

Customs, Laws and Rights of Widows in Northern and Eastern Nigeria

Oyedoyin Abiola Oyerinde and Aretha Rekiya Samuel (Ph.D)

Department of Sociology, Faculty of Social Sciences, University of Jos , Jos - Nigeria.

ABSTRACT

In Africa, widows experience some loss of status in the society. In many developing countries, a woman's position could be influenced by her father or husband. Widows go through a lot of hardship that emanates from the society, the husband's family and tradition. This paper analyses the predicament of widows in Nigeria with specific emphasis on the Northern and Eastern regions. The aim is to promote understanding of the differences in the treatments of widows among these two culturally distinct regions in the country. Through desk review of the literature, the study adopted a comparative method to examine the cultural diversity in both regions, which have influenced the way widows are treated. These include widowhood inheritance, the rites (or ritual cleansing) and conditions surrounding the two culturally distinct regions in Nigeria. The findings show that there is a distinction in the treatment of widows in these two regions: while maltreatment is almost non-existent in the Northern region; the opposite is the case in the Eastern region. Despite different dialogues that try to emphasize the predicament of widows in Nigeria, there has been a lapse in the area of national consensus regarding the improvement of this aspect of widows' existence in the country. The paper recommends that there is a need for continual community education and public awareness so that these practices are discontinued. The extension of women's rights organizations' services to local areas is also recommended.

KEY WORDS:

Customs, inheritance, Nigeria, rites, widowhood, widows

Introduction

"We are treated like animals just because we are widows" (Walle, 2016).

The plight of widows in many parts of the world needs to be widely known and encouragement given to make sure that not only are they helped and protected in the countries where there are the greatest abuses, but also we in more advanced countries do not sit complacently while our own laws and procedures may well be inadequate to meet the needs of all widows (Butler-Sloss, 2016, as cited in Reed, 2020, p.685).

Widowhood is an actual reality for as long as people are born and death is inevitable. Widows are found in every society but in Africa, the dilemma of the widow is such that women dread to become widows. In Africa, widows go through a lot of deprivation that comes from the society, the husband's family and tradition. All widows suffer some loss of status in the society because in many developing

countries, a woman's position is influenced by her father or her husband (Owen, 2011).

In some Eastern parts of Nigeria, a widow is forced to drink the water with which the corpse of the husband is washed (Ijeoma, 2009). On the other hand, in the Northern region there is no concrete report of extreme maltreatment, although some level of violation exists (Kabir, 2003). The aim of this paper is to explore the differences in the issues relating to the treatments of widows among two culturally different regions in Nigeria. Evidence has shown that there is a marked variation in the level of maltreatment in both regions. This study explores the socio-cultural factors that might have accounted for such variation in the treatment of widows in these selected regions of Nigeria. It also explores if Nigeria's obligation in the international human rights laws have been effective in protecting the rights of women in general with particular emphasis on widows. Among the issues explored is the reporting of the death, the rites and sacrifices involved, the care of the properties left behind including the children and the wife (or wives). The inheritances of the widow(s), the rites and conditions surrounding these across the two cultural communities have also been explored.

Statement of the Problem

Looking critically at the Eastern and Northern parts of Nigeria, investigation on widows as victims of weak State patriarchal legislative structures is one problem that has received little or no attention. Existing legislation is often silent on widow's rights. In spite of global responses to women's subordinate position in societies through the United Nations (UN), International Conventions and Declarations, there seems to be no end to widows' plight especially in most parts of Sub-Saharan Africa. One major concern is the fact that in Nigeria, the response to the international conventions and declarations, particularly as they relate to widows is insufficient as there is no unified national response. Despite diverse discussions that try to highlight the dilemma of widows in Nigeria, there has been a lapse in the area of a national consensus, regarding the improvement of this aspect of widow's existence in the country. In this paper, a comparative approach was adapted to compare the Northern and Eastern parts of Nigeria because these regions constitute areas having a very wide gap in the violation of the rights of widows.

Literature Review

Widows constitute a large proportion of the society, but nonetheless, there exists a lack of sufficient research material, concerning their status in developing countries (Potash, 2006). New and improved data is required to instigate policy formulations and law reforms, so as to enable commitments made at the international and national levels and promote the equality and sustenance of women.

In developing nations like India, where some data is available, the 2011

census showed that there were over 45 million widows (Reed,2020). In Britain, as at 2019, there was about 3 million widows, which was about 6% of the total population at that time (Sharfman, 2020). In Africa, one in ten women 15 years and older are widows (Walle, 2016).

Globally, widows make up a significant percentage of between 8% - 13% of the total adult female population. There are approximately 350 million widows in the world. (Chamie, 2020). However, these data are still based on the lack of precise demographic data and research concerning widows. With various data being presented, there are still misconceptions about the common conditions of widows in many countries and empirical evidence has shown that widows, especially in Third World countries across different cultural backgrounds tend to suffer discrimination, oppression, abuse and neglect (Owen, 2011).

African widows, irrespective of ethnic groups, are among the most vulnerable and destitute women in the region (Young, 2010). While the widow may have no rights to ownership of her husband's property, she is usually expected to perform obligations towards her deceased husband by her partaking in traditional practices. In return, she would be allowed to stay at her home and will be given rights to cultivate land. In the past, this pattern of reciprocal duties and obligations in an extended family protected the widow and her children but today, the custom is more likely to be used to oppress and exploit them.

