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GENDER AND INHERITANCE IN IGBO SOCIETY: A CRITICAL EXAMINATION OF WOMEN'S RIGHTS, CUSTOMARY PRACTICES, AND SOCIAL JUSTICE

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Abstract

This article critically examines gender and inheritance in Igbo society, focusing on the relationship between customary practices, women's property rights, constitutional equality, and social justice. Inheritance is not merely an economic transaction: it is connected to kinship, belonging, intergenerational responsibility, family identity, and the security of dependants. Nevertheless, some customary succession practices have privileged male descendants and exposed daughters and widows to disinheritance, particularly in relation to land and houses. The article adopts a qualitative doctrinal and critical literature-review approach, drawing on Nigerian constitutional provisions, Supreme Court decisions, and African scholarship on customary law and women's property rights. It discusses the implications of *Ukeje v. Ukeje* (2014) and *Anekwe v. Nweke* (2014), while distinguishing the cultural importance of family continuity from customs that discriminate on the basis of sex. The article argues that customary law is neither uniform nor unchanging and that legitimate cultural values can be preserved while discriminatory rules are reformed. It recommends legal literacy, community dialogue, gender-sensitive civic and social-studies education, accessible legal assistance, and clearer legislative protection for surviving spouses and daughters. It concludes that equitable inheritance strengthens family welfare, women's agency, children's educational security, and the legitimacy of customary institutions.

Keywords: Igbo society, inheritance, customary law, women's rights, gender equality, social justice, legal education

1. Introduction

Inheritance is a major institution through which families transfer property, maintain relationships across generations, and define responsibilities after the death of a family member. In Igbo communities of south-eastern Nigeria, inheritance may involve land, houses, farms, family businesses, personal belongings, and responsibilities associated with the family home. The rules

and expectations governing succession vary across communities, families, property types, marriage circumstances, and the personal arrangements made by the deceased. It is therefore inaccurate to describe Igbo inheritance as a single, identical system practised everywhere. Even so, scholarship and litigation have documented forms of male preference that have disadvantaged female descendants and widows (Anyanwu, 2014; Edu, 2016; Ojilere et al., 2019).

Gender discrimination in inheritance is consequential because property is a source of shelter, livelihood, social standing, and economic independence. A daughter who is excluded from her father's estate may lose access to land or housing despite her contribution to family welfare. A widow who is denied security in the marital home may face displacement, poverty, and pressure to depend on her husband's relatives. These outcomes can affect children's schooling, nutrition, health, and stability. Adeleke and Diala (2024) identify the continuing controversy surrounding women's claims to inherit from their fathers and deceased husbands, while Diala (2014) argues that traditional inheritance rules must be reconsidered in light of contemporary social and economic conditions.

The central issue is not whether culture should be respected. Culture is important to identity and social continuity. The issue is whether every practice described as customary should be maintained regardless of its effects on dignity and equality. Customary law develops through community practice, adjudication, legislation, and changing social expectations. A practice's historical presence does not by itself establish that it is fair, universally observed, or legally enforceable. This article therefore considers how Igbo inheritance customs can be understood in their social context while being assessed against constitutional principles and the requirements of social justice.

The article has particular relevance to education and policy. Schools, universities, community education programmes, and public institutions can help people understand the relationship between cultural traditions, citizenship, gender equality, and the law. Education cannot by itself resolve property disputes or replace legal reform, but it can improve legal awareness, encourage informed discussion, and reduce the assumption that discriminatory practices are inevitable or legally unquestionable.

2. Statement of the Problem

Despite constitutional protection against specified forms of discrimination and judicial decisions rejecting sex-based exclusion from inheritance, some women continue to experience barriers when asserting property claims within families and communities. A gap may persist between formal legal rights and everyday access to those rights. Family pressure, lack of information, the cost of litigation, emotional ties, fear of social exclusion, and uncertainty about the applicable succession

rules can discourage women from challenging discriminatory decisions. Moreover, a judgment in favour of a claimant does not automatically produce broad awareness or consistent compliance in every community.

A further problem is the tendency to treat customary law as fixed and uniform. Such a view obscures local differences and the capacity of communities to reinterpret traditions. It can also cause reform efforts to appear hostile to culture when their actual aim is to distinguish valuable principles—such as family solidarity and responsibility for dependants—from discriminatory outcomes. The problem addressed here is how inheritance practices can be critically assessed and reformed in a manner that protects women's rights while engaging respectfully with Igbo social values.

