

ASSESSING FEMALE INHERITANCE OF LAND IN NIGERIA WITH THE ZELOPHEHAD NARRATIVES (NUMBERS 27:1-11)

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Abstract

Over one hundred years since the Bible was introduced into Nigeria, the practice of female inheritance of property still remains problematic in parts of the country. Despite the undeniably patriarchal culture in the Old Testament and in Nigeria, there is a Biblical text which indicates that under certain circumstances females were allowed to become owners and inheritors of land. This article examines the issue of female eligibility to own and inherit land. It uses the Zelophehad narrative to assess the Nigerian understanding of female inheritance.

Key words: Inheritance of land, Nigeria, Numbers 27: 1-11

1. Introduction

The choice of the text of the Zelophehad narrative in Numbers (27:1-11) is intended to highlight its relevance towards understanding the inheritance rights of women in Nigeria. It helps us analyse a problem in the Niger Delta areas which demands an attitudinal change with respect to female inheritance of land among the Ogba and Ekpeye people. It serves as a textual example in the Bible which can be used to assess the Nigerian understanding of the whole concept of female inheritance. In order to effectively harness the theological and ethical implications of the Zelophehad narratives, certain basic methodological concepts has to be defined.

2. Definition of Important Concepts

A definition of concepts such as “culture”, “cultural relativism”, “patriarchy” among others will be necessary for purposes of clarity, and are hereby given below:

- “Culture” simply refers to a people’s way of life as reflected in their values, institutions, symbols and social structure as an entity distinct from those of other ethnic groups (Deist 1990:62). Culture can also refer to human work “detached from the nexus of individual experience and action, consciously given shape as a construct, to be appropriated in the understanding, and then passed on to others. It can be reproduced in their experience and deeds and can be transformed by them, but it also forms them... We are creators of culture but also its creatures” (Bromiley 1999:746).
- “Cultural Relativism” has much to do with differences between various cultures. “Culture differ to such an extent that it is illegitimate to transfer analytical anthropological categories from one to another, or to measure one culture by the standards of another, since each culture establishes its own social categories and norms of conduct” (Deist 1990:62). Thus a universal human culture is an anachronism.
- There are certain aspects of human culture that runs across all societies such as marriage, procreation, inheritance, respect for elders, quest for religious harmony, the crave

for means of livelihood etc. In other words a comparison of certain features of culture can be done on a cross-cultural basis, whereas other aspects of culture can be contrasted such as language, technology, agricultural procedures, attitude towards gender, education, and religious practices and beliefs.

- “Patriarchal” refers to a system of rule in which men exercise control over women and children in all aspects of life including political, economic, social, sexual, and religious, and in which male interests override those of their female counterparts (McKim 1996:204).
- “Patriarchy” in turn refers to a male authority system tending towards the subordination and marginalization of women through social, political and economic institutions and practices (McKim 1996:204).
- “Patrilinial” refers to family descent traced through the father and his ancestry. In other words, descent is traced through the paternal, instead of the maternal line.
- “Patrilocal” refers to location that is centred around the residence of the husband’s family instead of the wife’s.

3. A Short Analysis of Existing Research

3.1 The Book of Numbers

Numbers is the title given to the fourth book of the Pentateuch. The translators of the Septuagint (LXX) gave it the name “Numbers” apparently to reflect its two census lists Numbers 1 and 26 which according to Olson (1985:26, 1996:18) also divide the book into two unequal parts. Each respective part deals with what he describes as “the death of an old generation and the birth of a new”. The title “Numbers” was passed on through the Latin Vulgate to the European and present day English versions (Lasor 1996:100).

Scholars like Ashley (1993:2-3) prefer a tripartite division of the book closely related to geographic locale: Section I at Mount Sinai (1:1-10:10); section II at and around Kadesh Barnea (10:11-19:22); and section III on the plains of Moab where the events of our narrative on the daughters of Zelophehad took place (Num.20:1-36:13). Within the narratives Ashley traces the movement of the children of Israel from Sinai to Kadesh Barnea (10:11-12:13) and from Kadesh Barnea to the Plains of Moab (20:1-21:35) both of which spanned a period of more than thirty-eight years (Martens 1997:985).

