



The Ethico-Legal Question of Woman to Woman Marriage in Igbo land (A Case Study of Imo State, Nigeria).

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ABSTRACT: The purpose of this research is to examine woman to woman marriage relationships from the African perspective through interviews with women who marry other women ('female husbands') in Igbo land, using Imo State as a case study. The issue of marriage is significant in the Igbo-African cultural and traditional rites, as such the issue of woman-to-woman marriage in Imo State has become a point of social, legal, moral and cultural debate in recent years. Traditionally, marriage is a heterosexual union, that is deeply rooted in cultural, religious, and societal expectations. However, the rising occurrence of woman-to-woman marriages, particularly among certain segments of the population, has sparked a conversation about the evolving nature of relationships and marriage in the state. This phenomenon, while uncommon, is believed to occur for various reasons, including the desire to fulfill societal expectations of family formation, economic factors, or as a form of protest against traditional patriarchal structures. In some cases, these marriages are viewed as symbolic gestures rather than legally recognized unions. For instance, woman-to-woman marriages may emerge as a result of infertility, where one woman may marry another as a means to maintain family lineage or for financial reasons. However, the practice faces significant resistance from both traditional authorities and the legal system in Imo State, which tends to adhere to the norms established by both Nigerian and Igbo customs. The state's legal framework does not recognize woman-to-woman marriages, and those involved may face stigmatization or legal challenges. The question of woman-to-woman marriage in Imo State raises important concerns regarding human dignity, gender roles, the legal recognition of non-traditional unions, and the evolution of cultural norms. It calls for a critical examination of how the state's moral and legal system, community leaders, and activists can approach emerging social issues while balancing tradition, individual rights, and societal expectations. In conclusion, although woman to woman marriage in Imo State helps in preserving the family name, yet it remains a source of dehumanization, enabler of woman to woman violence as such poses a threat to woman development.

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INTRODUCTION

Woman to woman marriage is one of the indigenous and traditional marriages commonly practiced in many patriarchal communities across African. In the contemporary Nigerian society, this refers to a social and cultural phenomenon where a woman marries a fellow woman (as a wife) by paying bride price just as a man does in heterosexual marriage. Such woman is referred to as a female husband while the woman she marries is known as female wife.

However, the issue of woman-to-woman marriage, particularly in Imo State, Nigeria, has emerged as a topic of cultural, moral, social, and legal discourse. This practice is seen as a response to various social and economic pressures, such as infertility/childlessness, male absenteeism, economic hardship or the desire for companionship in a patriarchal society.

This practice of woman-to-woman marriage is an issue that is gaining increasing attention, particularly in the south eastern states like Imo. This practice is not widely recognized in formal legal systems, and it often exists within the confines of deeply rooted

cultural beliefs and norms. In other words, in some communities in Imo state, woman-to-woman marriages are not seen as acts of defiance against patriarchy but rather as pragmatic responses to specific social, economic, and personal circumstances.

Moreso, this practice raises significant questions about its place in modern legal frameworks, its potential effects on the family structure, and its consequences for gender relations. The issue of woman-to-woman marriages in Imo State intersects with broader concerns regarding women's rights, the role of tradition in contemporary society, and the complexities of marriage and family life in a modernizing African society. This research aims to explore these nuances and understand the underlying causes and consequences of woman-to-woman marriages in Imo State, shedding light on both the perceived benefits and the challenges these women face.

Although this phenomenon may not be widely accepted or formally recognized under Nigerian law, it is rooted in specific local customs and traditions. Imo State, like many other parts of Nigeria, is a melting pot of traditional practices and modern influences, and the growing prevalence of woman-to-woman marriages presents a complex interplay between cultural identity, societal norms, and evolving legal frameworks. This paper seeks to explore the practice of woman-to-woman marriage in Imo State, examining its origins, significance, and the challenges it presents to the contemporary society.

Based on the above analysis, the questions become: why should women marry other women and there are available possible modern alternatives? What challenges do women experience in woman to woman marriages? What is the implication of woman to woman marriage? These questions and many of its kind are the major concern of this work.

