

## WIDOWHOOD, JUSTICE AND THE RULE OF LAW IN AFRICA: NIGERIAN - IGBO PERSPECTIVE

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### Abstract

*Widowhood practices and rituals dehumanize women as against the claim made by Okoro that widowhood ritual and rites are not meant to dehumanize any specie of humanity [man or woman] as both species are indispensable part of each other and as both play important but distinct roles in maintaining the ontological harmony that nature needs to operate freely and smoothly as to attain its selfhood" (Okoro, 2018). This study has shown that widowhood practices vary in Nigeria and even in Igbo land but noted the general patterns among the Igbo. The paper extrapolated that widows are subjected to the various practices, such as wailing, ritual confinement, accusation of being responsible for the death of the husband, deprivation of property etc. because of the patrilineal nature of Igbo culture, which generates the customary laws and advocates for education and awareness programs especially for the rural women and the reformation of the customary law.*

**Keywords:** Widowhood, Justice, Rule of Law, Africa, Nigeria, Igbo

### Introduction

This work is intended to create awareness about one of the neglected areas in our society and to show the importance of the topic especially as it affects the lives and experiences of widows. It further illustrates the continuous struggle for gender equality and women's human rights. This topic is essential for a number of reasons.

In the first place, the study of women as a vital and autonomous social force, as well as the treatment of their wealth and woes, is an intrinsic part of the overall social dynamics of every society. The failure to focus on the conditions in which widows live in many different cultures and countries is particularly reprehensible considering the

seriousness of the deprivation suffered, and how badly it affects their welfare and that of their children. (Sossou, 2002, p. 201)

Marriage is what determines widowhood, be it customary/traditional marriage or Church marriage, court or Islamic marriage. To be a widow means that there was a marriage contracted between the widow and the deceased. It further means that there was an agreement between the two, to be part of each other. Marriage is a covenant by which a man and a woman establish between themselves a partnership of the whole life (cf. CCC n.1601). by the exchange of consent, the partners willingly and mutually give and accept each other in a bond makes the two into one. This bond confers some rights to the contracting parties. The severance of this bond through death of a party is not only painful but also traumatic. It creates one into a widow or widower. Marriage is the reason why widowhood exists. To be a widow means that there was a marriage between the widow and the deceased. It further means that there was an agreement between the two, to be part of each other. Marriage is a personal, physical, psychological, emotional and spiritual bond between a man and a woman. This bond is natural. The two publicly take vows or oaths and agree to live as one flesh for life. They agree to share everything in common in all its aspects. For example, to share in their thoughts, emotions, desires, purposes, actions, as two who should know, enjoy and seek each other, and think and do nothing without the other. It is indeed, the closest relationship human beings can ever possibly experience. This union is so close, so binding, so powerful, so comprehensive and far-reaching that, as long as both of the spouses live, it cannot be broken, that is under normal circumstance except on the ground of death. Where then lies the justice, that a woman who lived and labored with the husband, shared everything in common be inflicted with so much pain apart from the terrible pain she goes through for losing her husband. It happens that the principle in marriage in which all goods are held in common is quickly forgotten at the moment a man dies. sometimes, even before the funeral ceremony is over, the widow is dispossessed of everything she labored with her husband and be left with little or nothing. This separation of losing her husband through death brings her to the state of widowhood.

Widowhood simply means a man or woman who is traditionally married, whose husband or wife is dead and has not yet remarried. "Men who are in this condition are referred to as widowers, while female counterparts are termed widows." (Muonwe, 2016, p.134). It simply means the state of losing one's

husband or wife. It is a road that either the man or the woman must pass, which means that one of them could die before the other. It is on rare occasions that both die at the same time or within a short period of time. The concern of this work is on the death of a husband, that is, a widow not widower. The loss of a partner is very devastating and a very difficult one to bear, no matter how wealthy or well placed the woman might be in the society. Its effects are enormous. Under normal circumstances the loneliness it brings is horrific. The widow finds herself lonely even in the midst of a crowd; she is often moody, sad, despair, exhausted, hopeless etc. Apart from these,

for many women, that loss is magnified by a long-term struggle for basic needs, their human rights and dignity. They may be denied inheritance rights to the piece of land that they relied on for livelihood or evicted from their homes, forced into unwanted marriages or traumatizing widowhood rituals. They are stigmatized for life, shunned and shamed. And, many of these abuses go unnoticed, even normalized." (UN Women, 2018).