3. Aim and Objectives

The aim of this article is to critically examine gender and inheritance in Igbo society in relation to customary practices, women's rights, and social justice.

The specific objectives are to:

• explain the social and cultural significance of inheritance in Igbo communities;

• examine the ways in which some customary succession practices disadvantage daughters and widows;

• analyse relevant constitutional provisions and Nigerian Supreme Court decisions;

• consider the implications of unequal inheritance for family welfare and educational opportunity; and

• propose culturally informed, rights-based measures for improving inheritance justice.

4. Research Questions

• What social and cultural functions does inheritance perform in Igbo society?

• How do some customary inheritance practices affect daughters and widows?

• How do constitutional equality principles and judicial decisions address discriminatory inheritance rules?

• What are the implications of unequal inheritance for family welfare and educational security?

• What legal, educational, and community-based measures could promote fairer inheritance practices?

5. Methodology

This article uses a qualitative doctrinal and critical literature-review method. It analyses relevant provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), selected Supreme Court decisions, and scholarly publications concerning customary inheritance and women's property rights. The principal legal authorities discussed are *Ukeje v. Ukeje* (2014) and *Anekwe v. Nweke* (2014). The scholarly sources include work on inheritance law in southern Nigeria, gender equality in Igbo society, and reform of customary property rules (Adeleke & Diala, 2024; Anyanwu, 2014; Diala, 2014; Edu, 2016; Ojilere et al., 2019).

The analysis is interpretive rather than statistical. It does not claim to represent every Igbo community, nor does it report new interviews or fieldwork. Its conclusions are based on the legal and scholarly materials cited. Since customary law can differ between localities and individual circumstances, any particular dispute requires examination of the relevant facts, the nature and ownership of the property, the deceased's marital and testamentary circumstances, applicable state legislation, and current judicial authority.

6. Conceptual Clarification

6.1 Gender

Gender refers to social roles, expectations, and power relations associated with being identified as male or female in a particular society. In inheritance, gender becomes relevant when rules or family decisions give a person different access to property because that person is a daughter, son, widow, or widower. A critical gender analysis asks whether the distinction serves a defensible family purpose or instead entrenches unequal status and economic dependence.

6.2 Inheritance and succession

Inheritance refers broadly to the transfer of a deceased person's property or interests to successors. Succession rules determine who may inherit, what may be inherited, and how property is administered or distributed. The applicable rules can depend on whether the deceased left a valid will, the type and location of the property, the marriage regime, relevant statutes, and the customary law established for the community. Accordingly, no single statement should be taken as a complete rule for every Nigerian estate.

6.3 Customary law

Customary law is a body of community-based norms recognised and applied within Nigeria's plural legal system, subject to constitutional and statutory limits and the tests applied by courts. Customary law is not necessarily written or uniform. Its content may be disputed, and courts may need evidence of the relevant custom. It can also change as communities reinterpret norms in response to social and legal developments. Edu (2016) cautions that inheritance rules in southern Nigeria have often disadvantaged women and argues for scrutiny against constitutional and other legal standards.

6.4 Social justice

Social justice concerns fair treatment, equal dignity, meaningful opportunity, and protection against unjust exclusion. In inheritance, it requires attention not only to the formal wording of a rule but also to its practical effects on shelter, livelihood, family security, and participation in community life. Fairness does not necessarily require every estate to be divided into identical shares in every circumstance. It does require that a person should not be automatically excluded simply because of sex and that decisions should be governed by lawful, defensible, and transparent principles.

7. Theoretical Framework

7.1 African communitarianism and relational responsibility

African communitarian approaches emphasise the relationships connecting individuals to families and communities. Mbiti (1969), in his broad account of African religious and social thought, foregrounds the significance of communal life and relationships. Applied carefully, this perspective helps explain why inheritance in Igbo society is more than an individual transfer of assets: it may preserve a family home, support dependants, and maintain obligations across generations. However, communitarianism should not be interpreted as requiring an individual—especially a woman—to surrender her rights for the convenience of the group. A community is strengthened when its members are treated as persons whose dignity and welfare matter.

The concept of relational responsibility also provides a useful way to reassess primogeniture. In some settings, the eldest son's role has been understood not merely as a privilege but as a duty to protect family property and support dependants. Diala (2014) describes this as an inheritance-with-responsibilities principle and argues that changing social conditions can erode the assumptions on which it rests. Where responsibility is used to justify control of property, the duty should be clear, accountable, and proportionate; it should not become an automatic basis for excluding daughters or widows.

