

WOMEN INHERITANCE IN THE IBIBIO TRADITIONAL SOCIETY

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Abstract

This paper is aimed at evaluating the women inheritance practices in Ibibio traditional society with reference to change and continuity. Inheritance, which involves the transfer of property from parents to heirs, is a normative experience which every, family regardless of socio-cultural settings, must experience to ensure that family and social system are fulfilled. However, the transfer of properties from older generations to the younger generation has become a major problem in African society. It was a tradition of the people in Ibibio that female children must not inherit any property such as lands, houses from the family nor widows at the demise of their husbands, but in recent times, it seems the practice has changed. The gap this work sets out to fill therefore is to discover if truly this practice has changed. This paper adopts historical approach. To enrich the work with vital facts, oral interview was equally conducted. From the information gathered, it is discovered that women inheritance in traditional Ibibio society has changed over-time as women are now given full fledged freedom to inherit property of all kinds. This paper recommends that parents should not place or prioritize a gender above the other in privileges and inheritance right. This is important

because both male and female children have their responsibilities based on financial status, not gender

Keywords: Women, Inheritance

Introduction

In Ibibio traditional society, inheritance, which involves the transfer of property from parents to heirs, is a normative experience which every family, regardless of their socio-cultural background or the economic value of their assets, must face. This is to ensure that social and family duties are fulfilled, as well as continuity and survival of the social and family system. However, the transfer of property from older generation to the younger ones has become a major challenge in Ibibio society as it is influenced and defined by cultural norms of a particular society. In the light of the above, Lilian et al (2010:6) aver that “how, what, when and who to transfer the property and how it will be required is culturally constructed”. The cultural norms prescribe how inheritance is to be divided and who is qualified. Kohli and Kunemund (2010: 123-143) opine that “inheritance transmission is influenced by myriad of factors such as cultural background of the parents family, traditions, values and beliefs and the quality of relationship”. Hence at significance life course transition, individually acquired property are distributed to the younger generations, according to social convention, and this redistribution of assets is either favourable or unfavorable based on gender. Preference. (cooper 2010:6-8)

Following Cooper's idea, the redistribution of assets from parents to their heirs in African societies, even in diaspora, is obviously discriminative. On this, Okafor (2011:9) posits that within the 250 ethnic groups in Nigeria, there have been some discriminative practices in both private and public sectors against women. For example, in Igbo community as it is in most African societies, property revolves around the male line, such that the place of women is not taken into consideration when it comes to property inheritance. Women at this point, not are seen as humans capable of inheriting; rather, they are

viewed as materials or property to be inherited by men, while the widows have no right to inherit their husband's property even where they had contributed money to the purchase of such property (Ukagegbu, 2016:73).

In Ibibio community, daughters in the family had nothing to inherit from their fathers since they were seen as appropriate property to be inherited by men. They only inherited things like utensils and clothes from their mother's while all the father's property such as lands and houses went to the sons of the deceased. Widows without male children were driven out while those who had male children were allowed to stay in the deceased estate only on the condition of accepting to marry the deceased brother (Edet 2014: 14a). This was the situation in traditional Ibibio society. In efik society, it is the opposite, the women are the real occupants of the family inheritance, whereas the male counterparts do not have access to the property. In the past, women and daughters in Ibibio society experienced discrimination in many instances and at the point of sharing the property of their deceased husbands or fathers as the case may be. However, in recent times, it seems there has been a little adjustment in the practice among the people.

The Concept of Inheritance

According to Moore, (2018:11) inheritance is the engine of survival, passed from father to son, an economic pact between generations. He explains this by saying that "losing one's inheritance was to pilfer for survival, to become someone's slave. To Locke (1981: 32), Inheritance is a form of imputed bequest, whereby natural law imputes to the interstate an intention to leave his goods to closest family members, Both bequest and inheritance find their justification in the prerogative of owners to dispose of their property.

