

## Research Article

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# Patriarchal Restrictions and Maternal Manoeuvres: Igbo Women's Quest for Land Inheritance Rights

<https://doi.org/10.1515/gsgs-2024-0001>

Received March 28, 2024; accepted August 7, 2024; published online October 21, 2024

**Abstract:** We examine the nature of maternal manoeuvres practised by Igbo women of Nigeria in negotiating access to resources under the traditional restrictive customary system and the contemporary plural legal framework. While extant feminist scholarship on African patriarchy often highlights discrimination and violations of women's property rights, it rarely acknowledges the subtle strategies women use to navigate male-dominated societies, especially regarding land rights and inheritance. Among the Igbo, women have instrumentalized certain practices that uphold the patriarchal system for land access, inheritance, and succession. While employing a mix of socio-legal and discourse analysis and collaborative autoethnography, our study explores the traditional phase of silent politics of access, including practices like the female husband or woman-to-woman marriage, traditional single parenthood (*nrachi*), levirate marriage (*nkuchi*), and concubinage. We also delve into the modern phase, where women use Assisted Reproductive Technologies (ARTs),

**Correction note:** Correction added October 23, 2024 after online publication October 21, 2024: In the earlier version, the fourth author has accidentally been listed as Juliet Akalameku in the author list and in the author affiliations section. This has been corrected to Okwuchi Juliet Akalemeaku.

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child adoption, litigation, and legal instruments for property access. Our findings show that despite patriarchal biases in land rights, women navigate and assert their resource access using both traditional and modern methods.

**Keywords:** patriarchal restrictions; maternal manoeuvres; gendered struggles; land and landed assets; Igbo women

This fighting for inheritance in your father's house is just like fighting for [a] double portion, because when you [women] get from your father's house, definitely you will get from your husband's house. (Oscar Nonso, interview with BBC).<sup>1</sup>

## 1 The Igbo Context of Patriarchy, Family and Gendered Struggle for Access to Land/Resources

The Igbo are one of the three largest ethnic groups in Nigeria, predominantly inhabiting the eastern part of the country. Like most Nigerian societies, their structure is typically patriarchal, with extensive male privileges permeating socio-economic relations. In traditional Igbo society, especially in the precolonial era, the male child is valued and preferred over the female child. Females are typically married off to other households (Basden 1921), while males are essential for perpetuating the family lineage. Consequently, the right to succession and inheritance of a family's estate typically belongs to the male child, with the first male child being the most valued and all male children considered more important than female children.

Considering the importance of children in Igbo culture, Basden noted that marriage is significant as it provides a socially acceptable context for procreation. Therefore, a person with many daughters but no son is deemed childless. Although polygamy served as a status symbol for wealth and provided farmhands, its primary driver was the need to have male children.

Central to this obsession with male children is the notion that they guarantee the perpetuation of the family's lineage and prevents outsiders from inheriting the family's possessions due to the absence of a male heir.

The above scenario represents the traditional Igbo society of the precolonial era. The contemporary Igbo society has undergone several changes, with infusions of modernity into cultural practices and gender relations. While some gender-biased customs have been altered due to a realization of their inherent lack of equity and justice, restrictions over access to land resources persist, remains a source of both silent politics and assertive struggles for remedy.

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<sup>1</sup> Nduka (2nd February 2021), np.

In most Sub-Saharan African countries, including Nigeria, national constitutions and statutory laws explicitly advocate equal land rights and landed assets for all citizens – men, women, and youths (Evans 2016; Akinola 2018). However, this laudable goal remains elusive, as the basic principles of some indigenous practices sometimes conflict with statutory laws and national/international human rights doctrines regarding age, gender, and/or ethnic discrimination (Alden-Wily 2011; United Nations 2013; Diala and Kangwa 2019). Since land is pivotal to intergenerational wealth transfers and belonging in both urban and rural spaces, violations of women's rights to land/property and gender-discriminatory inheritance practices lead to social and economic deprivations. Restrictions on, or lack of, access to land, as well as the repudiation of the rights of land inheritance and succession, especially in rural and often urban communities, frequently plunge women and female-headed households into vicious cycles of poverty, food insecurity and disease vulnerability (Alden-Wily 2011; Evans 2016; Akinola 2018; World Bank 2020).

On a note of legal provision and its unmet promises of equality, we present a celebrated case in which the father of a plaintiff, Gladys Ukeje, died intestate in 1961. The wife of the deceased, who is also the mother of the plaintiff and her son, obtained letters of administration for the deceased's estate in 1982. The plaintiff responded by filing a case against her mother and brother, seeking, as the daughter of the deceased, the right to partake in the sharing of her late father's estate. The matter started in 1984 and was decided in favour of the plaintiff first in 1992. The respondents appealed to a higher court, and the appellate court upheld the first court's decision, affirming Mrs Gladys Ukeje's inheritance right in her deceased father's estate. The matter escalated to the Supreme Court, the highest court in the land, and was finally decided in favour of Gladys in 2014. Thus, it took a determined woman three decades of litigation to assert her right to share in her deceased father's heritage. This case has become a celebrated reference in legal disputes related to the inheritance rights of female children and marks a stage of assertiveness of rights in the struggles for women's inheritance rights, including lands and other resources (see Branham, n.d.).

Over the years, research and policy attention has increasingly focused on gendered struggles over land and the strategies women employ to manage the numerous institutional and normative challenges they face (Peterman 2012). Evans (2016) has advocated for a better understanding of the landscape of gendered struggles for land rights in specific contexts, including rural and peri-urban areas, where land holdings are increasingly undergoing commodification and socio-ecological transformation. This research approach will not only enable insights into how winners and losers in gendered struggles over land are produced in specific contexts (Evans 2016, p. 14) but will also help to highlight variations in women's land tenure experiences (Chigbu, Paradza, and Dachaga 2019). Recently, discrimination against women in all forms and purposes, particularly property rights violations, has taken center stage in feminist social science discourse in Africa (cf Ossome 2014;

Peterman 2012). Again, some of the age-long practices, such as concubinage, female-husband or woman-to-woman marriage, *nrachi*,<sup>2</sup> *nkuchi*<sup>3</sup> (levirate marriage), male-daughter arrangement, among the Igbo (Egboh 1973; Obi 1962; Uchendu 1965) have remained till date remained subjects of socio-moral and legal scrutiny. (Akpamgbo 1977; Diala and Kangwa 2019; Ezeilo 2020). Generally, extant opinions analyse them as patriarchal practices, but none has considered how women adapted and instrumentalized them as tools of maternal manoeuvres and resistance.

Gendered struggles for land and inheritance rights are both diverse and very dynamic. In their old and more traditional forms, the practice of concubinage, *nrachi*, *nkuchi*, woman-to-woman marriage and so on,<sup>4</sup> were adapted and employed as stratagems to bypass and overcome apparent restrictions (Amadiume 1987; Olijere, Onuoha, and Igwe 2019; Ojuade 2020). In contemporary times, multiple litigations challenging a number of these discriminatory practices (Kocabicak 2022; Onwutuebe 2019) suggest that women were not merely acquiescent to the old practices but used subtle stratagems, ‘silent politics’, or ‘maternal manoeuvres’ to overcome patriarchal restrictions or constraints. ‘Maternal manoeuvres’ or ‘silent politics’ represent diverse, cross-cutting, and sometimes contradictory habitus for negotiating favourable access to land and associated economic and socio-cultural privileges (such as status, sense of belonging, and recognition) (Amadiume 1987; Ammann 2020; Ossome 2014).

