

Abuses of Women in Inheritance Across Cultures: An Exploratory Study of Its Prevalence and Religious Panacea

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The patriarchal nature of African society generally lays emphasis on the superiority of men over women in every sphere of life. When a woman dies, in most African societies, her legacy is usually inherited by the husband, children, and her family. But if a man dies, the widow, usually experiences false accusations of killing her husband to deny her share of her husband's properties. This paper examines how the dynamics of cultural practices in Nigeria promotes abuse of inheritance rights of women and discusses the possibilities of using Islamic inheritance rules as a divine solution to the abuse of inheritance rights of women. The research questions as follows: what is the nature of women's rights to father's estate? What is the nature of widow's right to the husband's estate? What is your perception about the Islamic law of inheritance? The data for this study were collected using questionnaire and simple percentage was used for the analysis. In this respect, a questionnaire was administered to 220 women who were purposely selected from the three major tribes in Lagos state, Nigeria. The result showed that various cultures in Nigeria favour male child, grant male higher rights to land and other properties and promote abuse of inheritance rights against women.

Keywords: abuses of women, African society, cultural practices, religious panacea, inheritance rights, major tribes in Nigeria

Introduction

The status of women and their roles and rights in the society has remained an unresolved issue across cultures and societies. In Africa and modern societies her economic status has constituted another issue of heated debate and controversy in ideologies, religions, and culture. In some cultures and societies she had no property and inheritance right. Rather, she is part of the legacy to be inherited. Arisi and Oromareghake (2011) opined that abuse and violence against female gender is a ubiquitous plague that has continually beleaguered society in Nigeria. Reynolds and Schweitzer (1988) defined woman abuse as the international and systematic use of tactics to establish and maintain power and control over the thoughts, beliefs, and conduct of a woman through the inducement of fear and dependency. The history of women abuse is closely related to the historical view of women as property and a gender role of subservience. The position of the women in their right to

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inherit property under customary law began when they were regarded as chattel of the deceased and the family of the deceased would also take the wives of the deceased as property. It is a well settled rule of native law and custom of the Yoruba people of Nigeria that a wife could not inherit her husband's property since she herself is, like a chattel, to be inherited by a relative of her husband (Oyeniyi, 2015).

Okorafor (2011) submits that the problems associated with widowhood and inheritance right of women in Igbo land depicting that they wear a toga of economic, social, and psychological dimensions. He reveals that within their lineage they are deemed to have no right because they are expected to marry and benefit from their husband's property. As married women they are considered to be strangers who have no part in inheritance.

Charles (2010) asserted that widows were labeled as husband killers, husband snatchers, adulteress, problematic, destitute, and women with ill-luck.

Majority of women in Nigeria suffer one form of violence or another which may take place in physical or psychological forms. Certain cultures in Nigeria are repugnant to natural justice. For instance, the Ikwerre culture of Rivers state requires that if a woman must inherit her father's property she has to remain single (unmarried) and at the very moment an Ikwerre woman marries, she fortifies her right to any right to inheritance (Arisi & Oromareghake, 2011).

Writing also on the plight of widows, Chukwu, Scent, Emeka, Christopher, and Kalu (2014) observe the pathetic state of Mrs. Gertrude Melo who was discriminated against and subjugated to all kinds of ill-treatment by her deceased husband's siblings who sold everything they had in Lagos prior to the burial of the deceased. At the end of the husband's burial, Mrs. Melo was handed a mattress and a cabinet bed and a paltry sum of twenty thousand naira for their wellbeing.

According to Onyeabo (2015) generally in Igboland in Nigeria the eldest son inherits the entire father's real assets; while in the Benin culture, only the eldest son inherits the father's assets. She also noted that in the Northern part of Nigeria, the indigenous custom dictates that only the male child can inherit the land either owned by the father or the mother.

Tesneem (2017) also argued that the crimes and violence against women are not limited to any society but cross across cultures and religious communities and considered it as a universal ill.

Omobolaji (2013) and Naheed (2015) assert that in terms of life expectancy, literacy, education, and standard of living, the majority of African are living in hell with women located in the deepest pit of hell because there is very little hope for change in their situation given the weak nature of the African state.

Edward and Radall (2012) reveal that in the Ghanaian customs, inheritance is either through a patrilineal custom where a man's lineage is caring for his widow and children or matrilineal custom which places this burden on the widow's lineage.

