



Male gender preference amongst the igbo tribe of South-Eastern part of Nigeria and its attendant hanker for continuity of family line: Finding healthier solutions in assisted reproductive technology

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Abstract

Due to the patrilineal set-up and the tenacious need to conserve and retain family line exhibited by mainstream of communities that make up the south-eastern part of Nigeria, certain repugnant and obnoxious practices have been employed by these communities to ensure that the family line does not go into extinction. These obnoxious practices adopted by these indigenous communities to ensure the continuity of family line, which includes but not limited to surrogate marriage have exposed the prospective mothers to health hazards, emotional, psychological and physical abuses. In addition to the exploitation and mistreatment suffered by these women, in most cases their children are denied inheritance rights on the basis that such children are products of an illegal and invalid union. It is against this backdrop, that this work will outline and examine the dangers associated with this prevalent and repugnant practices adopted by these indigenous communities to ensure continuity of family line. This work also holds a firm view that better and healthier solutions can be found within the realm of assisted reproductive technology.

Keywords: surrogacy, *In Vitro* fertilization, *Nrachi* custom, embryo, sperm cells, artificial insemination, ovary

Introduction

The Igbos also referred to as Ibos dominate the south-eastern part of Nigeria, having a population of approximately forty million, which accounts for over 23.5% of the total Nigerian population estimated at one hundred and seventy million ^[1]. The Igbo tribe which is the third major tribe amongst the two hundred and fifty ethnic groups in Nigeria can be found in Enugu, Anambra, Abia, Ebonyi, Imo and some parts of Delta State of Nigeria. The south-eastern part of Nigeria which is dominated by the Igbos is divided by the Niger River into two unequal sections- the eastern region and the mid-western region. The river, however, has not acted as a barrier to cultural unity, rather it has provided an easy means of communication in an area where many settlements claim different origin ^[2]. Amongst the Igbo tribe, male-child preference has remained one of their most lasting cultural values and this phenomenon is apparent and evident in these communities where male children are accorded special recognition and/or higher status relative to their female counterparts.

It is generally assumed that as male children become adults, they will become the breadwinners of their family and take care of their elderly parents and this is one of the reasons why majority of Igbo communities are patriarchal in nature. Another major contributor for the preference of male children amongst Igbo communities of Nigeria is found in the principles guiding a person's right to succession/inheritance under Igbo native law and customs. The central principle of Igbo native law and custom as it relates to right to succession or inheritance revolves around the dogma of primogeniture which favours the eldest son's right to inherit his parent's entire estate to the exclusion of the daughters,

elder illegitimate sons, younger sons and other paternal relatives ^[3]. Under primogeniture, the eldest legitimate son (*Okpala*) inherits the father's personal *Ofor* and other objects of worship, furniture, the widows, and wearing apparel. The *Okpala* also inherits as of right, his late father's dwelling compound commonly referred to as *Obi* and the immediate surrounding compound. A unique feature of these Igbo communities, is that the male children are perceived as sustainers of lineage, holders of central, and often, most important positions of authority and inheritors of immovable properties ^[4]. The justification for the desirability of males among the Igbo also originates from the tradition that allows only the first son (*Okpala*) to inherit the *Ofor* title ^[5]-the symbol of family authority. The *Okpala* is then automatically bestowed with the onus of both settling disputes and apportioning farmlands among family members each planting season. In some parts of Igboland-*Mbaise*, *Obowo*, *Ngwa*, *Umuhia* and *Owerri*, the *Okpala* also performs certain rituals connected to the second burial of his late father ^[6] and due to the traditional significance attached to this second burial, the male children most especially the *Okpala* who is the *Ofor* title holder is conceived as an invaluable blessing for the family since the female members of the family are not allowed to undertake this herculean responsibility.

Thus, the birth of a male child establishes the worth of an Igbo man on one hand and the legitimacy of his marriage on the other. This preference for male children prevalent amongst the Igbo communities, can also be justified by the widely held notion that since female children are married off to suitors, they are not to be regarded as permanent members of the family ^[7]. Furthermore, this preference for

male children and the ensuing quest by the Igbo wives to solidify their position accounts for the continuous bearing of children in anticipation of the “desired child” even in the face of life threatening medical conditions ^[8]. In Pakistan, gender roles are clearly defined, as son preference and daughter neglect prevails from birth ^[9]. In Sudan, women who have more girls never give up producing children with the hope that they may eventually have a baby boy.

Amongst the Igbos, the failure to give birth to a male child have in most cases caused domestic conflicts between a mother-in-law and her daughter-in-law most especially where it is perceived that the said mother-in-law is coaxing her son into marrying a second wife in her desperation to beget a male grandchild ^[10]. Besides the fact that sonless marriages are built on shaky foundations, the wife is usually the one blamed for the inability to produce a male heir in the family, not the husband.