The theme of silent manoeuvres of women to cope under restrictions in Africa’s is evident in Akuffo’s (2024) study of the patriarchal strategy of gatekeeping in Ghana, by which men used the power of determining who gets access to what opportunity, to cause a gendered access to education. The practice positioned maternal uncles in matrilineal homes to determine what level of education, if any, that the girl child belonging to their sister gets. The system left the role of gate-watchers to mothers who either negotiated access for their daughters or firmly supported non-access decisions made by their brother. The work of Mensah (2023) on Bette and Owe

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2 Culturally approved single parenthood among the Igbo, wherein a daughter chooses not to marry but remains in her parents’ home to have children, ensuring the continuation of her lineage, especially in cases where there is no male child in the family. *Nrachi* (or *nhachi*) refers to a tradition that entitles a female child without a male child to remain in the family (and not marry) to try to extend the family bloodline by bearing children, particularly males, in her father’s name.

3 This is a where a late husband’s brother or male relative inheriting takes over a widow (levirate marriage) in order to bear children in the deceased’s husband’s name.

4 Woman-to-woman marriage is “a practice whereby a widow who is infertile or too old to conceive marries another woman on behalf of her dead husband” (Ewerlukwa 2008, p. 215). Woman-to-woman, involves post-humous marriages (ghost marriage), usually but not exclusively a widow ‘marrying’ another woman to whom she becomes a female husband. However, it is not a sexual partnership (cf Ewerlukwa 2008).

cultures of Nigeria draws attention to how naming of male and female children aligns with existing sexist norms including ones that reify the roles and inescapable necessity of a male husband in a woman's life. Such naming for instance supports heteronormativity on gender relations and in fact, forms a basis of arranging exogamous marriages on behalf of their daughters. However, some women resisted such marriages and quietly rebelled against patriarchal domination and demonstrated their autonomy by giving their female children names like "*Ínúmòtòlè* 'I follow my mind' and *Ínumífin* 'I know myself'" (Mensah 2023, p. 59). Such subtlety in adaptation also runs through Mariama Ba's work of fiction 'So Long a Letter,' which according to El Arbaoui (2023) represents the circumstance of the Senegalese woman and how they resort to sisterhood for bonding and solidarity to silently resist patriarchy. These forms of silent politics is all-encompassing, covering women's engagements in activities such as studying, marrying, meeting friends, raising their children, doing household chores, and participating in partisan politics (Ammann 2020, p. 5).

The present study focuses on land inheritance, succession rights, and related privileges among the Igbo of Nigeria. Existing narratives on the subject are primarily anti-patriarchy and rights-based, with little attention given to the strategies women use to circumvent the denial of land resources. This study, therefore, examines various maternal strategies employed by Igbo women in Southeast Nigeria to confront and bypass patriarchal restrictions and pro-male biases in land and succession rights.

Three specific objectives will guide our study:

1. To assess the nature and status of the maternal practices in place and those permissible under the contemporary plural legal system
2. To verify the shifts in feminine stratagems from traditional to modernist equivalents
3. To ascertain the determinant factors of these transitions and their overall impact on women's land access and inheritance in the study area

The rest of the article is organized into four parts. The first part reviews the extant literature on patriarchal constraints to women's land rights and general wellbeing and women's agency in the ostensible silent politics of this gendered struggle. This is followed by the part on the research method, describing our methods, which include socio-legal analysis and collaborative autoethnography. Next, the findings are presented in line with the stated research objectives, showing that maternal manoeuvres and their modernist equivalents have made appreciable inroads into women's rights claims, although the dynamics continue to evolve. The final part concludes the article, pointing out the way forward.

## 2 Women's Role-Status Dynamics and 'Silent Politics' in Land-Holding and Transfers

### 2.1 Matters Arising from African Countries

In Nigeria, as in most other African countries, access to land – and, by implication, to the environment and natural resources – is primarily mediated by gender relations centred on kinship and marriage (Baba and van der Horst 2018; Chigbu 2019a). Gender often determines land access, use, control, and inheritance under the customary land tenure system. However, formal or statutory tenure systems and new urban laws foster new social norms with fluid and dynamic frontiers. Consequently, gender-based negotiations and struggles through activism, legislative reforms, and 'silent politics' have become prominent in development and policy debates, becoming an attractive talking point in Africa and the rest of the world (Ezeilo 2020; World Bank 2020). The central focus is on female status and roles at the household, community, and other levels and how these impact women's dignity, cultural acceptance, and socio-economic development. Arguing from a feminist ethnographic study of the Serer ethnic group in Senegal, Evans (2016) demonstrated how the intersectionality of socio-cultural factors (i.e., gender, religion, ethnicity, marital/community status, and generation) and socio-ecological changes constrain land inheritance rights for women (p. 23). She advocates for sequential and sustained studies of gendered struggles in identifiable settings, noting that ensuing women's rights legislations and campaigns have encouraged progress in reversing contemporary gender-discriminatory trends.

Peterman's (2012) seminal study on widowhood and women's asset inheritance across 15 Sub-Saharan African countries found that apart from Rwanda (59.96 %) and Senegal (46.24 %), which rank high in fair widowhood inheritance (FWI) practices, other countries like Tanzania (38.06 %), Zimbabwe (37.31 %), Uganda (36.41 %), and Zambia (31.77 %) showed more restrained prospects. However, FWI trends are much lower in the other nine focus countries: Namibia (29.40 %), Mali (28.86 %), Nigeria (27.87 %), Guinea (25.40 %), the Democratic Republic of the Congo (DRC) (23.80 %), Niger (23.75 %), Benin (21.90 %), Congo (15.81 %), and Sierra Leone (12.65 %). Amidst country variations in asset transfers to widows, Peterman (2012) identified two basic determinant factors: firstly, older, wealthier, and more educated women have a better chance of protecting assets from dispossession (p. 23), and secondly, women who are separated or divorced are often prey to asset grabbing by their male and female in-laws.

A similar Africa-wide study covering 34 countries<sup>5</sup> by Tsiko (2016) also used data from the Demographic and Health Surveys to verify on the spatiality and determinants of women's access to land. Tsiko's (2016) study holds that patriarchal systems limiting women's access to both their own and family lands prevail in many parts of Africa, although these vary both in degree and kind across geographical boundaries (North, West, East, Central, and Southern Africa), and even within the same country. Factors accounting for such spatial variations include age/stage in the life cycle, marital status (single, married, separated, or divorced), procreation status (number and gender of children), economic and health status, level of education, place of residence, and population density. Expressing the determinant factors in a series of choropleth maps, Tsiko emphasized that while accounting for inherent spatial variabilities is important, it is equally important to highlight local heterogeneity by focusing on delineable local communities and regions.

