WIDOWHOOD RITES: A THREAT TO THE ACTUALISATION OF WOMEN'S RIGHTS IN NIGERIA

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Abstract

A widowhood rite is a traditional practice in several Nigerian communities today but with a few observed nuances. As one of those rites that is characterised by compulsion, threat, emotional, sexual and physical violation of victims, the practice appears to be in outright defiance to fundamental human rights of women as enshrined in the Constitution of the Federal Republic of Nigeria, the United Nations treaty and other legal instruments of international emphasisings to which Nigeria is a signatory. This article examined the features of widowhood traditional practice as operational in the south eastern, south western, south southern, and Northern Nigeria; and by so doing brought out salient components that undermine full expression of women's rights under the practices of widowhood. The Deviant place theory as well as the Routine activity theory were deployed as a framework. The study found out that poverty on the part of men and women, ignorance, illiteracy, culture, greed on some men's part and low status of women are some of the mostly reckoned enablers of widowhood rite practice. Based on these findings, the study recommends that government should initiate or at least support significantly researches on widowhood practices in the country. Other recommendations include, creation of intense

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awareness campaign, activation of vicarious liability, women empowerment particularly at the local level, exploration of educational curriculum channel and government sponsorship as relevant measures to ending the widowhood rites practice in the study area.

KEYWORDS: Widow, Widowhood Rites, Women's Right, Victims, Deviant Place

Introduction

Widowhood rite is one of most prevalent inimical traditional practices that affect the female folk in Asia and Africa. Attempting a definition of this misogynistic rites, Nwogu quoting Afolaya who she argued was citing Anugwom study, contended that widowhood rites are immoral traditional practices which include mourning rituals and food taboo. These practices exert negative consequences on widows and inevitably expose them to economic hardship, confinement and ill treatment.[486] From the perspective of Mezieobi and his colleagues (2011), as cited by Adedeji, Onyiohu, Kayode, and Wuraola, widowhood rites are sets of expectations as to actions and behaviour of the widow, actions of others towards the widow, and rituals performed by, or on behalf of the widow, from the time of the death of her husband.[487] Finally, widowhood rites may refer to the rituals and

[486] M. I. O. Nwogu, 'The legal anatomy of cultural widowhood practices in south eastern Nigeria: The need for a panacea.' Global Journal of Politics and Law Research. [2015]. (3) (1) 80.

[487] A. S. Adedeji, L. M. Onyiohu,; O. S. Kayode, & A. O. Wuraola, 'Practice and correlates of widowhood rites in a city in North Central Nigeria. Texila International Journal of Public Health [2019] (7) (3) 1

customs that are performed for a woman when her husband dies.[488]

This custom is operational in some tribes in India, Bangladesh, South Africa, Cameroon, Ghana, Malawi, Mozambique, Kenya, and Nigeria.[489] The practices which affect only women whose husbands have recently died has a few nuances that gives some uniqueness to it across these practicing societies. The rite is characterised by a period of seclusion sometimes in a dark room, stripping, compulsory wailing and food taboos, sexual violation, regimentation, and the like [490]depending on the community involved. In Limpopo area of South Africa for instance, custom demands that the widow remain in her husband's home even after his demise irrespective of her desires. Hence, she is bound to remain married to a family member of the late husband, making widow inheritance an aspect of widowhood. In Isiokpo, a community in River State, south-south, Nigeria, it is observed that widows are forced to drink the water in which their late husbands' corpses were washed.[491] In Balengou community of Cameroon, the widow is kept away from any sexual relations with whoever for one full calendar year as a test of her fidelity to her late husband. Among the Ogu people of Lagos state, Nigeria, it is mandatory that the "*Oshosi*" (a derogatory name for widows)

[488] C. Merton, (2016). Widowhood rites in Ghana. Social Studies (Online 17, March 2022) https://www.virtuakollage.com/2016/08/widowhood-rites-in-ghana.html?m=1
[489] G.I.K. Tasie, 'African widowhood rites: A bane or boom for African women', International Journal of Humanities and Social Science (3)(1) 158
[490] N.V. Pemunta & M. F. Alubafi, 'The social context of widowhood rites and women's human rights in Cameroon' Cogent Social Sciences [2016], (2) (1234671) 11
[491] Grace Reuben-Etuk, Violence Against Women. (Lamert Academic Publishing, 2019)

are forced to shave off their hair and to stay indoors for 40 days.[492]

