

Translating Traditional Concepts into Legislation and Practice: The Nigerian women in focus

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Introduction

The traditional concept or notion about women contained in the statement above permeates every facet of their lives and militates against their welfare and development. Cultural and religious reasons play significant roles in the way women are perceived. In some instances, they are regarded as second class citizens or “Mini persons.” This inferior role is imbedded and justified under the guise of tradition, culture and religion and is further translated and reflected in legislation and practice. In spite of the achievement of women in various fields, the myth, which regards women as sexual domestic functionary, still persists within the Nigerian society. To further entrench this inferior status, women were grouped together with lunatics, imbeciles and infants under common law. This is also reflected in criminal laws, family laws and labour laws in Nigeria. In addition certain practices of some governmental agencies and personnel, not backed up by any legislation are reflections of subtle adoption of these traditional concepts. The refusal of police officers to allow women to stand as sureties for bail is a vivid example. This paper considers the traditional concepts about women, examines legislations and practices as well as suggests a way forward for Nigerian women.

Women and Traditional Concepts

Cultural and traditional concepts play significant roles in the way women are perceived and treated in the society. The traditional believe is that women are naturally domiciliary and pro-creational. Women are defined only as members of a community through their relationship with men. All through life, women are defined in relation to man either as daughter, wife or mother;

This concept, which cuts across culture, equally projects the image of women as caretakers of husband and children.

According to Seth (1997) “every time a child is born, it brings with it the hope that God is not yet disappointed with man. But when a girl-child is born in India, more often than not, man is disappointed with God. The birth of a first daughter is often considered bad luck, the second a disaster, and the third a catastrophe”.¹

In 1974, the British government remarked that

“many children are brought up in their earliest years in the belief that the social and economic role of men and women are radically different”²

In the early British colonies, the European settlers of the United States of America, tended to recreate the patriarchal family order of the colonialist based on feudal and biblical images of women. According to these images, unmarried young women, if not still in their father's home and under his care and custody were eager to become married women.³ In Bradwell vs. Illinois, it was believed that, the paramount destiny and mission of women are, to fulfil the noble and benign offices of wife and mother.⁴

The seeming protection and care for women in the traditional societies are misplaced and selfish. In Miller Vs Oregon, the Oregon statute prohibited a woman employed in a laundry from working more than ten hours in a twenty-four hour day.⁵ Meanwhile, three years before, in the case of Lochner Vs New York, the United States Supreme Court had ruled that a New York statute limiting the number of hours a man (emphasis mine) could work in a bakery was unwarranted and a constitutional interference with his liberty to contract.⁶ In the 1908 case of Miller Vs Oregon above, the same Supreme Court found that the statute limiting the work hours of women was constitutional. The reasoning of the court is as stated below

“a woman's physical structure and the performance of maternal functions which place her at a disadvantage in the struggle for subsistence is obvious. As healthy mothers are essential to vigorous offspring, the physical well being of women becomes an object of public interest and care in order to preserve the strength and vigour of the race... The limitation which this statutes places upon her contractual powers are not imposed solely for her benefit but also largely for the benefit of all.”⁷

It must be argued that the reasoning of the court for protecting the woman is selfish and misplaced. The protection should be because of her inherent humanity and not because of the potential, which she possesses for service to society through child bearing. The case of Hoyt Vs Florida⁸ is also illustrative. The rationale given by the court for the exemption of women from carrying out the duty of a jury at that time was “to the protect woman” as she is regarded as the center for home and family. This reason under the guise of protection is unacceptable.

The concept of woman under the traditional system at particular times in history and societies contradicts and sharply contrasts with realities. In ancient Babylon and Egypt, women enjoyed high status as judges, elders and scribes. Biblical stories recorded women like Deborah, who played multiple roles in the affairs of Israel as a mother, a wife, a judge and a warrior. She was accounted to have led the men of Israel to many battles.⁹ In the same vein, the history of Nigeria is replete with stories of powerful successful leaders who exerted influences politically, economically and were also involved in sensitive and important decisions taking.¹⁰ One of such women was Iyalode Efunsetan Aniwura who is described thus;

Owner of several slaves in the farm.
Owner of many giant slaves in the market.
--- And spends money like a conjurer.¹¹

Another powerful woman in history is Omu Okwei, a merchant princess of Onitsha in the eastern part of Nigeria. She expanded her activities in both the domestic and foreign affairs. Her wealth and influence earned her enormous social recognition so much so that her husband was made a prominent chief.¹²

The Nigerian woman under the traditional system

The traditional Nigerian society is basically patriarchal. This is based on a culture that is characterized by patriarchal family patterns and organisation with the male regarded as head of the family, the undisputed ruler while the woman occupies a rather subservient position to him. Though women bear a lot of burden and are legally involved in the family economic enterprise in addition to taking care of the household and childbearing, the male has the highest status and supreme authority within the home and the society at large.