Statement of the Problem

Despite the growing incidence of woman-to-woman marriages in Imo State, there remains a lack of comprehensive research on the subject. This has led to a number of unresolved moral issues and legal challenges for the women involved in such unions. Some of the key problems include:

Legal and social recognition. One of the most pressing issues is the legal ambiguity surrounding these marriages. Since Nigerian law, which is heavily influenced by colonial legal systems and local customs, does not recognize marriages between women, individuals involved in woman-to-woman unions often face challenges in securing legal rights related to property, inheritance, and custody of children. This legal vacuum can leave women vulnerable to exploitation and disenfranchisement.

Cultural stigmatization and discrimination. Women engaged in woman-to-woman marriages often face marginalization and stigmatization from their communities, especially in rural areas where traditional beliefs about marriage and family are more entrenched. These women may be viewed as defying cultural norms, and as a result, they could experience social exclusion, gossip, and discrimination, which can negatively affect their mental health and social status.

Gender and economic factors. The practice of woman-to-woman marriage is often linked to broader gender and economic dynamics. In many cases, women enter such marriages due to infertility, financial instability, or the absence of male partners, thereby highlighting the intersection of economic pressure, gender inequality, and marital norms. Understanding these factors is crucial for addressing the root causes of woman-to-woman marriages and the broader implications for gender roles in Imo State.

Impact on Family Structure. Woman-to-woman marriages also have implications for family structures. The arrangement often leads to the redefinition of roles within the family, especially regarding childbearing, kinship relationships, and the upbringing of children. Additionally, the involvement of extended families and communities can influence the stability of these unions. It is necessary to investigate how these marriages affect familial relationships, inheritance, and the distribution of family resources.

Conflict between tradition and modernity. The emergence of woman-to-woman marriages challenges the tension between traditional practices and modern legal systems in Nigeria. On one hand, these unions may be seen as an expression of indigenous cultural practices, while on the other hand, they may conflict with the legal norms established by the Nigerian state and international human rights frameworks. Understanding how these competing forces interact is key to addressing the complex issues surrounding woman-to-woman marriages.

Objectives of the Study

The primary objective of this research is to gain an in-depth understanding of the practice of woman-to-woman marriages in Imo State, Nigeria, and to explore its implications on cultural, legal, and social levels.

Specific objectives include examining the cultural and moral context of woman-to-woman marriages. This objective seeks to understand the historical and cultural roots of woman-to-woman marriages in Imo State, exploring the reasons behind their existence, the customs that support them, and the role they play in the social fabric of local communities.

It also investigates the legal challenges and gaps in Nigeria regarding woman-to-woman marriages and analyzes the challenges these women face in securing their legal rights. In other words, it examines property rights, inheritance, and legal recognition of children born into these unions, and access to justice for women involved in these marriages.

Additionally, it analyzes the social and gender dynamics: The research aims to explore the gender and economic factors that influence the decision of women to engage in woman-to-woman marriages. This therefore involves investigating the role of societal expectations, gendered power relations, economic pressures, and the desire for social recognition in shaping women's choices.

The Impact on family structure is not left out. The study examines how woman-to-woman marriages influence family structures in Imo State, particularly in terms of the roles of children, kinship relations, and inheritance. It will also explore how such marriages affect the broader family unit and the perceptions of family members and the community.

This work promotes awareness and advocacy about the practice of woman-to-woman marriage in Imo State, by providing a platform for dialogue on how to balance traditional practices with modern legal frameworks and ensuring that the rights and well-being of women are protected in such unions.

Through this comprehensive study, the research aims to contribute to a more nuanced understanding of the intersection between culture, law, and gender in Imo State, providing insights that could influence policy-making and social change.

In conclusion, it proposes recommendations for legal and social reforms. Based on the findings of the study, the research also recommend potential legal and social reforms to address the challenges faced by women involved in woman-to-woman marriages. This includes proposing changes in laws, enhancing social acceptance, and improving the protection of women's rights in such unions.

LITERATURE REVIEW

Egodi Uchendu (2022) in her work "Woman-Woman Marriage in Igbo land" explains that marriage is a mark of responsibility and a symbol of adulthood in Igbo land. The essence of marriage in Igbo land in the pre-colonial and early colonial periods was not necessarily to unite two lovers but primarily to establish a legal basis for procreation, which because of the emphasis on children, the Igbo regarded as an obligation to the ancestors. This was based on the understanding that those born owe the debt of begetting others.

