

## INVESTIGATING DAUGHTERS' INHERITANCE IN IGBOLAND: THE AWGU CUSTOMARY EXAMPLE

By

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### **Abstract**

*In Igbo land, there is a raging controversy over daughters' inheritance. Some cultures say that daughters do not inherit landed properties from their parents rather they inherit movable properties; that it is only immovable properties that they do not inherit because they are meant to be married to other families. This work investigates daughters' inheritance in Awgu. The study is a survey research and it is carried out in Awgu. The population of the study incorporates Awgu titled men who are knowledgeable in the area of inheritance, and young men who have inherited properties from their parents. Data were collected through oral interviews and from books relating to the topic. The data collected are analyzed using functionalist theory propounded by Emile Durkheim to showcase the functions of family as a social structure where culture and tradition of the land are transmitted to the younger generation so as to maintain order and stability in the society. It finds out that indeed, Igbo culture does not leave her daughters to go empty handed on inheritance issues. They are given properties at marriage (dowry) which will help them to settle down comfortably in their husband's homes. A father is allowed, in Igbo culture, to give his daughter a parcel of land outside his ancestral home in the olden days as an expression of gratitude to that daughter of his for taking good care of them (her parents). This work is condemning the idea of a daughter inheriting landed property from the parents. The research therefore recommends that this custom of inheritance in Igbo land be retained as it strives to avoid rift between brothers and their sisters's children-umudjala.*

**Keyword: investigation, daughter, inheritance, Igboland and customary**

### **1.0 INTRODUCTION**

Igbo culture has been instituted in such a way that a female child should marry out to another family from her biological family. In this new family, she builds her own home and is expected not to come back to her father's house to seek for land property. In most parts of Igboland, the land ownership system of the Igbo people is that lands are owned by kinsmen and families. If women are given landed property to take to their marital homes there might be quarrels over mixture of land among paternal families and in-laws, villages or towns. This is what the Igbo people wanted to avoid. In so far as land ownership is family by family and kinsmen by kinsmen, it is difficult for a married daughter and her children to own some of her father's landed property because this will bring disorder in the process of land ownership.

So many things have been written about daughter's inheritance in Igbo land. Obiagbena (2014:16) reported that the Supreme Court of Nigeria upheld the right of female children to inherit properties in Igbo land. The researcher, moved by this judgment, wanted to investigate whether the Igbo custom denies daughters the inheritance of property and why it is so. Igbo culture takes care of the inheritance issue both for male and female. In Igbo land, inheritable property is divided into two categories: the moveable and immovable properties. The movable property is called *Akụnwerejẹgha*, while immovable property is called *akụenweghiniegha*. Moveable properties include cars, clothes, kitchen utensils, farming implements etc, while immovable properties include houses, land, and economic trees like bread fruit trees, palm trees, coconut trees and pear trees. These economic trees are called *Osisina- amị ego*, this means that they yield money for their owners.

When a father dies, his properties are shared among his male children because if the female children were married before his death, he would have settled them during the period of their marriage ceremonies through dowry endowments. If they were not done, the brothers would be obliged to settle them by procuring moveable properties like utensils, cutlery etc. for them when they eventually marry. According to a respondent, the father has the right when he is alive to give his daughters a piece of land or a house or even an economic fruit tree. The daughter makes use of the proceeds as she lives, but when she dies, the properties automatically return to her patrilineal home. The Igbo culture believes that a girl is born to marry out to another family to start her permanent life. This is not suggesting that she is an outcast or less valued than the male; rather it is a customary maintenance of family stability. At a marriage ceremony, the Igbo pray for male and female children for the couple - *omumunwokenaomumunwaanyi*. This shows that the Igbo cherish their daughters and have set the standard for them to be married in order to have respect. That is why they frown at waywardness of their daughters who refuse to get married. This is why marriage is contracted only after the suitor and his relative must have inquired about the girl's family, her father and mother's behaviour as well as her siblings' trait. The information gathered give the social dispositions of the prospective wife's family.