One of the greatest dilemmas of the Nigerian woman is that, she tends to have a more extended period of childhood dependency. The period of dependent socialization starts from childhood, continues until the day of marriage when she is transferred from the dominant male figure in her life, which is the father or brother or any elderly male member of the family, to her husband, the next dominant male figure who is usually given a strict mandate to “look after her” There is no doubt that, in the marriage institution, particularly under the customary marriage system, the conception of the woman of the male specie as “man-god” finds its highest expression.

The inferior position, to which women are relegated, is as a result of age long cultural indoctrination producing the stereotype which has been unwittingly accepted as the norm. In her works, Eleanor Roosevelt, the wife of President Roosevelt discovered that the rights of all human beings formerly called the rights of man, was not understood in some parts of the world to include the rights of women. Therefore in 1940, she promoted the use of the expression “human rights” to replace the expression “rights of men”.

Informal and formal socialization has affected Nigerian woman to the extent that they are convinced that the social order has been ordained in such a way that woman will suffer inhuman, degrading treatment in addition to the societal expectation that women should take all these in good strides. The discouragement of the training and education of the boy-child to the exclusion of the girl – child is a traditional concept and a way of life in many traditional societies. This has further compounded the problem of women. Quoting Woodson, a distinguished historian of the early twentieth century, Wilson says that

when you control a man’s thinking, you do not have to worry about his action. You do not have to tell him not to stand up or go yonder. He will find his proper place and will stay in it.¹³

The exclusion of the girl child from training and education during childhood also has a compounding effect on women in accepting “a proper place”. This is continuity from the effect of childhood. Notwithstanding all attempts to marginalize the woman, right from childhood as discussed above, there has been exceptional cases of women who have distinguished themselves and excelled within their society that they have become historical references.

Traditional Concepts Of Women In Legislation And Regulation

The role of legislation in combating certain practices cannot be overestimated. The law offers one powerful tool for those who wish to resist or contest these practices to do so. At the same time, it sends powerful messages from the government that those practices will not be tolerated. It has been observed that, legislation has been used to perpetuate some inhuman practices against women in Nigeria. Some of these legislations are discussed below.

1. Tax Laws

In Section 24(3) of the Income Tax Management Act ¹⁴, a married man is entitled to claim relief on his wife. There is no corresponding provision for the wife even when there is evidence that the husband is not employed and that she is responsible for the upkeep of the family. There is no doubt that this section in the Act is based on the belief that a married man is always responsible for the maintenance of his wife and therefore entitled to tax relief. On the other hand, it is believed that the exclusion of a married woman from tax relief is a cultural bias, based on the fact that a woman cannot maintain her husband. This is an outdated philosophy of life. Unfortunately, this has been translated into legislation in contemporary times without regard to reality. Ola has called for a reform of this provision to promote greater equality between men and women in tax management issues. ¹⁵

2. Terms of Service

The terms of the conditions of service vary from one establishment to another. The terms are established to regulate the relationship between the employer and employee. However, traditional views, beliefs, it has been observed, have had greater influence on the design of these conditions. For example, in the University of Ibadan, one of the oldest Universities in Nigeria, a married female senior employee is entitled to free passage for herself and children only, when she is first appointed and on her departure on retirement, termination or resignation. Her husband cannot benefit from this employment package. On the other hand, a married male senior employee is entitled to free passage for himself, his wife and up to five children. ¹⁶ The rationale is that, it is culturally conceivable, that a man will relocate with his family when seeking appointment for a job. However, it is not cultural for a man to relocate with the wife who has been offered employment. This otherwise portrays the patriarchal attitude prevalent in the society. In reality, economic conditions often dictate otherwise.

