ANALYSIS ON THE IMPLICATIONS OF CULTURE AND TRADITIONS OF *EBIRA* PEOPLE ON THE PRACTICES OF ISLAMIC SYSTEM OF INHERITANCE AMONG MUSLIMS IN *EBIRA* LAND

BY

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DECLARATION

I Rasheed Rabiatu Ohunene hereby declare that this research work has been conducted by me under the supervision of my supervisors Dr. Muhammad Yahya and Dr. Abubakar Muhammad Sani of the Department of Arts and Social Science Education, Ahmadu Bello University, Zaria, Kaduna statethat I neither duplicated nor copied anybody's work, all qutations cited are indicated and various authors have been acknowledged.

_____ _____

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CERTIFICATION

This dissertation entitled "Analysis on the implications of culture and traditions of *Ebira* on the practices of Islamic system of inheritance among Muslims in *Ebira*land, Kogi State", by Rasheed Rabiatu Ohunene meets the regulations governing the award of Masters Degree in Education/Islamic Studies at Ahmadu Bello University, Zaria and is approved for the contributions to knowledge and literacy presentation.

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DEDICATION

This project is dedicated to the service of the Almighty Allah (S.W.T), who guided my direction at each point in the process of conducting this research.

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ABSTRACT

This study analyzed the implications of culture and traditions of Ebira on the practices of Islamic system of inheritance among Muslims in Ebira land. The research was motivated by the laxity of some Muslims to adopt the Islamic system of inheritance at the expense of culture. The research designed used in this study is descriptive survey,the researcher conducted oral interview in the five local governmentareas.Some Islamic organizations were selected, where an inportant personalities were identified. At the end of the interview the findings includes ignorance about the Islamic teachings and dominance of culture caused the denial to the compliance with the Islamic system of inheritanceand non-compliance of Muslims in Ebira land to the Islamic systemof inheritance brought about crises that lead to disunity and crimes amongmembers of the families. In view of the findings the research recommends that scholars should put more efforts in teaching and guiding people on matters of religion and also Muslims especially families should be made to understand the Islamic faith which requires total submission to the injunctions of shariah.

TABLE OF CONTENTS

Title page	i
Declaration	ii
Certification	iii
Dedication	iv
Acknowledgements	v
Abstract	vii
Table of contents	viii
Abbreviation	xii
Table of Transliteration	xiv
Definition of terms	xv

CHAPTER ONE: GENERAL INTRODUCTION

1.1 Background of the study	1
1.2 Statement of the problems	2
1.3 Significance of the study	3
1.4 Objectives of the study	4
1.5 Research questions	4
1.6 Scope/Delimitation of the study	5

CHAPTER TWO: LITERATRUE REVIEW

2.1 Historical Background of *Ebira* land 6

2.2 Geographical location 10

2.3 Tribes and clans found in *Ebira* land 13

2.4 *Ebira* in pre-Islamic era 15

2.5 Islam in *Ebira* land 22

2.6 Impact of Islam on *Ebira* traditions 28

2.7 Concept of Islamic Cuture in Islam 30

2.7.1 Characteristics of Islamic Culture 31

2.8 Islamic Concept of Inheritance 35

2.8.1 The Position of Women in the Jahiliya Period of the Arab Society 38

2.8.2 Features of Inheritance 50

2.8.3 Essentials of Inheritance 51

2.8.4 Conditions of Inheritance 52

2.8.5 Ground of Inheritance 52

2.9 The Heirs 56

2.9.1 The sharers (As-Habul Furud) 57

2.9.2 Residuaries (Asabah) 63

2.9.3 The Uterine (Dhawul Arham) 67

2.9.4 Standard Heirs 68

2.9.5 Standard Female Heirs 68

2.9.6 Exclusion (Hajb) 69

2.9.7 Categories of Exclusion (al-Hajb) 69

2.10 Significance of Inheritance 75

2.11 Method of Distributing Inheritance 78

2.11.1 Prescription Inheritance (Fard) 78

2.11.2 Agnatic Relation (Ta'sib) 79

2.11.3 Independent Agnate (Ta'sib) 79

2.11.4 Rank of independent Agnate (Ta'sib) 80

2.11.5 Female agnate by association (Ta'sib) 81

2.11.6 Joint Agnate (Ta'sib) 82

CHAPTER THREE: METHODOLOGY

3.1 Research Design and Procedure 84

3.2 Research Population 84

3.3 Sample and Sampling Techniques 85

3.4 Sample Distribution 86

3.5 Reasearch Instruments 87

3.6 Validity /Reliability of theInstruments 87

3.7 Method of Data Collection 88

CHAPTER FOUR: DATA ANALYSIS AND PRESENTATIONS

4.1 Introduction 89

4.2 Analysis of Variable in Frequencies and Percentage 89

4.3 Summary of the Major Findings 110

4.4 Discussion of the Findings 110

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Summary 112

5.2 Conclusion 114

5.3 Recommendations 115

References 118

Appendix I 122

Appendix ii 127

ABBREVIATIONS

A.S- Alaihis-Salam

AGH- "Agnetic Share" (is a fixed share to the persons entitle for them, where at remains thereafter is for the most derserving male) Agnatic heirs have no any fixed share, if they are alone, they are entitled to the whole property when they are inheriting with others, then they are entitled to what ever remains after the sharers have taking their shares.

ANS- Answer.

CB- Consanguine Brother

CS- Consenguine Sister

CSD- Consanguine's Sisters Daughter

D- Daughter

DSM- Double Share for Male (if compared with female)

F- Father

F.F- Father's Father

FB- Full Brother

FB'D- Full Brother's Daughter

FBS- Full Brother's Son

FS- Full Sister

M- Mother

M.M- Mother's Mother

N.A- No Author

N.D- No Date

N.P- No publisher or Place of Publication

N.S- No Share

No- No Compliance with the Textual provisions

R- Remainder

R.A- Radiyal-lahu Anhul (May Allah be Pleased with Him)

S- Son

SAW- Salla-lahu Alaihi Wa Sallam (May Peace and Blessing of Allah be Upon Him)

SD- Son's Daughter

SE- Shared Equally

SOE- Share of Each

SSF- Single Share for Female (if compared with that of the male)

SWT- Subhanahu Wa Ta'ala (The Exalted, the Most High)

UB- Uterine Brother

US- Uterine Sister

W- Wife

Yes- Compliance with the textual provisions

TABLE OF TRANSLITERATION

S/N	ARABIC LETTER	NAME	TRANSCRIPTION
1	ا	Alif	A
2	ب	Ba	B
3	ت	Ta	T
4	ث	Tha	Th
5	ج	Jim	J
6	ح	Ha	H
7	خ	Kha	Kh
8	د	Dal	D
9	ذ	Dhal	Dh
10	ر	Ra	R
11	ز	Zay	Z
12	س	Sin	S
13	ش	Shin	Sh
14	ص	Sad	Ṣ
15	ض	Dad	D
16	ط	Ta	T
17	ظ	Za	Z
18	ع	Ayn	Ɛ
19	غ	Ghayn	Gh
20	ف	Fa	F
21	ق	Qaf	Q
22	ك	Kaf	K
23	ل	Lam	L
24	م	Mim	M
25	ن	Nun	N
26	هـ	Ha	H
27	و	Waw	W
28	ي	Ya	Y

زَايٌ

DEFINITION OF TERMS

AWL: this was arrived at though Ijtihad during the time of sayyidina Umar (R.A) by the consultation and agreement of the companions (Sahaba). It is suggested in a hypothetical preposition that if a man dies leaving six Dirhams and there were two people claiming their debt from the estate, one of them is claiming three Dirhams and the other is claiming four Dirhams, we have to adopt the rule of bankrupt and divide it proportionally. Doi A (1984).

Hadith: the saying, action and silent approval of the prophet (SAW).

Iddah: the period a Muslim woman is espected to observe before entering into another marriage contract as a result of either divorce or dead of the husband.

Ilm-al-Fara'id: the science of inheritance

Jahiliyya: pre-islamic period of the Arab

Qur'an: the book containing the words of God revealed to Prophet Muhammad (SAW) in Arabic and transmitted to us by continiuos testimony.

Shari'ah: the path leading to Alla, the Most High, and the path believed by all Muslims to be the path shown by Allah, The Creator Himself through His Messenger, Prophet Muhammad (SAW). Doi (1984:2).

Sunna: the narration of the conduct of the prophet (SAW).

Wasiyya: this means bequest that is a gift of property by its owners to another contingent on the givers death (Doi 1984:128).

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Background to the Study

In the name of Allah, the Most Beneficent, the Most Merciful. All thanks are to Allah (SWT) who creates and guides the creatures to the most supreme culture and character. May the peace and blessings of Allah be upon the seal of the Prophets, Muhammad (SAW), who guided the entire mankind respect to rights and honor of individual and groups.Similarly, may Allah be pleased with the companions of the Prophet (SAW) who conveyed the mission and the life styles of the Prophet (SAW) to the subsequent generations.

One of the basic aims of the religion of Islam is to promote consciousness of Allah (SWT) and award rights to the deserving persons. In this regard, Islam awards the rights of those who are either denied or partially considered in the right to inherit their relations. The confusion of man on how to define or to act justly in the inheritance of the left estates of a deceased person brought about every culture to go by their dictate which often lead to the denial or suppression mostly the weaker ones. In the days of Jahiliyyahwomen were totally denied the right to inherit not only they havenot any right to inherit but they are equally properties to be inherited by others. In view of this, the senior son mostly inherit the entire wealth of his deceased parents including the wife/wives who could either turn to be his wife/wives or left them stranded without having the right to re-marry another man. The females and the young ones could not therefore have access to inherit from the estates of their deceased relations.

The advent of Islam brought about the reformation that awarded every member of a deceased family has equal and proportionate right to inherit. Thus, the females and the men are to inherit regardless of their status. The Qur'an states:

ﷺ ﭑ ﭒ ﭓ ﭔ ﭕ ﭖ ﭗ ﭘ ﭙ ﭚ ﭛ ﭜ ﭝ ﭞ ﭟ ﭠ ﭡ ﭢ ﭣ ﭤ ﭥ ﭦ ﭧ ﭨ ﭩ ﭪ ﭫ ﭬ ﭭ ﭮ ﭯ ﭰ ﭱ ﭲ ﭳ [4:7]

> *"Men shall have a portion of what the parents And near relatives leaves and woman shall Have portion of what parents and near relatives Leaves, whether there is little or much of it; A stated portion ". (Q4:7).*

In spite of the beautiful presentation of Islamic system of inheritance yet many Muslims appear to be negligent in the observance of the obligation of the injunctions of inheritance. Some societies denied the sharing of the right of inheritance on their assumptions that application of the laws of inheritance could lead to disunity in the family while others neglect the application of the law until the issue culminate to a more challenging situation with the death of the original heirs and others are still exercising the attitude of the Jahiliyya of denial of females and suppression of the young ones in their rights. In the light of this, this research is designed to carefully study the factors affecting the application of Islamic system of inheritance among the *Ebira* people.

1.2 STATEMENT OF THE PROBLEM

Death is inevitable among people and hence wealth of kinds is left behind after death.The aim of Islam is to allow circulation of wealth in the hands of many in order to promote economic dealings as well as to bring peaceful coexistence among people .In view of this, the Creator took it upon Himself to provide the sharing formula among His creatures. Basically, the knowledge of the Creator transcends the knowledge of all and His mercifulness to creatures

supersedes that of all. Therefore the cultural perception is not far from selfishness, ignorance, dominance. If women are to be denied the right to inherit on what rationale such denial was based? Could it because they are not important to the deceased person or could it because they have no personal challenges in life to attain? Likewise denial of the young personsis it because they will remain permanently young without growth to maturity or what could be the reason for such denial? Of course every child or daughter is an offshoot of his parents how will his feelings be if he denied the right to inherit the estate of his deceased parents, would that not create ill-feelings and hatred against those who denied him? In the same vein, what would be the feelings of the wife who is denied to inherit her husband that has integrated with her and served to him as home in his joyful and sorrow days? Could it be the reason of such denial is because of ignorance of people about the wisdom of sharing formula stipulated by Islam or could it be as a result of considering the system as out dated and no longer obtainable in solving the crisis of inheritance in the contemporary?

1.3 SIGNIFICANCE OF THE STUDY

Perception of the application of Islamic inheritance system among *Ebira* Muslim is quite alarming. This is because Islam required total submissions to its injunctions and hence negligence of any injunctions could be tantamount to act of disbelieving in accordance to degree of the negligence. In view of this, any research that aims at studying the nature of the denial and the factors that brought it with a view to provide proper Islamic guidance will not only going to be significant in rescuing them from displeasure of Allah (SWT) the Creator, but it will as well promote love and peace among families, which will bring to the entire society the benefit of peace and security.

On the other hand, guiding people to the application of Islamic system of inheritance will permit the possession of wealth into many hands and hence will bring about circulation of wealth that could bring the economic strength of the people and hence their security and peaceful coexistence will be assured.

1.4 OBJECTIVES OF THE STUDY

The following objectives are the research targeted:

1. To examine the nature of the practice of Islamic inheritance system among the *Ebira* Muslims.
2. To evaluate the implications of the negligence of the application of the Islamic inheritance system among the *Ebira* Muslims.
3. To appraise the factors responsible for the negligence of the application of the Islamic inheritance system among the *Ebira* Muslims.
4. To present and analyze the nature of Islamic system of inheritance as applied on *Ebira* Muslims.
5. To proffer solutions in the light of Shari'ah guides to the identified problems and challenges of the application of Islamic system of inheritance among *Ebira* Muslims

1.5 RESEARCH QUESTIONS

1. What is the nature of the practice of Islamic system of inheritance among the *Ebira* Muslims?
2. Are there any implications on the negligence of the application of the Islamic inheritance system among the *Ebira* Muslims?

3. What are the factors that are responsible for the negligence of the application of Islamic inheritance system among the *Ebira* Muslims?
4. What the nature of Islamic system of inheritance is as applied on *Ebira* Muslims?
5. What are the solutions provided by Shari'ah to the said problems and challenges of the application of Islamic system of inheritance among the *Ebira* Muslims?

1.6 SCOPE/DELIMITATION OF THE STUDY

The research revolves on the study of the nature of application of Islamic inheritance system among the *Ebira* Muslims. The *Ebira* comprises of *Ebira* Tao and *Ebira* Igu (Koto karfe) in Kogi state. The *Ebira* are also found in Nassarawa emirate of the former Benue province in Agatu District and in Akoko Edo Division of Edo known as Igara (Anetuno). Similarly, there are *Ebira* in Federal Capital territory (FCT) Abuja and *Ebira* Mozun in riverine area of Bassa Local Government Area of Benue state. Even though there exist some differences in dialect and culture among the *Ebira* people.

The research is therefore, restricted to *Ebira* Tao, in Kogi state, which occupies the five local governments among the twenty-one local governments in Kogi state. The affected areas are Okene LGA, Okehi LGA, Ogori-Mangogo LGA, Adavi LGA, and Ajaokuta LGA.The research shall cover the period between 2016 and 2020.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2.1 Historical Background of *Ebira* land

Ebira is a term that refers to the people who speak the *Ebira* language.It refers to their language as wellas their geographical location. Salami (2010:42) stated that. The *Ebira* traced their origin to wukari(in the present Taraba state) where they were a constituent part of the kwararafa confideration about 1680 C.E, the *Ebira*,Idoma and Igara migrated out of wukari as a result of chieftaincy dispute.The *Ebira* later split into various groups and settled in different locations in the country namely (Isa,2007:25):

(i) The *Ebira* Tao of Kogi state and Kwara State.

(ii) *Ebira* Kotos, they are found in Koton Karfe of Kogi State.

(iii) *Ebira* mozum of Bassa Local Government Area of KogiState.

(iv) There are larger *Ebira* settlement in other area apart from Kogi state as found in Umaisha, Toto, Lafia districtof Nasarawa state and Federal capital Territory.

(v) *Ebira* Agatu in Benue State.

(vi) *Ebira* Etuna, Igarra area of Edo state.

According to Greenberg's classification of African languages (n.d) the *Ebira* belongs to the Kwa group of the Niger-Congo family. In the recent re-grouping of Nigerian languages, Hoffmen and Bender Samuel constituted *Ebira* into sub-group separating it from Nupe, Gbari and Gode of the Kwa (Adive, 1985:26).

The land lies approximately between 6^0 and 8^0 North of latitude and 6^0 - 10^0 east longitude. They occupied a hilly stretch of land south-west of the Niger-Benue confluence (Okene, 1990:2).

The people migrated into their present locaotion sometimes in the late 17th century. There are lots of myths and traditions with regards to the historical origin of the *Ebira*people and the exact place they migrated from. There is a school of thought which believes that the *Ebira*were Jukuns (Ahmadu, 1978:14). Another school which is associated with and infact sponsored by the political officers of the colonial government claims that *Ebira* migrated from Panda or Umaisha on River Benue (Okene, 1990:6).

The two views have been refuted by some modern researchers like Y.A. Ibrahim for their accuracies (Ibrahim, 1954:3). The modern researchers seem generally to approve the view that *Ebira*have migrated from Birri in the Gongolan Basin (Okene, 1990:6). There are yet other views on this issue (Ahmad, n.d:61).

The *Ebira* constituted themselves in six clan groups of Okengwen, Adavi, Eika, Ihima, Okehi and Eganyi (Muhammed, 1980:1). It must be noted that despite the division of the people into clan group, they share the same socio-curltural values.

This culture and socio-political organization which evolved with the *Ebira*had become consolidated by 1850. For the relevance of this topic, the socio-cultural values of the people placed women folk in the servitude level. Women to an indigenous *Ebira* society was an embodiment of evils since she practiced witchraft and may bring shame to the man dominated society. Not only was she denied inheritance in our own conception, she was part and parcel of those things to be inherited (Muhammed, 1980).

The various ethnic groups race,which collectively constitute the six linguistic of the *Ebira* race are said to have migrated at different times before the first world war (1914-1918), to their present settlement which are respectively located in Nassarawa.Benue among the Igala

extraction of Itobe and Ajaokuta, Kwara and Kogi among the dominant *Ebira* Tao and *Ebira* Koto stocks of Okene, Ajaokuta, Adavi, Okehi, Kotonkarfe and Lokoja Local Government Areasand Edo among the Igalasin present day of Edo state of Nigeria .Ahmed (1972),.

The early history of the *Ebira* people dated back to the sixteenth century (circa 1500) when the defunct kwararafa kingdom was a flouring empire that engaged in the fierce wars of ethnic conquest with the Usman Dan fodio fame and the war later proved to be decisive in shaping the present identities and destinies of the minorities pagan tribes that constituted the then Jukuns, Idoma, Tivs, Angas, *Ebira*, Igalla and sub-ethnics stock that made upthe then Kwararafa kingdom of these minority ethnic groups who are largely pagans before conversion by the Muslims missionaries .They were pagans because by the tradition of the ancestorsthey neither embrace Islam nor Christian. Essentially, they worshiped the deities and consulted oracles as their original religion before the advent of Islam.It is of interest to mention that this war of attrition among the native of these dominant kingdoms was the order of the day before the advent of the British colonialists. Resentingthe central administrative authorityof the Jukuns in the wukari area of the kwararafa kingdom,the *Ebira* people like the other disparate ethnic groups,migrated under their leader whose actual personal name remain unknown up till date,though one account has it that he was called *Ebira*. They migrated frequently and at the different times from one unsuitable sport to another as an expression of their resettlement against tyrannical rule,among other reasons.In the case of the former reason (Isa, 1991).

Ahmadu (1974) said, they did soin other to free themselves from the resented bondage and clutches of the Jukuns and headed southward before the end of sixteenth century.Inthe course of this ethnic war of independence within and amongst the constituent natives of the kwararafa kingdom, the sixth ethnic groups and their fellow travelers moved extensively in different

directions of South of the Sahara.According to Habibu (1993), The course of this migration in search of local self rules and independence as well as suitable farmland, the *Ebira* people shared common experience and agonies with their Igala, Idoma, Tiv, Umaisha, *Ebira* panda, Angas and Igarra (*Ebira* Etuno) brothers and sisters of the Kwararafa stock who were fleeing for new founded land North and South of River Benue and Niger.Like war afflicted refugees, they collectively fled and droves Southwards towards the fertile Banks of the River Benue and Niger and the wet savannah lands where pasture and aquatic life were rich and topography identical to that which they were leaving behind in their original Kwararafa empire.In this way some of the migrants settled at different sports,first among the Tivs and Idomas of Benue state,then and among the Angasand Nassarawa people of Nassarawa state.This early group of migrant was left behind by the *Ebira* Koto and *Ebira* tao people of Kogi state.

In the Edo state,the Igarra were the *Ebira* extractions who fled the kwararafa kingdom and after crossing the River Niger together,left behind their kith and kins who were the *EbiraTao* in Okene, Adavi, Ajaokuta, Okehi, LGAs of Kogi state.The *Ebira* people lived togetherin clans and sub-clans in the past and one could easily guess the clan areas or settlements from the type of greetings and taboos prevalent in any particular locality.For instance,in *Ukako Okene*,the greetings would be "*Tao Oziogu*", while in *Ukowa-Okene*, it would be "*Tao Oziotu*" (Isa,1991).