The journey from Sinai to Kadesh Barnea by way of the Gulf of Aqaba would normally have taken only a few days (Dt.1:2). Instead, it took more than thirty-eight years due to the unbelief of the older generation which Yahweh promptly punished by denying them access to the Promised Land. Numbers more or less is a recital therefore of the acts of Yahweh. In it is set the Divine providence of Yahweh – His faithfulness, presence, provision and forbearance – set against Israel’s unfaithfulness, rebellion, apostasy and frustration (Lasor 1996:99).

Numbers follows Leviticus, and like it contains the cultic regulations given at Sinai. Much of its regulations for both priests and people are similar to Exodus, Leviticus and Deuteronomy (Ashley 1993:2-3).

3.2 Numbers 27:1-11

This section has been identified as of priestly material by many scholars (Budd 1984:300). Budd (1984:300) cites for his example others like J Wellhausen, A Kuenen, H Holzinger, B Baentsch, and GB Gray. Interestingly, the priestly material in this pericope has been identified as belonging to a latter redaction or of a latter sort (Noth 1980:210). Noth has

been followed in this view by J Sturdy and J de Vaux. Budd (1984:300) is satisfied that a consensus of scholarly opinion ascribes the material in this section to the Priestly editor.

Closely associated with this pericope in Numbers (27:1-11), are parallel narratives like Numbers 36:1-12 and Joshua 17:2-6 which deal with the same inheritance issues of the daughters of Zelophehad. How is the second census important for understanding the plight of the daughters of Zelophehad for which they had to petition Moses? Why did the Priestly editor choose that context for the placement of the Zelophehad narratives?

The Priestly editor placed this pericope (Num.27:1-11) against the background of the second census (Num.26:52-55) to highlight its importance for the subsequent partitioning of the Promise Land based on those listed by name. The Zelophehad daughters anticipated that they would be left out without a family inheritance and they took action to pre-empt that likelihood (Num.27:1-5) (Levine 2000:341).

The request which the daughters of Zelophehad made in Numbers (27:1-11), was finally implemented with slight modifications restricting the marriage options of the heiresses (36:1-12), in Joshua by a land allocation panel headed by Joshua the son of Nun, and Eleazar son of Aaron, the Priest (Jos.17:3-6). Any detailed discussion of the fundamental issues raised in Numbers and which relates to the Nigerian experience of female inheritance is reserved for the subsequent sections below. Meanwhile, some observations can be made with respect to the pericope.

Our pericope presents a legal case about women inheriting land through a male line during exceptional cases when there is no male descendant to possess the inheritance. In these verses we read about the initial ruling given on the case right at the entrance to the tent of meeting before Moses, Eleazar the Priest, the leaders and the entire congregation of Israel. We are also presented with a family tree in vs.1, of the daughters of Zelophehad which is part of a second census list representing an entirely new generation, and which for that purpose repeats the clan structure of Manasseh outlined in 26:28-35 (Olson 1996: 162-63).

The problem of inheritance which the daughters of Zelophehad were concerned with, was not covered in any of the existing law codes in the Torah. Their inheritance problem created an ambiguous legal situation requiring special revelation for its solution. Ashley (1993:542) has observed that a matter of such importance would have formed part of the Torah in order to provide a general legislation for similar cases in future. What was the problem of the Zelophehad daughters?

The problem of these daughters that needed to be solved was of a legal nature (Num.27:3-4). Their father Zelophehad had died in the wilderness without any male heir to inherit his property. In view of this they request the right to inherit it. They claimed that their demand was necessitated by the desire to perpetuate the clan name of their father who died "for his own sin". In other words, Zelophehad had died not because of his part in the rebellion of Korah and his group whom the Lord swore would not inherit the land, but for the general sin of unfaithfulness which characterized the entire first generation, and therefore, like the rest of the younger generation his descendants deserved to be granted an inheritance.

