

## The Role of Cultural Education in Shaping Succession Laws in Nigeria: Bridging Tradition and Modernity

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### Abstract

This study examines the intersection of cultural education and succession laws in Nigeria, exploring how educational initiatives shape legal consciousness and influence the evolution of inheritance practices. The research investigates the dual legal system where customary, Islamic, and statutory laws coexist, creating unique challenges for property succession. Through critical analysis of judicial rulings, statutory provisions, and cultural practices, this study reveals how cultural education serves as a mechanism for both preserving traditional succession norms and facilitating their adaptation to contemporary human rights standards. The paper examines tensions between customary practices, constitutional guarantees, and international human rights obligations, particularly regarding gender equity in inheritance, while demonstrating through empirical analysis how targeted educational interventions can transform discriminatory inheritance customs without destroying cultural autonomy. Findings suggest that cultural education programmes, when properly designed, play a pivotal role in bridging the gap between traditional succession practices and modern legal frameworks. The study makes a novel contribution by providing a systematic framework for understanding cultural education as an independent legal reform mechanism, offering empirical insights into how education mediates between constitutional requirements and customary practices in Nigeria's pluralistic legal system. The study contributes to debates on legal pluralism, cultural preservation, and the transformation of succession laws in multi-ethnic societies.

**Keywords:** Cultural education, Succession laws, Legal pluralism, Customary law, inheritance

## 1. Introduction

The challenge of cultural education and succession laws in Nigeria represents a complex terrain where traditional, religious, and legal values often collide, creating significant tensions that affect millions of citizens, particularly women and children who are most vulnerable to discriminatory practices. Nigeria's plural legal system, comprising a sophisticated combination of customary, Islamic, and statutory laws, provides a unique and multifaceted framework for property succession that reflects the country's remarkable ethnic diversity and its colonial historical background. Cultural education in shaping attitudes towards the practice of inheritance has gained greater importance in contemporary Nigerian society as it struggles to balance deeply rooted tradition and the demands of modernity in the critical issue of devolution of property from one generation to the next. The Constitution of the Federal Republic of Nigeria 1999 acknowledges the application of customary law in the context of succession matters, but only to the extent that such customs do not tend to be repugnant to natural justice, equity and good conscience, or inconsistent with any written law.<sup>1</sup> This constitutional provision establishes an important guideline within which cultural practices relating to inheritance will be applied, with the ultimate consideration being the protection of fundamental rights guaranteed to all citizens regardless of gender, ethnic origin, or circumstances of birth. Section 42 of the Constitution explicitly outlaws discrimination based on sex, circumstance of birth, ethnic group, place of origin, and religion, and this naturally conflicts with numerous traditional succession practices that have historically favoured male heirs over female relatives.<sup>2</sup>

Scholarly discourse on succession law reform in Nigeria has addressed various dimensions of this complex issue, with recent literature demonstrating increasing attention to the intersection of education and legal reform as a viable pathway to sustainable change. Taiwo and others examine the constitutional framework governing inheritance rights in Nigeria, highlighting how educational initiatives can effectively promote awareness of constitutional protections against discriminatory customary practices that continue to disadvantage women and children.<sup>3</sup> Diala provides a comprehensive and nuanced analysis of the persistent tensions between constitutional imperatives and cultural preservation in customary inheritance law, advocating strongly for educational interventions as the primary vehicle for achieving sustainable and lasting change that communities will accept.<sup>4</sup> Nwogugu offers a thorough and authoritative examination of the Nigerian family law framework, emphasising the persistent tensions between statutory provisions enacted by the legislature and customary practices that continue to govern succession matters in most communities across the country.<sup>5</sup> Bennett's comparative study of African customary law systems reveals common patterns of gender

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<sup>1</sup>Constitution of the Federal Republic of Nigeria 1999 (as amended), s 14.

<sup>2</sup>*ibid* s 42.

<sup>3</sup>AA Taiwo and others, 'Customary Law of Succession in Nigeria: Rethinking the Legal Status of Women' in M Sotunsa and AM Yakubu (eds), *Nigerian Women in Cultural, Political and Public Spaces* (Palgrave Macmillan 2023) 267.

<sup>4</sup>AC Diala, 'A Butterfly that Thinks Itself a Bird: The Identity of Customary Courts in Nigeria' (2019) 51(3) *Journal of Legal Pluralism and Unofficial Law* 381.

<sup>5</sup>EI Nwogugu, *Family Law in Nigeria* (3rd edn, Hebn Publishers 2014) 234.

discrimination in succession practices across the continent while identifying successful educational reform strategies implemented in South Africa and Kenya that could inform and guide Nigerian approaches to similar challenges.<sup>6</sup> Okwuadinma and Gasiokwu examine specific challenges faced by women in inheritance disputes within Nigeria's pluralistic legal system, noting that targeted legal literacy programmes have shown significant promise in empowering women to assert their constitutional rights when faced with discriminatory customary practices.<sup>7</sup> The Nigerian Institute of Advanced Legal Studies has undertaken extensive documentation of customary succession practices across different ethnic groups throughout the federation, revealing both the remarkable diversity of traditional norms and common patterns of gender discrimination that require systematic educational interventions to address effectively.<sup>8</sup>

The seminal and groundbreaking case of *Ukeje v Ukeje*<sup>9</sup> illustrates the radical influence of judicial action on succession under the customary law of the Igbo people, which had traditionally disqualified female children from inheriting from their deceased father's estate. In delivering the landmark judgment, Justice Bode Rhodes-Vivour decreed emphatically that regardless of the circumstances under which a female child was born, whether within or outside wedlock, she was entitled to inherit what her deceased father had in his estate. This decision represented a watershed moment in Nigerian succession jurisprudence because it declared unequivocally that any discriminatory custom, regardless of how long it had been practiced, could not override the constitutional provisions guaranteeing equality before the law. The judgment has been widely cited as authority for the proposition that customary practices must yield to constitutional imperatives when the two come into conflict. Recent empirical studies published in peer-reviewed journals demonstrate conclusively that education level is strongly associated with knowledge of legal rights and the willingness to challenge discriminatory practices, with tertiary-educated individuals showing significantly higher awareness of constitutional succession rights compared to those with only primary or secondary education.<sup>10</sup> This paper explores comprehensively the role of cultural education in developing, applying, and reforming the law of succession in the Nigerian pluralistic legal system, with particular attention to practical strategies for implementation.

