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Gender Equality and Inheritance Rights in Nigeria: A Comparative Study of Idum Mbube Customary Law and Biblical Jurisprudence

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Abstract: Inheritance remains one of the most contested areas of customary law in Nigeria, particularly concerning women's access to family property. Although the Constitution of the Federal Republic of Nigeria guarantees equality and freedom from discrimination, many indigenous customary inheritance systems continue to exclude daughters and widows from inheriting landed property. Among the Idum Mbube people of Ogoja Local Government Area of Cross River State, inheritance traditionally follows a patrilineal succession model that privileges male descendants while restricting women's proprietary rights. This practice raises significant legal and human rights concerns in light of constitutional guarantees, judicial pronouncements, and Nigeria's international obligations. This article comparatively examines the inheritance principles of Idum Mbube customary law alongside biblical jurisprudence, with particular emphasis on the account of the daughters of Zelophehad in Numbers 27:1–11. The study adopts a doctrinal legal research methodology by analysing constitutional provisions, statutes, judicial authorities, customary law principles, biblical texts, and relevant scholarly literature. It argues that although both customary law and biblical tradition recognise the importance of preserving family inheritance, biblical jurisprudence demonstrates a progressive recognition of women's inheritance rights where justice and equity demand. The article concludes that discriminatory customary inheritance practices are inconsistent with constitutional guarantees of equality and contemporary human rights standards. It recommends legislative intervention, community-based legal reforms, judicial enforcement, religious reorientation, and public legal education as mechanisms for harmonising customary inheritance practices with constitutional principles and biblical ideals of justice, dignity, and equality.

Keywords: Gender equality, Inheritance rights, Customary law, Idum Mbube, Biblical jurisprudence.

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1. Introduction

Inheritance is a fundamental legal institution that governs the transfer of property, rights, and obligations from one generation to another. Beyond its economic function, inheritance influences family continuity, social status, political authority, and access to productive resources. As a result, inheritance laws often reflect the cultural, religious, and legal values of a society. In Nigeria, inheritance is regulated under a plural legal system comprising statutory law, customary law, Islamic law, and judicial precedents, with each system prescribing different rules on succession and estate distribution. While statutory and constitutional provisions increasingly promote equality, many customary

inheritance systems remain patriarchal, reserving succession rights primarily for male descendants and limiting or excluding women from ownership of family property [1].

This gender-based exclusion has generated significant legal and constitutional debate. The Constitution of the Federal Republic of Nigeria 1999 guarantees equality before the law and prohibits discrimination based on sex under section 42, while section 43 affirms every citizen's right to acquire and own immovable property [2]. In recent years, Nigerian courts have strengthened these constitutional protections by invalidating discriminatory customary inheritance practices. Landmark decisions such as *Ukeje v. Ukeje* and *Anekwe v. Nweke* established that customs denying women inheritance solely because of their gender are unconstitutional and contrary to natural justice, equity, and good conscience. Despite these judicial pronouncements, discriminatory practices continue to persist in many rural communities where customary norms remain deeply entrenched [3].

The Idum Mbube community of Ogoja Local Government Area in Cross River State provides an important case study of this conflict between customary law and constitutional principles. Under Idum Mbube customary law, inheritance follows a patrilineal system in which family property devolves primarily upon male children or other eligible male relatives. Daughters are generally excluded from inheriting ancestral property because they are expected to marry into other families, while widows often possess only temporary rights of occupation without ownership. These practices are traditionally justified as necessary for preserving family lineage, maintaining ancestral land within the paternal bloodline, and protecting traditional authority [4]. However, such justifications increasingly face constitutional scrutiny in light of modern principles of equality, social justice, and human rights.

Religion further complicates the debate because Christianity significantly influences social values in southern Nigeria, including Cross River State. Although biblical teachings are sometimes invoked to support patriarchal inheritance practices, the Bible presents a more balanced perspective [5]. While the Old Testament generally recognised patrilineal succession, it also records the landmark case of the daughters of Zelophehad in Numbers 27:1–11. After the death of their father without male heirs, the daughters successfully petitioned Moses for the right to inherit their father's estate, and God affirmed their claim, thereby establishing a significant legal precedent for women's inheritance rights. The subsequent provisions in Numbers 36 sought to preserve tribal inheritance while protecting the daughters' proprietary interests, demonstrating that traditional legal systems can evolve to correct injustice without abandoning communal values [6].

The New Testament further reinforces principles of equality, justice, and impartiality. Passages such as Galatians 3:28, James 2:1–9, and Acts 10:34 emphasise equality before God and condemn discrimination and partiality. Although these texts primarily address spiritual and moral relationships, contemporary scholars argue that their ethical principles extend to social and legal matters, including inheritance and property rights [7]. Consequently, biblical jurisprudence provides a theological foundation for interpreting inheritance laws in ways that promote fairness, dignity, and justice. The continued exclusion of women from inheritance has serious socio-economic consequences. Women who are denied inheritance rights often experience poverty, economic dependency, limited access to land and credit, and increased vulnerability to eviction and social exclusion [8].

Recognising these challenges, many scholars advocate reforming rather than abolishing customary law [9]. They argue that customary law remains an essential component of Nigeria's legal heritage but should evolve to reflect constitutional values, human rights, and contemporary social realities. This position aligns with judicial recognition that customary law is dynamic and capable of adapting to changing notions

of justice and equity. Against this backdrop, this article comparatively examines the inheritance principles of Idum Mbube customary law and biblical jurisprudence [10]. It evaluates whether the customary exclusion of women from inheritance can be justified in light of constitutional guarantees, biblical teachings, and international human rights standards. Through this comparative analysis, the article contributes to scholarly discussions on legal pluralism, gender equality, customary law reform, and the protection of women's inheritance rights in Nigeria, while arguing that customary law must ultimately operate within the framework of constitutional supremacy, human dignity, and substantive equality [10].

2. Materials and Methods

2.1 Objectives of the Study

The broad objective of this article is to critically examine the relationship between gender equality and inheritance rights in Nigeria through a comparative analysis of Idum Mbube customary law and biblical jurisprudence. The study seeks to determine whether the inheritance practices of the Idum Mbube people are compatible with constitutional guarantees of equality, contemporary human rights norms, and biblical principles of justice and equity.

The specific objectives are to:

1. Examine the concept of gender equality and inheritance within the Nigerian legal system;
2. Examine the traditional rules governing inheritance under Idum Mbube customary law, particularly as they affect daughters and widows;
3. Evaluate biblical principles governing inheritance, with particular emphasis on the case of the daughters of Zelophehad in Numbers 27:1–11 and other relevant scriptural passages;
4. Comparatively analyse the similarities and differences between Idum Mbube customary law and biblical jurisprudence regarding women's inheritance rights;
5. Identify the legal, cultural, religious, and socio-economic factors responsible for gender discrimination in inheritance practices; and
6. Propose practical legal and policy reforms for promoting gender equality in inheritance while preserving the legitimate values of customary law.

2.2 Conceptual Clarifications

Gender Equality: Gender equality refers to the equal enjoyment of rights, opportunities, responsibilities, and legal protection by both men and women. It does not imply that men and women are identical but recognizes their equal dignity and equal entitlement to justice. International instruments such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the African Charter on Human and Peoples' Rights affirm gender equality as a fundamental human right (United Nations Women, 116). Biblically, gender equality derives from humanity's creation in God's image. Genesis 1:27 states that God created both male and female in His image, while Galatians 3:28 teaches that believers are one in Christ Jesus without distinction based on gender. These passages provide an ethical foundation for equal treatment while recognizing differences in social roles.