Such a request, coming as it were from females, was without any precedent and Moses had to refer the matter to God (vs.5-11). God consents to the demand of the daughters and rules in vs.7 that Moses should indeed transfer the inheritance of Zelophehad to his daughters (Ashley 1993:542-43). The book of Numbers ends with the second generation still waiting on the plains of Moab where Moses died, and the leadership passed on to Joshua the son of Nun.

Space does not permit an elaborate description of the land tenure practices of ancient Israel and the ancient Near East. We might however examine the land tenure practices in the wider community of the ancient Near East (ANE) including ancient Israel before taking up the issues raised by the inheritance traditions elicited by the Zelophehad narratives which can then be applied to the Nigerian experience.

4. Brief Analysis of Land Use in Ancient Near East and Israel

Land is used both for agricultural and residential purposes in both the ancient Near East and Israel. While in the former conceptions of land is inextricably bound with the traditional religion, in the latter it is similarly bound with the Yahwistic religion. In most ancient societies sacrifices have to be offered at certain periods of the year as one way of acknowledging the fact that the land belongs to the Deity, and that the living hold land in custody for the ancestors and for the future generation.

In the case of ancient Israel this is a highly developed concept, whereby all land is seen as belonging to Yahweh and the people are mere stewards of land and temporary residents. Land is therefore not to be sold or alienated on a permanent basis, and every arrangement is made to guarantee that. On the other hand the ancient Near East differed slightly at that point because land could be sold and given out without scruples (Boecker 1976:18).

This discussion is of importance when one considers what constitutes the land use and tenure practices in the ancient Near East, particularly among the Canaanites. This is set out below in order to show how it compares and contrasts with that of ancient Israel.

4.1 Land Tenure in Ancient Near East

As part of the ancient Near East (ANE) both the Israelites and the Canaanites had many cultural traits in common such as kinship structures in which members of a tribe were regarded as descendants of a common ancestor (Curtis 1994:46). There seem to be some contrasts, however, when it comes to land tenure. Communal land tenure is practiced in the ancient Near East, and the tendency among the Canaanites, as well as in both Egypt and Mesopotamia, is towards a joint ownership of land (Dybdahl 1981:24).

In Egypt for instance the people owed allegiance to the gods for the land on which they dwelt and which they used to make their living. The same was true of the Babylonians whose religious practices become inextricably weaved into their land tenure system (Boecker 1976:18). Land ownership in the ancient Near East generally was both communal and private. In Egypt women were allowed to own land in principle but in practice there scarcely was any existing example which we know of. The land was used in such a collectivised manner and for agrarian purposes as to make it difficult to distinguish between owners and non-owners (Halperin 1963:101 in Dybdahl 1981:25).

Features of joint ownership in the ancient Near East also included a common way of land cultivation, as well as of crops planted which had to be uniform according to the farming customs of the people. The same was also true of time-table of operations. "There was a common agricultural calendar followed by all peasants" (Dybdahl 1981:29). This extended from ploughing time to harvest time, even to the fallow periods.

One remarkable difference observable in the ancient Near East is a system whereby land holding is rotated among the people, based on an annual redistribution of land to every land user (Dybdahl 1981:29-30). Moreover, as has been pointed out earlier, unlike in the Old Testament land law, land renting and land sale was a feature of land tenure in the ANE, particularly among the Canaanites and to some extent the Babylonians (Boecker 1976:88).

There are three basic concepts which governed land tenure practices in the ANE including Egypt and Mesopotamia, namely, 1) The society, or segment of it, is the basic controlling group in relation to land. Rights to land is dependent not on individual merits but on social obligations such as marriage and maintaining a family. 2) Land so communally held cannot be sold or given away by individuals – especially to those outside the kinship unit or group, and 3) a non-monetary periodic redistribution which takes care of the changes in membership due to births, deaths, or other factors such as adoption or temporary residency (Dybdahl 1981:36).

This in a sense is reflected in land use and tenure in ancient Israel as well, but as we shall see below they had a more egalitarian approach to the retention and use of land. The basic land holding unit was the clan (*mishpahah*), and every individual had access to land on the basis of equality and accountability. Let us further elaborate on this egalitarian features by looking at land tenure in ancient Israel specifically.

