

The influence of religion and culture on women's rights to property in Nigeria

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The paper seeks to establish the role of religion and culture in the realization of women's rights to property in Nigeria. It begins by affirming that protecting women's rights to property in Nigeria is a fundamental step towards achieving the 5th Sustainable Development Goal of gender equality. The promotion and protection of these rights in any society are determined by several factors such as the customs, prevailing traditions, as well as the religious laws that control behavioral patterns in that society. In discussing this within the Nigerian context, the paper explores the tenets of Christianity and Islam that govern women's rights to property. The study used secondary data derived from articles that were sourced from Google Scholar. A total of nine articles was reviewed. The paper reveals that, culturally, women are viewed as inferior to men, and a male-child is generally celebrated and allotted higher portions of properties. However, the tenets of both Islam and Christianity do not disregard the woman in terms of property rights. The authors suggest that the prevailing discrimination against women has no religion backing, but a misguided exploitation of the low educational status of women in Nigeria.

Keywords:

[religion](#)[culture](#)[women's rights](#)[property](#)[inheritance](#)

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1. Introduction

Despite the growing global concerns for, and efforts at protecting women's rights to land and other tangible assets that possess economic value, various studies reveal that, women still encounter challenges with respect to these rights (Adekile, [2010](#); Folarin & Udoh, [2014](#); Aluko, [2015](#); Anyogu & Okpalobi, [2016](#); Akinola, [2018](#); Chaves, [2018](#)). Globally, land and other forms of real property are essential for the economic empowerment of women across different cultural contexts (Gottlieb et al., [2018](#)). Land in particular serves as a crucial element for cultural identity (George et al., [2015](#)), participation in decision-making, political power and protection against domestic violence. It is against this backdrop that, various institutions, human rights' activists and feminists across the world moved for the codification and implementation of laws that protect women's rights generally and more specifically, ensure women's rights to acquire, inherit, use, control, or dispose economic assets. These international legal provisions eventually became international treaties under the auspices of the United Nations. Notable among the treaties is the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) which viewed discrimination against women as an act against human dignity and outlined the responsibility of state-parties in ensuring the protection of women. As at May 2015, a total of one hundred and eighty-nine states had signed and ratified the treaty—a commendable response which indicates the willingness and commitment of state-parties to promote gender equality and eradicate all forms of discrimination against women. In addition to this, the Sustainable Development Goal 5 aims to achieve gender equality and empower women and girls. It aims at undertaking reforms that will ensure that women have, equal rights to economic resources, access to ownership and control over land and other forms of property and inheritance in accordance with national legislations (Food and Agriculture Organisation, [2018](#)).

However, regardless of this global commitment to eradicate gender disparity or discrimination and promote women's rights generally, women are still either marginalized or denied access to real property (Stichter & Parpart, [2019](#)). For instance, Agarwal ([1994](#)) posits that the most important economic challenge that affects women is the gender gap in the control of land while a report from the World Bank ([2019](#)) reveals that women in half the world are denied land and property rights. Lack of protecting their rights to property, among other things, hinders their access to credits and loans from financial institutions as these assets could serve as collateral. Furthermore, the far-reaching effects of violating women's rights to property, especially land, include the feminization of poverty (rising level of poverty among women) (Agarwal, [1994](#); Le Beau et al., [2004](#)) and increase in incidences of gender-based violence. In addition, it has been revealed that until gender equality includes land rights and ownership, the agenda for Sustainable Development in 2030 would become impossible because landlessness is “among the best predictors of poverty” (United Nations, [2018](#)). A number of factors has been attributed to the violation of women's rights to property. Some scholars (Akinola, [2018](#); Le Beau et al., [2004](#); George, [2010](#); Kalabamu, [2000](#)) assert that patriarchal systems and institutions are the underlying causes of the denial and discrimination that women experience with respect to their rights to property and inheritance in general, while others opine more specifically that, religion (Obioha, [2013](#)), customs and traditions (Benschop, [2004](#); George et al., [2015](#); Obioha, [2013](#)) are causal factors in the violation of women's rights which cannot be over-emphasised.

Religious doctrines and cultural norms are two forces that bear overwhelming influence on human rights, generally (Abdulla, [2018](#)). As a matter of fact, all the major religions in the world share a “universal interest and tradition of respecting the integrity, worth and dignity of all persons and consequently, the duty towards other people who suffer, without distinction” (Lauren, [1998](#), p. 5). It is vital to mention that the religious ideas of protecting human dignity eventually provided the philosophical base upon which international human rights’ law was established. To support this claim, Rieffer ([2006](#)) asserts that, early religious writings presented a moral code that contained the duties and responsibilities of all peoples and, also promoted the initial discussions about rights (Lauren, [1998](#), p. 9 as cited in Rieffer, [2006](#)). These early religious writings and moral code of conduct formed the foundation of the idea and concept of human rights, which was eventually ratified and incorporated into international law in the twentieth century.

Culture, generally on the other hand, recognises human rights by identifying notions of human feelings, empathy, intuitions and concerns toward specific groups of others (Hunt, [2007](#)). However, different customs and traditions, which reflect various cultures across the world, have to a large extent affected the promotion and protection of the notion of women’s rights. To be more precise, it has been argued that culture is often used as a tool for justifying the violations of women’s rights especially in the areas of marriage and property, reflecting deep-seated patriarchal structures and harmful gender stereotypes. Nevertheless, culture is not an unchanging concept that cannot accommodate current realities (United Nations Office of the High Commissioner on Human Rights, [2016](#)). Therefore, despite comprehensive international and national legislations and policies that prohibit discrimination and inequality on the grounds of sex/gender, women still experience systematic denial and marginalisation with respect to property rights and which are as a result of patriarchal standards that have filtered into different cultures. No wonder Okin ([1999](#)) notes, many cultures in the world promote the control of women by men.