Generally, the rationales behind this practice as claimed by the practicing communities have some benefits for the widows and their children. Some of these include building courage in the widow to face life, and rituals 'to separate the widow from the ghost of the late husband' to facilitate the widow's reintegration into the community, and exoneration of the widow from suspicion and accusation of killing her husband.[493]

In spite of the innocuous reasons offered by protagonists of widowhood rites, some scholars have argued that these practices inflict physical, emotional, educational, social, economic and spiritual harm on victims and as such negate their fundamental human rights. These rights include their rights to liberty, and rights to respect and dignity of human person. Widowhood rites, also have the tendency of disenfranchising victims particularly if the seclusion process takes place during electioneering season. In addition, they threaten the rights to life, particularly when it involves drinking the poisonous waste water collected after bathing the corpse of the late husband, and or incisions of any form and sexual violations. The other human rights violations involved are rights to privacy and family life of widows as enshrined in the Constitution of Nigeria as well as other legal

[492] M. I. O. Nwogu, 'The Legal Anatomy of Cultural Widowhood Practices in South Eastern Nigeria: The Need for a Panacea.' Global Journal of Politics and Law Research [2015] (3) (1) 84

[493] W. C. Adeyemo, 'Widowhood and Its Harmful Practices: Causes, Effects and the Possible Way out for Widows and Women Folk'. World Journal of Educational Research [2016] 3(2).383-385

documents and Conventions, which Nigeria has either signed or domesticated.

Poverty, dogmatic theosophical beliefs, illiteracy/ignorance, patriarchy, and culture are a few factors pundits have indicted as being responsible for this inhumane traditional practice.[494] The implication of this is that so long as these factors continue to permeate society, widowhood practice might remain indomitable. It is against this backdrop that this paper shall be examining widowhood rites as they contravene women's rights across Nigerian communities with the aim of proffering workable solutions to it.

Problem of the Study

The continuous violation of women's rights through widowhood rites in Nigerian society portends social anomie, a situation where people go about doing what they feel like without restraint and or any recourse to law. This situation where women are kept in seclusion, sexually violated, economically exploited and barricaded, deprived of access to and enjoyment of their late husband's property (which sometimes may be jointly owned), manipulated into submitting to wife inheritance, gaslighted to drinking water in which the corpse of their late husband corpses were washed, in the very face of the law, is a very pathetic one, which needs urgent attention. These rites threaten women's right to personal liberty, right to life, right to private and family life, as well as right to own property. More troubling is the fact that despite the laws prohibiting these obnoxious practices, resolution

[494] Grace Reuben-Etuk, Violence Against Women. (Lamert Academic Publishing, 2019)

and advocacies seeking to obliterate the same, the problem appears to be gaining momentum in Nigerian societies. Although there have been a few research efforts in this area, the desired result is obviously still far from being achieved. Hence this paper seeks to reawaken public consciousness and remind the government, religious emphasisings, international emphasisings, traditional rulers and relevant agencies that this 'monster' is still biting hard and should not be forgotten as though already defeated.

Literature and Theory

Widowhood rites in the light of *rites de passage*

Widowhood rites, like every other *rites de passage,* has three stages, namely: Separation, transition and incorporation stage. Citing Arnold Van Gennep, who is the acclaimed originator of the concept of *rites de passage,* Charles acknowledged that in the separation stage, the person involved in the status change is taken away from the transitional setting of close relatives, friends and associates to a neutral venue. This stage is symbolic of death as it is associated with the experience of grief and shocks of missing. During the transition stage, which Charles also referred to as the stage of liminality (a stage of in-between), frustration, and anxiety are experienced, as well as uncertainty.[495] In the third stage, which is that of aggregation or incorporation, the individual involved is reintegrated into the society to meet again with loved ones and relatives. How each of these stages is practiced in Nigeria are reviewed in the following paragraphs.

