

IGBO LAND TENURE SYSTEM AND GENDER INEQUALITY—THE MASS MEDIA RESPONSIBILITIES.

Regina Acholonu, PhD

Department of Mass Communication Evangel University Akaeze, Ebonyi State

&

Clara Ochiabutor, PhD

Faculty of Law University of Nigeria, Enugu Campus

IJMSSSR 2021

VOLUME 3

ISSUE 2 MARCH – APRIL

ISSN: 2582 - 0265

Abstract: Gender inequality in inheritance rights still remains an unresolved issue in many parts of Africa due to the well-entrenched patrilineal characteristics of the socio-economic and cultural practices in these areas. This is the situation in Igbo land, an ethnic group of the South Eastern Nigeria. There can be no peace in any community where disparity in inheritance rights holds sway. This paper therefore examines the issue of land tenure system in Igbo land with its attendant gender inequality and the responsibilities of the mass media. It adopted the descriptive methodology, utilizing some published journals, text books, other published and unpublished materials. The study finds expression in the symbolic interactionism theory. It concludes that the mass media have tremendous responsibilities to play in the elimination of land inheritance discriminations against women. Considerable evidence has shown that broadcasters and editors play an important part in shaping our social reality as they go about their business of selecting what is to be disseminated as news to the public. In short, the mass media may not be successful in telling us what to think but they are stunningly successful in telling us what to think about. The implication of this statement is that the media through their news selection determine how much importance to attach to a given issue. This no doubt is the role of the media to bring to the attention of the public issues that are of tremendous importance, thereby eliciting some degree of sympathy or empathy from the masses in order to win favourable advantage in their mind concerning such topical issues. The study therefore recommends that the issue of land tenure system and gender inequality in Igbo land should receive more attention in the media coverage if the goal of peaceful co-existence and harmony is to be actualized.

Keywords: Land Tenure, Gender, Inequality, Media.

Introduction

Discrimination in any form against women is a human rights violation that hinders development and achievement of sustainable development goals. In traditional Igbo society, culture has a pervasive influence on how women are treated. Majority of women are held down from realizing and actualizing their full potentials, all in the name of culture. The discriminatory cultural practices against the rights and fundamental freedom of women have been in practice over time.

In most countries and rural communities in Africa as a whole and Nigeria in particular, the practice persists till date. In the South Eastern part of Nigeria, which is the domain of the Igbo people, cultural discriminatory practices against women abound. One of such practices is the Igbo land tenure system. The Igbo occupy mainly the five senatorial zones of the South Eastern part of Nigeria which are made up of Abia, Anambra, Ebonyi, Enugu and Imo States of Nigeria.

Historical Perspective of Land among the Igbo:

Land among the Igbo is believed to be sacred with a high spiritual value. It is regarded as the home of those ancestors who more often than is realized play an active part in the daily lives of those still living. Instances abound where some acres of land are kept aside as sacred land where sacrifices are offered to the ancestors. The Igbo view land as a gift from God and as a deity.

According to Parrinder (1976), captured in Ifediora (2014),

For the Igbo, the mother earth(land) 'Ala' is the greatest deity after 'Chukwu' the Almighty Creator. She is as near to them as the ancestors, for they are buried in her pocket or womb. 'Ala' sends the dead back again in rebirth and she is the spirit of fertility both for the family and for the land. Barren women or mothers whose children have died, pray to 'Ala' for children and men ask her for success in trade and increase of their livestock. So 'Ala' is a kind spirit and she helps her children if they are troubled by other deities.

It is believed that as a deity, land exercises inherent control over the people that use land. There is also the belief among Igbos that if any member of the community commits sacrilege like murder, the custodian of the land who is called the 'EzeAla' must appease the land for peace to reign in the community. It is usually the eldest leader of the community that holds the stewardship with divine authority over land.

Theoretical framework:

This study finds expression in the symbolic interactionism theory by George Herbert Mead (1934). Mead assumes that symbols develop mind. He believes that mind and ego are products of society and they are used as means for thinking and communication. (Ashworth, 2000). Mead focused on how people interact in their daily lives by means of symbolic interaction and how they create order and meaning. (Korgen and White, 2008). Herbert Blumer is the first student of Mead and he is the first one to use the term 'symbolic interaction'. So he is named as the founder of symbolic interaction. Blumer (1969) stated three core principles of symbolic interactionism that deals with meaning, language and thought. These premises lead to conclusion about the creation of a person's self and socialization into a larger community. It states that humans act towards people or things on the basis of the meaning they assign to those people or things and meaning is negotiated through the use of language and our interpretation of these symbols is modified by our thought process. This means that when a society has consensus around what a symbol means, communication is clear.

