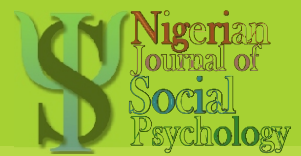


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The Realities of Gender and Property Rights in Igbo Land: A Sociological Analysis

Ugwu, Stella Abel

Department of Sociology & Anthropology
Enugu State University of Science and Technology

Phone No: 07039418186

Email: stellabel.ugwu@esut.edu.ng

Abstract

Property can be referred to as any item that a person, group, community or organisation has legal title over. Property can be tangible or intangible items that carry the promise of future worth. A person that has property has exclusive authority to determine how such property is used. What sex or age is entitled to such inheritance whether that property is owned by government or by individuals is also a determinant of society. Today each society approves the uses selected by the holder of the property right with governmental administered force. In Igbo land there is on-going contestations against women denial of property rights under the Igbo traditional common law due to westernization. This paper examines the patterns of this denial, factors that create and sustain them, and the consequences of the denial for women empowerment and development.

Through a cross sectional survey of the 5 states in Igbo land, data was generated from 500 respondents and analyzed using SPSS tools. Results of analysis reveal that marriage, divorce, customs and non-participation of women in socio-cultural and governance of their communities create and sustain different forms of the denial. It further reveals that the women's denial generates socio-economic and political consequences that subordinates and under-develop them and the society at large. The paper among others, recommends the modernisation of property rights law and socio-cultural reforms in Igbo land.

Keywords: Gender, marriage, Property Rights, Igbo land, reforms, traditional law

Introduction

The social system of any culture (i.e. patriarchy or matriarchy) defines the roles or responsibilities of people in line with their biological condition of being a male or a female or simply sex. Thus, gender is social construct of roles ascribed to sex due to existential realities (Madu, 2013). In all systems of patriarchy, man is a primary actor while woman is a secondary actor whose roles and/or activities are complementary to man's roles (Deininger et al., 2015; Uchem, 2005). This is opposed to systems and rules in matriarchic societies where woman is primary and man is secondary. In each of these opposing systems, traces or manifestations of gender-based deprivations and alienations structured by tradition, or cultural values and customs, and laws, abound (Madu, 2009). These deprivations and alienations, which are further, influenced or determined by religious and ethnic variations in the pattern of their existence (Madu, 2013) reflect the extent to which the human rights of women (in patriarchy) or men (in matriarchy) are threatened and violated. Prominent among these rights is the property rights. Most times, women are allowed to own lands but do not have the rights to sell or use their plots as collateral, and do not necessarily act as managers of such property in terms of production (Holden, Ali, Deininger, & Hilhorst, 2016). In some other instances, women do not own lands but are permitted to use them to plant and manage the product thereof.

The term property as used here refers to goods and services acquired and/or owned by an individual or group with exclusive rights to possess, use and dispose of it at will. It can be a real property such as land, real estate, growing plants, or the improvements on it, or personal/intangible property such as money. On the other hand, 'rights' refers to any objective

and justifiable claim one makes, which should not be taken away by others. It includes the right to acquire, use, earn income from it, transfer, alter, abandon, or even destroy it, and the right to enforce these rights. Thus, 'property rights' refers to objective and justifiable ownership or possession of real and personal property, which other people are not expected to take away without authorisation or approval. This right has been discriminatory and arbitrary against women in many customs or traditions regardless of prevailing constitutional provisions that favour the right in such societies. The customs or traditions establish institutions and processes, which varies across tribes, regions, and country that restrict women from acquiring property rights using the doctrine and rule of primogeniture. The system denies women real property inheritance and/or succession particularly land rights. As used herein, land rights comprise among others ownership rights, management rights, and the rights to derive economic benefits from the lands (Deininger, Ali, & Yamano, 2008). These rights entail the power to "alienate or transfer, manage or make improvements, exclude others, and control the proceeds, with the right to alienate or transfer as the critical one" (FAO, 2003).