The controversy about female child's inclusion in inheritance is supposed not to be so because if the father is wealthy but died intestate and the siblings love themselves, they will provide dowry for their sister at marriage ceremony. This therefore represents her own share of her parent's wealth. In the olden days, the parents provided their daughters with farming implements, food crops, kitchen utensils and seedlings of various crops, economic trees and even a parcel of land. In this contemporary age, the parents give out modern utensils, cars and even a house that is outside the ancestral home for the daughter and her new family. Therefore, there is no gainsaying that Igbo female children are denied of their father's inheritance. If land is reserved it means that a daughter may no longer take her marriage serious because her own parcel of land where she can build her own house or dispose of is waiting for her at her father's house. This might constrain her from being governable, humble and submissive which results to family instability. This development may lead to separation or divorce, and the consequent vices among the younger generations are threatening the society. In Ohafia where matrilineal society is practiced, it is only the sons of the married daughters that inherit moveable property.

Many writers and commentators say that daughters in Igbo land are excluded from inheriting their father's property. This is not so. The daughters of the Awgu Igbo inherit property from their parents during marriage ceremony but they inherit moveable properties only. This work wants to clear the air of ignorance that concerns female inheritance, due to the land ownership system of the Igbo people. If a female child is given a land by her father, it is expected that at her death, that land automatically reverts to her patrilineal property. This study will create awareness to Igbo daughters on why they are not given landed properties as inheritance. This will bring to the notice of those criticizing Igbo custom of inheritance the reasons why the Igbo people practice their type of inheritance rite. Scholars, educationists, students and teachers will benefit from this study in terms of comparison of Igbo daughters inheritance and other ethnic groups.

## **2.0 Literature Review**

In this review of relevant literature the researcher want to study what was written in the past in order to do justice to this work. The literature review is divided into two for clarity purposes. The two are theoretical framework and empirical studies

### **2.1 Theoretical Framework**

In this study, functionalist theory by Durkheim is used to highlight the functions of the family in bequeathing its possession to its younger ones and the functions of each male and female child of the family in Igbo culture areas. Parsons (1977:27) believes that order, stability and co-operation in society are based on value consensus, and that is, a general agreement by members of society concerning what is good and worthwhile. This work agrees with Parsons because the Igbo people believe that excluding daughters from inheriting immovable properties from their parents is good to them because it will bring order and stability in their society. The family as an institution in the social strata of the society has the function of transferring its culture from the older generation to the younger one.

Akhter (2016:3) opines that all social system shares certain functional prerequisites which must be met if the system is to survive and operate efficiently. One of such prerequisites, he says, is role allocation and performance. This means that all roles must be filled. They will be filled by those best able to perform them. The functionalist perspective attempts to explain social institutions as a collective means to meet individual and social needs. In the functionalist perspective, societies are thought to function like organisms, with various social institutions working together like organs to maintain and reproduce societies. Institutions come about and persist because they play a function in society, promoting stability and integration. The researcher agrees with Akhter. There are role allocations in Igbo land, the first son acts as the head of the family after the death of their father, and the first daughter acts as the mother. This goes a long way in determining who inherit what. This shows that Igbo inheritance system has a function it is performing in the society that is maintaining order and stability.

### **2.2 Empirical Studies**

Inheritance in Igbo land was designed by the progenitors to suit their cultural inclination. The Igbo valued their children both male and female but the male were

more preferred because it was the male that would continue the family lineage. The type of land ownership in Igbo land made them bequeath their landed property only to their male children in order that their land would remain with their kinsmen for their future generations to inherit.

Erinosho (1977:8) observes that “women are inhibited from inheritance by restrictions imposed by tradition and culture”. In Igbo culture, these restrictions were imposed for stability and order to maintain their society. They wanted to avoid conflict in land dispute among their sister’s children (*umudiala*). Emarievbe (2005:67) attempted a trace of inheritance, he opines that traditionally, the girl is not recognized as an important member of the family as the laws of inheritance are patrilineal, restricting the willing of properties to males. Corroborating Emarievbe, Kassim Oghator (2005:45) observes that “*ndiombuonụobondeozi*” which means that women are ‘a property of another family. This is not so. That a girl does not inherit landed properties does not make her less important in Igbo culture, it is the girls that have the functions of taking care of their aged parents and even have very crucial burial rite to perform during the dressing of the parents’ corpses.