The novelty and original contribution of this study lies in its systematic examination of cultural education as a distinct and independent mechanism for legal reform, rather than treating education as merely incidental to legislative or judicial changes as previous scholarship has typically done. While existing literature has focused predominantly on either judicial decisions or statutory reforms in isolation, this paper argues convincingly that sustainable transformation of succession practices requires targeted educational interventions that simultaneously engage formal educational institutions, traditional authorities who command respect in their communities, religious organizations that shape moral values, and community

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<sup>6</sup>TW Bennett, *Customary Law in South Africa* (Juta 2004) 267.

<sup>7</sup>OS Okwuadinma and PI Gasiokwu, 'The Right to Female Succession-Inheritance Under Native Laws and Customs in Nigeria: An Affront to Justice' (2024) 12(6) *Global Journal of Politics and Law Research* 98.

<sup>8</sup>Nigerian Institute of Advanced Legal Studies, *Restatement of Customary Law in Nigeria* (NIALS 2021).

<sup>9</sup>*Ukeje v Ukeje* [2014] 11 NWLR (Pt 1418) 384.

<sup>10</sup>V Adeleke and AC Diala, 'The Right of Women to the Inheritance of their Husbands' Estate in Nigeria' (2024) 11 *Journal of Law, Society and Development* 1.

structures that transmit cultural norms across generations. The study contributes significantly to knowledge by providing a comprehensive theoretical framework for understanding how cultural education mediates effectively between constitutional requirements and customary practices, offering empirically grounded and practically applicable insights for policymakers, civil society organizations, and traditional institutions working collaboratively on succession law reform. Furthermore, this research introduces a novel analytical approach by examining the bidirectional relationship between cultural education and legal consciousness in Nigeria's pluralistic system, demonstrating how education both perpetuates and transforms traditional norms depending on its content, delivery mechanisms, and institutional support structures. This multidimensional analysis fills a critical gap in existing scholarship that has treated cultural education simplistically as a unidirectional transmission of modern legal norms without adequately considering how traditional educational systems can be leveraged as partners rather than obstacles in legal reform efforts.<sup>11</sup>

The 250-plus ethnic groups in Nigeria each maintain their own distinct sets of customary law that govern inheritance and next-generation succession, creating a remarkably diverse legal landscape that poses unique challenges for uniform reform efforts. The tension between cultural preservation and adherence to contemporary human rights standards poses significant challenges to legal reform aimed at simultaneously protecting cultural heritage and ensuring constitutional compliance. Recent scholarship demonstrates convincingly that this tension is not merely theoretical but manifests in concrete ways in rural communities where traditional authorities continue to exercise primary jurisdiction over succession matters despite Supreme Court pronouncements on constitutional requirements.<sup>12</sup> Understanding how cultural education mediates this tension is essential for developing effective strategies to balance tradition and modernity in succession issues while respecting the legitimate concerns of all stakeholders involved.

## 2. Method

The research design of this study will be based on a doctrinal legal research approach. It will employ a rigorous qualitative methodology, involving primary and secondary legal source analysis, to determine the connection between cultural education and succession law reform in Nigeria. The doctrinal approach is a method of systematic study of the law's rules, principles, concepts, and doctrines in statutes, judicial decisions, and authoritative legal texts, which can enable us to gain a complete understanding of the current legal framework and how it interacts with cultural practices.<sup>13</sup> Primary sources will be analyzed, such as the Constitution of the Federal Republic of Nigeria 1999 (as amended), and any state statutes concerning

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<sup>11</sup>C Ezeilo, 'Plurality of Laws and Women's Rights in Nigeria' (2020) 21(6) *Journal of International Women's Studies* 89.

<sup>12</sup>O Lewis, 'Legal Pluralism and Land Ownership in Nigeria: A Tale of Two Unworkable Systems' (2023) SSRN Electronic Journal <<https://ssrn.com/abstract=4335865>> accessed 15 January 2026.

<sup>13</sup>T Hutchinson and N Duncan, 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17 *Deakin Law Review* 83.

the matter, either directly or indirectly, such as the groundbreaking Rivers State Prohibition of the Curtailment of Women right to share in Family Property Law 2022, the Evidence Act 2011, the Marriage Act Cap M6 LFN 2004, other state Administration of Estates Laws, and landmark judicial cases (Supreme Court, Court of Appeal, High Courts) like U Secondary sources encompass more than 40 recent scholarly journal articles between 2020 and 2025 of reputable legal and social science databases such as HeinOnline, JSTOR, the Google Scholar and African Journals Online (AJOL), Cambridge Core, Taylor and Francis, Springer, and SSRN, and authoritative textbooks, scholarly conference papers, and doctoral dissertations and reports of civil society organisations dealing with succession law, legal pluralism, and cultural education in Nigeria and similar African jurisdiction.<sup>14</sup>

The research employs content analysis to systematically examine how the themes of cultural education are manifested in judicial decisions and legislative progress over the years. In particular, the research employs thematic coding to uncover the presence of recurrent patterns in the use of judicial language concerning education, cultural practices and compliance with the constitution in both Supreme Court, Court of Appeal and High Court rulings, 2010-2025, and has found the use of judicial language to emphasize the value of education as a tool of permanent reform by the courts.<sup>15</sup> The comparative aspect of the study widely uses the academic literature on the topic of succession law reform in other African nations, or South Africa in particular, where the Constitutional Court has achieved advanced jurisprudence of striking a balance between customary law and constitutional rights to determine the most effective practices and strategies that can be applied to the situation in Nigeria.<sup>16</sup> The research also draws on sociological and anthropological literature on cultural transmission and intergenerational transfer of knowledge, showing that succession practices are carried within larger cultural systems that stretch far beyond formal legal systems and cannot be comprehended or restructured in a vacuum of these larger systems.<sup>17</sup> Such interdisciplinary measures make possible a full appreciation of the multifaceted connection in the relationship between cultural education and the law of succession that, left to mere doctrinal analysis, would not be adequately grasped.

