ETHNIC AND RELIGIOUS INFLUENCES ON THE TRADITIONAL AFRICAN FAMILY IN NIGERIA: A LEGAL CRITIQUE

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ABSTRACT
There has been a controversy on the ethnic and Religious Influences on the traditional African family in Nigeria. The controversies over these emerging issues submerging the family can only be described as disturbing. It is almost a tangible fact that traditional African families are in disarray as the offshoots of the problems created by ethnic and religious influences in Nigeria seem to overtake the society. Ethnic and Religious influences on the traditional African family in Nigeria have created insurgence of problems which actually have paralysed the accepted traditional African family. The traditional African family in Nigeria is challenged in many areas of harmful widowhood practices, forced wife inheritance, female genital mutilation, problems of inheritance, gender discrimination, polygamy crises, early marriages, high cost of burial ceremony, influence of extended family, less regard to traditional marriage, high cost of marriage ceremony and forced marriage. In this paper, we will be looking at the meaning of Family, Marriage, Ethnicity and Religion, types of Family, Marriage, Ethnicity and Religion in Nigeria, problems created by the ethnic and religious influences on the traditional African family in Nigeria and the solutions to these problems. The method that will be employed in undertaking this research exercise will be mainly the primary sources. emphasis will also be placed on oral interviews, questionnaires and data analysis. Materials will be sourced from the literature available on the topic through available texts, articles in journals, judicial decision, statutes from within and outside the Nigerian jurisdiction for the legal analysis of the subject matter of the topic. Articles published in relevant journals in Nigeria, papers presented by eminent scholars on the area and judicial decision from superior courts throughout Nigeria will be used. The internet will also be used for accessing relevant materials and data wherever available throughout the world.

Keywords: Traditional African Family, Ethnic and Religious Influences.

INTRODUCTION
Ethnic and Religious influences on the traditional African family in Nigeria is challenged in many areas of harmful widowhood practices, forced wife inheritance, female genital mutilation, problems of inheritance, gender discrimination, polygamy crises, early marriages, high cost of burial ceremony, influence of extended family, less regard to traditional marriage, high cost of marriage ceremony and forced marriage. In this paper, we will be looking at the meaning of family, marriage, ethnicity/ethnic groups and religion, types of family, marriage, ethnic groups and religion in Nigeria, problems created by the ethnic and religious influences on the traditional African family in Nigeria and the solutions to these problems.
Meaning of Family

The family, according to Burges and Lock (1953) is a group of persons united by the ties of marriages blood, adoption, consisting of single households interacting and intercommunicating with each other in their respective roles of husband and wife, mother and father, brother and sister, creating a common culture1.

Family is also a group of person connected by blood, by affinity, or by law especially within two or three generations. A group consisting of parents who live together and have a shared commitment to a domestic relationship2.

According to Webster family means a group consisting of parents and their children, the children of two parents, a group of people closely related by blood, for example children and their parents, their cousins, their aunts and their uncles, a group consisting of individuals descended from common ancestry3. The family is the smallest unit in the social structure of every society. It is generally accepted that the family is the basis of every human community and the family may be regarded as the nucleus of society. The term ‘family’ does not lend itself to easy and precise definition so as to include all persons with common ancestor. Under this wide connotation, the family may embrace a large body of persons related by blood to a common ancestor. The relationship may be traced through females, as in matrilined societies sometimes, the group included in the work “extended family” a concept which is prevalent in Nigeria as is the case in most other unindustrialized societies Green aptly defines the extended family as :a group name of closely related people, known by a common name and consisting usually of a man and his wives and children, his son’s brother and their wives and children and probably other near relations.

In contrast, the term “family: may be given a much more restricted connotation. It may refer to a smaller group consisting of a household, the man, his wife or wives, the children and probably, the dependants who live with him. This is much closer to the concept of family in English law, which is restricted to the man, his wife and children. In Nigeria the picture is straightly different, because in some cases the law admits the taking of more than one wife. The extended family is usually a corporate body which may own properly such as land, in which its members have rights.