According to Habibu (1993), the chief reasons for this type of social settlement (especially) in *Ebira-Ehi* community) in clans and sub clan was motivated by a sense of security because of numerous inter clanwars in the past. The main cause of the dreadful and seeming senseless war was merelyfor the acquisition of land.Consequently, the *Ebira*people were somewhat really not united although they could come together for a common purpose.

Ebira people lived together in compound which comprisesmany houses. Isa (1991), stated that, an average number of people in a compound between 100 and 200 or even more. The houses used to be built with mud and have the thatched roofs. The house belonging to the most elderly man or a traditional chief in the compound which the *Ebira* people call "Abara'' was normally very conspicuous.Today however, bungalow built with cement blocks are very wide spread and the old system of living together in large compounds on the verge of absolence, particularly in urban areas.

2.2 Geographical Location

Ebira land lies roughly between latitude 712N and 744N and longitude 6E and 651E. It has an area of about 1.146 square miles (or about 2934 km^2) with a population density of about 284 people per square mile or 111 people per square km2). About three quarters of the population like within less than 13km radius of Okene the former divisional headquarters. *Ebira*land is bounded in the North by the former Kabba and Kogi Divisions, in the East by the River Niger; in the West and South by the Edo State of Nigeria. Therefore, the *Ebira* people are in the midst of many social and political developments (Isa, 1991).

According to Salami (2010), the *Ebira* people in Kogi local Government Area of Kogi state are usually referred to as the "Bush" *Ebira* people while their kinsmen in the former Igbirra Division are known as the" Home" *Ebira* people. This usage reflects very vividly to only the modes of departure from Iddah and hence it has no connection with the standard of Civilization of the two groups (Salami, 2011).

Almost the whole area is hilly, a continuation of the Kukuruku highlands. Most of the rocks are so eroded that they now form a lot of bathdith landscape, uniform and monotonous. Isa (1991)

explained that because of its elevation above sea-land, *Ebira* land has an equitable climate. The geographical environment of the *Ebira* people (West of the Niger) known as" *Ebira* Ehi". The area was not accessible to the early explorers. The geographical environment of *Ebira* Igu (Koto Karfe) and *EbiraPanda* (Umaisha) was more open and that was major reason why they suffered very heavenly from Fulani/Nupe raiders. Infact, the *Ebira* panda lost their political independence to the raiders and hence their traditional chief-Ohimege panda was not a recognized natural ruler in the former Nassarawa Emirate, but in 1980, the Ohimege Panda was given a second staff of office.

There is generally adequate rainfall for abundant plant growth and most of the rainfall fall between April November, the annual rainfall being more than 125-150cm (40-50 inches). The "home" *Ebira* people are mostly farmers and the main occupation of the women is cloth weaving industry both in quality and quantity and many *Ebira* cloths (popularly known as "Okene cloths") are found in almost every important town of Nigeria. The *Ebira* people cultivate mostly yam, cassava, guinea corn, maize for food and cotton and benesied as cash crops. Some "Okene cloths" are exported to other countries. Owing to pressure of population on the small fertile lands in *Ebira*land, many able-bodied *Ebira* farmers have migrated to some neighboring Local Government Areas in search of more fertile lands (Salami, 2010).

Over 200,000 *Ebira* people have so migrated to former Afenmai divisions of Edo State, Ekiti and Owo areas of Ondo state carrying with them all their customs. Some of the emigrants continue their farming at the centers of absorption, some are palm wine tappers and a few of them are wage-earners. On the other hand, the "Bush" *Ebira*people are mostly fishermen and farmers.

Isa (1991) said, the staple food of the *Ebira* people consists of pastes from cassava and yams and the paster called "*uka*" and "*nya*" are made from dried cassava and boiled yam. Ahmadu (1972) explained that the *Ebira* people had very high regard for wine in the past and many of them were actually drunkards. This was one of the most unfortunate social evils the *Ebira* people related groups inherited, perhaps, from their ancestors.The *Ebira* people lived togethering clans and sub-clans in the past and one could easily guess the clan areas or settlements from the type of greetings and taboos prevalent in any particular locality. For instance, in Ukako-Okene, the greeting would be "Tao Oziogu", while in *Ukawa-Okene*, it would be *"Tao Oziotu*". The chief reason for this type of social settlement (especially in *Ebira* "*Ehi*" community) in clans and sub-clans was motivated by a sense of security because of numerous inter-clan wars in the past. The main cause of the dreadful and seemingly senseless wars was merely for the acquisition of land. Consequently, the *Ebira* people were somewhat really not united although they could come together for a common purpose.

Habibu (1993) explained further that, the *Ebira* people (in the past) usually came together to fight a common enemy. (This is where the modern *Ebira* people differ from their forefathers). Except in Okene town, this social set-up has not changed considerably. The local administrative patterns tend to follow this social set-up especially in Adavi. In fact the present districts weremodeled in line with clan areas which are now causing some sort of administrative inconvenience.

2.3 Tribes and Clans in *Ebira* land

Ebira land is a monolithic ethnic group, situated within the central senatorial area of the present day Kogi State. In deed *Ebira* is a word that both refer to the people inhabiting the land

and the language which they speak. *Ebira* people as a matter of fact are those who are origin of *Ebira*land and speak the language called *Ebira* or a dialect of it.*Ebira* belongs to the Kwa group of the Niger-Congo language family (Suleiman, 2007).

According to Habibu (1993), places where *Ebira* language or a resemblance of it is spoken locally are *Okene/Okehi, Adavi, Ajaokuta, Ogori-Mangogo* and *KotonKarfi* in Kogi State; Toto, Umaisha and Keffi in Nassarawa State; Igara or Etuno in Edo State and Abaji in the FCT Abuja, Mozum and reverine area of Bassa local government of Benue State. Hussain (1991) said the most cogent point is the account which says that the leaders of the *Ebira* that migrated from Idah to *Opete* was called *Itaazi*, believed to be blessed with five children named: *Ugah, Ododo, Ohuzi Obaji and Ochuga*.

The, Ugah moved from Eikaba hill to the plain near Uko angwe (stone carvity for extracting palm oil) to establish Okengwe. Ododo moved to Okehi hill and from there to found Uhuodo while *Obaji* moved to established Eika and the youngest of them, *Ochuga* found Ihima.Okene, which is under Okengwe and is now the commercial, social and political centre of *Ebira*land, was found by *Okovi* and *Agada* who were the sons of *Ugah*. Being great hunters, *Okovi* and *Agada* were said to have settled in the Okokooro-Une (antelopes dominated area), later corrupted as Okene by the colonialists at the height of their invasion of African Countries (Hussaini, 1991).

As they settled in Opete, one of the sons of Itaazi called Ohizi (who founded Adavi) had five sons, namely: Upopuvete, Ozuka, Aruku, Adeika and Uha-ami. Another son, Ugah (who founded Okengwe had two sons called Okovi and Agada. Later Okovi had seven sons namely:

Asuwe, Omavi, Adobe, Ehebe, Ure, Eyire and Omoye while Agada had five sons namely: Ogu, Eviru, Akuta, Avi Ohimonoko and Esusu (Hussain, 1991).

Ahamadu (1974) said,the sons of Obaji (who founded Eika) are *Ihiaga, Iyewe, Avasa, Iheme* and *Anchi* and *Ododo* (who founded Okehi) had *Ubobo, Uhuodo* and *Agiri* as sons with Ochuaga (who founded Ihima) having *Emaru, Ohionwa, Ihuvete, Ohuwa, Ure and Odumi* as sons. Eganyi are those who did not follow *Itaazi* to *Eikaba* hill after crossing the Niger. Eganyi had five original clans: *Eheda, Onoko, Esugu, Ogodo,* and *Onogu*.As a consequence of interaction and trade link with Idah, some Igala settled in *Unosi* and Ajaokuta.Also, an average *Ebira* man practiced polygamy even before the advent of Islam, which prescribed maximum of four wives. The *Ebira* man in the past would marry many wives as a sign of strength and to have many helping hands in his farm work.

Ahmadu (1974) explained the basis of social organization of *Ebira* started from the family unit through clan to the larger clan group. Though the family and clan group were the important unit of political organization, the clan group was the main and the largest administrative unit of the people before the coming of the Uthman Danfodio Jihad. In this, several clans and sub-clan groups came together to form the clan group whose members believed they were related by blood particularly. About six of such clan-groups existed till Jihad invasion in 1865 was brought to the area. These were Okengwe, Okehi, Adavi, Eika Eganyi and Ihima, they all exist till date. Ahmad (2010) asserts that most of the clan titles were actual names of the clan fathers or founders. As the population grew, people started to differentiate themselves by referring to their fathers names ("*emi ozi*…"). Clan titles could have emanated from boasting which were characteristics of the most *Ebira*people. "Do you know I am a son of…?" All these systematically led to clan titles. He asserts also that some clans having the same clan name or

designation today have no common father. They did not migrate from one common root. What actually happened was that their father (who lived in different locations) gave identical names to their children independently, which later gave rise to clan names. Therefore, the Okovi clan of Okengwe has no agnatic link with the Okovi of Okehi, the former was a son Okengwe and the later was a son of Okehi. Isa (2007), explained that the same principle also applies to *Ezi-Ogu* kindred in *Agada* clan of Okengwe and *Ezi-Ogu* clan of Eganyi, *Ezi-Ogu* of Eika etc. In Okengwe, the father of *Ezi-Ogu* was *Agada* whereas in Eika, the father was *Obaji* (*Eika*). Thus neither the *Okovi* clans nor *Ogu* kindreds or any similar cases had a common ancestor or root.

Clan genealogical tree follows only the agnatic line excluding women. One important reason for the women seclusion maybe the fact that all *Ebira*people (in the past) regarded women as very inferior who were seen and not heard In addition, women usually spent most of their time in their husband homes.

2.4 *Ebira* in Pre-Islamic Era

Before the introduction of Islam, the religion to the people was paganism or fetishism. It was and still is the tradition. The system of faith and worship is as old as mankind, and so not only the*Ebira* people worshipped idols such as the Eku or the Ori as a result of which they erected shrines and oracles and practiced various cults with strange fetish rituals.They believed in animism and ancestors worship.

Hussain (2005), asserts that the *Ebira* people know God as the supreme Being who, they believe, lives in the sky (*egba*), and so He is called and recognized by various names.In koton-karfi, Umaisha, Toto, Adaji and mozum areas he is known as (*Ihinegba*).

In *Ebira*land, He is known as (*Ihinegba*) or popularly (*Ohomorihi*) but in Igarra, he is called (*Oshomoshi*). In all these areas, God is supposed to live very high up in the sky. A reason why he was propably called Ihinegba, supremancy and divine power are highly recognized. He was also recognized as the Supreme Being capable of granting beneficence mercy and all form of assistance (Isa, 2007).

God was still into worship by fetishists. Strangely enough, the people worship idols and spirits, soul of the dead people. They believed that the spirit of the dead live in Heaven or the sky and are divined responsible for the well being and woes of the living. The fetishist recognizes and acknowledges the capabilities and powers of the earthly gods which are variously referred to as *Eku*, *Ori* and names of other forms are deities. They are idols through which the spirit of the dead are conducted. The spirits are the deities represented by the idols, in other words.

In koto-karfi ,Toto, Umaisha, Abaji and mozum areas , the spirits/ souls of the dead are known as (*Ekuete*) meaning the gods that live in the earth, or ground. In these areas the heaven is known as (*Ene*) or (*Ikpesu*), where the dead is known to be living as spirit (*Ekuete*) (Habibu, 1993).

In the areas of *Ebira*land, the departed souls of the people are known as Eku, as spirits.The Eku spirits are believed to have ascended to the heaven that is another world high up in the sky. The heaven where the spirits/ souls live is known as (*Indaneku*).The spirit can come down as it equally goes up, and that is marked by festivals of the *Ekuechi* etc, held yearly. Before these festivals are held, the masquerades celebrating them will have to go to Ori shrines to perform sacrificial offerings and offer prayers as part of pegan rituals. In igarra, however, the dead

spirits are worshipped through Ori and other forms of idols and the spirits are supposed to live in the heaven (*Indaneku*).

Habibu (1993), the Ori is of course, Eku in Igarra. Ori is represented by different idols, the most powerful of which is Origbau, other in igarra are idakoriko and the Asawu, all which are offered sacrifices to appease the departed spirits/ souls.The supreme God is not worshipped directly as he is supposed to be living in the remote sky. Thus, he is regarded, perhaps, too remote to be reached for worship, or to scare to approach, a reason no one explain in modern. Why the Supreme Being is acknowledges as God as above all the other gods such as the departed souls, and cannot be worship directlyas do Muslims and Christianscannot also be explained. The *Eku* or the *Ori* are inanimate objects of worship which cannot easily reached and seen, and through which a known departed relative is contacted on the other hand, (Isa, 2007) stated that the supreme being is not seen and He is too high up to be reached directly . He God is never mentioned in any prayer in *Eku* and *Ori* shrines. The departed relative is referred to by name in the shrine. The spirit of the departed relation is thought to control the natural phenomenon. Ohomorihi as the Supreme Being only owns and controls the universe, as thought by pagans. The spirit of the dead person is the focus of attention when fetishists worship, he is accorded a very high regard and given all the praises and gratitude normally extended to the Supreme Being. He is thought to possess divine powers, spiritual excellence and exaltation.

Isa (2007) said this is because he is thought to be capable of punishing an offence against him or his relation. He can cause suffering and inflict penalty on people. The pagans believe that the spirit or soul of a dead person can inflict on a whole family or any member of it at his pleasure and convenience.It is believed that the spirit can give reward for good deeds and grant

request benevolently to any person seeking assistance of any kind. The pagans believed that a departed spirit can react positively or negatively to any conceived thoughts. The spirit, it is said can ill luck, family disaster and even rain. He is thought to have the ability to cure disease or cause them. So to please the spirit a devotee has to make offering of all kinds to him. The offering in forms of sacrifices can be live fouls, chicken, gods, sheep, he-goat, rams etc. which can slaughtered in the shrines (*Agye*) or (*Isekpa*) as it known in koton-karfi , Umaisha, Toto etc. Isa (2007) added that the spirit is appeased by the offer of native liquir (wine), water, cooked, food, uncooked and raw foodstuffs such as beans, millet, rice, guinea corn etc. sometimes the spirit has to make a request for particular kinds of offerings and these can be known through divination by soothsayers (*Ohieva*) and priests (*Ohieku*) are the religious activist who popularizes themselves in the fetish worships, while the soothsayer (*Ohieva*) tells worshippers message received from the dead. The mechanics for worship differ in many places and communities. Hussain (2005), said because of the eminence of the spirit of the dead person, he was accorded an expensive burial at the time he died. Even he could query his burial ceremony if not properly accorded by his relations. And for the failure of the relations to live to his expectations he could punish them. Information from the dead to the living is always through soothsayers (*ohieva*) (Hussain, 2005).

The pagans believe that the departed spirit could reincarnate as a child to member of his family or other families.The child is named after the dead person who has reincarnated. The child, if a female and when grown up, can have a personal idol (*Okpankasi*), or join in the worship of her family idol (the *Isekpa*) or (*ori*) as they are called in Koton-Karfi, Usmaisha, Toto, Abaji and Mozum area. Witchcraft is detested in other areas, in *Ebira* land and Igarra, but their means of prevention or eradication differs.

According to Salami (2010) the spirits are either good or bad. The mechanics for fetish for worshipping varies in many places and communities, but the aims and objectives are the same everywhere. In the areas of *Koton-karfi, Umaisha, Toto,* Abaji and *Mozum*, where the dialect is the same, here the various idols having their specifics reference names, all of which they have a universal method of worship. The common idols are the *Isekpa* , the *Eto*, the *Obahuki*, the agana, the Ori, the *Okpantkai* and many other whichare the *Ori* group in different names, for example, *Orupa, Ori Atahugha , Ori-ma-nyi-ahu, Obahuki, Imaru*, *ogusu, Ageh and Osoga*.

According to Habibu (2005), in the villages and towns there are other idols with various Names. Many of the idols are owned by a family as a whole. The only personal idol owned by an individual is the okpankasi, in a calabash, a combination of decaying or decayed scarified stuffs, such as meat, cereals, bones, feather, pieces of clothes (*ugba*), ashes, blood stains, etc. *Okpankasi* is portable and can easily be stowed away at any corner of a bedroom. The other idols mentioned above have each a combination of the above named-stuffs including others. The most common idol that can be owned by a family in each household is the Isekpa. It can be in any part of a house, either in a shrine or hut. It is a ground hanged on a tripped or forked tree.

The purpose is that an idol should serve as the protection of the worshippers. An idol could be for prevention from or curing diseases. It maybe to protect a whole town, family or a clan during a crises such as attacked by invaders. In peace time, it provides help and protection. In olden days idol where used to prevent wars or protect fighting men. Salami, (2010), explained that the services of a priest are employed to make offering to the idols. The sacrifices (*ozu*) which literally means prayer are conducted in presence of worshippers who must listen to what the priest says. The priest calls the spirit of the dead man who wants the offering by name,

telling him that the offerings are herewith given to him. A cock or hen being offered will be made to make a forward movement to the idols from the front of the priest and if it does, it will be slaughtered.

Movement of the cock forward signifies the acceptance of the offering by the spirit, while a refuser of the cock to walk forward means a rejection of the offer. The hen's blood is smeared on the idols while its meat is cooked and eaten. Cooked food stuffs offered could have ruminant eaten by priest who gets no other reward. The worshippers present, or any other person, will share in the eating.At the end of the sacrifice; the priest will say (*Ase*) meaning (Amen) followed by others around who should utter "ase" as well (Habibu, 2005).

According to Salami (2010), In *Ebira*land, the method of worship of idols is slightly different. The method of worship, during the Eche-Ori traditional annual festival is typical example.The festival is to celebrate the yam festival. Two large magic pots, one with a small mouth representing a female idol (*Ori*) and other with a wide mouth representing a male idol (*Ori*), will be placed hidden high in the mountain of worship, each containing water. A messenger priest called "*Aninori*" will be appointed by the leaders of the communities celebrating the festival. The Aninori for the ensuring season wearing white cloths replace the one of the previous season. Ahmadu (1993), said that the ritual begin with a new *Aninori* (priest) hiding for two weeks before the festival day, so that the festival day his predecessor accompanied by communities elders and their wives of the new *Aninori* (priest) would go and look for him at the foot of the mountain. Both the new and the old *Aninori* (priest) will reach the foot of the mountain, while the elders and the wife of the new *Aninori* (priest) wait at the foot of the mountain.

According to Isa (2007) the new *Aninori* (priest) will cover the head of the old Aninori with an animal skin to hide his identity.At the top of the mountain the new *Aninori* will make a sacrificial offering to the idol (*Ori*). In making the offering, the new priest (*Aninori*) will use a calabash with which he takes water from the male pot and pour it into the female pot. If the Ori (*idol*) accept the offering immediately the priest (*Aninori*) pours water into the female pot, rain will fall and this means that this year will be a good and peaceful one. Merriment by the community will follow, and there will be singing and dancing. They will appear with their best dresses while they eat yams and celebrate. The new and the old *Aninori* will go from house to house blessing young babies allegedly provided through the blessing of the idol (*Ori*) during the previous year.

According to Ahmadu (2005) in other areas of *Ebira*land worshipping of idols in different method takes place. Other idols (*Ori*) in *Ebira*land are offered goats, chicken, foodstuffs during worship. The *Ekuechi* Masquerade will pray while worshipping idol (Ori) before coming to the stage for performance. He makes offering to idol (*Ori*) (Isa, 2007). In Igarra, the Idakoriko and the other oris are appeased by the offer of cooks, hens, goats and other object of sacrifice. For example, every eight days, the meat of the object of sacrifices listed above will be eaten within the shrine popularly known as *Ebo*. It is never taken home, and bones are not supposed to be broken when meat is being eaten.

Ahmadu (2005) the *Ori* shrine of the *Idakoriko* is always a visiting place for people seeking request from the gods by worshipping the *Ori.* Even if the person cannot avoid the object of sacrifice at the time of his request, he should (according) to custom, make promise to the *Ori Idakoriko* that he will provide them in future. If he fails after his request has been granted he will face the wrath of the Ori.

2.5 Islam in *Ebira* land

The Nupe are said to have launched a "Jihad" against the *Ebira*, it is argued that the raid was merely to capture slabs. Whatever the motive for the Nupe invasion of *Ebira*land, the result turned out to be a failure. This was partly due to the defensive nature of the *Ebira* settlements, but more importantly, because the Nupe forces encountered great resistance from the *Ebira* who rallied behind Okene Eba. The Nupe forces had to withdraw (Abdulrahman, 1984).

The real first contact of the people with Islam was in 1860s when the Sokoto Jihad in its bid to expand its western frontier was lauched in the area through the activities of Nupe-Ilorin axis of Jihadists. Though it was a movement originally to purify Islam, and having a lot of socio-political and economic impacts on *Ebira* society, the Jihadists never conqured the area as part of it emirates neither was *Ebira* Islamized. Islam was consolidated in the land during the colonial period (Okene, 1992). Hussain (2005) the significance of the purpose of all the Nupe invasion lies in the fact that Okene emerged militarily powerful and established its position as the unchallenged leading town in *Ebira* land. Not only did the war produce great military leaders and tacticians such as *Ohindase, Abogunde, Okomanyi* but these leaders organized the town and its surroundings in such a way that the war did not interrupt the ordinary life of the people. And for the first time in the history of the *Ebira*, Okene became the dominant supplier of foodstuffs to the other settlements within the *Ebira* country and around.

