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Mitigating the Injustice of the Customary Law Relating to Inheritance of Landed Property by Women amongst the Igbo People of Nigeria

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Abstract:

Under the customary law of the Igbo People of Southeast Nigeria, women-wives and daughters, do not have right of inheritance especially of landed property. This is predicated on the customary law principle of primogeniture pursuant to which succession is through the eldest male in the family. Consequent upon this customary practice, women have suffered the injustice of discrimination and degradation in spite of the constitutionally-guaranteed rights against discrimination of any kind. It is perhaps in line with this realization, and in consonance with the current global trend of equality of all, irrespective of gender that Nigerian courts have risen to their responsibility in mitigating the injustice occasioned by this customary practice. This paper highlights and discusses the unjust customary practice of disinheriting the female gender, which is a derogation of the fundamental right against discrimination guaranteed by the constitution. The paper also examines the effort of the courts in mitigating the obvious injustice occasioned by the practice and makes suggestions for a more effective legal regime.

Keywords: Mitigating, injustice, customary law, inheritance by women, igbos, nigeria.

1. Introduction

The Igbos are found predominantly in the states of Anambra, Enugu, Imo, Abia and Ebonyi in South Eastern Nigeria. Some of them are also found in some parts of Rivers and Delta states also of Nigeria. (Oni, 2014). As a people, the Igbos have their peculiar customary law arrangement with regard to inheritance. This customary law arrangement which also has its variants amongst other tribes in Nigeria, is predicated on the cardinal principle of primogeniture. Under this principle, inheritance is by the eldest male in the family. The female gender, including daughters and widows do not have any right of inheritance. Thus, with regard especially to land and landed property, devolution of a deceased's estate is on the males to the exclusion of the daughter(s) and the widow of a deceased man. (Ifemeje & Umejiaku, 2014). This is so because succession is through the eldest male child of the deceased.

Put differently, under the customary law of the Igbo people, females do not possess the right to inherit any landed property in the intestate estate of a deceased man. That is to say, neither the daughters of the deceased man, nor his widow can inherit any of his landed property on his demise. This obnoxious custom has remained amongst the Igbos from time beyond human memory to the present despite the existence of a legion of legal frameworks expressing the equality of all before the law. The Constitutions of Nigeria have always had provisions prohibiting any form of discrimination on the basis of sex, religion, ethnic group or political affiliation (Constitution of the Federal Republic of Nigeria 1999). Yet even the courts in Nigeria found it convenient to lend support to this unjust customary law amongst the Igbos debarring women from inheriting any landed property of either their fathers or their husbands (Ugboma vIbeneme 1967) and (Ejiamike vEjiamike 1972).

However, in recent time, the courts have in a long line of judicial decisions, risen in defence of the fundamental rights of the female gender to inherit landed property not only of their husbands on their demise (Anekwe vNweke 2014) but also of their fathers (Ukeje vUkeje 2014) These decisions are predicated on the constitutional provisions proscribing discrimination of any sort. This is no doubt a step in the right direction and a great mitigation of the injustice occasioned by the customary law of the Igbo people divesting the female gender of the right to inheritance of landed property. This is the subject of this paper.

2. Succession and Inheritance under Igbo Customary Law

Since the beginning of time, succession and inheritance rights are established procedures of transferring economic, social and even Political Power in most societies. However, one of the issues which usually arise in most patriarchal societies, including the Igbos of Nigeria, has been the imbalance and unequal opportunities available to the male and female members of the community. (Obioha 2003). According to Unobagha (1995), this inequality which is most times sustained by the culture and practices of the society, are

traceable to religious injunctions, traditional beliefs and practices as well as late participation of women in national affairs including legislation. The sustenance of these inequalities encourage the discrimination which increase the incidence of the inequalities. In most Igbo societies just like in many other ancient societies, women are regarded as inferior to their male counterparts. (Abullah& Amah 1995). As such the female gender is looked upon as being incapable of owning, holding or inheriting any landed property. This illustrates the plight of women in Igbo communities. Although the rules of customary law on succession and inheritance amongst the Igbos are not uniform, the identifiable features that is common to all, is the principle of primogeniture. Under this cardinal principle, succession and inheritance is by the first born male in the line. (Nwogugu1999). This principle, which is also prevalent in the customary laws of other ethnic groups in Nigeria, determines the right to inheritance of property in Igboland (Oni 2014). Under this principle, succession and inheritance is through the eldest male in the family who is known as Diokpala or Diokpa or more commonly as Okpala. As was succinctly adumbrated by Oni(2014),

In the case of a nuclear family, succession is through the eldest male child of the deceased. With regard to the extended family, succession is through the eldest son of the ancestor and so on in that line irrespective of the fact that the Okpala may in fact be junior in age to other members of the extended family.