The theory is relevant to this study because in Igbo culture, there is a societal consensus over the discrimination of the female gender with regards to land inheritance. Traditionally in Igbo land the girl child/woman has no right to land inheritance

Evolution of land tenure in Igbo land:

Land is a distinctive factor of production and inclusive of all naturally occurring goods such as water, air, soil minerals, flora and fauna that are reused in the creation of products. Land ownership structure defines land tenancy. This spells out who owns what land in the community (Emeasobe, 2012). Ifediora (2016) opines that "land tenure has to do with rules invented by societies to regulate behaviour with regards to land. It defines how property rights to land are to be allocated within societies. It defines how access is granted, the right to use, control and transfer land as well as associated responsibilities and restraint".

Land tenure is an important part of socio-economic and political structures. It is multidimensional, bringing into play social, technical, economic, institutional, legal and political aspects that are often ignored but must be taken into account. Umeh (1993) postulates six concepts of land to include "physical, economic, legal, socio-political, spiritual and abstract". All these factors affect the performance of land tenure system.

Land is very crucial in Igbo land because people's economic life lies on it. Its tenure differs slightly from community to community. Generally the principal method of land acquisition among the Igbos include: inheritance, purchase, lease, pledge, exchange and gift. (NEST, 1991).

Inheritance: In nearly every part of Nigeria, land is seen to belong to the people and a male child by virtue of being a member of the family is expected to inherit the father's land property.

Purchase: In the past, the practice of land purchase among the Igbo was a very remote practice but today, it is now a general practice to purchase land. This is as a result of increase in demand for economic purposes.

Lease: Lease as far as land deal is concerned is limited to a number of years. People can lease land for a specific number of years.

Pledge: In this circumstance, a piece of land under pledge will revert to its owner when the pledge is redeemed.

Exchange: In this case, the two consenting parties mutually transfer the plots closer to the location of the new owners, to give one party a new larger and desired building site or cultivation space or some other reason. Payment of money may or may not be involved and ordinarily the exchange is permanent.

Gift: This as in the case of land exchange, land acquired as gift seldom occurs these days. This could be attributed to the market value of both the rural and the urban. The rapid rise in population could also be a factor in the decline of land gift.

The concept of Gender:

Gender in the views of Ekenta, Mohammed and Afolabi (2012), “applies to one sex or the other and relates to the way each behaves in a given situation. Stephen (1993) is of the opinion that “gender is a result of socialization into a male or female role which ascribes certain behaviour according to socio-cultural norm”.

Gender inequality according to Madumere (2012), “manifests in divergent forms in different societies, communities and at various points in time”. Gender inequality in our society is among the socio-cultural phenomenon that divide people into various categories such as male and female with a very high bias, placing one specifically less than the other. Gender inequality exposes the sorry and pitiable condition of women under marginalization and suppression from men in a bid to continually exercise superiority over them. The resultant weakness of gender inequality has deprived women of the strength to rise up and insist on a change in their environment for the sake of their families. Women fear the difficulties of living without a male companion. (Nmah, 2003).

The position of women in the Nigerian culture as stated by Nicholson (1990) was dependency oriented, hence, a common address to women as ‘oriaku’, the consumer of wealth. This is to say that women do not play significant role in the production of wealth in the family. They depend on their husbands for their economic welfare. This is why the majority of women still value the wealth given to them by men as against the backdrop of feeding themselves.

Gender inequality in Igbo land tenure system:

The discriminatory disposition of the Igbo traditional provision often stands against the emancipation of women’s rights of land ownership. The outcome often manifests in form of gender inequality and violation of the fundamental rights of property inheritance. The patrilineal cultural principle of primogeniture is deeply practiced in Igbo land. This is a situation in which the right of succession or property inheritance resides with the first son known as ‘diokpara’. In the absence of a son, the rights go to the brothers of the deceased. This is the position even where the deceased have female children. (Madumere, 2012),

In Igbo culture, a single woman does not inherit land. A girl child cannot inherit the father’s land or property if she has male siblings. If widowed or without a male child, her husband’s land/ property go to his male siblings. If she bears male children, the inheritance rights fall on them. In short, a girl or woman in Igbo land does not have any particular inheritance rights. This is indeed a clear sign of inequality condemned by the provisions of both national and international laws and treaties.