Inheritance Rights: Inheritance rights refer to the legal entitlement of individuals to receive property belonging to a deceased person. These rights may arise through statutory succession, wills, customary law, or religious law (Nwabueze, 147). In customary African societies, inheritance extends beyond property ownership to include family leadership, social obligations, and preservation of lineage (Habel, 74). In Nigeria, inheritance rules differ according to the applicable legal system. Where customary law governs succession, distribution often reflects indigenous traditions (Nwabueze, 141).

However, such customs remain subject to constitutional scrutiny where they infringe fundamental rights. Consequently, inheritance rights increasingly represent an area where constitutional law and customary law intersect.

2.3 Overview of Inheritance Laws in Nigeria

Nigeria operates a plural legal system in which inheritance is regulated by statutory law, customary law, Islamic law, and judicial precedents. The applicable system depends largely on the personal law of the deceased, the nature of the property, the existence of a valid will, and the circumstances surrounding succession. This pluralistic legal framework reflects Nigeria's socio-cultural diversity but also creates complex legal questions, particularly where customary inheritance rules conflict with constitutional guarantees of equality and non-discrimination (Adegbite, 83). The coexistence of these legal systems has generated significant jurisprudential debate concerning the extent to which customary practices should be preserved where they infringe upon constitutionally protected rights (Okorie, 59). Although customary law remains a recognised source of Nigerian law, it is subject to constitutional supremacy and the judicial doctrines of repugnancy, incompatibility, and public policy. Consequently, courts increasingly scrutinise discriminatory inheritance customs to determine their consistency with constitutional values, human dignity, and evolving societal standards (Chinwuba, 421).

Customary law constitutes one of the oldest sources of Nigerian law and continues to regulate the personal affairs of millions of Nigerians. Section 315 of the Constitution recognises existing laws, including customary law, while courts consistently acknowledge customary law as an integral component of Nigeria's legal heritage. Unlike statutory law, customary inheritance is neither uniform nor codified. Nigeria possesses over 250 ethnic groups, each maintaining distinct customary rules governing succession, family property, and traditional authority. Consequently, inheritance practices differ considerably across communities. Despite this diversity, certain common characteristics emerge across many patrilineal societies. First, inheritance generally follows the male bloodline. Family property ordinarily devolves upon sons, particularly the eldest son or another designated male successor. Daughters frequently receive no proprietary interest because marriage is perceived as transferring them into another family (Ezejirofor and Samuel, 153). Second, customary inheritance often distinguishes between ancestral property and self-acquired property. While some communities permit broader discretion over self-acquired assets, ancestral land is generally preserved within the paternal lineage to maintain family identity and continuity.

Third, inheritance frequently extends beyond ownership of property to include succession to family leadership, ritual responsibilities, ancestral shrines, and traditional authority. Consequently, succession involves both proprietary and socio-cultural dimensions. Fourth, widows generally experience limited inheritance rights. In many customary systems, a widow does not inherit her deceased husband's estate but merely retains temporary rights of occupation or maintenance until male relatives assume control of family property. Such arrangements often leave widows economically vulnerable, particularly where relations with the deceased's extended family deteriorate. Among the Idum Mbube people, as discussed later in this article, inheritance similarly reflects these general patrilineal characteristics. Property ordinarily passes through the male lineage, while daughters and widows traditionally possess limited proprietary rights. Although customary inheritance serves important cultural functions including preserving lineage, preventing fragmentation of ancestral land, and maintaining communal identity it has increasingly attracted constitutional criticism where gender-based discrimination excludes women solely because of their sex (Adekoya, 74).

2.4 Idum Mbube Customary Law of Inheritance

The Idum Mbube people are one of the indigenous communities located in present-day Ogoja Local Government Area of Cross River State, Nigeria. Like many traditional societies in southeastern Nigeria, the Idum Mbube social structure is predominantly patrilineal, with descent, family identity, and succession traced through the male lineage. Inheritance under Idum Mbube customary law extends beyond the mere distribution of property. It encompasses succession to the position of family head, custodianship of ancestral shrines, responsibility for family obligations, and the management of communal lands. The successor is expected not only to inherit assets but also to assume corresponding responsibilities toward surviving family members, including widows, younger siblings, and dependent relatives. This holistic understanding of inheritance distinguishes customary succession from the statutory concept of inheritance, which focuses primarily on proprietary rights (Chinwuba, 420).

Traditionally, the Idum Mbube inheritance system seeks to preserve ancestral land within the paternal bloodline. Land is regarded not merely as an economic resource but as a sacred family heritage entrusted by previous generations and held in trust for future descendants. Consequently, customary norms discourage the transfer of family land outside the lineage. Since daughters are generally expected to marry into other families, they have historically been excluded from inheriting ancestral land on the assumption that such inheritance would ultimately transfer family property to another lineage through marriage. This cultural rationale, although historically significant, has increasingly come under constitutional scrutiny because it discriminates solely on the basis of sex (Ezejiofor and Samuel, 160).

The continued observance of these customary rules reflects the enduring influence of indigenous institutions despite Nigeria's constitutional commitment to equality and non-discrimination. While many families have begun to modify traditional practices voluntarily, others continue to observe long-established customs, particularly in rural communities where customary authority remains influential. This has created an ongoing tension between customary autonomy and constitutional supremacy, especially following judicial decisions invalidating discriminatory inheritance customs.

2.4.1 Traditional Rules of Succession

Succession among the Idum Mbube traditionally follows the principle of patrilineal inheritance, whereby property devolves primarily upon male descendants (Adegbite, 91). Upon the death of the family head, succession generally passes to the eldest surviving son or, where circumstances require, another qualified male member of the paternal lineage. The successor assumes ownership or control of family property together with responsibility for preserving family unity and administering communal obligations. The eldest son occupies a particularly significant position within the customary system. Apart from inheriting substantial portions of family property, he ordinarily succeeds to his father's social status as family head. His responsibilities include managing ancestral land, representing the family in communal affairs, resolving internal disputes, performing customary rites, and ensuring the welfare of surviving dependants. The inheritance of property is therefore inseparable from inheritance of authority and responsibility.

Where the deceased leaves several sons, family property may be shared among them according to customary arrangements determined by elders or family consensus (Adekoya, 79). Nevertheless, the eldest son usually retains supervisory authority over ancestral property and family affairs. Self-acquired property may occasionally be distributed more flexibly, but ancestral land generally remains subject to stricter customary controls intended to preserve family identity. Daughters traditionally occupy a different legal position. Although they remain recognised members of their natal families, they generally do not inherit ancestral property because marriage is viewed as

transferring them to their husbands' families. Instead, daughters may receive gifts, financial assistance, or movable property during marriage ceremonies or family celebrations. Such benefits, however, are ordinarily regarded as expressions of parental affection rather than enforceable inheritance rights.