As can be inferred from the foregoing, on the death of the founder of a family, his eldest son succeeds him as the head of the family by virtue of which he is entitled to some special property from the estate of the deceased founder of the family. Thus, the most particular way of inheritance is a child inheriting his parents' estate. Under this arrangement, male children (sons) are the beneficiaries of their father's estate when he dies. The female children are completely excluded from sharing in their father's estate. The female children may however, share in some property of their mother like clothes and jewelries. If the deceased woman had landed property, that can only be inherited by the male children. The female children have no part in it. This discriminatory custom equally extends to the sharing of a spouse's estate upon death. While men take over and inherit their wives estate when they die, the women are excluded in taking part in the distribution of their late husbands' property. (Obioha 2003).

As it is, the only occasion when a female child may inherit her father's landed property is when a daughter accepts in the lifetime of her father, to remain unmarried in her father's house with a view to raising sons in her father's name. This practice is called "nrachi" of "nhachi". (Obi 2013). In most cases, this happens where a man is blessed with a large or substantial estate, but with no sons or male issues to inherit the estate. Such a man then, in his lifetime, in a ceremony with his immediate relatives present, announces that a named daughter of his, would stay back in his house and bear children. In the view of Oni (2014), the idea behind this practice is to save the lineage from extinction. We add however that the other logical and reasonable purpose of this practice is to prevent 'Scavengers' from devouring the estate of the man who had no sons of his to survive him.

In the circumstance, such daughter, as an 'nrachi, inherits her deceased father's estate including all his landed property. Thus, the legal interest of her father's estate vests in her until she begets her own children, but if she begets both male and female children as an nrachi, her male children, and not her female children, in accordance with the rule of primogeniture. (Oni 2014)

With respect to the right of women to succession and inheritance of especially landed property, until recently there is hardly any family in Igboland that regards an unmarried female as a person entitled to inherit property. This is so because the right of a woman to inheritance is usually subsumed under that of her husband. On the death of her husband, possession by a widow, of her husband's landed property cannot be adverse to the right of her husband's family. Thus, she cannot acquire an absolute right to the possession of her husband's estate against the family. All she has is a life interest (Nezianya vOkagbue 1963). It is to be noted however that this discrimination and injustice against women is not peculiar to the Igbo people, and it did not start from them. It is rooted in the eighteenth and nineteenth centuries conception of marriage in England and the rights and obligations of the parties under that relationship. This conception operated along the common law principle of coverture, which explicitly subordinated wives to husbands (Obidimma & Obidimma 2015). In the nineteenth century, William Blackstone (18) whose treatise on the laws of England was extremely influential throughout the United States of America and the Commonwealth as well offered a classic explanation which illustrates the subjugation of women. According to him:

By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least, is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs everything.... Upon this principle of an union of person in husband and wife, depend almost all the legal rights, duties and disabilities, that either of them acquire by marriage.

The principles of coverture united husband and wife by subsuming a married woman's civil and legal identity in the husband's and according husbands wide-ranging control over their wives. Under these principles as under the customary law of the Igbo people, wives did not have the right to own landed property. They did not have the right to own any property at all. They are part and parcel of what is to be owned. This perpetuated the idea that a woman is a piece of property owned by the husband. (Obidimma&Obidimma 2015). That was the beginning of the plight of women with regard to the right of inherit and own landed property in Igboland.