Closely related to the above is another condition of service in relation to medical services and accommodation. A female member of staff in the University is entitled to free medical services for herself and children to the exclusion of her husband. Whereas free medical services is available for a male member of staff, his wife and children. The same reason is adduced for this disparity. Traditionally it is a taboo for a man to derive economic benefits from his spouse when culture expects otherwise. ¹⁷

3. Criminal Law

Generally, the provisions of the penal laws in Nigeria are gender neutral. However a few provisions are gender specific. Tracing the history of some gender specific provisions in the two penal laws in Southern Nigeria ¹⁸ and Northern Nigeria ¹⁹, it is apparent that the essence of some of the laws and the retention are largely due to the selfish interest and cultural concept of woman in a male dominated society. Some of these laws are discussed below.

3(i) The law of Rape

Historically, the law of rape sought to give protection to a father's interest in the virginity of his daughter. Much importance was attached to the virginity of women. This was not for her protection or interest, but for the property value on her, for the dominant male in her life. This may be the father, husband or brother. In *People Vs Liberta* ²⁰, the court held that the purpose behind early rape laws was to protect the chastity of women and also their property value for the

father and husband. A violation of the sexual right of a woman was never perceived as a violation of the right of the woman.

Under the Nigerian law relating to the offence of rape, it is only a female that can be a victim of rape, while marital rape is still not recognised.

3(ii) Women as rape Victims

Women are perceived as weak. Under the English common law, women were classified with children, lunatics and idiots. This classification shows the extent to which women were down trodden. By and large, they were regarded as persons in need of protection. Historical examples have revealed that this is not true. This notion about the woman has been ascribed as a reason why the law relating to victims of rape has not changed in Nigeria while some other jurisdictions have either changed or considered changing the law.

3(iii) Male rape

The issue of male as rape victims is completely out of official records; however, it is a prevailing problem in Nigeria. Men are culturally regarded as a source of strength. They are considered to be so strong and not weak enough to fall victim of rape. Nevertheless, this is a misconception based on traditional beliefs. These beliefs have an effect in the development of the criminal justice system.

3(iv) Marital Rape

The rationale for non-recognition of marital rape is based on the eighteenth century statement of Blackstone.²¹ According to him, "By marriage, the husband and wife are one person in law and that the very being of legal existence of a woman is suspended during marriage or it is incorporated and consolidated into that of the husband. A married woman was regarded as that belonging to her husband. Her consent was, therefore, considered not necessary for any sexual act with her husband." This statement demonstrates that this whole concept was inherited and incorporated into the Nigerian penal law by the British colonial masters. In spite of the wonderful achievements of women in various fields, the myth of the woman as a sexual domestic object still persists.²² Under the British common law, a married woman was incapable of entering into a contract. She was perceived as having no will. The transfer of the woman from a dominant male during childhood to another at marriage and further transfer in certain cases during widowhood suspends her legal existence and incorporates and consolidates her will into that of another.

Section 357 of the Criminal Code of Southern Nigeria²³ and the section of the Penal code of Northern Nigeria²⁴ on the law of rape are pointers to this issue. By virtue of Section 6 of the Criminal Code, the term "unlawful carnal knowledge" used in the definition of the offence of rape, excludes sexual intercourse between husband and wife. However it is apt to state that the law with reference to marital rape has been reviewed in some states in the United States of America and in particular, in England from where it was inherited.²⁵ A husband can now be convicted of raping his wife.

There is a large dark figure in rape cases in Nigeria. It is largely underrepresented in the official statistics of crimes. This is largely due to the hostility and attitude of the society and even the legal system towards victims of rape. Cultural inhibitions about sexual activities restrain victims from acknowledging personal victimization. Such acknowledgement brings about stigmatization, ostracization and hostility on the victim. Furthermore, rape victims are considered

of less value in the context of being assessed for marriage because of the importance attached to virginity.

3(v) Wife Chastisement

Historically, many legal systems gave the husband the right to chastise their wives and in extreme cases kill the wife for what he deemed as gross disobedience. According to Blackstone, the husband was empowered to correct his wife in the same way a man is allowed to correct his apprentice and children.²⁶ Under the traditional American system, it was alleged that a man was allowed to beat his wife as long as he didn't use a switch bigger than his thumb. This was illustrated in the two cases of Bradley Vs State of Mississippi,²⁷ (Obilade, 1993) and State Vs Black²⁸. Traditional beliefs, customs and concepts actually encouraged wife chastisement, which is actually an assault. An old historical adage says, "A dog, a wife and a walnut: The more you beat, the better they be. This speaks volumes.