[495] Joseph Okokon Charles, Ethnography of African Societies: Sub-Saharan Region (University of Calabar Press 2014)

The separation stage of widowhood rites: In Nigeria, the separation stage begins as soon as the husband of the widow dies. It is a stage beyond the control of the victim, which happens suddenly and characterised by shock as well as grief and a real experience of death as opposed to just its symbolic meaning. This stage is universal in all societies where widowhood practice is upheld.

The transition stage: This second stage is characterised by seclusion, defacement, ritual cleansing, ostracism, regimentation, loss of custody of children, disinheritance and the likes and a number of culture-specific rituals. Among the Igbos, Reuben-Etuk observed that the widowed woman has to wear black clothes, black earrings and necklace, and probably black shoes from the time of the husband's death till about two to three months after his burial. In some instances, the widow may be required to shave off her hair, stay in confinement and weep aloud from midnight till daylight for a stipulated period of time. Reuben-Etuk argued further that in the case where the woman is suspected to have directly or indirectly facilitated her husband's death, she will be subjected to an oath taking ritual which could be manipulated against her and other series of trail by ordeal climaxing in her drinking the water in which the husband's corpse was washed. In the Igbo's as well as the middle belt's theosophy, a woman who is guilty would fall sick and die shortly after this ritual but the innocent one will live. Suspicion with some form of evidence often led to verbal abuse, and solitary

confinement in odd places with the corpse of the late husband for a period of time. [496]

Another Author adds that the widow is expected to scratch her body with a stick from time to time throughout the mourning period.[497] While Arinze-Umobi and Anyogu as quoted by Nwogu observed that in some parts of Igbo land, the widow is forced to have sexual intercourse with the high priest of a deity to separate herself from the spirit of the dead husband and as a mark of purification.[498]

Among the south-south people of Nigeria, Reuben-Etuk found the practices similar to the Igbos', but as a unique feature, they force the widows to seat bare waist-upwards on the corpse of her husband for a period of sixty days or more in confinement except when she needs to ease herself or take a bath.[499]

According to Akanni, among contemporary Yoruba Muslims, women stay in *Iddah* (waiting/confinement) from eight days to four months and 10 days depending on the relationship between the wife and the late husband, depth of faith, and economic prowess.[500] Irrespective of the days spent in *Iddah* however, the widow is expected to sacrifice a goat to mark her official exit

[496] Grace Reuben-Etuk, Violence Against Women. (Lamert Academic Publishing, 2019)
[497] A. A. Akanni, 'Widowhood Practice among Contemporary Yoruba Muslims of South-West Nigeria. KIU Journal of Humanities [2020] (5)(1)146
[498] M. I. O. Nwogu, 'The Legal Anatomy of Cultural Widowhood Practices in South Eastern Nigeria: The Need for a Panacea.' Global Journal of Politics and Law Research [2015] (3) (1) 81
[499] Grace Reuben-Etuk, Violence Against Women. (Lamert Academic Publishing, 2019)
[500] A. A. Akanni, 'Widowhood Practice among Contemporary Yoruba Muslims of South-West Nigeria. KIU Journal of Humanities [2020] (5)(1)146

from the *Iddah*. On the eve of her exit, she with the assistance of friends and relatives is mandated to keep a vigil in honour of her late husband. To secure her future endeavours as well as to finally severe her connection with her late husband, all clothes used by the widow in *Iddah* is either set ablaze or given to charity.[501]

Genyi & George-Genyi citing Emery's work noted that Muslim widows in Kano undergo a 4-month mourning period and observe reasonable number of days in seclusion. In Plateau and Bauchi States, Muslim widows observe 40 days of mourning and 30 days of seclusion which run concurrently.[502] Reuben-Etuk added that the Muslim widows in the north are required to weep aloud every mid-night while in confinement. This is followed by an elaborate ceremony and entertainment of guests by the widow. The Christian widows in the north, are required to shave their hair and stay in confinement for 16 to 17 weeks, while the African traditional religionists are shaved, get their head tied with a black scarf, kept in seclusion for 7 days and each provides a goat for sacrifice in honour of her late husband.[503]