There are different types of marriages that existed in pre-colonial Igbo land. They included the normal marriage contract involving two exogamous families; marriage through pawning, which allowed fathers to use their daughters as collateral for loans but which was abolished during the colonial period by British legislation; concubinage; and marriage by abduction, practiced in Anioma, Delta State. In marriage by abduction, financially constrained young suitors abducted girls of their choice for marriage. This was done with the consent of the girls' parents, although not necessarily of the girls.

Two other forms of marriage that existed at the time were marriage by exchange and woman-woman marriage. Local rulers and very influential men contracted marriage by exchange for the purpose of establishing political, military, or economic links. Marriage by exchange required two men exchanging their daughters in marriage in order to form alliances necessary for the political prestige and the military strength of the chief contractors who often were lineage or community heads.

Woman-woman marriage was recognized and contracted for social and economic reasons. In most cases, women who married fellow women were either barren or had passed the childbearing age without begetting a male child. Others were wealthy and influential women who married fellow women as a means of celebrating their wealth and for economic gains. Woman-woman marriage as a mark of wealth, and, for economic exploitation was popular in parts of Igbo land in the second half of the 19th century. The overriding goal for woman-woman marriage in Igbo land was for women to have children through other women for inheritance purposes. Among the Igbo a barren widow or one who had no male child for her deceased husband had no claim to the deceased's property. If, however, she had "married" a wife and had a male child from her, she would inherit from the husband through the male child born for her by her wife. Moreover, the fear that the man's homestead would become extinct in the absence of a surviving male child would no longer exist. This chapter considers the origin of woman-woman marriage in Igbo land, its nature and relevance in the past and at present, and the changes that have occurred within the institution. In discussing marriage in Igbo society, it should be borne in mind that any form of marriage in Igbo land was less a matter of the particular persons concerned, but, rather a social arrangement to ensure that a new generation appears to take over from the present one, and that its members were brought up to fill smoothly the various established places. The Igbo mainstay in the pre-colonial period was agriculture and women were its backbone. Successful Igbo men were known for the number of their yam barns and the overall turnout of their farm produce.

As a result, the Igbo favored polygamous marriages because it allowed them to have as many wives as possible. The wives, and sometimes with the children, made up a man's labor force. Men who for any reason were unable to marry more than one woman were in some cases assisted in acquiring a second wife by their first wives. A woman would marry a wife and give to the husband to be his second wife in order to ease her domestic burden as well as to have assistance with farm work. It was partly because of this practice that any African marriage was a social investment, absorbing some resources and with prospects of replacing them at last. Although polygyny provided a man with additional outlets for sexual gratification, it was also a status symbol and an investment that enabled

him to expand his agricultural output, the proceeds of which he could utilize in acquiring social titles that entitled him to an honored place in his community.

Women who married wives for their husbands for the reasons stated above engaged in woman-woman marriages which because of its various advantages to the men gained the support and approval of the society. A second factor that possibly led to the evolution of woman-woman marriage in Igbo land was the high value the Igbo placed on children and especially on the male child. It was the belief of the people that male children were indispensable for the continuation of the ancestral line and for retaining a family's ownership of whatever belonged to it. The reality of family extinction cannot be ducked where children are not forthcoming. Such a situation was regarded as an abomination. The Igbo family was the most fundamental and the primary social institution that for reasons of sheer survival must be sustained through the male child.

Women, therefore, resorted to woman-woman marriages as a way of getting out of the dilemma of barrenness or the plight of giving birth to only female children. The Igbo were not alone in their love for sons.

However, according to GB Nyamongo (2020), Woman to woman marriage is one of the indigenous marriages commonly practised in many patriarchal communities across the Sub-Saharan African. Woman to woman marriage involves a female husband (a woman who marries another woman); female wife (the woman who is married by the female husband); the male lover (men who befriend the female wives mainly for procreation and sexual pleasure); the children (of the wives—who are the main reason for this marriage).

In some African societies an elderly woman is culturally permitted to marry a wife if she is barren. Such a woman takes a wife (s) in order to continue her lineage through the children produced. Similarly, a woman with only daughters may marry a wife (s) so as to have male inheritors who will enhance the longevity of the female husband's lineage. In some situations, wealthy women (not necessarily widows or unmarried) would take more wives just as men do to gain prestige and social status.

