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Article

Inheritance Rights under Idum Mbube Customary Law: A Critical Assessment of Discriminatory Practices in Light of Biblical and Constitutional Principles

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Abstract: Inheritance Inheritance remains a fundamental mechanism through which property, social identity, and family continuity are preserved within customary societies. Among the Idum Mbube people of Cross River State, Nigeria, customary inheritance practices have historically reflected patriarchal values that privilege male descendants while limiting the proprietary rights of women, widows, and certain categories of children. This article critically examines inheritance rights under Idum Mbube customary law by evaluating discriminatory practices in light of biblical principles of justice and equality as well as constitutional guarantees under Nigerian law. The study adopts a doctrinal and socio-legal approach, relying on customary law principles, constitutional provisions, judicial decisions, biblical texts, and scholarly literature. It argues that while customary inheritance rules serve important cultural and familial functions, certain practices that exclude women and vulnerable persons from succession are inconsistent with contemporary human rights standards and the constitutional commitment to equality. The article further demonstrates that biblical principles emphasize justice, dignity, stewardship, and equitable treatment, thereby challenging interpretations that justify gender-based exclusion. It concludes that reform of discriminatory customary inheritance practices requires legislative intervention, judicial development, community education, and active participation of traditional and religious institutions. Such reforms should preserve legitimate cultural identity while ensuring conformity with constitutional supremacy and universal principles of human dignity.

Keywords: Inheritance, Rights, Customary Law, Discrimination, Biblical Principles

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1. Introduction

Inheritance is one of the oldest legal institutions through which societies regulate the transfer of property, wealth, authority, and family responsibilities from one generation to another. In African customary societies, inheritance is not merely an economic arrangement; it represents continuity of lineage, preservation of family identity, and maintenance of social order [1]. Among

the Idum Mbube people of Cross River State, Nigeria, inheritance practices have traditionally been governed by unwritten customs transmitted through generations. These customs determine who qualifies as an heir, the nature of inheritable property, and the procedures for succession.

However, customary inheritance systems across many Nigerian communities have often been criticized for reinforcing patriarchal structures that place women and vulnerable groups at a disadvantage [2]. Traditionally, male children are frequently regarded as the primary successors to family property, while female children may be denied inheritance rights on the assumption that they will become members of another family through marriage. Widows may also experience exclusion because customary systems sometimes view them as dependants rather than independent holders of proprietary rights [3].

The persistence of discriminatory inheritance practices raises significant questions concerning the relationship between customary law, constitutional equality, human rights principles, and religious ethics. The Constitution of the Federal Republic of Nigeria, 1999 (as amended), guarantees freedom from discrimination and affirms equality before the law under section 42. Similarly, Nigerian courts have increasingly challenged customary rules that deny women inheritance rights, particularly where such rules conflict with constitutional values and public policy [4].

Beyond constitutional analysis, biblical teachings provide another important framework for examining inheritance justice. Although biblical societies operated within ancient patriarchal contexts, Scripture contains significant principles concerning fairness, protection of vulnerable persons, and recognition of women's rights in particular circumstances. (Nesta, Mojirayo and Kehinde, 104). For example, the daughters of Zelophehad successfully challenged discriminatory inheritance practices and received recognition of their right to inherit (Numbers 27:1–11).

This article critically evaluates Idum Mbube customary inheritance practices by examining present realities in succession practices, discriminatory consequences, and compatibility with biblical and constitutional principles [5]. It argues that customary law remains valuable as a source of cultural identity but must evolve where certain practices undermine human dignity, equality, and justice.

1.1 Purpose of the Study

The purpose of this study is to critically examine inheritance rights under Idum Mbube customary law and assess the extent to which existing practices conform to biblical principles of justice and constitutional guarantees of equality and non-discrimination. Specific objectives of the study are:

1. To examine the traditional inheritance rules and succession practices applicable under Idum Mbube customary law.
2. To analyze the extent to which Idum Mbube inheritance practices discriminate against women, widows, adopted children, and other vulnerable groups.
3. To evaluate biblical principles relating to inheritance, equality, justice, and the treatment of women within family and property relationships.
4. To assess the compatibility of Idum Mbube customary inheritance practices with the constitutional provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and relevant judicial decisions.
5. To propose social, institutional and legal reforms capable of preserving legitimate customary values while eliminating discriminatory inheritance practices.