The experience generally changes the life of the woman. She will never be the same. The question is, why is it that men whose wives died before them are not treated likewise? Why the discrimination, or unequal treatment? Above all where is justice? This remains a problem facing the African people and particularly the Igbos. Discrimination against women has been defined by Article 1 of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women as

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (CEDAW, 1979).

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including: to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting

discrimination against women; to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises. Iruoma thus reported, "in May 2015, that the federal government signed into law the Violence Against Persons (Prohibition) (VAPP) Act to protect people against various forms of violence, including harmful widowhood practices. It was the first-time federal law has expressly granted widows protection from abuse, but enforcement is weak." (Iruoma, 2018).

Discrimination against women in particular societies takes different forms, especially that of widowhood. "Right now, there are an estimated 258 million widows around the world, and nearly one in ten live in extreme poverty. As women, they have specific needs, but their voices and experiences are often absent from policies that impact their survival." (UN Women, 2018). Thus, it requires the utilization of differential strategies in different historical epochs and societies. These will continue to be a problem until all the factors responsible for its existence, maintenance and institutionalization are understood and eradicated. Before looking into the Igbo widow's world, brief analysis of Igbo people's perception of women will be given.

### **Igbo People's Perception Of Women**

In the Igbo worldview, women are seen as second class and "subservient beings." (Udemmadu, 2019, p. 92). They are seen as inferior to their male counterparts. This can be shown through their languages and proverbs. For example, *Mma/Ugwu nwaanyi bu di ya*. (the beauty/ prestige of a woman is derived from her husband). *Ka aka ha nwaanyi kaoga-atukwasa di ya* (lit. It is the extent of a woman's hand that she will place on her husband's body; which means that the support a woman gives to the husband depends on the extent of her ability. This implies that the role of women in a marriage relationship is reduced and limited to supportive role. *Agboghò mejuru ò tinye ikè n'ùsekwi*. (When a lady lives to her satisfaction, she puts her buttocks in the kitchen.' ((Mmadike, 2014, p. 100). "Umeh stated that in Igbo man's opinion, the word "nwaanyi" (woman) means *nwa nyiri nne na nna ya* (A child who is difficult for the parents to control). Myths, legends, folktales and proverbs in Igbo present women as a good for nothing better than any other property." (Udemmadu, 2019, p. 96) As captured by Omenukor,

gender sensitivity was very high in Igboland. In virtually every sphere of life, boys and girls, men and women had their roles and

knew what was expected of them. Boys were brought up to see themselves as the future heads of the family and to see themselves as superior to the girls. A boy's father would employ every means of coercion and hardship reasonable enough to ensure that he removes all traces of softness or any womanish traits from his son. According to Emeka-Nwobia men are viewed as demigods in Afikpo cultural society. A woman irrespective of her education and societal attainment is expected to silently yield to her husband's will and dictate, even when it is not convenient to her. Any woman who dares challenge her husband's authoritarian nature or insists on her own view is called, 'nwoke nwaanyi' - man woman. (Udemmadu, et al 2019).

The Igbo traditional society lay more emphasis on the male child. The prefer male off-springs to female. "The reason for emphasizing male off-springs and de-emphasizing female ones is clear; it is the male and not the female ones that would succeed their fathers (after death), inherit their property (2) and perpetuate their lineage". (Egboh, 1979, p. 305). Generally, the Igbo see the man (husband) as the shelter, the glory and the pride of the wife. Therefore, the death shows the vanishing of the shelter, the glory and the pride of the woman. Based on this culture, the death of a woman's husband, therefore involves a very significant drop in her social regard and prestige, which somehow makes her less deserving of respect than her married counterparts. One could therefore say that her glory has eluded her. (Muonwe, 2016, p. 115).