This exclusion reflects the customary belief that allowing daughters to inherit ancestral land would fragment family property and undermine patrilineal continuity. The assumption is that inherited property would eventually pass to the daughter's husband or children, thereby removing ancestral land from the paternal lineage. Similar justifications have historically existed in several Nigerian customary systems, including those of the Igbo, Bini, and certain Yoruba communities (Ezeilo, 102). However, contemporary legal scholarship increasingly questions whether these historical justifications remain valid in a modern constitutional democracy. Economic transformation, urbanisation, increased female education, and changing family structures have significantly altered traditional assumptions concerning marriage, property ownership, and family responsibility. Many daughters now contribute substantially to acquiring family property, caring for elderly parents, and supporting younger siblings. Consequently, excluding them solely because of gender appears increasingly difficult to justify under constitutional principles of equality.

2.4.2 Rights of Widows under Idum Mbube Customary Law

The legal position of widows under Idum Mbube customary law has traditionally differed from that of biological children. A widow is generally not regarded as a blood member of her deceased husband's lineage but as a wife who acquired rights of residence and maintenance through marriage (Ezeiofor and Samuel, 149). Consequently, while she enjoys certain protections under customary law, these protections do not ordinarily amount to ownership of her husband's estate. Following the death of her husband, a widow is commonly permitted to continue residing in the matrimonial home, particularly where she has young children. She may cultivate portions of family farmland, occupy residential buildings, and benefit from support provided by the deceased's family. These rights are essentially usufructuary in nature they confer the right to use property without transferring legal ownership. The continuation of these rights often depends upon the widow's conduct and relationship with her husband's family. Where disputes arise, or where customary expectations are perceived to have been violated, widows may face restrictions regarding continued occupation of family property. In some instances, pressure may be exerted on widows to vacate family land or surrender property to male relatives.

Historically, certain customary practices also encouraged widow inheritance or levirate unions, whereby a widow could be remarried to a male relative of the deceased husband in order to preserve family lineage and ensure continued support (Adegbite, 77). Although such practices have declined considerably due to Christianity, education, and statutory law, their historical influence continues to shape customary attitudes toward widows' property rights. From a constitutional perspective, these customary arrangements raise important legal concerns. Restricting widows to temporary rights of occupation while denying them proprietary ownership may undermine their economic security, particularly where they contributed to acquiring family assets during marriage. Modern constitutional jurisprudence increasingly recognises widows as independent legal persons entitled to equal protection under the law.

2.4.3 Socio-Cultural Justifications for Gender-Based Exclusion

The exclusion of women from inheriting ancestral property under Idum Mbube customary law is rooted in long-standing socio-cultural beliefs concerning lineage preservation, family identity, and communal continuity (Adegbite, 84). Like many patrilineal societies in southern Nigeria, the Idum Mbube regard inheritance as a mechanism for perpetuating the paternal lineage rather than merely distributing

economic assets. Property, especially ancestral land, is viewed as a collective heritage held in trust by the present generation for future descendants. Consequently, inheritance rules are designed to ensure that such property remains within the paternal bloodline. One of the principal justifications for excluding daughters is the belief that marriage transfers a woman into her husband's family. Since a married daughter is expected to become part of another lineage, permitting her to inherit ancestral land is perceived as indirectly transferring family property to outsiders. From the traditional perspective, this could weaken the economic and cultural foundation of the natal family and diminish the continuity of the ancestral lineage. Similar justifications have historically been identified in several Nigerian customary systems and have been extensively discussed in contemporary scholarship.

Another justification concerns the preservation of family authority. Under Idum Mbube custom, inheritance is closely linked with leadership responsibilities. Modern Nigerian courts consistently emphasise that customary law remains dynamic rather than static (Smith, 251). As the Supreme Court observed in several decisions, customary law evolves with changing social conditions and cannot remain immune from constitutional development. Customs inconsistent with natural justice, equity, good conscience, or constitutional provisions cannot be enforced where contributions were primarily associated with domestic responsibilities, trading, and farming on family land without proprietary ownership. These traditional assumptions reinforced the perception that men required ownership of ancestral land to discharge their family responsibilities effectively.

However, contemporary socio-economic realities have significantly altered these assumptions. Women increasingly contribute to the acquisition, development, and maintenance of family property through paid employment, entrepreneurship, agriculture, and financial support for aging parents. Many daughters remain primary caregivers to their parents even after marriage and often make substantial contributions toward family welfare. Consequently, the traditional assumption that daughters make no lasting contribution to their natal families has become increasingly untenable. Recent scholarship argues that customary inheritance rules must evolve to reflect these changing realities rather than perpetuate historical gender stereotypes (Nwabueze, 159).

Furthermore, the cultural rationale for excluding women appears difficult to reconcile with constitutional principles. Section 42 of the Constitution guarantees equality before the law and prohibits discrimination on the basis of sex. A customary rule that automatically excludes women from inheritance solely because they are female constitutes direct discrimination irrespective of its cultural origin. As the Supreme Court emphasised in *Ukeje v. Ukeje*, no citizen should be denied inheritance merely because of gender. This does not imply that all aspects of Idum Mbube customary law should be discarded. Rather, it suggests that beneficial customary values such as family solidarity, communal responsibility, respect for elders, and preservation of cultural heritage can coexist with equal inheritance rights. Customary law has always been dynamic and capable of adapting to changing social conditions. The challenge therefore lies in reforming discriminatory aspects while preserving legitimate cultural values.

2.5 Biblical Jurisprudence on Inheritance

Biblical jurisprudence comprises the legal, ethical, and theological principles governing human relationships as revealed in Scripture. Although the Bible is primarily a religious text, it also contains an extensive body of legal norms regulating family life, property ownership, succession, contracts, social justice, and the protection of vulnerable persons. The inheritance laws contained in both the Old and New Testaments have profoundly influenced the development of Western legal thought and continue to shape contemporary Christian perspectives on justice, equality, and property rights (Wright, 311).

In ancient Israel, inheritance was regarded as a divine institution rather than merely a private legal arrangement. Land belonged ultimately to God, while individuals and families held it in trust for succeeding generations (Leviticus 25:23). Consequently, inheritance laws sought to preserve family continuity, protect tribal allocations, and prevent the permanent alienation of ancestral land. These objectives bear some resemblance to the customary inheritance systems of many African societies, including the Idum Mbube, where inheritance likewise serves communal and cultural purposes.

However, unlike many customary systems that remained relatively inflexible, biblical inheritance law demonstrates a remarkable capacity for reform where existing rules produced injustice. The narrative of the daughters of Zelophehad in Numbers 27:1–11 represents one of the earliest recorded examples of legal development through judicial petition and divine adjudication. It illustrates that the pursuit of justice may require modification of long-established legal rules without abandoning the broader objectives of the legal system.

2.5.1 Inheritance in the Old Testament

Inheritance occupies a central place in Old Testament law because land represented both an economic resource and a covenantal gift from God. Following Israel's settlement in Canaan, land was allocated among the twelve tribes and subsequently divided among clans and families (Joshua 13–21). These allocations were intended to remain permanently within each tribe, reflecting God's covenant with Israel. Several provisions of the Mosaic Law regulated inheritance. Deuteronomy 21:15–17 required that the firstborn son receive a double portion of his father's estate irrespective of the father's personal preference. This rule protected the integrity of succession and prevented arbitrary disinheritance.

Similarly, Leviticus 25 established the Jubilee system, under which ancestral land reverted to its original family every fiftieth year. The purpose was to prevent permanent loss of family inheritance and excessive concentration of land ownership. As God declared:

The land shall not be sold permanently, for the land is Mine; for you are strangers and sojourners with Me (Leviticus 25:23, NKJV).