1.2 Conceptual Clarification

Concept of Inheritance: Inheritance refers to the legal and social process through which the property, rights, obligations, and privileges of a deceased person are transferred to surviving beneficiaries (CEDAW, 205). It ensures continuity of ownership and prevents uncertainty concerning property succession. Inheritance involves the "transmission of property from the

deceased to his heirs" (Garner, 895). In customary African societies, inheritance extends beyond material property. It includes succession to family obligations, ancestral responsibilities, and membership within a lineage structure [6]. Thus, inheritance performs both economic and social functions.

Concept of Customary Law: Customary law refers to rules and practices that develop from the traditions, beliefs, and practices of a particular community and are accepted as binding by members of that community (Arowolo, 8). In Nigeria, customary law is recognized as a source of law provided that it satisfies certain requirements, including consistency with natural justice, equity, and good conscience. According to Elias (3), customary law represents "the living law of the indigenous people" because it reflects social values and collective experiences. However, customary law is not static; it evolves alongside changing social conditions and constitutional norms [7].

2. Materials and Methods

Concept of Discrimination: Discrimination refers to differential treatment of individuals or groups based on characteristics such as gender, status, ethnicity, or social identity, where such treatment results in unfair disadvantage or exclusion (Kaiser, 182). The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) defines discrimination against women as any distinction or restriction based on sex that impairs women's enjoyment of human rights and fundamental freedoms (CEDAW, 74). Within inheritance systems, discrimination occurs where persons are denied succession rights solely because of gender, marital status, birth status, or social identity.

2.1 Inheritance Rights under Idum Mbube Customary Law

2.1.1 Historical Foundations of Idum Mbube Customary Inheritance

The inheritance system of the Idum Mbube people of Cross River State is rooted in the broader structure of African customary law, where kinship, lineage, and communal identity determine rights and obligations within the family. Traditionally, inheritance is closely connected to the preservation of the patrilineal family structure, the continuity of ancestral ties, and the maintenance of property within the lineage (Ezeilo, 314). Property inherited from ancestors is generally regarded not merely as an individual possession but as a trust held for present and future generations.

Among many indigenous communities in Nigeria, including Idum Mbube, succession practices historically developed within patriarchal social arrangements. The family head, usually a male elder, exercised authority over family property and played a central role in determining succession. Male descendants were often considered the natural successors because they were expected to maintain the family name, perform ancestral duties, and preserve the lineage after the death of the patriarch (Omeje and Chidi, 48).

This traditional understanding reflects the importance attached to continuity of descent. Inheritance was therefore not solely based on biological relationship but also on social expectations concerning family representation and responsibility (Obi and Aduma, 220). Sons were commonly viewed as successors because they remained connected to the paternal lineage, whereas daughters were often considered temporary members of their father's household due to the expectation that marriage would transfer their primary social identity to their husband's family.

However, while these customs served historical social purposes, their continued application raises questions regarding their compatibility with contemporary concepts of equality, individual rights, and constitutional protection against discrimination. The transformation of Nigerian society through education, urbanization, legislation, and constitutional development has created a need to reconsider customary rules that disadvantage certain categories of persons.

2.1.2 Traditional Rules Governing Succession among the Idum Mbube People

Under traditional Idum Mbube customary law, succession is primarily determined by principles of blood relationship, lineage affiliation, and social recognition within the family. The male child traditionally occupies a privileged position in inheritance because he is regarded as the custodian of the family's ancestral property (Arowolo, 7). Upon the death of a father, sons generally assume responsibility for inherited land, houses, and other valuable family assets.

Inheritance may involve both individual and communal property. Individual property acquired personally by the deceased may be distributed among recognized heirs, while ancestral property is often preserved within the wider family lineage (Elias, 15). The family head or elders may supervise the distribution process to ensure conformity with customary expectations.

The customary system also recognizes obligations attached to inheritance. An heir is not merely a beneficiary of property but also a person expected to accept responsibilities such as caring for elderly relatives, maintaining family traditions, and representing the family in communal affairs (Kaiser, 189). This explains why traditional communities often associate inheritance rights with corresponding duties.

Nevertheless, the connection between inheritance and responsibility has sometimes been used to justify excluding women and other persons from succession. The argument that only males can perform lineage obligations has historically limited the ability of female descendants to inherit family property. Such reasoning has become increasingly contested because women also contribute economically, socially, and culturally to family development.

2.1.3 Position of Male Children in Idum Mbube Inheritance Practice

Male children traditionally occupy the most advantageous position within Idum Mbube inheritance arrangements. The eldest son, in particular, may enjoy special recognition because of his expected role as successor to the deceased father's authority. This practice reflects the wider African customary principle of primogeniture, where the first male child assumes significant inheritance responsibilities.