How the laws stand on the issue of Igbo land tenure and gender inequality.

In African Legal Jurisprudence, it would appear that over the years, women of sort, wives and daughters were somewhat precluded from claims to real property. This practice has its root in the widely held belief that the place of a woman is in the management of domestic affairs of the home. Such practice is not different from the position under the Nigerian Indigenous Land Tenure Systems where women for a long time are prevented from being involved in land dealings. The Igbo Customary Laws for a long time perpetrated this practice to such an extent that it is almost considered an abomination (Alu). Therefore where a man dies intestate, his immediate brother

inherits and takes up the management of the property, marries the deceased wife and inherits the deceased children as his own. There is only one famous exception that may exist and which is quite popular for the wrong reasons. This exception is that the woman (daughter precisely), could only partake in inheritance when there is no other male issue and the woman decides to stay back and bear children in the father's house. A similar position also holds sway for a widow who has no male offspring for her deceased husband. This is to save the husband's lineage from extinction. Hence succession is by default for the eldest male child under primogeniture.

Nonetheless, the tables have been turned and the Supreme Court in a decision swoop, has held in *Ukeje v Ukeje* (2014) 11NWRL (Pt 1418) 384 that women are entitled to inherit their husband's estate, and that the custom which disentitles them is not only discriminatory and unconstitutional but repugnant to natural justice, equity and good conscience. However, the court did not pronounce upon the ability to hold property to a person as in *Ekpendu v Erika* (1959) 4 FSC 79. And a person in law is not premised on gender but on legal capacity. As such, a woman's right of administration of real property especially family property subsists as long as the *Ukeje* decision holds sway.

Section 42 of the Constitution of the Federal Republic of Nigeria (1992) as amended ultimately posits that such discrimination is unconstitutional. A woman and her female children cannot be expropriated of her deceased husband's property as that would be grossly inequitable.

And with respect to the Igbo Land Tenure Laws of Management of Family Property, family property is generally administered by the head of the family and the principal members as in *Lopez v Lopez* (1924) 5 NLR 50. And no law states that the head of such family cannot be a woman. Even where a custom so states, in the light of section 42 CFRN and *Ukeje's* case, such a custom is null and void. To this effect, it is submitted that within the limelight of the Land Tenure Laws in Nigeria and the Igbo Customary Law, women can administer and alienate family property or validly consent to such act of alienation as principal members of the family and in the presence of the requirement for a valid sale, it is also submitted that the resulting sale will be deemed valid in law as passing good title to the purchaser.

The issue of inheritance is critical because it is one way by which women can access or be denied access to land. Since gender plays a significant role in kinship systems and is a basic factor in socio-cultural structures, values and practices, Lastarria Cornhiel has argued that "it is a significant determinant of who has land rights in customary tenure system".

The Igbo Women of South Eastern Nigeria:

The Igbo women of the South Eastern region of Nigeria are predominantly engaged in agricultural and commercial activities. While the men migrate to urban cities for white collar jobs and other business activities, the women are left back home to engage in agriculture and petty trading. It is a great concern therefore that the vast majority of this agricultural work force made up of women is deprived of rights to property ownership and land inheritance on grounds of their sex.

In Nigeria, the involvement of women in agriculture has attracted greater attention in recent years (Odurukwe, Njoku and Okereke: 2006). Women's activities in agricultural development cannot be overlooked. (Onyemauwa, 2012). Women are involved in all aspects of agricultural activities, making ridges, yam molds, yam staking, weeding, mulching, fertilizer application, harvesting, processing, storage and marketing. Women provide about 60% to 80% of agricultural labour and contribute about 80% of food production in Nigeria. These contributions could be diminished by cultural practices and policies restricting women on the use of land that is considered a basic agricultural input. (Mgbada, 2002, and supported by Rahman, 2004).

In Nigeria, research has shown that women constitute between 60 to 70 percent of rural force while around 54 million of the country's 78 million women population live in the rural areas and make their living from land. A comparison of agricultural census data for land ownership by 'Core Welfare Indicator Survey' in (2006) shows that "10.6% of rural women in Igbo land have access to land against 38.1% of their male counterpart". Igbo women do not only have lower access to land, they are always subjected to a secondary land ownership through the male members of the family. Her title to land is determined by her continuation of her relationship or link to the family member. They face the risk of losing their title to the land in events of divorce or death.

