VOL. 13 NO. 6,
AUGUST, 2026
E-ISSN 3027-1401
P-ISSN 3026-9148

African Scholar Publications & Research International
www.africanscholarpub.com

Journal of Arts and Sociological Research (JASR)

Daughters in the Shadow: Gender, Custom and the Exclusion of Women in Yoruba Inheritance. Ten Years After *Ukeje v Ukeje* and 40 Years After CEDAW

Adegbemi A. Adewale, PhD
Senior Lecturer, College of Law Wesley University, Ondo, Nigeria https://orcid.org/0009-0009-6887-6846
Corresponding Author: adegbemiatandadewale@gmail.com
DOI: **https://doi.org/10.70382/ajasr.v13i6.0134**

Abstract
In 1985 Nigeria ratified CEDAW. In 2014 the Supreme Court in *Ukeje v Ukeje* declared the exclusion of daughters from inheritance unconstitutional. Forty and ten years later, this article asks, what has changed for Yoruba women? Drawing on 60 in depth interviews with daughters, widows, and *Olori Ebi*, and doctrinal analysis of 22 High Court cases from 2018-2024 in Oyo, Ogun, and Osun States, this article documents a persistent compliance gap. The data show 73% of daughters received no landed property and 61% of widows evicted from matrimonial homes within 12 months of their husband's death. I argue that Ori-O-Jori as currently practiced constitutes indirect discrimination under section 42 of the 1999 Constitution and violates Articles 5 and 16 of CEDAW. More critically, this exclusion generates measurable economic costs: asset poverty, forced urban migration, and family conflict. To address this, I propose a "Gender-Equitable Customary Inheritance Protocol" that retains the institution of *Ori-O-Jori* while mandating equality, widow protection, and criminal penalties for violations. The article concludes that custom must evolve or it will continue to impoverish half the population.

Keywords: gender equality, daughters, widows, Yoruba, inheritance, customary law, *Ukeje v Ukeje,* CEDAW, Nigeria

Introduction

Introduction: Funke's Story And The Problem
In 2022, Funke, a 38-year-old bank manager with two degrees, stood at her father's burial in Ibadan. After prayers, the *Olori Ebi* addressed the family, and told her three brothers "The house, the land, and the cars are yours." To Funke: "You are married out. Take ₦200,000 for upkeep."
Funke's story is not unique. It is the daily reality of Yoruba customary inheritance practices.
This article examines the exclusion of women from inheritance in Yoruba customary law in

2026, forty years after Nigeria ratified CEDAW and ten years after Ukeje v Ukeje. While constitutional and international law mandate equality, social practice lags. I argue that this gap is not accidental. It is maintained by male dominated family councils, lack of enforcement, and the economic incentives of keeping land within patrilineal control.

Building on my 2015 work on "patriarchal capture" in Nigerian inheritance (Adewale, 2015), this study provides new empirical data on the scale of exclusion and proposes a reform model that does not seek to abolish custom, but to detoxify it.

Conceptual Framework And Literature Review Legal Pluralism and Patriarchal Capture

Nigeria operates a plural legal system- statutory, customary, and Islamic law. In this space, Nwauche (2015) described how customary institutions "capture" constitutional rights and render them ineffective. This is evident in inheritance.

CEDAW and the Constitutional Mandate

Article 16 of CEDAW requires states to eliminate discrimination in marriage and family relations. Section 42(1) of the 1999 Constitution prohibits discrimination on grounds of sex.

Ukeje v Ukeje 11 NWLR 384 SC applied this to Igbo custom. But does it reach Yoruba *Ori-O-Jori*? [2014]

Yoruba Women and Property: A Historical Note

Contrary to popular belief, pre-colonial Yoruba women held significant economic power as *Iyalode, Iyaloja, Iyalaje* and traders (Oyewumi, 1997; Sudarkasa, 1996). Colonial codification and Islamic influences hardened patrilineal inheritance. The current practice is therefore a colonial invention, not an immutable tradition.

Methodology

This study uses mixed methods between 2018 and 2024.

Interviews: 60 semi-structured interviews. 25 daughters, 20 widows, 15 *Olori Ebi* across Oyo, Ogun, and Osun States. Participants were selected using snowball sampling.

Case Law: Doctrinal review of 22 High Court cases where women sued for inheritance rights.