The unjustified and inferior role attributed to women is brought under the disguise of tradition, culture and religion. This is unfortunately reflected in legislation. In Section 55 of the Penal Code²⁹ wife beating is permitted with a condition that it must not result in grievous harm. The grievous harm means that maiming, serious or permanent injury to health, permanent disfigurement, permanent or serious injury to external or internal organs are the only situations not permitted by the law while meting out discipline on a wife by the husband. It is intrusive to point out, however, that the penal code applicable in Northern Nigeria (a predominantly Moslem area) was inherited from an Islamic jurisdiction.

There is no doubt that there are positive sides to culture. However, traditional views about women that are negative still function as a hindrance on female emancipation in Nigeria.

4. Succession law

Customary law is a source of law in Nigeria. Though it is largely unwritten. The customary law of succession vary in time and place. There are three major tribes in Nigeria with several others. The three major ones are the Yoruba, the Igbo and the Hausa. Under the Igbo customary law, a widow and a female child cannot inherit property either from the husband or father respectively. This was illustrated in the case of Nzekwu vs. Nzekwu.³⁰ In Iboma vs. Ibeneme the Supreme Court held that;

of course, it would be absolute nonsense in the circumstance for a widow who is still regarded as property to turn around to claim property from her late husband.³¹

Under the Yoruba customary law, a widow cannot inherit the property of her husband.³² The reason was stated in the case of Suberu vs. Sunmonu, Jibowu a Federal Judge said;

a wife could not inherit her husband's property since she herself is like a chattel to be inherited by a relative of her husband.³³

Both male and female children can inherit the property of their father under the Yoruba customary law. This was illustrated in Adedoyin vs. Simon³⁴, and Folami vs. Cole.³⁵ However, the husband of a woman governed by customary law can inherit the property of the dead wife.

This is in spite of the fact that a will was made to the contrary. In Idehen Vs Idehen³⁶, the court surprisingly held that;

There is still some recognised status, which at customary law affect the capacity to make a will. For instance, a wife cannot by the exercise of testamentary disposition, deprive her husband of his succession right to her estate.

There is no other explanation for this unfair position than the traditional concept that the wife is the property of the husband. Augie³⁷ cited an anecdote by Justice Oputa about a fabulously rich woman in a town called Oputa in Imo State of Eastern Nigeria. One day she threw a challenge to her husband, that they both compare their wealth and possession to find out who was richer. She took sometime to narrate and recount all she owned. It took the husband one split second to narrate his. He said, “But I own you. Need I go further?”

On a happy note, recent decisions have revised this absurd position. In Mojekwu Vs Mojekwu³⁸ and Ukeje Vs Ukeje and Another,³⁹ the courts have overruled the unfair practice of customary law; thus a widow can now inherit the property of the husband.

Concept of Women and the practice in Nigeria

In a patriarchal society and male dominated culture like Nigeria, traditional male values are institutionalized in the family, the economic, the social and the religious circles. These values are deeply inculcated to the extent that without any legal backing, the traditional views of women are expressed as a matter practice in the course of ordinary day-to-day business relationships. Some of these are discussed below

1. Bail Practices and Sureties

Bail is provided for in Section 35 of the 1999 Constitution,⁴⁰ and the Criminal Procedure Act⁴¹. It is available to an accused person except in capital offences. An accused admitted to bail may be required to produce a surety or sureties. This provision is gender neutral on who may stand as sureties. In practice, women are generally barred from standing as sureties despite the fact that they meet all conditions and qualify to stand as surety. In an empirical research conducted by the Institute of Advanced Legal Studies on the issue of bail and sureties in reference to the attitude of the Nigerian police, 15% of the police respondents said that they rejected sureties on the ground that the persons were female, of tender age or of unsound mind.⁴² The research finding also revealed that one – third ($\frac{1}{3}$) of the police respondents claimed that they considered the sex of the surety as the first and most important factor in accepting a person as surety. It is absurd, that this factor was considered more important than others such as ownership of property, age and relationship of surety to the accused. The reason given by a spokesman for the police said that it was because women rarely owned landed property. This reason is unjustified and unfounded.