However, since the United Nations declaration on the elimination of violence against women, attempts have been made by government, non-governmental organizations, and other stakeholders in Nigeria to address the powerful cultural, traditional, and religious forces that have hitherto hindered elimination of domestic abuse on women but could not achieve considerable results because of the understanding of people. Moreover, the heterogeneity of ethnic groups in Nigeria also implies that social change takes place at different pace and in a non-uniform manner (Arisi & Oromareghake, 2011).

In the actualization of the judicial intervention, recently, in Lagos state Nigeria, the Anambra state women association in Lagos (ASWAL), a socio-cultural organization, comprising women representative of 177 communities in Anambra state residing in Lagos state has commended the supreme court judge, for the

judgement in favour of one Clady Ada Ukeye (daughter) against Mrs. Lois Chituru Ukeje (Wife) and Enyinnaya Ukeje (Son). Clady has sued the deceased's wife and son before the Lagos High Court claiming to be one of the deceased's children and sought to be included among those to administer their deceased's father estate. The judgement was given in favour of Clady to inherit from the father's property because the Igbo customary law which disentitles a female child from partaking in the sharing of her deceased father's estate is breach of section 42 (1) and (2) of the constitution, a fundamental rights provision guaranteed to every Nigerian (Joy, 2016).

On the other hand, Oni (2016) is of the view that the discrimination against women who marry under the customary law is real and that the court has not been able to offer any protection to the victims and in rare cases where the court pronounced in favour of the victims, enforcing such pronouncements is another issue for discussion. He added that experiences have shown that various rules of inheritance in Nigeria are plagued with crises, internal rancor, conflicts, discriminations, litigation, and open and physical confrontation in most cases.

Studies available reveal that despite the various effort and policies of the government and non-governmental organization to address the issue on the abuse of the inheritance rights of women towards national development, women are still suffering from denial of inheritance rights in various forms across cultures.

In this context our study is conducted to provide religious panacea (Islamic law) which is universal as an alternative to various governmental legislations, conventions, and constitutions which cannot alleviate women from the abuse of inheritance rights in this globalized world of information and communication technology due to lack of uniformity.

The paper is divided into seven sections. The next section deals with the literature review. Section 3 deals with the research method. Section 4 discusses analysis of research results. Section 5 presents the discussion. Conclusion and recommendation are given in Section 6. Section 7 gives the references of the work.

Research Model of Denial Right of Inheritance

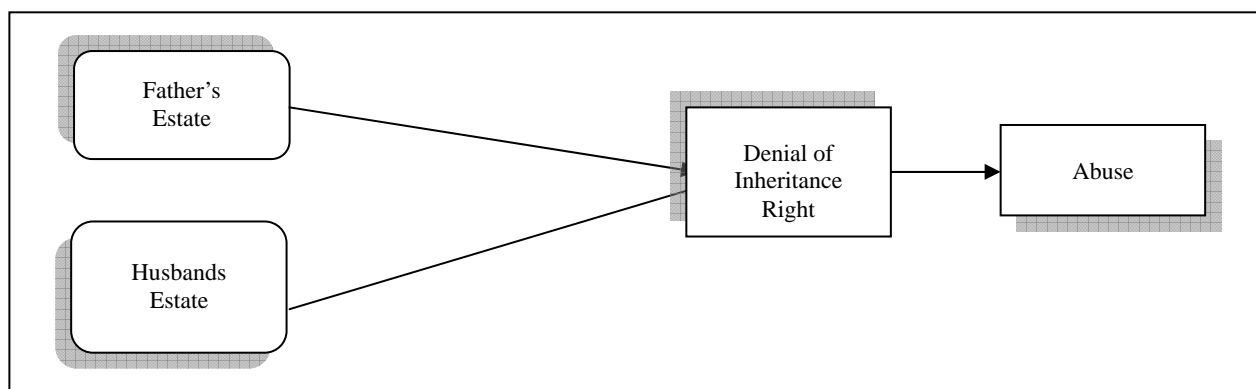


Figure 1. Research model of denial right of inheritance. Source: Literature review.