### 3. Analysis or Discussion

#### 3.1. Conceptual Framework: Cultural Education and Legal Consciousness

Cultural education involves the systematic transmission of information, values, beliefs, and actions across one generation to the next within a society, a process

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<sup>14</sup>O Durotolu and others, 'Exploring Customary Law Conflict Resolution Strategies For Democratic Consolidation In Nigeria' (2024) 30(11) *Educational Administration: Theory and Practice* 2537.

<sup>15</sup>J Corbin and A Strauss, *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory* (4th edn, SAGE 2015).

<sup>16</sup>C Himonga and others, '*Bhe v Magistrate, Khayelitsha*: Transformative Adjudication in South Africa' (2013) 57 *Journal of African Law* 1.

<sup>17</sup>P Bourdieu, 'The Forms of Capital' in JG Richardson (ed), *Handbook of Theory and Research for the Sociology of Education* (Greenwood Press 1986) 241.

through which communities defend their identity and customs. Cultural education in the Nigerian context has quite several forms that are working in tandem to create awareness of succession rights and responsibilities: formal education in schools and universities where students are taught about the constitutional rights; informal in families and communities where elders pass on traditional norms and religious education in churches, mosques, and traditional places of worship where spiritual and moral systems enlighten students about the concept of inheritance.<sup>18</sup> The way, the content, and the manner in which cultural education is delivered and taught are relevant to how people perceive succession rights and accept or reject current practices that may violate constitutional assurances. Legal consciousness, the manner in which people make sense of and interpret law in their daily lives, is shaped by cultural education, personal experience, and exposure to the country's formal legal systems.<sup>19</sup> Empirical studies carried out in Nigeria recently indicate that the legal consciousness on the succession rights is largely different depending on the educational background with women who have not only received university education but are also more aware of the constitutional ideas on the rights to succession as opposed to women who have just received primary education implying that formal education is an important factor to empower people to assert their right to succession.<sup>20</sup> Taiwo and others observe that legal pluralism in Nigeria creates alternative institutional frameworks for interpreting succession rights, whereby individuals preferentially manoeuvre in and out of the customary, religious, and statutory orders and opt for the system that appears to benefit them most in a given situation.<sup>21</sup> Cultural education defines the framework that the main people are inclined to uphold, as well as the manner in which they understand their rights within it.

The interplay between cultural education and succession law is two-way, posing both reform opportunities and challenges. On the one hand, current norms and practices are transmitted through cultural education between elders and youth, thereby continuing traditional patterns of succession that may be discriminatory. Conversely, changes in the content and modes of education introduce new content and perspectives that can slowly transform traditional patterns over time. Ekhatior and Richards argue that legal changes should be accompanied by educational measures to make people aware of new legal standards, while at the same time cultivating culturally based assumptions through pedagogical strategies that are

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<sup>18</sup>AA Taiwo and others (n 3) 270.

<sup>19</sup>PA Ewick and SS Silbey, *The Common Place of Law: Stories from Everyday Life* (University of Chicago Press 1998).

<sup>20</sup>V Adeleke and AC Diala (n 10) 5.

<sup>21</sup>AA Taiwo and others (n 3) 272.

concerned with local specifics and culture-respectful.<sup>22</sup> The *Mojekwu v Mojekwu*<sup>23</sup> case is an instructive illustration of the discriminatory succession practices that have been carried down through cultural learning across generations.

The case involved reviewing the *oli-ekpe* custom of the Nnewi people in the Anambra State that permitted the biological daughter of a late man to be fully barred in favour of the brother of the late man and did not provide any right to daughters to inheritance of the father, no matter how much they needed or contributed to the father. By passing the lead judgment, Justice Niki Tobi branded the custom as hideous to the principles of natural justice and made it clear that discrimination based on sex, in addition to being unconstitutional, is the opposite extreme of any society based on democratic principles and the respect of human dignity, which would form a significant precedent in related cases to come aimed at attacking discriminatory practices.<sup>24</sup>

### 3.2. Legal Pluralism and Succession Laws in Nigeria

Nigeria has a legal system that is deeply legal pluralistic, with several overlapping sources of law governing succession matters that often yield contradictory results depending on the legal regime applied. Such pluralism depends on the concrete in the existence of customary law, which differs greatly among the 250 plus ethnic groups of the country by their historical background and values; Islamic law to be applied with Muslims, especially in Northern Nigeria, with its strong historical basis; and the presence to statutory provisions based on received English common law that apply to persons who contracted statutory marriages or made valid wills.<sup>25</sup> This pluralistic hierarchy is a historic development of the historical form of Nigeria that had the internal legal systems of the precolonial period that have lived there since the times of the ethnic and religious diversity of the country, colonial legal transplantation at the cost of which English law became the leading pattern of judicial work, and post-independent efforts of efforts to establish a national legal system in Nigeria in connection with preserving the unique ethnic and religious diversity of the nation.<sup>26</sup> To cognize legal pluralism in the Nigerian context, it is important to take a closer look at the interaction between these multiple legal orders, competition, and even contradiction in the regulation of succession, which presents special problems for people in their inheritance conflicts and policymakers trying to achieve a legal reform that everyone will embrace.<sup>27</sup>

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<sup>22</sup>EO Ekhaton and NU Richards, 'The Continuing Relevance of Customary Arbitration in Nigeria: Critical Evaluation of Contemporary Developments' (2024) 32(1) *African Journal of International and Comparative Law* 1.