The low status, poverty and violence experienced by widows stem from discrimination in inheritance customs, the patriarchal nature of society, and the domination of cruel traditional practices and customary codes, which take priority over constitutional guarantees of equality, modern laws and international women's human rights standards (Potash, 2006).

In Nigeria, family law permits certain widowhood practices, which discriminate against women, particularly women married according to customary rather than statutory law. Some of the negative practices derive from the belief that "the beauty of a woman is her husband" (Erinosho, 2010, p. 7). At the husband's death, the wife is seen as unclean and impure, and the customs she must observe in the weeks following her husband's death could undermine her health. If she has no male adult children, she may be ejected from her husband's house as his house, lands and any other properties he might have will be inherited by his oldest brother. In most cases, the husband's kin do not provide the widow with any economic support, particularly if she will not accept the status of being an additional wife to one of her husband's brothers (Erinosho, 2010). As seen in most cases, the plight of a widow begins with accusations and victimization by her spouse's family, who hold the view that she (the widow) must be responsible for the death of her deceased husband irrespective of how he died.

Cook (2011, p.25) points out that a widow's deceased husband's brothers can be covetous and unscrupulous. "Chasing off" and "property grabbing" are common circumstances of being a widow anywhere in the region and even recently,

reformed laws have been ineffective in protecting the victims. A widow's abuse is visible across ethnic groups, income, class and education. Legislative reforms in compliance with international treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, have largely failed to take precedence over local interpretations of customary law (Cook, 2011). In some ethnic groups, humiliating rituals such as ritual cleansing by sex, widow inheritance, accusations of witchcraft and so on, support institutionalized widow abuse of the cruelest nature. This type of gender-related violence, unlike female genital mutilation and so called "honor killings", has gotten the attention of International Women's Human Rights activists and laws, regulations are being put in place to protect these women from abuses such as these (Dei, 2000).

Studying the place of widows in Africa highlights the pressure and contradictions in the newly rising states of the continent. Tensions exist between tradition and modernity, between individual autonomy and group solidarity and between individual rights and duties. There are tensions in the diverse and often contradictory justifications for given customary law or practice and more recently, tensions in the new development trends of the Third World countries (Cook, 2011). The study of widows reveals the painful position of women as both the defenders and the victims of culture. This position reveals their agency in perpetuating practices dehumanizing to them and in overturning deep-rooted customary and religious practices (Dei, 2000). More importantly, the inconsistent position of women calls for a deep introspection into how we perceive, understand and ultimately assign values to practices embedded in cultures outside our own (Sossou, 2002).

Theoretical Framework

Early research on spousal bereavement (almost exclusively for women) conceptualizes widowhood as "role loss" and "role exit" (Bennett, Hughes, & Smith, 2003). Bereavement is analyzed in terms of role change from wife to widow, which in turn considers a widow to be a "roleless wife," who lacks any duties towards others in the family. Widowhood is viewed as involuntary disengagement and as such the individual is thought to be rendered powerless. Disengagement theories such as Parkes and Weiss' study on Recovery from Bereavement (1983) that looked at widowers and widows across all ages and revealed that both widowed men and women were found to have lower psychological well-being than their married counterparts and Steven's study (1995) on the gender differences in adaptation to conjugal loss which showed that widows are more disadvantaged in terms of income, education and freedom, compared to widowers - have contributed to the literature which view widowhood as a totally negative state.

The death of a spouse is a devastating experience for the vast majority of people, but the consequential adaptation from "we" to "I" is substantially different for men and women. Later sociological theory such as that explored by Anthony

Giddens in *Modernity and Self Identity* (1994) reconceptualizes loss in terms of ontological security, which takes into consideration adaptation as a process mediated by age, gender, culture and social capital. In doing so, people's experiences can be contextualized within a life course perspective, the outcome of which is in some cases unrelentingly depressing especially for the widows. Indeed, some widows express a sense of liberation and personal development after the loss of their husband but in most cases as seen in the Nigerian context, widowhood comes with suffering, degradation and stigmatisation.

Methodology

This study was based on secondary data collected and analyzed from online sources, journal articles and books that are related to the two stated regions of Nigeria. The study was conceptually framed to underscore the differences in the levels of violence against widows, bringing to focus widows in Northern and Eastern parts of the country. A comparative approach was adapted to evaluate the extent of, and variation in the violation of widows' rights between the two regions. Content and thematic analysis of the literature yielded the following results on the objectives of the study.

Results and Discussion

The aim of this paper was to explore the differences in the issues relating to the treatments of widows among two culturally different regions in Nigeria. Specifically, the paper examined the significant differences in widowhood rites and why these differences are experienced between the two regions. These findings are discussed under the following headings:

- Widows' Rights and Human Rights;
- The Traditions and Variations in Violation;
- Differences established in the Two Regions;
- Comparison of Widowhood Rites;
- Customary Law of Inheritance;
- Customary Practices of Widowhood; and
- The Nigerian Government in relation to the Rights of Women.

Widows' Rights and Human Rights

The model charter for the rights of widows by Owen (2011) shows the discrimination and abuse of widows across a wide spectrum of cultures, religions, ethnic groups, regions, etc. irrespective of the economic or educational status of the female being subjected to this oppression. Approaches to and treatments of widows differ from relatively mild indifference to social exclusion. Across ethnic groups, widows are thoroughly and routinely belittled; they are perceived as bringing ill omens and bad luck and perceived as the real cause of their deceased husbands' deaths. Also, traditional practices may not be merely degrading but could also be

life-threatening.

