Such right resides with her late father's kinsmen. Thus, the absence of the respondent's legal right banishes the idea of repugnancy from the said Akpuoga Nike native law and custom. Accordingly, the court held that the non- entitlement of the respondent to inherit her late father's estate under the said custom is not repugnant to natural justice, equity and good conscience.[38]

6. Conclusion

In the light of the philosophy of native ontology, the gender roles attached *a priori* thereby have yielded positive gains. If for instance, a native community is under violent invasion, it is the duty of men, not women to confront the violent threat. Similarly, interior home management, particularly in the kitchen department is a duty thrust on women. Kitchen and food affairs are within the domestic domain of women, not men. Such is the natural ontological order of native communities. Take further concrete gains such as the *Idu uno* ceremonies; the double funeral rites phenomenon; the *Omugo* roles and the *Oriaku* syndrome; to mention just a few, which are attached to women qua women. These cultural practices have not provoked gender rivalry from men. The critical question that calls for consideration is whether a fierce struggle snow-balling into the politics of gender chauvinism could be the solution to settlement of the seemingly vexed question of women inheritance at customary law. There is scarcely any doubt that a married woman from ontological perspective earns her inheritance in her matrimonial home through her children. Thus, a growing contemporary tendency whereby married women who are blessed in their husband's homes still revert to their maiden homes to contend for land sharing with their male siblings is contrary to Igbo culture and custom on inheritance. Crass legalism in the face of tacit resistance at the communal level might prove counter-productive. The needless politics of women inheritance at customary law will vanish in the face of proper comprehension and appreciation of the underlying philosophy of ontology of native custom viewed from the prism of native people. Is it not therefore conceivable, to subtly seek a resolution of the seeming *impasse* by borrowing a leaf from the Biblical Jewish experience as recorded in Numbers 27:1-11?[39] Therein, the daughters of Zelophehad entreated Moses to allow them inherit their late father' s estate since their father had no male heirs. Moses, upon enquiry from God, resolved the issue in their favour. This appears to be the better way to go in addressing this unfortunate vociferously aggressive tendency.

---

[36] Suit No. CCAE/128/2010, Judgment delivered on 29/03/2011, cited with approval in *ibid*, p. 235.
[37] *Ibid*, pp. 234 – 237.
[38] *Ibid*, p. 237.
[39] The *Holy Bible, op cit* (n.1).