Among the middle-belt, widowhood rites equally involve various mistreatment, compulsory mourning period, and denial of access to basic life necessities. Here, reintegration is only possible if the

[501] A. A. Akanni, 'Widowhood Practice among Contemporary Yoruba Muslims of South-West Nigeria. KIU Journal of Humanities [2020] (5)(1)146
[502] G. A. Genyi; & M. E. George-Genyi, 'Widowhood and Nigerian Womanhood: Another Context of Gendered Poverty in Nigeria'. Research on Humanities and Social Sciences [2013] (3) (7) 69 & 70
[503] Grace Reuben-Etuk, Violence Against Women. (Lamert Academic Publishing, 2019)

widow successfully sponsors some expensive traditionally stipulated ceremonies and banqueting for guests.[504]

Incorporation stage: This is the third and end stage or goal for every widow who has gone through the customarily prescribed rituals. At this stage, the widow is reintegrated into the community and her interaction with other members of the community, in safety and confidence and without discriminations This, according to Manala, is based on the belief that the woman has been cleansed of all the bad omen that the death of her husband brought upon her.[505] At this point, the woman feel loved again as she now interacts freely with loved ones again apart from her late husband.

Enablers of Widowhood Rites in Nigeria

Culture: Culture can be a very rigid determinant of people's lifestyle even in the face of modernisation, civilisation and Christianity, particularly for those who refuse to understand that culture was made for man and not necessarily man for culture. Charles, for instance, while establishing how strong culture could be argued how the trio of *Imaan*, *Ayeyin* and *Ukod* are still very effective agents of crime control among the Ibibio today irrespective of the wind of civilisation and Christianity.[506] The only reason some practitioners including the victims will and

[504] W. C. Adeyemo, 'Widowhood and Its Harmful Practices: Causes, Effects and the Possible Way out for Widows and Women Folk'. World Journal of Educational Research [2016] 3(2).383

[505] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Teologiese Studies/ Theological Studies [2015] (71)(3)5

[506] Joseph Okokon Charles, Ethnography of African Societies: Sub-Saharan Region (University of Calabar Press 2014)

indeed give in to upholding widowhood rites in the absence of any logical argument is: "This is tradition and must be followed".

Fear of spiritual attacks: Some aspects of African-based tradition including widowhood rites are perceived to be deeply entrenched in diabolism and full of repercussions for anyone who tries to resist its free course. Akanni contends that "no one wants to dare the consequences of missing out on any aspect of this rituals". [507] In this regard, some law enforcement agents avoid interfering in those practices for fear of any form of reprisal attacks from spirits. To this end, the practice continues to thrive irrespective of clamours, resolutions and advocacies to see to the eradication of it.

Poverty: Poverty is obviously very pronounced in Nigeria, much more prevalent in its rural areas with little or no hope for any remedy in the nearest future. Emphasising rural poverty, Ishaku and Adeniran aver that individuals who reside in the rural areas are 65% more likely to be poor than their urban counterparts.[508] The poor are unable to meet their lives' basic needs independently, so they see widowhood rites as an opportunity to feed and acquire some property, including the wife that the late man left behind, particularly when it involves their relatives'.

On the part of the victims, poverty makes them subservient and sheepish such that they cannot even resist some of the practices. Some who want to resist the practice find it difficult to procure

[507] A. A. Akanni, 'Widowhood Practice among Contemporary Yoruba Muslims of South-West Nigeria. KIU Journal of Humanities [2020] (5)(1)146

[508] J. Ishaku, & A. Adeniran, 'Some thoughts on new poverty number in Nigeria'. Centre for the Study of the Economies of Africa. [2021] 2

the services of a lawyer, so they just manage to go through the process.