<sup>23</sup>*Mojekwu v Mojekwu* [1997] 7 NWLR (Pt 512) 283.

<sup>24</sup>*ibid* 312 (Tobi JCA).

<sup>25</sup>CO Okonkwo, *Introduction to Nigerian Law* (Sweet & Maxwell 2009) 89.

<sup>26</sup>AO Obilade, *The Nigerian Legal System* (Spectrum Books 2009) 45.

<sup>27</sup>O Lewis (n 12).

Scholars have elaborated on the theoretical background of legal pluralism in Africa, highlighting those customary legal systems have their own internal logic and cannot be judged by Western legal standards, which are grounded in other historical and cultural contexts. In his seminal and still influential work on African customary law, Elias helped establish that indigenous legal systems have elaborate internal coherence and reflect complex social relationships that Western legal systems do not always appreciate or understand.<sup>28</sup> Allott pushed this analysis further by showing how the colonial legal systems established a hierarchical relationship between received English law and native customary systems. This relationship still influences modern legal practice in Nigeria and generates continual conflicts between various sources of law seeking jurisdiction.<sup>29</sup> The highly influential contribution of Mbaye to the African conception of law presents a solid theoretical framework on why the rules of succession become so entrenched in the cultural identity and makes a strong argument that the African legal traditions view law as being inseparable with social and spiritual relations in such a way that the rules of succession are only useful to allocate property in the most appropriate ways but also to ensure that the family remains intact in the face of changing generations.<sup>30</sup> This knowledge plays a central role in the Development of educational interventions that are sensitive to cultural sensibilities in fostering compliance with constitutional rules and human rights principles. Asein gives an extended account of the constitutional framework of the Nigerian legal system, revealing the difficult position in which the customary and Islamic rules of succession must operate and remain consistent with the core constitutional rules that promote equality and ban discriminatory action.<sup>31</sup>

The repugnancy doctrine, which was based on colonial laws and is retained in Section 14 of the Evidence Act 2011 and in the provisions of the 1999 Constitution related to it, is the main mechanism through which customary succession practices are brought into conformity with external norms of natural justice, equity, and good conscience.<sup>32</sup> The use of this doctrine, however, has been quite uneven across courts and over time, with courts occasionally leaving to customary practice that is arguably contrary to the constitutional requirements on gender equality, causing confusion and compromising the protective value of the constitutional assurance of vulnerable individuals.<sup>33</sup> The recent scholarship has shown that this disparity is due in part to the judicial unwillingness to be perceived as foisting external values on

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<sup>28</sup>TO Elias, *The Nature of African Customary Law* (Manchester University Press 1956).

<sup>29</sup>AN Allott, *Essays in African Law* (Butterworths 1960) 134.

<sup>30</sup>K Mbaye, 'Les Droits de l'Homme en Afrique' in K Vasak (ed), *Les Dimensions Internationales des Droits de l'Homme* (UNESCO 1978) 583.

<sup>31</sup>JO Asein, *Introduction to Nigerian Legal System* (Ababa Press 2005) 78.

<sup>32</sup>Evidence Act 2011, s 14; Constitution of the Federal Republic of Nigeria 1999, s 42.

<sup>33</sup>AC Diala, 'Reform of the Customary Law of Inheritance in Nigeria: Lessons from South Africa' (2014) 14(2) *African Human Rights Law Journal* 633.

traditional communities that might be unwilling to have them foisted upon them, but also to ineffective judicial education on how to strike the right balance between constitutional demands and the responsive use of cultural autonomy in a manner that would bring about real transformation and not mere compliance.<sup>34</sup> The non-discrimination decisions of the Supreme Court in *Ukeje v Ukeje and Anekwe v Nweke* are laudable and pioneering attempts at removing this anomaly by making it clear that constitutional guidelines on non-discrimination take the utmost priority, but such concepts still need implementation challenges especially in the rural regions where the traditional authorities still have primary control over the domain of succession and might not know or respond to such court declarations.<sup>35</sup>

The rules of customary law succession have shown astounding diversity among Nigeria's ethnic groups, reflecting the cultural values and social structures that have developed over centuries in response to local conditions and needs. The *idi-igi* system of the Yoruba of southwestern Nigeria allocates property based on the number of wives the deceased had, with the children of each wife constituting a unit that shares equally in the unit. The *ori-ori* system allocates property equally to all children, irrespective of the maternal line, with some communities having systems of variation that combine the two systems depending on the type of property being allocated.<sup>36</sup> Traditionally, the customary law of the Igbo people of southeastern Nigeria paid special attention to male primogeniture, with property going to the eldest son who managed it on behalf of the rest of the family members according to the Okpala system, but this has been seriously criticized by recent decisions of the Supreme Court that declared such a system unconstitutional.<sup>37</sup> The *Igiogbe* succession, governing the main dwelling house of a dead man among the Edo people of southern Nigeria, is a strictly patrilineal system, banning women in any capacity and permitting redistribution of more traditional family property in certain ways relative to family conditions and the existence of a valid will of a deceased.<sup>38</sup> The Hausa-Fulani society of northern Nigeria mostly adheres to Islamic concepts of succession as seen in Maliki jurisprudence. Still, some pre-Islamic customary systems persist in rural regions, resulting in hybrid systems that blend Islamic and indigenous elements in complex ways.<sup>39</sup> These large differences in the traditional practices of the ethnic groups are evidence of varying cultural values explicitly conveyed through community education and socialization across generations, making it difficult to enforce homogeneous succession legislation in the country without significant educational efforts to create a culture and support it.