In Nigeria, a patriarchal society, landed property is vested in the name of the male, and women access them through their male relations. Across traditions and customs in many Nigerian tribes, women are even regarded and treated, though erroneously, as property of men and cannot own property themselves (Abdullah & Hamza, 2003). However, in the statutory law, the rights consist of the rights to access, use, or own land through inheritance, purchase, gift, or government allocation. The statutory law provides that land is a state property wherein individuals gain occupancy rights through the state governor's authorisation, or from local government that is invested with legal power to grant customary rights of occupancy in non-urban areas. These rights of occupancy last for 99 years. However, where the state or local government allocation deprives an individual or family their beneficial interest under rules of inheritance of any other customary law, such must be compensated (Udo, 1999). Both the customary and statutory laws that govern land rights co-exist but because of the patriarchal bias against women, the customary law that compromises women's rights to land property tend to prevail in practice (Akiyode-Afolabi, 2003). Whilst in principle of Section 43 of the Constitution of the Federal Republic of Nigeria, 1999 as Amended guarantee equality in property matters.

Among the Igbo ethnic nationality, land is a communal property with every male member of the community or clan serving as a stakeholder. Individuals derive their inheritance and ownership rights through their intrinsic primogenital ties within the family and ultimately the community system (Achebe, 2009). On this pattern of ownership lay individual social functions and that of the landed property as social mortgage. Its economic value, which is continually rising and productive use in the agricultural and industrial sectors made land a major means of livelihood (Arua, 1997). All individual males who are members of the community or family have a right to a portion of the land to the exclusion of women whose rights are restricted to the use and enjoyment of land while maintaining physical presence in the family. Thus, women's exclusion from land ownership and management generate pains and consequences that orchestrated legislative processes, legal challenges or different litigations, and gender activisms. Arguing that women's land ownership increases their bargaining power in the household (Deere, Oduro, Swaminathan, & Doss, 2013; Deininger, Goyal, & Nagarajan, 2013), it leads to better child nutrition (Allendorf, 2007), and also higher protection from domestic violence (Friedemann-Sánchez, 2006; Panda & Agarwal, 2005). It reduces productivity losses in agriculture (Goldstein & Udry, 2008), and tends to increase investment in land soil conservation (Ali, Deininger & Goldstein, 2014).

However and in spite of these associated gains and socio-legal activities, women's land rights remain trampled upon across different cultures, traditions, and customs particularly in Igbo land. The literature attributes this scenario to factors such as women's ignorance or partial knowledge of their statutory rights to property (Deininger, et al., 2008), lack of capacity and/or Will to disseminate information and enforce statutory law by local governments, lack of resources or documents to access the formal justice system or buy land on the part of women, poor land governance, and inadequate land institutions (Meinzen-Dick, et al., 2001). Others include corruption, complex and exceedingly slow but costly justice systems, marriage and discriminatory norms, lack of identity documents, patrilineal customary and religious laws, civil conflict, and land grabbing due to breakdown of the rule of law and community structures. Consequently, this paper investigates factors that create and sustain the denial of women's land rights, and the consequences of the denial with a view to proffer an effective solution to the anomaly. Little or no attention was given to these issues in the literature.

Research Questions

This paper seeks answers to the following questions:

- i. What are the factors that create and sustain the denial of women's property rights in Igbo land?
- ii. What are the consequences of the denial of women's property rights for their development in Igbo land?

Materials and Methods

This paper adopted a cross-sectional survey method of data collection wherein a researcher-designed questionnaire was used to generate data from the capital of the five states of South eastern Nigeria – the ancestral region of the Igbo tribe. The questionnaire was validated by two Professors in the Faculty of Social Sciences, University of Nigeria and has a reliability coefficient of 0.78, which makes it good for the study. It has two parts, namely: Part A, which contains demo-graphic questions, and Part B, which contains sub-research questions that are intended to generate answers concerning the posed research questions. The sub-research questions are structured in five-point Likert scale format with ratings as follow: SA = Strongly Agree (5points), A = Agree (4 points), NO = No Opinion (3 points), D = Disagree (2 points) and SD = Strongly Disagree (1 point). The locations of study are the state capitals of Abia, Anambra, Ebonyi, Enugu, and Imo states where the researcher chose five hundred respondents from women and men, traditional institutions, church organisations, and the ministry of gender and women affairs using stratified sampling method. In distributing the 500 questionnaires, the sample was divided equally into five clusters representing the five state capitals ($500/5 = 100$). The 100 questionnaires were distributed first at the secretariat of women and men traditional institutions, then the administrative headquarters of Christian and Muslim religious centres, and the secretariat of the ministry of gender and women affairs. Inclusion criteria are:

