

58 The Liberation of Igbo Woman of Nigeria From Some Customary Laws And Practices

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ABSTRACT

The international bill of right aims to liberate every human being from oppression, suppression intimidation and unnecessary victimization. There are also some regional and municipal laws which guarantee the rights of every citizen particularly women and children. There is no doubt that some Igbo customary laws and practices tend to infringe on the fundamental rights and freedom of the Igbo woman thereby tending to degrade, marginalize and disinherit her. An Igbo widow, an unmarried Igbo woman, and illegitimate Igbo daughter are very often discriminated against. They are subjected to indignity and violence in the name of widowhood practice. The tradition disinherit them from the acquisition and ownership of properties in both their father's and husband's homes. The thrust of this paper therefore is to critically examine the right to the dignity of the Igbo woman as a human being and the right to freedom from discrimination. The method of data collection was by a field work through oral interview of some male and female elders who are custodians of Igbo customary laws, personal observations, collections and analysis of materials from several libraries. It was discovered that, there are still die-hard customs that survive the flux of time and development and many Igbo still cling to them not minding what Christianity has done to face out most of the obnoxious customs. The Igbo customary widowhood practice like other Igbo custom are unwritten and nobody knows who formed them and when they commenced but one thing is that woman are its victims and its victimizers or enforcers. The paper concluded with some suggestive solutions which if adopted by the government, the churches and the masses should help to lessen the burden of the Igbo woman.

Keyword: - Igbo woman, Customary Laws, discrimination.

Introduction

The discrimination in society against women has been an age long practice. It is also a global issue. Article 1 of Convention to Eliminate All Forms of Discrimination against Women (CEDAW) 1979 defines discrimination against women as anything that can bring about unequal treatment between men and women while carrying out their livelihood (Onuoha 2008).

Women rights, gender, discrimination and violence are issues as old as human kind and are part of many religious cultural traditions. For instance, the Bible described how God made the women out of the man (Gen. 2:22) and charged her to always be submissive to the husband (Eph. 5: 22-24). Hindus scriptures described a good wife as a woman whose mind, speech and body are kept in subjection, acquires high renown in this world, and in the next and shares the same abode with her husband." In ancient Athens, women are always minors and subject to a male such as father, brother, or some other male kin. A woman's consent in marriage was not generally thought to be necessary and women were obliged to submit to the wishes of their parents and husbands. Islamic women suffered subjection until Mohammed's early reforms (Wikipedia cited in Anaeme 2012). The African Traditional Religion (ATR) does the same as Islamic. The religious disgrace over womanhood cannot be over emphasized. The domination of the entire spheres of human existence by men has remained a Herculean task for the women to conquer.

Apart from religious factor, women suffer discrimination through customary laws and practices. Ndulo (2011) describes customary law as the indigenous laws of the various ethnic groups of Africa. He explains further that the sources of law in most African countries are customary law, the common law and legislation. In typical African countries both in colonial and post independence, the great majority of the people conduct their personal activities in accordance with and subject to customary laws. According to Garner (2009:443) customary law consists of customs that are accepted as legal requirement or obligatory rules of conduct, practices and beliefs that are treated as if they are

laws. Fuller in Garner also states that a custom is not declared or enacted but grows or develops through time.

There are some customary laws in most African countries and Nigeria in particular that discriminate against women. Some examples of such laws in Nigeria and Igbo in particular are widowhood practices, wife inheritance, human sacrifice, female genital mutilation (FGM), child betrothal, disinheritance of women and illegitimate children, *osu* cast system, slavery and slave trade. All these traditional practices constitute acts of violence and indignity to their victims. However, some of these practices have been buried and their effects gradually decreased considerably as a result of development. There are still some die-hard customs that are in existence in most African countries and in Igboland of Nigeria in particular. Some examples are widowhood practices, disinheritance of women and abuses of illegitimate female/male child. Through the practice of these customary laws, the right to the dignity of women is violated directly and indirectly. This is why Anaeme 2012 declares; "gender discrimination and violence against women are contrary to fundamental human rights equity, natural justice and good governance." Indeed women rights are rights inherent in nature and guaranteed by law and women are supposed to enjoy their rights to the fullest. Unfortunately, the rights of women all over the world are violated socially, religiously and politically and most of these discriminations are rooted in culture. Mashalaba (2012) confirms this when he says that despite the existence of several international Instruments, prohibiting discrimination against women and providing a quality and respect for human right, discrimination and inequality still persist in practice in South Africa.