Meaning of Marriage

Marriage is the legal union of a couple as husband and wife with the essential validities of

- Parties legally capable of contracting to marry;
- Mutual consent or agreement and
- An actual contracting in the form prescribed by law4.

In Nigeria, marriages can be lawfully be celebrated either under the statutory law, customary law or Sharia law. This is as a result of the fact that these three legal systems operate simultaneously in Nigeria. The statutory marriage as regulated by the matrimonial causes Act 1970 and the Nigerian marriage Act. The Nigerian matrimonial causes Act5 and the marriage Act failed to offer a definition of marriage. It is however clear the any marriage celebrated under the marriage Act is monogamous because section 33 (1) of the said Act, render invalid, any marriage celebrated while either party is still married to a third party. Also the express provision of section 3 (1) of the Nigerian matrimonial causes Act further gives credence to the fact that, in Nigeria section 3 (1) matrimonial causes Act provides that a marriage is void, where either of the parties is at the time of the marriage lawfully married to some other person.

The Nigerian interpretation Act6 appears to be the only Nigerian Legislation that attempted to define monogamous marriage. Section 18 of the interpretation Act provides that monogamous marriage is one which is recognized by the law of the place where it is contracted a voluntary union of one man and one woman to the exclusion of all others during the continuance of the marriage. The said Act, apparently

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1 The family, from institution to companionship (American Book Company) 2nd edition
5 Matrimonial causes Act cap m7 Laws of the Federation 2004.
6 CAP 123 (1964 No1) 2004,“Law” s of the Federation

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adopted the celebrated definition of marriage propounded by Lord Penzance in the 19th century in the case of 
hyde v hyde7 where he said that marriage is the voluntary union for life of one man and one woman to 
the exclusion of all others.
The question which agitates one’s mind in this 21st century is whether this definition of marriage offered 
by Lord Penzance in 1886 still represents the true meaning of marriage in today’s world or as it a mere “window dressing” Lord Penzance’s definition no doubt represents the traditional concept of marriage 
has changed dramatically in many countries of the world. Same-sex marriage amongst other factors has 
introduced a new dimension in the traditional concept of marriage.
Sprigg(1959)8, a family law expert, is of the view that in defending something that no longer exists. He 
defended his view by stating the various changes in the concept of marriage which he had observed. 
Firstly, he stated that the divorces revolution has undermined the concept that sexual relations should be 
confined to marriage.
Secondly, he was of the view that the divorce revolution has undermined the concept that marriage is a 
life-long commitment. Thirdly, he opined that the concept that the child bearing should be confined to 
marriage has also been undermined; and that has led to an epidemic of out of wedlock births and single 
parenthood. He concluded by stating that there is now social and political pressure to redefine what 
constitutes marriage itself.
The question is, is there really a global need for a redefinition of the term “marriage” to accommodate transsexuals and homosexuals? In Nigeria, should the term “statutory marriage be expanded to include 
customary marriages and Islamic marriages?

**Meaning of Ethnicity /Ethnic Group**
Ethnicity refers to shared cultural practices, perspectives, and distinctions that set apart one group of 
people from another that is ethnicity is a shared cultural heritage9.
An ethnic group or ethnicity is a socially defined category of people who identify with each other based 
on common ancestor social cultural or national experiences10.

**Meaning of Religion**
Religion as rooted in ancient antiquity. In deed, it may not be out of place say that, religion has existed 
since man was created. Religion, therefore is probably one of the oldest of our social institutions.
Religion, according to Michael (1980)11 is a set of actions organized around the sacred, that is a non- 
empirical source of power, transcendence, mystery and awe. Emile Durkheim in Tylor (1958)12 defined 
religion as a unified system of beliefs and practices relative to sacred things, that is to say things set apart 
and forbidden beliefs and practices which unite into a single moral community called a Church, all those 
who adhere to them.
Karl Marx13 conceptualizes religion as an opium of the people a tranquilizer that dulls the senses and fulls 
them into passive acceptance of the injustices of a capital economy.
Usman (1987)14 see religion as the beliefs and practices of a people, be it an individuals, a clan, village, 
state, continent or the world.