Chigbu, Paradza, and Dachaga (2019) view such differentiations, whether spatial or codified, as an opportunity rather than a threat in related activism and research, arguing that any attempt at homogenization would diminish the challenge and amount to a lack of recognition for women. In their opinion, this would blur women's "efforts at all fronts – historical, domestic, human image, industrial, agricultural, social, and political... by putting women all in one basket" (p. 5). This viewpoint emphasizes the means or channels of gendered struggles for land access and security. Literature evidences a wide variety of these feminine struggles for land access (and associated natural resources) both in context and form. Scholars have discussed combinations of individual and collective agencies through mechanisms like legal and policy reforms, court actions, women's activism (NGOs and women's groups), and our current emphasis – 'maternal politics' or 'silent politics', involving renegotiations of social positioning and power (Amadiume 1987; Ammann 2020). Interestingly, 'maternal politics' and 'silent politics' are two broadly identical concepts – albeit derived from separate contexts of the Kankans (Upper Guinea) and Igbo (Southeast Nigeria) – not confined to matters of land access and inheritance alone, but extending to everyday practices of women throughout their life cycles (as daughters, singles/wives/divorcees or separatees, mothers, and/or widows), study, work, as well as socio-cultural and political engagements (Amadiume 1987; Ammann 2020; Berger 2017). Ammann (2020, p. 5) succinctly puts it: "Women's agency is manifold as they silently use various ways of influencing their lives and the lives of

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<sup>5</sup> **East Africa** (Ethiopia, Tanzania, Madagascar, Mozambique, Rwanda, Burundi, Uganda and Kenya); **North Africa** (Egypt and Morocco); **West Africa** (Benin, Burkina Faso, Ghana, Ivory Coast, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal, Togo); **Central Africa** (Cameroon, Chad, Central African Republic, Democratic Republic of Congo, DRC, Gabon, and Equatorial, Guinea, Republic of the Congo); and **Southern Africa** (Lesotho, Swaziland, Namibia, Malawi, Zambia, and Zimbabwe).

others.” She theorizes this everyday agency as ‘political articulations’ of women deployed to make a living.

These feminine engagements (maternal manoeuvres or silent politics) are generally portrayed as subtle and imperceptible and are characterised by quiet (as against boisterous) encroachment, resilience, and unorthodoxy as well as verbal/non-verbal social practices (Ammann 2020). Berger (2017) has implicated such quiet encroachments in women search for diverse platforms to reshape difficult situations confronting them through African development history.<sup>6</sup> Our current interest, however, is how these silent maternal politics are deployed for land access, acquisition and succession rights among the Igbo people of South-East Nigeria.

## 2.2 Patriarchy and Gendered Land Struggles Among the Igbo People of Southeast Nigeria

The Igbo of Southeast Nigeria is an egalitarian and democratic<sup>7</sup> society albeit, one with paradoxically entrenched patriarchal culture (Egboh 1973; Uchendu 1965). Hence, male dominance is the central regulating principle of resource access and allocation. Additionally, access to and rights of entitlement to own and family lands and the accompanying natural resources are gender mediated. The culture allows women and girls unhindered access to farming, resource exploitation, and livelihoods but restricts inheritance to only male children (Egboh 1973). The first and other sons of the same family would be entitled to portions of the family land, but not the female children. The implication is that having a male child is more than just adding a new member to the family. Instead, it is the addition of a right-bearing member whose presence guarantees access to land as the primary source of rural livelihood. When a man dies without having a son, only his male siblings or male kinfolk (excluding his female children) will share in the inheritance of his lands, as exemplified by the *ili-ekpe* custom. The symbolic importance of the male child in material relations with land and succession is the reason for the pervasive preference for the male sex (Nwokocha 2007; Nnadi 2013). The consequence is a sense of desperation among families to have at least one male child. Although the consequences and stress factors weigh heavily on women, the challenge sometimes falls on men, though this is

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6 It is, however, wrong to assume that these feminine manoeuvres are one-directional and pro-women. Chigbu (2019b) has underlined instances where women can take both advertent and inadvertent actions that impede the access of fellow women to land.

7 Uchendu (1965, p. 187) qualifies this organic representative governance system through works of early ethnographers and historians like Forde and Jones (1950, p. 24), Dike (1956) and Coleman (1958), who correspondingly characterised the dominant political value of Igbo society as “ultra-democratic”, “excess democracy”, and “conciliar and democratic”.



hardly openly acknowledged. Uchendu explains and introduces not necessarily a maternal manoeuvre but a rather consensual covert arrangement called concubinage or *iko mbara*:

A sonless woman is miserable and if childless she is cursed. The Igbo demonstrate their spirit of compromise by recognizing that an impotent husband can contribute to the misery of his wives. It is concubinage which helps some women to 'father' children and raise them and thus demonstrate a right to inherit from their husband (Uchendu 1965, p. 193).

Even though *iko mbara* (literally means outside lover or paramour) includes diverse forms of extra-marital affairs and liaisons with widows and unmarried partners, the above-mentioned aspect is to all intents and purposes a form of maternal manoeuvre or at least closely connected the practice.

Maternal politics are quite prevalent in Igbo societies, where the rules of patriarchy and male primogeniture dominate. These feminine maneuvers are conceived as 'political articulations' that offer women alternative socio-cultural spaces to negotiate their land and succession rights to secure intergenerational wealth transfers, socio-economic entitlements, and life chances (Ammann 2020). In Igboland, as previously mentioned, these practices range from diverse forms such as consensual concubinage or *iko mbara*, woman-to-woman marriage (female husband) *nrachi* or *nhachi* to posthumous or levirate marriage (*nkuchi*), and male-daughter arrangements (Egboh 1973; Nwoko 2012; Uchendu 1965). Sometimes, the distinctions between these practices may seem subtle. Unlike *nkuchi*, which involves a male sibling performing reproductive functions with his late brother's widow, *nrachi* is a traditional form of single parenthood in which an unmarried daughter raises children to maintain the lineage and retain alienable properties of her father within the same lineage. In the case of a female husband, the custom permits that 'posthumous children', conceived by another woman, can be raised by a widow or an unmarried daughter (who has undergone the rites of being socially identified as a man) on behalf of a late husband or father. In her groundbreaking work, 'Male Daughters, Female Husbands: Gender and Sex in an African Society', Amadiume (1987) unravels the non-biologically determined gender flexibility inherent in the precolonial Igbo cultural system and institutions that enable daughters to technically assume inheritance and lineage positions as 'sons' (male daughters), and allow barren, unmarried, and widowed women to carry on the socio-economic position (even certain cultural and spiritual functions) of men by marrying other women (female husbands). The fluidity of roles only refers to social functions and there is hardly any known case of reversal of such status.