Greed/Primitive acquisitive tendencies: Greed, which refers to the intense and selfish crave for wealth, is a challenge that both the poor and the rich could suffer from. Manala noted that materialism is behind the forced widow/wife inheritance because the in-laws see it as an opportunity to keep their late son's wealth within the family.[509] Manala cited Nkhwashu's empirical evidence in South Africa, where a particular widow received attractive compensation from the employer of her late husband, and even when the husband did not die intestate, her brothers-in-law swore that she would not be allowed to take their brother's million to another man but must marry one of them. When this ploy failed because the widow engaged the services of a lawyer, the in-laws deployed another unsuccessful trick where they claimed their late brother had two additional children who should share in the property.[510]

Women's low status: It is common knowledge that women in Nigeria are considered secondary citizens who should only be seen but not heard. This perception creates a restrictive environment around gender stereotyping which according to Tasie, restrains them from openly criticising the dominant

[509] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Teologiese Studies/ Theological Studies [2015] (71)(3)2

[510] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Theologies Studies/ Theological Studies [2015] (71) (3)2

customs in their culture.[511] In this regard, widowhood rites continue to thrive even when its harmful effects are incontrovertibly visible and known.

Ignorance and illiteracy: Ignorance is largely a function of illiteracy, which more women suffer than men in Nigerian society because education according to Godwin, has been porous towards them.[512] A large number of women do not know what is called human rights, nor the existence of laws prohibiting the practice of widowhood rites and many of those that know do not know how to go about securing cover from the law or protecting their inalienable rights. To this end, a host of them particularly in the rural communities continue to kowtow to these rites thereby allowing for its perpetuation.

Inverted fairness: Inverted fairness here means administering something harmful or negative equitably without discrimination nor favour. In this regard, some older widows who have gone through the process sometimes may feel cheated if the practice is stopped. Hence, they sometimes insist that the practice continues so everyone from the community whose husband dies can have a fair share. This for them, is a way of venting or cushioning the pains they went through during their time of grief.

Rationale for Widowhood Rites

The rationale for the practice and sustenance of widowhood rites in practicing communities are mostly entirely shrouded in myths

[511] G.I.K. Tasie, 'African widowhood rites: A bane or boom for African women', International Journal of Humanities and Social Science (3)(1) 160

[512] I. Godwin, 'The need for participation of women in local governance: A Nigerian discourse' International Journal of Educational Administration and Policy Studies [2013] (5) (4) 64

which are passed down from one generation to another. Scholars have identified some of these which are discussed under this theme. They include, declaration of innocence or guilt of murder, proof of love or honour for one's late husband, severance of the living widow and her children from the late husband, preparation of the widow for an independent life, and removal of bad luck to allow for proper societal reintegration.

Declaration of Innocence or Guilt on the Accusation of Killing One's Husband: As already established above, most Nigerian communities and their African counterparts' subject a widow to a number of trials by ordeal to prove her innocence of the cause of her husband's death. To this end, protagonists believe that the rites are necessary to publicly declare to the entire community that the widow is either innocent or guilty of the death of the husband. But if she is not innocent and suffers the consequences of the trial by ordeal, what has befallen the guilty woman will deter other women from having a part in their husband's death.[513]

Respect for One's Late Husband: Protagonists believe that widowhood rites are considered as means of paying the late husband the last respect due him from the wife. In this wise, Kotze, Lishje, and Rajuili-Masilo, noted that in many African

[513] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Teologiese Studies/ Theological Studies [2015] (71)(3)3

traditions compliance with the rites is a sign that the widow is grieving properly and that she respects her late husband.[514]

Severance of the Dead from the Living: According to Tasie, the belief is that immediately after death, the husband's ghost lingers around the homestead to haunt the survivors and to continue performing his roles to his surviving relatives. In this context, widowhood rites are carried out to officially bring the marriage to an end, thereby severing the ties between a dead husband and surviving wife and facilitating the entry of the late man into the world of the dead.[515]

Preparation of the Widow for an Independent Life: Tasie observed that some aspects of the rites seek to endow the living wife with the boldness necessary to cope with the death of her husband and to build self-reliance, which has been occasioned by the demise of the bread winner of her family. Merton added that some of the rituals are performed to remind the living widows that there are difficulties ahead as they will be without the companionship they had been used to and the fact that they have become the fathers and breadwinners of the family because the men who were the breadwinners were now gone.[516]

Removal of Bad Luck: Manala cited Makatiu, Wegner and Ruane who argued that the belief that death comes with

[514] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Teologiese Studies/ Theological Studies [2015] (71)(3)2