Sossou (2002) points out that in the background of legal rights, whether preserved in International Law or in the Constitution and Domestic Law, widows are frequently beyond the reach of modern statutes and may for a variety of reasons, be unable to access the modern justice system in their countries. This is especially common in countries where parallel systems of law co-exist, for example, religious and customary laws where widows' lives are mainly determined by interpretations made by the head of their religious or local communities respectively.

In spite of the multiple ratifications to the CEDAW, the consensus of the Beijing Platform for Action and the widespread support for the Elimination of Violence to Women, widows continue to be barred from the progress made in raising the status of millions of the World's Women (Erinosho, 2010). Not only are they denied their basic human rights, which is supposed to allow all humans irrespective of their race, sex or ethnicity, reach their fullest potentials and participate fully in the society, but their vital roles in society, in development, in peace building as sole supporters of their families are hardly ever recognized.

The widows' charter notes that all women are equal before the law and that the human rights of women are inalienable, universal and non-transferable. But there is no special reference to discrimination abuse of widows in the Beijing platform for action. The charter expresses concern that the impact of the treatment of widows has severe and negative implications for the whole society, and in particular, because the poverty of widows deprives their children the human rights to shelter, food, education and the rights of the child. Hence, the Charter for widows' rights demands the elimination of all discrimination against widows within the family, community and public life (Owen, 2011).

In Nigeria, the bereaved mourn their loss and in many places, they are expected to undergo a series of rituals referred to as widowhood rites/rituals (Afolayan, 2018). The mourning period is coupled with a series of life events, which often have various demeaning implications. Some of these practices are described as barbaric, atrocious, "backwards, immoral, commoditization and an abusive violation of the sexual and human rights of powerless" (Nyanzi et al., 2009, p.14). Although men may also experience such rites when they become widowers, women are more often subjected to these harmful ritual practices due to community perceptions and treatment. This is based on gender, cultural norms and the patriarchal structures of many Nigerian societies.

Generally, in Nigeria, widowhood practices are observed by almost all ethnic groups. However, the extremes encountered in such traditional practices vary across the ethnic groups (Olakitike, 2010).

The Traditions and Variations in Violation

Widowhood practices in West Africa are considered part of the cleansing rituals designed to remove the bond that links a living spouse to a dead one. These

practices are carried out as part of culture (Osai, 2018). Therefore, anyone who fails to fulfil the requirements of these rituals is at risk of social exclusion or personal calamity. There is a strong loyalty to tradition in Nigeria as an average citizen is raised in a manner that they understand to be tradition. Nigerians are more in-tune with the traditions of their land than with the laws provided by the national legislation. The commitment to tradition is the main reason for the difference in the levels of widows' maltreatment that exist in both the Northern and the Eastern regions of Nigeria (Umeasiegbu, 1997).

The Northern tradition and customary laws are known to be crystallized from the Islamic religion, a religion that has its principles and practices built upon the precepts of the Quran. The Quran preaches the need to give respect and honor to women and especially widows, for even Allah himself got married to a widow (Q 14:40). The Quran commands men to treat women nobly, stating that "for they are our mothers, daughters, aunts..." Some Muslims, believe that men who ignore this command are betraying the Islamic religion. Furthermore, it is stated in the Quran that "Those of you who die and leave widows should bequeath for their widows a year's maintenance and residence. But if they (the widows) leave (the residence), there is no blame on you for what they justly do with themselves" (Q.2:240).

The Quran went further to admonish those men who oppress or ill-treat women by saying "O you who believe! You are forbidden to inherit women against their will. Nor should you treat them with harshness, that you may take away part of the dowry you have given them - except when they have become guilty of open lewdness. On the contrary live with them on a footing of kindness and equity. If you take a dislike to them, it may be that you dislike something and Allah will bring about through it a great deal of good" (Q 4:19).

These references are a clear testament to the extent to which Islam dismisses and detests violence against women. Since the Islamic religion is greatly rooted in the traditional practices of the northerners, it reflects on the way they treat widows. For example, the customary approach in sharing the estate of a deceased husband is crystallized from the precepts of the Quran. Succession rights under Islamic law are mathematically laid out in the Quran. Under the law, wives and daughters are permitted to participate in the sharing of the estate of their dead husband or father. When there are children or other descendants, the widow's portion is one-eighth of the deceased estate. If there is more than one widow, the one-eight is shared equally amongst them. A woman without any child inherits one-quarter of the deceased husband's estate (Q 4:14).

In the Eastern region of Nigeria, the tradition and culture are most often mixed with traditional religion. The culture and traditions of the Igbo people, places the women far below the men. In this region, Igbo states in Nigeria such as Enugu and Anambra have sanctioned specific laws mitigating widowhood practices, which are harmful and refused to recognize them as part of culture. However, the enforcement of these laws is weak as past culture is still embedded or

ingrained in the peoples' orientation and the custodians of these traditions are unwilling to adjust them (Osai, 2018). This is even worse for widows, as they are treated as outcasts; especially when there is a perception that she might be the cause of her husband's death (Emiola, 2001). The customary laws of the Igbo people are enacted to fall in line with the laws and principles of their traditional practices. Among the Igbos, laws are based on rules, which are enacted by the elders and sanctioned by the ancestors. The native laws and customs enforced by them with regards to marriage and widows' rights for instance are thought of as originating from sanctified ancestors and gods, whom it would be sacrilege to disobey; risking a dangerous curse, as well as the penalties, by the direct physical force still sometimes commanded by these traditional rulers (Korieh, 2006).