In all these situations the flexible gender system in patrilineal societies where woman to woman marriages are practiced allow women to access and assume positions of power and authority which is normally the preserve of men. The value placed on children in all institutions of marriage in the African communities is the obvious reason for the existence of woman to woman marriages. In this case, a male child is not only considered a future heir, but principally as one who will eliminate irrational fear from women who believe their property and name will vanish if they die without future heirs. This is because traditionally inheritance has always been passed from father to son and never from father to daughter.

This explains why women will continue to experience uncertainty for being barren or sonless and hence blamed for birth deficiency. Therefore, women who are mothers and have no sons, become “targets of silencing and intimidation. The persistence of woman to woman marriages in many African ethnic communities including the disregard other available possible solutions such as child adoption, ‘child buying’, and contemporary cure for infertility, traditional healing or polygamous marriages practiced to address the problem of childlessness.

Moreover, the endless search for the male child through woman to woman marriages among some ethnic communities in Kenya does not take into account the Kenya Constitution (2010) which is highly gender sensitive and girl child friendly in regard to allocation of resources. It is interesting that the barren/sonless women are still suffering from male child preference syndrome as a result of community expectations of future male's heirs. Hence, such communities cannot abandon ‘old’ practices which are believed to provide quick solutions to their problem of ‘childlessness’.

The issue of childlessness may be addressed by women differently depending on the individual's social status. Female husbands were asked whether they had tried to address their problem before resorting to woman to woman marriage. Five of the female husbands said that they had first engaged in sexual affairs with a variety of lovers in attempt to conceive without any success; three tried traditional medicine for healing barrenness. One did not seek any alternative, while another one tried both modern and traditional medicine. This demonstrates that most sonless women had made some attempts to address their problems before opting for woman to woman marriage for the purpose of enhancing the continuity of a lineage for the father or the female husband in the case of woman to woman marriage.

However, Wairimu Ngaruiya Njambi and William E. O'Brien, in their paper, “Revisiting “ Woman–Woman Marriage”, explain that the practice of women marrying women is somewhat common in certain societies in West Africa, Southern Africa, East Africa, and the Sudan. Most of the woman–woman marriage households in the study engaged in peasant farming for a living, dividing their agricultural production between cash crops and subsistence crops, a pattern typical of this rural setting. However, some of the women were engaged in other occupations including shop ownership, market trading of small commodities, and, in one case, matatu (mini bus) driving. The initiators of these relationships, who are called *ahikania*, were all landowners, and the households all had modest living standards similar to most others in the locality. Though the interviews took place in a rural setting, two of the subjects were residents of Nairobi, while another lived and worked in a nearby small urban center.

The majority of the *ahikania* were middle-aged at the time of marriage, and two were in their early 30s. All of the *ahiki*, the women who accepted the marriage offer, were between the ages of 20 and 30 when they were married. Education patterns of the subjects shows that most of the initiators of the marriages were educated through the traditional Gikuyu educational system of githomo githomo ugikuyu: one had a high school education, one primary school. Almost all of the women who accepted the marriage offer had at least a primary school education. The wide range of age and education suggests to us that woman–woman marriage continues to be a relevant potential life option for Gikuyu women.

Kuhikania, the process of getting married, and *uhiki*, the marriage ceremony, takes place in the same manner for woman–woman marriages as with woman–man marriages. In fact, there is no separate term to differentiate a woman–woman marriage from a woman–man marriage. Even the term which describes the marriage initiator, *muhikania*, is used to describe a woman or a man. As woman–woman marriages are not sanctioned by the various Christian churches in the region, *kuhikania* and *uhiki* continue to be performed through customary guidelines. The woman seeking a marriage partner, the *muhikania*, announces, either through a *kiama* (a customary civic organization) or through her own effort, her desire to find a marriage partner, or *muhiki*. Once the word is out, interested women go to visit, and once a suitable partner is found the *muhikania*'s friends and family bring *uracio* (gifts associated with *uhiki*) to those of the future wife and vice-versa. *Uhiki* takes place after this gift exchange and is performed with ceremonial blessings, termed *irathimo*, by elders of both families as the new wife moves into the *muhikania*'s house.

While woman–woman marriage may be familiar to most anthropologists, at least in passing, the topic remains relatively obscure to most people outside Africa. In family studies discourse, the topic is pushed to the extreme margins by an historical fixation on western nuclear families as a universal ideal. This normative presumption of nuclearity makes it very difficult for particular non-western family forms, such as the woman–woman marriages in this study, to be evaluated as anything but bizarre novelties.