3. Judicial Support of the Custom of Disinheritance

The customary law of the Igbo people examined above does not appear to be predicated on the provisions of any statute. That is to say, that there is no law made by the legislature, which divests women of the right of inheritance and succession to landed property. It emanated solely from the way of life of the people influenced by traditional beliefs and practices. This fact notwithstanding, until recently, the courts, the bastion of justice, which is instituted to protect the rights and liberties of citizens, have lent support to this obnoxious customary law. Thus, in a long line of judicial authorities, the courts had given approval to the position that women lacked the capacity to inherit landed property. Thus, in Nezianya vOkagbue (1963), on the death of her husband, the widow took over his

landed property and put in tenants in the house she sold a portion of the land and used the proceeds to build two mud houses on another portion of the land. The only child she had for her late husband was a girl who predeceased her, but had a child before she died. When the widow wanted to sell more parcels of land in the estate, her late husband's family objected whereupon she devised the property to the late daughter's child who now sued the husband's family. She claimed the right of exclusive possession on the ground that the widow, her grandmother, had long adverse possession on the land. In dismissing the suit it was held that possession by a widow, of her husband's land, cannot be adverse to the rights of her husband's family to enable her acquire an absolute right to possession of the land against the family. In other words, a widow acquires only a life interest on such property. On appeal to the Supreme Court, even though the court accepted evidence to the effect that it was abundantly clear that a married woman, after the death of her husband can never, under native law and custom be a stranger to her deceased husband's property, the court nevertheless held that such a widow would not at anytime acquire a distinct possession of her own to oust the family's right of ownership over the property. Similarly, in *Ejiamike vEjiamike* (1972), the court held that a widow had no right of inheritance to her late husband's estate and that the eldest son has the right to manage and administer the real estate of his deceased father for the benefit of himself and his brothers.

This discrimination is also extended to daughters. That is to say that under the customary law of the Igbo people, neither the daughter nor the widows of the deceased have the rights of inheritance in the estate of the deceased. In *Ugboma vIbeneme* (1967), it was held that in consonance with the native law and custom of the parties, women are not entitled to inherit landed property from their father. As a result, female children of a deceased would lack the locus standi to maintain any action to enforce their right of ownership over the property.

Pursuant to this principle which was sanctioned in a litany of cases, the courts continued to approve this obviously outrageous and needlessly discriminatory custom of the Igbo people which divested women of the right to inherit landed property. As has been stated in this paper, there is actually no legal basis for upholding a principle which is patently as discriminatory as it is unjust. It is not supported by any law, and it is not supported by the Constitution. It is the unconstitutionality of the custom that we now turn our attention to.

4. The Unconstitutionality of the Custom

One of the methods of testing the validity of a law or custom is to subject it to constitutional scrutiny. That is to find out if it is consistent with the provisions of the constitution. The other method is to subject it to the repugnancy test. That is to check if a custom is repugnant to natural justice, equity and good conscience. We shall consider the two methods.

4.1. Constitutional Evaluation

The Constitution of the Federal Republic of Nigeria (1999) specifically guarantees to every Nigerian, both males and females, the right to freedom from discrimination. Section 42 thereof provides as follows:

1. A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person –
 - a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, sex, religions or political opinions are not made subject; or
 - b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.
2. No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

The wordings of this Constitutional provision are very clear and unambiguous. The provision is very simple and straight forward. Everybody is to be treated equally. No one is to be made to suffer while others are enjoying and nobody is to enjoy when others are suffering. Nobody is to be treated differently or discriminated against on account of any of the indices enumerated in section 42 of the Constitution (1999) including the fact of the circumstances of one's birth. What this translates to in the context of this paper, is that the customary law of the Igbo people which divests women of the right to inherit landed property, is not valid in the face of the provisions of the Constitution. And it is the law as provided in section 1(3) of the Constitution (1999) and enunciated by the courts, that if any other law is inconsistent with the provisions of the Constitution, the Constitution shall prevail and that other law shall be null and void to the extent of its inconsistency. (*Timothy vOforka* 2008). In *Okoli vOkoli* (2003), the 1st respondent was a product of "Nrachi" custom carried out between his great grandfather and his mother. This was because his great grandfather had no male issue so his mother who was one of the female issues of his grandfather was allowed to bear issues in her father's house on the basis of the said "Nrachi" custom. The 1st respondent had been allocated a parcel of land on which he built his house, as a member of the family. At the trial, the appellant contended that the 1st respondent was his customary tenant and because he had failed in his obligation to pay him customary tribute, he, the 1st respondent had forfeited his right to the land. The appellant also contended that in the circumstances of the case, that the 1st respondent was not a member of the Okoli family, and this his rights ought not to be enforced by the court. In resolving the case, the court held that by virtue of the provisions of section 42(2) of Constitution of the Federal Republic of Nigeria (1999) which provides that no citizen of Nigeria all be subjected to any disability or deprivation merely by reason of the circumstances of his birth, the circumstance of the birth of the 1st respondent cannot be a bar to his legal rights to own property. The court further held that the 1st respondent can employ the provisions of the Constitution as a shield from being discriminated against or subjected to