Like Ifi Amadiume, Healey (2020) corroborates the characteristic fluidity of Igbo gender roles and the cultural frame of reference in which these feminine stratagems originated and gained validation. She argued that indigenous Igbo structures

afforded women tiered autonomy and socio-political powers and considered the notion that colonial influence on women was chiefly emancipatory to be a farce. According to her, the British-imposed gender binary, “defined by two bodies, two sexes, two identities,” and the consequent differentiation in roles and hierarchies, curtailed women’s social and political attainments within the traditional context (p. 3). These feminine maneuvers counterbalance the pervasive custom of male primogeniture and other pro-male biases among the Igbo people (Amadiume 1987; Nwoko 2012). With growing modernity and the influence of Christianity, new directions in securing women’s rights under customary systems are emerging, both here in Nigeria and Sub-Saharan Africa (Diala and Kangwa 2019; Ojuade 2020; Olijere, Onuoha, and Igwe 2019). One school of thought, critical of these maternal stratagems, bases its rationale mainly on Christian moral ethics. Advocates latch onto the debasement of female/human dignity, touching on issues like promiscuity, absence of paternal care, and associated health, psychological, and social stigmas that ensue whenever accepted norms of family and marriage arrangements are transgressed (Nnaemedo 2020; Urama 2021). However, numerous other perspectives are less disapproving, focusing mainly on discourses on women’s rights and legal activism as viable means of not only challenging discriminatory cultural practices against women and girls but also asserting constitutionally guaranteed rights to land/property inheritance and succession (Ezeilo 2020; Ezejiofor 2011; Nnaemedo 2020; Ojuade 2020; Olijere, Onuoha, and Igwe 2019). Ezeilo summarises the group verdict:

Denial of inheritance to women and girls is nothing but economic violence that leads to extreme poverty and violence against the women folk. It is new dawn that the barriers have been shattered by current judicial jurisprudence from the highest court of the land and what remains to be done is to embark on legal reforms that will clearly be in tune with these stare decisis. (2020, p. 13)

The discontinuation of female disinheritance is, therefore, imperative. Yet, scholars present diverse views ranging from conservation and wide-ranging socio-cultural and legal interventions to equitable land reforms. One reason for this diversity is the existence of many rural dwellers who view customary law as a sacred and ‘unchangeable’ ancestral legacy (Olijere, Onuoha, and Igwe 2019, 97). Another reason stems from Nigeria’s plural law system, which has led some scholars to criticize the utter disregard and misconception of people’s accepted indigenous customs by court pronouncements, especially considering that practices like levirate marriage and female husbands are “not intrinsically or inherently immoral” (Akpamgbo 1977, p. 92). This solicitous view is further reinforced by Ewerlukwa’s (2008) cross-cultural comparison of traditional maternal practices of raising posthumous children and female husbands with evolving modern-day practices of ante-mortem/post-mortem sperm extraction and fertilization, surrogacy, and other assisted reproductive

technologies (ARTs) in Nigeria and around the world. With the growing number of court pronouncements nullifying some of the patriarchal norms and rules, women are increasingly favouring law-compliant procedures like child adoption and direct legal actions (Ezeilo 2020; Ewerlukwa 2008; Olijere, Onuoha, and Igwe 2019) as well as options in assisted reproductive technologies (ARTs) (Okonta et al. 2018; Oladokun et al. 2009).

Again, it is uncommon to extend the practice of disinheritance of female children to properties acquired in urban areas, as modernity and urban laws have somewhat diminished this practice. More educated women are exploring new opportunities provided by the law and science to overcome disinheritance. However, such pro-male cultures persist in the context of the customary land tenure system operational in most rural communities. Addressing the lingering gender discrimination in access to land and inheritance is a development imperative critical to women's dignity and economic well-being (Ajala 2017; World Bank 2020). World Bank (2020) is quite vocal:

Reforms related to property ownership and inheritance are the most difficult to pass, especially in economies where social norms dictate how assets are passed to surviving spouses and children. Equalising women's rights to own, manage, and inherit property, however, increases their ability to start and grow businesses because access to assets gives them the collateral needed to secure credit. (p. 16)

### **3 Exploring Maternal Manoeuvres and Women's Access to Land in Southeast Nigeria: A Note on Methods**

The current study blends socio-legal analysis, discourse analysis, and collaborative autoethnography. While the socio-legal analysis explores the reciprocal relationships between legal doctrines, the law, judicial pronouncements, and society, the discourse analysis assesses wordings and treatizes the (re)construction of power within a study group. Discourse analysis 'centers on innovative readings of texts, histories, and images' (Creutzfeldt et al. 2019, p. 7; Gill 2000).

Cultural practices are discursively framed and sustained as ways of living (Adjei 2019). They are transferred and validated through discursive tutelage. As a way of living that involves gender relations, it inevitably involves framing realities, including the power positions of ensembles affected by such a culture. A typical manifestation of the cultural framing of power is the pro-male ownership structure of land and resources in the Igbo culture, whose sustenance draws from discursive validation by elders and custodians of the culture from time immemorial.

The research procedure involves also selecting and analyzing relevant texts (law cases, journal articles) to decipher emerging themes and patterns. Relevant literature was sourced using the Web of Science (WoS) database from 19th to 21st April 2022 and confirmed again on 21st June 2024. Essentially, seven keywords or search queries – “customary land administration”, “customary land governance”, “customary land law”, “customary land tools”, “land tenure reforms”, “women and land rights”, and “maternal politics” – were used, with “Nigeria” added to each for better contextual focus. Additionally, several pieces of literature on the subject with an African focus were included in the tally. Furthermore, LawPavilion, an online database of supreme and high-court law reports in Nigeria, facilitated the sourcing of relevant court cases, most of which are recurrently cited in applicable materials.

After excluding duplicates and materials that did not fit the research objectives, we also included related literature on emergent themes concerning responses to childlessness and lack of a male child among the Igbo, such as adoption, Assisted Reproductive Technologies (ARTs), and single motherhood. The total number of articles reviewed is 48. Our final selections were made in line with papers that contextually reflect our theme in this paper: restrictions against women from access to land resources and responses of women. For the legal aspects, we relied on judicial pronouncements which pull together issues like the plural legal system in Nigeria, female inheritance, woman-to-woman marriage, *nrachi*, *nkuchi*, and *ili ekpe*.<sup>8</sup> We mainly use the discordant encounter between these cultural practices and modern laws to argue that women’s response to traditional land tenure was submissive and acquiescent due to limited options for expanding access. However, modern trends are opening new avenues for women. Opportunities such as court interventions and urban land purchases enable women to respond more assertively (see Table 2).

The other methodological approach of this work is collaborative autoethnography. One of the purposes of this research approach is to articulate insider knowledge of cultural experiences. In an autoethnographic study, the integration of “auto” (selfhood, subjectivity, and personal experience), “ethno” (beliefs, practices, and identities of a group or culture), and “graphy” (the act of describing, interpreting, and representing) is essential (Adams and Herrmann 2020, p. 2). Autoethnography as a research method is adopted “... to unearth *self-narratives* interwoven within a *social context* in which the author serves as both *researcher* and subject of study to bring forth experiences that engage with *culture* and *discourse*” (Olumba 2023, p. 774). This approach explores and analyses the authors’ thoughts and experiences to either enrich or challenge existing scholarly knowledge and theories (Adams, Ellis,

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<sup>8</sup> *Ili ekpe* is an ancient custom whereby a deceased man without any surviving male heir, including a daughter, in respect of whom *nrachi* was performed and her children, the deceased man’s brother or his male issues are entitled to inherit his estate (see *Mojekwu v Mojekwu* 2000).

and Jones 2015, p. 37). Drawing from this research method, our experiential encounters intricately shaped our knowledge of the issues discussed in this paper, resonating deeply with the socio-cultural realities in Igbo communities. We meticulously weaved our thoughts and experiences and those of individuals around us to enrich existing knowledge in this field, specifically by highlighting maternal manoeuvres and their interplay with societal norms. This approach provides a richer understanding and offers a unique perspective on the cultural dynamics within Igbo society.