[515] G.I.K. Tasie, 'African widowhood rites: A bane or boom for African women', International Journal of Humanities and Social Science (3)(1) 160

[516] C. Merton, (2016). Widowhood rites in Ghana. Social Studies (Online retrieved 17, March 2022) from https://www.virtuakollage.com/2016/08/widowhood-rites-in-ghana.html?m=1

negativities to those alive, necessitated widowhood rituals. The rituals are therefore occasioned for their perceived curative value that assists the griever in forging ahead with life. It is also believed that these mourning rites eliminate misfortune that is believed to hover around widows for which they are usually discriminated against and feared. Rites like sexual intercourse with the high priest as practiced among the Igbos are meant to cleanse the widow of perceived defilement related to the death of her late husband, to neutralise and/or counter the effects of danger embedded in widowhood.[517]

Specific Impact of Widowhood Rites on Nigerian Women's Rights.

Widowhood rites arguably directly or indirectly impinge on its victim's rights to life, right to dignity of human persons, right to personal liberty as well as right to personal and family life as enshrined in section 33 to Section 35 of the 1999 Constitution of the Federal Republic of Nigeria with amendment through 2011 as well as section 40.[518] This section shall specifically discuss how each of these mentioned rights are trampled upon by widowhood practice.

Widowhood Rites and the Women's Right to Life

There are several aspects of widowhood rites that threaten and have indeed led to the termination of the life of several widows. For instance, the aspect that gaslights or sometimes outrightly coerce widows to drink the water with which the corpses of the

[517] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Teologiese Studies/ Theological Studies [2015] (71) (3)3

[518] Constitution of the federal republic of Nigeria 1999 as amended through 2011

late husbands were washed, manipulated oaths administration, sexual violation, mandatory wailing aloud for long hours, and separation from people for length of days have anti-life implications. The water in which a corpse is washed is obviously not potable for human beings because they are filled with deadly microorganisms which may cause various kinds of infirmities. According to the World Health Organisation (WHO) these health challenges have been responsible for 485,000 diarrhoea associated deaths and other deadly diseases like cholera, dysentery, typhoid and polio. Contaminated water serves as habitat for some parasitic worms responsible for schistosomiasis – an acute and chronic disease. In addition, insects that carry and transmit diseases such as dengue fever find contaminated water a safe haven.[519]

Social Isolation, another prominent component of widowhood rites, can be responsible for insomnia. According to Tulane University School of Public Health and Tropical Medicine, social isolation reduces immune system and loneliness is connected to poor cardiovascular health and cognitive function (particularly 40% risk of dementia) as well as high risk for coronary heart disease and stroke.[520] The act of regimenting and the manipulative oath the widow is made to swear most times also leads to her untimely death not necessarily because she was guilty but because some persons manipulated the oath against her.

[519] World Health Organisation 'Drinking-water' World Health Organisation (21 March 2022) https://www.who.int/news-room/fact-sheets/detail/drinking-water
[520] Tulane University School of Public Health and Tropical Medicine 'Understanding the effects of social isolation on mental health.' Tulane University (Online, 8 December 2020) https://publichealth.tulane.edu/blog/effects-of-social-isolation-on-mental-health/

Futhermore, forced sex in the name of purification may predispose the widow to contracting sexually transmitted infections such as HIV/AIDS and hepatitis B, while the compulsory loud wailing may result in headache, depression and other health complications which eventually may lead to her death.[521] These are a clear contradiction to sections 33 (1) of the Nigerian Constitution, which states that "every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been guilty in Nigeria".[522]

Widowhood Rites and Women's Right to Dignity of Human Persons

Manala citing Idialu emphasised that treatment of widows in Africa is inhuman and as such widowhood rites are geared towards dehumanising the victims.[523] In the observation of Ambasa-Shisanya cited in Manala, a widow who is sexually molested by professional cleansers, including sexual perverts, insane and alcohol abusers and forced to sleep in an unconducive environment, is obviously not treated with dignity but indignity. The emotional torture is a direct defiance of section 34 (1) of the Constitution, which unequivocally states that "every individual is entitled to respect for the dignity of his person and accordingly: no person shall be subjected to torture or to inhuman or degrading