The military process demonstrated by the Okene war leaders gave the town a position of military leadership. Thus the aftermath of the Ajinomoh war prepared Okene for the dominant political and economic role which it came to assume during the colonial period. The British first visited Okene in the year 1900. The visit was followed by expedition in 1903 but it was

not met with hostile reception as a result, Okene town was bombarded and the town was capitulated. With the advance of British colonialism indirect rule was thrust upon the people and agents were appointed for each clan in *Ebira* land. The British had established in Okene a judicial council which by 1916 became the Native Court. Okene became the headquarters of *Ebira* division. The British taxed the people of *Ebira* land and agents were appointed to collect taxes. A local treasury was established in 1920 and heads of families forwarded their taxes through the appointed agents.

The spread of Islam in reality was the work of the scholars (Mallams) particularly those among the pupils of Sheikh Uthman Dan Fodio. One of them, Mallam Salih, the son of Muhammad bin Janta came specifically for this purpose towards the south of River Niger. He came to Borgu and become the guest of the ruler of Bassa. He later came to Ilorin in 1826 C.E where he devoted his time in preaching and teaching pupils who came to learn from him from different places.According to Abdulrahman(1984), when Abdulsalami became the Emir of Ilorin he introduced Shari'ah in that area. It was through the influence of Abdulsalam, he was born in Ilorin, got his education in Ilorin and then travelled to Owo where he started teaching and preaching Islam. He then went to Ekiti and Akoko for the same purpose. Then in 1902, he came to visit *Ebira*land accompanied by his wife who was then pregnant and became the guest of Onubajo. He later transferred to the house of Agidi.

Abdulsalami became well known for his spiritual powers and for his efficacy of prayers. He was also an expert in native medicine, so through his prayers and medical treatment, he attracted a large number of people to him for his help Abdulsalami in return preached Islam to his visitors. When the information concerning Mallam Abdulsalami reached the daughter of the Chief of *Ebira* named Iyabe, she visited Mallam Abdulsalami to come to her father's house

and be his guest. Abdulsalami accepted the offer and moved to the house of *Omadibi* who was appointed by the British government as the Chief of that area. He became almost like a member of that family. The Chief used to consult him in almost all his affairs. *Iyabe* accepted Islam and began to learn the Qur'an from Abdulsalami. She was given a Muslim name, Zainab. Her son Ibrahim also accepted Islam. Zainab later made a proposal to marry Mallam Abdulsalami. Thus through this marriage Abdulsalami's relationship with the ruler of *Ebiraland* was further commented.

Abdulsalami established a Qur'anic school where people came from different parts to learn Qur'an and Hadith. The first person among those who enrolled in his school was Ibrahim Atta, the son of Zainab. A large number of people including traders who had already come in touch with Islam in their travels to Ilorin, Ibadan, Kano and Zaria readily accepted Islam.

When Ibrahim became the Chief of *Ebira* land after the death of his grandfather, Mallam Abdulsalami was appointed the chief Imam to lead the Friday prayers. Later a dispute arose between Ibrahim and some of his people. Abdulsalami during that period went for Hajj to Mecca and stayed there for a long time and returned later to his homeland (Ebira land).

Zainab, the mother of Ibrahim Attah died in the year 1917. When her father Omadubi died in 1917, Ibrahim was appointed the Chief of that Area. Ibrahim Attah appointed Abdulsalami as his Chief Adviser and Qaadi. Ibrahim invited Ulama from northern part of Nigeria. Due to his invitation, Alkali Modibo came from Yola and Mallam Suleiman from Kano and Mallam Ali from Lokoja and Mallam Saki from the Nupeland. Due to the conger vial atmosphere, a large number of traders also began to visit *Ebira* land from Hausa land. Many of them settled down there till today. Funds were raised from people each Friday to build a mosque which was

completed in 1953 and is known as the central mosque. Ibrahim performed pilgrimage to Mecca in 1930 during the reign of Ibrahim Attah, Islam spread far and wide and it is estimated that about 90% of the *Ebira* people are Muslims (Hussain, 2005).

The famous scholars who participated in the activities of the spread of Islam in *Ebira* land are Sheikh Yahaya Tajuddeen who was born in the year 1875 C.E in Ilorin. He spent all his life in *Ebira*land. He was given the responsibility of Chief Imam after Abdulsalami went for pilgrimage to Makkah (*Hajj*). Unfortunately a misunderstanding arose between him and Ibrahim Attah. He was deposed from Imamship and another Chief Imam was appointed, named Mallam Aliyu Hafiz. The other learned man of great repute is Sheikh Ahmad Rufa'i who was born in 1902 in Okene. He was the pupil of Abdulsalami and completed his religious education in 1928. For a short while he became government, functionary and was sent to Lokoja where he continued studying Islam under a learned scholar called Abdullahi.

In 1943 he came to Zaria to study Tafsir of the Glorious Qur'an from Alhaji Abdulrahman. From Zaria he went to Kano to study Islamic Jurisprudence, Tafsir, and Hadith from Alhaji Abubakar Atip. Then he returned to Ebirland where till today he is well known as a learned scholar. In 1950 he went for pilgrimage and in 1952 he went to Kaolaha to pay visit to the famous Tijjani Sheikh Ibrahim Inyass in the same year. He is the first scholar to translate the Holy Qur'an into *Ebira* language and continues doing so in the month of Ramadan every year. He is considered to be a Khalifah of the Tijjaniyya Sufi-order.

Another important Islamic scholar is Alhaji Imam Musa Galadima who was born in 1917. He studied the Holy Qur'an from Sheikh Yahaya Tajuddeen. Later, he went to Bida for further Islamic education from the famous Sheikh Abdullahi Bida. In 1961 he was appointed Chief

Imam of the central mosque Okene (Abdulrahman, 1984). Before the early 1885, *Ebira*land never knew what is Islam, Some *Ebira* warriors who were made prisoners in the war in Bida and Ilorin returned to their homeland with Islam. They had watched the Ilorin or Bida invaders praying as Muslim in their various camps and developed interest in the act.

According to Suleiman (2007), the first Muslim worshipper in Okene was yahaya otaru orietesu. His strange behavior of bending down with his palms to his knees and stillness while standing, drew special attention from the people. Some people even mocked him for his "monkey style"behavior, while other wondered that Ajinomo people who had earlier invaded *Ebira*land might have cast spell on him.

Yahaya otoru oritesu was therefore the first noted *Ebira* man to have offered Muslim prayer in his house at orietesu in okene. It is to his credit that the present *Ebira* central Mosque, either by design or otherwise is erected in the very place he built his house. As a matter of honor, his grave is in the vicinity of the central mosque (Abdulrhman, 1984).

Adai Abdullahi ogido was another recognized early Muslim in Okene. He too, came to *Ebira*land after the Islamisation at Bida. The placedin which he was born in 1822, was named after him in okene (*Idi-ogido*), a place most Hausa people reside in Okene.There was also Mayaki *Ebira* who was reported to have learnt the holy Quran at Bida before his return to *Ebira*land. It was under him such early scholar like Mallam Suleiman and Mallam Abubakar Garba learnt their Qur'anic studies (Suleiman, 2007).

Another early Muslim in *Ebira*land was *Opata* of *Ihima* (Okehi LGA) who was very dedicated in the religion. He was the first person to introduce congregational prayer in Ihima (Okehi LGA).

People like Aliyu Ogedebe, Ahmed Otohinoyi of Ogaminana (Adavi LGA), Muhammadu Sani, father of Alhaji Raji Irambete and others were also some of the people that embraced Islam in *Ebira* land at this early period.Of great significance in the Islamization of *Ebira* land was the arrival of the great Islamic scholar from Ilorin, Shaykh Yahaya Tajudeen in1915 he placed *Ebira* land on the map of Arabic speaking or recording arena. He linked *Ebira* land with various new converts were being recorded especially in the Qur'an Education centre opened in his house by Shaykh Yahaya Tajudeen. Such new converts were taught, first and foremost, the unity of Allah without any interceding power. They were lured into renouncing idiol worship, consultation with soothsayers and diviners for the activities of their daily lives and ascription of death and other calamities to witchcraft (Suleiman, 2007).

According to Hussain (2005), the old converts would continue to attend to the new converts in their respective houses, teaching them the basic requirements of good Muslims.The *Ebira* showed their kind gesture to the Muslims by offering them different type of gifts, including cash. Within a short time, the Muslim teachers found *Ebira* land suitable for them to stay and they began da'wah work.They also found the places conducive so much that in every Friday congregational prayer, a great number of people were converted to Islam.

2.6 Impact of Islam on *Ebira* Traditions

In most African communities, *Ebira*land was caught between culture and religion. It had been comfortably enjoying the later for several centuries and the Islamic religion which later surfaced with its own set of different ways and tradition shook the foundation of the tradition.Obviously, in the Milieu of conflict of interests that naturally arose between the two choices was a situation where one must influence the other. To a large extent, though Islam has

exerted a great deal of influence on the tradition and cultures of *Ebira*, most people were so drenched in the old ways that they hardly could separate the two (Hussain, 2005).

Isa (1998) said that, in almost all the aspects of the *Ebira* culture and tradition, Eku cult occupied a central position. As an ancestor personification Eku cult was the compact core of the people's religion. It was considered as the spiritual and physical link between the ancestors in the world of the dead and the living. Since the laws, the customs and the norms guarding the society were considered to have emanated from the ancestors. Eku therefore, served as the source of deals and values of the society that must be kept and protected so as to avert the ancestral wrath. In this conversion therefore, Eku cult as an embodiment of the spirit of the dead was an advanced ancestral workshop. Both as concept and custom, it was used as a mechanism of control and discipline.

The origin of *Eku* as a concept predated the present location of *Ebira* sources indicated that it was already developed by *Ebira* during the settlement in the lower Benue valleys between the 17^{th} and 16^{th} centuries C.E. Hussain (2005), asserts also that the first set of Muslim scholars who brought Islam to *Ebira*, fully understood the social and traditional attachment of the people to the *Eku* cult and therefore, were cautious in how to approach the people for conversion into Islam. Shaykh Yahaya Tajudeen together with the Atta of *Ebira* land, Alhaji Ibrahim Onoruoiza and other scholars maintained a quiet, simple and persuasive method of conversation. For example, the Muslim scholars would pay visit on some pagan landlords with the sole aim of discussing Islam with them. The visitors could be offered some gifts, mostly, bush meat, kola nuts and tobacco.

The scholars would not reject the generous offer of gifts by the pagans; rather, the gifts would be respectfully received and passed on to either friend on their way home.The coming of Islamic and the cautious method employed by the early scholars have greatly improved the socio-political and economic perception of the people.To start with, Islam has changed the dressing system of an average *Ebira* Muslim. The mode of conducting marriages, naming ceremony, burial and other important aspect of human life were tailored to conform to the Islamic norms and tradition.Islam also brought it set of judicial system which *Ebira* people embraced. In pursuit of the legal rights of the Muslims, an independent court was established in the early days of Islam to deal only with Muslims and Islam, some people in *Ebira* land still maintained the dual faith both Islam and in the traditional practices. Isa (1998) asserts that many *Ebira* Muslims believed that the only thing they needed to do, to be seen as Muslims was to publicly offer five Muslim daily prayers, observe fasting in the month of Ramadan and other religious activities. But they would still consult Oracle, offer sacrifices to man-made gods and spirits as well as do many other things that were completely in negation of the Islamic tenets.

The degree of the people's observance of most of the Islamic norms and tradition was low. It was even disheartening to see the mockery of Islam by masquerades, which would not do without offering sacrifices to Ori and Ireba (cults). Also they would not feel ashamed in engaging in Muslim five daily prayers and other Islamic activities.Islamic education has therefore succeededonly in catching the surface of somepeople in *Ebira*land and turned the adherents away from belief in other things other than Allah (SWT) (Hussain, 2005).

2.7 Concept of Culture in Islam

Islam is a comprehensive and global religion. It covers every aspect of life. The greatest beauty of Islam is in its culture.The word culture has many meanings. In Arabic, culture is called "Thaqafah". The culture is defined as patterns of behavior and thinking that people living in social groups learn, create and share. Culture distinguishes one human group from others. It also distinguishes humans from other animals. A people's culture includes their beliefs, rules of behavior, language rituals, art, technology, styles of dress, and ways of producing and cooking food, political and economic systems (Hussain, 2005).

According to Muhammed (2008), Culture is also defines as a peoples' complete way of life. It consists of all the ideas, objects and ways of doing things created by the group. Culture includes beliefs, customs, language and traditions. Al-Jibaly (2008), Islamic culture is a way of life of a Muslim is defined by the Qur'an and Sunnah. It is the culture of Rasulullah (S.A.W) it is that way of life upon which has established the Sahaaba (R.A) after having turned them away from the culture of ignorance (*Jahiliyyah*).

Islam has a distinct culture. The culture in Islam also not monolithic,it has varieties and a rich diversity. Al-Jibaly (2008), explained that there are elements in Islamic culture that are constant and that are universally accepted by all Muslims; but there are also elements in Islamic culture that are diverse and different from country to country and people to people. The universals are based on the Qur'an and Sunnah while the variables are based on local customs (A'raf and 'Adat) of various people. Thus there is an Arab Islamic culture, Indo-Pakistani Islamic culture, African Islamic culture, Chinese Islamic culture and so can be an American or Western Islamic culture.

Muhammad (2008) said the Islamic culture is based on the Qur'an and Sunnah as well as on great human experience and learning. Muslims benefit from the knowledge of all people and be open to all knowledge in order to keep our culture strong and dynamic.

2.7.1 Characteristics of Islamic Culture

The characteristic of Islamic culture according to al-Jibaly (2008), are as follows:

(1) God Centered:

Islamic culture is God-centered. Muslims uphold strict that came to use through Allah's many prophets and messengers and finally through the last Prophet Muhammad (SAW). Muslims believe in life after death and the Day of Judgment. It emphasizes worship and devotion; prayers, fasting, Zakat and Hajj. Muslims also uphold that Allah has allowed us certain things and has forbidden us certain things. It emphasizes the Halal and against the Haram.The Qur'an describes such submission of a Muslim in the following verse:

ﯾ ﭙ ﭙ ﭨ ﭩ ﭪ ﭫ ﭬ ﭭ ﭮ ﭯ ﭰ ﭱ ﭲ ﭳ
ﭴ ﭵ ﭶ ﭷ ﭸ ﭹ ﭺ ﭻ ﭼ [24:51]

"*The answer of the believers, when summoned to Allah and His Messenger, In order that He may judge between them, is no other than this: They say, "We hear and we obey": it is such As these that will attain felicity (.Q24:51)*

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(2) Dignifying and Moralistic

Islamic culture places great emphasis on the dignity of human beings and their morality. Itemphasizes truthfulness, Honesty, Modesty (Haya), cleanliness .Islamic culture against

extravagance, extremism. It teaches self-confidence and self-reliance. It emphasizes charity and generosity. Our culture is family-Oriental with great emphasis on good spousal relations, good care of children, extended families, love and respect for the orders. Islam abhors adultery, fornication, homosexuality, gambling, or use of intoxicants. The Qur'an states:

ﭺ ﭻ ﮋ ﮌ ﮍ ﮎ ﮏ ﮐ ﮑ ﮒ ﮓ ﮔ ﮕ ﮖ ﮗ ﮘ ﮙ ﮚ ﮛ ﮜ ﮝ ﮞ ﮟ ﮠ ﮡ ﮢ ﮣ ﮤ ﮥ ﮦ ﮧ ﮨ ﮩ ﮪ ﮫ ﮬ ﮭ ﮮ ﮯ ﮰ ﮱ [7:33]

> *say: the things that My Lord hath indeed forbidden are: shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allah, for which He hath given no authority; and saying things about Allah of which ye have no knowledge. (*Q7:33)

(3) Egalitarian, Tolerant and Fraternal

Islamic culture emphasizes that all people are equal. It does not accept any color value of all human beings and all creation of Allah (SWT). It permits the freedom of religion and accepts no compulsion in matters of religion. Islamic culture is tolerant of people of all faiths, especially the people of the Book. We believe that all Muslims are brothers and sisters. The sense of brotherhood in faith must be very strong among Muslims, regardless of the geographical boundaries or changing political or economic conditions. Muslim must keep good relations with all human beings, especially neighbors.

The Qur'an explains:

ﭾ ﭿ ﮀ ﮁ ﮂ ﮃ ﮄ ﮅ ﮆ ﮇ ﮈ ﮉ ﮊ ﮋ ﮌ ﮍ ﮎ ﮏ ﮐ ﮑ ﮒ ﮓ ﮔ ﮕ ﮖ ﮗ ﮘ ﮙ ﮚ ﮛ ﮜ ﮝ [49:13]

"O mankind! We created you from a single (pair) of a male and a female, and made you into nations and Tribes, that ye may know Each other (Not that ye may despise (each other). Verily the Most honored of you in the sight of Allah is (He who is) the Most righteous of you. And Allah has full knowledge and is well acquainted (with all things). (Q49:13).

In another verse, the Qur'an states:

ﭺ ﭻ ﭼ ﭽ ﭾ ﭿ ﮀ ﮁ ﮂ ﮃ ﮄ ﮅ ﮆ ﮇ ﮈ ﮉ ﮊ ﮋ ﮌ ﮍ ﮎ ﮏ ﮐ ﮑ ﮒ ﮓ [18:29]

"Say, "The truth is from your Lord": let Him who believe, and let Him who will, reject (it): for the wrong-doers we have a Fire whose (smoke and flames), like the walls and roof of a tent, hem them in: if they implore relief they will be granted water like melted that will scald their faces, How dreadful the drink! How uncomfortable to recline on! (Q18:29)

(4) Dynamic Progressive world Affirming and not World Denying or Ascetic

Islamic culture makes no bifurcation between the religious and secular education. Islam considers that all knowledge is important. Islamic culture emphasize open mindedness and willingness to accept the wisdom from any source Islamic culture promotes good art, architecture, gesthetics, health, healthy environment and clean entertainment. The Qur'an commands:

ۉ ې ۉ ۋ ۋ ۅ ۅ ۆ ۆ ۇ ۇ ۈ ۈ ۇٴ ۋ ۋ ۅ ۅ ۉ ۉ ې ې ى ى ئا ئا ئە ئە ئو ئو ئۇ ئۇ ئۆ ئۆ ئۈ ئۈ ئې ئې ئى ئى ئي ئي بج بح [28:77]

"But seek, with the (wealth) which Allah has bestowed on thee, the home of the Hereafter, nor forget Thy portion In This world: but do Thou good, as Allah has been good to thee, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief."(Q28:77).

(5) Non-exclusivist but Da'wah-Oriented and Optimistic

Islamic culture emphasizes promoting good thing with wisdom and patience. It is not a dominating or colorizing culture, but it is also not an exclusivist and Isolationist culture. Islam orders the invitation of all people to Islam without coercion. Islamic culture teaches to listen and dialogue with others. Islam considers that human nature is good and if people are given chance to know and learn Islam as it is, they will find it satisfying and fulfilling. The Qur'an commands:

ﱡﭐ ٱدۡعُ إِلَىٰ سَبِيلِ رَبِّكَ بِٱلۡحِكۡمَةِ وَٱلۡمَوۡعِظَةِ ٱلۡحَسَنَةِ وَجَٰدِلۡهُم بِٱلَّتِي هِيَ أَحۡسَنُۚ [١٦:١٢٥]

> *"Invite (all) to the Way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for thy Lord knoweth best, who have strayed from His Path, and who receive guidance."(Q16: 125).*

2.8 Islamic Concept of Inheritance

Many scholars have defined this concept with different thought, their meanings are closely in meaning for instance. Al-Tasawwuli (1998), defined the inheritance (mirath) as literally means the property left by the deceased person, otherwise known as the estate. He further stated that it is a science of practical rulings of shari'ah relating to the devolution of wealth after its owner has actually died or is presumed dead by a court of law.

Technically, Al-Jazairi (2007), define the inheritance (mirath) as refers to the branch of Islamic jurisprudence which deals with the distribution of dead person's estate among his/her eligible

and qualified heirs as well as science which leads to the knowledge of the share of each heir from the property of the deceased person.

Danladi (n.d),said that, Muhammad Dasuki defined the estate succession as a science by which person(heirs) who inherit are distinguished from those who do not ; the knowledge also ascertain (in most cases) the (quantum) of the shares each inheritor is entitled to take.Inheritance (*Ilm al-fara'id*) all centered on the estate left by the deceased person. Doi (1984) said that in legal terminology, mirath means the inheritance to be divided from the property of the deceased among his successor. Coulson (1971), stated that; Obligatary (*Fard*) is the root Arabic term for a duty imposed by divine command but the word is also used both in singular and in one of its plural forms of inheritance (*Farai'id*) specially to denote the shares of inheritance allotted to various relatives by the Glorious Qur'an; so that the phrase inheritance (*Ilm al- Farai'id*) or science of inheritance (*Farai'id*), which is commonly used to described the system of inheritance as a whole. Qadir (1992) defines it as the science of law of inheritance or Ilm al-Farai'id is the knowledge of the estate and correct determination of proper shares in an estate with the regard to the relation of the individual shares to the basic division.