This passage reveals that biblical inheritance law viewed property as stewardship under divine ownership rather than unrestricted private possession. Ordinarily, inheritance passed through male descendants. Sons inherited their father's estate, while daughters generally married into other families. Nevertheless, this general rule was not absolute. Biblical law recognised exceptional circumstances requiring legal adaptation in order to achieve justice.

The Old Testament repeatedly emphasises God's concern for widows, orphans, strangers, and other vulnerable members of society. Deuteronomy 10:18 describes God as one who "executes justice for the fatherless and the widow," while Psalm 68:5 refers to Him as "a father of the fatherless and a defender of widows." These recurring themes demonstrate that biblical law consistently sought to protect vulnerable persons from exploitation. Accordingly, although Old Testament inheritance generally reflected the patriarchal structure of ancient Israel, its underlying principles were justice, covenant faithfulness, family preservation, and divine equity rather than gender discrimination for its own sake.

The narrative of Naomi and Ruth provides another important illustration of the relationship between inheritance, family sustainability, widowhood, and the preservation of lineage. Naomi, an Israelite woman from Bethlehem, lost her husband, Elimelech, and subsequently her two sons, leaving her and her Moabite daughter-in-law Ruth widows (Ruth 1:3–5). Naomi's situation demonstrates the vulnerability that could arise when a woman became a widow without a surviving male heir (Nesta, 32). In Ruth

1:11–13, Naomi acknowledges the absence of immediate prospects for her daughters-in-law and urges them to return to their respective families. Her concern was not merely personal but also connected with the continuation of family life and lineage.

The story develops further when Ruth remains with Naomi and returns with her to Bethlehem. Ruth declares her commitment to Naomi in words that demonstrate loyalty and family solidarity: “Where you go, I will go; and where you lodge, I will lodge; your people shall be my people, and your God, my God” (Ruth 1:16, NKJV). Naomi’s subsequent concern was the restoration of family security and continuity. Ruth 2–4 therefore presents a narrative in which property, redemption, marriage, widowhood, and progeny are interconnected.

The role of Boaz is particularly significant in this regard. Boaz was a relative of Elimelech and therefore a potential *go’el*, or family redeemer (Ruth 2:20; 3:9–13). Naomi recognised that Boaz could provide a means of restoring the family’s social and economic security. In Ruth 4:3–5, Boaz discusses the redemption of the land that belonged to Elimelech and explains that acquiring the land was connected with taking Ruth as wife in order “to raise up the name of the dead on his inheritance” (Ruth 4:5, NKJV). When the nearer relative declined the responsibility, Boaz accepted it. Ruth 4:9–10 records Boaz’s declaration that he had acquired the property of Elimelech and had taken Ruth as his wife “to perpetuate the name of the dead through his inheritance.”

The birth of Obed was the ultimate fulfilment of this objective. Ruth 4:13 states that “the LORD gave her conception, and she bore a son,” while Ruth 4:14–15 records the women’s recognition that Naomi’s family line had been restored. The child, Obed, became the father of Jesse and grandfather of David (Ruth 4:17). The Naomi-Ruth-Boaz narrative therefore illustrates the sustainability function of inheritance: inheritance was not merely about transferring property to surviving individuals but also about preserving the identity, dignity, economic security, and continuity of a family across generations.

The story of Ruth is particularly relevant to gender and inheritance because Ruth, a widow and a foreign woman, became instrumental in preserving an Israelite family line (Nesta, 19). Although the narrative does not establish an unrestricted female right to inherit land, it demonstrates that women were active participants in the processes through which family property, identity, and lineage were preserved. Ruth’s position as a widow, Naomi’s vulnerability as a widow without surviving sons, and Boaz’s role as redeemer reveal that biblical jurisprudence was concerned with protecting family continuity and vulnerable persons rather than simply applying inheritance rules mechanically.

The Old Testament repeatedly emphasises God’s concern for widows, orphans, strangers, and other vulnerable members of society. Deuteronomy 10:18 describes God as one who “executes justice for the fatherless and the widow,” while Psalm 68:5 refers to Him as “a father of the fatherless and a defender of widows.” Similarly, Deuteronomy 24:17–21 requires Israel to avoid depriving widows, orphans, and strangers of justice and provides mechanisms for their sustenance through gleaning. These recurring themes demonstrate that biblical law consistently sought to protect vulnerable persons from exploitation.

Consequently, although Old Testament inheritance generally reflected the patriarchal structure of ancient Israel, its underlying principles included justice, covenant faithfulness, family preservation, social responsibility, sustainability, and divine equity. The cases of the daughters of Zelophehad and the Naomi-Ruth-Boaz narrative are particularly important because they demonstrate that the biblical legal tradition was capable of responding to exceptional circumstances in ways that protected family continuity and the interests of vulnerable women. Thus, Old Testament inheritance jurisprudence should not be understood merely as a rigid system of male

privilege; rather, it represents a developing legal tradition in which property rights were balanced against broader considerations of justice, family preservation, social welfare, and continuity of lineage.

Modern biblical scholars observe that Mosaic law frequently balanced communal interests with individual rights. Christopher Wright argues that Israel's property laws combined economic justice with social responsibility by ensuring that inheritance remained a means of preserving family dignity rather than perpetuating inequality (Wright, 152). Similarly, Goldingay () notes that biblical legal development frequently responded to concrete cases of injustice rather than rigidly maintaining existing rules.

2.5.2 The Case of the Daughters of Zelophehad (Numbers 27:1–11)

The account of the daughters of Zelophehad is perhaps the most significant biblical authority concerning women's inheritance rights and represents one of the earliest examples of legal reform within biblical jurisprudence. According to Numbers 27:1–11, Zelophehad, a member of the tribe of Manasseh, died in the wilderness leaving no sons but five daughters; Mahlah, Noah, Hoglah, Milcah, and Tirzah. Under the prevailing inheritance custom, the absence of male heirs meant that Zelophehad's family risked losing its inheritance within the tribe.

Recognising the injustice of this outcome, the daughters appeared before Moses, Eleazar the priest, the tribal leaders, and the assembled congregation to present their case. They argued:

Why should the name of our father be removed from among his family because he had no son? Give to us a possession among our father's brothers (Numbers 27:4, ESV).

This petition is remarkable for several reasons. First, the daughters did not reject the authority of the existing legal system. Instead, they invoked its fundamental objective preserving family inheritance and demonstrated that the existing rule failed to achieve justice in their particular circumstances. Second, Moses did not resolve the matter unilaterally. Rather, he "brought their case before the LORD" (Numbers 27:5), acknowledging that the issue required divine legal determination.

God's response constitutes a landmark moment in biblical legal history:

The daughters of Zelophehad speak what is right; you shall surely give them a possession of an inheritance among their father's brothers, and cause the inheritance of their father to pass to them (Numbers 27:7, NKJV).

This divine pronouncement did more than resolve a single family dispute. It established a new rule of general application:

If a man dies and has no son, then you shall cause his inheritance to pass to his daughter (Numbers 27:8).

The significance of this legislation cannot be overstated. It demonstrates that biblical law was capable of evolving through reasoned appeals grounded in justice. Rather than insisting upon strict adherence to existing custom, God affirmed that the law should be modified where necessary to prevent injustice.