Hogan, on his part, defines inheritance as a process which involves the passing on of property from one generation to another to ensure continuity in the latter generation (Hogan 2003: 18). Following Hogan, Cooper (2015:5) notes that inheritance is the transfer of physical

assets from the parents' generation to the child's generation as a starting up material for the younger generation to make their independent future lively. Liliana et al (2021:55) enthuse that inheritance is a process which involves the passing on of material property from one generation to another, usually within the family, generally from older parents (donors) to their adult children (heirs), which is completed after the death of the older generation. She explains that this transmission is regulated by cultural norms, although the family takes it on as a task in the final phase of life, making use of (informal) transmission strategies.

In the light of the foregoing, (Adegbite 2014:9) points out that another word that is closely connected to inheritance is "succession" and in legal texts, the use of the word succession to denote a situation where property of a deceased person passes to his/her heirs seems to feature more frequently than inheritance. The Black Law dictionary defines succession as follows:

The facts of the transmission of rights, estate, obligations and charges of a deceased person to his heirs and the right of the heir to step into the places of deceased with respect to the possession, control enjoyment, administration of the latter's property, rights and obligations. Inheritance is the practice of passing on private titles, debts, entitlements, privileges, rights, and obligations upon the death of an individual.

Kerridge (2006:6) views succession as the order in whatever or the condition under which one person after another succeeds to a property, dignity, title or throne: the act or process of a person becoming beneficially entitled to a property or property interest of a deceased person. The transfer of inheritance is one way in which a person concludes their life story and projects key elements of identity as expressed in this life story forward to future generation (Hunter and Rowles, 2005:19). Hence, at significant life course transitions, such as

death, birth, marriage and retirement, and individual's or group's accumulated physical assets (or rights of access to these assets) are redistributed according to social conventions, personal preferences and potentially strategic designs. This redistribution of assets is either favourable or unfavorable based on gender preference, (Cooper 2010: 6—8).

Ayodele (2016:117) records that succession rights for the vast majority of Kenyans, like other African countries, are governed by customary norms, predominantly based on the notion of patriarchal inheritance. Thus, in part of Kenya, based on the influence of patriarchal, women are not given inheritance right, the only way for a widow to retain her household's property is to allow herself to be inherited and regarded as remarried to one of her late husband's relatives. Such wife inheritance represent a clear traditional way of providing a widow little economic and social protection. Shepton (2008: 117) notes that in African societies, who passed what and to whom, communicates message about relative worth not just of property, but of people and of the bonds between them.

Inheritance as a means of property transfer has most often been noted to occur as consequence of moments in the lifecycle such as death, marriage, divorce and birth. However, it can also occur inter vivos (transfer of property among living people). For example, as Quisumbing (2008: 18) shows, parents may transfer property to a child prior to the child's entrance into marriage market or, as Cheater (1983: 25) and shepton (2008 :32) have recorded, a parent may transfer property at the time he or she is ready to retire from labor. However, legal analysis of inheritance often focuses on devolution of property at death and divorce. Hence, inheritance is one aspect of every society that can never be ignored because it is a beginning point or a stepping stone to many. For instance, “most of the people who make massive influence today financially did not just start it on their own but with inherited assets their parents left behind which have enabled them to start up, while some still

struggle based on the mismanagement of their inherited assets"(Edet 2015: 31).

The transfer of inherited property is a task faced by older persons and it appears to be associated with the desire to prolong life and give it meaning, and to maintain a symbolic presence after death (Kane 1996: 20). The disposal of possession may function as an element in the reconstruction of self, particularly when the distribution or donation of personal property serves as a ritual of transition within the life cycle (Marcoux 2001: 10). Material inheritance is regulated by the norms of the society and this regulation ensures that social and family duties are fulfilled through inheritance, thus ensuring the continuity and survival of social and family systems (for example, the protection of minors) (Cooper : 2010: 10). No wonder Ayodele (2016: 119) writes that if a person does not leave any property to be inherited, he is laughed at and he is said to have been mean and good for-nothing. This reality is probably what Miettinen (2005: 32) is constructing while he observes that a person leaves property because of his honour, so that people will not laugh at him when he is dead for not having anything to be inherited. Therefore, on acquiring whatever it is a man aspires to achieve, he still needs the conventional wisdom to identify his legitimate successors and divide his property such that upon death, his judgement in establishing the right of succession among his family members does not cause perpetual crises.