### **The Igbo Widow's World**

This is an area that not so much books have been written. It is an area that is neglected "yet its reality stares people in the face.... that is why...the very little information available on the subject may be described as raw or unprocessed information" (Muonwe, 2016, pp. 116-117). Part of the reason as presented by Ahonsi is that "these authors, majority of whom are men, are both gender-biased and gender-blind. Thus, they have conceived of widowhood as constituting a serious social problem that needs an in-depth scientific examination." (Muonwe, et al, 2016).

Widows in Igbo land face many hurdles. Widows are subjected to things like wailing, shaving of hair, kept in dark rooms for days with little or nothing to eat, sometimes they are made to sleep in the same room with the corpse of their dead husbands and the water used in bathing the dead man is given to the

woman to drink. This is to prove that she is not responsible for the death of the husband. Any attempt to contest this is met with stiff resistance and name-calling. This is because the family members and relatives will start asking questions, such as: how are we sure she has no hand in the husband's death by any means? Who knows if she is not involved in any extra-marital conjugal relationship? What happens after the mourning period? Will she return to her family after the period of mourning? Will she agree to marry any of her husband's brothers or other male relatives? How much is she entitled to from her late husband's estate? If refused to be inherited by any male relatives of the deceased husband, she will then face the question of what property belongs to her. Most often, there is even no question with regard to property inheritance. Outside her husband, she owns nothing. Sometimes if the woman is said to have good behavior, they could allow her to occupy the matrimonial home until her death, but this is not also guaranteed. She could be sent away if she was in the village. If she and her husband had lived elsewhere, his relatives could and often did come and seize the property, leaving her with nothing.

Many widows have narrated their ordeals of this kind. The most common experiences are: the demand of the deceased documents from the wife by the relatives, documents of his land properties, investments if any, bank account, shaving of hairs, wearing of black/white clothes, sleeping on the floor or mat, refrain from taking bath for a period of time, being made to take an oath with the husband's corpse or water used in bathing the corpse to prove her innocence of the husband's death or to prove that she submitted all the documents of the husband's property and lastly seclusion. Thus,

Nwanegbo... makes us to understand that, in some parts of Igbo land, when a man dies the wife will tie a wrapper over her chest without a blouse. She must not talk to anybody and will not have her bath until her husband is buried. After the burial, the 'Umuada' (daughters of the man's ancestors) will come to shave her hair, bath her in an open compound, only having the privacy of being surrounded by the Umuada. Callous in-laws conspire to apply vicious burial rites to dehumanize the embattled widow. They confront her with questions on how and when the deceased husband died, the circumstance that led to his death, what she did to save him from dying and her extent of contact with the late husband's family before his death? Where the explanations are not satisfactory, the widow must drink the water used in bathing the

corpse of her husband to prove her innocence. In fact, there is no end to the humiliating punishment encountered by widow under the cover of native laws and customs. (Olukayode, 2015, p. 69).

A confidant, widowed in 1960, described her experience as follows:

When my husband died, the Umuokpu took me to the back of the house. They first of all put their left and right fingers into my mouth and stretched my two hands behind my back. They removed my earrings and necklace and changed my wrapper for an old one which I was to use during the whole period before the burial. They gave me food in a broken calabash and fed me with their left and right hands simultaneously. For four days, they brought me out every morning and made a fire at the back of the house to warm my hands. After the fourth day one of the women who was also a widow accompanied me to the market for the final ritual. At the marketplace, I sat down and opened four different packs of green leaves that did not contain anything. As I opened each pack, I said "I have sold out evil luck and may evil and bad luck be far away from me". This was done late at night to prevent people meeting us along the way. (Korieh 1996, p.18)

In some places before the burial, and immediately after the burial, up to seven to fourteen weeks while funeral visits still take place, the widow is supposed to be secluded in a most restricted manner, while her food is also cooked in old pots rather than those normally used for cooking for other members of the family. Also, they were to sleep on old mats placed on wooden planks which would be burnt at the end of the mourning period. If a woman dies during the one-year mourning period, she is perceived as being responsible for her husband's death and therefore commits an abomination (Olukayode, 2015, p.69). There are other inhuman treatments given to a widow but just to mention this few. It is interesting to know that these burial rites are often carried out when a woman loses her husband and not when a husband loses his wife. This therefore raises concerns on how discriminatory our customs are.