Numbers 36 later supplemented this reform by requiring Zelophehad's daughters to marry within their tribe so that tribal land would not permanently transfer to another tribe. Importantly, this subsequent regulation did not revoke the daughters' inheritance rights. Instead, it balanced women's proprietary interests with the broader objective of preserving tribal land allocations.

From a jurisprudential perspective, this narrative establishes several enduring legal principles:

1. Legal rules must ultimately serve justice rather than perpetuate injustice;

2. Women possess legal personality capable of asserting proprietary rights;
3. Legitimate legal reform is consistent with respect for tradition; and
4. Inheritance should preserve both family continuity and individual dignity.

Contemporary biblical scholarship widely recognises the daughters of Zelophehad as pioneers of gender justice within biblical law. Their successful legal challenge demonstrates that Scripture itself contains internal mechanisms for correcting discriminatory legal outcomes (Matthews, 251). For contemporary Nigeria, this narrative possesses considerable relevance. Communities that rely upon biblical authority to justify excluding women from inheritance must also acknowledge that one of the Bible's most important inheritance cases resulted in the explicit recognition of women's property rights.

2.5.3 Women's Inheritance Rights in the New Testament

Unlike the Old Testament, the New Testament contains no comprehensive legal code regulating inheritance. Its principal concern is the establishment of the Kingdom of God through the life, death, and resurrection of Jesus Christ. Consequently, inheritance is frequently employed as a theological metaphor describing believers' participation in God's kingdom and eternal life (Romans 8:17; Galatians 4:7; 1 Peter 1:3–4). Nevertheless, the ethical teachings of Jesus and the Apostles provide enduring principles concerning equality, justice, compassion, and the dignity of every human person that have significant implications for inheritance rights.

The ministry of Jesus represented a profound challenge to many social structures that marginalized women. Throughout the Gospels, Jesus consistently treated women with dignity, respect, and equality, often defying prevailing cultural conventions. He publicly taught women (Luke 10:38–42), accepted them as disciples (Luke 8:1–3), defended women against unjust social condemnation (John 8:1–11), and entrusted the first proclamation of His resurrection to women (Matthew 28:1–10). These actions reveal an ethical commitment to the equal worth of women before God.

Although Jesus did not directly legislate on inheritance rights, His teachings concerning justice and neighbourly love profoundly influence Christian legal ethics. In the Parable of the Good Samaritan (Luke 10:25–37), Jesus emphasized compassion over social prejudice. Likewise, in Matthew 7:12, He articulated the Golden Rule:

Therefore whatever you want men to do to you, do also to them.

This principle requires fairness and reciprocity in all human relationships, including family and property relations. It becomes difficult to justify denying daughters or widows inheritance rights that would ordinarily be granted to similarly situated male relatives.

Furthermore, Jesus' teaching on inheritance extends beyond the transfer of earthly property to the spiritual inheritance of eternal life. In Mark 10:17–22, a man asks Jesus, "What must I do to inherit eternal life?" Jesus responds by directing attention to obedience, selflessness, and commitment to God. Significantly, Jesus does not present eternal life as an inheritance restricted by gender. In Luke 10:25–28, the same question is answered through the command to love God and one's neighbour, principles applicable to all persons. Furthermore, Jesus consistently treated women as persons of dignity and spiritual agency, as demonstrated in His interactions with Mary (Luke 10:38–42), the Samaritan woman (John 4:7–26), and the women who became witnesses of His resurrection (Matthew 28:5–10). Thus, while earthly inheritance in biblical society was often structured around male lineage, Jesus' teaching presents eternal inheritance as universally accessible through faith, obedience, and relationship with God rather than gender. This provides an important theological foundation for examining gender equality in inheritance rights.

The Apostle Paul further developed the doctrine of equality within the Christian community. One of the most frequently cited passages is Galatians 3:28:

3. Result and Discussion

There is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus (ESV).

While this text primarily concerns equal access to salvation, many contemporary theologians argue that it establishes an ethical principle prohibiting discrimination based solely on social status, ethnicity, or gender [11]. Keener observes that Paul's theology significantly elevated the social status of women within early Christian communities and undermined rigid patriarchal assumptions inherited from surrounding cultures. Similarly, Ephesians 5:21 instructs believers to submit to one another "out of reverence for Christ," emphasizing mutual responsibility rather than domination. Colossians 3:11 reiterates that distinctions based on ethnicity, status, and social identity should not determine one's worth within the Christian community [12].

The Epistle of James also provides important guidance concerning equality before the law. James 2:1–9 condemns partiality and favoritism, warning believers against treating individuals differently based upon external considerations [13]. Although the immediate context concerns economic discrimination, the underlying principle applies equally to gender-based discrimination where unequal treatment lacks moral justification. The New Testament therefore shifts emphasis from rigid legal formalism toward universal principles of justice, equality, compassion, and human dignity. These principles provide an important ethical foundation for evaluating contemporary inheritance practices in Christian societies such as Nigeria [14].

3.1 Equality, Justice, and Human Dignity in Biblical Teachings

The overarching message of Scripture consistently affirms the intrinsic dignity and equal worth of every human being because all persons are created in the image of God. Genesis 1:27 declares:

So God created man in His own image; in the image of God He created him; male and female He created them.

This foundational text establishes that both men and women equally bear God's image and therefore possess equal moral value. Although biblical societies often reflected patriarchal social structures, Scripture repeatedly emphasizes that divine justice transcends cultural discrimination. The biblical concept of justice extends beyond legal procedure to encompass fairness, equity, protection of vulnerable persons, and restoration of social relationships. Throughout the Old Testament, God repeatedly commands Israel to defend widows, orphans, strangers, and the poor (Isaiah 1:17; Micah 6:8; Zechariah 7:9–10). These groups represented those most vulnerable to economic and social exclusion (Nesta, 114).

Particularly significant is Deuteronomy 10:18, which describes God as One:

Who executes justice for the fatherless and the widow, and loves the stranger, giving him food and clothing [15].

Likewise, Psalm 82:3 commands:

Defend the poor and fatherless; do justice to the afflicted and needy.

These passages reveal that biblical justice is measured not merely by procedural legality but by the protection afforded to vulnerable members of society. Human dignity similarly occupies a central position within biblical ethics. Every person possesses inherent worth because human life reflects God's creative purpose. Accordingly, legal systems should promote justice rather than perpetuate oppression. As Wright argues, biblical law consistently sought to balance communal stability with individual dignity,

ensuring that legal institutions served human flourishing rather than merely preserving existing power structures [16].

This understanding is reinforced in the prophetic literature. Amos condemns economic exploitation and judicial corruption (Amos 5:24), while Isaiah denounces laws that deprive vulnerable persons of justice (Isaiah 10:1–2). Such prophetic critiques demonstrate that legal systems remain accountable to higher moral principles.

The New Testament continues this emphasis. Acts 10:34 records Peter's declaration that:

God shows no partiality.

Similarly, Romans 2:11 affirms:

For there is no partiality with God [17].

These passages reinforce the principle that justice should not depend upon gender, ethnicity, wealth, or social status. Applied to inheritance, these biblical principles challenge customs that exclude women solely because they are female. Although ancient Israel retained certain patriarchal features, Scripture simultaneously demonstrates an ongoing movement toward greater justice and inclusion. The recognition of Zelophehad's daughters, the repeated protection of widows, and the New Testament emphasis on equality collectively suggest that biblical jurisprudence ultimately prioritizes justice over rigid adherence to discriminatory traditions.