The existence of the Umuada (a group of women in Igbo land), provides a platform to stop the infliction of violence against women during the mourning period. Even with education, one would think the incidences of abusive cleansing rituals would be reduced. However, educated women continue the practice (Osai, 2018). This is perhaps, because they are also at risk of being violated by members of their husband's family on his death. Sustained and active human rights education aimed at improving women's rights knowledge and increasing women's opportunities to economic and social welfare schemes may help to curb this perpetuation of violence which has been sustained under the vehicle of 'culture' (Ugwueze, 2008).

The imposition of widowhood practices in present day is inexcusable given the culture of human rights and gender equality that exists and the above statements mirror the reason for the difference in the level of violation of rights in the Northern and Eastern parts of Nigeria. However, the cultures of both regions are built on different sources, one which appreciates equality between gender and another which considers the female folk less important than the males, peaking off the northern and eastern regions respectively (Osai, 2018).

Differences Established in the two Regions

In the Northern and Eastern parts of Nigeria, two major areas which explain the different variations in treatments meted out to widows are the culture of the regions and the illiteracy levels of the regions.

Illiteracy levels

Illiteracy is defined as the condition or quality of being ignorant or unknowledgeable in a particular subject or field. In Nigeria, adult female illiteracy rate is put at about 56% (UNESCO, 2020). This figure is quite high for any country that desires to curb the issue of widows' rights violations. The rights of widows are explicitly stated in various international conventions. State laws are also formulated to address cultural and social issues. For example, the government of Abia State passed into law that "no widow on the ground of tradition should be deprived of the estate of the deceased husband." (Nzewi, 2009). Most importantly, it is recognized by the Nigerian judiciary that any customary law that

is repugnant to natural justice shall be overruled.

In the Northern part of Nigeria, the level of illiteracy is at about 71% (Amzat, 2017). The northerners are more in tune with their Islamic religious practices than seeking western education. Although as stated earlier, the widows in the north experience less violation, they tend to live with whatever form of violation that they experience as they are less likely to seek justice.

In the case of the Eastern part of Nigeria, the level of illiteracy is known to be lower at about 31% (Amzat, 2017). Despite this literacy level, widows in the east suffer more violation as it concerns human right than their counterpart in the north, but their level and acceptance of education and knowledge puts them on a better edge when it comes to liberation from maltreatment. The maltreatment that befalls widows is incorporated into various cultural practices which the natives of the east have come to accept as a way of life. These activities can be checked by the laws available, this is not to say that our legal system does not have its short comings, but the question is how many widows are aware of their rights and how many of them can stand up to these abuses and can count on the so called “weak” judicial system? When addressing laws in Nigeria, references are always made to the “mother law” of the nation, which is the Nigerian Constitution. The Constitution of the Federal Republic of Nigeria (1999) states that discrimination against women is not allowed. The section on Fundamental Human Rights says that a citizen of a particular community, ethnic group, place of origin, circumstances of birth, sex, religion or political opinion shall not, by reason only that he or she is such a person, be discriminated against.

Cultural differences

Each culture determines the consistency of practices relating to widowhood and mourning rites. The Hausa and Igbo in Nigeria have different practices relating to widowhood and widows' inheritance.

During the mourning days, the woman's hair among the Igbos is scraped and she is expected to sit on the mat surrounded by other mourners or to sit by the corpse of the husband, warding off flies from it. She is expected to be fully clad in black attire for seven months and any other cloth for the remaining five months of her one year of mourning (Potash, 2006). One of the most painful aspects of the Igbo widowhood practices is that the woman is not allowed to inherit the husband's property most especially, if she does not have a male child. In addition to this, she is forced into marriage by a close relative of the deceased as she is viewed as part of the inheritance for the relatives. If she refuses the marriage, she faces exclusion and disinheritance (Umeasiegbo, 1997).

Among the Hausas, the mourning period lasts for four months and ten days. The widows are not allowed to adorn their body during the mourning period and their hair is mostly covered with a light shawl and she is mandated to take a ritual bath every Friday throughout the mourning period and recite certain koranic verses as she bathes. Also, they are not forced to re-marry and retain the right to live

in their late husband's house and raise their children there (Ewelukwa, 2010).

There is also a higher death rate among the Igbo widows than their Hausa counterparts. There are several occasions of widows dying while observing widowhood rites and many dying after the rites (Ewelukwa, 2010). However, the paradox of these practices is that even though women are the victims, they are also the perpetrators and enforcers of the sanctions of all these inhuman widowhood practices.

Comparison of Widowhood Rites

This phase of life for women is not a period of comfort, consolation or a pleasurable experience. It is not pleasurable because in many Igbo communities, upon the spouse's death, the widow is effectively stripped of the status that she attained upon marriage. The “adverse implications of losing her exalted marital status are forcibly brought home by subjecting her to such manifested debasing practices as having to sit and sleep on the bare floor or on a straw mat for a prescribed period, often in insalubrious conditions and compelling her to eat her meals from cracked, battered or very old plates” (Iwobi, 2014, p.44). The practices are intended to symbolize the widow's dethronement and her consequent reversion to her previous deprived status (Bamgbose, 2010).