4.2 Land Tenure in Ancient Israel

Like their ANE counterparts, ancient Israel practiced a land tenure that was both communal and in some sense private and egalitarian. In this way everyone's right to land was inalienable and no one was above the law (Matthews 1988:134). As a bona-fide gift from Yahweh, the land was not to be sold or alienated on a permanent basis. That basic concept of land tenure remained intact until the inauguration of the era of the monarchy, when as it were a two-fold land tenure practice became the vogue in ancient Israel – one favoring the more egalitarian land tenure and the other adhering to an elitist land tenure system (Dybdahl 1981:35-36). The reasons for this can be seen from the discussion below.

One of the inevitable results of an incomplete conquest was the presence of Canaanites living on the land which originally Yahweh had intended for Israel alone (Hawk 1991:43). It is instructive, therefore, to note that tribal inheritances received either by conquest or lot presented an incomplete possession distorted by the presence of aboriginal strongholds (Hawk 1991:21).

These aboriginal strongholds were of such an intense nature that it made it difficult for the children of Israel to completely take the land, and from time to time there was war between them. For instance Judah had the Jebusites occupying a central area in their allotment and they could not dislodge them (Jos.15:63). Ephraim had the Gezerites to contend with in the area they both occupied (Jos.16:10), and Manasseh had a list of cities and the valley areas it could not completely possess due to the Canaanites' superior military strength (Jos.17:11-13,16).

The effect of this was the practice of a dual land tenure system as has already been mentioned. While the Canaanites practiced a tenure system that tolerated individual ownership, the Israelites held on to a tenure system that left ownership with the clan to which several individual household units belonged. This practice stuck with Israel until the monarchy was instituted. During the period of the united monarchy (1200–922 BCE) it was clear that both Israelite and Canaanite land tenure customs were practised side by side (Westbrook 1991:23). This meant that Israelite tenure laws governed the rural communities, whereas in the cities the kings preferred to use the Canaanite's more individualistic tenure customs. By this they were able to appropriate land needed for public projects such as the temple, the millo, and the palaces. On the other hand it meant that the poor were robbed of vital landed assets (Dybdahl 1981:100-101; Matthews 1988:142-143). The move therefore from an egalitarian to a centralized system was not without its ideological roots and social consequences.

The original land tenure of ancient Israel was based on three overarching principles, namely, 1) Land belonged to Yahweh; 2) Land is given to the twelve tribes of Israel as a lasting inheritance; and 3) Land so given must never be sold or alienated on a permanent basis, so that every individual Israelite's means of livelihood would not be impaired (Wright 1989:57-58).

However, by the time of the first Temple period (922-586 BCE) the kings saw themselves more as Yahweh's vice regents than as ordinary citizens. In the matter of land ownership, some of them used the land to gratify their political and economic interests to the detriment of their subjects and contrary to well known conventions (Matthews 1988:134-35). Thus fulfilling Samuel's prophecy against a monarchical rule (1 Sam.8:14; 14:52).

Therefore, land in ancient Israel occupied a prominent place as an economic resource (Wright 1989:46). It was given to the twelve tribes by Yahweh who also prescribed how it should be shared among them (Nelson 1997:28, 198; Butler 1983:171ff). The principles of conquest, lot and donation governed the distribution of land among the tribes and their respective clans or *mishpahot* (Dt.32; Jos.13-19). In ancient Israel of the early period (1200-1000 BCE) the principle of inalienability of land was deeply ingrained into the land tenure practice, and the land was distributed on an egalitarian basis, with permanent land sale considered a forbidden matter.

We can then proceed to examine the views on women against the background of the impact land tenure practices could have had on such views.

5. Views on Women in Ancient Near East and Israel

Generally speaking, there are various views on women which stressed their property rights, and viewed from the perspective of the Zelophehad narratives as something of prime importance. In the case of the Zelophehad daughters, we are presented with a paradoxical situation in which a norm "which prohibits the inheritance of property by women and a norm which mandates the preservation of property within the lineage are in conflict and are resolved in these narratives" (Olson 1985:97). The resolution that a man's daughters could inherit his property in the event of there being no male heir was given the status of a "lasting ordinance" and was aptly observed even in the stressful days of the monarchy in Israel (Brueggeman 1977:10-11).