Nevertheless, despite the more or less rigid legal determinants, families across countries tend to develop informal strategies for passing on inheritance (Stum 2000: 21). In the light of this, Kohli and Kunemund (2003: 123—142) note that the process of inheritance transmission seems to be influenced by a myriad of factors, including the socio-economic and cultural background of parents and children, family traditions, values and beliefs and the quality of relationships throughout life. However, the transfer of property from one generation to another or from one parents to their children has been a problem in Niger Delta region and is however discriminative. Following this, Filipp

(2005: 18) note that different ways of transmitting property create specific psychological and affective relations which may constitute sources of conflict or of satisfaction between parents and children and/or among siblings. With regards to this, Edet (2015: 9) notes that most traditional inheritance practices are therefore designed to ensure that land and other assets remain within the lineage. In order to maintain this traditional stand of keeping land within the lineage, most people, especially widows and daughters, are deprived from benefiting of from sharing some property within the family. Following Edet's idea above, it could be said that gender is a strong determinant or factor that determines who should inherit and who is not to inherit. It is in the light of the above that Davies (2005: 11) notes that "gender has been one major factor which determines what goes to an individual inheritance acquisition, and as it is in most patriarchal societies, there has been an unequal positioning of male and female children to inheritance ". Buss and Schmidt (2011: 81) observed this patriarchy to be a social system in which male hold superior power, predominate in roles of political leadership, moral authority, social privileges and control of property in the family, It is this patriarchy right that empowers fathers or father-figures to hold authority over women and children as customarily recognized heads of the family. In the same vein, Sultana (2011: 1—18) sees patriarchy as an index which the society traditionally trying to preserve the male gender to dominate and the female as subordinates thus, the subordination experienced daily by women regardless of the class any woman belongs to, takes various forms such as discrimination, disregard, insult, control, exploitation, oppression, violence within the family, at the place of work and in the society.

For instance, according to Ezer (2006: 624), in Tanzania, there are differences in the treatment between boys and girls as a glaring example when it comes to inheritance. A woman cannot fully inherit clan's land. Although she may use the land, unlike her brother, she is forbidden to sell it or inherit it as her own belonging even if she is the only child. However, if there is no male child, one of the girl children is

expected to stay back in the family and produce an heir which will be named after the grandfather and who will take up the continuity of the family.

Also, in Ghana, Okrah (2015: 15) has it that a widow is not considered a member of her husband's family and thus is not entitled to any of her deceased husband's property in the same vein, girls are not given inheritance rights because they are believed to be married out of the lineage. This is based on the premise that land comes from the lineage, it remains in the lineage, usually through the male, and will not pass to the female spouse.

Types of Inheritance

Various types of inheritance as well as systems exist around the world, such as; partible inheritance, coparceny, inheritance by age or gender, intestate inheritance, monetary inheritance, debt inheritance, and property inheritance, (Kelvin 2016;17). Traditionally, three types of inheritance system prevailed: Patrilineal (where ancestral property passed through the female line), matrilineal (where ancestral property passed through the male line), and bilateral (where ancestral property passed to and through both sons and daughters). An individual may also choose not to divide assets but rather to let beneficiaries jointly and equally inherit in a process called coparceny. Some cultures view types of inheritance along gender or age lines. In contrast, some forms of inheritance grant exclusive beneficiary status to either or the type called primogeniture which was the system in which a person's property passed to their first born legitimate child upon their death; or ultimogeniture which is the tradition of inheritance by the last born of a privileged position in a parent's wealth or office. Many regions, however, have a legal status deemed partible inheritance that requires all children of a deceased individual to receive an equal share of any inheritance (partible inheritance) (Wilson 2016:25)