These appalling experiences make widows prone to psychological, social, economic, physical and emotional agony following the loss of their husbands. By far the most touching event is when the widow's husband's brothers tend to be greedy and deceitful. Properties' dispossession and chasing off are aberrant features of widowhood in Igbo communities. In some Igbo communities, widows may have to go into the thick forest at night and recite some incantations for the purpose of “cleansing”. As indicated before, widows are also made to drink the water used to bathe the corpses of their deceased spouses; and they are shaved and kept in seclusion for months while consultations are on as to the real cause of death of the man. Occasionally, in some Igbo communities, widows are sometimes forced into new matrimonial relations with a male relative or forbidden to remarry, even though they may desire to do so. Mourning customs may desexualize the widows' good looks through their dress codes, restricting their participation in social activities (Potash, 2006). Thus, the historical, cultural and gendered context of widowhood practices across Igbo communities and beyond exhibit common strands which run in different formats. But the fact remains that the widowhood rites make widows suffer from discriminatory practices, as a result of power relations, cultural factors and gender patterns.

In the Northern region of Nigeria, widowhood rites among the Muslim population are largely shaped by Islamic prescriptions (Ohansi, 1997) and attribution of death is to God. The widow is traditionally expected to mourn her late husband (tabaka) for a specified period of time. The mourning period is four lunar months plus ten days and till the day of delivery or weaning of her new baby for a widow not pregnant before the death of her husband and the pregnant widow

respectively (Kabir, 2003). What this means is that the widow mourns for 130 days and if she was pregnant at the time of her spouse's death, she mourns till delivery or till she weans her child. The widow after the mandatory mourning period could stay and remarry in the same family or go elsewhere for the same purpose. However, it has been noted that most widows are often neglected during and after mourning together with their children. Apart from the neglect, there is no other practice of mourning that is physically injurious or degrading to the widow. In order to survive the harsh financial situation faced thereafter most widows are known to take to petty trading, begging for alms or other survival strategies to keep body and soul together (Kabir, 2003).

Customary Law of Inheritance

The cultural practice of inheritance is not under a uniform law in Nigeria. The systems of inheritance operate hand in hand and a person's ethnic group and religious affinity determines which law will be applied. The customary practice of inheritance has a historical antecedence. Colonization has a part to play in the inheritance practices of most African countries (Potash, 2006).

With the coming of the colonialist, African men became suspicious and did not want to expose their wives. The men entered the labor force to work with the colonialist and the colonialist saw African men as the breadwinners. With the introduction of privatization and exchange of land, business transactions were carried out between the colonialist and the men. This helped to ensure male dominance of the economic, social and political sphere and the further decline of women's economic and social status. The colonial government and the private corporations, because of their interest in the possession of land, made sure that women generally were given smaller and less productive land or land sold without their knowledge (Pearce, 2001).

The post-colonial state has maintained this bias. The superiority of men influenced the social system in the way values were instituted, roles were ascribed, resources and labor were divided and organized for both men and women. Women generally were not entitled to control lineage land. Although, it was allotted for use, these user rights were easily ignored especially with privatization and purchase of land, which up till then was unknown and began with Western influence.

Historically, women had influence within their clan or kin-based group but always under the auspices of male elders in the patrilineal descent groups and were mostly responsible for bringing forth children and domestic work. As a result, women did not own land (Arigbede, 2007). However, there are variations in the inheritance practice when a woman is within her lineage and when she plans to claim property by the virtue of marriage. There are also differences in inheritance practices within a patrilineal and matrilineal group.

Under the Yoruba and Hausa customary laws, a woman can inherit land within her own patrilineage. However, her claims to such land are easily challenged by her brothers once she is married. The Hausa customary law allows women to

own property and it is important to note that, under colonialism, the British system of “indirect rule” in Northern Nigeria preserved Muslim Personal Law, which regulated issues concerning family life and civil matters, but not taxation or most criminal law matters (Pereira & Musa, 2010). In the run-up to independence in 1960, legal pluralism was clearly evident in the three systems of law operating in the sphere of family and personal status – marriage, divorce, child custody, inheritance, and so on. The legal systems involved were common law, Muslim laws and customary laws (Ibrahim, 2008). With the approach of independence, a statutory Penal Code was passed in which an attempt was made to develop a legal system that would take account of the diverse religious and ethnic groups in Northern Nigeria. This was done in consultation with a panel of Islamic jurists. A woman can inherit from either of her parents though they seldom do. The female is entitled to half of the share of the male sons. In practice where the only surviving child is a female, her uncle occupies the land as of right, but the female child is entitled to the proceeds of the farmland (Holmes & Holmes, 2005). However, with the increasing pressure on land, females tend to receive movable and more liquid assets as inheritance while land remains close in the hands of men (Palmer, 2011). Under the Maliki or Islamic Law, there are fixed shares of inheritance which are gender based.

As a result of cultural diffusion experienced both by the home front due to colonial rule and neo-colonialism and by the Diaspora who presently are in serious romance with the western culture, much of the traditional practices have undergone serious modification. This is certainly consequent upon Igbo openness and amenability to change. The Igbo customary law is different from the Yoruba and Hausa customary law on inheritance from the lineage. In the Igbo culture, the system of inheritance is either patrilineal or in certain areas of Abia State of Nigeria, matrilineal (Iwobi, 2014). Under the Igbo customary law, a woman is not allowed to inherit land from her lineage. In all areas of land holding, women are excluded as land passes from the father to only the male children. Although, an unmarried daughter has a right to live in her father's house, she is not allowed to cultivate the land as her own. As Korieh stated, “Why should a woman be allotted land? She married away from this village and can only have access to land where she marries. Her access to land will be through her husband and children” (Korieh, 2006).