disability or deprivation. In the case of *Timothy vOforka* (2008) arising from dispute over a piece of land granted to the respondents. The respondents sued the appellant for a declaration that the appellant had violated their fundamental rights to dignity, personal liberty, freedom from discrimination and acquisition and ownership of immovable property guaranteed by the Constitution. In his reaction, the appellant, amongst other things, contended that the grant of the land to the respondents was in breach of the native law and custom of their community which forbade women and children from dealing with land. At the conclusion of hearing, the trial court granted the prayers of the respondents and held that a custom or native law could not derogate from the clear provisions of the Constitution guaranteeing the right of women and children to own movable and immovable property. The appellant was dissatisfied and appealed to the Court of Appeal. In dismissing the appeal, the court held at page 213 of the report that:

No law or custom that stands in the way of our Constitution should be allowed to stand tall no matter the circumstance.

With regard to the customary law divesting women of the right to inherit property, it is pertinent to note that it is one of the laws or customs which stands in the way of our Constitution in that it permits the males to inherit and own property to the detriment of the females whom it perceives are not capable of inheriting landed property. This is nothing other than a needlessly discriminatory custom which ought to be deprecated in the most strongest of terms not only because it is grossly unconstitutional but also because it is repugnant to natural justice equity and good conscience. The Court of Appeal of Nigeria did exactly this in the case of *Mojekwu vMojekwu* (1997) wherein the court held that a custom or customary law that discriminates against a particular sex is inconsistent with our civilized world and an affront on the Almighty God Himself. In the circumstance, the court did not hesitate to declare as repugnant to natural justice, equity and good conscience, the Nnewi native law and custom under which only male child inherits property; and if there is no male child, the brother of the deceased owner of the property inherit it even where the deceased man was survived by female children. No doubt, this custom is archaic. It is unconstitutional. It is unreasonable. It is obviously outrageous, and it is repugnant to natural justice, equity and good conscience. There is no logical or reasonable basis for its application. It is therefore a custom which ought not to be allowed to stand. How the courts have responded, to the unconstitutionality of the custom will be discussed later in this paper.

4.2. Repugnancy Test

Customary law is law which evolves from the established practices, custom and way of life of people. It is a practice or conduct accepted as binding by the people subject to it. In the communal legal system which existed before the advent of modern legal systems, customary law was the law and it enjoyed respect as it was enforced by the communal courts. However, today, customary law does not enjoy the privilege of automatic enforcement. For a custom to be applied as a customary law, the custom must pass the validity test otherwise known as the repugnancy test. Therefore, for a custom to be valid in Nigeria, the custom must pass the repugnancy test which requires that a custom should not be contrary to:

- i. Natural justice;
- ii. Equity; and
- iii. Good conscience.

Once a custom does not satisfy this test, it is said to be repugnant to natural justice, equity and good conscience (Malemi 2012).

While natural justice connotes the inherent right of a person to have fair and just treatment by government and other persons, equity means fairness, equality, just or justice. On its part, good conscience means a conscience that is innocent, pure and impartial. It is a good heart and mind that will not do wrong to another person; that is just towards everyone (Malemi 2012). As it is clear, the gist of the test is that customs should be fair, just and devoid of discrimination, greed, oppression and arbitrariness. The repugnancy test requires that customs should not result in inequitable decisions or actions. And it is for the foregoing reasons that the law and the courts, especially recently, insist that customs must satisfy the repugnancy test in order to ensure fairness based on good conscience and absence of discrimination. In the case of *Lewis vBankole* (1908), Speed, Ag CJ stated the position and duty of the Court thus:

If a native law or custom is found to be repugnant to the fundamental rules of equity, it is absolutely the duty of the court to ignore it. Relating these principles to the customary law of the Igbo people which denies women of the right to inheritance and succession in respect to landed property, the pertinent question to consider is whether that customary law accords with natural law, equity and good conscience? In other words, is that customary law fair? Is it just and equitable and does it proceed from a conscience that is innocent, pure and impartial? The obvious answer to these questions must be in the negative. This is so because there can never be justification for discriminating against the females solely on grounds of gender which is the sole discretion of the Creator of the Universe to decide. That is why it does not make any sense to rely on that customary law. It is for that reason that the courts in recent time, have been fortified in declaring the customary law barbaric and repugnant to natural justice, equity and good conscience. It is repulsive and militates against women for the reason only that they are women. That is the reason it ought to be abolished by the courts.