Autoethnography as a research method has been criticized for disregarding the widely held standard of silent authorship (Sparkes 2000, p. 24). Some view it as a self-indulgent approach to research (Coffey 1999, p. 155; Sparkes 2000, p. 30); however, it provides a rich foundation for challenging dominant perspectives and hegemonic paradigms, while also advancing the goals of social justice (Denzin 2003). Despite criticisms, autoethnography is increasingly used to study phenomena that require its unique approach for enhancing knowledge and understanding of specific societal issues across several disciplines (Lapadat 2017, p. 589). Good autoethnographic works should articulate a reality shaped by people's lived experiences (Ellis 2003, p. 253; Richardson 2000, pp. 15–16) and are characterized by authentic emotion, relatable to those within the context of the study (Ellis 1995, p. 318; 2003, p. 195).

Acknowledging Lapadat's (2017, p. 589) critique of the scope constraints in single-authored autoethnographies due to limited participants and research foci, we embraced a collaborative autoethnography, wherein a team of researchers shares and interprets pooled autoethnographic data, thereby expanding the method's reach and addressing its methodological and ethical challenges (Lapadat 2017, p. 590). By integrating multidimensional perspectives, collaborative autoethnography enhances the research method, resulting in papers that emerge from the collective efforts of multiple researchers in data generation, analysis, and the writing-up of the analysis findings (Chang, Ngunjiri, and Hernandez 2013).

Grounding our collaborative autoethnography in our specific research, we, the authors of this paper, write as insiders who have spent a significant part of our lives within the frame of reference under discussion and possess knowledge of the existence and modes of operation of the cultures concerning gender and inheritance. Following a series of discussions and the alignment of our thoughts, we collaboratively exchanged notes. After several iterations, this process culminated in a draft of the paper. We then refined it further by incorporating secondary materials, which allowed the final paper to emerge. The six authors of this work have varying levels of (in)direct experience with the subject matter. Two scholars specialize in Estate Management and one in Urban and Regional Planning, both intersecting with land resource issues. One author is a law teacher who has handled and followed cases

concerning gender and land access, while two have backgrounds in politics and development.

The authors belong to the Igbo ethnic group, which is the focus of this study. Four of the five male authors are members of clan meetings in their respective communities and actively participate in village meetings to adjudicate cases involving conflicts over land resource access. These disputes often involve gendered struggles for land. Thus, the researchers understand the cultural basis of claims regarding land access and inheritance practices. An additional indirect experience with the maternal politics of access is that one of the authors' great-grandmothers underwent the *nrachi* rites to preserve their family lineage, and the story of her experiences has enriched the group's understanding of the theme of gender, silent politics, and land struggles. The group's sole female author corroborates women's status regarding land inheritance in her community. Additionally, her doctoral research focused on gender issues and access to land resources.

Despite these (in)direct experiential insights from our research, involvement in communal dispute resolution, and professional experiences, we recognize the limitations of autoethnography in research. It can be subject to reification or underrepresentation. Therefore, to be as close as possible to objectivity, we adopt reflexivity as an essential filter against positional bias, which could influence this method of analysis. Our combination of methods provides a broader picture of cultural restrictions against women's maternal maneuvers and uses each aspect to address what other parts neglect. Thus, the discursive framing of Igbo culture around inheritance, the provisions of common law, the experiential knowledge of the researchers, and observations of the lived experiences of those engaged in practices such as *nrachi* and *nkuchi* were carefully considered and used in our analysis.

## 4 Court Decisions, Other Transformations, and Changing Maternal Manoeuvres

Most actions reflecting maternal maneuvers in land inheritance among Igbo women over time are primarily aimed at ensuring that they, or someone representing their interest, inherit the land and its associated socio-economic entitlements without negating acceptable norms. Although Igbo customs traditionally do not allow women to own landed property independent of their husbands (Ojuade 2020), our textual analysis (see Table 1) reveals that women do not remain silent observers under such grave marginalization. The themes and sub-themes that emerged from that place were interwoven into discourses to enable us to address the stated objectives vis-à-vis clarifying

Table 1: Analysis of judicial cases and evolving maternal manoeuvres.

S/ N	Landmark judgements	Main issues	Case context	Maternal & other struggles	Outcome(s)/observations
1	Amodu Tijani v. Secretary, Southern Nigeria 1921 A.C 399	<ul style="list-style-type: none"><li>- Upheld the central theme in the diverse customary tenure systems in Southern Nigeria as the concept of communal ownership and custodianship of land for the living, dead and unborn (see Tobi 1989).</li><li>- Highlights the point that “the notion of individual ownership is quite foreign to native ideas”.</li><li>- Even where the original grantee is held as an individual owner, the same reverts to the community, village or family on his death.</li><li>- It however makes exception for individual ownership where the land has been bought by the present owner (refer to Obi 1962; Peterman 2012; Evans 2016; Nnaemedo 2020)</li></ul>	Rural or semi-urban (Apapa, Lagos before 1921)	<ul style="list-style-type: none"><li>- Litigation to describe the basic structure of land ownership.</li><li>-</li></ul>	<ul style="list-style-type: none"><li>- This case forms a basic premise for legal pluralism in Nigeria.</li><li>- It also lends support to the contemporary viewpoint that customary law is a gender-biased co-creation by male colonial officials and elderly African males (Diala and Kangwa 2019)</li><li>- This ruling did not however foresee the growing fragmentation and individualization of communal ownership structure due to peri-urbanization and modernization, even in the rural areas (Diala and Kangwa 2019; Olijere, Onuoha, and Igwe 2019).</li></ul>
2	Meribe v. Egwu (1976) 3 S.C 23	<ul style="list-style-type: none"><li>- The Supreme Court held that any custom that supports woman-to-woman marriage is runs counter to public policy and is repugnant to natural justice, equity, and good conscience public policy (S. 14 ss.3 of the Evidence Act 2011).</li></ul>	Rural (Umuahia before 1976, the then Imo State)	<ul style="list-style-type: none"><li>- Litigation surrounding woman-to-woman marriage and right of a son born out of such union to inherit the father’s land/property.</li></ul>	<ul style="list-style-type: none"><li>- Blood relationship, reckonable family affiliations, constitutionally guaranteed fundamental rights and freedom from discrimination, including possession and not woman-to-woman <i>per se</i> constitute the basis of legal approval (various cases).</li></ul>

Table 1: (continued)

S/ N	Landmark judgements	Main issues	Case context	Maternal & other struggles	Outcome(s)/observations
		<ul style="list-style-type: none"><li>- Yet, it acknowledged that the purported woman-to-woman marriage is not the type prohibited by the Evidence Act as it is a traditionally recognized means for infertile wife extend their husband's lineage.</li><li>- Male children from such an arrangement are allowed to inherit land in the father's rather than the mother's name.</li></ul>			<ul style="list-style-type: none"><li>- Perhaps due to social change and mounting disapproval by the courts, this marital arrangement (in its diverse variants) has fallen into disuse and is fast disappearing in South East Nigeria (Ewerlukwa 2008; Nnaemedeo 2020).</li></ul>