Customary Practices of Widowhood

The outburst of intense wailing, weeping and hysteria, full vent of anguish by beating the chest, rolling on the floor and pointless hours of crying are the regular expectations as to the actions and behavior of a widow. In some cultures, in Igbo land, the widow is fined when she does not cry as expected or the crying is judged insufficient (Korieh, 2006). On the contrary, men are not expected to cry in public or to show noticeable grief.

Amongst the Igbos, shaving the hair of the widow is a common

characteristic. However, the effect of Christianity has cut down this practice but it is still practiced in some of the rural communities. Widows who refuse to observe this practice on the grounds of religion are usually punished by excommunication.

The mourning rites are also a customary practice still observed. This is a period of seclusion from common activities by the widow and it is usually during this period that the oppressive and dehumanizing acts are inflicted. The duration and intensity of the mourning rites vary from culture to culture. Under the Hausa culture, the mourning periods are shorter (Trimmingham, 2000). With the increase in the number of working-class women caused by civilization, urbanization and migration the mourning periods are shorter although still observed.

The advent of Christianity has influenced these customary law practices and a change is being observed. For example, the mourning dress which used to be black has changed into white or any bright color. The assumed weak position is exploited by other women and this is predominantly true of the “Umuadas” under the Igbo culture. There are the patrilineal daughters in the family who preserve influence over what happens within the family in which they are born, though some are married into other families. The practices are given out by these groups of women onto the widow and they decide on the proper treatment. This is done either out of vengeance for what they suffered in their matrimonial homes or out of spite on the widow or to generate funds for themselves.

The exploitative motive behind the injustice inflicted on the widow was reported in 1960's (Leith, 1963). The report stated that under a regulation in 1930 in Owerri, a city in East Nigeria, customs specified that the fee for the shaving of the hair of the widow should be one shilling and the shaving was done by one of the relatives of the deceased. However, if the women in their judgment felt that the deceased should have married more than one wife, the widow would be made to pay the total amount of money the shaver would have collected had the deceased married the expected number of wives. Nowadays, the shaving of heads is still being done, monetary value if any is decided by the family.

Policy Framework for Protection of Women Rights in Nigeria

Of all the laws in Nigeria, the national law as contained in the Constitution of the Federal Republic of Nigeria is supreme over all other laws. In as much as the rights of all Nigerians are explicitly documented in the national law irrespective of sex, women should also be protected as is clearly spelt out in the nation's Constitution. However, there is no particular law that protects the rights of widows in Nigeria against harmful traditional practices. Even if relevant law exists, it may be limited in scope by virtue of the potency of customary laws and diabolical powers associated with the rituals which eventually place undue burden on the victims. In some cases, some of the laws relevant to the plight of women are couched in provisions that are not favorable to women and sometimes the women are not even aware of the existence of the laws (Iwobi, 2014).

Specifically, under the 1999 Nigerian Constitution, which is still used in Nigeria, in Chapter IV titled “Fundamental Rights”; every Nigerian is guaranteed the fundamental rights from section 33 to 43 respectively: the right to life, dignity of the human person, personal liberty, a fair trial, privacy and family life, freedom of thought, conscience and religion, freedom of expression and the press, peaceful assembly, freedom of movement, freedom from discrimination and to acquire immovable property anywhere in Nigeria. In the same vein, Chapter 2, section 15 of the Constitution provides that discrimination on the ground of sex shall be prohibited, whilst section 17 states that “the social order is founded on the ideals of freedom, equality and justice. The sanctity of human persons shall be recognized and enhanced”. Relevant to the plight of women is the protection provided by section 42 of the Nigerian Constitution, which clearly protects women against any form of discriminatory practices on the ground of sex.

Some of the administrative steps taken by the government that would protect or promote the rights of women include:

- I. The Federal Ministry of Women Affairs (FMWA) was established as catalyst for the promotion of gender equality and equity and monitoring of the implementation of women's issues.
- II. The National Human Rights Commission was established with a female Rapporteur to further strengthen the legal protection of women, Legal Aid Council and the Public Complaints Commission all of which are yet to be fully useful resources for women.
- III. The existence of Gender Desk Officers in some key Ministries and Agencies, e.g. Education, Agriculture, Health, Information, Employment, Labour and Productivity, Civil Service Commission, National Planning Commission, etc.

Support Systems for Women/Widows in Nigeria

While the government's political commitments to gender equity are creditable, it is slow in progress. With the advent of the democratic rule in the country, the issue of women's marginalization from formal sphere of decision-making has come to the fore with renewed vigor. Female organizations have engaged in various forms of gender activism, including advocacy, mobilization, sensitization, rallies, consensus-building, coalition-building etc. around issues that span constitutional reform, such as, the multiple forms of violence against women, engendering public policy, to mention but a few.

Furthermore, in view of government's inability to adequately provide protection for victims of violence, the burden for this fall on the shoulders of Non-Governmental Organizations (NGOs). What further makes it difficult to provide such adequate protection is the scarcity of data due to lack of research on the causes and consequences of violence within and outside the home further made more difficult with non-reporting and proper documentation of incidences (FMWA, 2004).