5. Mitigating the Injustice

Following the decision of the Court of Appeal in *Mojekwu vMojekwu* (1997) in which the court rejected the custom which divested female children from inheriting from their fathers, and declared it repugnant to natural justice equity and good conscience, the appellant felt dissatisfied and went on appeal to the Supreme Court. The Supreme Court decision is reported as *Mojekwu vIwuchukwu* (2004) (the original respondent -Caroline Mgbafor OMojekwu died in the course of the appeal and was substituted with one of her daughters – Theresa Iwuchukwu). On the ground that the custom in question was not an issue joined by the parties at the Court of Appeal, and that the Court of Appeal did not give the parties any opportunity to address it on the Matter, the Supreme Court rejected the decision of the Court of Appeal and tacitly upheld the custom in question even though on other ground, it dismissed the appeal.

This left the position of courts in Nigeria on the custom in question uncertain. However, in subsequent cases that came up, the courts began to put their foot down and showed no reluctance in condemning the custom which divested the female gender of the right of inheritance not only on grounds of its unconstitutionality but also it being repugnant to natural justice, equity and good conscience. In *Asika vAtuanya* (2008) Plaintiffs (most of whom were married women) claimed the defendant (their nephew) for a declaration that under the Will of their late father, they were entitled in equal shares to the property in question. The Will of their late father read in part as follows:

I give and bequeath in equal shares unto my children namely Paulina, Michael, Fidelis, Catherine, Cordelia, and Fedicia, all my possessions.

The Plaintiffs prayed the court to partition the property into six parts in consonance with the Will of their father. The defendant (their brother's son) denied the claim and contended that all the Plaintiffs, except one, were married and had children in their respective homes. He further contended that by the native law and custom of Onitsha people, the plaintiffs were not entitled to inherit the properties of their father. At the conclusion of the case, the claim of the plaintiffs was dismissed in part and they appealed the decision. The pertinent issue before the Court of Appeal was whether women were not entitled to inherit the estate of their parents as a result of disqualification by native law and custom? The Court of Appeal held that the Constitution of the Federal Republic of Nigeria grants women as citizens, the right not to be discriminated against as a result of their gender and the circumstances of their birth, and that as the Constitution also grants women the right to acquire and own immovable property in Nigeria, such custom being repugnant to natural justice, equity and good conscience, contravenes the Constitution and other legal frameworks directed to eliminating all forms of discrimination against women.

As has been rightly stated by Dadem(2009), the decision in *Asika vAtuanya* (2008) mirrors the recent attitude of the court in a number of cases to remove the shackles of customary law that inhibit the right of women to inherit properties in Nigeria. In this vein, in *Motoh vMotoh* (2011), the Court of Appeal held that the native law and custom of Awka people which discriminates against female children of the same parent and favours the male children who inherit all the estate of their father to the exclusion of their female siblings, is repugnant to natural justice, equity and good conscience as it is also unconstitutional.

Similarly, in *Ukeje vUkeje* (2014), a couple had four children including the respondent (a female). On the death of her father, her male siblings sought to exclude her from partaking in the estate of their late father. She brought this suit and claimed, amongst other things, that she had a right to partake in the sharing of her later father's estate. The trial court granted her prayers as a result of which the appellants appealed to the Court of Appeal which also dismissed the appeal. On a further appeal to the Supreme Court, the appeal was also dismissed. In dismissing the appeal, the Supreme Court held as follows:

No matter the circumstances of the birth of a female child, she is entitled to an inheritance from her late father's estate. Consequently, the Igbo customary law which disentitles a female child from partaking in her deceased father's estate is in breach of section 42(1) and (2) of the Constitution of the Federal Republic of Nigeria, 1999, a fundamental rights provision guaranteed to every Nigerian. The said discriminatory customary law is void as it conflicts with section 42(1) and (2) of the Constitution.