**TYPES OF FAMILY**
Sociologists often distinguish various forms of family.
1. **Nuclear family:** The immediate group of father, mother and child or children living together.
2. **Extended family:** This includes other relations like, grand parents, uncles and aunts, cousins, 
additional wives and children.

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7 (1886) L.R. IP &D
8 From wikipedia, the free encyclopedia
9 From Wikipedia, the free encyclopedia
10 From Wikipedia, the free encyclopedia
3. **Family of orientation:** The family into which one is born.
4. **Family of procreation:** The family one has established by marriage.
5. **Monogamous family:** A system or custom in which one is allowed to have only one wife or one husband at a time.
6. **Polygamous family.** This has compound meaning and includes:
   i. **Polygany:** A system or custom in which a man is permitted to have more than one wife at a time. This is the custom in Nigeria.
   ii. **Polyandry:** A system or custom where a woman is allowed to live with more than one husband simultaneously.

**Types of Marriage**

Unlike most European countries, two system of marriage are recognized in Nigeria the monogamous and polygamous system.

A monogamous marriage in Nigeria is the same as in England. It is the marriage which Lord Penzance described in Hyde V. Hyde\(^{15}\) as ........... the voluntary union for life of one and one woman to the exclusion of all others.

There are three aspects of this definition which deserves further elaboration in the first place, the marriage must be a voluntary union. Thus, there must be free consent of both parties to the union. The absence of genuine consent will vitiate the agreement. Second the marriage should be a union for life. This does not imply that the union should be indissoluble. The cardinal requirement here is that at the time of contracting the marriage the parties intend that it should be for life unless dissolved earlier by a process presented by law. Third it must be a union of one man and one woman to the exclusion of all others. The marriage must, therefore be monogamous as it does not admit of taking more than one wife during the subsistence of the marriage. According to the interpretation Act 1964\(^{15}\), monogamous marriages is a marriage which is recognized by the law of the place where it is contracted as a voluntary union of one man and one woman to the exclusion of all others during the continence of the marriage. The laws which govern the celebration and incidents of monogamous marriage in Nigeria are found principally in the Marriages Act 1914 and the Matrimonial Causes Act 1970.

A polygamous marriage may be defined as a voluntary union for life of one man with one or several wives. Its essential characteristics are the capacity of the man to take as many wives as he pleases. The mere fact that given moment he has only one wife does not affect the character of the marriage so long as the capacity of taking more wives is retained. Generally, there is no limit to the number the polygamous system could take under the polygamous system. This, invariably depends on his affluence.

**Types of Ethnicity/Ethnic Groups**

Depending on which source of group identify is emphasized to define membership, the following types of ethnic group can be identified.

Ethno-racial group–emphasized shared physical appearance based on genetic origins.
Ethno religious group –emphasizing shared affiliation with a particular religion (or denomination, or sect.
Ethno-linguistic group – emphasizing shared language (or dialect or even use of sung)
Ethno-national group–emphasizing a shared polity.
Ethno- regional group – emphasizing distinct local sense of belonging stemming from geographic idolation.

**Types of Religion in Nigeria**

The various types of religion are traditional religion, Christianity, Islamic, Hinduism, Buddhism, Judaism, Confucism, Animism and atheism.

Traditional religion is indigenous and centres around the worship of ancestors and objects as Gods.
Christianity of which the central object of worship is God.
Islam centres on the worship of Alah.

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\(^{15}\) Ibid
\(^{16}\) No 1 of 1964 section 18
Atheism worship no God.
Hinduism spread to Nigeria mainly by immigration of Hindus from India and have Krishna missionaries.