According to Ukpong (2014:15) the Ibibio people are patrilineal and there are few matrilineal societies on Nigeria: Ohafia in Abia state,

Afikpo of Ebonyi State and Calabar of Cross River state are all matrilineal. However, Timor-leste (2002:9-13) views types of inheritance system from the context of succession. The three types of successions recognized by Timoe-leste are: one, legitimate succession: (only occurs when the deceased had not made plans for how his or her property would be disposed at the time of death. In these cases, the law has to decide who owns the deceased's property by calling forth legitimate heirs). The second one is compulsory succession: (it is concerned with the portion of the decease's estate that he or she cannot dispose of through a will because it is already assigned to a rightful heir) and this is testamentary succession; according to Timor-leste, (this governs the construction, interpretation, and application of an individuals written will. Many individuals, particularly older men and women, find that it is a good idea to create a will in order to communicate their wishes after they have died. Testamentary succession rules seek to make sure these wishes are appropriately interpreted and enforced), (Timor –leste, 2002:9)

Inheritance in Traditional Ibibio Society

Different inheritance systems and practices as well as laws exist around the globe. According to Edet (2002:16), inheritance in traditional Ibibio society in both pre-colonial and colonial periods were strictly men based, women were not honoured with inheritance right, rather they were seen as materials or properties to be possessed by men. As a patriarchal society, women were excluded from the distribution of inheritance, this explains the reason why whenever a woman lost her husband, the male relations quickly come around to take possession of the property of their brother or son, in fact, more often than not, the widow is also regarded as part of the property to be inherited, No wonder Ukaegbu (2016: 763) writes that all the 250 ethnic groups in Nigeria, have various cultures and traditional practices that are inimical to the women folk.

There are some evidence that in many parts of Sub-Saharan Africa, widows whose husbands die live in abject penury, because their in-laws who are supposed to cushion the effect of the loss, often deprive them of their husband's properties and subject them to a lot of dehumanizing treatments. Women were being ostracized and looked down upon especially when they have no male child, they had no right to inheritance even in their own paternal or material family and coming down to the very house they are married into, rather they were seen as a factory machine for the manufacturing of children and that is what they are used for. (Umoh 2018:122. 20, a woman without a child is as bad as dead, in the light of this, Mbefo quoted in Umoh (2018:123) asserts that:

Women were looked upon as the vessel of life or a fertile field in which a man planted his seeds. The more children she bore, the better for the man; the more wives (fields) the man had, the more children he was likely to beget... the barren woman was therefore considered a dead end and useless to the community. In some communities she was scorned and at times labeled a witch... whatever other qualities, gifts and talents a woman might possess, the mobility to procreate reduced her to the status of a non person.

However, inheritance in traditional Africa will be considered among the Ibibio's in Akwa Ibom state. The Akwa Ibom State people are patrilineal in their mode of inheritance and as such, properties revolve around the male line. Before the post-colonial period in Akwa Ibom State, daughters in the family had nothing to inherit from their fathers since they were seen as appropriate property to be inherited by men; they only inherited things like utensils, their mother's clothes which were given to the eldest daughter who would then share them to the rest of her sisters. Nevertheless, lands and other property went to the sons of the deceased (Edet 2015:5-11). In Akwa Ibom State, widow rites involve sacrificing a

fowl and sharing the hair, during which incantations are said and the widow will not be allowed to go out, but will be made to sit on the same location to cry and mourn. She has to wear the same wrapper and blouse for a period of six weeks until after the burial. One of the beliefs of the people is that, the man and his wife shared everything in common in his life time. In order to sever the relationship, her pubic hair is shaved, and her finger nails cut and buried near the grave. During this ceremony, the following is said: This is your share for the body of your wife, so take this and leave her alone for she has nothing to share with you as from this day that you are given your share. The woman would then be bathed in public by other women as the final separation ritual” (Udofia 2015:55)