- i. Availability at the period of field work
- ii. Must be a member or part of the community or ministry visited
- iii. Must be an Igbo by birth
- iv. Must be married
- v. Must be mentally healthy and willing to participate in the research, and
- vi. Must have attained a universal adulthood suffrage of ≥ 18 years

Prior to the distribution of the questionnaires, proper authorisation, and informed consent were obtained from the leadership of each of the categories of respondents via email and/or phone call. Thereafter, the data collected were tallied in tables, and further analysed using Statistical Package for Social Sciences (SPSS) version 20.0 tools, while the demographic data were

analysed using frequency tables and simple percentages. Content analysis complemented this method where secondary data was involved.

Data Analysis

Socio-demographic data of Participants

Analysis of data from the questionnaire shows that 309 out of the 500 respondents i.e. 61.9% are female while 199 i.e. 38.1% are males; 156 respondents i.e. 31.2% are public servants, 201 i.e. 40.2% are retired from different services, while 143 i.e. 28.6% are engaged in the private sector. Majority of the participants i.e. 270 representing 54.0% belonged to 30 - 39 years age group, 109 i.e. 21.8% belong to 40 - 49 years age group, 66 i.e. 13.2% belong to 50 – 59 years age bracket while the rest, i.e. 55 respondents representing 11.0% belong to 60 years and above age group. Academically, 77.8% of the respondents acquired various forms of degree certificates, 20.4% of the respondents acquired higher school and Diploma certificates, and only 1.8% of the respondents acquired first school leaving certificate. It is therefore essential to observe that the respondents are informed, skilled, and experienced to respond objectively to the various research questions.

Women Property Rights Denials in Igbo Land

Table 1: Results of SPSS Analyses of responses to questions

S/N	Sub-research questions	Grand Mean	Standard Deviation	Standard Error	Tests of Between-Subjects Effects	Sig.	Pairwise Comparisons
<i>Research Question 1: What are the factors that create and sustain the denial of women's property rights in Igbo land?</i>							
1	The doctrine and rule of primogeniture established by patriarchal customs and traditions of your people restrict women from acquiring property rights of inheritance, ownership and control of lands	4.01	.316	.108	346.102	.002	@ 95% confidence Interval, no adjustments
2	Marriage, its rules, and possible divorce create and undermine women property rights in Igbo land	4.13	.321	.106	85.303	.000	@ 95% confidence Interval, no adjustments
3	The principles and rules of various religious systems – orthodox and traditional - in Igbo land provided for women's subordination under men and there from reinforced the doctrine and rule of primogeniture	4.14	.162	.301	338.006	.003	@ 95% confidence Interval, no adjustments
4	The doctrine and rule of primogeniture in Igbo land undermine statutory law's provision of women's rights to access, use, or own land through inheritance, purchase, gift, or government allocation	4.14	.162	.301	338.006	.003	@ 95% confidence Interval, no adjustments
5	Women's ignorance or partial knowledge of their statutory rights to property inheritance and ownership sustains or consolidates their suppression and the denial of their property rights.	4.13	.321	.106	85.303	.000	@ 95% confidence Interval, no adjustments