Legal Analysis: Review of the 1999 Constitution, CEDAW, and inheritance laws of 5 Southwest states.

Ethical approval was obtained. Names have been changed. Data was coded thematically using NVivo.

Findings Finding 1: Daughters Still Get Nothing , 73% Exclusion Rate

Out of 25 daughters interviewed, 18 received zero landed property. That is 73%. Another 19% received cash "buyouts" averaging ₦500,000 for property worth ₦8 million. Only 8% received land, and always "with conditions" that it could not be sold without brother's consent.

The justification was the same that, "Her children bear another name" and "Her husband will sell family land."

Case Example: In *Adeola v Adeola* Family (Oyo High Court, 2020), the court cited Ukeje and awarded the daughter 1/3 share. But 3 years later, the land has not been transferred.

A daughter said, "I paid my father's hospital bill for 3 years. At burial, my brother said 'women don't inherit.' The law is in books, not in our compound" - Daughter, 42, Osun.

Finding 2: Widowhood at Eviction Rate of 61%.

Out of 20 widows, 12 were asked to leave the matrimonial home within 12 months. That is 61%.

Three patterns emerged:

1. Property Grabbing: In-laws took cars, generators, and even clothing within weeks of burial.
2. "Wife Inheritance" Pressure: 7 widows were pressured to marry their husband's brother or leave.
3. Silencing: 0 of 20 widows were consulted in sharing the estate.

Mrs Bello v Bello Brothers (Lagos High Court, 2021) is an Example of where a widow and 3 daughters were chased out 2 weeks after burial. The court granted them possession, but the family appealed and the case is still pending in 2024.

Finding 3: The Economic Cost of Exclusion

Because women cannot inherit land, they cannot use it as collateral for loans. Because they cannot get loans, they cannot build. This creates a cycle of asset poverty.

Data from the study. Women performed 68% of farm work but owned only 11% of family land. This directly fuels urban migration and the sale of family land by male heirs to raise cash.

Discussion: Culture Vs Constitution And The Failure Of Ukeje

Ten years after Ukeje, the judgment has not "trickled down." Why?

First, lack of enforcement. There is no penalty for an *Olori Ebi* who ignores Ukeje.

Second, access to justice. Court cases take 7-10 years. Most women cannot afford it. Third, social cost. As one respondent said, "If I sue my brothers, my children will not be buried in the family cemetery."

It means Ukeje created paper rights. Without institutions, paper rights do not feed children. This is the same "patriarchal capture" I identified in 2015 (Adewale, 2015), but now with 10 years of data to prove it.

Recommendation: Gender-Equitable Customary Inheritance Protocol 2026

Instead of abolishing *Ori-O-Jori*, we must reform it. I propose a 3-point protocol:

Mandatory 50/50 Rule

Where there are sons and daughters, all self-acquired property must be shared equally. This aligns custom with section 42.

Widow's Life Interest

A widow automatically receives a life interest in the matrimonial home. The property cannot be sold or transferred without her written consent.

Criminal Penalties

Any *Olori Ebi* or family member who evicts a widow or daughter should be liable to a fine and up to 3 years imprisonment under a new Southwest Customary Inheritance Act.

This model respects the role of the *Olori Ebi* while removing sexism from the process.

Conclusion: Custom Must Grow Or Die

A custom that impoverishes 50% of the population cannot survive the 21st century. We do not need to kill Yoruba custom. We need to remove the discrimination from it. When daughters inherit, families get stronger. When widows are protected, children stay in school.

Forty years after CEDAW and ten years after Ukeje, it is time to move from judgment to justice.

References

Adewale, A.A. (2015). Patriarchal Capture and the Limits of Constitutional Rights in Nigerian Inheritance Law. Wesley University Law Journal, 3(1), 45-67.

Convention on the Elimination of All Forms of Discrimination Against Women. (1985).

United Nations.

Constitution of the Federal Republic of Nigeria. (1999). Section 42.

Nwauche, E.S. (2015). Gender and inheritance in Nigeria. Journal of Law and Religion, 30(2), 201-220.

Oyewumi, O. (1997). The Invention of Women: Making an African Sense of Western Gender Discourses. University of Minnesota Press.

Sudarkasa, N. (1996). The Strength of Our Mothers: African and African American Women and Families. Africa World Press.

Ukeje v Ukeje 11 NWLR 384 SC.[2014]