PROBLEMS CREATED BY THE ETHNIC AND RELIGIOUS INFLUENCES ON THE TRADITIONAL AFRICAN FAMILY IN NIGERIA

1. Harmful widowhood practices
under the Igbo group eastern part of Nigeria, widow are subjected to all manner of degrading treatment. They are often the Chief suspects on the death of their husbands and therefore are ordered to absolve themselves from complicity. In their husbands death. For instance, some Igbo customs demands widows to drink the water that was used to bathe the corpse of their diseased husband. This needless to say, compounds the psychological trauma widows are already passing through in consequence of their husband death. Other dehumanizing widowhood practices often meted out against widows include; sleeping on the bare floor throughout the mourning period, crying out at regular intervals and finally false (the widow’s movement is usually restricted within the house, she is banned from trading within this lengthy mourning period, a mark of respect for her deceased partner) this compulsory restrictive movement needless to say, is highly discriminatory because men are not subjected to this type of restriction by culture on the death of their wives. The practices also renders the widows economically incapacitated to fend for her children whom the deceased husband has left behind. Legally therefore this harmful widowhood practices is an infract of the widow’s right to dignity of the human person. Furthermore the restriction of the widow’s right to movement is a breach of her right to movement and amounts to false imprisonment. Finally, it is equally a serious infract of the widow’s right to this obnoxious traditional mourning rites target only on women. Men under the Igbo ethnic are not subjected to any of these degrading treatments.
In respect of religion like moslems women are also subjected to what is called Puda where they are indoors and not to be seen. This also amounts to false imprisonment.

2. Forced Wife Inheritance
Under the Igbo ethnic groups, a wife could be forcefully be inherit by the brother of her deceased husband; this of course gives credence to the unpalatable impression or signal that women are channels that could be inherited. It also means that death of a husband terminate the original marriage, whereas the death of wife under Igbo ethnic group terminate a customary law marriage. This is definitely discriminatory, it is submitted that every woman in the event of the death of her husband should not be compelled or forced against her will to marry within the late husband family. She reserves every right to get married to a man of her choice. This restriction is an infringement of the woman’s right.

3. Female Genital Mutilation
Female genital mutilation (FGM) according to Garner is a violent damage caused to the outer sex organ of the female gender by exercising parts of the organs or causing substantial damage. It is a traditional practice which is wide spread in Nigeria. It is practiced in virtually every state in Nigeria. A survey by UNICEF reveals that in Nigeria, the practice varies widely from the lowest rate of 0.6 percent to the highest at 98.7 percent. It cuts across religious and cultural boundaries. The victims are often infant girls and pregnant women (who failed to be circumcised when they were young). Many flippant and frivolous reasons have been advanced by traditionalist in defence of their harmful practices. They claim it curbs female promiscuity, prevents still birth in pregnant women, enhance male sexual performance, preserves female virginity (the operation they claim destroys female sexual

17 Section 34 of the 1999 Nigerian Constitution
18 Section 41 and the 42 Ibid
The practice still prevails in Igbo land, despite the fact that the above claims have not been medically substantiated, it is estimated that 33 percents of Nigerian household still practice this procedure. It is quite alarming that the practices persists, despite overwhelming evidence that it is crude, degrading, deadly and discriminatory.

The rationale for this compulsory violence has been hinged on the fact that it curbs promiscuous tendencies in women, Arinze Umobi, has however, argued that medical evidence has debunked this popular view that circumcised females are less promiscuous than uncircumcised females. This practice should be stopped immediately, in view of the associated damages such as; hemorrhage; shock; transmission sexually transmitted infections and sexual dysfunction (frigidity and infertility) Legally FGM is a violation of section 34 of the Nigerian 1999 constitution which prohibits torture or inhuman and degrading treatment, besides the practices is highly discriminatory as it purports to protect men’s selfish interest to curb women’s sexual appetite while the men are at liberty to marry as many wives as they desire.