In conclusion, woman to woman become both beneficial and detrimental to to the woman and society at large.

METHODOLOGY

Study Area

The study area is on domestic violence and the research is carried out Imo state, Nigeria.

Procedure

The study/research design is descriptive, expository and investigative. It also involves a systematic review of literature. This includes the use of questionnaires, face-to – face interviews (with women), reports, conference papers, journal articles, questionnaire, textbooks and internet articles.

DATA ANALYSIS AND DISCUSSION

Because of the sensitivity of the issue/topic, an initial, cautious feasibility study is carried out in Imo state, in order to provide modified clues for the research.

In Igbo land and among Igbo people, woman-to-woman marriage is unique. This form of marriage gave women without (children) sons hope of having an heir. In other words, woman to woman marriage is seen as a solution to childlessness in the society. Children are very important in Igbo society, apparently women who had given birth to ten or more children are honoured, while women who have not given birth are pitied, hence seek solution to it. One of the solutions to sonlessness is to appoint a daughter who would become a female son. This female son would remain in her father's home (as opposed to leaving for marriage) and receive his inheritance. A daughter became a son after secret rituals are carried out to aid this transformation.

However, the practice of woman-to-woman marriage does not involve any sexual relationship between the female husband and her wife. It is asexual, as such; it is not associated lesbianism, because none of the women who married other women were romantically or sexually attracted to other women.

However, three groups were arranged for interview and questioning. One with married sonless women, another with married childless women and the other one with sonless/childless widow, in order to obtain more in-depth insights into the issue of woman to woman marriage and to elaborate questions for the interview guide. The wives other women married were ladies-in-waiting, surrogate mothers, and daughters-in-law while female husbands occupied high statuses in the community. The interviews were conducted in an isolated place to maintain privacy. The respondents were also asked open-ended questions, orally and with questionnaires. One thousand 1000) questionnaires were given to the respondents in different local government areas of Imo states. The questionnaires were designed in a simple way to include strongly agreed (SA), agreed (A), strongly disagreed (SD), disagreed (D) and neutral (N) answers, where respondents could add individual comments. Only 600 people responded to the questionnaires anonymously.

Women issued questionnaire	Total number of respondents
Married women with only female children (sonless mothers)	320
Married without children (barren women)	130
Sonless widows	150

From the above report, woman to woman marriage is not new in Igbo land. Most of the respondents were sonless mothers/women especially women who had only daughters. It is followed by married women without children and then widows, who did not have sons/ children. Woman-to-woman marriage is therefore a practice, where a woman marries a woman and gives to a man for the purpose of procreating children, especially male children. In other words, Igbo African female husband is similar to the sexless marriage and a sexless marriage is a marriage in which there is no sex between the two partners. It is not like the civilized same sex marriage of lesbianism.

The need to have male children led to the invention of the practice of female husband. Most of the respondents in Aboh Mbaise Local Government Area share same view:

woman-to-woman marriage helps to sustain the rule by men (patriarchy) and it is an instrument used to preserve the family name/ lineage, culture, and tradition of the people

In Ngor Okpala Local Governmnet area, another respondent explained that the wife or wives married to the female husband have her own companions in form of male companions. These male companions function to satisfy erotic feelings.

It is important to note that despite that they are female husbands; female husbands had sex with men when they got horny. This suggests that all women have an emotional and biological need to be attended to by a man. Even though the female husbands had male lovers, they could not be seen openly with them... According to Ifi Amadiume (1987: 188), the passage from female-hood to male-hood and the rights of “sons” could only be accomplished and recognized through rituals. K.C Nwoko (2012:7) adds:

However, the practice of female husband conferred on the daughters (female husband) these rights... This successor-apparent, either procreated directly by going for a sex mate known as *ikonwanna* or looked for a younger female who she took in as a wife after the necessary bride price and other traditional rites had been performed.

There are reasons for the involvement of the female husband in choosing a bedmate for the girl. The reasons are: to make sure that the bedmate was a blood relation of the female husband; to preserve and protect the blood tie of the family; to ensure that the bride would not pollute the family by raising children fathered by miscreants, thieves or persons with ailment; to prevent the introduction of undesirable traits into the family; and to prevent marrying an *Osu* (the outcast).