### **Widow's Deprivation Of The Husband's Property**

There is need to elaborate more on the issue of inheritance after the death of the widow's husband. This is one of the most painful aspects of the

maltreatment which the widow receives after her husband's death. The question is: has the woman or widow any right to inherit the husband's land or property, which they labored together to acquire, after his death?

Over the years, in most parts of Nigeria, including the Igbo cultural traditions and practices are patrilineal where men exercise dominance over women in material, sexual and moral spheres and are unwilling to relinquish such powers. In some parts of Nigeria if not all female children and widows have suffered so much neglect and exclusion due to cultural beliefs and tradition. Until the introduction of the English law, practice of writing wills that brought about the concept of testacy, intestacy was the rule and it was governed by customary law. The only customary practice of the concept of wills was at the occasional instances of a dying man indicating by a death-bed declaration how his property was to be distributed after his death. In fact, at customary law, "a widow is not entitled to share in the property of the deceased husband. In *Oloko v. Giwa*, the court held that generally, widows do not inherit their deceased husband's property. They are only allowed to remain in the house and a portion of farmland given to her" (Mordi, 2017, p. 19). This was further explained by Anyebe that in some of Nigerian customary laws "a woman is more like a chattel to be sold by her parents to her husband to whom she becomes after the payment of the purchase price, the dowry." (Anyebe, 2018, p. 5). Paying of dowry is understood by many Igbo as selling off the female child. This could explain why some fathers in particular refuse to spend in training the female child. Some of them sometimes say, when she marries, her husband will train her. This is also the reason why upon the death of the man (husband), the woman is not only deprived of the right to inherit his estate, but she also becomes part of the estate of the dead husband. Anyebe continued with these words,

In relations to Inheritance rights under Customary Law in Nigeria, there exist as many variations as there are ethnic groups in the country. One rule of customary law that is however common to virtually all is the law of intestate succession which is to the effect that the widow has no place and can never inherit from her husband on intestacy. Among the Igbo and Bini, etc. customary law, the primogeniture principle governs. The eldest son may at his discretion distribute to his younger brothers to the exclusion of his sister. In the eyes of most customary laws, the widow is considered a chattel and may be object of inheritance by the male members of the household particularly a full blooded brother of the



deceased since customary law marriage extends beyond the life of the husband, the death of the husband does not dissolve the marriage....it is a well settled rule of native laws and custom of the Igbo people that a wife could not inherit her husband's property since she herself is, like a chattel, to be inherited by a relative of her husband". (Anyebe, 2018, p. 8)

Regina Obodoeche also voiced out her pain as presented by Rose thus, "we are destitute. I married my late husband 15 years ago when he had nothing, but now, his wealth is attracting his relatives who have disinherited my two teenage daughters and me of property I toiled with him to acquire." (Nwaebuni, 2013). She further said that

when Obodoeche returned to Lagos, after the mourning period was over, she discovered that her husband's relatives had sold off the family house, cars and other properties jointly acquired by her husband and herself. Assets including a building and other properties were confiscated. Local custom laws were used to dispossess both the widow and her daughters, without their knowledge. (Nwaebuni, et al)

Margret also narrated her ordeal after the death of her husband who had been a businessman and Margret a housewife working in their farmlands, tending their house cattle and crops. "After her husband's death her in-laws stepped in and took over all the property, leaving Margret with nothing but the clothes on her back, driving her off the land which she had tended for so many years." (Jacqueline Dorr, 1991). Richard Mordi has this to say, "the widowed woman cannot take possession of her husband's land or belongings because she herself is part of his possessions. How can property inherit another property?" (Onyemelukwe, 2015). He concludes that it is the payment of bride price that makes a woman into property that can be inherited. Another writer says, the widow becomes an "object of inheritance rather than subject of inheritance" (Ibid.). Catherine Onyemelukwe further said that

Many writers have raised the issue of women's rights as human rights, maintaining that the practice of denying inheritance to widows, and even worse, letting widows be inherited as property, is inhumane and counter to treaties to which Nigeria is a signatory, in addition to being contrary to the Nigerian constitution. There is no doubt a conflict between

all these Igbo traditional practices and the recognition of women's human rights. The tradition says the first son inherits; he may share with male siblings but not female. (Onyemelukwe, 2015.)