4. Problems of Inheritance
The Igbo ethnic group is basically patrilineal in nature and therefore the cardinal principle of customary inheritance is by primogeniture. Land and landed property devolve under this system on the males, to the exclusion of daughters and wives. Igbo customary law by implications denies the female genders the right to inherit their deceased husband’s or father’s landed property thus their inheritance right’s are grossly marginalized and jeopardized. This is a serious infraction of the right to own a property and right to freedom from discrimination (section 42 and 43 1999 Nigerian constitution).

While the practice of other religion may one way or the other involve discrimination against women, discrimination against women under the Islamic religion, unlike those of other religions, have the force of law in many states of Northern Nigeria. The sharia legal system offends the constitutional provision against discrimination on the ground of sex in respect of inheritance. Though the quaran recognizes the right of women to inheritance, a woman can only get one half of the share of a man. Section 4:7 of the Quaran provides: “There is a share for men and a share for women from what is left by parents and those nearest relations, whether the property is small or large. “ The Quaran however in verse Q 4:11 spells out the proportion of sharing as follows: “Allah commands you as regards your children; to the male a portion equal to that of two females.

5. Gender Discrimination
Gender discrimination is an issue that is presently receiving the attention of the world community. The position of women in law and society has attracted public interest and generated public discourse in recent times, the central issue being the elimination of obstacles to equality of male and female human beings.

The sharia legal system offends the Nigerian constitutional provision against discrimination on the ground of sex in a number of ways. The Islamic rules of evidence are discriminatory against women and non-Muslims. For instance, the testamentary position of women in respect of commercial transactions is that evidence of a women has lower evidentially value than that of a man. A verse in the Quaran (Q2: 282) provides: When you contract a bet for a fixed period, write it down… and yet two witnesses out of your men… and if there are no men available then a man and two women so that if one of them errs the other can remind her.

To provide the offences of rape, evidence of four men is mandatory. This means that the evidence of women only is not sufficient for the establishment of the offence of rape while the converse is true. The

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21 UNICEF Ibid
22 UNICEF Ibid
23 Arinze-Umobi C.; crises in a family law: Onitsha Folmech, Printing and publishing company limited.
fact that Islamic law recognizes the right of a man to physically chastise his wife can be considered discriminatory against women since the converse is not true.\(^{24}\)

Divorce is also another area where the sharia tilts in favour of men. Under the sharia system, while a man can unilateral divorce his wife, the reverse is not true. This constitutes a violation of the constitutional injunction against discrimination on the ground of sex.

It is pertinent to take a cursory look at the first lady syndrome which has surfaced in Nigeria both at the Federal, state and local government levels since the regime of former military dictator, Ibrahim Babangida. The ‘First Lady’ means the wife or close relation of a man who won election to an executive position.

The system gives a group of women wives’ credentials for the job rest on their positions as wives of men in authority, the responsibility of mobilizing women, planning and implementing public programme for them, with little or no accountability for the funding earmarked for these projects. These women use their influence to silence or force into loyalty those for better equality to take up the responsibility.

The First Lady syndrome can be considered discriminatory from the perspective of men because there is no equivalent position for men whose wives win election to executive positions.

Again male sons are preferred under Igbo ethnic group. The birth of a son into any family calls for a big celebration and jubilation, the great premium placed on the birth of a son is often reflected in the names often given to male sons at birth such as “Amaechina”, “Ogbonna” Nwokeaibia, Nwokediuko etc. Literally interpreted, these names connote and extol the importance of male children in the family. Even in the home, the girl-child is practically forced to perform all the chores, for the simple reason that she is a girl and the place of a girl is in the kitchen. This stereotype role is of course traceable to Igbo culture. In fact in the not too distant past, when there was no free education at primary and post primary levels, the girl-child was denied the right to formal education for the simple reason that she was a girl and would be eventually married off. Even up till now, the female children are trafficked by her parents for economic gains, while the sons stayed back to attend school or learn any form of trade.