[521] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Teologiese Studies/ Theological Studies [2015] (71) (3)7
[522] Constitution of the federal republic of Nigeria 1999 as amended through 2011
[523] M. Manala, 'African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity'. HTS Teologiese Studies/ Theological Studies [2015] (71)(3)6

treatment;"[524] while to make a woman cook and feed some persons at the end of her confinement is tantamount to forced or compulsory labour from which she is constitutionally protected. To this effect, Sec 34 (1) (d) of the Constitution states that "no person shall be required to perform forced or compulsory labour".[525] This provision is supposed to includes all women in Nigeria. But sadly, those subjected to harmful widowhood rites are denied from the benefits of these clauses.

Widowhood Rites and Women's Right to Personal Liberty, Privacy, Political Rights and Association

According to Section 35 (1) of the Nigerian Constitution, every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in some specified lawful conditions.[526] The specific lawful situations under which a person can be denied personal liberty as outlined by the constitution does not at all accommodate any such traditional practice as widowhood rites. This follows that widowhood rites are an affront to Nigerian Constitution and a mechanism through which widows are alienated from their rights. Furthermore, the widows under seclusion in some communities may be politically disenfranchised if the traditional rites of her late husband are slated for election season. Again, during the period of seclusion, section 37 which states that "the privacy of citizens, their homes, correspondence, right to telephone conversations and telegraphic communications are private and guaranteed and protected,"[527] seemed to be illegally suspended for the widow. The reason being

[524] Constitution of the Federal Republic of Nigeria 1999 as amended through 2011
[525] Constitution of the Federal Republic of Nigeria 1999 as amended through 2011
[526] Constitution of the Federal Republic of Nigeria 1999 as amended through 2011
[527] Constitution of the federal republic of Nigeria 1999 as amended through 2011

that during the time of her seclusion, the widow is seriously monitored and regulated. In this context, she is also denied her right to peaceful assembly and association as stipulated in section 40 of the 1999 Constitution as amended through 2011.[528]

Theoretical Consideration

Deviant Place Theory

Deviant Place theory was developed by Stark, a Professor of Sociology and Comparative religion in 1987. The theory holds that victims do not encourage crime but are victim prone because they reside in socially disorganised, high-crime areas where they have the greatest risk of coming into contact with criminal offenders, irrespective of their own behaviour or lifestyle.[529] According to Siegel, who contributed to the theory, the more often victims visit dangerous places, the more likely they will be exposed to crime and violence. Neighbourhood adherence level, then, may be more pivotal for determining the chances of victimisation than the widow's characteristics. Consequently, there may be little reason for residents in lower-class areas to alter their lifestyle or take safety precautions because personal behaviour choices do not influence the likelihood of victimisation.

The theory is criticised for its inability to explain why some who live in deviant places are speared from victimisation. Nevertheless, the theory is considered relevant to this work in that it implies that for a widow to be victimised with widowhood practice, the woman must be from or be married to someone from

[528] Constitution of the federal republic of Nigeria 1999 as amended through 2011
[529] R. Stark, A theory of the ecology of crime. Criminology [1987] (4)(25) 894

a place or community where such practice is upheld and the widow must have also visited that community for the burial rites. Those who are from or married men from the communities where these traditions are not practiced or where the practice is done in a humane manner will never be victims of the practice. However, to cater for some of the inadequacies of the deviant place theory, the Routine activity theory (RAT) shall now be deployed.

Routine Activity Theory

This theory was first articulated in a series of papers by Lawrence and Felson in 1979.[530] The theory holds that for predatory crime to take place, three factors must interplay concurrently, viz: the availability of suitable targets, the absence of capable guardian, and the presence of motivated offender. According to Tierney,[531] Felson added a fourth dimension to the three factors which is an intimate handler (someone close to and capable of restraining a motivated offender). The limitation of this theory is that it only explains predatory crime, but this weakness happens to be the strength of the theory here in that widowhood rites is generally predatory in nature. All identified factors that must be in place for crime to occur are obvious in the situation of widowhood victimisation.