The preference for male heirs is often justified on cultural grounds. Sons are expected to preserve the family name, maintain ancestral property, and provide leadership after the death of the father. In communities where lineage identity is traced through males, inheritance becomes closely connected with the continuation of the paternal family line (Nwankwo, 250).

However, privileging male children exclusively creates unequal consequences for female children who share the same familial connection with the deceased. The biological relationship between a daughter and her parents is no less significant than that of a son. Exclusion based solely on gender therefore creates tension between customary expectations and modern principles of equal protection.

2.1.4 Inheritance Rights of Female Children

Historically, female children under many customary systems, including practices similar to those found among Idum Mbube communities, have faced restrictions regarding inheritance of family property. The traditional rationale is often based on marriage patterns: once a daughter marries, she is considered part of her husband's lineage and therefore should not inherit property belonging to her father's family (Nwankwo, 259).

This approach reflects a communal understanding of property rather than an individual rights-based approach. The concern has traditionally been that allowing daughters to inherit may transfer family property outside the paternal lineage. Consequently, daughters may receive marriage-related benefits or personal gifts but remain excluded from inheriting ancestral land and significant family assets.

Such practices have been increasingly challenged because they treat women as temporary members of their natal families despite their lifelong connection to those families. Modern

constitutional principles reject distinctions based solely on sex, and Nigerian courts have held that customary rules denying women inheritance rights violate constitutional protections.

A significant judicial development occurred in Ukeje v Ukeje, where the Supreme Court of Nigeria held that a customary rule preventing female children from inheriting their father's estate was discriminatory and inconsistent with section 42 of the Constitution. The decision represents a major shift toward aligning customary succession practices with constitutional equality.

2.1.5 Rights of Widows under Idum Mbube Customary Law

Widows occupy a particularly vulnerable position within traditional inheritance systems. In many customary communities, including those influenced by patriarchal inheritance structures, a widow does not automatically inherit her deceased husband's property. Instead, she may be regarded as a person entitled to maintenance or residence rights rather than ownership rights (Ezeilo, 325).

The exclusion of widows is often connected to traditional assumptions regarding marital property ownership. Since property may be viewed as belonging to the husband's lineage rather than the individual husband, members of his family may claim authority over inherited assets after his death. This can create situations where widows lose control over homes, farmland, or other economic resources despite their contributions to the family.

Such practices raise serious concerns regarding justice and human dignity. Marriage involves mutual partnership, and many women contribute significantly to the acquisition and preservation of family property through domestic labour, farming, business activities, and child-rearing. Denying widows meaningful inheritance rights may therefore result in economic insecurity and social vulnerability.

From both constitutional and biblical perspectives, the protection of widows is a significant principle. Nigerian constitutional values emphasize equality and dignity, while biblical teachings repeatedly call for protection of widows and other vulnerable persons (Deuteronomy 10:18; James 1:27).

2.1.6 Adoption, Illegitimacy, and Other Vulnerable Categories

Traditional inheritance systems may also create difficulties for children whose status does not fit conventional family expectations (Obi and Aduma, 229). Questions may arise concerning adopted children, children born outside formal marriage, and individuals whose family membership is contested.

Customary communities often place strong emphasis on lineage and blood connection. As a result, persons who are not recognized as direct descendants may experience limitations in claiming inheritance rights. However, contemporary legal principles increasingly focus on the welfare and dignity of the individual rather than only biological connection.

The development of Nigerian constitutional law suggests that inheritance practices must consider fairness and equality. A succession system that excludes vulnerable children solely because of circumstances beyond their control may conflict with broader principles of justice.

2.2 Discriminatory Practices in Idum Mbube

2.2.1 Gender-Based Inequality and the Question of Equal Participation

One of the major areas requiring critical reflection in traditional societies is gender inequality. In many African communities, including some Nigerian societies, traditional systems have historically assigned leadership, inheritance, and decision-making authority primarily to men (Wright, 98). While these structures developed within particular historical contexts, they have increasingly been questioned because they may limit women's social and economic opportunities.

Gender discrimination contradicts both biblical and constitutional principles. From a biblical perspective, men and women share equal dignity because both are created in the image of God.

The biblical narrative recognizes women as active participants in social, religious, and communal life rather than as inferior members of society. Consequently, traditions that exclude women from meaningful participation require theological reconsideration.

From a constitutional perspective, gender-based exclusion conflicts with Nigeria's commitment to equality. The Constitution prohibits discrimination on the basis of sex, and contemporary human rights frameworks emphasize women's equal participation in social, political, and economic affairs. According to the United Nations Entity for Gender Equality and the Empowerment of Women, gender equality is essential for sustainable development because societies cannot achieve justice when half of the population is denied equal opportunities (UN Women).