Customary practice across Nigeria generally held that the man is the head of the house and has the absolute control in the decision making process of the home. According to National Gender Policy (2007:2) Nigeria is a highly patriarchal society where men dominate all spheres of women's lives.

Purpose of the Study

The purpose of this paper therefore, is to examine critically the right to the dignity of the Igbo woman of Nigeria as a human being and the right to freedom from discrimination. The paper would also explore into some discriminatory practices that arise from some customary laws that are harmful, oppressive and degrading to women. It will also determine the effect of the discriminations and provide useful suggestions that would help to liberate women all over Africa and Igbo land of Nigeria in particular from some of these harmful practices.

Who are the Igbo?

The Igbo are one of the main ethnic groups in Nigeria. According to Okafor and Emeka (2004:103), the Igbo home land is the forest region of southern Nigeria with outcropping to the west, and lying between longitude 6° and 8° East and latitude 5° and 7° North. They live mainly to the East of the lower Nigeria with small extension on the West Bank. Out of the present 36 states in Nigeria, the Igbo live in Enugu, Ebonyi, Abia, Anambra and in Imo States where the density of population is highest in West Africa. The boundaries between these states are more or less arbitrarily fixed sometimes for geographical and sometimes for political and cultural reasons. There are also many Igbos in the surrounding states such as Delta, Crossriver, Rivers and Akwaibom. Of the 88.5 million Nigeria (1991 Census) about 12 million are Igbo. Igbo through oral tradition are descendants of Jacob whose father was Abraham. They are of average height of mixed colours and description.

The Igbo Woman

What is referred to woman in the context of this paper is any female human being(s) irrespective of her age. A typical Igbo woman is known for her beauty, intelligence, humility, hardwork, obedience and dedication. She is decisive, direct, strong, athletic, driven, resilient and as such brave. It is probably because of these great qualities bestowed on the women by God that has made the male gender antagonistic with a view to suppress and look down on them as inferior beings. Men have therefore not to allow her rub shoulders with them in all spheres of life except in child bearing.

Igbo woman is a home builder and a peace maker. Her important positions in her homes and her contribution towards community development cannot be overemphasized. The "Umuada" a type

of women organization helps to maintain peace in the community especially when there is problem between two brothers, husband and wife, even in matters affecting the whole community. There are other women organizations; some of them help in the community services, collectively and individually by contributing money and materials to help men accomplish certain projects in the society. The women social groups do organize dances and launching of things like civic centres, schools, halls, health centres etc. which enables them raise money for community development.

It is the Igbo woman's brevity and intelligence that led to the Aba women riot of 1929, where women demonstrated their grievance over their inclusion in the payment of tax. They fought for their right. It is this single action that contributed to their being exempted from paying tax today in Nigeria. These women were mainly market women. Though they were not educated, due to lack of opportunity to acquire western education, they were intelligent enough to fight for their rights and it was granted them. This has become a portion of today's history about the past struggle of women folk to bridge to some extent the gap between the male folk and women folks in the past.

Today, Igbo women with the help of Western Education, have assumed very important positions in the country such as in politics, education, sports, music and so on. Their contributions in these spheres of life help in one way or the other to the development of the country. There are women of timber and caliber in Nigeria today who are Igbo. These women of honour hold important and prestigious positions in the government. Among them are Ngozi Okonjo Iweala the honourable minister of Finance and coordinating minister of the Economy, Diezans, Allison Madueke, Nigeria's Minister of Petroleum, Oby Ezekwesili, the Vice President of World Bank since 2007, late Professor Dora Nkem Akunyiri of Blessed memory who was the Director General of NAFDAC and Nigeria Minister of Information and Communication from 2008-2010, Amelia Okoli the Aretria female Track and Field Athletic who specialized in high jump and represented Nigeria in 1964 Olympic, Onyeka Onwenu, the great Nigeria Female Musician to mention but few. Despite all the qualities and contributions of these women towards the development of the society, they are discriminated against and still regarded as inferior beings to men.

Discrimination of Igbo Woman Based on Some Customary Practices

There have been series of efforts to address the menace associated with discrimination and violence against women in the whole world. These include five international legal instruments that deal extensively with the issue of discrimination and violence against women. They include the declaration of the elimination of violence against women, adopted by the UN General Assembly in 1993, the platform of action from the united nations fourth world conference on women held in Beijing, the convention on the on the elimination of all forms of discrimination against women (CEDAW) 1979, the universal Declaration of Human right 1948, the Vienna declarations and world conference on Human rights 1945, the universal.