Literature Review

Abuse of Women Inheritance Right Across Cultures in Nigeria

Nigeria is a federal republic composed of 36 states made up of over 250 diverse people with the Yorubas predominant in the South-West, the Igbo in South-East along with the Efik, Ibibio, and Ijaw, and the Hausa-Fulani with the Nupe, Tiv, and Kanuri, dominant in the North. The major means through which

individuals are differentiated and placed into a system of inheritance is through the form of marriage that they may choose to adopt be it a civil marriage, or under a customary or Sharia system which are not strictly adhered to (Vanessa, 2009).

Abuse of Women Inheritance Right Among the Yoruba Tribe

Among the Yorubas, property develops equally to children regardless of age or gender but the wife has no right either to inherit or administer the property as she herself is considered as part of the chattel of the estate. It is common among the Yorubas that if a man dies, the property is either divided equally among the children or the property is shared according to the number of wives that the deceased person has. For instance, if a man has three wives, his property would be shared into three parts, where each of the wives with her children is regarded as a branch of the family and each of the three branches gets equal share of the deceased property. In this method of sharing if a branch has only one child it will get more than enough while the branch with more children is impoverished but the wives have no right to inherit the husband's estate rather she constitutes part of the legacy to inherit (Onyeabo, 2015; Aluko, 2015).

Abuse of Women Inheritance Right Among the Igbo Tribe

For the Igbos, succession is on principle of primogeniture and primarily patrilineal with both the rights of control and property itself flowing to the eldest son or, if there is none to the brother. A female has no hope in her father's property and as such she must get married. She is also deprived of even partaking from her husband's estate in the event of his death especially if she has no male child or that her children are still very young. Most Igbo women are often subjected to the widowhood tradition where they are forced to drink the bath water of their husband's corpses. They are also forced to sleep with their husband's corpses on the same bed during the night of the wake keep and afterwards swear before a village shrine to prove their innocence or otherwise (Obidigbo, 2015; Anuwulorah, 2009).

Abuse of Women Inheritance Right Among the Hausa Tribe

Among the Hausa, the Muslim rules of succession, under the Maliki code, have been largely absorbed into their indigenous system of property inheritance. Among the Fulani for example, the eldest son inherits his deceased father's cattle, the main asset in those days, out of which he makes presents of some of them to his younger brothers according to their needs (Oserogho, 2014; Mary, 2012; Heidi, 2009; Vanessa, 2009).

Jews and Christian Law on Women Inheritance Right

Among the Jews, succession rights of women cannot be understood fully unless they are examined in the larger context of the rights of women within a marriage. Jewish laws allowed women to inherit only in very limited circumstances. Women inheritance rights are not equal to those of men. The Biblical passages focus often on the necessity of retaining the stability of the tribes of Israel by maintaining property within the tribes via the patrilineal line. The book of Numbers 27: 8-11 is served as the seminal law. In modern times, many Jews have mitigated these discriminatory effects through the use of testamentary bequests and devices. However, the more orthodox view is that a pious man should not do so (Radford, 2000).

In the Christian custom, women are not entitled to inheritance, and they have the right to inheritance only in one case: when they do not have male siblings (The book of Numbers 27, pp. 8-11). Moreover, women themselves are part of the inheritance belonging to her husband's brother, who would consequently marry her even if she does not approve of him or even hates him (The book of Deuteronomy 25, pp. 5-7).

Women and Inheritance in Islam

Studies available on the abuse of inheritance rights of women across cultures and religions reveal that the efforts and policies of the government and the non-governmental organizations to address the issue at various levels could not yield significant result because women are still suffering from the denial of inheritance rights as a result of lack of uniformity which Islamic rules on inheritance addresses with fairness and justice to all irrespective of gender, tribe, race, religion, and geographical boundaries.

The Islamic law of inheritance is one of the most important branches of Islamic jurisprudence. The importance of this branch of Islamic law can be illustrated by the fact that Allah, the law giver, has himself provided clear rules for the distribution of the property of a deceased Muslim. The inheritance right of woman in Islam is extra ordinarily specific unlike in some cultures where she is considered as part of the legacy to be inherited. The Islamic approach of guaranteeing intestate shares to certain named female heirs result often in these women having greater rights. The Islamic law of inheritance offers an intricately specified system of inheritance rights in contrast to the vague outlines that compromise Jewish, Christianity, and Nigeria customary inheritance law. It provides specific shares of property for women in their spouses and relatives estates (Naheed, 2015; Radford, 2000).