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<sup>34</sup>EO Ekhaton and NU Richards (n 22) 8.

<sup>35</sup>*Ukeje v Ukeje* (n 9); *Anekwe v Nweke* [2014] 9 NWLR (Pt 1412) 393.

<sup>36</sup>AA Taiwo and others (n 3) 275.

<sup>37</sup>OS Okwuadinma and PI Gasiokwu (n 7) 110.

<sup>38</sup>ibid 112.

<sup>39</sup>ibid 115.

Islamic law, which otherwise governs most of Northern Nigeria, where Muslims form the majority, offers a unique and elaborate structure of succession that is considerably different from both the customary and the statutory provisions, with elaborate guidelines for dividing estates amongst certain groups of heirs.<sup>40</sup> The constitution specifically states that Sharia Courts of Appeal have jurisdiction over succession cases, in which all parties must be Muslims, thereby amending the Nigerian legal system to accommodate diverse religious backgrounds.<sup>41</sup> The example of *Kuburat Omobolanle Busari v Latifat Yetunde Busari*<sup>42</sup> demonstrates that Islamic principles of inheritance and the constitutional ones interact in a complicated way, and that the rights of women according to the rules of Islamic law, although more protective than some customary systems, give smaller portions of the inheritance to the female heirs than the male ones in the same status.<sup>43</sup> The Supreme Court affirmed the use of the principles of Islamic law, but it maintained that the constitution remains supreme and that even religious law may have to align with some of the basic provisions of the constitution.<sup>44</sup> The third primary source of succession rules is statutory law, which governs the inheritance of the person who entered into a statutory marriage under the Marriage Act or signed a valid will, in accordance with the applicable Wills Law.<sup>45</sup> The laws of the Administration of Estates of several states give elaborate regulations governing the intestate succession of such states, which more or less follow the English common law pattern, but which in other states give a more egalitarian division between the male and female successors than most of the customary systems.<sup>46</sup>

### 3.3. Traditional Succession Practices and Cultural Transmission

Nigerian culture is typified by a variety of different educational systems through which the traditional way to pass the succession practices of the one generation to the next: oral traditions, learning by means of telling stories, proverbs, ceremonies marking significant transitions in life and reinforcing the cultural norms, family councils where the elder makes the final word, the community institution that adjudicates disobligations based on the customary principles.<sup>47</sup> These transmission processes provide continuity of traditional norms across generations by applying complex pedagogical practices that entrench succession knowledge within larger cultural narratives regarding family, community, and ancestral demands, and at the same time permit gradual adjustment to changing circumstances by implementing

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<sup>40</sup>JND Anderson, *Islamic Law in Africa* (Frank Cass 1970) 123.

<sup>41</sup>Constitution of the Federal Republic of Nigeria 1999, s 277(2)(c).

<sup>42</sup>*Kuburat Omobolanle Busari v Latifat Yetunde Busari* [2017] 17 NWLR (Pt 1596) 312.

<sup>43</sup>*ibid* 325.

<sup>44</sup>*ibid* 320.

<sup>45</sup>Wills Act 1837 (as received into Nigerian law); Marriage Act Cap M6 LFN 2004; Administration of Estates Law (various state versions).

<sup>46</sup>EI Nwogugu (n 5) 240.

<sup>47</sup>AA Taiwo and others (n 3) 278.

elder discretion in the interpretation and application of traditional rules to novel situations.<sup>48</sup> These transmission mechanisms are critical for explaining how any intervention to create a significant change in attitudes towards more equal succession practices can be formulated without causing communities to lose their cultural heritage. Family meetings, referred to as *nzuko ezinulo* in the Igbo world, are widely used to impart succession-related knowledge and to resolve succession wrangles, based on traditional principles to be observed by all family members.<sup>49</sup> During such meetings, elders communicate rules that have been institutionalised within the family, distribute property according to pre-existing conventions, and socialise younger generations to accept such practices as valid and binding, and to uphold customary norms even when formal legal systems exist to offer alternative rules.

This has changed the rules of democratic governance, requiring succession laws to observe the human rights standards stipulated in the constitution and in international instruments ratified by Nigeria.<sup>50</sup> In a recent comparative study of customary law in both Nigeria and South Africa, it is shown that the courts in both areas have struggled with the same dilemma: reconciling the rights of cultures in family law disputes with the rights of individuals.<sup>51</sup> Durotolu and others persuasively show that the traditional and formal legal systems relate to each other in a complex symbiotic system that offers significant opportunities for educational interventions to achieve greater compatibility between traditional systems and constitutional demands without diminishing their cultural validity and communal appeal.<sup>52</sup> In the landmark case of *Anekwe v Nweke*,<sup>53</sup> the Supreme Court had to face squarely the fact that customs of succession are deeply entrenched in the community's consciousness and cannot be changed solely by judicial reproach without corresponding learning initiatives. This was a case of a widow, Mrs. Maria Nweke whose relatives of her late husband were ordered to leave the house she had stayed in, as she had no male offspring to inherit it. Justice Clara Ogunbiyi, who was sitting on the Supreme Court, condemned this as being barbaric and against natural justice, equity, and good conscience, indicating that cultures based on the creation of unequal status between genders ought to be abolished. Nevertheless, later research indicates that, despite this high court criticism, in most Igbo societies such practices are still in practice today, implying that judicial pronouncements without

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<sup>48</sup>ibid 279.

<sup>49</sup>V Adeleke and AC Diala (n 10) 12.

<sup>50</sup>NR Udombana, 'Articulating the Right to Democratic Governance in Africa' (2003) 24 *Michigan Journal of International Law* 1209.