Despite the fact that many African countries like Ghana, South Africa and Nigeria have ratified the above international standards which sanction gender discrimination and inequality. Gender discrimination still persists. Women and girl-child still have unequal access to education, healthcare, adequate housing and unemployment (Anaeme 2012). Traditional cultural practices and beliefs are prevalent in Nigeria and other African countries. Among the practices and belief under reference are male-child preference, denial of women's rights to own and inherit property, widowhood practices and abuses of illegitimate children.

Generally in Africa and Nigeria in particular, women are being discriminated against because of the societal norms set down by their forefathers restricting certain things from them. Constitutionally an Igbo woman has the right of inheritance as a member of a given family or society. But these rights are denied them as a result of tradition. The Igbo woman before she grows up to marry and be widowed goes through harrowing experiences in the name of tradition. Patriarchy made man the centre of society from the level of family unit to the larger public sphere. Consequently, authority is derived from male (Abayomi & Olabode 2013). Women are in the subordinate position and male children are preferred over the female. This practice denies the female child her right to western education and condemns her to life of drudgery where she is remorselessly reminded of her stereotypical role in the family like cooking, cleaning the house, growing vegetables, weeding the farm etc while the male brother goes to school.

The Igbo custom denies her right of acquisition and ownership of her father's immovable property. Igbo girl do not have any share of land in her father's house except the boys. This practice is also obtainable in the cultures of other African countries like South Africa. It is believed that everyone has the right of access to housing without discrimination in terms of gender and sex but in Africa and South Asia, women are systematically denied their human rights to access, own, control or inherit land and property. This potentially permits the eviction of widows from their homes by the family of the deceased (Mashalaba 2012). He goes on to explain that customary laws existed long before the adoption of rules in South Africa constitutions. The constitution therefore is to neutralize the unsettling effect of death on the integrity of family unit. This has not yet achieved its goals because of the persistence of discrimination against women with regards to inheritance.

In the same way, in Nigeria, section 43 of the Nigeria constitution permits both male and female Nigeria to own and acquire moveable and immovable property. In spite of this a large proportion of Nigeria women are barred from owning land by customary law of inheritance (National Gender Policy (2006:3). On this note, Orabueze and Ogbazi (2013:14) declared that it is obvious that gender-discriminatory custom that disinherits women from acquisition and ownership of land in their fathers families have not been whittled down by education, constitutional provisions and Christianity. The right of Igbo woman is denied through widowhood practices. Widowhood practices in some parts of the country add a lot to the pains of loss of one's better half. Even educated women are not free from the man made bondage (Udensi 1991). The death of a husband subjects a woman to mourning rites. She is expected to mourn her deceased husband for one year. During this period, she does not involve her self in any social activities. Widowhood is indeed a traumatic experience for women in Igbo land especially for a woman that has no male issue at the death of her husband. It is the brother-in-law that would inherit every of her husband's property. If she can still have children she is given in marriage to one of the dead husband's brothers (Ikuchi Nwanyi in Igbo). Also Jews have similar practice (Luke 20:27-40). The widow can even tell her daughter to stay back and have issues for the dead husband.

According to Amadi a 75 years old retired teacher during an oral interview maintained that it is a taboo for a widow to die in widowhood. She is evil ridden and will not be given befitting burial and funeral rites." It is a taboo for a woman to have sex while mourning but for a widower it is not (Anyacho 2005:279). A widow according to Nebo a 68 years old farmer in another oral interview does not stay outside her family from 5 – 6pm. Whenever she goes out, she must come back before the time. At times some widows are accused by the husband's relations of being responsible for his death. They do force her to take an oath or drink the water used in washing the husband's corpse in order to prove her innocence. This attitude is really humiliating and degrading to the dignity of womanhood. It is observed that women are victims of widowhood practice because widows are not subjected to any law and women are also victimizers of this practice. It is the women that carry out the wicked maltreatment against their fellow woman. What an act of ignorance? It is in view of this type of action that Ogbu (2007) in discussing widowhood stated that the women folks enforce the discriminatory and degrading cruel customs that torture the widow. He maintains that the widow is kept in isolation, clean shaven, dressed in ugly black clothes and made to sit on a mat not less than two square feet laid on a bare floor with female relations in attendance. It is the same women, who pour scorn on her as she displays her imaginary wares as if in the market. This justified the fact that women contribute a lot to the problems of the women.