6	Government's lack of the capacity and/or Will to disseminate information and enforce statutory law by local governments	1.32	1.452	.071	1123.04	.000	@ 95% confidence Interval, no adjustments
7	Poor land governance and inadequate land institutions create and enhance the denial of women's right to property	2.01	.612	.008	106.002	.001	@ 95% confidence Interval, no adjustments
8	Civil conflict, land grabbing, lack of resources and/or documents to buy land and access the formal justice system, and corruption hinder women ability to access their rights to access, use, or own land	2.01	.612	.008	106.002	.001	@ 95% confidence Interval, no adjustments
<i>Research Question 2: What are the consequences of the denial of women's property rights for their development in Igbo land?</i>							
9	The denial of women's property rights tends to disempower them financially and undermine their chances of ascending to high positions in the society	2.21	.110	.004	104.112	.000 & .012	@ 95% confidence Interval, no adjustments
10	The denial of women's property rights greatly undermines agricultural production in Igbo land, and tends to decrease investment in land soil conservation	1.32	.108	.006	23.108	.000	@ 95% confidence Interval, no adjustments
11	Infringement on women's property rights decreases their bargaining power in the household, and exposes them to domestic violence	4.11	.007	.018	121.348	.003	@ 95% confidence Interval, no adjustments
12	The denial of women's property rights greatly undermines children's nutrition health	1.24	.203	.421	206.531	.000	@ 95% confidence Interval, no adjustments

Source: SPSS analysis of responses to research questions

In pursuit of answer to research question 1, SPSS analysis of responses from participants in table '1' sub-question 1 reveals a grand means of 4.01 and a standard deviations of .312. The levels of differences in their response shows .002, which is insignificant when compared with .05 standard level of significance. Result of Pairwise Comparisons carried out to determine adjustment to the mean due to the level of differences reveals no adjustment. Therefore, the grand means of between 4.01 representing 'Agree' in our Likert scale measure was accepted. Thus, the doctrine and rule of primogeniture established by patriarchal customs and traditions in Igbo land restrict women from acquiring property rights of inheritance, ownership, and control of lands.

In addition, analysis of responses to sub-question 2 reveals a grand means of 4.13 & a standard deviation of .321 whose .000 level of differences is insignificant when compared with .05 standard level of significance. Their Pairwise Comparisons equally reveal no adjustment to the mean. Thus, the grand means of 4.13 representing 'Agree' in our likert scale measure was accepted. Thus, marriage, its rules, and possible divorce create and undermine women property rights in Igbo land.

Analysis of responses to sub-question 3 reveals a grand means of 4.14 with standard deviations of .162, whose .003 level of differences is insignificant when compared with .05 standard level of significance. The Pairwise Comparisons of the level of differences reveal no adjustment to the mean. Thus, the 4.14 mean representing 'Agree' in our likert scale measure was accepted. Therefore, the principles and rules of various religious systems – orthodox and traditional - in Igbo land support women's subordination under men and therefrom reinforced the doctrine and rule of primogeniture. Similar statistical result was obtained in the analysis of responses to sub-question 4 that interrogated if the doctrine and rule of primogeniture in Igbo land undermine statutory law's provision of women's rights to access, use, or own land through inheritance, purchase, gift, or government allocation. Therefore, the doctrine and rule of primogeniture in Igbo land undermine statutory law's provision of women's rights to access, use, or own land through inheritance, purchase, gift, or government allocation.

Equally, analysis of responses to sub-question 5 reveals a grand means of 4.13 with standard deviations of .312 whose .000 levels of differences are insignificant when compared with .05 standard level of significance. The Pairwise Comparisons carried out to determine adjustments to the grand mean due to the levels of differences equally reveal no adjustment. Therefore, the grand means of 4.13 representing 'Agree' in our Likert scale measure was accepted. Thus, women's ignorance or partial knowledge of their statutory rights to property inheritance and ownership sustains or consolidates their suppression and the denial of their property rights in Igbo land.

Analysis of responses to sub-question 6 reveals a grand means of 1.32 with standard deviations of 1.452 whose .000 levels of differences are insignificant when compared with .05 standard level of significance. The Pairwise Comparisons carried out to determine adjustments to the grand mean due to the levels of differences equally reveal no adjustment. Therefore, the grand means of 1.32 representing 'Strongly Disagree' in our Likert scale measure was accepted. Thus, government's lack of the capacity and/or Will to disseminate information and enforce statutory law does not undermine or limit women's access to property rights in Igbo land.