Similarly, Ekenta et al (2012) carried out a study on gender analysis of land ownership structure and agricultural production in Imo State Nigeria which revealed that:

females with 78% average of the three gender categories considered in the study were more involved in agriculture than their male counterparts (57%). Further, land inheritance (75%) is the most common ownership structure among males, while females (67%) purchased land used in agriculture production. (74%) of males had farm size of 4 hectares and above as against (16%) of females. The agricultural productivity analysis revealed that women are more involved in agriculture but land inheritance favoured males than females.

Given that in most Igbo communities, where women are agrarian and live on subsistence agriculture, a lack of access to land, the most important agricultural resource has significant implications for access to economic resources. It thwarts the efforts of women to achieve economic independence for themselves and their families.

Land Tenure Systems and Gender Inequality in Igbo Land: The Media Responsibilities.

Mass media can be described as various channels through which mass communication takes place. According to Whetmore (1985), 'a medium of communication can only be referred to as mass media if it has the characteristics of conveying information to diverse people at the same time and also be able to use a technological device located between a source and a receiver of a message'.

Wikipedia identifies mass media as "a diverse array of media technologies that reach a large audience via mass communication". The technologies through which this communication takes place include a variety of outlets such as radio, television, newspapers, magazines, and the internet.

Mass Media Responsibilities:

Most people get to understand the goings on in the society based on media reportage of the event in question. Based on these reports, opinions about such events are formed. People make up their minds about events by reading newspapers, listening to news on radio and television or surfing the internet (Heith, 2001). The media provides the needed background relevant to news stories, details on issues and analysis of important situations.

The Agenda Setting Function: The mass media through their agenda setting function should give the issue of land inheritance and gender inequality great attention in their reportage. In the views of Folarin (1998), agenda setting implies that "the mass media pre-determine what issues are regarded as important at a given time in a given society". Agenda setting theory does not ascribe to the media the power to determine what we actually think, but it does ascribe to them the power to determine what we are thinking about. According to Izuogu (2009), agenda setting theory refers "to the media's capacity to cause an issue to be elevated in importance in the mind of the public through repeated focus or coverage". The theory has its roots in the age-long belief that the media possess the power to set the agenda and raise issues of public importance (Izuogu, 2009). Supporting the above statement, Anyadike (2009), opines that "the basic principle in the agenda setting theory is the ability of the mass media to restructure the audience thinking and perception of events". The media should therefore see the campaign on Igbo land tenure system and gender inequality as important and consequently reflect it in their news stories, editorials, commentaries and feature articles. This will make the society see it as important also and have a change of attitude. The mass media according to socialization theorists wield enormous power when it comes to campaigning for attitudinal or behavioural change.

Empowerment function of the mass media: This is one of the surest ways of eliminating gender inequality against women. This involves the strengthening of the individual and collective abilities of women for positive action. Women's empowerment will lead to a balanced partnership of both sexes. The media should be at the forefront in educating women to know their rights and fight for them. The media will achieve a lot by working with men and women who vehemently oppose land inheritance discrimination against women. The media should carry such enlightenment programmes that would help to develop positive attitudes in women, build up their capacities and raise their consciousness. The media should focus on such programmes that would help the women wipe away the dependency syndrome, boost their self-esteem with strong convictions in making choices and taking responsibilities for their actions.

Mass media as social communicator: The mass media can map out strategies on how to successfully reach out to the perpetrators and advocates of these socio-cultural ills against women. They should choose suitable channels to reach these people. For example, the media can target the community opinion leaders and elders, reason with them on why such discriminatory practices against women are bad and make them also understand what the society stands to benefit by eliminating such practices.

Cultivation perception: This is the extent to which media exposure shapes audience perception over time. With this characteristic, the media can use jingles, slogans, programme promotions, cartoons, billboards and so on to highlight the negative aspects of these customary provisions that stand against the emancipation of the rights of women on land ownership over time. The media play strong roles in shaping public perception on varieties of issues. The issue of patrilineal practice in Igbo land and the social vices associated with it can be one of such issues.