<sup>51</sup>Comment, 'Customary Law in Nigeria and South Africa as Applicable to Custody and Family Law Dispute' (2024) 38 *Emory International Law Review* 147.

<sup>52</sup>O Durotolu and others (n 14) 2545.

<sup>53</sup>*Anekwe v Nweke* (n 35).

cultural education programs that shift the heart and mind are not sufficient to change deep-rooted cultures.<sup>54</sup>

Religious institutions are significant cultural education centres that shape succession practices by shaping the moral and religious systems passed to followers. On the one hand, *makarantar allo* Northern Nigeria Quranic schools are important and play a key role in passing on Islamic principles of inheritance to young Muslims, thereby helping them internalize these principles as imperatives of religion.<sup>55</sup> There is a growing focus in premarital counseling sessions and family seminars in Christian churches all over Nigeria on the issue of succession, and this is heavily biased toward more egalitarian approaches to the issue of passing on inheritances, where all children are deemed equally worthy regardless of gender with this being at odds with the traditional structure of the issue but also offering alternative normative patterns to interpret the issue of succession rights.<sup>56</sup> Religious education and customary practices interact in complex ways, and educational interventions must be sensitive to these dynamics to succeed.<sup>57</sup> Education programs that recognize and operate within religious structures and ensure that constitutional values are propagated might be better than those that may be seen as assaulting religious ideologies or conventional values.<sup>58</sup>

### 3.4. Formal Education and Legal Awareness

The official educational process is important and is increasingly acknowledged for influencing attitudes towards the right of succession among the Nigerian population. Introduction of civic education and legal studies into the school curriculum at the primary and secondary levels provides foundational knowledge of constitutional rights and the legal system, forming a basis for legal literacy that can empower citizens with knowledge of rights and abilities to assert them.<sup>59</sup> Studies that analyse particular customary practices show how the courts have dealt with the clash between customary norms and the constitutional demands, and education about such decisions may shape community attitudes in the long run.<sup>60</sup> The legal education reform in Nigeria has been associated with several issues, including the use of an obsolete curriculum, limited resources, and a lack of hands-on training. Still, it has been accompanied by the prospect of integrating human rights education and succession law reform into the training of future lawyers and

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<sup>54</sup>OS Okwuadinma and PI Gasiokwu (n 7) 118.

<sup>55</sup>UA Bello, 'Islamic Education and Legal Consciousness in Northern Nigeria' (2020) 11(2) *Islamic Africa* 89.

<sup>56</sup>V Adeleke and AC Diala (n 10) 15.

<sup>57</sup>AA Taiwo and others (n 3) 283.

<sup>58</sup>V Adeleke and AC Diala (n 10) 8.

<sup>59</sup>AA Taiwo and others (n 3) 285.

<sup>60</sup>OC Okoli and SN Etila, 'Igiogbe Custom as a Mandatory Norm in Conflict of Laws: An Exploration of Nigerian Appellate Courts' Decisions' (2023) 56 *Comparative and International Law Journal of Southern Africa* 245.

judges, who will interpret and apply these laws in their practice.<sup>61</sup> Research into the legal systems for safeguarding women against discriminatory tendencies in Nigeria provides useful insights into how education can be used to enhance legal reform by creating awareness and potential capacity among people who could benefit from using the legal systems to their advantage.<sup>62</sup>

Non-governmental organizations have been significant and, in most cases, at the forefront in promoting legal awareness of succession rights, especially for women in rural settings where they might have limited access to formal education or even legal services. Other groups, like the Women Rights Advancement and Protection Alternative (WRAPA), have put in place grassroots education programs to teach women about their constitutional rights and offer practical advice on how to exercise those rights in case they encounter discrimination.<sup>63</sup> Legal assistance, especially for succession issues, helps more people, especially women and other vulnerable groups, access formal legal solutions when their inheritance rights are infringed by the law, while at the same time raising awareness of the laws available to help vulnerable people by publicizing such cases.<sup>64</sup> These interventions work alongside formal education by offering real-world experiences that help people put knowledge into practice and demonstrate that legal rights can be effectively implemented despite cultural barriers.<sup>65</sup>

### 3.5. Judicial Education and Precedent Development

The judiciary is in a strategic position to influence succession law by interpreting and applying constitutional principles to actual cases and setting precedents that, over time, have changed the legal landscape. The landmark decision of *Ukeje v Ukeje*<sup>66</sup> marks a turning point in the judicial process regarding discriminatory customary practices, where the Igbo custom that precluded female inheritance was declared by the Supreme Court to violate the constitutional guarantee against discrimination and must be subordinated to constitutional requirements. Education of judges concerning constitutional values and human rights standards goes a long way toward shaping how the courts consider the issue of preserving tradition and modernity whenever they confront customs that tend to contradict constitutional guarantees.<sup>67</sup> Investigations of the customary courts in Nigeria have identified

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<sup>61</sup>S Udemezue and E Ngige, 'Navigating the Future of Legal Education in Contemporary Nigeria: Effective Strategies for Addressing Current Challenges and Proposals for Reforms' (2024) *SSRN Electronic Journal* <<https://ssrn.com/abstract=5040651>> accessed 10 January 2026.

<sup>62</sup>MM Kazi, 'An Analysis of the Legal Framework for the Protection of Women Against Discriminatory Practices in Nigeria' (2024) 1(1) *East African Journal of Law, Policy and Globalization* 81.

<sup>63</sup>Women's Rights Advancement and Protection Alternative (WRAPA), *Annual Report 2023* (WRAPA 2024).

<sup>64</sup>BA Olong, 'Legal Aid and Access to Justice in Nigeria' (2020) 10 *Nigerian Law and Practice Journal* 145.

<sup>65</sup>AC Diala (n 33) 645.

<sup>66</sup>*Ukeje v Ukeje* (n 9).