Similar analysis of responses to sub-question 7 reveals a grand means of 2.01 with standard deviations of .612 whose .001 levels of differences are insignificant when compared with .05 standard level of significance. The Pairwise Comparisons carried out to determine adjustments to the grand mean due to the levels of differences equally reveal no adjustment. Therefore, the grand means of 2.01 representing 'Disagree' in our Likert scale measure was accepted. Thus, poor land governance and inadequate land institutions do not create and enhance the denial of women's right to property in Igbo land. Similar statistical results were obtained after analysing participants' responses to question 8 that investigated whether the civil conflict, land grabbing, lack of resources and/or documents to buy land and access the formal justice system, and corruption hinder women's ability to access their rights to access, use, or own land. Thus, civil conflict, land grabbing, lack of resources and/or documents to buy land and access the formal justice system, and corruption do not hinder women ability to access their rights to access, use, or own land in Igbo nationality.

In search of answer research 2, responses to sub-question 9 was analysed using SPSS tools. Results of analysis reveals a grand means of 2.21 and a standard deviations of .110 whose levels of differences of .000 & .012 are insignificant when compared with .05 standard level of significance. The Pairwise Comparisons of these differences reveal no adjustment to the mean. Thus, the ground means of between 2.21 representing 'Disagree' in our Likert scale measure was accepted, and implies that the denial of women's property rights do not disempower women financially nor undermine their chances of ascending to high positions in the society.

Further analysis of responses to sub-question 10, which sought to find out if the denial of women's property rights greatly undermines agricultural production in Igbo land and decreases investment in land soil conservation reveals a grand means of 1.32 and a standard deviations of .108 whose .000 level of differences is insignificant when compared with .05 standard level of significance. The Pairwise Comparisons of the differences equally reveal no adjustment to the mean. Thus, the 1.32 grand mean representing 'Strongly Disagree' in our likert scale measure was accepted. Thus, the denial of women's property rights does not greatly undermine agricultural production in Igbo land nor decrease investment in land soil conservation. Results of analysis of responses to sub-question 11 reveals a grand means of 4.11 with standard deviations of .007, whose .003 level of differences is insignificant when compared with .05 standard level of significance. The Pairwise Comparisons of the level of differences reveal no adjustment to the mean. Thus, the ground means of between 4.11 representing 'Agree' in our Likert scale measure was accepted. Therefore, infringement on women's property rights decreases their bargaining power in the household, and exposes them to domestic violence.

Finally, analysis of responses to sub-question 12 that interrogated if the denial of women's property rights greatly undermines children's nutrition health reveals a grand means of 1.24 and standard deviations of .203 whose .000 level of difference is insignificant when compared with .05 standard level of significance. The Pairwise Comparisons equally reveal no adjustment to the mean. Thus, the ground means of 1.24 representing 'Strongly Disagree' in our likert scale measure is accepted. Therefore, the denial of women's property rights does not greatly undermine children's nutrition health in Igbo land.

Discussion of findings

Two streams of findings are made by this research in line with the two research questions raised for the study. First, a synthesis of the findings made concerning sub-questions 1 – 8 reveals that the doctrine and rule of primogeniture established by patriarchal customs and traditions create and sustain infringement on women's property rights in Igbo nationality. This finding collaborates earlier findings made by scholars in other cultures, traditions, and environments, whether patriarchal or matriarchal society, such as Thomas (2008), Madu (2009, 2013) and Fasantanti & Arua (2003) to the effect that customs and traditions create and sustain infringement on gender rights. Therefore, traditional systemic rules reforms at this level of human development for purposes of equity, justice, sustainable and inclusive development particularly in Igbo land is required across cultures and civilisations. Furthermore, the study found out that marriage, its rules, possible divorce, and religious principles and rules that tend to support them undermine women property rights. This finding seems to be new in the literature because little or no attention can be seen in the literature on the impact or influence of these factors on women property rights. Understandably, the literature on women property rights is dominated by research emanating from the West or mostly matriarchal societies. Consequently, the findings are major contributions of the paper in the discipline.