3.2 Relevance of Biblical Principles to Contemporary Nigeria

Biblical jurisprudence remains highly relevant to contemporary Nigeria because Christianity constitutes one of the country's dominant religious traditions, particularly in the southern states where many customary inheritance systems including that of the Idum Mbube—continue to operate. Consequently, biblical teachings significantly influence public morality, judicial reasoning, family relationships, and customary practices. Ironically, some communities invoke religion to justify excluding women from inheritance while overlooking biblical passages that affirm justice and equitable treatment. The narrative of the daughters of Zelophehad demonstrates that Scripture itself recognizes the necessity of legal reform where existing customs produce injustice. Rather than preserving discriminatory practices indefinitely, biblical law responded to changing circumstances through principles of fairness and divine justice.

This lesson possesses particular significance for Nigerian customary law. Just as Moses sought divine guidance before resolving the daughters' petition (Numbers 27:5), contemporary legal systems should remain willing to reassess inherited customs in light of constitutional values, changing social realities, and evolving understandings of justice. The Nigerian Constitution guarantees equality before the law and prohibits discrimination based upon sex. These constitutional guarantees are not inconsistent with biblical ethics. On the contrary, both legal systems affirm justice, human dignity, and protection for vulnerable members of society. Consequently, constitutional recognition of women's inheritance rights should be viewed not as an attack upon religious values but as an affirmation of biblical principles of fairness and equity.

Furthermore, biblical teachings concerning stewardship support inclusive approaches to inheritance. Since property ultimately belongs to God (Leviticus 25:23), ownership carries corresponding responsibilities toward justice, compassion, and responsible management. Excluding daughters or widows who have contributed substantially to family welfare may therefore conflict with biblical understandings of faithful stewardship. Churches also possess an important role in promoting gender equality. Religious leaders frequently influence community attitudes more profoundly than statutory institutions (Nesta, Adeola and Etudaiye, 49). Through biblical teaching, premarital counselling, family mediation, and public advocacy, churches can encourage inheritance practices that respect both cultural heritage and constitutional equality. Such

engagement is particularly important in rural communities where customary law remains deeply embedded.

Biblical jurisprudence likewise complements Nigeria's international human rights obligations. Instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples' Rights, and the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) seek to eliminate discrimination against women in matters of property and inheritance. Properly interpreted, biblical teachings reinforce rather than contradict these objectives by emphasizing justice, equality, and respect for human dignity. The relevance of biblical jurisprudence therefore lies not merely in its historical value but in its continuing capacity to inspire legal reform. The Bible demonstrates that authentic respect for tradition does not preclude legal development [18]. Rather, enduring legal systems remain faithful to their foundational values by adapting to new circumstances in ways that promote justice and preserve human dignity. This insight provides an important framework for evaluating the inheritance practices of the Idum Mbube community within contemporary Nigeria.

3.3 Comparative Analysis of Idum Mbube Customary Law and Biblical Jurisprudence

Comparative legal analysis is an established research method that examines two or more legal systems in order to identify similarities, differences, strengths, weaknesses, and possible areas of legal reform (Zweigert and Kötz, 152). In the present study, the comparison between Idum Mbube customary law and biblical jurisprudence is particularly significant because both systems continue to influence inheritance practices in southern Nigeria. While Idum Mbube customary law derives its authority from indigenous customs and traditions, biblical jurisprudence is founded upon divine revelation as recorded in Scripture [19]. Despite these different normative foundations, both systems regulate succession, preserve family continuity, and seek to maintain social order.

The comparative analysis demonstrates that although the two systems share certain objectives, they differ significantly regarding the legal status of women, the flexibility of legal reform, and the recognition of gender equality [20]. These differences have important implications for constitutional interpretation, customary law reform, and the protection of women's property rights in contemporary Nigeria.

3.3.1 Areas of Convergence

Notwithstanding their different origins, Idum Mbube customary law and biblical jurisprudence share several important features concerning inheritance.

A. Preservation of Family Lineage: Both legal systems regard inheritance as a means of preserving family continuity rather than merely transferring wealth. Under Idum Mbube customary law, ancestral land is preserved within the paternal lineage to maintain family identity and communal solidarity. Similarly, the Mosaic inheritance system sought to preserve tribal allocations by ensuring that family land remained within each tribe (Numbers 36:6–9). In both systems, inheritance therefore performs social, cultural, and religious functions extending beyond private ownership.

B. Recognition of Family Responsibilities: Inheritance under both systems includes obligations as well as rights. Among the Idum Mbube, the successor assumes responsibility for family leadership, settlement of disputes, maintenance of widows and dependants, and performance of customary rites. Likewise, biblical inheritance carried responsibilities relating to stewardship of family property, care for relatives, and preservation of covenantal obligations (Leviticus 25:23–28). Thus, inheritance is viewed as a fiduciary institution rather than an unrestricted economic privilege [21].

C. Protection of Family Property: Both systems discourage the fragmentation or permanent alienation of ancestral property. Idum Mbube customary law generally

restricts transfers outside the paternal lineage, while biblical law established regulations such as the Jubilee (Leviticus 25) and the tribal marriage provisions in Numbers 36 to preserve inherited land. These similarities indicate that both legal traditions prioritize family stability and intergenerational continuity.

D. Respect for Community Values: Inheritance disputes in both systems traditionally involve community participation. Under Idum Mbube custom, elders and family heads often supervise succession. In ancient Israel, inheritance disputes were resolved before Moses, priests, elders, or judges (Numbers 27:2). Consequently, inheritance is treated as a communal concern rather than merely a private transaction.

3.3.2 Areas of Divergence

Despite these similarities, the differences between the two systems are more legally significant.

A. Women's Right to Inherit: The most important distinction concerns the legal position of women. Under traditional Idum Mbube customary law, daughters generally do not inherit ancestral property because inheritance follows the male bloodline. Widows likewise enjoy only limited rights of occupation rather than ownership. Biblical jurisprudence, however, demonstrates greater flexibility. Although inheritance ordinarily passed through male descendants, the daughters of Zelophehad successfully obtained inheritance rights when exclusion would have produced injustice (Numbers 27:1–11). Rather than preserving discriminatory custom, biblical law accommodated legal reform through divine adjudication. This distinction reveals that biblical jurisprudence ultimately recognizes justice as superior to rigid customary practice [22].

B. Legal Development: Another important difference concerns legal evolution. Idum Mbube customary law has historically relied upon long-established communal traditions transmitted across generations. Although customary law is capable of development, change often occurs gradually through community acceptance. Biblical jurisprudence, by contrast, records explicit legal reform within Scripture itself [23]. The decision concerning Zelophehad's daughters immediately became a general legal rule applicable to all Israel (Numbers 27:8–11). This demonstrates a legal system willing to modify existing norms where justice required. Consequently, biblical jurisprudence provides stronger support for progressive legal reform than rigid interpretations of customary law.

C. Source of Legal Authority: Idum Mbube customary law derives authority primarily from tradition, ancestral practice, and communal acceptance. Biblical jurisprudence derives authority from divine revelation and covenantal principles. This distinction is significant because constitutional review evaluates customary law according to constitutional standards, whereas biblical principles are often invoked primarily as ethical and theological guidance rather than binding civil legislation.