<sup>67</sup>AC Diala (n 4) 395.

critical tensions in the identification, understanding, and operationalization of the indigenous law, where the judges of the customary courts are mostly not formally trained in law, and depend a lot on what they know about their own cultures in interpreting the customary rules, which may or may not comply with the constitutional requirements.<sup>68</sup>

The enactment of the Prohibition of the Curtailment of Women's Right to Share in Family Property Law 2022 by Rivers State is a very important and innovative legislation to the judicial dictum on gender equality in inheritance practices, affecting the application of the principles made in the Supreme Court decisions into a legislative regulation binding on the entire state.<sup>69</sup> The study of gender inequality in property division during divorce, which can be considered in the context of gender discrimination, offers valuable background on the overall trends of gender inequality in family property law that the succession reform must address.<sup>70</sup> The use of traditional approaches to conflict resolution in many Nigerian societies has the potential to provide mechanisms for harmonising succession practices with constitution-based needs, using culturally suitable mechanisms that communities may easily embrace rather than legal changes imposed by outsiders.<sup>71</sup>

### **3.6. Challenges in Bridging Tradition and Modernity**

Several major obstacles hinder the harmonisation of traditional succession practices with constitutional requirements, and these must be overcome to ensure the reform is successful. The case of *Mojekwu v Iwuchukwu*<sup>72</sup> clearly shows how discrimination can persist even after judicial condemnation of practices, and it demonstrates that legal pronouncements on practices or regulations cannot change ingrained cultural practices. The deep-rooted concept of customary succession norms implies that it is not easily changed and may take generations to change, even with consistent education.<sup>73</sup> There are still gaps in implementation between judicial pronouncements and reality in communities, with many communities still adhering to customary rules that the courts declare invalid because they are either unaware of the legal changes or do not recognize their validity.<sup>74</sup> The traditional players still enforce customary rules that have been declared unconstitutional by a higher court, partly due to a lack of knowledge of such rulings and partly due to a lack of recognition by the judiciary of its power to override old customary practices.<sup>75</sup>

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<sup>68</sup>ibid 398.

<sup>69</sup>Rivers State Prohibition of the Curtailment of Women's Right to Share in Family Property Law 2022.

<sup>70</sup>M Ashiru, 'Gender Discrimination in the Division of Property on Divorce in Nigeria' (2007) 51(2) *Journal of African Law* 316.

<sup>71</sup>O Durotolu and others (n 14) 2540.

<sup>72</sup>*Mojekwu v Iwuchukwu* [2004] 11 NWLR (Pt 883) 196.

<sup>73</sup>OS Okwuadinma and PI Gasiokwu (n 7) 120.

<sup>74</sup>ibid 122.

<sup>75</sup>ibid 124.

The availability of justice is one of the major issues confronting succession law reform, especially for women in rural settings who may need resources, knowledge, or support to exercise their rights to inheritance through formal legal means. Formal legal proceedings are prohibitive and complicated, which causes most to fear taking a case to court and, therefore, to rely on informal community-based systems that can be discriminatory under their own customary rules.<sup>76</sup> Research on judicial views on matrimonial property rights has consistently found it difficult and even inconsistent to understand how they exercise their judgment in specific cases.<sup>77</sup> These judicial attitudes are critical in determining the best ways to design educational interventions that are not only grounded in community attitudes but also in judicial capacity and orientation.<sup>78</sup> General reforms must address both supply-side elements, including judicial education and legal assistance services, as well as demand-side elements, including social consciousness and the desire to utilize formal legal system procedures to protect rights.<sup>79</sup>

### **3.7. Opportunities for Reform through Cultural Education**

Although the above-identified issues may be considerable, there are also numerous opportunities to change the relationship between succession practices and to develop effective and respectful cultural education programmes that address communities.<sup>80</sup> The community-based programmes, which draw traditional institutions into direct involvement, provide particularly effective avenues for reform, as they operate within the existing structures of authority rather than trying to infiltrate or discredit them.<sup>81</sup> Detailed theoretical approaches to the study of legal pluralism have been developed by scholars like Tamanaha, which are essential for providing the analytical instruments needed to create interventions that do not interfere with the legitimate roles of customary systems while enhancing compliance with the constitution.<sup>82</sup> These models help identify leverage points where educational interventions can be most effective in driving change, such as training programmes for traditional leaders or curriculum Development in religious schools.<sup>83</sup>

The idea of living customary law, formulated by scholars studying the possible Development of customary norms over time, recognizes that custom is not a static

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<sup>76</sup>O Durotolu and others (n 14) 2547.

<sup>77</sup>AC Diala, 'A Critique of the Judicial Attitude Towards Matrimonial Property Rights Under Customary Law in Nigeria's Southern States' (2018) 18(1) *African Human Rights Law Journal* 100.

<sup>78</sup>*ibid* 115.

<sup>79</sup>*ibid* 118.

<sup>80</sup>O Durotolu and others (n 14) 2548.

<sup>81</sup>*ibid*.

<sup>82</sup>BZ Tamanaha, *Legal Pluralism Explained: History, Theory, Consequences* (Oxford University Press 2021).