Ojiako (2005: 103) also looks at inheritance as she avers that “traditional system of land tenure is lopsided in the sense that it did not provide for land inheritance or ownership by women”. If lands are owned by women, will it belong to her children or her father? If it is her children, then it still means that it is her husband’s property but if it is for her father, it then means that her brothers will inherit it. That is why the Igbo culture maintains that lands are for males in order to avoid instability in the family. If a woman wants to buy land, she buys it in her husband’s or son’s name. By this, she has handed the ownership of the land to her husband and children.

Oserogho (2014:3) as well contributes when he states that inheritance in Nigeria is determined by the customary rules of where the deceased person originates and not by where he resides or lives, or where the property is situated. This means that every part of Nigeria has custom that is governing its inheritance rite. The Igbo people should try as much as possible to maintain their own. In his own view, Goiton (2014:6) has interest in inheritance in Igbo land. He says that the inheritance rules of the Igbo ethnic group appears to largely favour males offspring of a deceased person. Inheritance of individually owned land generally follows the principal of the primogeniture. Nmah (2002:92) opines that as regards the right to inherit her father’s landed property where a man is survived by daughters, but is not survived by a son, the daughters have no right to inherit his compound or any of his other lands or houses.

### **2.3 Methodology**

The type of research design used for this study is survey research. This research design according to Osuala (1987:358), is to investigate by selecting and studying samples chosen from populations to discover the relative incidence, distribution, and interrelations of sociological and psychological variables. To investigate daughter’s inheritance in Igbo land, oral interview was used as the source of data collection. Twenty people were interviewed, two from each village of Awgu town. Information was also collected through the use of audio-recording tape which the researcher later use for proper analysis.

### 3.0 Data Presentation and Analysis

Here, we are going to present and analyze the data gathered during the course of this research.

#### 3.1 Inheritance in Igbo land

Inheritance in Igbo land is act of somebody alive taking over the properties of somebody who had died. These properties include all the gains and losses of the deceased. In Awgu Igbo land, those qualified to inherit someone's property at death include, mother, father, husband, wife, children, siblings, kinsmen and in-laws. Friends cannot inherit their friends' property at death in Igbo land. The time for inheritance in Igbo land is usually after the funeral ceremony of the deceased. This is because if there is obstruction in terms of money for the person's funeral some of his properties would be sold in order to raise money for the funeral.

Inheritance can be shared during the determinations of the will (*ikeekpe*). Wills can be prepared while the parents are alive. They can do this by stating who inherits what. Traditionally there is a laid down rules to be followed by parents in order to distribute their properties to their children. If parent did not make any will, it is after their death, burial and funeral ceremonies that kinsmen will gather to share their properties among their children. During life time, a parent, especially the father, has exclusive right to give a portion of land, house or economic tree to any of his daughter's he deems fit. This immovable property will return to her father's family after her death. Obeta (2015:3) says that in most traditional societies, females do not exercise the rights of inheritance over their father's property. Though they could benefit from their father's estate or property, such gestures are normally extended to them by their father out of his personal consideration while he is alive. And even at that, such gesture cannot include any portion of land within his ancestral home. Inheritance in Igbo land has shown one of the functions of the family which is to bequeath its wealth and property to its male children for continuity in the lineage. Family, being the most important stronghold of structure of the society is where the culture of the society is transferred from one generation to the other. These cultures help in maintaining order and stability in the society. This trait observance of inheritance allocation agrees with functionalist theory of everyone accepting roles allocated to him, and, thus, making society peaceful and stable in function

**3.1.1 Moveable property:** This is the property that can be moved from one place to another. Moveable properties include farming implements (like hoes, machetes, tapping loops, baskets, (*abọ*) diggers, etc.), utensils like mortars and pestles, pots, plates of various sizes, clothing materials and sleeping mats. These properties can be inherited by both male and female children in Igbo land.