7.2 Gender justice and equal dignity

A gender-justice perspective examines how social institutions distribute rights, resources, responsibilities, and decision-making power. It is especially relevant where customary rules appear neutral in their language but produce unequal results, or where a woman's access to property depends on having a son, remaining unmarried, or obtaining the goodwill of male relatives. Equal dignity requires that women be recognised as family members and potential heirs in their own right. This approach does not deny cultural difference; it asks that cultural practices remain consistent with the constitutional protection against discrimination.

8. Inheritance in Igbo Society: Social Meaning and Variation

Inheritance may connect a family to its ancestral land, compound, lineage identity, and history. Family property can be understood as an economic resource as well as a symbol of continuity. In some families, the eldest son has traditionally played a prominent role in managing the family home or coordinating obligations to relatives. Yet the practical arrangements vary, and it is important not to assume that every community or family follows the same rule. Customary inheritance practices may differ in relation to ancestral or communal property, individually acquired property, land, houses, personal effects, and property acquired jointly by spouses.

Traditional norms can also distinguish between the authority to administer property and the beneficial right to own or inherit it. These concepts should not be conflated. A family member may be assigned responsibilities for preserving a house or organising family obligations without being entitled to treat the property as exclusively personal. Conversely, a woman's participation in maintaining a household or contributing to family resources should not be dismissed merely because formal title or customary management has historically been associated with a male relative.

The social meaning of inheritance is therefore complex. A defensible account of Igbo tradition should recognise kinship, obligations, and local variation while avoiding romanticised claims that all traditional rules are fair or that all are discriminatory. The proper question is how particular practices operate, whom they benefit, whom they burden, and whether they can be reconciled with the rights and welfare of all family members.

9. Gendered Effects of Customary Inheritance Practices

9.1 Daughters and inheritance from their fathers

One of the most prominent legal questions has been whether a daughter may be excluded from her father's estate because she is female. In *Ukeje v. Ukeje* (2014), the Supreme Court of Nigeria

held that an Igbo customary rule disentitling a female child from sharing in her deceased father's estate was inconsistent with the constitutional prohibition of discrimination. The decision is significant because it affirms that a daughter's eligibility to inherit cannot be denied solely on the basis of her sex. The Library of Congress's account of the judgment notes the Court's reliance on section 42 of the Constitution (Goitom, 2014).

The ruling challenges the idea that daughters are necessarily outsiders to their natal families after marriage. Marriage may create new relationships and responsibilities, but it does not erase a daughter's familial identity or constitutional status. Excluding daughters can also deprive families of the economic and social contributions that women make throughout their lives. Nevertheless, legal recognition alone may not resolve every practical difficulty: women may still need information, documentation, support, and access to dispute-resolution mechanisms to assert their rights.

9.2 Widows and the marital home

A widow's position raises different but related issues. A widow may have contributed labour, income, care, or other resources to the household and may be responsible for children or other dependants. Yet some customary practices have treated her residence in the marital home as conditional or have enabled relatives of the deceased to pressure her to leave. Such practices can expose women and children to housing insecurity at the moment they are most vulnerable.

In *Anekwe v. Nweke* (2014), the Supreme Court strongly criticised discriminatory customary treatment of a widow and considered the validity of the relevant custom in light of justice and public policy. The case is frequently discussed alongside *Ukeje v. Ukeje* as part of a judicial movement against practices that undermine women's dignity and property interests (Ojilere et al., 2019). The precise rights of a widow in any particular estate will still depend on applicable law and facts; the judgment should not be simplified into a claim that every widow automatically owns all property of her deceased husband.

9.3 Male primogeniture and family responsibility

Male primogeniture—the preference for the eldest or a male child in succession—has sometimes been defended on the ground that a designated heir will preserve family property and discharge obligations to dependants. This rationale deserves examination rather than automatic acceptance or rejection. If an heir receives control because of an expected duty to support relatives, there should be evidence that the arrangement serves that purpose and safeguards the interests of all beneficiaries. Where the heir exercises control without accountability, or where daughters and

widows are excluded regardless of need or contribution, the practice risks converting responsibility into privilege.

