

Gender Discrimination on Property and Widow Inheritance Rights Among Rural Dwellers of Ipokia Local Government of Ogun State

by

Zabur Olayiwola Soluade, Adedayo Oyewole Sofadekan, and Rukayat Opeyemi Agboola,

Tai Solarin University of Education, Ijebu-Ode, Ogun State, Nigeria.

Abstract

The study assessed gender discrimination on property and widow inheritance rights among rural dwellers of Ipokia local government area of Ogun state, Nigeria. The study set out to assess the perception of rural dwellers on women property inheritance rights and widow inheritance. Two research questions were answered in the study. The study adopted qualitative research design. The population of the study was all adult rural dwellers within Ipokia local government area of Ogun state. Five inhabitants of the rural areas were sampled for the study using simple random sampling. The main instruments used for the study was an interview guide. The qualitative data collected through the interview guide was transcribed (Using verbatim transcription) and analysed using inductive analysis. The results showed gender discrimination in form of denying widows right to inheritance and widow inheritance is still in existence within the area. It was recommended that, gender discrimination caused by cultural bias should be eliminated in Ipokia culture; both male and female should be treated equally and government legislation should be strong in-terms of protecting the equal rights of female and males to property ownership of their late family members.

Keywords: *Gender, Gender discrimination, Female inheritance rights, Widow inheritance, Rural dwellers.*

Introduction

Gender discrimination is a social problem facing women mostly in the patriarchy society of the world. Gender discrimination is any action that excluded, or disadvantages people base on their gender. This includes unfair actions against some sets of people or gender (Medical News today, 2021). Gender discrimination is a prejudice based on sex which causes one gender to be privilege over another (Mkandawire, Simooya, & Monde,2019). Gender discrimination can take place in workplace, school, relationship, public, institution and in the family.

Like most African communities, the Nigerian society is organized based on the custom that recognize males as heads of the families and no individual is culturally recognized to deviate from the societal norms (Okongwu, 2020). The society sees deviants in this respect as an affront to the custom of the people. For instance, in a case of Mrs Lois Chituru Ukeje and Enyinaya Lazarus Ukeje Vs Mrs Gladys Ada Ukeje, the Nigerian supreme court ruled that Igbo customary law that excludes female children from inheriting property of their deceased fathers was in conflicts with the non-discrimination provision of the Nigeria 1999 constitution. Despite this judgement and the provision in the constitution of Nigeria, people especially in rural areas still resist the incursion of judiciary into what is termed as customary laws which cannot be tampered with.

In most traditional African society, there are prevalent denial of women right to inherit land and property. The customary norms of transferring assets (Land and property) are strictly regulated by the cultural law which excludes in most cases the women from property ownership (Tribune, 2021). In Nigeria there is a large discrepancy in gender equality which are grounded in the people's culture and tradition (The Tribune, 2021). In Nigerian society, customary law has a great impact in the area of traditional authority, marriage and inheritance as the society is developed in the line with patriarchy society. Male gender preference, early marriage, patriarchy system, gender differentials in inheritance rights, and religion are some of the factors that

impacts on inequality women face in Nigeria (Okongwu, 2020; Makama, 2013). Women have continued to suffer from discrimination and unequal rights and opportunities across the world. This includes gender-based violence, forced marriages, female genital mutilation, and prevention from inheritance (Daka et al., 2020; Mwanza et al., 2020). In the rural areas in Nigeria most especially in the southern part of the country harmful patriarchal traditions in forms of prevention of women from inheritance and widow inheritance is still in existence. Most women are forced to marry the relatives to the deceased and the customary law in this region favor males more than women.

Literature Review

The law of succession which deals with the transfer of property on the death of an owner to another in Nigeria is captured under The Testate Succession (made on succession and inheritance based on the disposition made in a will) and intestate (succession based on community law) (Itua, 2021). In Nigeria, an estate succession exists when an individual dies without a will (recast). Inheritance is the process of transferring to one beneficiary. Inheritance mean possession obtained from a predecessor through law of intestacy (Otu & Nadiebu, 2021).

Widow inheritance is a tradition in some Nigerian society which a widowed woman is required to marry a male relative of her deceased husband. The customary law requires that upon the death of her husband, a widow must be inherited by a male relative of the late husband for the benefit of continuity of one's blood line and caring for the widow (Adipo, 2019). Widowhood inheritance or levirate marriage is a force marriage of a widow to the brother of her deceased husband. This can be tamed as a form of discriminatory practices. A practice where the widows are inherited by another person usually a family member of the deceased husband at times was done against the victims will.