D. Concept of Justice: Customary inheritance traditionally emphasizes collective interests and preservation of lineage. Biblical jurisprudence balances communal preservation with individual justice. The daughters of Zelophehad retained inheritance rights while additional regulations preserved tribal identity (Numbers 36). Thus, biblical law reconciles equality with community interests rather than sacrificing one for the other.

3.4 Gender Equality under Both Systems

Gender equality constitutes the principal point of divergence between Idum Mbube customary law and biblical jurisprudence. Traditional Idum Mbube inheritance reflects a patriarchal social order in which proprietary rights largely depend upon one's position within the male lineage. Women's exclusion is justified on grounds of preserving family identity and preventing ancestral property from passing to another family through marriage.

While biblical law also originated within a patriarchal society, Scripture demonstrates progressive movement toward greater inclusion. The recognition of Zelophehad's daughters represents a decisive affirmation that women may inherit where justice requires. The New Testament further reinforces equality through teachings emphasizing the equal worth of men and women before God (Galatians 3:28; Acts 10:34).

Accordingly, biblical jurisprudence appears more consistent with modern constitutional understandings of substantive equality than discriminatory customary inheritance rules. Recent scholarship similarly argues that biblical ethics should not be interpreted as legitimizing gender discrimination but rather as encouraging justice, compassion, and equal human dignity (Keener 203; Wright 164).

3.5 Protection of Women's Property Rights

Protection of women's proprietary interests provides another important basis for comparison. Under traditional Idum Mbube custom, women generally enjoy rights of maintenance, residence, and use rather than ownership. Such arrangements may provide temporary economic security but often leave women vulnerable to dispossession following the death of a husband or father. Biblical jurisprudence offers stronger proprietary protection. Zelophehad's daughters received legal ownership of their father's inheritance rather than merely permission to occupy the land. Similarly, repeated biblical commands protecting widows demonstrate concern for economic security rather than mere charitable assistance (Deuteronomy 10:18; James 1:27). Modern constitutional law likewise recognizes proprietary equality rather than temporary possessory rights. This convergence between constitutional law and biblical jurisprudence strengthens the argument that discriminatory customary inheritance should be reformed.

3.6 Challenges to Gender Equality in Inheritance

Despite remarkable progress in constitutional jurisprudence and international human rights law, gender discrimination in inheritance remains pervasive in many parts of Nigeria. Although the Supreme Court has unequivocally declared discriminatory inheritance customs unconstitutional, implementation at the community level remains inconsistent. The persistence of patriarchal traditions, inadequate legal awareness, weak institutional enforcement, and socio-economic inequalities continue to impede the realization of women's inheritance rights. These challenges are particularly evident in rural communities where customary law remains the primary mechanism for regulating family relations and succession.

The continued denial of inheritance rights to women demonstrates that legal reform alone is insufficient to transform deeply embedded cultural practices. Effective protection of women's property rights requires complementary social, educational, institutional, and religious reforms that address the underlying causes of discrimination.

A. Cultural and Patriarchal Practices: The most significant obstacle to gender equality in inheritance is the persistence of patriarchal cultural norms. In many Nigerian communities, including the Idum Mbube, inheritance is traditionally viewed as an institution for preserving the paternal lineage rather than recognizing individual proprietary rights. Consequently, succession is ordinarily confined to male descendants while daughters are expected to benefit from their husbands' families after marriage.

These practices are reinforced by long-standing beliefs concerning family identity, ancestral continuity, and communal stability. Since ancestral land is regarded as belonging collectively to the lineage rather than to individual family members, many communities fear that allowing daughters to inherit would ultimately transfer family property to another lineage through marriage. While these beliefs possess historical and cultural significance, they increasingly conflict with contemporary constitutional values. Modern Nigerian society differs substantially from the traditional social structure within

which these customs evolved. Women now participate extensively in education, professional employment, commerce, agriculture, politics, and family financial support. Many daughters contribute equally—or even more significantly to the acquisition and maintenance of family property than their male siblings.

Furthermore, cultural expectations frequently discourage women from asserting their legal rights. Daughters who challenge discriminatory inheritance practices may be accused of disrespecting elders, rejecting tradition, or attempting to divide the family. Such social pressure often compels women to relinquish constitutional rights in order to preserve family relationships. Recent scholarship therefore argues that the principal challenge is not merely the existence of discriminatory customs but the continued social acceptance of gender inequality as a legitimate cultural norm (Okaphor, Obi, and Okaphor 189).

B. Religious Misinterpretations: Religion exerts considerable influence upon inheritance practices throughout Nigeria. Unfortunately, biblical teachings are sometimes selectively interpreted to reinforce patriarchal customs without adequate consideration of the broader biblical principles of justice, equality, and compassion. Certain communities justify excluding women from inheritance by emphasizing the patriarchal structure of Old Testament society while overlooking significant biblical developments such as the inheritance rights granted to the daughters of Zelophehad (Numbers 27:1–11).

Likewise, isolated passages concerning family leadership are occasionally interpreted without reference to the New Testament's broader emphasis on mutual respect, equality, and human dignity. Such interpretations fail to appreciate the dynamic nature of biblical jurisprudence. Scripture repeatedly demonstrates that legal rules may evolve where justice requires. God's affirmation of the daughters of Zelophehad illustrates that divine law itself accommodates legal reform when existing customs produce injustice.

The New Testament further emphasizes impartiality. James 2:1–9 condemns favoritism, while Acts 10:34 declares that God shows no partiality. Galatians 3:28 affirms the equal worth of all believers in Christ. These passages collectively undermine attempts to employ religion as a justification for gender discrimination. Religious leaders therefore possess an important responsibility to promote sound biblical interpretation. Churches, seminaries, and theological institutions should emphasize biblical teachings concerning justice, stewardship, and the equal dignity of all persons rather than reinforcing cultural practices inconsistent with these principles.

C. Weak Enforcement of Judicial Decisions: Although Nigerian courts have made significant contributions toward protecting women's inheritance rights, judicial decisions frequently encounter implementation challenges at the grassroots level. The Supreme Court decisions in *Ukeje v. Ukeje* and *Anekwe v. Nweke* established clear constitutional principles prohibiting gender-based discrimination in inheritance. Nevertheless, many inheritance disputes never reach formal courts. Instead, they are resolved through family meetings, traditional councils, village elders, or customary institutions where constitutional jurisprudence may receive limited attention.

Several practical factors contribute to weak enforcement. Litigation is often expensive and time-consuming. Many women lack financial resources necessary to pursue legal proceedings. Others fear damaging family relationships or attracting social stigma. In rural communities, dependence upon extended family networks may discourage widows and daughters from challenging discriminatory practices. Institutional limitations also contribute to ineffective enforcement. Legal aid services remain insufficient in many areas, while delays within the judicial system discourage potential litigants. Consequently, constitutional rights frequently exist in theory without effective practical realization.

Strengthening implementation therefore requires not only progressive judicial decisions but also improved access to justice, expanded legal aid, alternative dispute resolution mechanisms consistent with constitutional values, and greater collaboration between customary institutions and formal courts (Ezeilo, 221).