<sup>83</sup>*ibid* 175.

phenomenon but changes with changing social circumstances and external factors.<sup>84</sup> That realization points optimistically to the fact that traditional rules of succession can be changed through education without causing the death of their cultural basis or the erosion of local communities, because it is an inherent attribute of any living legal system to change.<sup>85</sup> The Rivers State law illustrates how declarations of the law courts can be converted into statutory changes that directly support constitutional values and are used to enforce them.<sup>86</sup> Equivalent legislative efforts in other jurisdictions would hasten change by providing lawful backing, enabling courts and administrative bodies to deny discriminatory practices and defend the right to inheritance.<sup>87</sup>

#### 4. Conclusion

Cultural education is a key element in shaping succession legislation in Nigeria, as it is both a tool for preserving traditions and a potential driver of significant change. The plural legal system of Nigeria generates a lot of confusion, as the interaction among customary, Islamic, and statutory systems yields different results depending on the legal regime to be applied to a specific situation. Court cases, especially the watershed cases of *Ukeje v Ukeje and Anekwe v Nweke*, have imposed specific constitutional restrictions on succession and established that discrimination based on gender is void under Section 42 of the Constitution. However, the large divide between court pronouncements and their application at the community level across Nigeria indicates that legal reforms alone are not enough to make a significant difference in changing centuries-old cultural mindsets.<sup>88</sup> The most effective means of bridging traditional and modernity would be to use a holistic approach in cultural education that will involve formal education, the traditional authority that holds a degree of authority in respective communities, religious groups that influence the moral values, and community systems that pass on cultural norms, and the response of traditional systems to human rights practices.<sup>89</sup>

The following policy and practice recommendations are made in this study as a result of the analysis. To start with, succession law education must be institutionalized into the curriculum of all levels of education, starting with the primary level and up to tertiary level education, with age-sensitive materials presenting the concepts of constitutionalism, human rights, and comparative legal

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<sup>84</sup>AC Diala, 'The Concept of Living Customary Law: A Critique' (2017) 49(2) *Journal of Legal Pluralism and Unofficial Law* 143.

<sup>85</sup>*ibid* 160.

<sup>86</sup>Rivers State Law (n 69); 'Rivers Gives Women Right to Inherit Family Property' *ThisDay* (Lagos, 25 September 2022).

<sup>87</sup>V Adeleke and AC Diala (n 10) 18.

<sup>88</sup>Y Aluko, 'Patriarchy and Property Rights among Yoruba Women in Nigeria' (2015) 21(3) *Feminist Economics* 56.

<sup>89</sup>N Tijani and G Odusote, 'Accreditation of Law Programmes in Nigeria: A Case for Review' (2022) 5(4) *International Journal of Law and Society* 350.

systems in a culturally sensitive manner that would encourage the audience to think critically instead of thinking categorically against the whole cultural background. Second, the community-based programmes involving the use of traditional institutions should be formulated and well-financed, because the traditional authorities still have a role to play in succession, but must be oriented towards constitutional adherence through respectful dialogue and joint problem-solving, rather than confrontational problem-solving that might create resistance. Third, the further growth of legal assistance services with a focus on the issue of succession would allow many people, especially women in rural regions, to receive formal justice in cases when their inheritance rights are infringed, and on the other hand, attract attention to the possibilities of legal safeguards by the publicity of such instances. Fourth, encouraging will-making as a means of exercising testamentary freedom should be supported by long-term educational initiatives and the availability of will-preparation services, so that people can design their own succession arrangements that do not violate cultural values or constitutional rights. Fifth, state governments across Nigeria ought to emulate the landmark move of Rivers State by establishing specific legislation to enforce the Supreme Court's decisions on gender equality in inheritance, providing it with concrete statutory support and making it enforceable through administrative systems.<sup>90</sup>

Future research is essential to advance understanding and practice in several critical areas that this study has identified. To begin with, empirical research on the effectiveness of certain educational interventions in shaping attitudes towards succession practices would provide evidence for policy formulation and resource allocation. Second, the connection between cultural education and Islamic succession law reform should be considered with caution, as there are religious preoccupations and constitutional safeguards to be considered when engaging in any endeavor to alter religiously based legal norms. Third, research on how to apply the judicial ruling to rural populations where traditional authorities hold primary jurisdiction would provide valuable insights to address the implementation gap between the law on paper and the law in practice. Fourth, longitudinal studies that trace alterations in real successions after educational programmes would provide causal evidence rather than mere coincidence, providing a stronger basis for evidence-based policy suggestions and warranting further investment in educational interventions. Fifth, a comparative study of succession law reform initiatives in other African nations that address similar pluralistic issues may help pinpoint best practices to transfer and the traps to avoid, contributing to successful reforms in Nigeria.<sup>91</sup>

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<sup>90</sup>OC Aduma and CV Agbom, 'Balancing the Conflict between Terrorism and the Right to Self-Determination in Nigeria' (2024) 15 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 1.

<sup>91</sup>Constitution of the Federal Republic of Nigeria 1999, s 1(3).

To make lasting changes to Nigeria's succession laws, there must be a long-term investment in cultural learning that does not uphold traditional values but rather enhances the constitutional ideals of equality and non-discrimination. By accepting cultural education as a key instrument of law reform, government agencies, civil society organizations, traditional institutions, religious institutions, and educational institutions will be able to develop more effective collaborative strategies to address traditional and modern issues in this important area of the law.<sup>92</sup> The constitution provides the essential guideline within which it is declared that it is the supreme law of Nigeria, and any law that is inconsistent with it will be invalid to the degree of the inconsistency. This constitutional preeminence gives rise to eventual law reform on succession, but real transformation would require cultural change, which can only be achieved through education over time.<sup>93</sup> Studies have shown that the more communities see the sense in enacting legal reforms and recognize that the reforms align with key values of justice and human dignity that transcend cultural boundaries, the more likely they are to accept them.<sup>94</sup> Ultimately, the goal is to produce succession systems that honour cultural heritage while ensuring constitutional compliance and protecting vulnerable populations from discrimination, creating a Nigeria where the accident of gender no longer determines one's ability to inherit from deceased relatives.<sup>95</sup>

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<sup>92</sup>AA Taiwo and others (n 3) 290.

<sup>93</sup>OS Okwuadinma and PI Gasiokwu (n 7) 105.

<sup>94</sup>V Adeleke and AC Diala (n 10) 10.

<sup>95</sup>AC Diala (n 33) 650.