Rites were also performed to separate the children; the widow is asked to buy dead and dried young chick, which will be used to brush the children’s body. Every part of the house would be swept and the rubbish thrown away at the foot of a plantain tree. These rites are being performed by the elderly widows of the family and involve one bottle of hot drink, minerals, palm-wine and cooked food. The women camp with the widow for three days after the burial, and items such as jar, plates and cups that belonged to the husband are packed away by his brothers and a little portion of land would be given to the widow if she has a child. The reverse of this is that, a widow without a male child would be sent out of the house without picking any of her husband’s property Okon (2004: 12)

Inheritance in Akwa Ibom State, precisely, Ibibio area was so bad that women who returned from their matrimonial homes were in total penury and poverty because they needed to start from the scratch. Edet (2015: 21) records that in Akwa Ibom, fact in Ibibio in general, women who gave birth to only girl children were seen as a curse in the family because the heir to the family must be a male child and as such a woman who had no child (male) was believed to have denied the husband continuity. Most times, such a situation would lead to the marrying another wife. A married woman who gave birth to only female

children was considered to be good for nothing. It was believed that she has no root in such a family who when the husband dies, the deceased family will eject her and her children and the family will take over the deceased properties since in the colonial and pre-colonial Ibibio society inheritance was men based (Edet 2015:32). In Ibibio, women inheritance practice has been a great challenge to women. The cultural construction of denying women right to property has contributed to the degradation and suffering most women face. Giving women right to property such as lands (to provide themselves with food) and houses in the family will enable them to build up their livelihood in case of breakdown in their marriages.

Change and Continuity in Ibibio Concept of Inheritance

Change, being an essential attribute of life, suggests a variation from the original form or state. On this Heraclitus is quoted to have said in his fragment (Fragi 12 D-K) that “change is the only constant thing in life. He said that “life is flux” (Panta Rhri) and as such, no one can step into the same river twice. In the light of the above, in recent time, change has permeated every aspect of African culture and practices such as in the area of inheritance practice among the Ibibio in which women were relegated to the background and were not given the freedom to own property in the family; rather they were seen as property to be inherited by men and as such, were excluded when it comes to family inheritance. According to an interview with one Mr. Asuquo Ekpo Edet,(interview, 17th September 2022) he opined that in some societies, widows were evicted after the death of their husbands and could only be allowed to live on the condition of accepting to marry their husband’s relative. Such was the practice in traditional Ibibio society. However, according to Edet (2015: 23); in recent times, the reverse is the case as women and female children are now given full-fledged freedom to family inheritance of all kinds including lands and widows are privileged to possess their late husband’s property without the condition of marrying their husband’s relative; even when the widow has no male child for her late

husband, she has the right to all the property but when she dies, the property are not to be transferred to her people but to her late husband's relatives, Edet 2015: 23).

According to one Promise Etok Akpan,(Interview 6th November 2022) he said that;

“Gone are the days the say women are not important but I can altest that am proud of the two daughters I have. The first generator and automobile I am using today were given to me by my daughters. I will be a disappointment to them as a father if I deny them rights to my property. I don't prioritize my sons over my daughters so I give my property to all my children”.

Also, according to Joseph (2014: 20) modern concept of inheritance by will has played much role in Africa, such that a woman or a girl is considered as a person rather than as an object.

In the same vein the village head of Mbiabong Ikot Etim, in Ini Local Government Area, Chief Okpokpo Udo Ifon, enthused;

“Mbet nnyin akedo ke inaha Iban enie Udeme ke isong ado mkpo iden, sia owo uwan adoho asen owo ke obio iyaka enem mbet a tradition nnyin nte akpa nah ante odo” (it has been our tradition that women have no share in landed property, but this age of civilization and enlightenment has made the people to give less regard to the tradition.