As far as the Igbo culture is concerned,

a woman married under the customary marriage law had no legal right to her husband's property, whereas the husband, in virtue of the bride-price he provided, had legal right to wife's property. According to this argument a wife could not inherit the property of her deceased husband; she could only do so indirectly through her son if she had one. This suggests that the marriage contract which gave the husband legal right to his wife's property failed to recognize the wife's legal right to her husband's property. (Egboh, 1973, p.307)

Even though the Supreme Court has voided the Igbo law and custom, which forbid a female from inheriting her late father's estate, on the grounds that it is discriminatory and conflicts with the provision of the constitution on the section 42(1)(a) and (2) of the 1999 Constitution. The question and problem are, would the Supreme Court decision be implemented in Igbo land?

### **Factors Responsible For Widowhood Practices**

There is a reason behind every action responsibly taken by human beings. There are many factors responsible for the maltreatment of widows but few of them are analyzed below:

#### **Greediness And Jealousy**

Outside the existing selfish traditions, human greed and jealousy exist in the world and exist more in some families and villages. Some of these obnoxious traditions are put up by some greedy ancestors for their own selfish motives and thereby brought perpetual discrimination in the society.

#### **Superstitious Beliefs**

Another fundamental factor to an understanding of widowhood practices in Igboland is their attitude towards death. When a child is born, his or her birth

is celebrated and is seen as an occasion to jubilate and Igbo's sees the coming of the child as a natural happening in all circumstances, while death is seen as great and unredeemed tragedy even when it happens in extreme old age. If it happens to a young person, it becomes greater tragedy. It is seen as an abomination and therefore something or somebody must have caused such death. And so certain rights must be carried out to find out the cause of the death and the widow goes through some of those rites. Some of those rites are done so that the spirit will rest, if not "his soul will be wandering around and, in some cases, the dead man's spirit will be destroying things and hurting people in the community. So, the wife has to go through all these widowhood practices to appease the dead (Olukayode, 2015).

### **Dependency**

Many women are housewives. Majority are made housewives by their husbands by not allowing them to practice their career or handiworks. Such situations where wives depend solely on their husband for survival cause a lot of financial problems to the women after the death of their husbands as the husband's family members would want to lay claim to the deceased's property. If women are economically empowered, they would be able to stand up and refuse to compromise to these obnoxious widowhood practices.

### **Ignorance**

Some level of ignorance may be for lack of formal education or conscientization. We hear this adage which says that ignorance is a disease. Women are the ones crying about the widowhood practices. The question is who administers these rituals? The women too. Women are doing it because their culture introduced such to them and because of the respect they have for their husbands, they become faithful to evil actions against their fellow women. They believe so much in their culture and are therefore hard to be convinced otherwise. Even as these are going on today some educated women would not succumb to be abused and be maltreated in the name of culture because they are widows. It therefore becomes very important to show the girl child a way out of ignorance, which is by educating her. Education becomes a strong tool to eradicate these widowhood practices.

## **Patriarchy**

Patriarchy is actually the major factor that engineers these obnoxious practices. It is defined by Kate Millet as “our system of sexual relationship institutionalized in our social order whereby males rule females as a matter of birthright priority” (Ekpong, 2018). She further said that “the global patriarchal condition of women presupposes that she is victim while man is the oppressor. The image of woman as we know is an image designed by man to suit his needs” (Ibid). In Igbo culture as well as the whole Africa and beyond, the world is seen as ‘a man’s world’. Men are seen as the primary authority figures central to their families, social organizations, political leadership, moral authority, control of property, etc. This leads to little or no respect for the woman. Women are therefore being treated as no bodies. They are being oppressed and subordinated to men. “Ethnographic and anthropological studies have asserted that the African woman has a position and status that is in many ways definitely inferior to that of the African man, in spite of the fact that she does most of the hard work of supporting the family.” (Sossou, 2002, p. 203)