In the event of the dissolution of Igbo customary law marriages, women are often marginalized. This position is further heightened by the fact that the word “maintenance” regrettable is unknown to our Igbo customary law, therefore women who are customarily married are not given any financial compensation in the event of divorce. Furthermore, they are also denied the right to custody on the children of the defunct marriage on the ground that under Igbo customs, children belong exclusively to men. It therefore automatically implies that a woman on dissolution of Igbo customary law marriage goes away empty handed (no) financial compensation and no children. This position could be contrasted with what obtains in Nigeria statutory marriages. The Nigerian matrimonial causes Act, under section 70 made very elaborate provisions for the maintenance of a spouse on divorce while 71 of the Act, recognizes the equal right of husband and wives to award of custody of their children and section 72, makes provision for an equitable sharing of marital property on divorce. This aspect of the Igbo customary law is definitely unjust, obsolete and calls for an urgent reform.

Also the payment and refund of bride prince paid in a defunct marriage points a portrait of commercialization of dissolution process of customary law marriages. It is quite glaring that the issue under discourse reduces women’s dignity and pride and therefore offends the express provision of section 42 and 34 of the Nigerian 1999 constitutional (Freedom from discrimination and right to dignity of the human person).

6. Polygamy Crises

Igbo customary law marriages are potentially polygamous in nature, consequently Igbo men who are married under Igbo native law reserves the right to marry as many wives as they desire, whether they are economically buoyant or not, whereas their wives do not enjoy such corresponding rights, rather they are expected by Igbo culture to compete for their husband’s love. The husband in most cases shower much love on the most favourable wife, while the others

and their children often suffer all manners of economic depravation while promiscuity is not advocated herein, yet it could be argued that if our culture could embrace polygamy then polyandry which permutes women marrying several husband at the same time should also be permitted. Besides, if monogamy is the rule in statutory marriages, them there is no reason why our culture should continue to encourage polygamy to persist even in this era of HIV/AIDS epidemic. It is obvious that in such union, multiple sexual partners are involved and where one sexual partners contracts HIV/AIDS epidemic, it would quickly spread like wild fire to others.

Also under Islamic law, polygamy is also recognized whereas polyandry is not recognized. This is also discriminatory in nature and offends the constitutional provision on section 42 of the Nigerian 1999 constitution.

7. Early Marriage

Most systems of customarily law in Nigeria do not prescribe any age for the solemnization of customary law marriage. This lacuna in the rule of customary law has to a large extent encouraged a high incidence of early marriage with all the attendant evils. Under the Islamic law, early marriages are also recognized. Early marriage has several implications: Firstly, where the trend is towards early marriage, we would expect little or no gap between learning school and marriages, particularly in a system with long years of compulsory schooling. This means that many children in school are either married or in the verge of doing so. Secondly, with married men and women now is different from the teaching methods must be different from the conventional. Married people are not only literally advices requiring different treatments from those given to children or young adults but they have different problems from single individuals obviously owning a family entails a great deal of responsibility and married people are less likely to have as much time for their single individuals. Thirdly, a high rate of early marriage may lead to a corresponding increase in the rate of school drop out especially among the girls who are either getting married or have already done so and now wish to keep the home. Early marriage may also lead to frequent absents from school as a result of the many problems of family life, such as pregnancy, child bearing and childcare by the wife, or present of means of livelihood and maintenance by the husband/father other consequences of early marriages include the education of the teenagers, problems of marital adjustments, emotional and sexual immaturity, immaturity in keeping the home, the inadequate education of offspring, medical problems, less happiness in the home, more divorces etc.

On medical ground, there are also risks which young or early marriages are prone to these include high mortality rate among children born, high maternal mortality during childbirth and high spontaneous abortions.