According to Qadir (1992), inheritance is the science of Islamic law of succession as the knowledge of the estate and correct determination of proper shares in an estate with regard to the relation of the individual shares to the basic division. He further said that there are thirty-five (35) verses of Qur'an which refers to the law of inheritance (mirath) or its derivation in one form or the other. The word mirath is literally used in the following verses:

Allah (SWT) says:

ئۆ ئۆ ئۈ ئۇ ئې ئې ئى ئى ئد ى ى ئج
ئح ئم ئى ئي بج بح بخ بم بى بي تج تح تخ
تم تى تي ثج ثم ثى ثي [3:180]

"……..And to Allah belongs the inheritance of the heavens and the earth, and Allah is all acquainted with all thatyou do" (Q 3:180),

Allah (SWT) says:

ٻ ٻ ٻ ٹ ٹ ٹ ٹ ڤ ڤ ڤ ڤ ٹ ٹ ٹ ٹ
ڀ ڀ ڀ ڀ ٺ ٺ ٿ ٿ ٿ ٿ ٹ ٹ ٹ ٹ
ڤ ڤ ڦ ڦ ڦ ڦ ڄ ڄ ڄ ڄ ڃ ڃ ڃ ڃ
چ چ چ چ ڇ ڇ ڇ ڇ ڍ ڍ ڌ ڌ ڎ ڎ
[57:10]

"And what causes have you why you should not spend in the course? And to Allah belongs the inheritance of the heavens and the earth…." (Q57:10).

Even the Prophets of Allah (SWT) like Zakariyya (A.S) have prayed to be given successors to inherit him.

Allah (SWT) says:

ۓ ۓ ڭ ڭ ڭ ڭ ۇ ۇ ۆ ۆ ۈ ۈ [21:89]

And remember Zakariyya, when he cried to his Lord:O my Lord! Leave me not without offspring, though are the best of inheritor. (Q21:89).

Qadir (1992) explained that Islam being the complete way of life; the Glorious Qur'an explained the rules for the disposals of the estate property gradually. For instance, when Muslim emigrated from Makkah to Madinah, the law of succession was based on the Islamic relationship. A Muslim from Madina could inherit his Makkan brother.

Allah says:

ﭺ ﭻ ﭼ ﭽ ﭾ ﭿ ﮀ ﮁ ﮂ ﮃ ﮄ ﮅ ﮆ ﮇ ﮈ ﮉ ﮊ ﮋ
ﮌ ﮍ ﮎ ﮏ ﮐ ﮑ ﮒ ﮓ ﮔ ﮕ ﮖ ﮗ ﮘ ﮙ ﮚ ﮛ ﮜ
ﮝ ﮞ ﮟ ﮠ ﮡ ﮢ ﮣ ﮤ ﮥ ﮦ ﮧ ﮨ ﮩ ﮪ ﮫ ﮬ ﮭ
[8:72]

"*Verily, those who believed and emigrated and stroveHard and fought with their property and their livesIn the cause of Allah as well as those who gave (them)Asylum and help,-these are all allies to one another,And as to those who believed but did not emigrate:(to you O Muhammad),You owe no duty of protection to them until they emigrate; but if they seek your helpIn religion, it is your duty to help them except a peopleWith whom you have treaty of mutual alliance; and Allah is the All-seer of what you do….."(Q8:72).*

2.8.1 The Position of Women in the *Jahiliya* Period of the Arab Society

Accoridng to Yusha'u (2010) in the pre-Islamic Arab society known as the *Jahiliya*period inheritance was based on the custom. In the tribal society of Arabia, only those who could take up arms and fight to defend the clan and capture booty were allowed to inherit. Therefore, women, as mothers, wives, daughters and grandmothers as well as children were excluded from inheritance.Therefore, women as mothers, wives daughters, sisters and grandmothers were excluded from inheritance from their relatives, because they could not go to farm or take up arm to fight. The wife herself was considered as the property of her husband. She could not inherit from the property of her husband or her father brother or uncle.

During the period of jahiliya it was the custom to acquire the right of inheritance throughfictious relationship. However, to cite an example the adopted "son" has the right to inherit his father. A man could make a contract with another to the effect that the other will pay

any fine that might be incurred by him. This was known as heir by contract. The eldest son, brother, or uncle particularly took the whole of the property including the wives of the deceased person. The immediately children of the deceased person (if minor or female) were often deprived of any inheritance (Yusha'u, 2010).

Prior to the advent of Islam, Arabs never like the birth of a female child into their family. They hate such an act, and considered it evil. The woman herself was as evil, buried their female children alive and they felt sad at the birth of female children as indicated in the following verses of the Qur'an:

ژ ڦ ڃ ڃ ڄ ڄ ڃ ڃ ڄ ڄ ڃ ڃ ڇ ڇ
ڃ ڃ ڇ ڇ ڍ ڌ ڌ ڎ ڎ ڈ ڈ ژژ ڑ ڑ ک ک
ک ژ[16:58-59]

When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief! with shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! What an evil (choice) they decide on? (Q16:58-59).

During the periodof Jahiliyah, the grounds for inheritance were three as mentioned by Yusha'u (2010):

1. Blood relations (النسب)
2. Adaptation (التبني)
3. Confederation (الحلف)

1 Blood Relation

The Arabs were inheriting on the base of blood relationship which was only confined to the paternal male descendant. Even among them only those who have the ability to hold arms and

can fight to protect the clan against external aggression or can bring booty to the clan. Hence, those male descendants who had no ability to hold arms, such as: minor, disable and old people as well as females general were totally excluded from inheritance.This practice of inheritance could be seen in the following prophetic *Hadith,* which was eventually cancelled with the revelation of the verses on inheritance.

عَنْ عَبْدِ اللهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: جَاءَتْ امْرَأَةُ سَعْدِ بْنِ الرَّبِيعِ بِابْنَتَيْهَا مِنْ سَعْدٍ إِلَى رَسُولِ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: يَا رَسُولَ اللهِ، هَاتَانِ ابْنَتَا سَعْدِ بْنِ الرَّبِيعِ، قُتِلَ أَبُوهُمَا مَعَكَ يَوْمَ أُحُدٍ شَهِيدًا، وَإِنَّ عَمَّهُمَا أَخَذَ مَالَهُمَا، فَلَمْ يَدَعْ لَهُمَا مَالاً وَلاَ تُنْكَحَانِ إِلاَّ وَلَهُمَا مَالٌ، قَالَ: يَقْضِي اللَّهُ فِي ذَلِكَ فَنَزَلَتْ: آيَةُ الْمِيرَاثِ، فَبَعَثَ رَسُولُ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى عَمِّهِمَا، فَقَالَ: أَعْطِ ابْنَتَيْ سَعْدٍ الثُّلُثَيْنِ، وَأَعْطِ أُمَّهُمَا الثُّمُنَ، وَمَا بَقِيَ فَهُوَ لَكَ.هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، لاَ نَعْرِفُهُ إِلاَّ مِنْ حَدِيثِ عَبْدِ اللهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ، وَقَدْ رَوَاهُ شَرِيكٌ أَيْضًا، عَنْ عَبْدِ اللهِ بْنِ مُحَمَّدِ بْنِ عَقِيلٍ.

This hadith was reported by Jabir Bin Abdullahi (Peace be upon him) that a women come with her two daughthers before the Holy Prophet (Peace and Blessing be upon him) and said "O" Prophet of Allah these are the two daughthers of Sa'ad bin Al-Rabia who was matyred in the battle of uhud. Their Uncle has been taken away their entire property and has left nothing for them. And it is not possible to get them married without property. The Holy Prophet (S.A.W) answered "Allah will decide in this matter". Therefore the verses of surah Al-Nisa (4:11-12) were revealed; the Holy Prophet (SAW) sent for their uncle and told him to give two-third (2/3) to the daughters and one-eight (1/8) to their mother and the reminder is for you sunan Abi Dawud 2891 book 19, Hadith 7.

2. Adaption

According to Yusha'u (2010) this was another ground of inheritance during the time of Jahiliya. Adaptation is a situation whereby a male not a female child is adopted him after his death and he (the adopter) too would inherit the adopted child if he dies, This tradition of inheritance continues until the early days of revelation which was cancelled by the following verses of the Qur'an:

ژ ڃ ڃ ڃ ڄ ڄ ڄ ڄ ڇ ڇ ڇ ڇ ڍ ڍ ڈ
ڈ ډ ډ ډ ڑ ڑ ک ک ک ک گ گ گ گ
گ ڑ [٣٣:٤]

Allah has not made for any man two hearts in his (one) body: nor has He made your wives whom ye divorce by Zihar your mothers: nor has He made your adopted sons your sons. Such is (only) your (manner of) speech by your mouths. But Allah tells (you) the Truth, and He shows the (right) Way. (Q33:4)

3. Confederation

The confederation refers to a situation whereby a condition is put between two people that they will fight their enemies and help one another in all fields, of life and if there is ransom they share it together. If any one of them dies, the one alive will inherit one sixth (1/6) of deceased's property as it is in Sura al-Nisa'i:11.

ژ...ھ ے ۓ ۓ ﮲ ﮳ ﮴ ﮵ ﮶ ﮷
﮸ ﮹ ﮺ ﮻ ﮼ ﮽ ﮾ ﮿ ﯀ ﯁ ...ژ
[٤:11]

...For parents, a sixth share of inheritance to each if the deceased left children; ... (Q4:11).

This is explained in the Qur'an as follows it was however abrogated with another verse *Qur'an* 75:8:

ﮋ ﯗ ﯘ ﯙ ﯚ ﯛ ﯜ ﯝ ﯞ ﯟ ﯠ ﯡ ﯢ ﯣ ﯤ ﯥ ﯦ ﯧ ﯨ
ﯩ ﯪ ﯫ ﯬ ﯭ ﮊ [٤:٣٣]

*To (benefit) every one, We have appointed shares and heirs to property left by parents and relatives. To those, also, to whom your right hand was pledged, give their due portion. For truly Allah is witness to all things (Q4:33).*Yusha'u (2010:33).

ﮋ ﯓ ﯔ ﯕ ﯖ ﯗ ﯘ ﯙ ﯚ ﯛ ﯜ ﯝ ﯞ ﯟ ﯠ ﯡ ﯢ ﯣ ﯤ
ﯥ ﯦ ﯧ ﯨ ﯩ ﯪ ﯫ ﯬ ﯭ ﯮ ﯯ ﯰ ﯱ ﯲ ﯳ ﯴ ﯵ
ﮊ [٣٣:٦]

The Prophet is closer to the Believers than their own selves, and his wives are their mothers. Blood-relations among each other have closer personal ties, in the Decree of Allah. Than (the Brotherhood of) Believers and Muhajirs: nevertheless do ye what is just to your closest friends: such is the writing in the Decree (of Allah) (Q33:6)

Islamic Brotherhood and Emigration

According to Yusha'u (2010) during qqthe early days of Islam, there existed a strong Islamic relationship and brotherhood between thqe *Muhajirun* andthe*Ansar*to the extent that they inherited one another. This can be seen inq the following verse:

ﮋ ﭽ ﭾ ﭿ ﮀ ﮁ ﮂ ﮃ ﮄ ﮅ ﮆ ﮇ ﮈ ﮉ ﮊ ﮋ ﮌ ﮍ ﮎ
ﮏ ﮐ ﮑ ﮒ ﮓ ﮔ ﮕ ﮖ ﮗ ﮘ ﮙ ﮚ ﮛ ﮜ ﮝ ﮞ
ﮟ ﮠ ﮡ ﮢ ﮣ ﮤ ﮥ ﮦ ﮧ ﮨ ﮩ ﮪ ﮫ ﮬ ﮭ ﮮ ﮯ
ﮰ ﮊ [٨:٧٢]

Those who believed, and adopted exile, and fought for the Faith, with their property and their persons, in the cause of Allah, as well as those who gave (them) asylum and aid,- these are (all) friends and protectors, one of another. As to those who believed but came not into exile, ye owe no duty of protection to them until they come into exile; but if they seek your aid in religion, it is your duty to help them, except against a people with whom ye have a treaty of mutual alliance. And (remember) Allah seeth all that ye do. (Q8:72)

The above verse was however, abrogated with the following verse indicating that blood relatives are closer to one another.

ژ ۇ ۆ ۋ ۈ ۇٴ ۋ ۉ ۅ ې ې ى ئا ئا ئە ئە ئو ئو ئۇ ئۇ ئۆ ئۆ ئۈ ئۈ ئې ئې ئى ئى ژ [٣٣:٦]

The Prophet is closer to the Believers than their own selves, and his wives are their mothers. Blood-relations among each other have closer personal ties, in the Decree of Allah. Than (the Brotherhood of) Believers and Muhajirs: nevertheless do ye what is just to your closest friends: such is the writing in the Decree (of Allah) (Q33:7).

Islamic Reforms

At the beginning of Islam, the Jahiliya system continued. For some times since Islamic legislation among the Muslims was gradual. The reform in inheritance had to wait for the right time. The aim of Islamic legislation was to reform the whole system of inheritance to make it just. Islamic introduced the principle of equality among the sexes. Women were liberated, given the right to live and brought together with men on the same social plane, no longer regarded as property to be inherited, bought or sold but they were also given equal rights with

men to inherit property left by their fathers, husband and other relatives (Yusha'u, 2010). These could be seen in the following verse of the *Qur'an*:

ژ ٱ ب ب ٻ ٻ پ پ پ پ ڀ ڀ ٺ ٺ ٿ
نث ث ٹ ٹ ژ [٤:٧]

> *From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large,-a determinate share (Q4:7).*

Thus, women, mothers, wives, daughters and grandmothers as well as children were no longer deprived by those who fought for the clan or those went to the farm. What is left by a person was divided among his heirs instead of being handed over to the eldest son, brother, or uncle. There is no child or any other heir that can be deinied from inheritance or be favoured to the prejudice of another. Females, when inheritance with their brothers, get half their brothers share.The wife has the right to inherit her husband after his death. Islam totally cancelled the system that deprived the right of women with regard to inheritance despite the fact that some societies that thought that they are civilized continued to operate the ideas of not giving a woman any inheritance despite the fact that some societies that thought that they are civilized continued to operate the ideas of not giving a woman any inheritance. The Islamic reforms had effectively taken care of women much is better than in any society or civilization of today.Islam does not encourage a system that gives the whole property or most of it to single person within a family to the exclusion of others. Islam does justice in order to distribute weathe justly in the society (Yusha'u, 2010).

The Right of Women in Islam

In Islam, both male and female, are entitle to equality before the law. Justice in Islam is genderless. Men and women receive the same punishment for crimes such as theft, fornication, murder and injury as in the following are:

ژ ٺ ٺ ٿ ٿ ٹ ٹ ٹ ٹ ٹٹ ڤ ڤ ڦ ڨ
ڨ ژ[٥:٣٨]

And (as for)the male theft and the female theft cut off (from wrist joint their (right) hands as a recompense for that which they committed,a punshment by way of example from Allah,And is All-Powerful,Al-Wise.(Q5:37)

ژ پ ﭙ ﭙ ٺ ٺ ٺ ٿ ٿ ٿ ٹ ٹ ٹ ٹ ٹ ٹ
ٹ ڤ ڤ ڤ ڦ ڦ ڦ ڦ ڨ ڨ ڃ ڃ ڄ ڄ ڃ
ڃ ژ[٢٤:٢]

The woman and the man guilty of adultery or fornication,- flog each of them with a hundred stripes: Let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment".(Q24:2)

ژ ے ے ۓ ۓ ڭ ڭ ڭ ڭ ۇ ۇ ۆ ۆ ۈ ۈ ۉ
ۉۉ و و ۋ ۋ ې ې ې ې د د ئا ئا ئە ئە ئو ئو
ئۇ ژ[٥:٤٥]

"And We ordained therein for them: "Life for life, eye for eye, nose or nose, ear for ear, tooth for tooth, and wounds equal for equal." But if any one remits the retaliation by way of charity, it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed, they are (No better than) wrong-doers"(Q5:45).

Again in Islam, both the female and male are not better than each other except by doing good deeds. This can be seen in the following verse of the Qur'an.

ژ ڇ ڇ ڍ ڍ ڌ ڌ ڎ ڎ ڈ ڈ ژ ژ ڑ ڑ ک
ک ژ[٤:١٢٤]

> *"And whoever,does righteous good deeds,male or female,and is (true)believer(in onenesof Allah,(Muslim) such will enter paradise and not the least injustice,even to the size of Nagira (speck on the backof date,stone,will bedone to him)".(Q4:124)*

Moreover, the Qur'an provided that male should get twice the inheritance of a female. However, this is because the financial responsibility for female, relatives such as wives, daughters, mothers and sister goes to male; Females inherit but keep their share for investment and financial security without any legal obligation to spend any part of it, even for their own sustenance (food, clothing, housing, medication) (Yusha'u, 2010).

Shares in *Ebira* Culture

According to Juwariya (1992), a widow is entitled to the following:

i. Any gift devolved on her by her husband before his death.

ii. Contiue occupation of the quarter she was occupying before the death of her husband.

iii. One-sixth (1/6) of the husband's moveable property where he left no issue.

Under the *Ebira* customery law it varies from one family to the, in a comparative analysis where a man died leaving an estate, net valued at ₦24,000 which are all moveable, the share of the widow(s) under Islamic law and *Ebira* customary law are as follows:

1. Where the deceased left behind child/children for instance; if he left behind a wife (W) a daughther (D) a father (F). The shares are as follows:

a. under Islamic law:

W	D	F		
1/8	1/2	R	₦ 9000	₦ 24,000
₦ 3000	₦ 12,000			

b. Under *Ebira* customary law

W	D	F		
Nothing	1/3	R		
	₦ 8,000		₦ 16,000	₦ 24,000

2. Where the deceased left no child, for instance he died leaving a wife (W), a mother (M) and a gernmane brother (GB). The share are as follows:

a. under the Islamic law:

W	M	GB	
1/4	1/3	R	₦ 24,000
₦ 6,000	₦ 8,000		₦ 10,000

b. Under the *Ebira* customary law

W	M	GB	
1/6	nothing	R	
₦ 4,000		₦ 20,000	= ₦ 24,000

Where there are more wives then, they share equally the share of a widow. If there are two wives under Islamic law for instance, they sharre equally the ₦ 3,000 in the first instance, that is each having ₦1,500. In the second insrtance, they share ₦ 6,000 equally between themselves, each having ₦3,000. In the two systems the presence of a child of the deceased reduces the share of the widow.

Under the *Ebira* customary Law

It varies from one family to the other. Under the strict *Ebira* tradition, a female child has nothing in the property of her deceased father. In the olden days, a daughter is under no

circumstance allowed to inherit landed property of her deceased father. The reason her disallowing a daughter to inherit landed property was because of the importance attached to land. The position or prestige of a family or clan in the society is determined by the amount of the landed property it possessed. If a female child is given landed property the property will eventually fall into the hand of the family or clan of her husband on her marriage. Since her children who will inherit the property belongs to the family or cla of their father (her husband). Since there is no hard and fast rule under the *Ebira* customary law, inheritance nowadays depends on the power, weight, status or reputation of the heir, male or female. Presently, you find out that where a female child is very powerful and she is among the oldest children, she could inherit the property of her deceased parent, including the landed property. What a daughter could inherit from the estate of her mother is different from what she can inherit from the estate of her father. She has opportunity to receive more from the estate of the mother than the estate of the father (Juwariya, 1992).

According to Imam Bukhari (3:489) Ibn Abbas said," when the emigrants came to the Prophet (SAW) in Madinah, the emigrant (al-Muhajirun) would inherit the helpers (Ansar) while the Ansar relatives will not inherit him because of the bond of brotherhood which the Prophet established between them ;i.e the emigrant(al-Muhajir) and the Helpers (Ansar).The law later changed from brotherhood in Islam to near relatives.

Allah says:

ﺋﻮ ﺋﻮ ﺋﻮ ﺋﻮ ﺋﻮ ﺋﻮ ﺋﻮ ﺋﻲ ﺋﻲ ﺋﻰ ﺋﻰ ﺋﺪ ى ى
ﻳ ﻳ ﺋﺞﺋﺢ ﺋﻢ ﺋﻰ ﺋﻲ بج بح بخ

And those who believe afterwards and emigrant and strove hard along with you (in the cause of Allah), they are of you. But kindred by blood areNearer to one another (regarding inheritance) in theDecree ordained by Allah. Verily, Allah is the Al-knower of everything (Q8:75).

This was ordained long before the law of succession was revealed. Later the definite shares were laid down for heirs where Allah (SWT) says:

ﭐ ﭑ ﭒ ﭓ ﭔ ﭕ ﭖ ﭗ ﭘ ﭙ ﭚ ﭛ ﭜ ﭝ ﭞ ﭟ ﭠ ﭡ ﭢ ﭣ ﭤ ﭥ ﭦ ﭧ ﭨ ﭩ ﭪ ﭫ ﭬ ﭭ ﭮ ﭯ ﭰ ﭱ ﭲ ﭳ ﭴ ﭵ ﭶ ﭷ ﭸ ﭹ ﭺ ﭻ ﭼ ﭽ ﭾ ﭿ ﮀ ﮁ ﮂ ﮃ ﮄ ﮅ ﮆ ﮇ ﮈ ﮉ ﮊ ﮋ ﮌ ﮍ ﮎ ﮏ ﮐ ﮑ ﮒ ﮓ ﮔ ﮕ ﮖ ﮗ ﮘ ﮙ ﮚ ﮛ ﮜ ﮝ ﮞ ﮟ ﮠ ﮡ ﮢ ﮣ ﮤ ﮥ ﮦ ﮧ ﮨ ﮩ ﮪ ﮫ ﮬ ﮭ ﮮ ﮯ ﮰ ﮱ ﯓ ﯔ ﯕ ﯖ ﯗ ﯘ ﯙ ﯚ ﯛ ﯜ ﯝ ﯞ ﯟ ﯠ ﯡ ﯢ ﯣ ﯤ ﯥ ﯦ ﯧ ﯨ ﯩ

From what is left by parents to those nearest related, there is a share for men and for women, whether the property is small or large,-a determinate share (Q4:7).