Part of the reason is because of the bride price they pay on the women. Payment of the bride price in Igbo traditional culture “point to the fact that traditional marriage did not recognize the equality of the spouses. Indeed, Igbo wives were known to refer to their husbands as *nnam-ukwu*, translated as “my big father”. (Egidike, 1999, p. 88). Payment of the bride price portrays the woman as a property sold, which the man can drop or transfer at any time. Sometimes, men use words like, ‘if you misbehave, I will take you back to your father’s house and collect back my money’, which sometimes is the case. Or they can at any time abandon the woman for another. This belief makes the in-laws to treat the wife without respect when the husband dies. Therefore,

Widowhood practices are borne out of patriarchal ego. When a man dies, there is a widow who must not only internalize a sense of loss but also externalize the pains for others to see. However, it is regrettable that when a woman dies, the tragedy also creates a widower who simply sits down for a couple of days to entertain visitors who come to commiserate with him over the death of his wife. Shortly afterward, he takes a wife without anyone raising any righteous anger against such an act. Our culture should be an amplifier of justice and not an author of unfair criminal discrimination (Ayodele, 2014, p. 6).

When my mother died, I was seriously observing what the tradition will ask of my father. I was shocked to observe nothing except that a widow was assigned to him to be cooking his food. Apart from sitting at home to receive visitors, he was even going to the farm to take care of his yams. Why is the man free to do whatever he wants in the name of tradition and women are being tortured? Why the maltreatment of the female folk? Why such traditions?

### **Poverty**

Apart from the patriarchal culture of the Igbo, jealousy and greediness, poverty is another root cause of the inhuman treatment to the widows. Poverty is the cause of the insistence by the brothers of the widow's husband to be in possession of their brother's property. Because they are poor, they will want to use the opportunity to loot everything that belongs to the dead man. Thus,

Poverty is the inability to live a decent life with respect to food, shelter, health care, and other social amenities. This is seen in the attitudes of most in-laws and villagers as they cling on to customs and traditions in handling the deceased possessions. The poor relations always feel that the death of their rich relative is a golden opportunity for them in elevating themselves from abject poverty. This is seen in the show of affluence demonstrated during the burial ceremonies by some families. Some wicked relations usually force the widow and her children into emptying their deceased father's bank account, all in the pretense that the most befitting burial must be accorded their late brother. They see this as an avenue to lavish the late brother's money and to ensure that the widow does not remove any property from the dead man's house. It is therefore not surprising that the widow loses all her deceased husband's property to the male successor within the late husband's family (Adeyemo and C. Wuraola, 2016, p.383).

### **Attitude**

Another factor responsible for the widowhood practices is the attitudes of the Igbos/Africans toward birth and death in a society. In fact, every Igbo person fundamentally hates death especially when it has to do with young people. Igbos celebrates the birth of a child. It is "an occasion for joy and as a natural phenomenon in all circumstances, while death is seen as a great and unredeemed

tragedy even when it happens in extreme old age. It is still a greater tragedy when death occurs in less than extreme old age. Unlike the birth of a child, death is never seen as fully natural." (Sossou, 2002, p. 203) This is part of the reason why they will always say that someone is responsible for the death.

### **Widowhood Practices As A Violation Of The Fundamental Rights Of Women**

The tragedy of losing a loved one should attract sympathy, empathy, and support from others, but the case of the widow is different in Igbo land and some other African cultures. The challenges widows face in Africa generally and in particular among the Igbo are disturbing. These challenges are brought about by harmful cultural practices, which undermine the fundamental human rights of women. As stated by Durojaye, no matter the form widowhood practices may take, "they include various forms of inhuman, demeaning, and barbaric acts that may endanger the life of a woman. Some commentators have argued that widowhood practices are not only tools to perpetuate gender inequality but are also barbaric, atrocious, unethical, and a gross violation of women's fundamental rights and freedom." (Durojaye, 2013, p.180)

Obviously, widowhood practices infringe among all on the right of the dignity of the widows and the right of equality and non-discrimination. The United Nations Charter and the UDHR are the foremost documents from which all other global conventions draw inspiration from. As presented by Gillian MacNaughton