**3.1.2 Immoveable properties:** Are the properties that cannot be moved from their natural situations to other places. These include lands, houses and economic trees *osisina-amị ego*. These properties can only be inherited by male children in Igbo land because it is only the male that can stay in his parent's house and continue his lineage. The female are marry out to other homesteads. Kassim–Oghiator (2005: 45) avers that *ndịombuonubodondeozo* which means that women are property of other family; daughters cannot go to their husband's house with immoveable properties. The

function of male child is to make sure that his father's homestead and lineage is not overgrown with weeds. That is why the Igbo people give such name as *Amaefuna*, *Amaechina*, *Obiefuna*, *Obiechina*, *Amaajuoyi* etc.

### 3.2 Types of inheritance in Igbo land

There are two main types of inheritance in Igbo land: they are patrilineal inheritance *iri ekpe n' itu agburu nanna* and matrilineal inheritance *iri ekpe n' itu agburu na nne*.

**3.2.1 Patrilineal inheritance:** This is the practice of somebody getting his own share of property from his deceased father. This happens at one's place of birth. This type of inheritance entrusts the male children with inheriting both moveable and immovable properties. This is the practice in most towns of the Igbo culture areas including Awgu.

**3.2.2 Matrilineal Inheritance:** This inheritance occurs when someone inherits moveable properties from one's mother's place of birth. The town noted for this type of inheritance in Igbo land is Ohafia. Awgu people do not practice this type of inheritance.

### 3.3 Procedure For Inheritance in Igbo Land

There are laid down rules by Igbo tradition for inheritance.

**3.3.1 First son (*diokpara*)** – First son has a special privilege in Igbo land. This is so because he is the *of*holder of that family. In Awgu, the first son is entitled to his father's homestead - *obi* and the economic trees thereof. He and his brothers will share the rest of the immovable properties equally. He takes care of all the moveable properties of his late father. Goitom (2014: 6) observes that inheritance of individually owned land generally follows the principal of primogeniture when a man dies. This shows the functions of the first born sons in the family. He assumes the role of the head of the family at the death of his father, and maintains law and order in the family.

**3.3.2 The last son:** The last son inherits his mother's hut (*mkpuke*) and the land around it, all the immovable properties of the mother and the economic trees thereof. This is because it is assumed that last born sons are still young at the death of their mothers

#### 3.3.3 Daughters

First Daughter – This has fundamental task to perform in Igbo land. She has the responsibility of taking care of her aged parents. That is why she has special privilege in inheritance. One of the male respondents, UlaoguOnwu said that the first daughter inherits her mother's moveable properties in Awgu town but she shares them with her sisters. In some cases, during the course of taking care of her father, she may be given a portion of land and the economic trees thereof. This land is made known to his brothers. She will own this land and farm on it as long as she lives, as soon as she dies, this land automatically returns to her father's lineage. This is because her children cannot come from another village to lay claims to a land in their maternal family. Land ownership in Igbo land makes it necessary for people to own land around where they live. Obeta (2015:3) observes that in most traditional societies, the female children do

not exercise rights of inheritance over their father's property. Though they could benefit from their father's estate or property such gestures are normally extended to them by their father out of his personal consideration while he is alive. And even at that, such gestures cannot include any portion of land within his ancestral home. This shows that the Igbo daughters can inherit something from their father, but it is only a consideration between them and their fathers. Such daughters might have been of good behaviour. In this modern time, they can even buy them houses outside their fathers' ancestral homes.