S/ N	Judicial activism contd.	Main issues contd.	Case context	Maternal & other struggles	Outcome(s)/observations contd.
3	Okonkwo v. Okagbue 1994) 9 NWLR (Pt.308) 301	<ul style="list-style-type: none"><li>- Although a form of woman to woman marriage as applicable to a living husband is given some credence (see Meribe v. Egwu), such recognition did not however extend to a deceased man (through ghost or levirate marriage).</li><li>- And so, it was held that the marriage arrangement in contention deviates from the common norm of a union of a man and a woman, and one between</li></ul>	Semi-urban (Ogbotu Village in Onitsha, Anambra State)	Litigation surrounding woman to woman for deceased brother to secure a stake in paternal family land/property.	<ul style="list-style-type: none"><li>- Woman to woman marriage, in all its forms, is considered repugnant to natural justice and public policy (see <i>Mojekwu v. Ejikeme</i>).</li><li>- Although the said marriage is an aspect of Igbo custom, it is generally considered as gender discriminatory, inequitable and even unenforceable. And so, statutory marriage options are heralded as “a progressive step” since they offer</li></ul>



Table 1: (continued)

S/ N	Judicial activism contd.	Main issues contd.	Case context	Maternal & other struggles	Outcome(s)/observations contd.
4	Mojekwu v. Ejike (2000) 5 NWLR (Pt. 657) 403	- two living persons. It therefore failed the repugnancy and public policy test.	Largely rural (Nnewi village)	Litigation to uphold the Igbo <i>Nrachi</i> custom of succession as a means of unmarried women or widows sidetracking disinheritance customs.	legal protections in case of divorce or husband's demise (Ezeji for 2011, p. 145).
		- The children from that particular "marriage" is "nothing but an encouragement of promiscuity".			- Hence, the former practice is fast disappearing in South East Nigeria (Ewerlukwa 2008; Nnaemede 2020).
		- The court held that <i>Nrachi</i> custom (or <i>Nhachi</i> in some dialects)* of succession and its cognate, <i>Ili-Ekpe**</i> , are is unenforceable in that they both violate the principles of equity and natural justice.			- <i>Nrachi</i> custom, though a native variant of single parenthood, is considered a repugnant practice that is not only gender-biased, but also inimical to girl child and women development.
		- And so, it was held that the marriage arrangement was against public policy "in the sense that it promiscuity and prostitution".			- Ewerlukwa (2008) believe such outright dismissal of indigenous posthumous procreation are prejudicial and shortsighted, given comparable practices in the Global North using assisted reproductive technologies (ARTs), including antemortem/post-mortem sperm extraction and fertilization, surrogacy, etc.
		- Notwithstanding, the court awarded inheritance rights based on blood relations to the predecessor, possession of disputed property, and their constitutional guaranteed rights (see Constitution of Nigeria, 1999, S. 42),			

Table 1: (continued)

S/ N	Judicial activism contd.	Main issues contd.	Case context	Maternal & other struggles	Outcome(s)/observations contd.
		emphasizing that the <i>Nrachi</i> custom is not a prerequisite for women to inherit their father's or husband's property.			<ul style="list-style-type: none"><li>Both <i>Nrachi</i> and <i>Ili-Ekpe</i> customs are declining in the study area. However, is the former a modern-day equivalent of single parenthood, a phenomenon that is on the increase among educated, wealthy and urban-based women in Nigeria (Adewoyin et al. 2022)?</li></ul>
S/ N	Judicial activism contd.	Main issues contd.	Case context	Maternal & other struggles	Outcome(s)/observations contd.
5	Ukeje vs. Ukeje, Suit No: SC.224/2004 LPELR-22724(SC),	<ul style="list-style-type: none"><li>The Supreme Court dismissed as void the findings by the lower courts Igbo native law and custom that disentitles a female from inheriting the property of the deceased father as it contradicts fundamental rights and freedom from discrimination (Nigerian Constitution 1999, S.42 ss. 1a &amp; 2).</li><li>Circumstances of birth notwithstanding, a woman or female child is entitled to share in her late father's estate.</li></ul>	Urban (Lagos metropolis)	Litigation to challenge the customary rule of primogeniture that disentitled a biological daughter from appointment as a joint administrator of her father's estate.	<ul style="list-style-type: none"><li>Based on the constitutional guaranteed rights that "No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his/her birth..." (Constitution of Nigeria, 1999, S. 42)". The role of the urban context and urbanization is notable to the extent inheritance and succession reforms will succeed (Olijere, Onuoha, and Igwe 2019, p. 97; Diala and Kangwa 2019, p. 198).</li></ul>

Table 1: (continued)

S/ N	Judicial activism	Main issues contd.	Case context	Maternal & other struggles	Outcome(s)/observations contd.
		<ul style="list-style-type: none"><li>- Therefore, the legitimate daughter of the Late L.O. Ukeje was appointed joint administrator of his estate in accordance with Administration of Estates Law of Lagos State.</li></ul>			<ul style="list-style-type: none"><li>- Some critics have condemned certain misapplications of the repugnancy doctrine to traditional marriage arrangements. For example, Akpamgbo (1977, p. 87) disparaged some misinterpretations as doing “violence to the prevailing and established customs of the people” on procreation, succession, and inheritance.</li></ul>
6	Onyibor Aniekwe & Anor v. Mrs. Maria Nweke, Supreme Court of Nigeria, SC. 129/2013	<ul style="list-style-type: none"><li>- It upheld the decisions of the trial court (Anambra State High Court) and appellate court that confirmed the fundamental rights of the widow and her female children to the land/property in contention.</li><li>- The <i>Ili-Ekpe</i> custom of Awka Native Law that a wife without male child(ren) loses ownership rights to her deceased husband’s land/property was set aside based on the repugnancy and public policy test.</li></ul>	Rural (Amikwo village, Awka as at 1991). Awka only became capital of the recreated Anambra State on 01/10/1992.	Litigation to uphold gender equity in inheritance rights	<ul style="list-style-type: none"><li>- The Supreme Court handed down the ruling on this case the same day it did <i>Ukeje vs. Ukeje</i>.</li></ul>

Sources: Literature review and socio-legal analysis.

1. the nature and current status of the maternal practices and those permissible by law,
2. shifts in feminine stratagems over time and
3. the determinant factors of those changes and their overall impacts on the subject matter.

The core analysis in Table 1 chronologically categorises landmark judgements in Nigeria from early colonial period (1921) to 2013, stating four important highlights: (i) the main issues of concern; (ii) place context (urban, or semi-urban, and rural); (iii) form of struggle; and (iv) outcomes and observations. The detailed results and the ensuing discussions are spelt out in line with the specific objectives under three subsequent sub-headings.