Legal speaking early marriages are no marriage even if the boy or the girl consents to it. It is deemed that the consent is not real and as such no marriages has been contracted. Any consequences or legal liability arising from such marriage will be borne by the parents or guardian of the parties involved.

8. High cost of burial ceremony: Traditional African family is characterized by different cultural practices which vary from one ethnic group to another in respect of burial ceremonies. In the eastern part of Nigeria, burial ceremony is usually very expensive. This is as a result of the over emphasis on extended family. All the members of the extended family will be involved in the burial ceremony.

Before the burial ceremony proper in laws, maternal relations and paternal relations will be invited to inform them of the burial. This is usually characterized by cooking and giving them drinks which usually are very expensive.

Another aspect is that if the diseased is a title holder you must inform the title holders of the community. This is done also by inviting them and given them food and drinks. The Churches also are responsible in the costly nature of burial ceremonies in the traditional African family in Nigeria. Most Churches demand a lot of things from the bereaved family before they participate in the burial ceremony. Coming to the burial proper, a lot of stringent rules are involved before the deceased is buried. Most ethnic groups have their different rules and regulations relating to
burial. This sometimes legally speaking contravenes the constitutional provision of the fundamental rights of the citizens.

9. **Influences of Extended Family:** African family is characterized by the extended nature of the family. Members of the extended family owe each other some obligations under the traditional social system. Perhaps the most important of such obligations is the responsibility of the employed or income-earning members of the family to maintain and assist their less fortunate relations. Those members of the extended family who earn a reasonable income have a deep sense of responsibility towards their unemployed or aged relations. This obligation though not legal has a strong force and in the traditional society may be backed by social sanctions. The moral obligations which a member of an extended family owes to his relations often conflicts with his legal obligations to the members of his immediate family; his wife and children. Other influences of extended family are choice of marriage, marriage ceremony, burial ceremony, family property, sometimes the nuclear family property.

All these influences sometimes contravene the constitutional provision of fundamental human right.

10. **Less regard to Traditional Marriage:** It is a common practice in Nigeria for parties who intend to marry to marry first under customary law before delving into Church marriage. Most people have the notion that marriage is not complete until the Church marriage is done. Religion has greatly influence the traditional marriage setting in Nigeria. People see traditional marriage as a prelude to Church marriage. This notion is highly regrettable. Even if the traditional marriage was high key people see it as a prelude.

   These days people use money to settle the members of the prospective wife’s family as an alternative to the actual traditional marriage. All these are as a result of religion.

   Even the Nigerian marriage Act did not help matters. The Act has given validity to these practices by enabling persons who are married under customary law to marry each other under the statute (Registry and Church marriage). Some religion go ahead to ostracized members who fail to perform the Church marriage. Legally speaking this contravenes the constitutional provision of fundamental right (freedom from discrimination and freedom of religion). Also some religion frowns at the celebration of traditional marriage arguing that it is fetish.

11. **High Cost of Marriage Ceremony:** This is no uniformity of the rules governing marriage ceremony in Nigeria. It varies from one ethnic group to another. Even within the same ethnic group, the differences may be profound. Most towns from the Igbo ethnic group are known for high bride price. Incidents of high bride price in parts of Nigeria have been criticized for causing social ills particularly in preventing young men who can afford the large sums of money demand by parents of bride to be from getting married. Similarly, frustrated young women may be tempted to indulge in immoral association. The limitation of Dowry Law 1756 regulates the quantum of bride price in the five Eastern states of Nigeria. It is an offence to pay or to receive as bride price any amount in excess of the maximum prescribed by the law which is punishable on conviction with six months imprisonment. In other words, the law frowns at high bride price.

   However, despite the law, most communities in various ethnic groups in Nigeria still operate on high bride prices.