Diala (2014) argues that urbanisation, labour migration, and changes in extended-family structures have weakened some of the assumptions behind traditional inheritance-with-responsibilities arrangements. This supports a reform approach that retains legitimate duties to dependants but makes them explicit and equitable. Family responsibility should be allocated according to fair principles and actual circumstances rather than sex alone.

10. Constitutional and Judicial Framework

10.1 Constitutional protection

Section 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) protects citizens against specified forms of discrimination, including discrimination based on sex and circumstances of birth. This provision is central to challenges against customary rules that exclude female children from inheritance. Section 43 recognises the right of every citizen to acquire and own immovable property anywhere in Nigeria, subject to the Constitution and applicable law. Section 43 should not be presented as a complete code of succession or as automatically determining the share of every heir; its importance lies in the broader protection of property ownership, read alongside relevant succession law and constitutional equality.

The constitutional position means that customary law operates within a wider legal order. A custom cannot be treated as valid merely because it is described as ancestral or widely practised. Where a customary rule conflicts with the Constitution, the constitutional standard prevails. The challenge for legal institutions is to make this principle accessible and effective in communities where family authority and informal dispute settlement may shape the practical outcome of inheritance disputes.

10.2 The significance of Ukeje v. Ukeje

In *Ukeje v. Ukeje* (2014), the Supreme Court rejected the exclusion of a female child from her father's estate under Igbo customary law. The Court's decision gives direct legal force to the principle that sex cannot be the basis for denying a daughter inheritance. It is an important authority for equality in succession, but it should be applied with attention to the specific estate, relevant procedural requirements, and the legal rules governing administration and distribution.

10.3 The significance of Anekwe v. Nweke

Anekwe v. Nweke (2014) is important for the treatment of widows and for judicial scrutiny of customs that humiliate or dispossess women. It illustrates that customary rules are open to legal examination and cannot be insulated from principles of justice by the mere invocation of tradition. Read together, *Anekwe* and *Ukeje* show the importance of courts in protecting women's dignity, while also demonstrating why legal awareness and implementation beyond the courtroom are necessary.

10.4 International and regional human-rights standards

International instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), provide important standards for evaluating gender discrimination and women's economic rights. The African Charter on Human and Peoples' Rights also affirms equality and non-discrimination. However, Nigeria's constitutional framework must be carefully considered: section 12 generally requires a treaty to be enacted into domestic law before it has force as Nigerian law in the ordinary domestic sense. Accordingly, international standards may inform analysis and advocacy, but an article should not claim that ratification alone makes every treaty provision directly enforceable in a Nigerian court.

The broader lesson is that customary law, constitutional law, statutes, judicial decisions, and international commitments interact within a plural legal system. Clear public information should explain both the rights that have been recognised and the steps needed to enforce them in a particular case.

11. Implications for Family Welfare and Education

Unequal inheritance is not only a legal or economic matter. It can affect educational opportunity by reducing a household's access to stable housing, land-based income, or resources needed for school fees, books, transport, and other learning expenses. When a widow loses access to the marital home or productive assets, children may face disruption, relocation, or pressure to leave school. These are plausible pathways linking property insecurity with education, although the scale of such effects varies and should be established through empirical research rather than assumed for every family.

Education also matters as a means of prevention. Civic education, social studies, law-related education, and community outreach can help learners understand equality, the role of customary institutions, and the difference between respect for culture and unquestioning acceptance of harmful practices. Universities and teacher-education programmes can include locally grounded case studies on inheritance, gender, constitutional rights, and conflict resolution. Such teaching

should avoid portraying Igbo culture as inherently discriminatory; instead, it should encourage evidence-based discussion of both valuable communal principles and practices that require reform.

Community education should also involve traditional rulers, kindred leaders, women's associations, youth groups, faith communities, legal practitioners, and local government institutions. Discussions are more likely to be productive when they recognise family concerns about continuity and responsibility while explaining why exclusion based solely on sex is incompatible with constitutional equality. The goal is not to replace family dialogue with litigation in every case, but to ensure that informal processes do not pressure women into surrendering rights.

12. Discussion

The evidence reviewed supports three main arguments. First, inheritance is a culturally meaningful institution, but its meaning cannot be reduced to male control of property. Family continuity, care for dependants, and stewardship of ancestral assets can be preserved without categorically excluding daughters or exposing widows to dispossession. Second, customary law is dynamic and internally diverse. Claims that a discriminatory rule is universal or immutable should be tested against local practice, legal decisions, and changing community values. Third, constitutional protection and judicial decisions are necessary but insufficient if women lack the knowledge, resources, or social support required to enforce their rights.