2.8.2 Features of Inheritance (أسباب المبراث)

The following are some of the features and peculiarities of Islamic system of inheritance as presented by Qadir (1992)

i. Inheritance is for those qualified and eligible heirs who are related to the dead person by consanguinity, affinity clientage. In other word, only those who are blood relatives of the dead person or are marriage partner (husband or wife) will inherit.

ii. Wills and bequests are only for those who are not eligible heirs. Qualified and eligible heirs are not beneficiaries of wills.

iii. Male and female, young and old, weak and strong, a just delivered baby and even a child in the womb have equal right to inheritance.

iv. Deciding who is to inherit and who is not lies with Allah alone. A person therefore has no right to make another person his heir by means of written will, or to exclude an eligible heir from inheritance.The females inherit different shares at different capacities .For instance, they may get half the share of males, equal, double or even three times, depending on the situation

and circumstances .They inherit as wives, mothers, sisters, daughters, granddaughters, grandmothers etc. Some of them may even prevent the male from inheritance .Al-Lashi (1937)Likewise the males may get twice the share of females, equal share with that of females or even a share which is less than that of female. In some situations males may even be excluded from inheritance by female al-Jibaly (1999).

v Exclusion from inheritance may affect females as well as males, depending on cases and situations.

vi Human beings are not among the inheritable items. (Yahya, 2004) .

2.8.3 Essentials of Inheritance (أركان الميراث)

In Islam, inheritance is built on three pillars and if any of them is missing, distribution becomes illegal in the sight of Allah. According to Yahya (2004), the pillars are as follows:

i. The deceased person-This is the person who died and is to be inherited.

ii. The heirs: This is the person who is eligible to inherit.

iii. The estate: This is the item, things, property which is to be inherited.

2.8.4 Conditions of Inheritance (شروط الميراث)

According to Abu Amina (2005) the distribution of inheritance in Islam is correct and legal if it satisfies the following conditions:

1. Death of the person to be inherited-The person to be inherited must be certified dead.He should not under any circumstance be killed whether with his permission or with the approval of his family. A person in long coma is not considered as dead .Similarly a lost person is not

considered as dead until certain conditions are met. A person who is alive is not inherited and should distribute his own inheritance.

2. Survival of the heirs-The person who is to inherit must be ascertained to be alive when the deceased died. An heir who is in a coma or in the womb when the deceased died is assumed to be alive unless proven otherwise.

3. Adequate knowledge of the legal and eligible heirs of the deceased person and the estate he left behind.

2.8.5 Ground of Inheritance (أسباب الميراث)

This refers to those circumstances which qualifies a person to become an eligible heir. They are as follows:

Sound Marriage

Sound marriage refers to existing marriages at the time of death.He said a divorced woman would only inherit from her husband if her divorce was not the terminal (third) one and also she had not completed her waiting period (iddah) when he died.

The marriage which fulfils the conditions of Islamic law of marriage is the only legal means of husband ti inherits a wife and wife inherits husband. Danladi (nd) said, if a person converts to Islam with his wife or contracted according to Islamic lawwas a valid marriage over which there is a difference of opinion among scholars does not prevent inheritance. Some examples of such types of marriage include marriage during pilgrimage to makkah (Hajj) exercise (Nikahul muhrim), Nikah ush-shigar and marriage between a slave and a free woman .In the cases of this marriage if the couple should die before the marriage is terminated by a Shari'ah court of

law the other will inherit the deceased one regardless of whether the death occurred before or after consummation (al-Tasawwuli, 1998).

A marital partner has the right to inherit if any of the following conditions are met:

a. If he or she has a valid marriage at a time of the partner's death (if the marriage was not of the prohibited type).

b. If the woman was in the iddah (waiting period) of a reversible divorce (talaq raj'i) i.e. a divorce in which the husband has the option of taken the wife back r remarrying her (at the time of her death or that of her partner).

c. If he or her partner died before the consummation of marriage (al-Tasawwuli, 1998).

However, an invalid marriage, by consensus does not allow married couples to inherit each other Examples of such type of marriage are marriage between a couple who are related by blood or by fosterage, Qadir (1992) said, marrying a fifth and marriage of a sick person in terminal illness. Hussain (2005) asserts that a claimant can only be considered as capable of inheriting if he or she is associated with the deceased in one or more of the three following of the ground of inheritance. These three causes are as follows:

Marrital ties (Nikah), Blood relationship (Nasab), Emanicipation (Wala')

Blood Relationship (Nasab)

Blood relationship can be through ascendance, descendant or collateral. Muhammed (2005) explained that the examples of ascendant relations are father, mother, father's father, mother's mother. Examples of descendant relations are son, daughter, son's son, son's daughter etc. Examples of collateral relations are full brother (brother with whom one shares the same father

and mother), full sister, consanguine brother (brother with whom one shares the same father only), consanguine sister, uttering brother (brother with whom one shares the same mother only, uterine sister etc. Al-Lashi (1937) assert that been related to the deseased person by blood qualifies one to inherit.

Kingship (Qarabah)

The heir has to fall under one of the following three categories of Qarabah (kinship) in order to be eligible for a share of the inheritance as observed by at-Tasawwul (1998),

(a) Parents of the deceased and their children (Usul)

(b) Children of the deceased and their children (Furu)

(c) Brother or sisters of the deceased, whether paternal, maternal or half, and the sons of blood brothers (nephews), paternal uncles of the deceased and their sons (male cousins of the deceased) (Hawashi)

Uterine Relatives (Dwawul-Arham)

In terms of relationship to the deceased, heirs are classified into three types;

i Branch Heirs:They are also called stirps, they are the deceased offspring and so on.

ii Origin Heirs : they are the deceased's predecessors, either male(father)or grandfather, or female(mother or grandmother).

iii The margin Heirs: these include the father's brother(the deceased's full paternal siblings and the grandfather (the deceased paternal uncles) .(Muhammad 2005).

According to Hussain (2005), in Sunni law,this cause is applicable to the paternal connection only. He said blood relationship as a cause of succession is served between an illegitimate individual and his father together with the blood relatives of the father.

Al-Jibaly (2005), explained that a person would be likely heir if he or she is related to the deceased by blood relationship such as offspring, parents, uncles, cousins etc

Clientage (Wala')

The clientage (*wala'*) literally means friendship and assistance. It is a bond between two individuals which create a relationship between them allowing inheritance. Muhammed (2005) said this is the relationship between a person and a slave that he set free , he said the inheritance is one way: the emancipator may inherit from the freed slave, but not vice versa (Hussain, 2005).

Subhi (2008) stated that this happens when a person (male or female) possesses slave and set him free. If it happens that freed slave died and there is no one to inherit him, freed slave is survived by heirs and happen to be no agnates heirs among them such as father, son, full brother, son's son etc, the former master will inherit him as an agnate after all the heirs are allotted with their allotted respective shares.

Baitul Mal

In a situation where a deceased person has no relation or what so ever, whether by consanguinity, affinity or clientage, his entire estate should go to baitul mal (public treasury) if

it is organized by the Shari'ah line, otherwise his distant kindred should inherit him.Lakhayi (2003).

This is based on the hadith of the Prophet (SAW) in which he said:

((عن المِقدامِ، عن أبيه عن جده، قال: سمعتُ رسولَ الله - صلَّى الله عليه وسلم - يقولُ: "أنا وارِثُ مَن لا وارِثَ له: أفُكُّ عانِيَهُ، وأرِثُ مالَه، والخالُ وارثُ مَن لا وارِثَ له: يفُكُّ عانِيَه، ويرِثُ مالَه)) رواه أبو داود

Narrated Al-Miqdam: Iheard the Messenger of Allah say: I am the heirs of Him who has none, freeing him from his liabilities, and inheriting what he posseses. A maternal uncle is the heir of Him who has none, freeing him from his liabilities, and inheriting his property. (Sunan Abi Dawud, 2901).

2.9 Heirs

Heirs are those to whom property of the deceased are transfered .They are categorized into four .Heirs by blood ,heirs by clientage, heirs by marriage, and the Muslim public treasury, which is sometimes designated as special heirs. They are the beneficiaries of the estate. They are categorized into four: Heirs by blood, heirs by marriage, heirs by clientage and the Muslim public treasury, which is sometimes designated as special heirs. Al-Jazairi (2007) . As-Sabuni (nd), also said that heirs are those to whom the property of the deceased are transferred.

Al-Shashuri (2012), stated that, in Islam heirs are categorized into three, in order of priority.They are: Sharers (As-habul al-furud), Residuaries (Asabah) , Distant kindred (Dhawul Arham or ashabul Rahim).

2.9.1The Sharer (As-Habul-al-furud)

As-sabuni (nd), explained that, the list of the family members entitled to inherit are as follows:

1. **Male Heirs**:

a. Sons

b. Grandsons

c. Father

d. Paternal grandfathers, brothers, paternal nephew, uncle, cousins, and husband.

2. **Female Heirs:**

a. Daughter

b. Son's daughter

c. Mother

d. Grandmothers

e. Full sister

f. Consanguine sister

g. Uterine Sister

h. Wives.

As-hab al-Furud-They are also known as sharers, they are those heirs whom the Qur'an and Sunah categorically mentioned along with their respective fractional shares .They are to be given the first attention during distribution even if they may exhaust the entire estate. Most of them are females. The list of Ashabul furud (Quranic sharer) are as follows: Male Quranic sharers are father, father's father,uterine brother and husband.The female Quranic heirs are daughter, son's daughter, mother, mother's mother, father's mother, full sister, consanguine sister ,uterine sister wife (al-Shanshuri, 2012).

Al-Jaza'iri (2007) stated that, the Quranic sharers are twelve in number .Four males and eight females. The males Quranic sharers are father, father's father, uterine brother and widower

.The female Quranic heirs are daughter, son's daughter, mother's mother,germane sister,consanguine sister, uterine sister and widow.

The fractions mentioned in the Qur'an are six. They are as follows: 1/2, 2/3 1/3, 1/4, 1/6, 1/8.

The 2/3 share is for:

i Two or more daughters,

ii. Two or more son's daughter,

iii. Two or more sisters,

iv. Two or more half sister,

Example:

a M F 2D

1/6 1/6 2/3

$$\frac{1 + 1 + 4}{6}$$

b. W M 2S'D U

1/8 1/6 2/3 R (1)

$\frac{3 + 4 + 16}{24}$ = 24-23=1

a. W M 2FS U

1/8 1/6 2/3 R (1)

$\frac{3 + 4 + 16}{24}$ = 24-23=1

b. W M 2CS U

1/8 1/6 2/3 R (1)

$\frac{3 + 4 + 16}{24}$ = 24-23=1

The 1/3 share is for:

i. Two or more mother's children,

ii. Mother in absence of child or son's child or two more brothers or sisters,

iii. Some times for the grandfather when there are brothers and sisters.

Example:

M 2FS

1/3 2/3

$$\frac{1 + 2}{3} = 3$$

The ½ share is for:

i. Daughter if there is no other children,

ii. For the husband when his wife leaves no issues,

Example:

a. D W 2U

½ 1/8 R (3)

$$\frac{4 + 1}{8} = 8 - 5 = 3$$

b. H F M

½ 1/6 (+1) R 1/6

$$\frac{3 \ + \ 1 \ + \ 1}{6} = 6 - 5 = \ 1$$

The ¼ shares are for:

i. The husband when the wife leaves children,

ii. The wife when the husband leaves no children,

a. H M F S/D

¼ 1/6 1/6 R (5)

$$\frac{3 \ + \ 2 \ + \ 2}{12} = 12 - 7 = \ 5$$

b. W M F 2BS

¼ 1/6 1/6 EX

$$\frac{3 \ + \ 2 \ + \ 2}{12} = 7 \ (-12) \ 5$$

The 1/8 share is for:

i. The wife/wives when the husband leaves children,

W F M S/D

1/8 1/6 1/6 R (13)

$$\frac{3 \ + \ 4 \ + \ 4}{24} = 24 - 11 = \ 13$$

The 1/6 shares is for:

i. The father when the deceased leaves children,

ii. The mother when the deceased leaves children or two or more brothers and sisters,

iii. The grandmother when the deceased leaves children or two or more brothers and sisters,

iv. The son's daughter when the deceased has one daughter.

v. For one or more half sisters when there is one sister .al-Jaza'iri (2007).

a. F M W S/3D

1/6 1/6 1/8 R (13)

$$\frac{4 + 4 + 3}{24} = 24 - 11 = 13$$

1. During the researcher's visit to some areas in Okene town of Kogi State, the researcher interviewed a NASFAT member, who said that an elder brother distributed inheritance of their deceased father without the consent of any of the eligible heirs to the deceased. The elder brother totally excluded his own sister from inheritance and when he was asked why was this so? He said that before the death of their father, a local scholar told his father that females had no share in the inheritance in what their father left… (On 6th May, 2018). Hajiya Mariam Ododo Inike in Okene LGA 5.24 p.m.
2. In another case in Adavi L.G.A of Kogi state, a person said, a man died and left behind the father, three (3) children (one daughter and two sons) and a wife. When the case was taken to one local scholar, he said the whole property should be given to the father except 1/6 for the the wife but the children have nothing since they will be under his guidance (father of the deceased). A friend of the deceased disagreed with that solution and the case was reffered to an Islamic learned scholars who distributed the inheritance correctly (on 18th May, 2018). Mallam Ibrahim Abdullahi Kuroko Adavi LGA, 3.45 p.m.
3. Moreover, a man died in Okehi local government uptil date his property was not distributed, he left behind houses and many shops, among the deceased's children there is a lawyer who

read Islamic studies, because he was the youngest, when he was asked why it was so? He said this was done to avoid dispute among the family that is why they remain silent (On 5th May, 2018) Mallam Ahmad Bello Eika in Okehi LGA, 4.32 p.m.

4. Another case was revealed by an elderly man on the distribution of inheritance in Ogori/Mangogo local government area of Kogi state which was made by male heirs, whose father had died leaving four sons and a daughter. The deceased person left some money and the farms, the money was distributed among the heirs in a just manner, but the farms were not. Just a portion out of one of their farms was given to the daughter and when her children complained about the matter nothing was done to her and up till date the sons are not in good term with their uncle (on 16th May, 2018) Alhaji Ahmad Abdulsalami,Ogori/ magongo LGA, 11.35 a.m.
5. Again there was a case of distribution of inheritance in a village under Ajaokuta local government of Kogi state, from another person. The property of a deceased person was distributed by male heirs and the deceased person left behind three houses (3) and two farms. He left eight children, five males and three females. However, the male heirs distributed the houses among themselves and only a portion of one of the farms was given to those three famales and the decesed's wife to share. And when the sons of those female wanted to challenge the unjust distribution their mother asked them to bear the situation so as to avoid misunderstanding within the family (on 19th May, 2018) Adayi Audu Ojo, Ajaokuta LGA,2.40 p.m.

In conclusion, it has been found out that the Islamic scholars interviewed have sound knowledge of distributuion of inheritance. In the light of what we have so far discussed, it

appears that the scholars who distribute inheritance in Kogi State have sound knowledge about the subject and method of distribution.

On the otherhand, the distribution made by others at home seems to be generally fautly and it makes the cases end up with injustice being done to the females and the yound ones who are often deprived totally or partially by given only a pittance. However, because of the custom and tradition on the part of the family, avoidance of crisis and many other reasons the injustice with regard to female and the young ones inheritance continue.

2.9.2 Residuaries, Agnates, Balance Heirs (Asabah)

Asabah (Agnate or residuary) are those type of heirs who have no specified fractional shares, though they may be mentioned in the Glorious Qur'an and Hadith (Yahaya, 2004).

Hussain (2005) further stated that they inherit the entire estate if there is no member of the Ashabul furud among the heirs. According to the four Sunni schools, there are three types of residuary (Asabah) (Al-Lashi, 1937).

i. A residuary by himself (binafsihi)
ii. A residuary through another (Asabah biqairiha)
iii. A residuary along with another (Asabah ma'aqairiha).

A residuary by himself includes all males between whom and the descendant there is no intervening woman and the meaning of being such a residuary is that he is independent of others (in his right to inherit as residuary), and that he is a residuary in all cases and situation (Sayid, 1995). A residuary along through another and a residuary along with another are residuary in certain cases without being so in others as well (Sayid, 1995).

Al-Lashi (1937), also said that a residuary by themselve are the closest of residuary and inherit in the following order:

i. The son.

ii. Then the son's son how low-so-ever, he takes the place of his father.

iii. Then the father,

iv. Then paternal grandfather how high -so- ever.

v. Then the full brother

vi. Then the half brother by father

vii. Then the son of the full brother.

vii. Then the son of the half brother by father.

viii. Then the full paternal uncle.

ix. Then the consanguine paternal uncle (who is the father's half) brother by grandfather.

x. Then the son of the full paternal uncle.

xi. Then the son of the consanguine paternal uncle.

However, if some of them exist along with others, the son will supersede the father, in the sense that the father will take his fard (share) which is one-sixth and the son will take the remainder as a residuary. According to al-Lashi (1937) the four Sunni School, the son's son will similarly supersede the father and the father will supersede the paternal grandfather. They

differ regarding the paternal grandfather as to whether he will supersede the brothers in heritance or if they inherit jointly with him, so that all of them are consider as belonging to the same class.

Abu Hanifah observed that the grandfather will supersede the brothers and they will not inherit anything along with him. While Imam Malik and Shafi'i school stated that; they will inherit with him because they belong to the same class. Therefore, among the residuary, those related from both side will supersede those related from one side (Sayid, 1995).

In view of these, a full brother will supersede a consanguine brother and full brother son will supersede the consanguine brother's son. Hence, in the case of paternal uncles the degree of their nearness (to the descendant) is taken into considerations and the nearest is preferred. Therefore, the descendant paternal uncle supersedes his father paternal uncle and he in turn supercedes grandfather paternal uncle (Qadir, 1992).

As regard the residuary along with another, full or consanguine sister or sisters that inherit with daughter or son's daughter. Abu Amina (1995) said that a sister or sisters inherit as sharers if there are no daughters or son's daughter inheriting along with them and inherit as residuary with a daughter or son's daughter. Hence the daughter or son's daughter will take her share and the full or consanguine sister or sisters will take the remainder, thereby becoming the residuary along with daughter. Al-Lashi (1937) said with this explanation, it becomes clear that a full or consanguine sister inherits in three different ways: She is a sharer if she has no brother and the descendant, no daughter;

A residuary through another if she has a brother and a residuary along with another , if the descendant has a daughter. The same apply in the case of two or more sister. Yahaya (2004)

stated that it also becomes clear that full and consanguine paternal uncle will not share in the heritance along with the daughters except in the absence of the full or consanguine and brothers and sisters.According to the four Sunni schools, if there is a single residuary, without any sharers he will inherit the whole heritage and in the presence of sharers, he will take the remainder after the sharer has taken his share. Yahya (2004). If there is no residuary, according to Malik and shafi'i school, the excess will be taken to the Bayt Mal and according to Hanafi and Hanbali schools, it goes to the sharer by return (radd) and the estate will not be taken to the Bayt Mal in the absence of the sharer, the residuary and distant kindred.

Qadir (1992), stated that they inherit the remainder if there is member of ashabul furud with whom they do not share the same degree of relationship to the deceased (e.g daughter and full brother).Yahya (2004) said they convert those member of ashabul furud with whom they stand on the same level of relationship to the deceased (son and daughter, son's son and son's daughter) into agnates and share the remainder with them. They also risk inheriting nothing if the entire estate is exhausted by member of ashabul furud, most of them are males. Sayid (1995) stated that residuary (Asabah) are male relation on the paternal side.

Qadir (1992) mentioned the lists of Asabah (residuary) as Son, son's son, father, grandfather, full brother, full sister, consanguine brother ,consanguine sister, full brother son, consanguine brother son, full paternal uncle, consanguine paternal uncle, full paternal uncle son, paternal uncle consanguine son.Yahya (2004) said the lists of Asabah (residuary) are; son, son's son, father, true grandfather, full brother, consanguine brother, full brother son, consanguine brother son ,full paternal uncle, consanguine paternal uncle, paternal uncle full son ,paternal uncle consanguine son, releaser of slave, daughter, son's daughter, full sister, consanguine sister.

2.9.3 Colleterals (Dhawul Arham, Ashabul-Rahim)

Dhawul-Arham is called the distant kindred. They inherit only in the absence of Ashabul furud and Asabah. Yahya (2004) said, the examples of these categories are daughter's son, daughter's daughter, full sister's son, full sister's daughter, full brother's daughter, consanguine brother's daughter, consanguine sister's son, consanguine sister's daughter, Uterine brother's daughter, Uterine sister's son, Uterine sister's daughter etc Doi (1980).