Article 1 of the Universal Declaration of Human Rights then begins, "All human beings are born free and equal in dignity and rights." This article establishes equality as a core - perhaps the core - principle in the International Bill of Human Rights. Article 2 then states, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This article establishes nondiscrimination - status-based equality - as a core principle in the International Bill of Human Rights. References to equality also appear in several other articles in the Declaration, such as equality before the courts (article 10), equality in marriage and its dissolution (article 16), equality in access to public service (article 21) and equal pay for equal work (article 23). (MacNaughton, 2018, p.8)

Furthermore, The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) which was adopted on 11<sup>th</sup> July 2003 in Mozambique (WACOL, 2008), clearly stressed on the rights of women as stipulated by the African Charter. Article 1 explicitly explains key issues concerning women such as "discrimination, harmful practices and violence. Article 2 is wholly on the elimination of discrimination. Sub-section 1b calls on state parties to enact and implement appropriate legislation or, better still, put regulatory measures in place to curb all forms of discrimination and harmful practices which put the health and general well-being of women in danger. Article 2(2) underlines that:

State parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or stereotyped roles of women and men.

The rights of widows are also emphasized in Article 20(a), which says that the State parties should ensure that "widows are not subject to inhuman, humiliating or degrading treatment. Article 20(c) says that a widow "shall have the right to remarry, and in that event, to marry the person of her choice". Article 21(1) explicitly presented the rights of widow on the basis of "inheritance of the property of her deceased husband. This means that this document is another worthwhile legal instrument that clearly promotes women's rights against any harmful traditional practices. (Afolayan, 2011, p. 20)

Apart from the above-mentioned constitutions the Nigerian constitution also noted in Section 34 that 'Every individual is entitled to respect for the dignity of his person'. It goes further to say in paragraph (a) of subsection 1 that no person shall be subjected to torture or to inhuman or degrading treatment. Following all these, it becomes unarguable that widowhood practices are seen as cruel, inhuman, and degrading treatment against women. From evidences and stories of some widows, that some are forced to sleep on the floor, starved, accused of being responsible for their husband's death, deprived of properties owned by both couples etc. testify to the dehumanizing nature of these practices. These experiences do not cause the widows only physical and psychological pains but lead many to death. It therefore becomes very important that Igbo

leaders, especially traditional leaders and Nigerian and African governments should take appropriate measures to ensure that women are not subjected to inhuman, humiliating, and degrading treatment.

## **Solutions**

### **Individual responsibility**

Most widows suffer so much in Nigeria/Africa because they have nobody to speak for them or fight their cause. Many of them especially those in the village are ignorant of their rights, which make them more vulnerable than the educated widows or those in the city. This work therefore encourages us, those who know the law and are educated to fight for justice, defend the helpless, more so to fight against the maltreatment of the widows, because it is still very much alive in our society today, knowing quite well that it could be one's mother or sister someday. So, it calls for our individual responsibility to call a spade a spade. What is evil is evil and should be seen as such no matter who says otherwise. The Igbo and other Africans need to change their mentality, which sees woman as inferior to man. Women are human beings in the same way men are, the difference lies in their sexes, which are made to complement each other for better living.

### **Government And Church Commitment**

As mentioned above, The Universal Declaration of Human Rights (UDHR), The Convention on the Elimination of all Forms of Discrimination (CEDAW), The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) etc., these clearly condemn all forms of discrimination against human beings and urges the state parties to take appropriate measures to ensure the full implementation of these laws especially as concerns the development and advancement of women. Also, the Chapter 2, sections 15, 17 and 42 of the 1999 Nigerian Constitution prohibit discrimination and promote equality and justice. What this means is that, the citizens of Nigeria are obliged to respect, protect and fulfill these laws irrespective of gender. It is therefore important that the state parties should enact and implement appropriate legislation to curb all sorts of harmful practices and discrimination against women. The laws have been made; the problem is that of implementation.



The Church is also needed in this regard. Even though the Church has started doing something in different places, they need to do more because the church is one of the best channels through which the dignity and rights of women should be respected and protected. They should therefore endeavor to promulgate laws that protects both the image and interest of women. Most priests/pastors in Igbo land knows that women are in the majority in the Churches. They should be closer to the people, to know what happens during and after funerals, especially when a man whose wife is alive dies. So that they can help to abolish such ills.