Of the nine relatives specifically mentioned in the Quran regarding inheritance six are female relatives. The Quran says:

Allah commands you as regards your children (inheritance): to the male, a portion equal to that of two females, if (there are) only daughters, two or more, their share is two-thirds of the inheritance, if only one, her share is a half. For parents, a sixth share of the inheritance to each if the deceased left children. If no children, and the parents are the only heirs, the mother has a third, if the deceased left brothers or sisters the mother has a sixth... In that which your wives leaves your share is a half if they have no child, but if they have a child you get a fourth of that which they leave. In that which you leave your wife share is a fourth if you have no child but if you have a child, they get an eighth of that which you leave... (Quran 4, pp. 11-12).

Islam not only elevated the position of women but simultaneously safeguarded their social and economic interest. The Islamic systems of inheritance also have the effect of breaking up the concentration of wealth among the few hands thereby ensuring the social welfare of the society at large (Hussain, 2005).

Women's Share of Inheritance in Islam

The daughter. She is a primary heir and she always inherits and takes her fixed share:

In the absence of a son, she is a sharer and gets half of the property if alone.

Two or more daughters (in the absence of a son) equally divide two third of the property among themselves.

In the presence of a son or sons the daughter (one or more) becomes residuary.

Each daughter gets half the share of the son.

Grand daughter. A granddaughter takes the position of a daughter in absence of a daughter and a son of the deceased.

She takes half of the property if she exists alone without a son or daughter. Two or more granddaughters divided two third of the property among themselves.

They are excluded in the presence of two or more daughters.

Mother. She gets 1/3 of the total property when there is no child or son's child and not more than one brother and sister.

She takes one-six with a child or with the son's child however low or with two or more brothers and sisters whether full or half blood (consanguine or uterine).

She gets $\frac{1}{3}$ of the balance, not of the total, in the presence of the father and spouse of the deceased. This means that a mother gets $\frac{1}{3}$ of the balance after giving shares to the husband or wife in two cases:

- (1) When there co-exists a husband with both parents;
- (2) Or the wife with both parents.

Wife. The wife is entitled to $\frac{1}{4}$ (maximum or $\frac{1}{8}$ the minimum) share from the property of her deceased husband. The share of the wife (one or more than one is $\frac{1}{4}$) is in the absence of the children, and $\frac{1}{8}$ with children or son's children (Hussain, 2005).

Research Questions

What is the nature of women's right to father's estate?

- (1) What is the nature of widow's right to husband's estate?
- (2) What is your perception about the Islamic law of inheritance with regards to women?

Methodology

Sample

The sample consists of 250 women from the three major tribes in Nigeria (Igbo, Hausa, and Yoruba) residing in Lagos state, after the selection and elimination of failing questionnaires and to have a credible result, the authors returned 220 observations.

The Questionnaire Design

The questionnaire is administered directly to the respondents. The structure of the questionnaire was designed in consideration to respond to the main question of the research which is structured, analyzed, and discussed as follows:

Descriptive Statistics

Table 1

Classification by Response

No. Distributed	250
No. collected	230
No. not useful	10
Total	220

Table 1 shows that out of the 250 questionnaires that were distributed 230 are returned and 10 did not respond to questionnaire request. The questionnaire response rate was 88%.

Table 2

Classification by Age

Age	Frequency	Percentage
21-30	23	13.7
31-40	70	31.8
41-50	100	45.4
51 and above	20	9.09
Total	220	100

Table 2 shows that 30 (13.7%) of the respondents are aged 21-30 years, 70 (31.7%) are aged 31-40 years 100 (45.4%) are aged 41-50 years and 20 (9.09%) are aged 51 and above.

Table 3

Classification by Tribe

Tribe	Frequency	Percentage
Hausa	40	18.18
Igbo	60	27.27
Yoruba	120	54.50
Total	220	100

Table 3 summarizes the respondents by tribe 40 (18.18%) of the respondents are Hausa, while 60 (27.27%) are Igbo and 120 (54.50%) are Yorubas.

Table 4

Classification by Qualification

Qualification	Frequency	Percentage
Diploma	60	27.2
First degree	120	54.5
Second degree	38	17.2
Above second degree	2	0.90
Total	220	100

Table 4 shows that 60 (27.2%) of the respondents possessed diploma 120 (54.5%) possessed first degree 38 (17.2%) possessed second degree while 2 (0.90%) possessed third degree.

Discussion of Findings

Research Question One

What is the nature of women's right to deceased father's estate?