Sayid (1995) listed all the (distant kindred) Dhawul Arham as follows**:**

i. Children of daughter.
ii. Children of sister.
iii. Brother's daughter.
iv. Daughter of the father's younger or elder brothe.
v. Father's step brother.
vi. Maternal uncle.
vii. Mother's sister.
viii. Father's sister.
ix. Mother's father.
x. Mother's father's mother.
xi. Children of mother's sister.

2.9.4 Standard Heirs

The possible standard male heirs are fifteen relatives as follows: They are the male relationship to the deceased. Son, son's son and further grandson by male lineage, father, father's father, and further forefathers by male lineage, full brother (from both parents), paternal brother (from

the father only), maternal brother (from mother only), full brother ‘s son and further nephews by male lineage, paternal brother’s son and further nephew by male lineage, full-paternal uncle (father’s full brother), paternal-paternal uncle (father’s paternal uncle), full paternal uncle’s son and further cousins by male lineage, paternal-paternal uncle’s son and further cousin’s son by male lineage, husband and male emanicipator (of slave) (al-Jibaly, 1999).

2.9.5 Standard Female Heirs

Al-Jibaly (1999) explained that, the standard female heirs are eleven relatives of the deceased they are: daughter, son’s daughter and further granddaughter by male lineage, mother, maternal grandmother and great grandmother by female lineage, paternal grandmother and greater grandmother by female lineage, paternal great grandmother and greater grandmother by female lineage, full sister, maternal sister, paternal sister, wife, female emanicipator (of a slave).

Hussain (2005) said, if none of the inheriting relatives are living or some of the inheritance remains after the fixed portions have been distributed, the remainder is given to the closest non-inheriting males, for example, the maternal uncle of the deceased. If none are alive, it is then given to the non-inheriting females for example, nieces of the deceased is daughter’s son or the deceased’s sister’s son.

2.9.6 Exclusion (Hajb)

The linguistic meaning of hajb (exclusion) is prevention and what is intended is preventing a particular person from obtaining all or part of his inheritance, due tothe presence of another person (Subhi, 2008).

2.9.7 Categories of exclusion (al-Hajb)

There are two types of exclusion (hajb):

1. Partial excusion (Hajb Nuqsan)

2. Total excision (Hajb Hirman) (Mustapha, 2000)

Partial exclusion (Hajb an-nuqsan) means reducing heir's share of aninheritance, due to the presence of another; this is for three persons:

1. The husband has his share reduced from a half to a quarter, due to the presence of a child.
2. The wife has her share reduced from a quarter to an eight, due to the presence of a child.
3. The mother has her share reduced from a third to a sixth, due to the presence of ascendant or descendant heirs.

Total Exclusion (Hajb Hirman)

Hajb hirman means preventing an heir from receiving all of his inheritance, due to the presence of another, such as preventing a brother from inheriting when there is a son. This prevention does not enter into inheritance of six heirs, although it is permissible to prevent them by way of hajb an-nuqsan; and they are: al-Shanshuri (2012)

(i) The parents (the father and mother).

(ii) Two children (a son and daughter.

(iii) The two spouses.

Al-Jibaly (1999), said: It is impending of an eligible heir from inheritance by either of the following:

i. By the presences of a more eligible heir, if for example, there is a son and there is son's son, the son is more eligible than the son's son. Similarly, the father is more eligible to inherit than the brothers and sisters of all kind (al-Jibaly, 1999).

ii. By a particular situation, if, for example, the heirs, a daughter, a full sister and a consanguine brother's son , the daughter get half and a full sister inherits the remainder as Asabah Ma'alghair. In this case the consanguine brother's son is excluded (al-Jibaly, 1999).

iii. By an attribute. If, for instance, an heir is a slave or a deliberate killer of the deceased he or she is excluded from inheritance by that attributes because his presence is like the same with his non-existence (al-Shanshuri, 2012).

Baihaqi (1990) stated that heirs who are affected by the total prevention (hajb hirman) are as follows:

1. Father's father: He is excluded by the following:

   (a) Father

2. Full Uncle: He is excluded by the following;

   (a) Son
   (b) Son's son
   (c) Father
   (d) Father's father
   (e) Full brother
   (f) Consanguine brother
   (g) Full brother' s son

(h) Consanguine brother's son.

ii. Consanguine Uncle: He is excluded by the following:

(a) Son

(b) Son's son

(c) Father

(d) Father's father

(e) Full brother

(f) Consanguine brother

(g) Full brother's son

(h) Consanguine brother's son

(i) Full Uncle's son (Baihaqi, 1990).

iii. Son's son: He is excluded by the son

iv. Son's daughter: She is excluded by the following:

(a) Son

(b) Two or more daughters

(c) Two or more higher son' daughters.

6. Full brother: He is excluded by the following:

(a) Son

(b) Son's son

(c) Father

7. Consanguine brother: He is excluded by the following:

(a) Son

(b) Son's son

(c) Father

(d) Full brother

(e) Full sister inheriting with a daughter or son's daughter (al-Jibaly, 1999).

8. Full brother's son. He is excluded by the following:

(a) Son

(b) Son's son

(c) Father

(d) Full brother

(e) Consanguine brother

(f) Full sister

(g) Consanguine sister.

9. Consanguine brother's son: He is excluded by the following:

(a) Son

(b) Son's son

(c) Father

(d) Full brother

(e) Consanguine brother

(f) Full brother's son

(g) Full sister

(h) Consanguine sister.Hussain (2005)

10. Consanguine Uncle's son. He is excluded by the following:

(a) Son

(b) Son's son

(c) Full brother

(d) Consanguine brother

(e) Full brother's son

(f) Full uncle

(g) Full uncles son

(h) Full sister

(i) Consanguine sister.Hussain (2005)

11. Mother's mother: She is excluded by the following:

(a)Mother

(b) Near mother's mother

12. Father's mother: She is excluded by the following:

(a) Mother

(b) Near mother's mother

(c) Near father's mother

(d) Father.

13. Full sister: She is excluded by the following:

(a) Son

(b) Son's son

(c) Father

14. Consanguine Sister: She is excluded by the following:

(a) Son

(b) Son's son

(c) Father

(d) Full brother.Hussain (2005)

16. Uterine children, who include both uterine sisters and uterine brother. They are excluded by the following.

(a) Son

(b) Son's son

(c) Father

(d) Father's father

(e) Daughter

(f) Son's daughter. Baihaqi (1990).

Zubair (1998:14) also said, there are four means which inheritance may be prevented.

i The inheritor having any connection indirectly with the cause of the death of the person whose heir he is.

ii. If he is becomes a kafir (unbeliever).

iii. If he has become a slave.

iv. Uncertainty as to who died first.

2.10 Significance of Inheritance (*Fara'id*)

The Islamic system of inheritance takes into account the economic, social and psychological needs of human society by ordering the implementation of the natural and systematic flow of

wealth among family members when death occurs. Abu Ameenah (1995) stated that, this particular system of inheritance laws was chosen by Allah (SWT) based on His complete knowledge of human nature and human needs within a societal framework. The following are just a few of the ways which these laws protect the rights of family members and regulate the distribution of wealth.

1. Protection of Natural Inheritor

Islamic law takes into account the natural roles of males and females in a normal society. On the other hand, certain communist states have adopted a mechanically even distribution of wealth among heirs in the name of equality. This was done in an attempt to remedy the ills of the capitalist freedom in inheritance laws. However, such a system does not take into account the natural roles of males and females in society. Abu Ameenah (1995). In the Islamic division of inheritance, the male heirs are given as much as two times the portion of the corresponding female heirs in order to support their role in society as providers and protectors of women. Women are not required to support themselves in an Islamic society. Yahaya (2004) said, if a woman is not married, her father is obliged to take the responsibility and if he is unable or dead, her brothers, uncles, nephews or sons become responsible. The Islamic division of inheritance takes into account the societal needs of men and women in a way which contribute to the society. In western systems, the father may leave all his wealth on a 50/50 basis between male and female heirs, thereby upsetting the natural balance of society. Such methods of division threaten the instinctual roles of males and females and contribute to the disruption of society.

2. Circulation of Wealth

Baihaqi (1990) the accumulation of wealth in a progressively smaller segment of society is also prevented by the Islamic method of distribution. The rich, as a rule, tend to marry among themselves and with most non-Islamic systems of inheritance; the lion's share of the inheritance is usually given to the oldest son. Thus, these systems keep the wealth of the society in the hands of a small group with each passing generation. This restrictive process fosters class distinctions and progressively widens the gap between the rich and the poor. Hussain (2005) said, it provides a basis for class war and revolutionary upheaval. However, in the Islamic system wealth is automatically distributed among all of the sons and daughters of the deceased, as well as some of the other family members regardless of age or status, avoiding the explosive trend of class divisions.

3. Prevention of Dissatisfaction

Hussain (2005), stated that the fact that the Islamic laws of inheritance are lay down by Allah, the Most just, and not by people, helps those who inherit to be satisfied with what has been allotted to them. Since the heirs know that these are not man-made laws, which unjustly favor others, they tend to be more ready to accept Allah's decree (SWT). Divine laws consider and take into account all of human kinds innumerable needs. Many of these needs cannot be determined by science, even though they may be closely connected to our very existence.

According to al-Jibaly (2008) it is only the creator of that complex creature, the human being, who could possibly know what best suits human needs, regardless of time and place. In non-Islamic systems, the division of inheritance is based solely suit a rival interest group. Sayid (1995) said sometimes discontents may succeed in getting new laws passed to secure new rights for themselves, but they simultaneously abuse and oppress others in the process. This

leads to an unending series of legal disputes and changes which tend to keep the society in constant turmoil.

4. Property Rights for Women

Muhammed (2008) assert that Islam established the right of women to inherit and to own property fourteen hundred years ago. At that time, women in other societies were considered the property of their husbands in the same way that houses, animals and other possessions were.

Al-Shanshuri (2012), said it was only in the beginning of the 20th century that women in America, England and other western countries gained the right to own property. Prior to this change, a woman could not represent herself in financial transactions and her wealth usually became part of her husband's wealth when she got married. Hence, it could be said that the Islamic inheritance laws provided and continue to provide a sound basis for the establishment of women's right to possess wealth independently of men.

5. Avoidance of Delay

The inheritance laws of Islam come into effect automatically on the death of an individual, whether he has left a will or not. Al-Tasawwuli (1998), said that the Islamic society avoids unnecessary delays in the distribution of inheritance, as well as the resulting confusion and rivalry among heirs. Since non-Islamic societies depend largely on a signed and witnessed will before the distribution of inheritance can take place, wealth can often be tied up for many years while various wills and claims are contested.

2.11 Method of Distributing Inheritance

There are only two ways in which the inheritance is calculated and distributed as highlighted by Abu Ameenah (1995). These two methods of calculation are referred to as *Fard* inheritance and *ta'sib* inheritance. Al-Jibaly (1999), explained that inheritance reaches an heirs via two routes, prescription (*Fard*) and Agnate (*ta'sib*).

2.11.1 Presciption Inheritance (*Fard*)

Subhi (2008:29), explained thatprescription (*Fard*) inheritance is calculated according to certain fixed and strictly defined portions.The majority heirs whoinherit by this method are female relatives. According to the law, it is the first section of the inheritance which should be distributed. Furthermore, al-Jibaly (2005) stated that fard portions consists of only six fractions: one-half ½, one-fourth ¼, one-eight 1/8, two-third 2/3, one-third 1/3 and one-sixth1/6.

Muhammed (2005) explained further that the portions of the heirs who inherit according to the fard method shift from one fraction to anotherbased onwho inherit along with them. For example, the daughter of the deceased should receive one-half ½ of the inheritance if she has no living sisters or brothers. If she has a living sister or sisters she shared two-third 2/3 of the inheritance with her.

2.11.2 Agnatic Relation (*Ta'sib*)

The ta'sib portion of inheritance has no prescribed ratio. It could be large, small or even null depending on the fard amount.According to al-Qadir (1992) *ta'sib* derives from 'usbah, which means clan; paternal relations agnates". An individual inheriting through ta'sib is called 'aasib.

Al-Jibaly (1999) explained that ta'sib arises from kinship relationships and it has three forms:

i. Independent ta'sib;

ii. Ta'sib by association;

iii. Ta'sib by joining with others.

2.11.3 Independent Agnate (*Ta'sib*):

Muhammed (2005) stated that independent ta'sib applies to all of the male heirs that were mentioned in the standard heirs except for the husband and maternal brother. An independent 'aasib may have one of the following situations:

1. If he is the deceased's only survivor, he takes all of the estate .e g, a deceased is survived by only one son.
2. If there are survivors with prescribed shares, they are given their shares first and 'aasib takes the residual of the estate .e g, a deceased man is survived bya wife and a son. The wife receives 1/8 by "prescription" and the son receives the rest 7/8 by ta'sib
3. If the prescribed shares cover all the estate the 'aasib, mother, maternal brother and paternal uncle, the husband receives ½, the mother 1/3 and the maternal brother 1/6.This covers all of the estate, causing the paternal uncle to drop from heirship. There are two exceptional to these rules: the son and the father or (grandfather) cannot be cut off by the heirs with prescribed shares.

2.11.4 Rank of Independent Agnate (*Ta'sib*)

Muhammed (2005) explained that, there are five ranks of independent ta'sib.

(1) First rank: Sonship (sons, grandsons and further down by male lineage).

(2) Second rank: Fatherhood (father, grandfather and further up by male lineage).

(3) Third rank: Brotherhood (full and paternal brothers and their sons to any depth by male lineage).

(4) Fourth rank: Uncle (full paternal and paternal-paternal uncles and their sons to any depth, by male lineage).

(5) Fifth rank: Emanicipation: This is a one way heirship where the person who set a slave free, as well as his independent ‘aasib, becomes heirs of the freed slave.

Rank Rules

Qadiri (1992) he explained that the existence of a higher rank cutoff the heirship of those lower ranks. This is called “exclusion’’ (*hajb*) e.g the father cutoff the uncle and the son cutoff the brother. Thus in a particular inheritance cases it is not permissible to have more than one ‘aasib or a team of ‘aasibs (aasib of the same rank). Muhammed (1986) further explained that the second rank is an exceptions to this rule. If the deceased is survived by a son, he does not fully cutoff the father or (grandfather), but causes him to switch from ta’sib to prescription, receiving a share of 1/6

Closeness Rules

According to Qadiri (1992) he said if there are different ‘aasibs of the same rank, those of closer kinship to the deceased cutoff the others, a paternal brother cutoff a full brother’s son

Strenght Rule

Muhammed (1986) explained that if there are different aasibs of the same rank and same closeness to the deceased, those of stronger relation cutoff the others, ega full brother cuts off a paternal brother.

2.11.5 Female Agnateby Association (*Ta'sib*)

Muhammed (1986) explained that this form of ta'sib applies only to the following female individuals:

1. Daughters :The deceased is also survived by son
2. Son's daughter: The deceased is also survived by son's son of equal rank to the daughter or lower ranking, great grandson in the absence of sons' sons.
3. Full sisters: The deceased is also survived by full brothers.
4. Paternal sisters: The deceased is also survived by paternal brothers, in this case, the shares are divided such that a male is receives twice as much as a female: Thus, the females switch from heirs by prescription to heirs by ta'sib. It should be noted that the males affecting with this transformation for the female heirs maintain their position of independent ta'sib,e.ga deceasedis survived by a full brother, a paternal brothers, and paternal sisters. The paternal siblings will not receive any thing because of the stronger relationship of the full brother to the deceased. e. g a deceased is survived by a father and full brothers and sisters. The siblings do not receive anything because of the father is higher in ranking.

2.11.6 Joint *Ta'sib* (For Sisters)

Joint ta'sib has two forms, they are as follows:

(1) Full sisters (2) Paternal sisters

The deceased is also survived by daughters and or son's daughter

(i) A deceased by daughter and two full sisters. The daughter received her prescribed ½, and sisters divide the residual estate ½ by *ta'sib*.

(ii) A deceased is survived by two daughters and a paternal sister. The daughters received their prescribed share 2/3, and the paternal receives the residual estate 1/3 by *ta'sib*.

(iii) A deceased is survived by a daughter, a son' s daughter and two full sisters, the daughter receives ½,the son's daughter receives the rest of 2/3 which is 1/6 and the remaining1/3 is share equally by the sisters (Sayid, 1995).

It should be noted that daughters or son's daughters receive their prescription regardless of presences of the sisters. Also when a full sister has joint ta'sib, she would cut off anyone who would otherwise be cut off by a full brother. The same is true in regard to paternal sibling .e. g if there are also full uncles, they would cut off by the sisters.

According to Hussain (2005), the ta'sib method is the recipient of the remainder of the inheritance after the fard portions have been distributed or the receipt of all the inheritance if no recipients of fard portions are living e.g. if the heirs consist of a mother, two daughters and a grandson, the mother would receive by fard 1/6, the two daughter by fard 2/3 and the grandson would receive the remainder by ta'sib, which in this case is 1/6.

The majority of the heirs who inherit by this method are males. In cases where male and female heirs inherit together according to ta'sib the males receive two times the portion of the females, according to Allah (SWT)'s statement:

گ گ ک گ چ چ چ گ گ ... ج ب

Allah advises you concerning your children that the male should get a portion similar to that of two females (Q4: 11).

For example, if there were one son and three daughters sharing the inheritance by ta'sib, the son would receive two-fifth 2/5 of it and each daughter would receive one-fifth 1/5. Abu Ameenah, (1995).

CHAPTER THREE

RESEARCH METHODOLOGY

This chapter deals solely with the methodology of the research used by the research to achieve the stated objectives. The methodology provided the oppourtunity to collect the needed information through which data can be analysed. The method includes research design, research population, sample and sampling technique, research instrument and validity of the instrument, method of data collection.

3.1 Research Design and Procedure

Olutola, (2015) defined research design as simply means the blueprint for the collection, measurement and anlaysis of data in a study.

The research designed used in this study is descriptive survey, five out of twenty-one local government areas in Kogi state were selected andthese arei.e. Okene, Okehi, Ogori/Mangogo; Adavi and Ajaokuta.The Local government were selected among others through random sampling .The researcher visited each of the five local governments, and interacted with people in order to gather the useful informations from the respondents. Tape recorder was used in recording all informations which were later transcribed into this research.

3.2 Research Population

In every research work, there ought to be population, ordinarily the term population refers to the inhabitant of a particular area. Nworgu (1991) states that in a research “the term population is used in a more general sense to include all members or elements be human beings, animals, trees, objects even among others of well define group”. The population of this research is all

the *Ebira* speaking people of Kogi state. Kogi state comprises of twenty-one local governments with population of 3, 314, 043 from the population census of 2006 and five local governments were selected i.e Okene with population of 325, 623, Okehi 223, 574, Adavi 217, 219, Ajaokuta 122, 432 and Ogori Mangogo 39,807. In addition, Islamic organizations also formed an aspect of the research populationand these include Tijaniyya, Izalah, Qadiriyya, Habibiyya, Ansruldeen, League of Imams, Jam'atu Nasrullahi, FOMWAN, NASFAT, Council of Ulamau, Tabliq brothers, Jamrat, Eman, and Nycomo etc.

3.3. Sample and Sampling Techniques

Kerlinger (1973) defines "sampling as a method of ensuring that the subject selected for the study are the true representation of the group from which they are selected". It is also stated that "a portion of population selected for the study is referred to as sample". In consideration of the geographical spread of the research areas, the researcher was limited to central senatorial district in Kogi state where the *Ebira* Muslims are predominant such as Okene, Okehi, Adavi, Ajaokuta and Ogori/Mangogo.

A total of one hundred *Ebira*'s were selected for the study using multi stage sampling techiuques. Firstly, purposive sampling was used in the selection of the five local government areas where there are greater numbers of *Ebira* Muslims. Purposive sampling is a technique of sampling where subjects of research are selected for specific purpose (Kerlinger, 1993). Stratified sampling was used in the selection of twenty (20) Tijaniyya and twenty (20) Izalah scholars also fifteen (15) each was selected from the Juma't Imams, fifteen (15) each was selected from the District heads and fifteen (15) elders and fifteen (15) each from NASFAT/FOMWAN organizations in the five local government areas in Kogi state. Stratified

sampling is a technique of sampling in which strata are considered in getting the samples .Nworgu (1991).

3.4 Sample Distribution

Table 3.1

ORGANIZATIONS	**LOCAL GOVERNMENT AREAS**				
Organization	Okene	Okehi	Ogori/Magongo	Adavi	Ajaokuta
Tijanniya	4	4	4	4	4
Izalah	4	4	4	4	4
Juma'at Imams	3	3	3	3	3
District head	3	3	3	3	3
Elder	3	3	3	3	3
Nasfat	3	3	3	3	3
Total	20	20	20	20	20
Grand total	100				

3.5 Research Instruments

The research instruments used in this study was through open oral interview. The instrument tagged “interview on the implication of culture and tradition of *Ebira* people on the practices of Islamic system of inheritance among Muslims in *Ebira* land”. The researcher went to each of the respondent with a designed questionsthrough an open oral interview from the selected local governments’ base on identified organizations.Another methodwasused through the primary sources like Qur’an,Hadith and other literature that stressthe distribution of inheritance and other literature that discussed on the sharing of inheritanceof the deceased.Finally, the use of various published and unpublished sources were made.These were obtained from the general,departmental and personal libraries.The number of the respondentsin relation to their organizations and local governments is shown in the table below.