Therefore, practices within Idum Mbube that prevent women from participating in community leadership, inheritance, or decision-making solely because of gender should be critically reassessed. Cultural identity should not depend on maintaining unequal systems.

2.2.2 Inheritance Practices and Human Dignity

Inheritance customs represent another important area of discussion. In many traditional Nigerian societies, inheritance has historically followed male-centered patterns, particularly regarding land ownership and family property. Such practices were often connected to ideas of lineage continuation and family responsibility. However, when inheritance rules deny individuals access to family resources solely because of gender, they raise serious questions about justice and equality.

The denial of inheritance rights can affect women's economic independence and social status. Scholars of African customary law have argued that traditional systems must evolve in response to changing understandings of human rights and equality. Customary practices remain valuable, but they must be interpreted in ways that protect dignity and fairness (Omeje and Nwankwo, 129).

Biblically, justice requires fair treatment and protection of vulnerable members of society. The Old and New Testaments contain numerous examples of concern for widows, foreigners, and marginalized persons. Therefore, customs that create unnecessary disadvantage for certain groups require transformation.

Constitutionally, discriminatory inheritance practices may conflict with Section 42 of the Nigerian Constitution, which guarantees freedom from discrimination. The Nigerian legal system increasingly recognizes that customary rules cannot override fundamental rights. As Nwankwo explains, the continued application of discriminatory customary practices creates tension between cultural preservation and constitutional commitments to equality (Nwankwo).

2.2.3 Social Status and Exclusionary Practices

Another possible area of concern in traditional communities is discrimination based on inherited social status, family background, or historical identity. Some traditional societies maintain classifications that originated from historical circumstances but continue to influence present-day relationships (Arowolo, 6). Such classifications become problematic when they prevent individuals from accessing community privileges, leadership positions, or social respect. Human dignity requires that individuals should not be permanently defined by circumstances beyond their control.

The biblical principle of equality challenges social exclusion. Jesus' ministry demonstrated acceptance of individuals who were socially marginalized, including the poor, foreigners, and people rejected by mainstream society. This provides a moral argument against practices that permanently stigmatize individuals. Similarly, constitutional democracy is based on equal citizenship. A person's rights should not depend on ancestry, family history, or social classification. The continued existence of exclusionary traditions must therefore be evaluated against the constitutional demand for equal protection.

2.2.4 Biblical Principles of Inheritance, Justice, and Equality

The concept of inheritance occupies a significant place within biblical literature. In both the Old and New Testaments, inheritance is associated with family continuity, divine blessing, stewardship, responsibility, and justice. While biblical societies operated within historical contexts that often reflected patriarchal structures, Scripture also contains principles that challenge unjust exclusion and emphasize the dignity and equitable treatment of individuals. (Nesta, Adeola and Etudaiye, 114)

Biblical inheritance cannot be understood merely as the transfer of material possessions from one generation to another. It frequently represents identity, belonging, covenant relationship, and participation within a community. Land inheritance among the Israelites, for example, was connected to divine promise and family continuity. The distribution of land among tribes and families reflected the importance of preserving social stability and preventing permanent dispossession of family groups.

However, biblical inheritance principles also demonstrate that traditional practices must be examined through the broader values of justice, mercy, and righteousness. The Bible repeatedly condemns oppression of vulnerable persons and requires protection for those who lack social power, including widows, orphans, and foreigners. These principles provide an important ethical framework for assessing customary inheritance practices that exclude women and other disadvantaged groups.

3. Result and Discussion

3.1 The Daughters of Zelophehad: A Biblical Challenge to Gender Exclusion

One of the most significant biblical examples concerning inheritance equality is the account of the daughters of Zelophehad in Numbers 27:1–11. Zelophehad died without leaving a male heir, and his daughters—Mahlah, Noah, Hoglah, Milcah, and Tirzah—approached Moses to request recognition of their right to inherit their father's property. The daughters argued that their father's name should not disappear merely because he had no son. Their appeal challenged the existing inheritance arrangement, which prioritized male descendants. After Moses sought divine guidance, their claim was accepted, and they were granted inheritance rights.

This account demonstrates several important principles relevant to contemporary inheritance discussions. First, it recognizes that women possess legitimate interests in family property. Second, it shows that customary arrangements may require reform when they produce unjust outcomes. Third, it illustrates that justice may require modification of established practices to protect dignity and fairness [8]. The experience of Zelophehad's daughters provides a powerful comparison with discriminatory inheritance practices that deny women succession rights solely because of gender. Although biblical societies had distinct historical structures, the passage demonstrates that exclusion based purely on sex is not an absolute principle.