There has been increased awareness of and commitments to preventing and

combating violence against women by women organizations and NGOs. Crisis and counselling centers have been established and some women organizations and NGOs have provided support services to women victims of violence. Progress is being made particularly regarding the more general acceptance of the existence of discrimination and violence against women and awareness raised in the society. It is however certain that much needs to be done to prevent the problems, to change state of mind, to strengthen women and for the proper implementation of the law and the protection of the victims.

Over the past decade (2000 till date), various measures have been taken to eliminate discrimination and violence against women including the following;

- I. The Court of Appeal has adequately demonstrated its competence and effectiveness by declaring three customs in Enugu and Anambra States as discriminatory against women and violating of women's rights and human dignity. Others have followed suit.
- II. Safe houses for victims of domestic and sexual violence in 3 States and Federal Capital Territory (FCT) representing about 16.2% of the States of the Federation have been created.
- III. The Federal Ministry of Women Affairs and Youth Development instigated the establishment of Gender Desks at all the Police Stations in the country.
- IV. Legislative measures criminalizing the practices of Harmful Traditional Practices including widowhood practices and Female Genital Mutilation have been set up.
- V. The Federal Ministry of Justice has reviewed and taken steps to revoke penal code provisions and other related laws that discriminate against women. There have been interventions in the following area by the FMWA: Wife chastisement: creation of specific laws that deal with the issue of violence and abuse within domestic and private relationships such as the Violence Against Person's Prohibition Act (VAPP), Protection Against Domestic Violence Law (PADVL).
- VI. Establishment of Legal Aid Council by the FMWA, which provides free legal counsel to women.
- VII. Setting up of Family Law Centers in some States by coalition of NGOs and Community Based Organizations to assist distressed women in the pursuit of their rights in the law courts.
- VIII. The results of the National Survey on Harmful Traditional Practices (HTPs) conducted by the FMWA in conjunction with United Nations Development System have provided data for legislations to review such practices.
- IX. A Bill on Domestic Violence against Women submitted to the National Assembly by a group of NGOs supported by FMWA has been passed.
- X. Women's rallies demanding zero tolerance for violence against women are held constantly. These rallies push for punishments for offenders.

- XI. The push for gender equality has increased greatly over the years. The encouragement that this should be taught in schools so as to reduce gender-based violence is also at the forefront of this movement.

Conclusion and Recommendations

This study raised questions on the difference between the Northern and Eastern parts of Nigeria in the violation of the rights of widows and also the effectiveness of the Nigerian judicial systems and legislation. This study has been able to point to the existence of differences in the level of violation of widows' rights in the Northern and Eastern parts of Nigeria. The incorporation and influence of religion on culture was used as a yardstick for marking out the reasons for the various maltreatments existing in both regions. As religion influences cultural practices, the Northern widows are less exposed to violations, because of the Islamic religion which is strongly integrated into their culture, which preaches against the maltreatment of widows and is more favorable to them. In the East, the traditional religion is hostile and unrewarding to widows as they see widows as less important in the society and as such, maltreatments are endorsed.

Secondly, the question of the effectiveness of the Nigerian legislation and judicial system is answered by the above comparison on the grounds of illiteracy and cultural differences. As it is a fact that education makes ignorance obsolete, it has been shown that several laws are passed both at local and international platforms and there are several state laws and federal laws legislated to check the maltreatment of widows at different levels, but these laws are not being enforced. The problem remains that the victims of violation do not stand up to fight for their rights, as they are either ignorant of the law or are afraid to seek justice for fear of the consequences of betraying the precepts of religion, which could lead to stigmatization.

This study has shown that widowhood rites violate the rights of women and that every effort taken to discontinue these practices has not been a resounding success as it still takes place. There is a need for continual community education and public awareness. Besides, emerging women's 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. Emphasis should be on local adaptation and messages must be conveyed and presented in local terms that are understandable.

References

- Afolayan, G. E. (2018). Widowhood practices and the rights of women: The case of south-western Nigeria. *International Institute of Social Studies*, 12, 5-14 https://www.researchgate.net/publication/280312514_Widowhood_Practices_and_the_Rights_of_Women_The_Case_of_South-Western_Nigeria
- Amzat, A. (2017). Despite decades of funding, literacy level in the Northern states remains low. *The Guardian*. July 24 <https://guardian.ng/news/despite-decades-of-funding-literacy-level-in-the-northern-states-remains-low/>
- Arigbede, M. (2007). Development and womens' health in Africa. *Emparc Monograph Annual Series* 3.
- Bamgbose, O. (2010). Translating traditional concepts into legislation and practice: The Nigerian women in focus. *International Journal of African and African American Studies*, 7, 62-77.
- Barber, K. (2015). *Going too far in Okuku: Some ideas about gender, excess, and political power*. Lit Verlag, 22-31
- Bennett, K., Hughes, G., & Smith, P. (2003). "I think a woman can take it": Widowed men's views and experiences of gender differences in bereavement. *Ageing International* 28, 408-424.
- Brown, C. K. (2002, April). The situation of widowed elderly persons at Cape Coast. *CDS Research Report Series* 25, 4-10.
- Chamie, J. (2020, February 3). Widowhood: Stressful and Unprepared. *Inter Press Service*. <http://www.ipsnews.net/2020/02/widowhood-stressful-unprepared/>
- Cook, R. J. (2011). *Human Rights of Women: National and International Perspectives*. Philadelphia: University of Pennsylvania Press.
- Dei, B. (2000). Widows of Sorrows. *Journal of Women Justice Program*, 1, 18-33
- Division for the Advancement of Women. (2001, December). *Widowhood: Invisible women, Secluded or Excluded*. United Nations. https://www.un.org/womenwatch/daw/public/wom_Dec%2001%20single%20pg.pdf
- Emiola, A. (2001). *The Principles of African Customary Law*. Ogbomosho: Emiola Publishers.
- Erinosho, L. (2010). Widowhood rites in Nigeria: Traditional practices affecting the health of women and children. *Monograph Number* 3, 5-10.