An important distinction is between equal status and identical outcomes. Fair inheritance does not require ignoring legitimate claims, debts, joint ownership, testamentary arrangements, or responsibilities to dependants. It requires that decisions follow lawful criteria and that sex alone is not used to deny a daughter's eligibility. Similarly, a widow's security should be considered in a manner that respects ownership rights and the interests of all lawful beneficiaries, rather than allowing relatives to dispossess her through intimidation or humiliation.

The literature reinforces the need for both legal and social reform. Edu (2016) identifies structural problems in inheritance rules across southern Nigeria. Anyanwu (2014) documents the relationship between customary practices and gender inequality in contemporary Igbo society. Ojilere et al. (2019) discuss judicial developments and remaining obstacles to women's property rights. Adeleke and Diala (2024) further highlight the continuing controversy surrounding widows' inheritance rights. Together, these sources suggest that legal principles must be accompanied by public education, accessible advice, and clear procedures.

Reform should also be locally engaged. When customary institutions are included in dialogue, they can help clarify property records, encourage mediation, and communicate lawful principles. However, community mediation must be voluntary and fair. It should not be used to compel a

woman to accept a smaller share, abandon a claim, or return to an unsafe situation. Where there is intimidation, violence, fraud, or a serious dispute over ownership, appropriate legal and protective services may be necessary.

13. Recommendations

13.1 Strengthen legal literacy. Government agencies, legal aid providers, universities, civil-society organisations, and community groups should provide accessible information on inheritance, estate administration, constitutional equality, and available remedies. Materials should use clear English and relevant local languages.

13.2 Promote community-led dialogue. Traditional rulers, kindred leaders, women's groups, youth associations, and faith leaders should be engaged in discussions that distinguish family stewardship from discriminatory exclusion. Dialogue should be grounded in constitutional principles and local realities.

13.3 Improve access to legal assistance. Legal aid and pro bono services should be made more accessible to daughters and widows, especially those who cannot afford prolonged litigation. Referral pathways should connect community organisations with qualified legal practitioners.

13.4 Encourage transparent estate planning. Where appropriate and lawful, families should be encouraged to maintain accurate property records, discuss succession plans, and seek qualified advice about wills, joint ownership, and estate administration. These steps can reduce uncertainty and conflict.

13.5 Review relevant legislation and procedures. Lawmakers and relevant authorities should review state-level succession and estate-administration frameworks to identify gaps that permit discriminatory outcomes. Reform should protect surviving spouses and children while respecting lawful property interests and due process.

13.6 Integrate gender-sensitive civic education. Schools, teacher-education programmes, and tertiary institutions should address equality, customary law, conflict resolution, and constitutional rights through culturally informed examples. Educational materials should avoid stereotypes and acknowledge variation among Igbo communities.

13.7 Support empirical research. Researchers should conduct community-based studies across different Igbo localities to document actual inheritance practices, women's experiences, dispute-resolution pathways, and the effects of property insecurity on household welfare and schooling.

13.8 Monitor implementation of judicial decisions. Legal institutions, researchers, and civil-society organisations should assess awareness and implementation of relevant judgments, identify barriers to compliance, and disseminate accurate summaries of the law.

14. Conclusion

Gender and inheritance in Igbo society must be understood through the connected lenses of culture, family responsibility, constitutional equality, and social justice. Inheritance can preserve kinship, family identity, and obligations to dependants; however, those purposes do not justify excluding daughters solely because they are female or subjecting widows to humiliation and dispossession. Nigerian judicial decisions, especially *Ukeje v. Ukeje* (2014) and *Anekwe v. Nweke* (2014), provide important authority against discriminatory customary practices. Their practical effect depends on public awareness, access to legal support, and consistent implementation.

The article argues for reform that is neither hostile to Igbo culture nor indifferent to women's rights. Communities can preserve valuable principles of solidarity, stewardship, and care while rejecting rules that deny equal dignity. Legal reform, community dialogue, estate planning, and gender-sensitive education should reinforce one another. More locally grounded research is also needed to capture the diversity of inheritance practices and evaluate the impact of reforms. Ultimately, fair inheritance practices can strengthen family welfare, protect children's educational stability, and support a more just relationship between cultural continuity and constitutional citizenship.

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