An informal source, however, stated that the attitude of the police is due to the fact that it is “improper, extremely difficult and embarrassing” to man- handle a married woman who stood as surety for an accused that has jumped bail or absconded. The fact that married women who are alleged to have committed crimes are properly handled by the same police officer negates this reason.

This attitude has been criticised by women groups. The International Federation of Women Lawyers (FIDA) has vigorously mounted a campaign against this illegal practice.⁴³

2. Banking and Credit Facilities

Banks act as mobilizers of capital and sources of capital. The law governing banking ensures that credit facilities are properly regulated. In practice, where a married woman applies for loan facilities, bank officials usually require her to furnish them with a letter of consent or the particulars of the husband to confirm that he has knowledge of the transaction. Where the woman is not married, documentation from a male surety is demanded.⁴⁴ In recent times, it is commendable that some banks do not demand for such particulars but put policies in place to ensure easy access to credit facilities especially for women.⁴⁵

3. Immigration Procedure

All Nigerians are entitled to travel passports from the immigration services irrespective of sex. This is another area where the action of over-zealous officials is displayed. This implies that, traditional ideas are being translated into practice. In an application for passport for a woman or for children, one of the documents requested for in practice is a letter of consent from the spouse. This ridiculous practice has been challenged, but unfortunately this has persisted.

4. Marriage Practices

Different forms of marriages are recognised under the Nigerian law. These are customary marriages, Islamic marriages and statutory marriages. The Marriage Act governs statutory marriages.⁴⁶ The consent of the parents of the woman is not required where the parties are over the age of twenty-one years. However, in practice, the issue of male dominance is still exhibited. In a registry/court marriage ceremony, overzealous officials often request for the presence of the father of the woman to be married or his representative to the exclusion of the mother of the woman if she is the only person present. This is because of the cultural belief that a child only belongs to his father and his family. This same attitude is seen in a typical church marriage. It is a common practice for the priest to ask this question at a point during the ceremony, "Who giveth this woman to be married to this man?" The appropriate response of "I do" comes from the father of the woman, his representative or a male sibling of the woman. The response has never been from the mother or who is considered as the child bearer and not the child owner. The position of the Nigerian child vis a vis the mother is succinctly described in the statement below by President Robert Mugabe. He said,

The child born of a woman despite the nine months spent in her womb was never hers by customary right of ownership. The child remained her child only as long as the marriage between her and her husband was good.⁴⁷

Arising out of the statutory marriage is the issue of joint property of the husband and wife. The dissolution of such a marriage works negatively against the interest of the woman. Traditionally, women are not expected to own any property. At the dissolution of marriage, where the woman alleges joint ownership with the husband, she is required to show evidence of her contribution. In *Nwanya vs. Nwanya*⁴⁸, the judge required the claimant, a woman to show evidence of her contribution by the presentation of receipts acknowledging the same. The judge

said that his court was not “a father Christmas and whoever avers must come prepared to prove claims”. The respondent who was the husband was not required to show proof of anything.

5. Child Marriage Practice

The cultural practice of child marriage with all its sexual implications is common in the Northern part of Nigeria. Derived from Islamic law, the practice came about due to the Islamic revolution of the 19th century to protect pre-marital sex among the Fulani-Hausa muslim girl. Reasons given for the continuation of the practice are based on the traditional conceptions. These are the preservation of virginity and the prevention of pre-marital sex. In contemporary times, some societies still cherish, honor, reward and celebrate virginity of young woman who remain virgins until the day of marriage. The parents of the virgin bride are rewarded with gifts and the virgin is cherished and honored by the husband’s family.

Happily the practice of child marriage is gradually fading. Legislation has been put in place to nullify the practice. There is a National Policy on Population for Developing, Unity, Progress and Self Reliance that discourages early marriage.⁴⁹ Section 218 of the Criminal Code⁵⁰ and Section 282 (1) (b) of the Penal Code,⁵¹ prohibit sexual intercourse with any girl under the age of fourteen years. The Age of Marriage Law⁵² governed the age of marriage under customary law in the former eastern state of Nigeria. It is now contained in Chapter 6, Laws of Eastern Nigeria.⁵³ The law makes a marriage with a girl less than sixteen years of age to be void. It also punishes any person who receives or gives any property in respect of a void marriage. In Northern Nigeria, where the practice is prevalent, a few states have enacted laws prohibiting the practice of child marriage. Niger⁵⁴ and Borno⁵⁵ States are examples. (Borno 1985; Niger, 1985).