The world of the Old Testament (OT), which to all intents and purposes appeared to be a male-dominated society, was far from being anti-women (Wright 1989:198). Meyers (1988:78) expresses the view that women's roles in the OT were disguised under the male-dominated culture and male-skewed inheritance laws of ancient Israel. Bird (1992:951) looks closely at the cultural impact of patriarchy on women, and states that women played significant and essential roles according to records in ancient Israel. Women were some of the best known actors in Biblical story, though subordinated to men. In other words women were seen as fulfilling very significant roles in the social life of various communities, even though such roles have been assigned to them by their male counterparts.

In the *Bet ab* women sometimes became heads of the *bet abot* when the male head had abdicated that role through long absence or death, though such headship by women was considered an aberration, and was corrected as soon as a male heir could be found (Wright 1989:219). Outside the *bet abot*, women were engaged in productive endeavours as much as their male partners (Meyers 1997:18-19). They were also involved in nurturing the younger generation towards covenant loyalty.

Inheriting the land and Yahweh's guarantee of a lasting and fruitful inheritance (Brueggemann 1977:108) depended exclusively on how informed the younger generation

were in the words of Yahweh (Ashley 1993:ix). Besides instructing the children in their homes, women also had their share in the sacrificial meal (Dt.12:12; 14:26) eaten together with other members of the *bet abot* (Evans 2003:900).

Their involvement with the covenant meal was as important as their commitment to the instructional development of their children. In both ways women served as reminders to the younger generation of the tenets of the Covenant which Yahweh had established with Israel. The responsibility which this entailed for women was of an enormous magnitude within the faith community (Bird 1992:951).

With this background in mind, let us then examine the views on land in Nigeria, before highlighting the challenge posed to her overtly patriarchal values by the example of the positive image of women in ancient Israel exemplified by the special inheritance granted to the Zelophehad daughters.

6. Inheritance Rights of Women in Parts of South-east Nigeria and the Niger Delta

African inheritance laws, like inheritance laws in most of the ANE, were not explicit in matters such as inheritance rights of women. Nevertheless, certain laws which protected the rights of women in the countries of the Bible had parallels in African cultures (Ukpong 2001:11-28). In fact there exists such an undeniable parallel between African cultures and lifestyle and the “customs and manners” of ancient Israel (Matthews 1988:24-25), that many are tempted to think of culture in an African context as resonating more with ANE cultures than with culture as it is understood in post-modern Western societies (Bosman 2002:360).

The similarity between ancient Israel and other cultures with respect to land tenure systems has also been underscored (Boecker 1976:17). In several ways the similarities are even more true of local African land holding practices (Moiserale 2001:394). For instance, it recognizes the Deity as primary owner of land, and the kinship group as the main custodians of land on behalf of past, present and future generations (Ayandele 1966:69; Yakubu 1985:6-8). Another similarity lies in the observance of land laws intended to preserve the land so as to make it fruitful (Moiserale 2001:395).

As in ancient Israel the basic land holding unit was the *mishpahah*, so in most of sub-Saharan Africa the *kindred* represent the basic land holding unit (Meek 1957:186). Although individuals are associated with the sharing in the land for both domestic and agricultural purposes, such individuals must be married and raising a family to be considered eligible for a share in the land (Dybdahl 1981:36). Moreover, no individual, not even a unit of the *kindred* has the right to alienate any land permanently apportioned to them as such an apportioning is only temporary and depends on his membership of the *kin-group* (Ayandele 1966:69).

6.1 Land Use Decree 1978 and the Rising Status of Women

The land tenure situation in Nigeria has gradually been changing for the better in the last three decades. In order to facilitate economic and social development, the Federal Military Government in 1978 under General Olusegun Obasanjo (who incidentally is the 3rd Republican Civilian Democratic President of Nigeria today) promulgated a decree tagged “Land Use Decree” which vested the title to all lands in Nigeria’s city and urban areas in the hands of State Governors, rather than in local chiefs or kinship groups.