In some communities where the widows reject the offer of the family on forceful marriage, children are removed from the widow's custard without judicial determination of the children interest. Some African society allowed a widow to be

inherited whether she consented to or not. Thus is a form of patriarchal law that discriminate against the rights for her to make choice. Women that acted in contrary to this practice are treated as outcast and, in most cases, the deceased family will withdraw from supporting the widow, cursing the women and holding them responsible for the death of their spouse. Women that accept this custom, compelled because they do not want to be tagged as disobeying the tradition of their society, requires widows to be inherited after the death of their husbands (Owiti, 2017).

Theoretical Framework

The theory that supports this study is feminism theory. Feminism theory comes from a French philosopher Charles Fourier in 1837. The theory began in the 19th century with the aim of achieving equality of both sexes. Feminism wants women rights and interest to be recognized and protected (Jagriti, 2021). The link between this study and the theory is that this study is about gender discrimination in-terms of property and widow inheritance which negate the principle of equal rights individual irrespective of their sexes.

Ezeilo (2020) reviewed women quest to access assets through inheritance from the deceased father's/ husband estate. The study submits that customary gender differentiation, absence of legal and policy framework to empower women and high illiterate are basis of discrimination against the women. Okongwu (2020) examines the appropriateness of the adoption of on-policy measures in aid of the implementation of sex discrimination laws in Nigeria. The study concluded that factors such as culture, religion, social practices has been major causes that are promoting gender discrimination in the Nigerian society. Ojilere (2021) assessing the expanding women's right to inherit immovable property in Igboland beyond the limits of Ukeje Vs Ukeje concluded that supreme court judgment alone cannot except with some forms of expansion guarantee full acceptance and institutionalization of the new concept of women's right to inherit property in Igboland

On 15th December 2021 Nigerian senate pushed back the Gender and Equal Opportunity (GEO) bill. The bill centered on guarantees the rights of women to equal

opportunities in employment, equal right to inheritance, equal rights for women in Marriage and divorce, protect right of widow and discourage violence against women and gender discrimination(Fakomogbon, 2021).

Achieving gender equality and empower all women is one of the goals of the sustainable development goal and this has recorded some gains in the last two decades. In Nigeria today, more girls are going into school, women are serving in the parliament, head of schools, head of government agencies, low genital mutilation and fewer girls are forced into early marriage. Despite this however, discriminatory norms on allowing female to share from their father's land property widow inheritance is still in practice in some parts of the Nigerian society. This study therefore assessed gender discrimination on property and widow inheritance rights in Egu community of Ipokia local government area of Ogun state.

Objectives of the Study

1. Assess the perception of rural dwellers of Ipokia local government on women property inheritance
2. Examine the attitude of rural dwellers of Ipokia local government to widow inheritance.

Research Questions

1. What were the perceptions of rural dwellers of Ipokia local government on women property inheritance?
3. What are the attitudes of rural dwellers of Ipokia local government on widow inheritance?

Methodology

The study adopted qualitative research design. The population of the study was made up of all adults within the rural areas of Ipokia local area of Ogun state. Five five inhabitants of the rural areas were sampled for the study using simple random sampling to select the sample for the study. The main instruments used for the study

was an interview guide tagged: “Gender Discrimination Interview Guide (GDIG). The validation of the instrument was done by presenting a copy of the instrument to two (2) experts in area of test and measurement and two (2) other experts in the area of human rights and gender discrimination. Their observations and corrections were effected before the final drafts of the instruments were produced. This helped to ascertain content and face validity of the instruments. The qualitative data collected through the interview guide was transcribed (Using verbatim transcription) and analysed using inductive analysis

Data Analysis and Result

The qualitative data collected through the interview guide was transcribed through verbatim transcription and analysed using inductive analysis. The two research questions raised in this study were answered in table 1 under findings.

Findings

The verbatim statements from respondents on research questions one and two are summarised in table 1 followed by a brief description of the content being presented in this table. It is important to note that rural dwellers held diverse views as presented below.

Table `1: Respondents opinion on the attitude of rural dwellers on women property inheritance.