#### 4.1 Nature and Status of Maternal Manoeuvres in Women's Land Access under Plural System

As earlier mentioned, the main maternal manoeuvres in place are concubinage, woman to woman marriage or female-husband arrangement, *nkuchi* or levirate marriage, and *nrachi*. In a nutshell, at least six major facts about the nature and status of these stratagems have emerged, and they include:

- These practices preceded colonialism, and with modernisation have become subjects of tense legal battles since 1921.
- Concubinage is conspicuous in its absence from the analysis. We attribute this to the fact that it is largely a covert (il)legitimate liaisons between the husband and wife, and their female/male paramours, and so claims bordering on such cupid relationships are rarely in the open domain.
- Nigeria's system of legal pluralism that mixes the formal statutory laws with customary laws of indigenous communities. Notwithstanding conflict of laws that occurs time and again, the extent to which the anticipated women's rights to inheritance and succession can reach its full realisation is context or place-dependent (rural, urban or semi-urban areas, and urban).
- The courts generally acknowledge that woman-to-woman marriage (especially as applicable to living – and not dead – husband) is a traditional norm for infertile wives to extend their husband's lineage. Even though it does not contravene the 2011 Nigerian Evidence Act (Federal Republic of Nigeria 2011), it still considered to fall short of the repugnancy test of natural justice, equity and good conscience. Placing common law repugnancy test side by side with the Igbo worldview in which gender does not coincide with sex, the test may well be a culturally circumscribed judgment. This is well expressed in the work of Achebe Nwando, Female king of colonial Nigeria, where she rightly noted that

among the precolonial Igbo, gender was flexible and fluid, allowing women to become men and men to become women. This created unique Igbo female masculinities as female husbands and female sons and male femininities such as male priestesses (Achebe 2011, p. 23).

It is this worldview of gender which somehow resonates in post-structuralist's notion of the contingent and discursive nature of all identities, that offers opportunity for widows or unmarried daughters who wish to, to transform to female husbands if they could marry a woman with her husband's name and perpetuate his lineage. In the main, this is an opportunity to retain the right of access to land and other resources.

- As such, the common law position gives the impression that a son or a daughter born out of the union of woman and woman cannot have legal approval to inherit land/property in the putative father's name although they may in the natal mother's name.
- Essentially, the culmination of these landmark court cases is that gender discrimination in property access and inheritance is technically outlawed, affirming the constitutional right of women and girl children not only as heirs apparent (successors and inheritors of their husbands' and fathers' properties).

Contrary to these groundbreaking rulings, in most of Igbo-land, customary law practices still base property inheritance and succession primarily on male primogeniture, and women are typically considered ineligible for such rights (Ezeilo 2011, 2020; Nwapi 2016). Two related customs support this practice. The first is the special significance accorded to land as family goods held in trust for the dead, living, and countless unborn in Southern Nigeria, including Igbo-land (see Amodu Tijani v. Secretary, Southern Nigeria 1921; Tobi 1989). The second custom considers marriage as the transfer of a woman from her natal family to that of her future or substantive husband, leading families to be reluctant to forfeit their land rights to their in-laws (Egboh 1973; Nwogugu 2014; Nnaemedo 2020). Under customary marriage, the payment of bride price is stipulated to deprive women of their legal rights (of ownership and transfer) to their husband's property, an unfair patriarchal practice that ostensibly excuses the flagrantly exploitative *ili ekpe* custom (Egboh 1973; Mojekwu vs. Mojekwu, 7 NWLR 283 1997). An exception to this rule exists in matrilineal communities of Afikpo and Ohafia in Igbo land, where women are permitted not only to hold land/property rights but also to bequeath the same to their children or benefactors (Nwogugu 2014; Obi 1962).

Our analysis shows that maternal maneuvers lead to diverse and sometimes conflicting interpretations. A prevalent perspective in the related literature describes them as astute, family-focused strategies used by women to negotiate their

gains and losses within the pervasive patriarchal system. These maternal strategies provide avenues for barren or childless couples (both living and deceased), as well as heirless household heads, to procreate children (especially sons) for the perpetuation of their family lineage.

While these customs have been subjected to and, in fact, undermined by moral, religious, and human rights criticisms (including court rulings) (Mojekwu vs. Ejikeme 2000; Nnaemedo 2020; vs. Okagbue 1994; Urama 2021),<sup>9</sup> the issue raised by Akpamgbo (1977) and Ewerlukwa (2008) regarding the need to re-evaluate these customs from a more contextual perspective remain valid till date. In essence, the two legal scholars question the applicability and relative integrity of the repugnancy (doctrine) test, a colonial bequest in Nigeria's Evidence Act meant to revoke those local cultures and traditions that come in conflict with "natural justice, equity, and good conscience public policy" (S. 14 ss.3 of the Evidence Act 2011). Just like Clement Akpamgbo, Ewerlukwa (2008) felt strongly that it was a short-sighted misinterpretation and rather autocratic to strike down traditional sources of extending family lineage (like in the case of levirate marriage in vs. Egwu 1976) for those who are either childless or have no male child. This is considering the fact that these maternal practices approximate to sperm donation/artificial insemination and posthumous procreation, which are now acceptable modern practices everywhere, including Nigeria (see Oladokun et al. 2009; Okonta et al. 2018).

The practices of *nkuchi*, 'woman-to-woman marriage', and *nrachi* not only cater for the interests of women and their children but also play a crucial role in maintaining the lineage of their deceased husbands. Given their alignment with both women's interests and the sustenance of the patriarchal order, women found it as an expedient tool for navigating inclusion in the traditional phase of their struggles for access to land. The three practices (*nkuchi*, *nrachi* and for the continuity or multiplication of their lineage. Women in many situations, submit to the culture of *nkuchi* even when they do not voluntarily agree to the practice.

They silently conform because access to land, as the dominant means of livelihood, is tied to submission to a male relative of their late husband for reproductive purposes. The woman's ability to care for her offspring depends on this silent acquiescence, which grants access to the means of production and benefits for herself and her family. However, they strongly opposed these practices when modernity offered alternative land access and inheritance pathways, which suggests their conformance with older practices was a survival strategy. The narratives of

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<sup>9</sup> These two court rulings hinted that, like some other maternal manoeuvres, woman-to-woman marriage promotes prostitution and promiscuity and those children born out of them, though legitimate in the traditional sense, are merely 'rewards of promiscuity' (refer to Table 1).

women’s struggles highlight the silence, subtlety, and resilience in following customs that perpetuate an unequal system favoring the male gender.

4.2 Shifts and Phases in Maternal Manoeuvres and Current Efforts at Confronting Women’s Land Rights and Inheritance Abuses

Just like social norms, ‘customary law is not static but has a tendency to change, albeit slowly’ (Ewerlukwa 2008, p. 257). The unfavorable adjudications received by some of these traditional stratagems, along with the uncomplimentary (and sometimes obscene) remarks made about them in court reports, contribute to the pervasive social disregard for these native stratagems. As society modernizes, better education and women’s empowerment open new opportunities for asserting equitable rights and liberty. Women are gradually shifting from silent acquiescence to subtle and sometimes assertive objections against suppressive patriarchal cultures. As the preceding narratives indicate, opportunities offered by statutory laws, legal adjudications, and civil rights activism by NGOs have emboldened women’s demands for justice and equity.

The resort to law courts is now part of the new or modernist toolkit or repertoire of women’s resistance against gendered rights over land. Table 2 indicates shifts and phases in maternal maneuvers from the traditional/submissive to the modernist/assertive equivalent. For example, as practices like *nrachi*, *nkuchi*, and female husband increasingly fall into disuse (Ewerlukwa 2008; Nnaemedo 2020), they are being transcended and increasingly substituted with new approaches – child adoption, modern single parenthood, litigations, use of legal instruments, as well as ARTs.

Table 2: Phases of maternal manoeuvres of women over land access.