3.2 Protection of Widows and Vulnerable Persons in Biblical Teaching

The Bible consistently emphasizes the protection of widows, orphans, and other vulnerable persons. In ancient Israelite society, widows were often economically disadvantaged because family structures provided the primary source of security [9]. Consequently, biblical laws established obligations to ensure that vulnerable persons were not neglected. Deuteronomy 10:18 describes God as one who "defends the cause of the fatherless and the widow." Similarly, James 1:27 identifies caring for widows and orphans as an expression of genuine religious devotion. These teachings establish a moral responsibility to prevent exploitation and abandonment (Nesta, Mojirayo and Kehinde, 104).

When applied to customary inheritance questions, these principles challenge practices that leave widows without meaningful access to property or economic security after the death of their husbands. A system that removes a widow from her home or denies recognition of her

contribution to family development conflicts with the biblical emphasis on compassion and justice. Biblical principles therefore support legal and social measures that protect widows from vulnerability. Rather than viewing widows as dependants without independent rights, biblical teachings present them as persons deserving dignity, protection, and fair treatment [10].

3.3 Equality and Human Dignity in Biblical Ethics

Although the Bible recognizes different social roles within historical communities, it also affirms the fundamental worth of every person (Nesta, Mojirayo and Kehinde, 104). The creation account states that human beings are created in the image of God (Genesis 1:27), providing a theological foundation for human dignity. The New Testament further emphasizes spiritual equality. Galatians 3:28 declares that distinctions based on social categories do not determine human value before God. While this passage primarily addresses spiritual identity, it has influenced broader Christian ethical reflections on equality and social justice [11].

The principle of human dignity challenges inheritance systems that classify individuals as less worthy of property rights because of gender, birth status, or social position. If every person possesses inherent dignity, then legal and customary institutions must avoid unjust exclusion. Accordingly, biblical ethics provide support for inheritance reforms that recognize women and vulnerable persons as valuable members of the family and community [12].

3.4 Stewardship and Responsible Use of Property

Another important biblical principle concerning inheritance is stewardship. Property is not viewed merely as a personal privilege but as a responsibility entrusted to individuals for productive and ethical purposes. Land, wealth, and resources are expected to contribute to family welfare and community stability. This perspective differs from purely individualistic approaches to property ownership. Inheritance carries obligations toward future generations and vulnerable members of society. An heir is expected not only to possess property but also to manage it responsibly [13].

This principle has relevance for customary inheritance systems such as Idum Mbube. Traditional emphasis on family continuity and responsibility reflects aspects of the biblical concept of stewardship. However, stewardship cannot justify exclusion or oppression. Responsibility must be exercised in a manner consistent with justice. Where inheritance rules empower one group while denying another group basic recognition and security, the principle of stewardship requires reconsideration of those practices.

3.5 Biblical Justice and the Reform of Customary Practices

Biblical teachings provide a framework for evaluating customary inheritance rules by emphasizing justice above mere preservation of tradition. Throughout Scripture, established practices are sometimes corrected when they produce unfairness or oppression (Nesta, Mojirayo and Kehinde, 104). The prophetic writings repeatedly criticize societies that exploit vulnerable persons and ignore justice. For example, Isaiah 10:1–2 condemns those who create unjust laws that deprive the poor and vulnerable of their rights. This demonstrates that legal traditions must be measured against moral standards of fairness [14].

Similarly, Jesus' teachings frequently emphasized mercy, equality, and the protection of marginalized persons (Nesta, Mojirayo and Kehinde, 104). These principles suggest that cultural practices should serve human welfare rather than perpetuate inequality. Therefore, biblical analysis does not require the rejection of customary law. Instead, it encourages transformation of customs that conflict with justice. Idum Mbube inheritance practices may retain their cultural significance while being reformed to ensure that women, widows, and vulnerable children receive fair treatment [15].

3.6 Comparative Reflection: Biblical Principles and Idum Mbube Customary Law

A comparison between biblical inheritance principles and Idum Mbube customary

inheritance practices reveals both similarities and differences. Both systems recognize the importance of family continuity, responsibility, and preservation of social identity. The emphasis placed by Idum Mbube tradition on lineage and obligations corresponds with the biblical understanding that inheritance involves more than material possession.

However, significant differences emerge regarding gender exclusion. While traditional inheritance practices may prioritize male succession, biblical examples such as the daughters of Zelophehad demonstrate that inheritance arrangements can be modified to achieve justice. The biblical protection of widows and vulnerable persons also challenges customs that deny such groups meaningful economic rights.