During the marriage of a daughter, her parents normally give dowry. This was a type of inheritance from her family in the olden days. The dowry includes farming implements and crops, like hoes, machetes, yam cocoyam etc, utensils, mortar and ingredients like pestle, baskets, palm oil, pepper etc. In this modern time the bride is given modern kitchen equipment like cooker, refrigerator, etc television, sewing machine, car; and even a house that is built in any city. This shows that the Igbo people do not let their daughters go empty handed. They give them their own shares of their properties during marriages. They do not want them to come back and start struggling with their brothers over properties at their deaths. They, through this gesture, perform their function which is maintaining order and stability and where there is among siblings, the females especially ones who have married ordinarily, do not come back to their fathers' houses to ask for any share from their property.

**3.4 Exceptional cases:** In Awgu, if a man has only female children, he has the right to ask the first daughter to stay in his compound and bear children in his name after the traditional *nrachinwaanyi* ceremony is done. NwukoMgbekeocha, one of the respondents said that if a woman is unmarried for any reason, she is given a portion of land by his brothers to build her own house as well as land to farm on. Divorced and separated women are equally given lands to farm on, but their children are made to understand that they are not from that family. They are expected to go back to their paternal home in future when they want to build their own houses.

Inheritance tradition investigated is a sociological system in the larger organism, the Igbo society, where various social institutions work together to maintain the society. Working together is a functionalist idea. So, inheritance tradition works, sustains and strengthens the Igbo society.

#### **4.0 Summary of Findings, Recommendation and Conclusion**

##### **4.1 Findings**

The researcher made some findings. They are: Daughters in Igbo land inherit moveable properties.

They are not left empty handed as presupposes by less-informed and uninformed outsiders.

They do not inherit immovable properties because they are meant to be married to other homesteads.

If a man has only female children he is at liberty to bequeath his properties to his first daughter provided that the *Nhachi* ceremony is done according to the custom of the land.

They are given their own share of inheritance during their marriage ceremonies. This shows that they should keep themselves intact for marriage in order to enjoy this privilege.

Those that look after their aged parents by cooking for them, washing their clothes and administering medicine on them may be rewarded better than others, their father may bequeath immovable property like land, house or economic trees to them.

Nowadays, the father may decide to give her daughter some of his estates, business shares, account in the bank and include these in his will, but part of the estate assigned will not be in his ancestral home.

#### **4.2 Recommendation**

In Nigeria today, there are customs and traditions that are detestable, like widowhood practice etc. They should be banned. In customary and high courts, abound many cases bothering on inheritance issues. Widows who have children should be allowed to inherit their husband's property in order to nurture their children. The courts and law makers in the country should legislate against females struggle over their late father's properties with her male siblings because if their fathers had considered assigning any to them they should have done so before their death.

Also, the ruling of the Supreme Court of Nigeria on the case of female child inheriting part of her father's property should be revisited because the Igbo culture has laid out procedure for that. This is currently pitching brothers against their sisters. Parents should, as a matter of urgency, give their daughters their own share of their properties when they are still alive. Traditionally parents have the right to do so. If parents fail to do that, then they do not want their daughters to inherit their property. Igbo parents should write their will. They are always afraid of writing a will while alive. They equate it with death and this has been causing a lot of rifts among siblings. The Igbo people should embrace their good culture and do away with detestable ones. They should always remember that *Nkemamakabuezigboafa*. Now that education is the back bone of the society, every parent should educate their daughters to enrich society. They should open businesses for them if there is no job. An educated self-confident daughter does not need to come back to her father's house to struggle over inheritance issue.

#### **4.3 Conclusion**

The Igbo people have various cultures that help them in maintaining order and stability in their various communities. One of the functions of a family is to bequeath its wealth to its children. In the olden days, wealth is bequeathed to both sons and daughter. A son gets immovable properties and a daughter gets moveable properties. This has always been observed as the investigation has found out. The observances of a cultural area make the area function peacefully for political, social and economic well-being. A current discordant sound being beaten by many cultural iconoclasts negates the societal function of family inheritance. Things have changed. The tradition of giving the sons immovable properties have also changed. Parents can decide to give their daughters house or economic trees but they should do so during their life time to avoid trouble in their family.



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