S/N	Interview	Theme
1	<p>Inheritance for women</p> <p>a. Are females allowed to inherit from their parent and husband property?</p> <p>HMA1: <i>Hennn, what is in our culture before is that if an elderly person dies most of important things in his</i></p>	<p>Most females are denied land property inheritance both as wife and daughter</p>

	<p><i>property are shared among the male. But females are given banana and kolanut stem but not land property.</i></p> <p>HMA3: <i>Hunhun, our culture does not allow female access to inheritance but now, it has been canceled and female now have access to palm trees, coconut trees . They are not entitled to land property like farm and houses.</i></p> <p>HMA4: <i>What is happening here is that when husbands die the property belongs to the children and not the wife.</i></p> <p>HMA5: <i>We have diverse cultural practice on that here, in some places women are allowed to inherit land property of their husband or father while in other only males are entitles to inheritance.</i></p>	
2	<p>Widowhood practices</p> <p>b. Are widowhood practices in existence in this area?</p> <p>HMA1: <i>Haa, we can say it has never happened here (cough) but now it is not so common again.</i></p> <p>HMA2: <i>Widowhood practice, it happens sometimes where a senior child (the son of the first wife) can also inherit the father's wife (laugh...) but nowadays widowhood practice is not so common again.</i></p> <p>HMA3: <i>Haaa, it happens like that. If the husband dies, one of the late husband brothers (junior or elder) will marry the deceased wife. In our culture here, the reason why Egun people do that is that the woman will</i></p>	<p>There are widowhood practices in existence although it is not so common again.</p>

	<p><i>not go to another family, it is a means of protecting her. But they always ask the woman to mention whomever she likes within the family.</i></p> <p>HMA4: <i>There is widowhood practice in this town. Even my own father married his junior brother's wife after his death and the woman gave birth for my father. It is still happening.</i></p> <p>HMA5: <i>It is happening but it is not so common again.</i></p>	
<p>3.</p>	<p>c. Is it compulsory to accept the practice even if one is not happy with the arrangement?</p> <p>HMA1: <i>Where it is still happening, it is not by force. The family will ask the woman to pick anyone that she likes within the deceased family and the man picked must also be ready to marry the woman. This is in case the woman does not want to leave the family of her late husband.</i></p> <p>HMA2: <i>It's not compulsory but where she rejected the offer, they might ask her to pack out of the house.</i></p> <p>HMA3: <i>If she rejected the offer they will leave her alone, it is not by force.</i></p> <p>HMA4: <i>It is not compulsory; it is done with the consent of the woman.</i></p>	<p>No definite punishment for women that refused to be married to the late husband family.</p>

The result of the opinion of rural dwellers on widow property inheritance in table 1 above shows that most females are denied land property inheritance including wives and daughters. The local people of Ipokia believed that women cannot own property since they marry outside their father's house. The summary of the opinion of the

respondents in respect of the attitudes of rural dwellers of Ipokia local government to widow inheritance shows evidence of widowhood practices in still in existence the area although it is not so common again. However, no definite punishment for women that refused to be married to the late husband family.

Discussion of Findings

The study focusses on gender discrimination on property and widow inheritance rights among rural dwellers of Ipokia local government of Ogun state. The findings of research question 1 shows that females are still denied land property inheritance within the rural areas of Ipokia local government areas of Ogun state. This supports the findings of Ezeilo, (2020); Okongwu, (2020) and Ojilere, (2021) who also discovered gender discrimination in women property inheritance in their study. This finding might be due to the cultural belief of the investigated area on the supremacy of the male over female and the need to empower the male more than the female. The results of research question 2 shows evidence of widowhood practices in the area. This supports the findings of Agboola, (2022) who also discovered existence of widow inheritance among the rural dwellers in Ogun state. This finding might be due to the Egu custom of keeping the family lineage on even after the death of their family members.

Conclusion and Recommendation

The study focusses on gender discrimination on property and widow inheritance rights among rural dwellers of Ipokia local government of Ogun state. Gender discrimination in form of denying female access to inheritance and widowhood practice is still in existence among the rural dwellers in the Egu community area of Ogun state. Based on the conclusion its recommended that; Gender discrimination caused by cultural bias should be eliminated in Ipokia culture; both males and females should be treated equally, government legislation should be strong in-terms of protecting the equal rights of females and males to property of their family members and offenders of discrimination against females should be adequately punished.

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