Traditional/submissive phase ( <i>Practices</i> )	Modernist/assertive phase ( <i>Practices</i> )
1. Female-husband or woman-to-woman marriage.	1. Assisted Reproductive Technologies [ARTs].
2. <i>Nrachi</i> [ <i>nhachi</i> or <i>idegbe</i> in some dialects] — resembling traditional single parenthood.	2. Child adoption — formal and informal.
3. <i>Nkuchi</i> [Ghost or levirate marriage]	3. Litigation/direct legal action.
	4. Single motherhood or parenthood.
	5. Use of legal instruments to secure properties, including statutory marriage, distributive land reforms; NGO activism and social policing, etc.

Sources: Developed by authors the literature and auto ethnographic observations.

Through these emerging means, women can independently exercise their choice and rights of procreation and succession for the putative son or children. Under this new phase, contestations seldom arise due to their law-compliant nature, facilitated by the administration of wills, irrevocable power of attorney, deeds of land ownership, and land registration, excluding extended family interlopers. Little wonder then that these approaches are usually adopted by educated, business, or professional women (Adewoyin et al. 2022; Peterman 2012), who, in most cases, have an inheritance to bequeath. Hence, the education and legal system brought by modernity are among the pathways women adopt in their quiet revolt against the gendered practices of land inheritance and the right of access.

### **4.3 Determinant Factors of Shifts in Maternal Manoeuvres and the Overall Impact on Women's Land Access and Inheritance**

Beyond direct legal actions, law-compliant procedures, and other emancipatory activities of women, it is essential to emphasize that their access to, and inheritance/succession rights of, land and properties are essentially multi-factorial. For instance, the liberalizing role of commercialization and nascent individualism, as evidenced on both sides of the legal plurality divide, is significant. As has become the norm in statutory transactions, unmarried women can purchase land in their names and can retain 'non-traditional' land/property gifted to them by their father during his lifetime, even under customary law (*Amodu Tijani v. Secretary, Southern Nigeria* 1921; *Obi* 1962). Despite intrinsic skirmishes within the plural legal systems, the litigations and court rulings have advanced women's rights in inheritance and succession in Nigeria. In general, they have upheld the constitutional right of all Nigerians not to be discriminated against in land inheritance and succession rights, irrespective of circumstances of birth (including gender). Perhaps due to the high costs involved in litigation and other legal recourses and the virtual restriction of subsisting Supreme Court decisions to the case areas in point (*Uwaezuoke* 2016), some of these customary maternal practices persist, especially among rural women (see *Nduka* 2021).

Another facet of women's silent struggles emerges from broader societal changes driven by modernist trends and other transformative factors, particularly in urban metropolitan settings where customary laws are either too weak or subsumed by statutory laws – in other words, positive change due to urbanization-induced modernization. Rural and urban distinctions in women's inheritance rights and claims have been underlined by our socio-legal analysis in Table 1 and by numerous scholars (*Diala and Kangwa* 2019, p. 198; *Olijere, Onuoha, and Igwe* 2019). Put



differently, the case context and the settlement location along the rural-urban continuum matter in women's land/property and succession claims (refer to column 4, Table 1). For example, Olijere, Onuoha, and Igwe (2019) have expressed concerns regarding the extent to which gender-sensitive reforms can "permeate the lives of people, especially the rural dwellers who view customary law as a sacred and 'unchangeable' ancestral legacy" (p. 97).

Equally, urban scholars are no strangers to these processes as peri-urbanization continues to progress, often with the substitution of customary laws by their statutory equivalents (Berrisford and MacAuslan 2017; Onyebueke et al. 2020). The usual patriarchal restrictions then give way to statutory rules that usher in the urban land market, thereby liberalizing land access and opening up opportunities for women with means (Evans 2016; Nwapi 2016). Clearly, forging a sustainable way forward goes beyond maternal maneuvers or other self-help assertive efforts of women, including legal and legislative interventions and rights awareness creation. Other drivers of social progress and transformation include persistent organizational and people activism, and the attendant 'social policing' (Worugji and Ugbe 2016, p. 31).

## 5 Conclusions and Recommendations

The cultural practices of the Igbos of Southeast Nigeria in land matters often render women powerless. Like in most African societies, access to this vital resource is determined by norms and rules that are essentially pro-male. Culturally, women do not have the right of land inheritance, and their access to land is contingent upon some form of relationship with a male person in whose name such access is permitted. However, married women can obtain access to their husbands' land and property. Widows may retain access to the family estate of their late husband if they accept the nkuchi practice. Thus, their access to land is a quid pro quo for compliance with a reproductive sexual relationship with a brother or relation of the late husband. Equally, women can have access to land based on the nrachi system, in which a young woman, through certain cultural rites, may be kept in her father's family to procreate, especially in families without a male child. The acquiescence of women to these practices, which served the patriarchal order of Igbo society, was not out of choice but a quiet survival behavior required in the traditional submissive phase because they needed access to land and other properties as important livelihood resources.

The changing behavior of women came with the modernist assertive phase, in which education and the opportunities it offers in other areas of livelihood, like the professions in which women also participate, have charted a new trajectory for

women's silent but consistent engagement with land-related issues. New livelihood forms outside the land resource, like business and professional opportunities, have become available to women. Thus, they can purchase and own properties in their names. Besides, they can choose whom such property is bequeathed to, including their female children. Also, fathers can bequeath properties to their daughters, particularly in urban areas where such holdings are protected by legal documents such as wills and other deeds of ownership, which women also adopt to assert ownership. Growing advocacy and awareness of women's rights in particular, and human rights in general, coupled with a number of landmark court victories in cases instituted by aggrieved women, are inspiring more women to seek legal protection/redress through litigation.

The increasing opening of spaces for land access, ownership, and inheritance has not only enhanced women's assertiveness but is also bringing into disuse the questionable traditional maternal maneuvers that appear to compromise women's choice, dignity, and rights. The successes have also extended to other practices such as child adoption, single motherhood, and the increasing adoption of ARTs, to mention the major ones. Overall, change has been relatively slow, as Ewerlukwa (2008) had predicted, and a large part of Igboland remains under the customary law system with its gender-biased challenges. Other studies (Eniola and Akinola 2019) also note the difficulty of change in the women's land rights both in Nigeria and Africa, in spite of gender-parity laws. In fact a landmark judgment by Nigeria's supreme court which sets aside the disinheritance of women is attract contestation from vested interests (Supreme Court decision on female inheritance divides Igbo 2020). Thus, concerted and persistent efforts are required to continue the ongoing transformations in women's inheritance/succession rights in keeping with SDG 5, which seeks to promote gender equity and empowerment for women and girls.

**Research ethics:** Not applicable.

**Informed consent:** Not applicable.

**Author contributions:** Conceptualisation, BN, CN, OJA, EO and VO; Methodology, BN, NU, EO and VO; Literature Search, CN, OJA and VO; Formal analysis, NU and VO; Writing – Original draft preparation, VO; Writing – review and editing, all authors. Revision – BN, EO and VO All authors read and affirmed the final manuscript.

**Use of Large Language Models, AI and Machine Learning Tools:** None declared.

**Conflict of interest:** None.

**Research funding:** Not applicable.

**Data availability:** Not applicable.

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