Consequently, biblical principles support a balanced approach: legitimate cultural traditions should be preserved, but discriminatory practices should be reformed. Justice, dignity, and equality provide ethical standards through which inheritance customs can develop.

3.7 Constitutional Principles, Judicial Decisions, and the Validity of Discriminatory Customary Inheritance Rules in Nigeria

3.7.1 Constitutional Supremacy and the Recognition of Customary Law

The Nigerian legal system recognizes customary law as an important source of law, particularly in matters relating to family relationships, land ownership, succession, and personal status. Customary law reflects the cultural identity and historical experiences of indigenous communities and continues to regulate significant aspects of social life. However, customary law operates within a constitutional framework and cannot claim validity where it conflicts with the provisions of the Constitution.

The doctrine of constitutional supremacy is established under section 1(1) and section 1(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which provides that the Constitution is supreme and any law inconsistent with its provisions is void to the extent of the inconsistency. This principle applies equally to customary rules. Although customs derive authority from community acceptance, they must conform to constitutional values, including equality, dignity, and freedom from discrimination.

Therefore, the validity of Idum Mbube customary inheritance practices must be assessed not only by reference to historical acceptance but also by their compatibility with contemporary constitutional standards. A customary rule may be regarded as traditional but still be legally unacceptable if it violates fundamental rights.

3.7.2 The Constitutional Right to Freedom from Discrimination

Section 42 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), provides protection against discrimination on grounds including ethnic group, place of origin, circumstance of birth, sex, religion, or political opinion. This provision represents a constitutional commitment to equal treatment and prohibits legal practices that disadvantage individuals based on these characteristics.

Gender-based inheritance restrictions directly engage this constitutional guarantee. Where female children are denied inheritance rights solely because they are women, such practices create a distinction based on sex. Similarly, rules that disadvantage children because of circumstances of birth raise questions concerning constitutional protection.

The constitutional prohibition against discrimination reflects the broader principle that membership in a family should not determine unequal access to justice. While customary law may recognize social differences and responsibilities, it cannot impose disadvantages that undermine fundamental rights. Consequently, inheritance practices under Idum Mbube customary law must be interpreted consistently with section 42. Any rule that excludes women or vulnerable persons solely because of gender or status faces serious constitutional difficulty.

3.8 The Conflict between Customary Tradition and Constitutional Equality

The relationship between customary inheritance law and constitutional equality presents a complex legal and social challenge. Customary practices often develop from historical circumstances and serve important communal purposes. In Idum Mbube society, inheritance rules may have been designed to preserve family land, maintain lineage identity, and ensure continuity of ancestral responsibilities.

However, social conditions have changed significantly. Women now participate extensively in economic activities, contribute to family property acquisition, and occupy important leadership roles within communities. The assumption that women cannot preserve family interests or manage inherited property is increasingly difficult to justify.

The conflict arises when cultural preservation is used to defend practices that produce unequal treatment. Constitutional law requires that culture must operate within the boundaries of human rights. Cultural identity remains important, but it cannot become a basis for denying fundamental freedoms. The challenge therefore lies in distinguishing between legitimate customary values and discriminatory practices. Preservation of family responsibility, communal ownership, and respect for ancestors may remain valuable. Exclusion based solely on gender or social status cannot be justified under constitutional principles.

3.9 International Human Rights Standards and Nigerian Inheritance Practices

Nigeria's constitutional commitment to equality is reinforced by international human rights instruments. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women requires states to eliminate discrimination against women and ensure equal participation in social, economic, and legal relationships. Article 15 of CEDAW recognizes women's equality before the law, while Article 16 requires equality in matters relating to marriage and family relations, including property rights. These provisions provide an international framework supporting equal inheritance opportunities.

The African regional human rights system also recognizes equality and non-discrimination. The African Charter on Human and Peoples' Rights, which Nigeria has ratified, affirms equality before the law and prohibits discrimination. These international commitments strengthen the argument that customary inheritance practices must develop in harmony with human rights principles. Although customary law remains culturally significant, it cannot function independently from Nigeria's domestic and international legal obligations.

3.10 The Role of Courts, Legislatures, and Traditional Institutions in Reform

The reform of discriminatory inheritance practices requires cooperation among multiple institutions. Courts have already contributed significantly by declaring certain discriminatory customs invalid. However, judicial decisions alone may not completely transform community practices, particularly where customary beliefs remain deeply rooted. Legislative action can provide clearer standards by establishing inheritance protections consistent with constitutional equality. Statutory reforms can help resolve uncertainty and ensure uniform protection of succession rights across different communities.