Table 5

Response to Distribution of Father's Legacy and Women

Women and deceased father's legacy	Strongly agreed	Agreed	Disagree	Strongly disagree	Total
Women are not usually allowed in distribution of deceased father's estate	100	70	10	40	220
Men are usually given higher share in the estate of deceased father	100	80	20	20	220
Women are usually not given share of land of deceased father	120	90	05	05	220

Table 5 summarizes responses to questions on the nature of women's right to deceased father's estate, 100 (45.4%) respondents strongly agreed that women are not usually allowed to inherit the deceased father's property. This agrees with assumption in literature that women are regarded as less important in the family and inferior to male children 70 (31.8%) agree while 40 (18.18%) strongly disagree that women are not usually allowed in the distribution of deceased father's estate and 10 (4.54%) respondents disagree, 100 (50%) respondents strongly agreed that men are usually given higher share in the estate of the deceased father while 80 (36.3%) agree to it 20 (9.09%) strongly disagree and 20 (9.09%) disagree as well. This view is in concordance with the Igbo and some Northern culture where the deceased house is inherited by the first male child and where land is inherited by him as well. Women are also denied share of land of the deceased father

according to 120 (54.5%) respondents who strongly agree, 90 (40.9%) agree to this. while 5 (2.7%) strongly disagree and 5 (2.7%) disagree.

Research Question Two

What is the nature of widow's right to husband's estate?

Table 6

Response to Distribution of Husband's Estate and Women

Widows and husband's estate	Strongly agreed	Agreed	Disagree	Strongly disagree	Total
Women are considered part of estate of deceased husband	160	40	10	10	220
Women may be allowed part of the deceased husband estate	10	20	10	180	220
Women are often sent out of deceased husband's house	80	70	40	30	220

From responses in Table 6 the practice of inheriting widows of the deceased's husband revealed that only 10 (4.5%) disagree and 10 (4.5%) strongly disagree respectively, 160 (72.7%) and 40 (18.8%) respondents strongly agree and agree that women are considered as legacy across cultures 180 (81.8%) of respondents strongly disagree that women may be allowed to inherit part of the deceased husband's estate and 10 (4.5%) disagree which is very rampant among the Igbo and Yoruba but very few among the Hausas in agreement with the assumption of literature review. The evidence presented in this paper suggests that, in practice, women are not usually allowed to inherit part of the deceased husband's estate 80 (36.3%) strongly agree and 70 (31.8%) of the respondents agree that women are often sent out of the deceased husband's house either on allegation of one crime or the other or on refusal to be inherited by the husband's male relatives.

Research Question Three

What is your perception about the Islamic law of inheritance with regards to women?

Table 7

Responses to Perception About the Islamic Law of Inheritance With Regards to Women

Perception about the Islamic law of inheritance with regards to women?	Extremely fair	Fair	Unfair	Extremely unfair
The daughter gets half of the property if alone (b) two or more daughters (in the absence of a son) equally divide two thirds of the property among themselves (c) in the presence of a son or sons the daughters one or more gets half the share of the son.	80	120	20	-
The wife is entitled to 1/4 of the deceased husband's estate in the absence of children and 1/8 with children or son's children.	130	80	10	-
The mother gets 1/3 of the total property when there is no child or son's child and not more than one brother and sister. She takes one-sixth with a child or with the son's child however low or with two or more brothers and sisters whether full or half blood. She gets 1/3 of the balance, not of total, in the presence of the father and spouse of the deceased.	140	60	10	10

Responses to the above are that 80 (36.3%) responded that Islam is extremely fair to women by giving them a reasonable portion of the deceased father's legacy if compared to some cultures where they are totally denied whereas 120 (54.5%) agreed that Islam is fair by allotting certain portion to women, while 20 (9.09%) assessed that Islam is unfair because it gives women half of the share of man. The rational behind this different proportion allotted to the male and female is that Islam take cognizance of the fact that men are obliged to take

care of financial responsibility of the family both immediate and extended family whereas this duty is not imposed on women (wives, daughters, mothers and other relatives) (Quran 4:34).

From Table 7, 130 (59.09%) respondents rated Islam as extremely fair to wives with regard to right to inherit part of the deceased husband's legacy irrespective of the portion given to her because in cultures like Igbo and Yoruba where she is denied inheritance rights but also inherited as legacy 80 (81.8%) opined that Islam is fair to women in this regard 10 (4.5%) sees Islam as unfair.