The law also defined some hitherto traditional communities and elevated them to “urban” status by Law, bringing such areas under the Government’s radical land laws, and

facilitating both individual and corporate land acquisitions in such areas for social, agricultural, industrial, and economic development purposes generally.

The “decree” empowers corporate bodies and individuals to acquire land for developmental purposes in any part of the country, and the authority to make such land grants has been vested in State governors, no longer the traditional kinship groups, which of course still hold such rights in the non-urban areas (Yakubu 1985:74-75, 257). This decree has greatly enhanced the economic and social status of women as they can now own land of their own in any part of Nigeria provided the guidelines for land acquisition under the land use decree is followed.

6.2 Land Use Tradition and the Rising Status of Women

There are two ways in which the inheritance rights of women is fostered traditionally, namely through marriage and the Levirate, and by direct purchase. We shall consider each of this briefly before drawing our conclusions.

Firstly, land as we have seen is more treated as belonging to the lineage or kin-group, and in some cases to the extended family unit. Individual rights over land and its use are co-terminous with the membership of the group. No male is considered eligible to a share in the land until he is married to a woman. In this way both male and female are granted equal rights to the land, with inheritance passing through the male line.

Moreover, marriage is patrilineal and it is the female who moves to the man’s home and stays with him on his inheritance. Since female members marry away from their ancestral home, they are not given land as inheritance, but are given dowries which compensate for the land they do not receive (Nwabueze 1972:170-71).

Moreover, to ensure that land remains within the kinship group, a woman is introduced into the Levirate marriage in a manner similar to that used in biblical countries. An example would be a case where a woman had lost her husband. One of her late husband’s brothers or cousins may re-marry her.

If she remarried outside of her late husband’s kin-group she automatically loses any land rights which she formerly enjoyed within his group. Meek observes that land inherited by women through Levirate marriage can sometimes include land acquired by her parents, and that she simply holds it in pledge, so that on her death it passes on to her children, or to her husband should the children still be minors.

Meek’s observation does not necessarily reflect land inheritance practice in all parts of Africa. In Nigeria, for example, it is rare for individual nuclear families to own land except, as we have seen, within the context of the kinship group of which they are only a part. This was even more true of pre-colonial Nigeria, which is the focus of Meek’s ethnological studies. She is right, however, in underscoring the general subordination of women on the continent, especially as it is reflected in the area of land inheritance.

Secondly, like all other women in Nigeria, women in South-east Nigeria are theoretically given the right to own land under the general provisions of the Land Use Decree of 1978. The decree has enhanced women’s ability to own land, as they can now purchase and retain land in the cities and urban areas of Nigeria. Land so purchased becomes her property and at death is passed on to her sons, or male relatives if she acquired the land before entering into marriage.

As Yakubu (1985:186) observed this practice is not new. It has however received an added impetus as a result of socio-political changes in the country. The decree does not also alter the traditional patrilineal inheritance. On the other hand it is not explicit on the inclusion of females in the inheritance line. Females are still defined as daughters of their fathers

or as wives of their husbands. This will become clearer as we look at a specific context below.

7. Inheritance Rights of Women in South-east Nigeria and Niger Delta

Let us start with the Igbo who occupy predominantly the South Eastern section of Nigeria before looking at the Niger Delta which is situated geographically as a cross-road between the Igbo in the South-east and the Yoruba in the South-west of Nigeria. There are indications that in traditional Igbo societies women were never marginalized. Instead they had access to property and enjoyed equal rights with their husbands in using ancestral land once they had been brought into the family through marriage (Nwabueze 1972:170-71; Uchem 2001:42).

At present the Igbo society is pervaded with a culture of subordination which has also robbed women of inheritance rights, and hedged them in with prohibitions (taboos) by which men's pre-eminence and women's subordination were and are still enforced and perpetuated. This invariably has resulted from a conflict of paradigms in the cultural contact of the Igbo with Western and Christian ideas of male headship of the home (Uchem 2001:142).