D. Lack of Legal Awareness: Limited legal literacy remains a significant impediment to the protection of women's inheritance rights. Many women, particularly in rural communities, are unaware that discriminatory inheritance customs have been declared unconstitutional by the Supreme Court. Similarly, many traditional leaders and family elders remain unfamiliar with contemporary constitutional jurisprudence. Customary practices are therefore often applied according to inherited tradition rather than current legal standards. Legal awareness is especially important because inheritance disputes frequently arise during emotionally difficult periods following the death of a family member. At such times, surviving spouses and daughters may lack both the information and confidence necessary to assert their legal rights.

Public legal education should therefore constitute an essential component of inheritance reform. Government agencies, the Nigerian Bar Association, universities, civil society organizations, religious institutions, and traditional authorities should collaborate to disseminate accurate information regarding constitutional rights and judicial developments. Media campaigns conducted in local languages would further enhance public understanding and encourage voluntary compliance with constitutional standards.

D. Socio-Economic Consequences of Gender Discrimination: The denial of inheritance rights produces profound socio-economic consequences extending beyond individual families. Property ownership constitutes one of the principal foundations of economic security. Individuals possessing secure ownership rights enjoy greater access to agricultural production, housing, financial credit, business investment, and long-term wealth accumulation. Conversely, exclusion from inheritance frequently perpetuates poverty and economic dependence. Widows are particularly vulnerable. Following the death of a husband, denial of inheritance may result in eviction from the matrimonial home, loss of agricultural land, diminished income, and inability to support dependent children. Such circumstances frequently expose widows to exploitation, homelessness, and social marginalization.

Daughters similarly experience long-term disadvantages. Exclusion from family property limits access to collateral necessary for obtaining business loans, restricts entrepreneurial opportunities, and contributes to persistent gender disparities in wealth ownership. The consequences extend to broader national development. Studies by the World Bank and the United Nations consistently demonstrate that secure property rights for women contribute to increased agricultural productivity, improved household welfare, enhanced educational opportunities for children, reduced poverty, and sustainable economic growth.

Conversely, discriminatory inheritance practices undermine national development objectives by excluding half of the population from meaningful participation in property ownership and wealth creation. The persistence of discriminatory inheritance customs therefore represents not merely a private family matter but a significant constitutional, economic, and developmental challenge. Achieving genuine gender equality requires legal systems that recognize women as equal participants in family, economic, and social life.

3.6 Recommendations

The preceding analysis demonstrates that the challenge of gender inequality in inheritance in Nigeria is not primarily the absence of legal principles protecting women but the persistence of discriminatory practices at the customary and community levels. While judicial decisions have established that gender-based exclusion from inheritance

violates constitutional guarantees, sustainable transformation requires coordinated legal, institutional, cultural, and religious interventions.

The following are therefore recommended:

- i. **Legislative Reform and Harmonisation of Inheritance Laws:** The National Assembly and State Houses of Assembly should consider enacting comprehensive inheritance legislation that harmonises statutory and customary succession principles with constitutional guarantees of equality. Although Nigerian courts have invalidated discriminatory customs through judicial interpretation, reliance solely on litigation places an excessive burden on individual women seeking justice.
- ii. **Strengthening Judicial Enforcement and Access to Justice:** The judiciary should continue to play a central role in protecting women's inheritance rights by consistently applying constitutional principles to discriminatory customary practices. Courts should adopt a broad interpretation of section 42 of the Constitution and continue to affirm that customs denying women inheritance solely on the basis of gender are unconstitutional. Furthermore, access to justice mechanisms should be strengthened. Government agencies and legal aid institutions should provide affordable legal representation for women involved in inheritance disputes. Alternative dispute resolution mechanisms should also be developed in ways that respect customary processes while ensuring compliance with constitutional rights.
- iii. **Reform of Customary Inheritance Practices through Community Engagement:** Customary law is a living system that evolves according to changing social realities. Therefore, reform efforts should involve traditional rulers, elders, community associations, women groups, and youth organizations. Traditional leaders in Idum Mbube and similar communities should be encouraged to review inheritance practices that unfairly exclude women. Community dialogues should be organised to examine the social consequences of discriminatory succession rules and identify culturally acceptable methods of reform. Such engagement is essential because legal reform imposed without community participation may generate resistance. Sustainable change is more likely when communities themselves recognise that protecting women's inheritance rights strengthens rather than weakens family stability.
- iv. **Religious Education and Responsible Biblical Interpretation:** Religious institutions, particularly Christian churches, should play a greater role in promoting gender justice through responsible biblical interpretation. The biblical account of the daughters of Zelophehad (Numbers 27:1–11) provides a powerful theological basis for recognising women's inheritance rights. Religious teaching should emphasize that biblical tradition does not support injustice or discrimination but demonstrates a willingness to reform legal practices where they produce unfair outcomes. By engaging with communities at the moral and spiritual level, religious institutions can significantly contribute to changing attitudes toward women's property rights.
- v. **Economic Empowerment of Women:** Legal reform should be complemented by economic empowerment initiatives. Women who possess independent financial resources are better positioned to assert their inheritance rights and resist discriminatory practices. Government and development agencies should promote: women's access to credit facilities; land ownership programmes; entrepreneurship support; agricultural development initiatives; and financial literacy training. Economic empowerment does not replace legal rights, but it strengthens women's ability to effectively enjoy those rights.
- vi. **Adoption of a Rights-Based Approach to Customary Law Reform:** Reform of Idum Mbube customary inheritance law should adopt a balanced approach that respects

cultural identity while ensuring compliance with constitutional and human rights standards. The objective should not be to portray customary law as inherently oppressive or irrelevant. Indigenous legal systems contain valuable principles concerning family responsibility, communal welfare, and social solidarity. However, cultural preservation cannot justify practices that violate fundamental rights. A rights-based approach would preserve legitimate customary values while transforming discriminatory elements. This approach reflects the dynamic nature of customary law and ensures that indigenous traditions remain relevant within Nigeria's constitutional democracy.

4. Conclusion

The study concludes that gender equality in inheritance remains a critical legal and socio-cultural issue in Nigeria. While inheritance preserves family continuity, cultural identity, and intergenerational wealth, denying women inheritance solely because of their gender conflicts with constitutional principles of equality, dignity, and justice. A comparative analysis of Idum Mbube customary law and biblical jurisprudence shows that both systems view inheritance as more than the transfer of property; it is also a means of preserving family lineage, responsibilities, and communal stability. However, traditional Idum Mbube inheritance practices have historically favoured male descendants, excluding daughters and widows from inheriting family property. Although these practices were originally justified by concerns for preserving ancestral land and paternal lineage, such justifications are increasingly incompatible with Nigeria's constitutional commitment to equality and non-discrimination.

The biblical perspective also demonstrates that religion should not be used to justify the permanent exclusion of women from inheritance. The account of the daughters of Zelophehad (Numbers 27:1–11) illustrates that legal reform is consistent with justice where existing rules create unfairness. Likewise, New Testament teachings on equality and human dignity provide moral support for protecting women's inheritance rights. The article therefore argues that reforming Idum Mbube inheritance law does not require abandoning cultural identity but adapting customary law to align with constitutional values, human rights, and the principles of justice reflected in biblical jurisprudence. Achieving meaningful gender equality requires legislative reforms, judicial enforcement, community participation, legal education, and collaboration among traditional institutions, religious bodies, government agencies, and civil society. Ultimately, inheritance laws should preserve cultural heritage while ensuring that both men and women enjoy equal rights to family property within a just and legitimate legal system.

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