   Another important aspect is the traditional marriage ceremony proper. This also is very high in most communities in the various ethnic groups in Nigeria. This also has been criticized. Some communities demand outrageous things that range from one hundred thousand naira to five hundred thousand naira. This also should be discouraged.

12. **Forced Marriage**

    Under the Maliki School of Islamic law, a father has the right to conclude marriage on behalf of his infant sons and virgin daughters (Ijbar). The exercise of this right results in forced and child marriage which is frown at; although the child has the option to repudiate the marriage contract on the attainment of the age of puberty.

    Forced marriage abound in Nigeria, seen in situations, for example where a girl is put in a family way, or a man has occasioned grievous bodily harm on the girl, or due into the fact that the man is
well to do, parents now force their daughters to get married to such a man against her will. Where is the element of voluntariness in this union? In the above set up the coercion of a man or girl into getting married has negated the element of voluntariness such marriage being without real consent is null and void.

WAY FORWARD
From the foregoing discourse, it is quite clear that reformation of the obnoxious ethnic and religious practices is imminent. Our ethnic and religious practices need to be urgently fine-tuned to conform to the 21st century global trend towards the African family. Nigeria is a signatory to virtually all international, instruments and treaties, yet these practices still persist especially at the rural level. The paper therefore proposes the following strategies as the way forward, to facilitate the elimination of these practices or at least reduce them to a minimal level.

RECOMMENDATIONS
1. Legislative Intervention
   Law as an instrument of social change is definitely an indispensable weapon in the hands of our legislators and policy makers to effect this much desired changes in these ethnic and religious laws against these ethnic and religious practices but they should also ensure that they are fully implemented.

2. The Role of Traditional Rulers in uprooting these Ethnic Practices.
   It is believed that if any headway is to be made to eliminate or reduce these practices then all hands must be on deck. It is believed that the traditional rulers have a major role to play in this regard. They are nearer to the grassroots where these practices are more prevalent; they equally wield much influence on their subjects and therefore can easily sensitize them on the need to stop all these practices.

3. The Role of Religious Leaders.
   Religious leaders should also play important roles in eliminating or reducing these religious practices that infringes or tend to infringe the fundamental rights of their members. They should make rules that are in consonance with the fundamental human rights as enshrined in the Nigerian constitution and other international instruments.

4. The Role of Lawyers and Judges.
   Men of the legal profession are looked upon in every society as the last hope of the common man, therefore the bar and bench have a much dimensional role to play in this crusades, if a meaningful change is to be achieved. The Lawyers should encourage and bring forth cases brought by their clients to courts in respect of these obnoxious practices. The judges should not hesitate to strike down obnoxious practices which come before them for adjudication.

5. The Role of Education
   Lack of education, especially at the grass root level has been a factor that has created a fertile ground for the continued entrenchment of these obnoxious practices. Education, no doubt empowers people, enlightens, them and sensitizes people on their rights. The government should therefore endeavour to give more scholarship grants to people for them to go school.

6. The Role of Media
   The media should devise effective awareness creating programme e.g radio jingles, and plays, especially at the grass roots in order to bring to the fore the evils of these obnoxious practices and the need to jettison them forthwith.

7. Re. Orientation of the Nigerian Police.
   The members of the Nigerian police force are part of the cultural system and have grown up with the notion that women have no rights, consequently, it is very necessary that they should be sensitized on human rights implications of gender discrimination, especially gendered violence seminars and conferences should be organized for them in order to enlighten them on gender issues and make them more responsive and sensitive to gender rise violation complaints. They should be made to desist from trivializing such matters on family issues.
8. Engaging men and women in all Reform Efforts
   It is also advocated that all reform efforts should be for men and women and not for only one sex. This will in no small way reduce or eliminate these obnoxious practices.

CONCLUSION

From the foregoing discourse, it is quite evident that if the recommendations are accepted and religiously implemented by all concerned the negative influences of ethnic and religious practices on the traditional African family in Nigeria will begin to wear a new face.