3.6 Validity and Reliabiity of the Instrument

Validity and reliability are two quality that are significant to the effectiveness of any data collecting instruments.In order to determined the content validity of the instrumentthat was used in this study, the questions was drafted and the copies was given to the expert in the field of education and Islamic inheritance were sought in selecting those questions that were essentials and appropriate after examining each questions.Based on the suggestions and recommendations, corrections were made and after which the researcher went ahead to carry out the research by using open oral interview questions.

3.7 Method of Data Collection

The researcher personally conducted the interview with the respondents through seeking and gaining permission from the heads of the local governments, the Emirs and the Chairmen. The oral interview was conducted to the selected respondents. Five weeks was spent in conducting the interview, one week for each of the local governments.

CHAPTER FOUR

DATA ANALYSIS AND PRESENTATION

4.1 Introduction

This study is aimed primarily at analysis of the implication of culture and traditions of *Ebira* people on the practices of Islamic system of inheritance among Muslim in *Ebira* land.

The research interviewed hundred respondents from the five local government areas stated. Purposive sampling was used in the selection of the learned scholars from the five local governments. Thus, five oral interview questions were presented to each of the respondents from each of the local government and their responses were analyzed with the statistical package. All the variables were presented with the use of the frequencies and percentage distributions. The descriptive statistic was appropriate in view of the nominal nature of the variable. The summary of the major findings was presented at the end of the chapter.

4.2 Analysis of Variable in Frequencies and Percentages

Table 4.2: Sex

Sex	**Frequency**	**Percentage**
Male	86	86%
Female	14	14%
Total	**100**	**100.0%**

Table 4.2

Indicates the respondent's sex status, a total of 100 respondents respresinting (86%) of the respondentws are male and the rest 14 respondent representing (14%) are females. This shows that the male respondents are more than the female as far as the sex status is concerned. These was peculiar in all the five local government areas the interview were conducted.

Table 4.3: Marital status

Status	**Frequency**	**Percentage**
Married	95	95%
Widow	5	5%
Total	**100**	**100%**

The table shows a total of 95 respondents representing 95% of the respondents are married and the rest of 5 respondents representing (5%) are widow. This shows that majority of the respondents in this study are married. It implies that in all the local areas, the researcher consulted, matured and experienced *Ebira* Muslims and provided the information required.

Table 4:4 Name of locality

Locality	**Frequency**	**Percentage**
Okene	20	20%
Okehi	20	20%
Ogori/Mangogo	20	20%
Adavi	20	20%
Ajaokuta	20	20%
Total	**100**	**100%**

The respondent localities as presented in the talbe above showed that 20 respondents rerpresenting (20%) were from Okene while 20 respondents representing (20) were from Okehi as against 20 respondents representing (20%) from Ogori/Mangogo. Another 20 respondents representing (20%) were from Adavi and the rest 20 respondents representing (20%) from Ajaokuta. This shows that the respondents were sampled from five different localities from the study area.

Also purposive sampling was used in the selection of local government areas which was earlier identified in chapter three of the work.

Educational Qualification

Table 4:5

Education	**Frequency**	**Percentage**
Formal	72	72%
Informal	20	20%
Both formale/informal	8	8%
Total	**100**	**100.0%**

On the respondents category of educationl qualification, the interpretation of the table shows that a total of 72 respondents representing (72%) possessed formal education wile 20 respondents respresenting (20%) possessed informal eduation and the ret 8 respondents representing (8%) possessed both formal and informal education qualification. This shows that the percentage of respondents with formal education is higher than that of the respondents with informl education. The table shows that all the respondents were people engated doing one thing or the other.

Educational qualifcation

Table 4.6: Level of Education

Level	**Frequency**	**Percentage**
Primary	30	30%
Secondary	35	35%
N.C.E	15	15%
Diploma	5	5%
Degree	10	10%
Master	5	5%
Total	**100**	**100.0%**

The total of education as presented in the table shows that, 30 respondents representing (30%) of them have primary education, 35 respondents representing (35%) have secondary education against 15 respondents representing (15%) that possess NCE while 5 respondents respresting (5%) possesss diploma and 10 respondents representing (10%) possess degree and the rest 5 respondents representing (5%) with master degree. This table shows that almost all the respondents are educated, learned and literate people.

Table 4.7: Do you agree that there is implication of culture and traditions of *Ebira*on the practice of Islamic system of inheritance among Muslims in *Ebira*land?

Table 4.7 Presentatiuon of Data

Data	**Frequency**	**Percentage**
Yes	62	62%
No	21	21%
Undecided	17	17%
Total	**100**	**100.0%**

A total of 62 respondents representing (62%) believe that there is implication of culture and tradition of *Ebira* on the practices of Islamic system of inheritance among the mulsims in *Ebira*land, while 21 respondents reprendents representing (21%) disagreed and the rest 17 respondents representing (17%) were undedcieded.

This shows that this is tremendous implication of culture and traditions in the activities of Mulsims in Islamic system of inheritance in the localities. They however, mingled their cultural and traditional practices with Islamic system of sharing the estate of the decreased. This indicates that, despite the fact they are Muslims, culture and traditional are still given priority by some Muslims as far as the deceased estate sharing is concerned.

Table 4.8: Can you describe the nature of that practice of inheritance among the Muslims in *Ebira*land?

Table 4.8

Data	**Frequency**	**Percentage**
Insiginifcant	70	70%
Significant	30	30%
Undecided	Nil	0%
Total	**100**	**100.0%**

In view of these, the interview conducted to 70 respondents representing 70% are the number of the respondents agreed that the practice of Islamic inheritance system in *Ebira*land was insignificance while 30 respondents said is significance.Therefore,the majority of the respondents are of the viewed that many household remain without complying with the Islamic inheritance regulation, instead the estate of the deceased person are arbitrary shared by few members of the deceased in accordance to the dictate of tradition of *Ebira*land. Thus, the male children are the only legitimate heirs and likewise the husband is the only heir of his wife.

Table 4.9: In your own opinion, do you consider the Muslims of *Ebira*land are complying with Islamic system of inheritance?

Table 4.9

Data	**Frequency**	**Percentage**
No	70	70%
Yes	20	20%
Partially	10	10%
Total	**100**	**100%**

70 respondents reprensenting 70% believe that Muslims in Ebira land do not comply with Islamic system of inheritance while 20 respondents representing 20% disagreed that some of the Ebira Muslims are comply with Islamic system of inheritance, the rest 10 are of the opinion that, it is partily complied with Islamic system of inheritance among Muslims in *Ebira* land.

Therefore, 70% of the respondents are the majority that said Muslims of Ebiraland do not comply with Islamic system of inheritance.

Table 4.10: What are the factors that prevent them them from complying with Islamic system of inheritance?

Table 4.10

	Frequency	**Percentage**
Ignorance of religion wisdom in inheritance	70	70%
Selfishness	20	20%
Dominance	10	10%
Total	**100**	**100.0%**

On the factors that deny them from compliance to Islamic system of inheritance, a total of 70 respondents representing (70%) believe that the factor that prevent them from compliance to Islamic system of inheritance is ignorant of religious wisdom while 20 respondents representing (20%) shows that, it is selfishness that is the major factor while 10 respondents representing (10%) considered dominance of culture as the cause of the refusal to the compliance with Islamic system of inheritance. Therefore,70% of the respondents are of the opinion that ignorance of religious wisdom in inheritance is the factor that prevent them from compliance.

Table 4.11: what implication do you attribute to non-compliance of Muslims to Islamic rules on inheritance?

Table 4.11

		Frequency	**Percentage**
I	It contributes to the disunity among the family	35	35%
Ii	It encourages adultery/fornication	10	10%
Iii	It brings about evil and crime among members of the family	30	30%
iv	It denies the non-Muslims the understanding of the beauty of Islam	20	20%
V	It nullifies Islamic faith in a Muslim	5	5%
	Total	**100**	**100.0%**

On the implication about the non-compliance of Mulsims to Islamic rules on inheritance, 35 respondents representing (35%) believe that the implication attributed to the Islamic system of inheritance is the continuity of disunity among the familywihile 10 respondents representing (10%) opined that it will encourages adultery and fornication, 30 respondents representing (30%) said it will brings about evil and crime among members of the family, also 20 respondents representing (20%) said, it will denies the non-muslims the understanding of the beauty of islam and the rest 5 respondents representing (5%) said it will nullifying Islamic faith in a Muslim.Therefore,35 repondents representing,35% said it contributes to disunity among the family.

Table 4.12: how do we provide solutions to the challenging factors responsible for non-compliance to the Islamic inheritance system?

Table 4.12

		Frequency	**Percentage**
I	Emphasis on da'awah against negative culture	25	25%
Ii	Establishment of more islamiyya schools	10	10%
Iii	Creation of religious forum such as ta'alim seminar on Islamic system of inheritance	12	12%
iv	Enhancement on the methodology of da'awah	10	10%
v	Friday sermons should be emphasized	13	13%
Vi	Economic life of the people should be imporved by the government	15	20%
Vii	Allow the eligible heirs to inherit in accordance with the Islamic rules and regulation	5	10%
	Total	**100**	**100.0%**

The study showed the respondents views on what they considered can be solutions to the challenging factors responsible for non-compliance to the Islamic inheritance system in *Ebira*land. A total of 25 respondennts representing (25%) said that there should be more emphasis on daw'ah against culture while 10 respondents respresenting (10%) said that establishment of more islamiyyah schools should be encouraged while 12 respondents representing (12%) opined that creation of religious forum such as ta'alim, seminars on Islamic system of inheritance should be emphaised, while 10 of the respondents representing (10%) are of the views that the methodology used in da'awah in presenting the subject of inheritance to the public should be enhanced, also 13 of the respondents representing (13%) said Friday sermons should be emphasis on the important of sharing the estate of the deceased to the rightful heirs, 20 respondents representing (20%) said the economic live of the people should be improved and the rest 10 respondents representing (10%) said that eligible heirs of the deceased should be allowed to inherited the left over estate of their family.Therefore,with the interview conducted,25 respondents representing 25% said the solution to the challenging factors responsible for the non-compliance to Islamic inheritance system is to emphasis on Da'awah against negative culture.

4.13.1: Status of the Respondents

Table 4.13:1Okene L.G.A

S/N	Organisation	Male	Female
1	Tijaniyya	3	1
2	Izalah	4	-
3	Juma't Imams	3	-
4	District head	3	-
5	Elder	1	2
6	NASFAT	1	2
Total		**15**	**5**
Ground total	**20**		

The table shows that in Okene Local government area, eleven (11) respondents represented the Islamic organization while three respondents represented the Juma't Imams and the district head were represented by three (3) respondents also the elders were represented by three (3) respondents, among all the twenty respondents, fifteen were male while five(5) are female. This shows that the male resopondents are more than the female as far as their sex status is concerned.

Table 4.13.2: Okehi L.G.A

Table.4:13.2

S/N	Organisation	Male	Female
1	Tijaniyya	3	1
2	Izalah	4	-
3	Juma't Imams	3	-
4	District head	3	-
5	Elder	1	2
6	NASFAT	1	2
Total		**15**	**5**
Ground total	**20**		

Table 4.13.2: Indicates the respondents that represented Okehi local government were twenty (20), thirteen (13) represented the Islamic organization of Tijaniyya, Izalah and NASFAT while Juma'at Imams, District heads, Elders were represented by three each, among all the respondents, Fiftheen were male while female were five. This shows that male respondents were more than the female respondents.

Table 4.13.3: Adavi L.G.A

Table 4.13.3

S/N	Organisation	Male	Female
1	Tijaniyya	4	-
2	Izalah	4	-
3	Juma't Imams	3	-
4	District head	3	-
5	Elder	2	1
6	NASFAT	1	2
Total		**17**	**3**
Ground total	**20**		

Table 4.13.3: Shows that total of twenty (20) respondents representing Adavi Local government eleven (11) respondents representing the Islamic organization such as Izalah, NASFAT and Tijaniyyah while three (3) respondents representing the Juma'at Imams, three (3) respondents also representing the district head, elders were represented by three respondents also. Among the respondents representing the Adavi L.G.A, seventeen (17) of them were male while three 3) are female.

Table 4.13.4: Ajaokuta L.G.A

Table 4.13.4

S/N	Organisation	Male	Female
1	Tijaniyya	4	-
2	Izalah	4	-
3	FOMWAN	-	3
4	District head	3	-
5	Elder	2	1
6	Juma't Imams	3	-
Total		**16**	**4**
Ground total	**20**		

Table 4.13.4: Indicate that the respondents representing in Ajaokuta were twenty, eleven (11) of them representing the Tijaniyya, Izalah and NASFAT Islamic organization while three (3) of the respondents representing the district head, another three (3) respondents representing the Juma't Imams also three (3) respondents representing the elders in Ajaokuta L.G.A among the respondents, sixteen (16) were male while four (4) are female. This was peculiar in all the five local government area.

Table 4.13.5: Ogori/Mangogo L.G.A

Table 4.13.5

S/N	Organisation	Male	Female
1	Tijaniyya	4	-
2	Izalah	4	-
3	Juma't Imams	3	-
4	District head	3	
5	Elder	1	2
6	NASFAT	1	2
Total		**16**	**4**
Ground total	**20**		

Table 4.13.5: Show that the respresented respondents in Ogori/Mangogo were twenty, eleven (11) of the respondents were represented by the Islamic organization such as NASFAT, Tijaniyya and Izalah, three (3) of the respondents were represented by Juma't Imams, three (3) were also represented by the elders and three (3) were represented by the district head. This shows that among the twenty (20) repondents, sixteen (16) represented by males while female were resprsented by four (4) females.

Table 4.14: **Do you agree that there is implication of culture and traditions of *Ebira* on the practices of Islamic system of inheritance among Muslims in *Ebira* land?**

A total of 62 respondents representing (62%) believed that there was implication of culture and tradition of *Ebira* on the practices of Islamic system of inheritance among the Muslims in *Ebira* land, while 38 respondents representing (38%) said that there is no implication.

This shows that there are implication of culture and traditions of *Ebira* land in the activities of Muslims in Islamic system of inheritance in the localities. They however, mingled their cultural and traditional practices with Islamic system of sharing the estate of the deceased. This indicates that, despite the fact that they are Muslims, culture and traditional are still given priority by some Muslims as far as the deceased estate sharing is concerned.

Table 4.15: Can you describe the nature of the practice of inheritance among the Muslims in *Ebira* land?

The nature of the practice of inheritance among the Mulsims in *Ebira* land is that women weretotally excluded from inherting the estate of their deceased relatives because some of the *Ebira* people tried as much as possible to retain the protpery left by the deceased relatives in his family, so women were disallowed to inherit. A daughter was excluded from inheriting the parents because on her marriage, she will no longer belong to her original family but she is considered to belong to her husband's family. A widow was exlucuded from inheriting because she is considered as part of the property of her deceased husband. Thus, she is not capable of inherting rather, she is to be inherited by the appropriate legal heirs of her deceased husband. Women were also prevented from inheriting because they are physically weak and incapable of defending the interest of the family.

Under the traditional *Ebira* custom, a wife is rarely considered in the share of her husband's estate. The share of her son is considered her own share. However, she is entitled to retain the occupation of the quarter she was occupying before the death of her husband. She can only retain the occupation of the quarter if she is not married to an outsider and the occupation is subject to good behavior. It will be regarded as bad behavior and tantamount to objection from the quarter if she commits adultery in that quarter with a stranger (a person who does not belong to the family), she is not entiled to claim exclusive ownership of the quarter she is occupaying, through her son may eventually claim ownership of it. She is also entitled to whatever gift given to her by the deceased husband before his death. From the interviews conducted from the reknown scholars in *Ebira* tradition, it is established that a woman does not generally pertake in the sharing of the estate of their deceased relatives, those who opined that a woman could take a share in the estate hold that she could take only under exceptional circumstances. In fact very little regard is given to women folk under the strict traditional *Ebira* society. There are some popular sayings in *Ebira* indicating '*oyene ooma go gwu*' i.e. 'female do not partake in share of property' (deceased property). '*Do yio zi ovi onyi ozi ni'* i.e. 'the share of the mother is what her child takes'.

With the advent of Islam in *Ebira* land, some of the *Ebira* Muslims have started allowing the women and the young ones to inherit the share allotted to them by the Islamic system of inheritance and also the right to inherit in the personal property moveable property of their deceased relatives for instance, the declaration of the Islamic in the personal estate of their deceased husband and parent respectively. In their cases, they take half of the share of their male counterpart.

Generally, women do not pertake in the share of the landed property of her deceased relatives. One of the reasons why a woman is not allowed to take any share in the landed property is that, like the pre-Islamic Arabs, the *Ebira* want to retain by all means the landed property in the family and the clan group of the deceased. When a woman got married most probably to a man from a different family and clan group, her children belong to the clan of their father. If the woman is allowed to inherit part of her father's land, her children who are from a different clan are eventually going to inherit the land from her. That means, the land belonging to the woman's family and clan is transferred to her husband's and children's clan and family. Importance was attached to landed property. Every family or clan takes every step to protect its land.

In some cases, where a woman is very good to the father and the other members of the family, the family could allow her a land with economic trees, like palm trees and locust beans. She takes financial benefit of those trees and cannot claim absolute ownership to the land. A widow may also be allowed to continue occupying the house or room allotted to her by husband during his life time. She could only occupy it in as much as she is not married to somebody outside the family and she continued to be of good behavior, she cannot claim absolute ownership of that house though her children (especaily males) may eventually claim ownership of the land by way of inheritance after her death.

It has been viewed that a daughter may be made to be entitled to a landed property of her father only if the father built a house in her name and it is handed over to her by way of gift by the father before his death.

Table 4.16: In your own opinion, do you consider the Muslims of *Ebira*land complying with Islamic system of inheritance?

A total of 70 respondents representing (70%) believe that Muslims in *Ebira*land do not complied with Islamic system of inheritance while 20 respondents representing (20%) agreed that Muslims in *Ebira land* complied with Islamic system of inheritance, 10 respondents representing 10% partially complied with Islamic system of inheritance.

Therefore (70) respondents are of the view that the practice of Islamic system of inheritance in *Ebira* land was insignificant because many household remain without complying with Islamic system of inheritance regulations.

Table 4.17: What are the factors thatre fusedthem from complying with Islamic system of inheritance?

On the factors that deny them from compliance to Islamic system of inheritance, a total of 70 respondents representing (70%) shows that ignorance of religious wisdom in inheritance is a factor that deny some of them from compliance to Islamic system of inheritance while 20 respondents representing (20%) shows that, it is selfishness that is the major factor while 10 respondents representing (10%) considered that dominance of culture denied them from compliance with Islamic system of inheritance.

Table 4.18: what implication do you attribute to non-compliance of Muslims to Islamic rules on inheritance?

45 respondents representing (45%) are of the viewed that it has contributes to the disunity among the family while 25 respondents representing (25%) opined that it encourages adultery and fornication, 30 respondents representing (30%) said it brings about evil and crime among members of the families

Table 4.19: **How do we provide solutions to the challenging factors responsible for the non-compliance to the Islamic inheritance system?**

A total of 25 respondents representing (25%) said that there should be more emphasis on daw'ah against culture while 10 respondents representing (10%) said that establishment of more Islamiyyah schools should be encouraged while 12 respondents representing (12%) opined that creation of religious forum such as ta'alim, seminars on Islamic system of inheritance should be emphasized, while 20 of the respondents representing (20%) are of the view that the methodology used in da'awah in presenting the subject of inheritance to the public should be enhanced, also 13 of the respondents representing (13%) said Friday sermons should emphasizes on the importance of sharing the estate of the deceased to the rightful heirs as commanded by the religion, 15 respondents representing (15%) said the economic live of the people should be improved and the rest 5 respondents representing (5%) said that eligible heirs of he deceased should be allowed to inherite the left over estate of their family.

4.3 Summary of the Major Findings

1. There are implications of culture and traditions of Ebira on the practices of Islamic system of inheritace.
2. The practice of Islamic law of inheritance is insignificance in *Ebira*land.
3. Most of the Muslims in Ebiraland do not comply with Islamic system of inheritance.
4. Ignoranceof religious wisdom is the factor that led to the denial of the compliance the Islamiclaw of inheritance.
5. The particular implication lack of the practice of Islamic system of inheritance in *Ebira* land is the continuity of the disunity among the family.
6. The solutions to the non compliance of the Islamic law of inheritance is putting emphasis on *Da'awah* against culture;

4.4 Discussion of the Findings

The practice of Islamic law if inheritance is insignificant in *Ebira* land because many household remain without complying with the Islamic inheritance regulations instead the estate of the deceased person are arbitrary shared by few members of the deceased in accordance to the dictate of tradition in *Ebira* land, thus, the male children are the only legitimate heirs and likewise the husband is the only heir of his deceased wife, this should not be so because Islamic law of inheritance permits both male nd the female to inherit their deceased families and relations.

The implications of culture and traditions of the *Ebira* people in the practices of Islamic system of inheritance among the mulsims in *Ebira* land is tremendous in the activities of Muslims in Islamic system of inheritance because the *Ebira* people have mingled their cultural and

traditional practices with Islamic system of sharing the estate of the deceased, because despite the fact that they are muslims, culture and traditions are still given priority by some Mulsims as far as the deceased estate sharing is concerned.