6. Female Genital Mutilation

Female Genital Mutilation (FGM) is defined as comprising all procedure involving partial or total removal of the, external female genital or other injury to the female genital whether for cultural or other non-therapeutic reasons.⁵⁶ The origin and myth surrounding FGM in Africa generally and Nigeria in particular are evidently a confirmation of male dominance. The continuance though no longer as prevalent, is as a result of misconception and ignorance. FGM is traditionally considered a proof of femininity and a demonstration of a woman’s courage. It is regarded as an important part of the initiation rite of a young woman.⁵⁷ According to Kere and Taposoda,⁵⁸ some community elders stated that the origin could be linked to the polygamy of ancient kings and chiefs who made their several wives to undergo the process to “tame them, sober them and keep them faithful”. It is also believed that a woman who is not circumcised will make the husband impotent. Efarago,⁵⁹ and Eliah,⁶⁰ claimed that the origin of FGM among the Sabin people is linked with the occupation of the Sabin men who were mostly hunters. According to Nahid, it is said that because they had to be away for a long period of time, they had to control the sex drive of their wives, consequently, the female genital was cut off to keep the women faithful.⁶¹ There are concerted efforts to eliminate this practice. In section 34 of the 1999 Constitution of Nigeria, the FGM is condemned. FGM is not directly a crime in Nigeria but can be classified under assault or assault occasioning harm under Sections 351 or 355 of the Criminal Code.⁶²

The role of legislation in eradicating degrading cultural practice has been subject of debate. However, it has proved to be an effective weapon in combating FGM in some African countries. FGM was made a crime in Ghana in 1994, and in Cote D’Ivoire and Togo it was made

a crime in 1996 and 1998 respectively. In 1998, a practitioner in Ghana was sentenced to a term of imprisonment for contravening the law.⁶³

There is also the protection under the National Health policy of the Federal Government wherein there are efforts to eliminate Harmful Traditional Practices (HTPs) that affect the health of girls and women.⁶⁴ The effort of Non Governmental Organisations and the civil society are commendable in eliminating the practice of FGM.

Widowhood Practices

Widowhood is a multifaceted tragedy for a woman under customary law. Traditional practices of widowhood deeply embedded in many societies in Nigeria can generally be described as cruel, and inhuman. It is expressly forbidden under several International Conventions and Instruments. Widows are subjected to many humiliating and degrading burial rites and mourning practices under the guise of tradition. Nwadinobi says at the death of a spouse, a widow is dethroned, defaced and disinherited.⁶⁵ Talking about widowhood practices under the Igbo culture, Nwadinobi (a widow herself) said that a widow is dethroned because she loses her status conferred on her by her husband by being made to sit on the bare earth or palm leaves. The defacement according to her, comes in when the widow is expected to look unattractive dirty and unkempt with her hair shaved and denied washing. The disinheritance comes in when the widow is dispossessed of all the property she had acquired with her husband. A widower on the other hand at such a time is pitied because of loneliness caused by the loss of his partner, pampered, as he will be fussed over and pacified usually with the suggestion of taking a new wife. The concept of a widow under the traditional system is that of a defenceless, vulnerable, marginalized and invisible being. Under the Igbo culture there is an adage, which portrays the way the widow is perceived in the society. In a case of assault between two persons, where the assaulted person fights back effectively, it is common to hear such a person say to his surprised attacker, "perhaps you thought you were dealing with a widow." Korieh (1996) quoted an Igbo saying which states that, "Why should a man who goes to his widow concubine be in a hurry to depart? Is it that he does not know where the husband has gone?"⁶⁶ There are concerted efforts at eliminating this deep-rooted practice through legislation and the activities of Non Government Organizations.

A Redirection

In view of the issues discussed, it becomes imperative to re-direct views, perceptions and attitudes. The old perceptions must be discarded. Because women are in themselves, agents, of change, socialization, they must be involved in the re-orientation program aimed at empowering them.