With respect to women in the Niger Delta, they are theoretically given the right to own land, but hardly any example. Even when they do own land, it has to be in partnership with their husbands or male relatives. This custom has been carried over into the general provisions of the Land Use Decree of 1978. Thus women cannot own property on their own.

In Nigerian culture whether Igbo or Niger Delta, patrilocal marriage is the vogue. This means that a woman on getting married moves into a home provided by her husband, usually in his own home or one provided among his kinsmen. Whatever land or property acquisition she makes subsequently is considered as something she jointly owns with her husband. If she acquires property prior to getting married, it is considered as something owned along with her male relatives.

Since land cannot be transferred, land is not included in the dowries which fathers and relatives provide for their daughters when they get married. The end result is that a strongly patrilineal and patrilocal culture such as the ones under review exercises subtle control over women's quest for a personal inheritance of their own.

With the promulgation of the Land Use Decree in 1978, the situation has however been changing for the better, as some women are known to have taken advantage of the decree by buying their own land either for purposes of building a house or for setting up a business. There is still the nagging problem of not being able to do so without a male counterpart as a guarantor. Moreover, patrilineal inheritance rights are restored when a female landowner dies and her sons or brothers lay claim to her estate as primary claimants.

8. Conclusion

There are three ways in which the Zelophehad narrative (Num.27:1-11) has helped us to assess the Nigerian understanding of female inheritance.

Firstly, in spite of the bias towards patriarchy and patrilineality in ancient Israel as in contemporary Nigeria, we have in our pericope an example of women who were brought into the inheritance line due to the unavoidable absence of a male child to receive the inheritance. The general tendency in the ANE points at land inheritance by males only, and in the exceptional cases where land was given to women, such women were not allowed to marry outside of their father's kindred. In other words, under exceptional circumstances a man's daughters became heir to his patrimony provided she married within the kindred.

This stands in a sharp contrast to Nigeria's overtly exogamous marriages and male-skewed inheritance patterns of the post 1978 era.

Secondly, the narrative of the daughters of Zelophehad, when examined against the background of the land grant narratives in the Old Testament, revealed that there indeed were religious and theological structures which guaranteed the security and integrity of tribal inheritances (Wright 1989:90-91). Those structures ensured that the inheritance rights of women who, for one reason or the other did not have the direct economic support of their male relatives, were guaranteed (Bird 1992:952). Religious structures, which included the Levirate, Sabbatical year and Jubilee laws, have enabled the faith community – and especially women – to fit into a land tenure practice which was essentially male focused (Dybdahl 1981:86).

When applied to the Nigerian experience, it is fortunate to find that the Levirate for instance is practiced in both South-east Nigeria and the Niger Delta as well as among the Yorubas, Tiv and Ebirra peoples of West and North Nigeria (Meek 1957:186; Ayandele 1966:69). The important place occupied by women in matters of land inheritance can further be appreciated when cultural institutions such as the Levirate are evaluated. Whether in the ANE, Israel or Nigeria the intention is the same – namely the protection of the family name and patrimony through special inheritance concessions granted to women along with their male counterparts (Ashley 1993:544; Boecker 1976:120-21).

It is in that sense that the land grant covered in our pericope can be described as supplementary, because women who received such inheritances were later to pass them on to their male descendants or relatives as the case may be, thereby restoring the normal pattern of patrilineal inheritance (Ashley 1993:541; Nelson 1997:9).

Thirdly, socially and religiously, no stigma has been attached to any woman inheriting land in Nigeria (Nwaoru 2002:55-60). Instead, there is as we have seen a legislation known as the Land Use Decree intended for both men and women who aspire to acquire land for both residential, industrial and agricultural purposes to do so (Yakubu 1985:257). The underlying assumption however is that women who inherit or acquire land do so as partners either with their husbands or with the support of their male counterparts. In Nigerian society neither men or women are considered respectable and credit worthy without the other (Amadi 1982:48)

Therefore, the inheritance rights of women are considered a veritable part of their family life, not as single entities but as partners with their husbands or male counterparts.

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