In Oguta Local Government area, an unmarried, influential elderly woman, shared her experience:

As a female husband, I paid the bride price of my wife. My wife is allowed to have a man who would be performing duty of a husband, especially the sexual function to make my wife, conceive and bear children for me. I have no husband, but I have acquired a lot of wealth and properties and do not have children/heirs The production of heirs is very essential in any Igbo African family.

While A married woman without children narrated her story:

I married a wife because I could never have children myself. I even gave birth to children who later died, and I kept having miscarriages, till I could no longer conceive... age is no longer on my side, I am getting old and there is no way I can leave this earth, without having children of my own.

Similarly some respondents who are the wives to the female husbands explained:

Being a wife to a female husband is not new. I am not the only one or the first one to marry a woman. I do not regret marrying my fellow woman as a husband, as I enjoy every privilege expected of a wife.

Another one added:

I have right and freedom to enjoy sex with any man that I desire, for pleasure and for conceiving babies. And none of these men can ever settle here at our home or claim the children.

Consequently, the female husband plays the role of the father, provider, protector and indeed all the functions and responsibilities enshrined in the patriarchal concept which included physical protection of the family and its territory, the male economic sphere, the spiritual sphere, the social sphere, etc

From all indications, the Igbo-African practice of female husband is adopted by barren women to produce children when all other options had failed. Hence, J. M Carrier and S. O. Murray explain more:

African practice of female husband is not the practice of lesbianism and has nothing to do with woman-to-woman sexual intercourse. A typical female husband arrangement involves two women undergoing formal marriage rites; the requisite bride price is paid by one party as in a heterosexual marriage. The woman who pays the bride price for the other woman becomes the sociological 'husband'. The couple may have children with the help of a 'sperm donor', who is a male kinsman or friend of the female husband, or a man of the wife's own choosing, depending on the customs of the community.

However, there are many kinds of female husband marriage as practiced in Nigeria. These include rich but unmarried female husband marriage; male daughter marriage; female children marrying for their father; barren wife marrying for her husband. According to K.C Nwoko:

A typical example of a female husband is a wealthy woman who is not married and has no children to inherit her property and preserve her family line. Experience has shown that in some parts of Nigeria, an unmarried but prosperous woman who desires to have a family of her own, may, if she cannot bear children, marry another woman to do so on her behalf.

In this situation, arrangements within the family are made whereby the new wife bears children by specially chosen male members of the family or by a paramour. It is therefore a customary way for unmarried but mature wealthy women who could not have their own children use the female husband system to procreate.

In Igbo land, a man who does not have a son (an heir) could pass land and economic trees to his daughters if the daughters were recognized to play the role of procreating children for the family. In this way, the daughter passed from female hood to male hood for the purpose of procreation and inheritance.

The Igbo society never looked down on the practice of female marriage, especially when the actual essence of the marriages is for procreation of male children.

Moral and legal Questions of Woman to Woman Marriage

From the legal perspective, the Nigerian Matrimonial Causes Act 1970 is extremely silent on woman-to-woman marriage, but not on same sex marriage. At the federal level in Nigeria, the Same Sex Marriage (Prohibition) Act, 2013 (SSMPA) makes very clear that marriage or civil union between persons of the same sex is prohibited:

A marriage contract or civil union entered into between persons of same sex: (a) is prohibited in Nigeria; and (b) shall not be recognised as entitled to the benefits of a valid marriage.

Also only a marriage contracted between a man and a woman shall be recognized as valid in Nigeria.

And the law prescribes criminal penalties: a person who enters into a same-sex marriage contract or civil union commits an offence and is liable on conviction to a term of 14 years imprisonment."

In Igbo land the woman to woman marriage" (also "female-husband" marriages) is different from the type of same-sex marriage. According to the internet encyclopedia:

The customary practice whereby a woman is married into a family where there is either no male child or no child at all ... is clearly distinct from same sex or gay marriages and civil unions which the Same Sex Marriage (Prohibition) Act prohibits in Nigeria.

It is therefore culturally permitted for a childless woman to marry a wife. In terms of recognition and validity, a woman-to-woman marriage is valid under customary law, the SSMPA provides that a same-sex marriage or civil union shall not be recognized as entitled to the benefits of a valid marriage. But legal commentary cautions that the customary "woman-to-woman" marriage is not the same as a same-sex couple union in the sense the SSMPA targets.