And in the most recent case of *Mgbodu vMgbodu* (2015) the Court of Appeal, borrowing a leaf from the Supreme Court, reiterated the point that no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his birth and that such circumstance cannot deprive him of his right to participate in the administration of his father's estate. With respect to a widow being unable to inherit her late husband's property for the reason of her not having a male child for her late husband, the Supreme Court hit the last nail in the coffin of such native law and custom. This was in the case of *Anekwe vNweke* (2014). In that case, the male relations of a widow's husband excluded her from the estate of her late husband on account of the custom which debarred a widow from partaking in the estate of her late husband if she did not bear a male child for the late husband. The widow brought this suit and claimed in the main, for a declaration that she was entitled to a statutory right of occupancy to her late husband's landed property. The respondents denied her claim and relied on the custom which prevented a widow without a male child from inheriting her late husband's property. Upon conclusion of hearing, the trial court granted the widow's claims and dismissed the appellants' counter – claim. The appellants appealed to the Court of Appeal which dismissed their appeal. On a further appeal to the Supreme Court, the court also dismissed the appeal and held that the custom of the people to the effect that a married woman without a male issue cannot inherit landed property of her late husband is barbaric, unconstitutional and repugnant to natural justice, equity and good conscience and ought to be abolished. In the course of the judgment, Ogunbiyi, JSC who delivered the leading judgment, at pages 421-422 of the report, had this important statement to make:

I hasten to add at the point that the custom and practices of Awka people upon which the appellants have relied for their counter claim is hereby outrightly condemned in very strong terms. In other words, a custom of this nature in the 21st century societal setting will only tend to depict the absence of the realities of human civilization. It is punitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the women folk in the given society. One would expect that the days of such obvious differential discrimination are over. Any culture that disinherits a daughter from her father's estate or wife from her husband's property by reason of God instituted gender differential should be punitively and decisively dealt with. The punishment should serve as a deterrent measure and ought to be meted out against the perpetrators of the culture and custom. For a widow of a man to be thrown out of her matrimonial home, where she had lived all her life with her late husband and children, by her late husband's brothers on the ground that she had no male child, is indeed very barbaric, worrying and flesh-skinning.

In his concurring judgment, at page 423 of the report, Mohammed, JSC had this to say:

To perpetuate such a practice as is claimed in this matter will appear anachronistic, discriminatory and unprogressive. It offends the rule of natural justice, equity and good conscience. That practice must fade out and allow equity, equality, justice and fair play to reign in the society.

These decisions of the Nigerian courts in recent time is a very welcome development. They not only condemn and invalidate the discriminatory customary laws debarring women from inheriting landed property, they have emancipated women in Igboland and delivered them eternally from the shackles of those outrageous and patently discriminatory customs. Women can now inherit, either as daughters, from their father's estate, or as widows from their husband's estate without fear of molestation or deprivation. Those dark days when women were denied the right of inheritance and succession are gone for good. The superior courts of record have by their recent decisions reviewed in this paper, not only mitigated the injustice of the customary law with regard to women's inheritance right, but have also abolished the said customary law.

6. Conclusion

As has been shown in the foregoing discussion, the Igbo people of southeast Nigeria, like other ethnic groups in Nigeria, had their own district customary law. With regard to inheritance and succession, the males prevailed as women were, by customary practices debarred from inheriting landed property of either their fathers or their husbands. This customary law which derogated the Constitution of the Federal Republic of Nigeria and obviously repugnant to natural justice, equity and good conscience, was nevertheless approved by the courts until recently. As seen from the recent judgments of superior courts in Nigeria, this customary law has been deprecated and condemned in the most strongest terms as not only being the high point of man's inhumanity to woman, but also unconstitutional and repugnant to natural justice, equity and good conscience. It has been condemned for being barbaric, anachronistic and unprogressive and an item which should be confined to the garbage can. It is hoped that this customary law would not rear its ugly head again. It dare not. But to ensure that it does not, the courts must be alive to their duties at all times to condemn the customary practice any time they are offered the opportunity to do so. The womenfolk should also not rest on their oars. They should challenge any attempt to subjugate them and deprive them of their inheritance right. This is because if such attempt is not challenged in the law courts, the courts would not be vested with the jurisdiction to condemn such practice. The menfolk should on their own, eschew greed and avarice, and be contented with whatever the Creator of the Universe has endowed them with. This way, the world will be a better place, especially for the women in Igboland.

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