Traditional institutions also have a crucial role. Chiefs, elders, and community leaders influence the interpretation and application of customary rules. Reform efforts are more likely to succeed when traditional authorities participate in developing customs that preserve cultural identity while respecting equality. Religious institutions, civil society organizations, and educational bodies can further contribute by promoting awareness of constitutional rights and ethical principles of justice. Sustainable reform requires not only legal change but also social acceptance.

3.11 Critical Discussion: Reconciling Idum Mbube Customary Values with Biblical Justice and Constitutional Equality

3.11.1 The Need for a Balanced Approach to Customary Reform

The question of inheritance reform under Idum Mbube customary law requires a balanced approach that recognizes the importance of cultural identity while addressing practices that conflict with principles of justice and equality. Customary law represents the historical experiences, values, and social organization of a people. It should therefore not be approached as an obstacle to development but as a living legal tradition capable of adaptation.

The objective of reform should not be the complete replacement of Idum Mbube customary inheritance practices with foreign legal models (Kaiser, 144). Rather, the goal should be the identification and preservation of legitimate cultural principles while eliminating elements that create unjust discrimination. This approach recognizes that customary systems contain both valuable social institutions and practices that require transformation.

Inheritance practices emphasizing family responsibility, respect for elders, preservation of ancestral property, and communal welfare remain important cultural values. These principles correspond with both biblical teachings on stewardship and broader African concepts of collective responsibility. However, these values cannot justify exclusionary rules that deny certain family members basic rights because of gender or social status. A balanced reform approach therefore requires distinguishing between cultural continuity and discriminatory inequality. Customs that preserve identity should be protected, while customs that violate dignity and equality should be reconsidered.

3.11.2 Reconciling Communal Ownership with Individual Rights

One of the central challenges in customary inheritance reform is reconciling communal understandings of property with modern concepts of individual rights. Traditional Idum Mbube inheritance practices often view property as belonging to the family lineage rather than merely to individuals. This perspective emphasizes collective responsibility and continuity across generations. The communal approach provides important social benefits. It prevents unnecessary fragmentation of family property and ensures that inherited resources remain available to future generations. It also reinforces obligations among family members.

However, communal ownership should not result in the exclusion of particular individuals from recognition and participation. The existence of collective interests does not remove the need to protect the rights of individual family members. Women, widows, and children remain members of the family lineage and contribute to family development. A modernized customary inheritance system can therefore preserve communal principles while ensuring inclusive participation. Family property may continue to serve collective purposes, but succession rights should not be determined by discriminatory assumptions concerning gender or status.

3.11.3 Gender Equality and the Transformation of Patriarchal Assumptions

The most significant challenge facing Idum Mbube inheritance practices is the persistence of patriarchal assumptions that prioritize male descendants over female descendants. Historically, this preference was connected to social structures where men were expected to provide economic support, represent the family publicly, and continue the paternal lineage. However, contemporary realities demonstrate that women perform many of the same family and social functions traditionally associated with male heirs. Women contribute to property acquisition, family maintenance, agricultural production, business development, and community leadership.

The continued denial of inheritance rights to women therefore lacks sufficient justification in modern society. It creates economic inequality and reinforces the perception that women possess a lesser connection to their families. Both biblical and constitutional principles challenge this approach. The account of Zelophehad's daughters demonstrates that inheritance systems can be corrected when they produce unjust outcomes. Similarly, section 42 of the Nigerian Constitution

rejects discrimination based on sex. Therefore, reforming gender-based inheritance restrictions does not necessarily represent a rejection of Idum Mbube culture. Instead, it reflects the continued development of customary law in response to changing social realities.

3.11.4 The Role of Biblical Justice in Evaluating Customary Practices

Biblical justice provides an ethical framework for assessing the fairness of inheritance customs. Scripture does not present tradition as automatically correct; rather, traditions are evaluated according to principles of righteousness, compassion, and justice. The biblical concern for widows, orphans, and marginalized persons demonstrates that legal and social systems must protect those who may lack power (Nesta, Mojirayo and Kehinde, 104; Wright, 59). Any inheritance system that leaves vulnerable persons without security requires careful examination.

The biblical account of inheritance also reveals that property carries moral obligations. Ownership is connected with responsibility, stewardship, and care for others. This perspective challenges approaches that treat inheritance as a privilege reserved for the strongest members of society. Applied to Idum Mbube customary law, biblical justice supports preservation of family values but rejects interpretations that permit exclusion and oppression. The emphasis should be placed on fairness, responsibility, and the recognition of every person's dignity.