- Ewelukwa U. U. (2010). Post-Colonialism, gender, customary Injustice: Widows in African societies. *Human Rights Quarterly*, 24, 424–486. <https://ssrn.com/abstract=2358561>
- Federal Ministry of Women Affairs, (2004, August). *Nigeria's Report on the Implementation of the Beijing Platform for Action and Commonwealth Plan of Action*. <https://www.thecommonwealth.org/Nigeria.pdf>
- Hofstede, G. J. (2004). *Cultures and Organizations: Software of the Mind*. New York: McGraw-Hill.
- Holmes, E. R., & Holmes, L. D. (Eds). (2005). *Other cultures, Elder years*. London: SAGE Publications.
- Ijeoma, A.N. (2009). Customary law impacts on women's rights issues: Reconciling the tensions in Nigeria. *Lesotho Law Journal*, 18 (1), 85-98.
- Iwobi, A. U. (2014). No cause for merriment: The position of widows under Nigerian law. *Journal of Women and Law*, 20 (1), 37-86. <https://muse.jhu.edu/article/242661>
- Kabir, Z. (2003). Widowhood practice in Northern Nigeria. The report of the research of widowhood practice in Nigeria. *Better Life Programme, Northern Nigeria*, 4 (8), 12-20.
- Korieh, C. J. (2006). Widowhood among the Igbo of Eastern Nigeria. <https://www.semanticscholar.org/paper/Widowhood-among-the-Igbo-of-Eastern-Nigeria-Korieh/014506b88ab73677dc15dd9a688d9aaa58f02f6b>
- Leith, R. S. (Ed). (1963). *African Woman: A Study of the Igbo of Nigeria*. Routledge.
- Nna, J.& Nyeke, C. (2007). Failure of governance and feminization of poverty in Rivers state. *Nigerian Sociological Review*, 2(1), 173.
- Nyanzi, S., Emodu-Walakari M., & Serwaniko W. (2009). The Widow, the will, and widow-inheritance in Kampala: Revisiting victimization arguments. *Canadian Journal of African Studies*, 43(1), 12-33. <https://doi.org/10.1080/00083968.2010.9707581>
- Nzewi, E. (2009). *Widowhood practices: The Imo experience*. Owerri Government Publication.
- Ohansi, B.A. (1997). *Society, Culture and the Status of Widows in Contemporary Nigeria*. Owerri: Government Printer.
- Olakitike, O. (2010). Cruelty in the name of culture. *Pulsewire Magazine*.

<http://www.worldpulse.com/user/1265/journal>

- Owen, M. (2011). Widowhood issues in the context of United Nations Security Council Resolution 1325. *International Feminist Journal of Politics*, 13(4), <https://doi.org/10.1080/14616742.2011.611667>
- Palmer, I. G. (2011). Gender and population in the adjustment of African economies: Planning Change. *The Journal of Modern African Studies*, 30(4), 691-696. <https://doi.org/10.1017/S0022278X00011149>
- Pearce, T. O. (2001). Women, the state and reproduction health issues in Nigeria. *Jenda: A Journal of Culture and African Women Studies*, 1(1), 1-21. <https://www.africaknowledgeproject.org/index.php/jenda/article/view/28>
- Potash, B. (2006). *Widows in African Societies: Choices and Constraints*. Stanford University Press.
- Reed, M. (2020). The labor force participation of Indian women before and after widowhood. *Demographic Research*, 43(24), 673-706. <https://dx.doi.org/10.4054/DemRes.2020.43.24>
- Sharfman, A. (2020). *Population Estimates by Marital Status and Living Arrangements, England and Wales: 2019*. Office of National Statistics. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationestimatesbymaritalstatusandlivingarrangements/2019>
- Sossou, M.A. (2002). Widowhood practices in West Africa: The silent victims. *International Journal of Social Welfare*, 11 (3), 201-209. <https://doi.org/10.1111/1468-2397.00217>
- Stevens, N. (1995). Gender and adaptation to widowhood in later life. *Ageing and Society* 15, 37-58.
- The Holy Quran.
- Trimmingham, J. S. (Eds). (2000). *Islam in West Africa*. Oxford: Oxford Press.
- Ugweueze, A. (2008). *Cultural practices against women in Eastern Nigeria*. Anambra: Winners International Enterprises.
- Umeasiegbu, R. N. (1997). *The way we lived: Igbo customs and stories*. Oyo: Heinemann.
- UNESCO Institute for Statistics. (2020). *A Report on adult illiterate population*. UNESCO. <http://uis.unesco.org/en/glossary-term/adult-illiterate-population>

- Walle, D.V. (2016). *The shock of widowhood: Marital status and poverty in Africa*. World Bank. <https://blogs.worldbank.org/africacan/the-shock-of-widowhood-marital-status-and-poverty-in-africa>
- Young, K. (2010). Widows without rights: Challenging marginalization and dispossession. *Gender and Development*, 14 (2), 199-209. <https://doi.org/10.1080/13552070600747131>.