Some Muslims in *Ebira*land do not comply with Islamic system of inheritance because of ignorance of religious wisdom in inheritance denied them from compliance to Islamic system of iheritance, while some of them because of selfishness and dominance of culture caused the denial to the compliance with Islamic system of inheritance and because of the particular implication attributed to the practice of Islamic system of inheritance in *Ebira* land caused the disunity, crises among the families.

However, the solutions to the non-compliance to Islamic law of inheritance is putting emphasis on da'awah about the Islamic inheritance rules and regulations against the alien culture and enlightment through media, workshop, establishment of more Islamiyya schools, muslims especially families should be made to understand the Islamic faith which requires total submissions to the injunctions of shariah and the scholars should put more effort in teaching and guilding people on matters of religion.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

This chapter presents a summary of the objectives with the major findings of the study.It also shown the limitation, the conclusions and some the recommendations.

5.1 Summary

This study has made some major contributions to Islamic education by identifying the implications of culture and traditions of *Ebira* on the practices of Islamic system of inheritance among Muslims in *Ebira* land.The study has also made some contributions to the Islamic education by identifying the shares of females and the young ones with particular references to cases in some local Government Areas in Kogi state. The Islamic system of inheritance confirm that male and female have specific shares from what is left by their parents and kinsmen where it is much or little. And the research shows how implementation of inheritance should complied with the provisionof Islamic system of inheritance. This shows the extent to which the provision of the shariah should be implemented in *Ebira* land.

In societies and tradition such as *Ebira* and *Jahilyya* of Arabs as shown in this study,show no any regards for females and the young onesnor is their any provision for them to inherit their relatives after they have passed away. But with the Islamic reforms, the whole system changed to make it just to both male and female through the provision of the distribution of Islamic system of inheritance.In addition, the Islamic reform provide women with the right to live and no longer regarded as property to be inherited. Women were given equal rights to inherit property left by the deceased family and relatives as shown in this research.

In this research, data was collected and processed accordingly by using a survey research method. The method aimed at combining relevance to research purpose with economy in procedure.

Another method used to collect data for this study is open oral interview method. This method was carried out by providing questions that the respondents would answer, tape recorder was used to garther all. The usefull informations from the respondents which was later transcribed to this research. Another method that was used in this research is the consultation of the primary sources, like Qur'an, Hadith and other literature related to the Islamic system of inheritance. Analysis of the data is done to show the number of the people that complied with the shariah and those that are not complied with the shariah.

However, it is through the data analysis of this research from the secondary data, that the position of females and the young ones in the society like *jahiliyya* Arab, *Ebira* was shown. The position of females and the young ones in those areas is nothing rather than a bad case because women as mothers, daughters, sisters etc are not regarded in the society and have no any position of inheritance for them after the death of their parents and relatives.

The chapter two is designated for the review of literature, where issues of importance that can expound the subject matter of this research as well as the affected localities of the research were presented. In view of this, detail on the nature, significance and types of inheritance were discussed. In addition, history of the localities of *Ebira* people, their culture and their religion before the advent of Islam were extensively deliberated. In the same vein, the emergence and factors that brought Islam into *Ebira* land were carefully studied and presented.

The vastness of the *Ebira* land made the research to be restricted to some selected localities base on their history and considering the dominance nature of the population of Muslims. Thus, the research selected interview as an instrument for collection of relevant Data for the research. In this regard, some major Islamic organizations were identified along with the selected important personalities that are associated with them. Formulated questions were presented to all the respondents from various quarters.

The chapter three, is the methodology, the researcher presented the research design procedure, research population sample and sampling technique, research instrument, validity of the instruments and method of data collection.

The chapter four includes status of the respondents, summary of the major findings and the discussion of the findings. In chapter five, is a summary, limitation, conclusion and recommendations.

5.2 Conclusion

A number of conclusions could be drawn fron the study.

Firstly, is the issue on the implications of culture and traditions of *Ebira* on the practices of Islamic system among Muslims in *Ebira* land, sixty-two percent (62%) of the respondents revealed that there are implications of the culture andhe traditions of *Ebira* on the practices of Islamic system of inheritance while twenty-one (21%) said there areno implicationof culture and tradition of Ebira on the practice of Islamic system of inheritance in *Ebira*l and.,it is only seventeen percent (17%) are undecided about whether there is implications or not on the practices of Islamic system of inheritance amongthe Muslims in *Ebira* land

Secondary,the nature of practice of Islamic systemof inheritance among Muslims in *Ebira* land is insignificant as revealed by seventy percent (70%) of the respondents and it is only thirty percent (30%) of the respondents indicate that are significant.

Thirdly, the Muslim in *Ebira* land are not comply with the Islamic system of inheritance as revealed by seventy percent (70%) of the respondents, however,it is twenty percent (20%) said they comply while ten percent (10%) said it is partially complied with the Islamic system of inheritance.

Fourthly, the wisdom for doubling share of male and single to female shows those financial responsibilities for female heirs usually goes to the male heirs as wives mothers and sisters etc.

Fifthly, Islamic law of inheritanceis comprehensive as it take care of different categories of heirs such as wives, daughters mothers, consanguine sisters and many other categories that inherit properties from their relatives.

Finally, injustice in distributions of inheritance among male and femaleis more proponents in trdiional non Islamic societies.

5.3 Recommendations

The study discussed analysis on the implications of culture and traditions of Ebira people on the practices of Islamic System of inheritance among Muslims in *Ebira* land and shows the extent of the compliance and non-compliance with Islamic system of inheritance. The research therefore, recommends the following points, which if followed would solve the problems involved in the sharing of inheritance and give area for further research especially on the

implication of culture and traditions on the practices of Islamic system of inheritance and distribution.

1. If there is any distribution of inheritance at home or anywhere all the rules and regulations governing the Islamic law of inheritance should be strictly followed and the scholars that distribute the inheritance should be God fearing and sincere in the implementation of the rules and regulation according to shariah because lack of this qualities leads to injustice and if this is avoid justice will prevail.

2. From the findings of this research it could be seen that the data gathered, agreed that women and the young ones do not get their entitlement with regard to the distributions of inheritance, this should be discouraged because it could encouraged injustice and also have punishement from the Creator.

3. Again as shown in this study, there are difficulties and problems particularly when sharing the inheritance of the deceased, this is because there are certain condition with regards to Islamic law of inheritance which are usually neglected and these cause negative consequences.

4. Muslims especially families should be made to understand the Islamic faith which requires total submission to the injunctions of shariah and also the scholars should put more effort in teaching and guiding people on matters of religion.

5. There should be establishment of more islamiyya school and also the da'awa approach should be enhanced by considering the nature, education and other challenges of the people.

6. The government and the Islamic organizations should try as much as they can to see that the distribution of inheritance is well organized and full of power and recognition are given to

those scholars that distribute the inheritance and enlightment through media, workshop should be done continuously for people to know more about the science of inheritance.

7. This research suggests that cases of inheritance should be taken to the Islamic learned scholar or the shariah court for the avoidance of misunderstanding among the familes. And also Muslims should endeavor to record their daily activities like business transctions, debt and many other contracts with other people so that if he dies it would be easy to trace all the record of his properties, will and debt.

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APPENDIX I

LIST OF INFORMANTS IN THE FOLLOWING FORMAT

S/N	NAME	STATUS	AGE	DATE	PLACE	TIME
1	Ustaz Abdulmumin Muhammad Sanni	Tijaniyyah scholar	45	28/4/2018	Obehira Okene L.G.A	3:32pm
2	Mallam Muhammad Chindo Usman	Tijaniyyah scholar	43	11/5/2018	Iruvucheba In Okene L.G.A	10:10am
3	Ustaz Muhammad Rasheed Usman	Tijaniyyah scholar	55	11/5/2018	Ukowa II In Okene L.G.A	5:53pm
4	Ustaz Abdulyekeeni Abdullahi	Tijaniyyah scholar	52	13/5/2018	Ukowa II In Okene L.G.A	7:36am
5	Ustaz Yahya Shuaibu	Izalah scholar	57	28/4/2018	Okengwe II In Okene L.G.A	4:17pm
6	Mallam Haruna Abdulazeez	Izalah scholar	48	15/5/2018	Ateba In Okene L.G.A	11:32am
7	Mallam Aliu Yusuf Eneji	Izalah scholar	54	15/5/2018	Oriadobe In Okene L.G.A	12:47pm
8	Mallam Abdulshakur Hassan	Izalah scholar	49	12/5/2018	Ahache In Okene L.G.A	5:12 pm
9	Alhaji Salihu Adinoyi Suleiman	Imam	53	27/4/2018	Agassa In Okene L.G.A	3:52pm
10	Alhaji Musa Muhammed Kabir	Imam	62	27/4/2018	Iduka In Okene L.G.A	8:30pm
11	Mallam Dauda Umeche	Imam	49	10/5/2018	Osochokodo In Okene L.G.A	12:07 pm
12	Alhaji Muritala Inakakana	District head	65	7/5/2018	Inike In Okene L.G.A	10;05
13	Alhaji Yakubu Abdulrahim Yusuf	District head	78	8/5/2018	Ohi Of Okengwe And Okene L.G.A	12:32 pm
14	Alhaji Musa Asubo	District head	64	27/4/2018	Agassa In Okene L.G.A	4:32pm
15	Alhaji Idris Anataku	Elder	73	30/4/2018	Agassa In Okene L.G.A	5:37 pm
16	Mallam Momohjimoh Ochenika	Elder	76	6/5/2018	Okeneba In Okene L.G.A	3:55 pm
17	Odovidi Yunusa Yamida	Elder	61	6/5/2018	Okeneba In Okene L.G.A	11:30am
18	Alhaji Haruna Mamman	NASFAT chairman	63	6/5/2018	Ikaraworo In Okene L.G.A	11:45 am
19	Mallam Danfulani Abdullahi	NASFAT secretary	54	6/5/2018	Inike In Okene L.G.A	13:30 pm
20	Hajiya Mariam Ododo	NASFAT woman	69	6/5/2018	Inike In Okene L.G.A	5:24 pm

		leader				
21	Khalifah Ahmad Rufai Shuaibu	Tijaniyyah scholar	74	17/5/2018	Adavi_Eba Adavi L.G.A	3:45
22	Mallam Muhammad Salawu	Tijaniyyah Scholar	67	7/5/2018	Adavi Eba Adavi L.G.A	9:00 am
23	Mallam Ibrahim Abdullahi	Tijaniyyah scholar	61	18/5/2018	Kuroko Adavi L.G.A.	9:32 am
24	Mallam Muhammad Sanni Umar	Tijaniyyah scholar	58	18/5/2018	Inoziomi Adavi L.G.A.	12:95 pm
25	Mallam Ahmad Tijani Dauda	Izalah Scholar	52	20/5/2018	Ikaraworo Adavi L.G.A	1:10 am
26	Mallam Abdulmumin Isa	Izalah scholar	45	20/5/2018	Ebogogo Adavi L.G.A	2:00 pm
27	Mallam Usman Bello	Izalah Scholar	45	21/5/2018	Iresuha Adavi L.G.A	3:00 pm
28	Mallam Yusuf Abdullahi	Izalah scholar	52	21/5/2018	Iresuha Adavi L.G.A	2:46 pm
29	Mallam Muhammad Jamiu Zubair	Imam	63	61/5/2018	Inoziomi Adavi L.G.A	3:42 pm
30	Alhaji Muhammad Jamiu Otaru	Imam	55	9/5/2018	Kuroko Adavi L.G.A	3:42 pm
31	Alhaji Muhammad Balogun	Imam	58	7/5/2018	Kuroko Adavi L.G.A	6:07 pm
32	Alhaji Muhammad Salami Tonuche	District Head	72	9/5/2018	Adavi L.G.A (Zango)	3:32 pm
33	Mallam Ibrahim Momohjimoh	District Head	70	17/5/2018	Okunchi Adavi L.G.A	3:10 pm
34	Adayi Abdullahi Otuoze	District Head	74	20/5/2018	Utokuha Adavi L.G.A	1:25pm
35	Alhaji Musa Muhammed Anaza	Elder	68	9/5/2018	Inorore Adavi L.G.A	11:32 am
36	Alhaji Ismaila Abdulahhi	Elder	65	17/5/2018	Ige Adavi L.G.A	4:29 pm
37	Mallam Salihu Ibrahim	Elder	62	17/5/2018	Ogaminana Adavi L.G.A	1:1 pm
38	Mallam Ibrahim Onuja	Nasfat Chairman	58	17/5/2018	Ogaminana Adavi L.G.A	2:30 pm
39	Mallam Lawal Abdullahi	NASFAT council of Elder	65	18/5/2018	Ige Adavi L.G.A	3:00 pm
40	Hajiya Aisha Ogido	Nasfat Women Leader	68	18/5/2018	Ige Adavi L.G.A	3:30 pm
41	Mallam Yahya Idris	Tijaniyyah Scholar	48	20/5/2018	Ajaokuta L.G.A	4:20 pm
42	Mallam Salihu Ibrahim	Tijaniyyah	49	20/5/2018	Eganyi	8:40 am

		Scholar			Ajaokuta L.G.A	
43	Mallam Sanusi Ahmad	Tijaniyyah Scholar	43	20/5/2018	Eganyi Ajaokuta L.G.A	8:40 am
44	Mallam Dauda Isa	Tijaniyyah Scholar	51	20/5/2018	Badoko Ajaokuta L.G.A	10:05 am
45	Mallam Yakubu Abubakar .O.	Izalah Scholar	49	12/5/2018	Badoko Ajaokuta L.G.A	11:15 am
46	Mallam Bello Yakubu	Izalah Scholar	45	12/5/2018	Iruvusechi Ajaokuta L.G.A	1:05 pm
47	Mallam Umar O.Idris	Izalah Scholar	52	12/5/2018	Iruvusechi Ajaokuta L.G.A	1:30 pm
48	Mallam Hassan Isa	Izalah Scholar	56	12/5/2018	Iruvusechi Ajaokuta L.G.A	2:00 pm
49	Mallam Abdul Rahman Ejide Ahmad	Imam	62	12/5/2018	Adogo Ajaokuta L.G.A	2:35 pm
50	Mallam Ahmad Awwal Bello	Imam	65	12//2018	Adogo Ajaokuta L.G.A	3:15 pm
51	Mallam Yakubu O. Sadiq	Imam	72	12/5/2018	Adogo Ajaokuta L.G.A	4:30 pm
52	Mallam Ibrahim Salihu	District Head	68	16/5/2018	Ebiya Ajaokuta L.G.A	4:07 pm
53	Mallam Salihu Umar	District Head	73	12/5/2018	Ebiya Ajaokuta L.G.A	4:42 pm
54	Adayi Audu Ojo	Elder	78	16/5/2018	Ebiya Ajaokuta	1:35 pm
55	Adayi Audu Ojo	Elder	75	16/5/2018	Adogo Ajaokuta L.G.A	2:40 pm
56	Mallam Ejide Iddawu Suleiman	Elder	65	16/5/2018	Adogo Ajaokuta L.G.A	3:02 pm
57	Mallam Yakubu Abdullahi	Elder	49	16/5/2018	Badoko Ajaokuta L.G.A	12:10 pm
58	Mallama Sefinatu Ahmad	Nasfat women leader	53	13/5/2018	Ebiya Ajaokuta L.G.A	12:52 pm
59	Mallama Halimat Aliu Ouada	Nasfat secretary	62	13/5/2018	Iruvusechi Ajaokuta L.G.A	9:30 am
60	Mallam shaibu Ya'kub	Nafsat chairman	51	13/5/2018	Iruvusechi Ajaokuta L.G.A	9:32 am
61	Alhaji Kamarudeen Lawal	Tijaniyyah scholar	55	14/5/2018	Ogori/Magongo L.G.A	10:51 am
62	Alhaji Awulu Hussain	Tijaniyyah scholar	48	14/5/2018	Ogori/Magongo L.G.A	11:32 am
63	Abubakar Abdulsalami	Tijaniyyah scholar	51	14/5/2018	Ogori/Magongo L.G.A	12:32 pm
64	Mallam Salahudeen Shuaibu	Tijaniyyah scholar	45	14/5/2018	Ogori/Magongo L.G.A	1:10 pm
65	Mallam Abdulkarim	Izalah	51	15/5/2018	Ogori/Magongo	1:32 pm

	Hassan	scholar			L.G.A	
66	Mallam Muhammed Ibrahim	Izalah scholar	44	15/5/2018	Ogori/Magongo L.G.A	3:00 pm
67	Mallam Dauda Suleiman	Izalah scholar	49	16/5/2018	Ogori/Magongo L.G.A	4:10 pm
68	Mallam Ismaila Dauda	Izalah scholar	49	16/5/2018	Ogori/Magongo L.G.A	4:42 pm
69	Mallam Abdulhameed Isa	Imam	53	16/5/2018	Ogori/Magongo L.G.A	9:02 am
70	Alhaji Shuaibu Zubair	Imam	49	16/5/2018	Ogori/Magongo L.G.A	9:22 am
71	Mallam Umar Ibrahim	Imam	53	16/5/2018	Ogori/Magongo L.G.A	10:20 am
72	Mallam haruna ADEIZA	Distinct head	68	16/5/2018	Ogori/Magongo L.G.A	11:02 am
73	Alhaji Ahmadu Abdulsalami	Distinct head	56	19/5/2018	Ogori/Magongo L.G.A	11:35 am
74	Adayi Muhammed Enesi	Distinct head	64	19/5/2018	Ogori/Magongo L.G.A	12:10 pm
75	Alhaji Ismaila Onimisi	Elder	74	19/5/2018	Ogori/Magongo L.G.A	1:30 pm
76	Mallam Momohsani Ibrahim	Elder	52	19/5/2018	Ogori/Magongo L.G.A	2:32 pm
77	Mallam Momhjimoh Bello	Elder	65	19/5/2018	Ogori/Magongo L.G.A	3:00 pm
78	Mallam Ibrahim Onukaba	Nasfat council of elder	72	19/5/2018	Ogori/Magongo L.G.A	9:10 am
79	Alhaji Yakubu Isa	Nasfat chairman	65	19/5/2018	Ogori/Magongo L.G.A	9:41 am
80	Hajiya Aisha Oro	Women leader	52	19/5/2018	Eika in Okehi L.G.A	10:42 am
81	Mallam Ahmed Bello	Tijaniyyah scholar	46	19/5/2018	Eika in Okehi L.G.A	4:32 pm
82	Mallam Haruna Isa	Tijaniyyah scholar	47	5/5/2018	Eika in Okehi L.G.A	2:02 pm
83	Mallam Saidu Muhammed	Tijaniyyah scholar	55	5/5/2018	Eika in Okehi L.G.A	1:32 pm
84	Alhaji Bello Adamu	Tijaniyyah scholar	53	5/5/2018	Ihima in Okehi L.G.A	2:35 pm
85	Mallam Awwalu Muhammed	Izalah scholar	49	5/5/2018	Ihima in Okehi L.G.A	4:10 pm
86	Mallam Siyaka Mustapha	Izalah scholar	47	5/5/2018	Obangede in Okehi L.G.A	1:30 pm
87	Mallam Abdulmalik Suleiman	Izalah scholar	52	5/5/2018	Obangede in Okehi L.G.A	2:32 pm

88	Mallam Yunusa Lawal	Izalah scholar	49	5/5/2018	Obeiba in Okehi L.G.A	3:16 pm
89	Mallam Zubairu Abdullahi Oyibo	Imam	61	5/5/2018	Abobo in Okehi L.G.A	9:02 am
90	Alhaji Abdulsalami Ibrahim	Imam	68	5/5/2018	Ikatur in Okehi L.G.A	9:35 am
91	Alhaji Abdulrahman Tahiru	Imam	62	6/5/2018	Ihima in Okehi L.G.A	9:35 am
92	Alhaji Salihu Abdullahi	Elder	64	6/5/2018	Ihima in Okehi L.G.A	9:02 am
93	Alhaji Idris Omadivi	Elder	56	6/5/2018	Obangede in Okehi L.G.A	2:35 pm
94	Mallam Momoh Ismaila	Elder	65	7/5/2018	Eika Oku, Okehi L.G.A	10:19 am
95	Alhaji Muhammed Usman	Distinct head	69	7/5/2018	Eika Oku, Okehi L.G.A	10:50 am
96	Alhaji Adabara Umar	Distinct head	74	7/5/2018	Obangede in Okehi L.G.A	11:10 am
97	Mallam Yunusa Isa	Distinct head	78	7/5/2018	Oniyeka in okehi L.G.A	11:39 am
98	Mallam Haruna Ibrahim	Council of elder chairman (NASFAT)	61	7/5/2018	Ihima in Okehi L.G.A	12:45 pm
99	Mallama Habibah Abdulsalami	Women leader (Nasfat)	53	7/5/2018	Ihima in Okehi L.G.A	2:30 pm
100	Mallam Salihu Abdullahi	Nasfat chairman	59	7/5/2018	Ihima in Okehi L.G.A	2:35 pm

APPENDIX II

LIST OF INTERVIEW QUESTIONS

1. Can you describe the nature of the practice of inheritance among the Muslims in *Ebira land*?
2. In your opinion, do you consider the Muslims of *Ebiraland* are complying with Islamic rules on inheritance system?
3. In your opinion, what are the factors that deny them for complying with Islamic inheritance system?
4. What implications do you attribute to non-compliance of Muslims in *Ebira land* to Islamic rules on inheritance?
5. How do we provide solutions to the challenging factors that lead to non-compliance to the Islamic inheritance system?