Generally in most African countries particularly in Nigeria, illegitimate children receive a lot of ignominious treatment from their people. These are mainly male and female children born out of wedlock. (umu ime mkpuke in Igbo language). Despite the Nigerian constitutional provision in section 42 (2) which states "No citizen of Nigeria shall be subjected to circumstances of his birth. These children are discriminated against and treated cruelly. They suffer physical, social and psychological violence. The Igbo illegitimate child is regarded as bastard. The illegitimate son has no right of inheritance in her mother's family unless he is fortunate to be claimed by his biological father. Just as Amadi in oral interview put it, "Illegitimate child especially male will not take share of any sort with the male counterparts in the family. He is always treated as no body among his male folks. The illegitimate male child has no inheritance whatsoever. This is also applicable to the females whose only benefit is that she may be married into another family.

In Igboland the illegitimate daughter is maltreated. At times some of them follow their mothers to their husbands' house when their mothers get married. Here they are being maltreated by their step fathers discriminated against and even subjected to sexual abuse. Some men do not even allow children of this sort in their houses. The child must be taken back to his/her biological father. At times the teenage mother would be forced to marry the man that impregnated her whether she likes him or not and or whether the man in question is ready or ripped for marriage or not. It is because of the ill-treatment received by such children that contributed to abortion, throwing away of unwanted babies into the heaps of dustbin. Presently this problem is being reduced through adoption of such children by childless couples and through this means also teenage pregnancy has been partially solved.

The Effect of Discrimination

Generally, discrimination or prejudice can destroy life, health and property. It also affects the self. The victims of discrimination or prejudice often internalize negative self images, which leads to low self esteem not only a toll paid by member of the prejudice group but there are costs to the members of discriminatory class.

In the male dominated societies like Nigeria the male waste resources in trying to maintain its dominant position over women. The process also makes men who discriminate or hold prejudice against women less adaptable or open to change. Dominance easily shades unto abuse of power. It is difficult to over estimate the effects on personality of belonging to a group which is generally regarded as inferior and so treated. The damage done to the self esteem and self image as a result of discrimination or prejudice must be viewed as exceedingly serious.

The Way Forward

The gender discrimination as it pertains to customary law is a serious issue. The violence against women has continued in spite of the constitutional provision for the protection of women rights. Discrimination, degradation and humiliation of women have become the order of the day. For this reason, there is a serious need by the government to implement constitutional rights. The economic, social and cultural rights as enshrined in the 1999 Nigerian constitution should be made actionable in a court of law.

Women empowerment is also very important. This involves the strengthening of individual and collective ability of women for positive action. Women empowerment will lead to a balance of both sexes. It would involve the generation awareness on the fallacies of gender stereotype and the revising of injustice. This has to be done through all agents of socialization starting from the family to the country to schools, churches and government.

Church is also one of the best ways through which the dignity and rights of women should be protected. As the oldest institution, it should promogate laws that protect the image and interest of women because generally, in Igboland women are in the majority in the church. It should visit the mourning pattern duration of mourning and right of inheritance. Though the church has started doing something on this issue but more effort is required.

The National Gender Policy which supersedes and replaces erstwhile National Policy on women would help to eliminate all such barriers that militate against enjoyment of rights and full participation of women on an equal basis with men in national development. Women should be their sister's keeper and also resist by all means all kinds of injustice against them starting from their homes to the general public.

Non governmental organizations with their various umbrellas operating in the country should try to protect the right of women and some of them that are women oriented like Women's aid Collective (WACOL) in Enugu, should try to sensitize women on their rights and help them in prosecuting cases of violation of their rights in court.

Finally, changes in men's knowledge, attitude and behavior are necessary conditions for achieving a harmonious relationship between men and women.

Conclusion

It is obvious that women are part and parcel of every society and its order. Women rights are indeed fundamental to societal growth and well being of individuals. Gender inequality, discrimination and

violence are malediction to human existence, healthy relationship and development. Ignorance contributes a lot of gender discrimination and violation of right in most countries of the world particularly in the Igbo land of Nigeria. It is hope that if the suggestions/recommendations proposed in this paper are put to use, the problem of discrimination against women in Nigeria and Igbo in particular will be reduced or rather totally eradicated and the Igbo women and her sisters in other African countries would be liberated from obnoxious customary practices prevalent in the society.

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