3.11.5 The Importance of Community Participation in Legal Reform

Legal reform concerning customary inheritance cannot succeed through court decisions and legislation alone. Because customary law is deeply connected with community beliefs and social relationships, meaningful reform requires participation from the people whose lives are governed by these customs. Traditional rulers, elders, women's organizations, youth groups, religious leaders, and legal professionals all have important roles in shaping a more inclusive inheritance system. Community dialogue can help identify which customary values should be preserved and which practices require modification.

Traditional authorities, in particular, possess significant influence because customary rules are often interpreted and applied through their decisions (Wright, 59). Their involvement can help ensure that reforms are understood not as attacks on culture but as efforts to strengthen justice within the community. Education is also essential. Many discriminatory practices continue because community members are unaware of constitutional rights and legal developments. Awareness programs can promote understanding of equality principles while respecting cultural identity.

3.12 Framework for Reforming Idum Mbube Inheritance Practices

To achieve a fair and sustainable inheritance system, several reforms may be considered:

1. First, customary inheritance rules should be reviewed and documented through consultation with community members, legal scholars, and traditional authorities. This process would provide clarity concerning existing practices and identify discriminatory elements.
2. Second, inheritance rules should recognize equal succession rights for male and female children. Gender should not determine entitlement to family property.
3. Third, widows should receive stronger protection, including recognition of their contributions to family development and security of residence or ownership interests where appropriate.
4. Fourth, vulnerable children, including adopted children and children whose family status has historically been questioned, should receive fair consideration consistent with principles of dignity and justice.
5. Fifth, traditional institutions should develop mechanisms for resolving inheritance disputes that align with constitutional requirements.
6. Sixth, religious and educational institutions should promote ethical teachings concerning fairness, compassion, and equality.

These reforms would allow Idum Mbube customary law to maintain its cultural foundations

while responding to contemporary legal and moral expectations.

3.13 Summary of the Crucial Discussion

The analysis demonstrates that Idum Mbube customary inheritance law contains valuable principles relating to family continuity, responsibility, and communal identity. However, certain traditional practices, particularly those excluding women and vulnerable persons, conflict with constitutional equality and biblical principles of justice. The challenge is not the existence of customary law itself but the continued application of discriminatory aspects of that law. Customary systems must remain responsive to social transformation and legal development. A reformed Idum Mbube inheritance system can preserve cultural heritage while promoting equality, dignity, and justice. Such an approach reflects both constitutional obligations and ethical principles found within biblical teachings.

4. Conclusion

Inheritance under Idum Mbube customary law remains an important component of the community's social organization, cultural identity, and family structure, serving not only to transfer property but also to preserve lineage, ancestral connections, family continuity, and intergenerational responsibilities. However, the analysis demonstrates that certain traditional practices, particularly those favouring male heirs and restricting the inheritance rights of women, widows, and other vulnerable persons, have produced discriminatory outcomes that are increasingly inconsistent with contemporary principles of equality, justice, and human dignity. Although such practices may have developed from historical patriarchal understandings of lineage and family representation, their continued application must be evaluated within the framework of Nigeria's constitutional order. Section 42 of the Constitution prohibits discrimination on grounds including sex and circumstances of birth, while judicial decisions such as Ukeje v. Ukeje and Anekwe v. Nweke demonstrate that customary law must evolve in accordance with constitutional values and fundamental rights. Biblical principles also provide an ethical basis for reform, particularly through the example of the daughters of Zelophehad and the broader scriptural emphasis on justice, dignity, protection of widows and vulnerable persons, and responsible stewardship. Accordingly, reforming Idum Mbube inheritance practices should not be understood as an abandonment of cultural identity but as a process of developing a living customary system that preserves legitimate traditions while eliminating discriminatory elements. Equal inheritance rights should therefore be recognized for male and female children, while widows should receive stronger protection in relation to family property and children, including those whose family or birth circumstances have historically exposed them to disadvantage, should be protected from unjust exclusion. At the same time, community leaders, traditional institutions, legal scholars, religious organizations, and relevant government and civil society bodies should collaborate to document customary inheritance practices, strengthen legal awareness, and develop clear rules consistent with constitutional requirements. Greater participation of traditional rulers and community elders would help ensure that reform is culturally grounded and achieved through dialogue rather than external imposition, while Christian and other religious institutions can reinforce principles of justice, equality, compassion, and dignity. Nigerian courts should also continue to provide effective judicial protection against discriminatory customary practices. Ultimately, the sustainable development of Idum Mbube customary inheritance law requires the harmonization of cultural traditions, biblical ethical principles, and constitutional guarantees so that inheritance practices preserve community identity while ensuring fairness, inclusion, and respect for the dignity and rights of every member of society.

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