Conclusion: The path to gender justice is strewn with all kinds of cultural, political and even legislative hurdles (Acholonu, 2012). And human rights remain unfulfilled promises to a larger number of people all over the world despite their recognition in national constitutions and in widely ratified international treaties (Madumere, 2012). The discriminatory practice of land inheritance against women in Igbo land remains a problem still unresolved because the perpetrators of these unjust practices remain adamant to positive change. A case in sight is the recent Supreme Court decision on female inheritance which upheld the right of a female child inheritance to the father's property. The Supreme Court voided the Igbo age long tradition and custom on the grounds that it is discriminatory and conflicts with the provision of the constitution. The Supreme Court held that the practice conflicted with section 42 (1) (a) and (2) of the 1999 constitution (Vanguardng.com, 2020).

Unfortunately, this landmark decision of the Supreme Court was greeted with lots of negative opinions such as the following:

The decision from the Supreme Court can never be taken seriously by a typical Igbo man because the Igbo custom and tradition is as strong as diamond.

Ruling cannot abolish the tradition and custom of the Igbos.

Court judgment bastardized culture and tradition of Igboland.

Ruling is against Igbo tradition

Judgment is good but communities still have custom and tradition

In spite of all these opinions that have been expressed, the society can still make positive inroad towards the elimination of this age long discriminatory tradition against women using the mass media. The study therefore recommends that the mass media be used extensively in sensitizing the masses to achieving positive results. The mass media have the power to control the narrative of stories to alter people's belief. The media has the ability to shape public opinion to support the elimination of cultural discrimination against women's rights to land inheritance.

References:

1. Acholonu, R.U. (2012). Eradicating violent cultures against women in Nigeria-The role of the electronic media. In M. Mboho and H. Bata (eds). *The companion to communication development issues*. Essays in honour of Professor Des Wilson. Uyo: BSM Resources.
2. Anele, K. A. (2000). Women and community development in Africa: The case of Akpor Kingdom. *African Journal of Social Policy Study*. 1(1) 22- 28
3. Edu, K. O. (2004). A review of laws of inheritance in Southern States of Nigeria. *Journal of Private and Property Law*. 24 (1). 100-120.
4. Emeasoba, U.R.B. (2012). Land ownership among the Igbos of South East Nigeria: A case of women land inheritance. *Journal of Environmental Management and Safety*. 3 (1), 97-117.
5. Ifediora, O. (2014). An analysis of Igbo traditional land tenure system in Amawbia, Awka, Anambra State. *International Journal of Engineering*. 3 (1). 24-38.
6. Mgbada, J. U. (2002). Production of staple crops by rural women in Enugu and Ebonyi States.: Lessons for enhancing poverty alleviation programmes. In Olowu T.A. (ed) *Agricultural extension and poverty alleviation in Nigeria. Proceeding of the Agricultural Extension and Society of Nigeria*. 10-12.

7. (NPC) National Population Commission (2006). National Population and Housing Census: National Population Commission, Abuja.
8. Nicholson, L. (1990). *Feminism and postmodernism*. London: Routledge
9. Nmah, P. E (2003). *Women's rights in Igbo land: A Christian appraisal*. Aba: Soul Winner.
10. Nworugji, N.E. (2011). *Women's rights under the customary law in some communities in Nigeria*. Germany: Lambert Academy Publishing.
11. Nwufo, C.C; and Okoli, C.K. (2016). Right of women to inheritance under the Nigerian laws. *The Nigerian Law Journal* 201-224
12. Odurukwe, S. N.; Matthew- Njoku, E. C. and Ejiogu-Okereke, N. (2006). Impacts of the women in agriculture(WIA) extension programme on women's lives, implications for subsistence agricultural production of women in Imo state, Nigeria. *Livestock Research for Ruraldevelopment*. 2 (18).
13. Onyemauwa, C. S. (2012). Analysis of women's participation in cassava production and processing in Imo State, South East Nigeria. *Journal of Economics and Sustainable Development*. 3 (5), 81-90.
14. Rahman, S. A. (2004). Gender differential in labour contribution and productivity in farm production. Empirical evidence from Kaduna State of Nigeria. Paper presented at the National conference on Family held at New Theatre Complex, Benue State University, Makurdi, Nigeria. 1st-5th March 2004.
15. *The Constitution of the Federal Republic of Nigeria, 1999*, Cap 23 LFM 2004, section 42
16. Section 26 (1) of the Lagos State High Court.
17. The Marriage Law Act, Cap 218 LFM 1990.
18. Umeh, J. A. (1993). *Compulsory acquisition of land and compensation in Nigeria*. London: Sweet and Maxwell.