Nonetheless, the lack of recognition of same-sex marriage in Nigeria means that any union between two women seeking the legal benefits of marriage (inheritance rights, spousal rights under marriage law) will not be recognized under the statutory law.

From the moral perspective, the question of woman-to-woman marriage centers on how society understands love, human dignity, and the purpose of marriage itself.

However, some moral arguments against woman-to-woman marriage stem from cultural, religious, and traditional understandings of marriage as a union primarily meant for procreation and the continuation of family lineage. Those who hold this view often see same-sex marriage as a deviation from natural or divine order. Their concern is not only about personal morality but also about the preservation of social and moral values that they believe sustain the community.

The moral tension arises from the clash between two ethical principles namely, the respect for individual autonomy, right, freedom and preservation of communal or religious values. If morality is rooted in promoting human flourishing, compassion, and

mutual respect, then moral reasoning must consider whether excluding same-sex couples from marriage contributes to or hinders those goals.

Ultimately, the moral question of woman-to-woman marriage cannot be resolved by rigid rules alone. It invites reflection on the meaning of love, justice, and equality in human relationships. A morally sound position is one that upholds the dignity of every person while fostering a society where love and responsibility, rather than conformity, define the moral worth of a union.

As regards the role of individual autonomy and dignity, the moral value of individuals choosing freely and being treated with dignity is an important consideration. In these marriages some argue the “female husband” takes on a traditionally male social role. According to C.C Onye (2002:22):

Humans are seen as rational and sentient beings. Because they have rationality, as a wife in any marriage, deserve respect, recognition and dignity... they should be treated with love and dignity.

When women marry other women, they assume a traditionally masculine role and should be respected as such.

As regards the relation to tradition, modernity and values, there is a moral tension between preserving traditional customs and upholding modern ethical values (such as individual rights, equality, and consent). An unknown author explains: the intersection between cultural practices and religious teachings creates an ethical dilemma within Igbo Christian marriages.

CONCLUSION AND RECOMMENDATIONS

The moral question of woman-to-woman marriage in Igboland is deeply rooted in the intersection of culture, gender roles, and evolving social values. Traditionally, this practice was not a romantic or sexual relationship between two women, but a socio-cultural mechanism to preserve lineage, inheritance, and family continuity in cases where a woman had no male child. Within that context, it served moral purposes such as protecting the family name and offering economic or social security to women.

However, from a broader ethical perspective, woman-to-woman marriage in Igboland raises questions about individual autonomy, gender equality, and human dignity. While it can be seen as a way for women to exercise social power within patriarchal structures, it may also perpetuate the same structures by assigning masculine roles to women rather than promoting genuine equality. The moral worth of the practice depends largely on whether it upholds fairness, respect, and the well-being of all participants — especially the “wife” and any children born into such unions.

Therefore, the moral evaluation of woman-to-woman marriage in Igboland must balance respect for cultural traditions with modern ethical principles that value freedom, consent, and equality. Morality, in this sense, should aim not merely to preserve customs but to promote human dignity within them.

Promote Awareness and Ethical Dialogue: There should be continuous dialogue within Igbo communities about the moral foundations of traditional practices. Elders, scholars, and religious leaders should engage in conversations that reinterpret customs in light of modern values such as justice, equality, and individual rights.

Ensure Respect for Human Dignity and Consent: Any form of marriage — traditional or otherwise — should be based on the free will and full consent of both parties. Women in such arrangements should not be coerced or treated merely as instruments for procreation or inheritance purposes.

Reform Customary Practices: The cultural institution of woman-to-woman marriage should be adapted to reflect mutual respect, partnership, and equality between the women involved. Traditional leaders should establish ethical guidelines to protect the rights of wives and children in such unions.

Gender Equality Education: Educational programs should promote awareness of gender equality and challenge the patriarchal mindset that underpins many traditional institutions. When women take on leadership or family-preserving roles, it should be seen as empowerment, not as imitation of male privilege.

Legal and Moral Clarification: Because of the tension between customary practice and modern law, moral education and legal literacy are essential. Communities should understand that cultural customs can coexist with moral integrity, provided they do not infringe on individual rights or promote discrimination.

Finally, the moral path forward lies in honoring Igbo tradition while reforming it to uphold the universal principles of love, equality, and human dignity. Woman-to-woman marriage, when examined through this moral lens, becomes not only a cultural question but an opportunity for ethical growth and social justice within Igbo society.

Conflict of Interests

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