Still on this, the village head pointed to the researcher the plot of land one of his cousins handed over to his daughter and many other property allotted to female children in the community. Also, as part of efforts to give a sense of belonging to the women especially in Akwa Ibom State, the High court, presided by justice idiong, nullified the

practices which denied female children the right of inheritance to their father's property. The court which ruled in favour of all female children in Ibibio land (Etinan Local Government Area) maintained that such practice can no longer be upheld in the state. He described such practice as anachronistic, primitive and unconscionable, which should not exist in 21st century society. He held that any custom that denies a woman an inheritance on the ground of sex is not only unfair, but runs contrary to the fundamental objective of the 1999 Constitution of the Federal Republic of Nigeria.

Recently, the governor of Abia State Dr Okezie Ikpeazu, has signed the female inheritance law into law. Following its passage in the Abia State house of Assembly the inheritance bill will see Abia women on the feat, the governor enthused that his administration will continue to support women. He noted that women will no longer be treated like second class citizens even in their family. He saluted the dexterity of the State house of Assembly for the courage in standing firm with one voice in passing the bill into law, adding that the female inheritance bill is the most important legislation passed by the State house of Assembly, in recent time. The governor describes the bill as historic, positively disruptive and capable of setting the society on the part of equal opportunities and sustainable development. (online Punch, 30th November, 2022).

The Nigerian Constitution guarantees the right to freedom from discrimination on the basis of gender or circumstance of birth, and states thus;

- a. No citizen of Nigeria is to be subjected to any disabilities or restriction based solely on the fact that he or she is a member of a particular community ethnic group, and place of origin, sex, religion or political opinion or circumstances of his or her birth.
- b. No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his or her birth.

- c. However, the wealth than an individual or household inherits can enable them and their families to engage in productive livelihoods, invest and do well. The absence of inherited assets in the form of land, savings and other forms of capital can leave other individuals and families vulnerable and can contribute to both chronic and inter-generationally transmitted poverty. From the above we can see that women are now given right to family inheritance and property such as house, land and other valuables.

Conclusion

Culture is dynamic, not static. It could be adjusted over time to suit present situation/contemporary demands. Though it is often argued that the destruction of a culture is to destroy the root from which human society sprung from, it is even more pertinent to note that retaining a culture that is oppressive is destroying the oppressed. Therefore, with a positive disposition and change, widows and daughters can get an opportunity for growth, and discover aspects of their personalities that facilitate their own empowerment. In this task, the society must play a vital role. The process of change in a positive direction, which has begun, should be sustained and improved upon.

Recommendations

Having critically examined and analyzed the dynamics of women inheritances in Ibibio, the following recommendations are made;

1. Parents should not place or prioritize a gender above the other in privileges and inheritance rights. This is important because both male and female children have their responsibilities based on financial status, not gender
2. The Ibibio people should de-emphasize the culture of patriarchy which promotes the superiority of men over women. This is because, there have been several occasions where women excelled more than men when they contest for societal, religious and administrative positions.

3. Women should be encouraged to stop seeing themselves as not being part of their ‘original’ family and as people who cannot adequately handle landed property even if transferred to them from their parents.
4. The traditional institutions and practices should be modified in line with global trends and emerging facts.
5. Training and empowerment programs that will include formal and informal education geared towards enabling women to come out of their shells and be productive and not just child bearers, should be implemented at all levels: federal, state, local government, and community as well.
6. Networking and convergence among women groups for their collective benefits should be encouraged. Women themselves must rise to the challenge of remaining united focused, purpose driven, proactive and resilient in pursuit of their collective dreams and aspirations.
7. Husbands and fathers are advised to make adequate provision for their wives and children by leaving behind written will this will save their family from a lot of psychological, physical and financial embarrassment and trauma.

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