The study equally observed that ignorance or partial knowledge of statutory rights to property inheritance and ownership are the primary factors that create and restrict women's property rights of inheritance, ownership, and control in Igbo land. This finding corroborates earlier research finding of Deininger, et al. (2008), which was observed in a different culture and tradition. It therefore implies that ignorance or partial knowledge of statutory rights to property inheritance and ownership are universal in their negative influence on women property rights.

This study also observed that government's lack of the capacity and/or Will to disseminate information and enforce statutory law does not undermine or limit women's access to property rights in Igbo land. This is at variance with the findings of Meinen-Dick et al. (2014) who observed that lack of government's capacity and/or Will to disseminate information and enforce statutory law undermine women's property rights. However, the current research did not investigate the existence of government's lack of the capacity and/or Will to disseminate information and enforce statutory law in Igbo nationality. Therefore, new inquiry is needed to ascertain whether the scenario exists in the Igbo land.

It is the findings of this paper also that poor land governance and inadequate land institutions; and civil conflict, land grabbing, lack of resources and/or documents to buy land and access the formal justice system; and corruption do not undermine women's property rights in Igbo land. This is at variance with the findings of Meinen-Dick, et al. (2014) to the effect that these factors undermine women's property rights. Nevertheless, it is not within the scope of the current study to investigate whether poor land governance and inadequate land institutions, lack of resources and/or documents to buy land and access the formal justice system, and corruption in the juridical system exist in Igbo land. Consequently, further inquiry is needed to ascertain whether they exist in Igbo land or not.

Second, a synthesis of the findings made concerning sub-questions 9 - 12 reveals that the denial of women's property rights does not disempower women financially nor undermine their chances of ascending to high positions. This finding is at variance with the findings made by Deere, Oduro, Swaminathan & Doss (2013) to the effect that it does.

Infringement on women property rights does not undermine agricultural production nor decrease investment in land soil conservation. This is at variance with the findings of Goldstein & Udry (2008) and Ali, Deininger & Goldstein (2014), which observed that it undermines them. Agriculture is not the mainstay of women financing in the 21st century Igbo nation. Consequently, infringement in their property rights cannot affect agricultural practices and facilities negatively. On this lay the differences in the observations made by this paper and other previous research findings on children nutritional health. That is, this paper observed that infringement on women property rights does not undermine children's nutrition health in Igbo land while previous research such as Allendorf (2007) observed that women's property rights enhances better child nutrition.

Finally, the paper equally observes that the denial of women's property rights decreases their bargaining power in the household, and exposes them to domestic violence. This finding corroborates earlier findings made by scholars such as Friedemann-Sánchez (2006) and Panda & Agarwal (2005). These researchers observed that property rights gives women higher bargaining power in the family and orchestrate or lead to their higher protection from domestic violence.

Conclusion

The denial of women's property rights in the Igbo land is created and sustained by the tradition, culture, and rules inherent in the patriarchal system that structure the Igbo society. The pattern of marriage, possibility of divorce, religious principles, and ignorance or partial knowledge of statutory rights to property inheritance and ownership, complement the role of patriarchal tradition in infringing on women's property rights in the Igbo society. Although the infringement does not undermine women's financial power, contributions to family nutrition and their rise to positions of fame because agriculture is not their primary source of income, it decreases their bargaining power in the household, and exposes them to domestic violence.

Although it is accepted that patriarchy cannot be replaced with matriarchy particularly in Nigeria, reforms are required to ensure gender equity. Consequently, the government of the federation should embark on the modernisation of property rights laws while the Igbo nation should engage in different forms of socio-cultural reforms that ensure gender property rights. It is also recommended that Civil Society Organisations should embark on sensitisation programme for women education on their statutory rights to property inheritance and ownership. This will enable them to explore legal options in situations whenever people interfere with their property rights.

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