### **Education And Awareness**

As mentioned above, many women in the villages are ignorant of their rights; therefore, there is need “for community education and public awareness. Besides, emerging women rights organizations, currently located in urban cities..., should extend their services to grassroots and local women by embarking on mass rights awareness education, providing free legal advice and shelter for the victims.” (Afolayan, 2011, p. 51). Furthermore, there is a *laissez faire* attitude among some women over these issues, solely because, it is not or going to be their headache. They have arrived at a level where no one can subject them to such inhuman treatment. Being indifference in this case should be a thing of the past. Women should rise to condemn this evil, especially, since the same thing widows are lamenting about are usually enforced by the women themselves in the name of culture.

Emphasis should be placed on enlightenment programs to make women realize that they are fundamentally equal in personality and dignity with men. Women should see themselves as equal in human dignity with their men folk and as a result, must have free hand to plan their lives without any disabling or de- personalizing cultural practices or prejudice or taboo. Igbo women, like their men, should be free to live their lives without any cultural obstacles. (Chukwu, 2014, p.57)

What is obvious is that these cultural practices were not enacted by women against themselves because in Igbo culture, women are not part of decision making and enacting laws. So, if men make these rules and hang them on women to enforce, then, it is time to let the women know that they have been

in this bondage for so long and need to be liberated. And this project can only be successful if women come together and unite. Men are the beneficiary, so you do not expect them to be in the fore front of this battle for liberation.

Education is empowerment, and knowledge is power. Since it cannot work if women come out directly to say that they want to stop such cultural rules that have existed for ages, indirect approach becomes important. Let the women be empowered, so that if every widow begins to say no to such rules, gradually, the rules will be abolished. In addition, even though many men will not agree to change the rules that are beneficial to them, those who are not in support of the rules, for example, priests/pastors, lawyers etc. should help, "as with any great movement, the group seeking change relies heavily on the group from which they seek the change. Men are in positions of social, political and legal power" (Afolayan, 2011, p. 52), so their support is crucial, since the laws made by them are not only discriminatory to women but also oppressive.

### **Reformation Of Customary Laws**

According to Muonwe, "customary law has been described as a set of norms that derives informally from established way of life, mores, practices, and traditions of a particular people, seen by them as legally binding to their members." (Muonwe, 2016, p.178). This law is orally transferred from one generation to another. They are legally recognized. As presented by Muonwe,

As regards the nature of customary law, what accounts mainly for its peculiarity is its mode of development. Unlike other pieces of legislation, it grows from the largely informal social practices and agreements of a people. It has been portrayed by Bruce Benson as a law that develops from below or from bottom up, as opposed to those emanating from above and imposed either by a sovereign, a legislature or a supreme court. In the words of Berman, they are on the ground. Because of this, Lon Fuller has described them as the tacit commitments that develop out of interaction and as a language of interaction. (Muonwe, 2016, pp.180-181)

The customary has its advantages and disadvantages. Among the advantages is the fact that customary law is a law made through people's way of life, practices etc., it therefore becomes easily adopted and "generally more

acceptable.” (Muonwe, 2016, p. 181). Its unwritten nature also makes it flexible and easily accessible to people mostly in the village, which means that it can easily be changed. One of the disadvantages is that “customary laws are basically male-generated, no wonder it has been seen by many to be unfavorable to women” (Muonwe, 2016, et al). The reality of man as a selfish being manifested itself greatly in the creation of the customary law. That is the more reason why its reformation is necessary since many have realized its weaknesses.

## Conclusion

Widowhood practices and rituals dehumanize women as against the claim made by Okoro that widowhood ritual and rites are not meant to dehumanize any specie of humanity [man or woman] as both species are indispensable part of each other and as both play important but distinct roles in maintaining the ontological harmony that nature needs to operate freely and smoothly as to attain its selfhood” (Okoro, 2018). This study has shown that widowhood practices vary in Nigeria and even in Igbo land but noted the general patterns among the Igbo. The paper extrapolated that widows are subjected to the various practices, such as wailing, ritual confinement, accusation of being responsible for the death of the husband, deprivation of property etc. because of the patrilineal nature of Igbo culture, which generates the customary laws and advocates for education and awareness programs especially for the rural women and the reformation of the customary law.

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