First, availability of suitable target appears to be represented by the vulnerable widow who suffer victimisation from the traditional widowhood rites. The second necessary factor: absence of a capable guardian, is represented by the absence of law enforcement agent that is favourably predisposed to

[530] L. J. Siegel, Criminology 11th Ed (Wadsworth Cengage learning, 2012)
[531] Tierney, Criminology: Theory and Context 3rd Ed (Routledge, 2013)

defending women when their fundamental human rights are being threatened. The third condition, presence of a motivated offender, simply is represented by the practitioners of this tradition, who may be motivated by the rewards they seek to gain from perpetuating the practice and/or their culture. While the fourth factor later added by Felson which is the lack of an intimate handler,[532] here refers to the absence of members of the same community or family who see the traditional practice as evil, and thereby are willing and able to restrain the administrators of the practice. This becomes obvious because of adherence to culture for both the perpetrators and the victims. This theory was considered apt for this research and was therefore adopted alongside the Deviant Place theory earlier exposited.

Conclusion and Recommendations

There is no gainsaying that widowhood rites as practiced in Nigeria have stalled the actualisation of women's right in the parts of the country where they are upheld. The paper sought to identify the specific aspects of women's rights that widowhood rites defy. In this regard, the widowhood rites as a *rite de passage* was examined to appreciably unfold its component in a more analytic manner. The enablers of widowhood rites and rationale behind the practice as well as the specific women's rights as provided by the Constitution, such as the right to life, right to privacy, right to dignity of human persons, among others, that are being compromised by widowhood rites practices were expounded. The deviant place theory as well as the routine activity theory were both deployed to emphasise the rationale as

[532] Tierney, Criminology: Theory and Context 3rd Ed (Routledge, 2013)

well as the reasons for the persistence of the widowhood rites. On the basis of the scholarly arguments brought to bear in this paper, the following recommendations are suggested:

1. Government initiated or supported research: For the avoidance of doubt and speculations, the Nigerian government should sponsor nationwide research aimed at identifying the actual communities still involved in widowhood rites practices with a view to taking necessary steps to resolve the problem.

2. Intense awareness campaign: Inherent in every correct information is the power of emancipation that everyone who comes in contact with it could possess. Enlightenment campaign will help to enlighten women on the dangers associated with widowhood rites and will encourage them to seek legal assistance in situations where they are compelled to undergo harmful widowhood rites. These campaigns can be carried out by the Ministry of Women Affairs, Non-Governmental Emphasisings, Religious emphasisings, Community Development Groups (CDS) of the National Youth Service Corps (NYSC) as well as the National Orientation Agency (NOA), using Market squares in the affected areas, religious meeting centres, village squares, town halls, cultural festivals and Women emphasisings.

3. Activation of vicarious liability: Legal Responsibility should be put on local government chairmen, council members and traditional rulers for any violation of human rights on the account of widowhood rites administered within the circumference of their authority. This will help to increase the eyes watching to prevent the practice at least for the sake of personal legal exculpation

4. Women Empowerment particularly at the local level: The girl child and women should be empowered educationally, economically and spiritually. The duo of education and economic empowerment have the potential to aid women's ability to know and capability to secure legal assistance when their rights are being violated by any traditional practice whatsoever. The spiritual empowerment on the other hand, will help them to stand strong against any belief or spiritual forces that might be manipulated to hurt them when they refuse to submit to widowhood rites.

5. Exploration of the educational curriculum channel: Education has been a proven instrument of societal change and development. The ills of widowhood rites as well as other harmful traditional practices against women should be taught to all in schools beginning from primary to tertiary level. This could be incorporated into one of the compulsory general studies with the aim of orienting the society against the practice.

6. Government Sponsorship: Government should sponsor legal experts and lawyers with proven integrity maybe through the auspices of the Legal Aid Council of Nigeria to take up cases of women who are made to suffer any form of violence including widowhood rites particularly in rural areas; and wide publicity should be given on regular basis regarding such free services. The market squares as well as the religious meetings could be used as platforms for the dissemination of such information. Also, Barristers besides their stipulated salaries should be given additional allowances on the basis of the number of cases they are able to successfully follow through.