Responses to the share allocated to mother is that 140 (63.6%) rated the Islamic law of inheritance as extremely fair to mothers 60 (27.2%) rated it as fair 10 (4.5%) rated it extremely unfair and fair respectively.

Conclusion and Future Recommendations

This work examined the ways and manners in which women were treated under inheritance rights in religions and cultures. However, our findings revealed that in most African societies like Nigeria, women are still experiencing and exposed to domestic violence and discriminated against on several grounds and abused to an extent that they are denied inheritance rights and even constitute the property to inherit after the death of the husband.

The findings of this study are consistent with prior research about abuse of women inheritance rights across cultures and how Islam has liberated women from the denial of inheritance rights. An empirical study that actually revealed how the Muslims have actually given women inheritance rights in compliance with the Islamic law of inheritance is also desirable to investigate the possibility of an exceptional gap with regard to the efficacy of Islamic law of inheritance in relation to women's inheritance rights.

Peace can only reign where justice exists. It is important that policy makers should live above religious biases. From the findings of this study, it is evident that if Islamic law of inheritance is used as foundation for national law of inheritance it will foster peace and justice among citizens or the ruled and the rulers.

Secondly in line with Tesneem (2017) religious leaders and communities can provide fundamental resources to raise awareness of the harms and impermissibility of domestic violence and provide support for victims.

Moreover, women should be encouraged through education and economic empowerment to occupy their right place in the society. Muslims and Muslim scholars in particular should educate stakeholders in Islamic fraternity on the need to acquire knowledge about inheritance rights in Islam and adhere strictly to it in the distribution of legacy so that Muslim men and women will have their right portion according to the divine injunction (Islamic law) which is fair and just to all irrespective of cultural background.

Willing of property should be encouraged within the limit of Islamic context so as to prevent crisis among the family after the death of the property's owner.

Muslim communities should establish inheritance institutions like the zakat institution where Muslims legacies will be officially distributed among the legal heirs in accordance with the Islamic injunctions

With reference to the Quranic teachings on justice (Quran 57:25 & 16:90) the issue of women and her inheritance right should be reviewed and improved across religions and cultures and Muslims in particular should adhere to the Quran and Sunnah in deciding the affairs of women in particular and human affairs in general.

Abuse of women inheritance right should be recognized as considered as a crime like any other criminal offences and victims should be penalized before the law.

Finally, religious and traditional leaders should be engaged in the distribution of the deceased estate because they are the one who meditates in these cases at the local government level.

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Appendix

Section A

Please select by clicking the number that best represents your opinion based on scale 1-4 where 4 is Strongly Disagree and 1 is Strongly Agree

Women and father's legacy	Strongly agree	Agree	Disagree	Strongly disagree
Women are not usually allowed in distribution of deceased husband's estate	4	3	2	1
Men are usually given higher share in the estate of deceased father	4	3	2	1
Women are usually not given share of land of deceased father	4	3	2	1
Widows and husband's estate				
Women are considered part of estate of deceased husband	4	3	2	1
Women may be allowed part of the deceased husband estate	4	3	2	1

Perceptions about the Islamic law of inheritance, kindly circle the appropriate number that shows the extent of your belief about the degree of fairness of Islamic law of inheritance towards women.

Women and deceased father's estate	Extremely fair	Fair	Unfair	Extremely unfair
The daughter gets half of the deceased father property if alone in the absence of a son and gets half of the share of a son in the presence of a son	4	3	2	1
Women and the deceased husband's estate				
The wife is entitled to 1/4 of the deceased husband's estate in the absence of children and 1/8 with children or son's children	4	3	2	1
Women and deceased child's estate				
The mother gets 1/3 of the total property when there is no child or son's child and not more than one brother and sister. She takes one sixth with a child or with the son's child however low or with two or more brothers and sisters whether full or half blood. She gets 1/3 of the balance, not of total, in the presence of the father and spouse of deceased.	4	3	2	1

Section B

Please tick appropriately.

Personal information

1. Age

☐

21-30 yrs

☐

31-40 yrs

☐

41-50 yrs

☐

51 and above

2. Tribe

☐

Hausa

☐

Igbo

☐

Yoruba

3. Educational Qualification

☐

First Degree

☐

Second Degree

☐

Above Second Degree