Efforts must be geared towards a gradual process of disabusing their minds from the cultural stereotype so that they will also exercise their full potentials. Justice Oputa, (Retired Justice of the Supreme Court) reinforced this when he said:

Our women have got to squeeze
out of themselves from any still lingering
notions of inferiority or of weakness or
of instability or of immaturity⁶⁷

Some suggestions for redirection are given below.

i. Attitudinal Change

It is easier to change the rules than to change the attitude, thought and process of human beings. Attitudinal change should be closely introduced with legislation. This can be done through various enlightenment and educational programmes. Alternative programs, which are not harmful, can be introduced to replace traditional harmful practices. Alternative initiation ceremonies should be devised and gradually introduced. This is because it is known and appreciated that ceremonies form an integral part of community life.

ii. Education

Education empowers an individual with knowledge. It is unfortunate that the custodians of many of these practices are women who have undergone the socialization process and have become indoctrinated. A vivid example is found in the reply of a father to a question on child marriage asked by his daughter whose older ten-year-old sister was being given out in marriage. The father retorted:

“This practice existed before I was born and there is no use complaining about it. My daughter, listen to me; I married your mother at the same age.”⁶⁸

There is the need to educate women. They should be sensitive to demand from their various communities, respect for their rights guaranteed under the human right instruments. They should also modify their value systems away from cultural practices.

iii. Strategizing and Adoption of Multifaceted Approach

Traditional concepts are inextricately and intertwined within the rubrics of people's culture. They are rooted in centuries of tradition and an inherent value system. They are, therefore, not easy to change or eradicated. It must be understood that reversing these customs and belief can be traumatic and cannot be easily achieved. The change, therefore, has to be gradual. This has to be brought about by adopting different approaches and strategies, which may be through re-education, or development of new value system that are acceptable to the people. It is important to make the people realize that not all aspect of a people's culture is negative; therefore positive aspects of a community's tradition must be appreciated and preserved. There must be proper understanding by change agents of the deeply felt beliefs of the people and the cultural significance of their practices.

iv. Combined efforts of Agents of the Criminal Justice System

As earlier stated, the role of legislation in addressing this issue and the placement of women in their proper place cannot but be over-emphasized. However, all other agents of the criminal justice system must come together and play a crucial role in enforcing and interpreting the law. If this is done effectively, the practitioners of these harmful illegal practices will be deterred from such.

v. Implementation of Instruments, Conventions and Treatise

Nigeria is a signatory to many international instruments, which prohibit many of these practices. These include the African Charter on Human and Peoples Rights.⁶⁹ It was adopted by the General Assembly Resolution, 1989, the Convention on the Rights of the Child,⁷⁰ and the Convention on the Elimination of all Forms of Discrimination against Woman⁷¹ and many others. Nigeria as a matter of urgent responsibility should comply with the provisions contained in the treaties and convention to ensure full emancipation of Nigerian women.

Conclusion

There are positive and negative sides to cultural and traditional practices. On the positive side, they are a way of life, which represent the norms, and values of the people. However, these should not be compromised at the expense of the right of women. The spirit behind the numerous world conferences on women should be kept alive and the victories won so far must be sustained.

End Notes

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- ¹ Leila. Seth, "Guaranteeing the Right of Women and Children: International Protection." Unpublished paper. 1997
- ² United Kingdom White Paper Command 5724, 1974
- ³ Evelyn L Wilson, "Women's Right in Law and Practice: Property Right". in *Women in Law*, ed Obilade,A. (Southern University, Law Centre, Baton Rouge and Faculty of Law, University of Lagos.1993) 336.
- ⁴ . **Bradwell vs. Illinois** 83 US 442, 446 (1873)
- ⁵ **Muller v Oregon** 208 US 42 (1908).
- ⁶ **Lochner vs. New York**. 198 US 45, 48 (1903)
- ⁷ **Muller v Oregon** 208 US 42 (1908).
- ⁸ **Hoyt v Florida** 368 US 57, 62 (1961).2
- ⁹ Holy Bible: The New Scofield Study: New King James Version. Judges, Chapter 4 verse 1
- ¹⁰ Oluyemisi Bamgbose "Inhibition of Women in Leadership Roles Through the Legal Binoculars". *Women Behavioural Issues*. 4 July (1998) 1-18.
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