This desperate need for a male child has led to certain unhealthy relationships which most times exposes the prospective mother to a situation where she is expected to keep multiple sexual partners in her bid to produce a male child for the family. On top of the list of these unhealthy and repugnant relationships are; woman to woman marriage and the *Nrachi* Custom. These indigenous arrangements targeted towards the conception of a male child and the attendant health risks faced by the participating women will form the bulk of the discussion of the succeeding paragraphs of this work. Also to be discussed are more viable and healthier solutions offered by assisted reproductive technology.

Nrachi Custom

A situation may arise where a man throughout his lifetime was unable to give birth to a male child and this state of affairs under the Igbo milieu which is modelled after a patriarchal philosophy creates a limbo as to who inherits the deceased man’s estate due to the nonexistence of an heir. With no heir to inherit the property of the deceased, the property will revert to the deceased brothers or other male relatives upon his death. To ensure that the estate of the deceased remains in his family and that his lineage does not go into extinction, a certain Igbo custom has a way around this difficulty caused by the absence of a male heir. This custom popularly referred to as *Nrachi* ^[11] makes it possible for a deceased to retain his estate and for the deceased’s lineage to continue even without a male heir. In order to ensure the continuity of the family lineage, the deceased, during his lifetime persuades on one of his daughters to remain unmarried and to remain in the family with the hope of bearing a male heir. In some parts of Igbo land, this agreement to remain unmarried is followed by the performance of certain traditional rites which is a condition-precedent for a binding and valid *Nrachi*. Upon the completion of the rites, such daughter holds multiple personalities of a daughter, a female son, a female father and the head of her family and these multiple personalities makes it feasible for her to inherit the family property ^[12]. Thus, the *Nrachi* Custom enables a daughter to inherit the *Obi* of her father which ordinarily is only inheritable by a male child ^[13]. In a real life account that happened in Nanka town in Orumba North of Anambra State of Nigeria ^[14]. A certain *Nwafor* married his first wife, *Ebulonu* who had no children, *Ebulonu* brought her younger sister, *Nwangbeke* into the marriage to have children. *Nwangbeke* gave birth to *Mgbokwuocha*, her sisters, and a mentally disabled son,

Tologbeke. *Nwafor*, before his death contracted leprosy and thus, delegated the duty of finding an heir to *Nwangbeke*. *Mgbokwuocha* being the youngest of her father’s daughters and the only one around because her older sisters had already married was asked to take up the job of ensuring that a male heir was produced. *Nwangbeke* being desperate to fulfil her primary duty which is to ensure the continuity of the *Nwafor* family line conducted *Nnuikwa ceremony* to make *Mgbokwuocha* a female son. According to Onyemelukwe, to perform this *Nnuikwa* ceremony that transformed *Mgbokwuocha* to a female son, the following requirements were produced; two kegs of *Nkwu-enu* (Plam wine), one live cockerel, kola nuts, and assorted food for the guests. The majority of the kinsmen (*Umunna*) were also present. The Chief Priest took the cockerel and kola and introduced the bride (*Mgbokwuocha*) to *Ndichie* (ancestors). The performance of these traditional rites transformed her from a daughter of *Nwafor* to a son with all the attendant rights of inheritance accruable to a legitimate male heir. *Mgbokwuocha* could then inherit the estate of *Nwafor* and transfer same to any subsequent male child given birth to by her. Because she has inherited the property and exercised possessory rights over them, she was able to barter land for cash or goods, sell some profitable trees, and grow her own crops for cash to take care of her children. Thus, the outcome of the traditional rites is that *Mgbokwuocha* acquires proprietary rights over the estate of her father which in turn devolves on any son begotten by her. This *Nrachi* Custom although primarily linked to the *Nnewi* People of Anambra State of Nigeria is practiced by a lot of Igbo communities under different names. For some Igbo Communities, the performance of the ceremony is a condition precedent which distinguishes the custom from where a father privately instructs one of his daughter to remain unmarried and bear a son for him. The account given by the Plaintiff’s witness (PW2) in the Nigerian case of *Nwabuekwe v. Muo*, ^[15] about the practice of *Nrachi* custom in Awka of Anambra State of Nigeria was accepted by the Nigerian Court of Appeal. According to the ninety-eight years old witness; under Awka native law and custom any man that has not got a male child can allow one of the daughter by way of *Nrachi* to raise issues for the purposes of getting a male child that will inherit the assets of the father and continue the lineage. The aged witness in his evidence before the court, went further to state that a male child born through *Nrachi* Custom automatically steps into the shoes of his maternal grandfather and takes full control of his property as his own upon the death of the man. He also inherits his compound and lands.

In the Nigerian case of *Mark v. Ironu*, ^[16] the foundation upon which the Respondents anchored their rights to inherit the intestate estate of one *Ironu Eboh* was that *Ironu Eboh*, during his life time had ordered one of his daughter (5th Respondent) to stay in his house, unmarried and bear children in his name since he, *Ironu Eboh* had no male children as that was the prevailing custom and tradition of *Umueze Autonomous Community* in *Umuahia North Local Government Area* of *Abia State* of Nigeria. The Respondents in their evidence further stated that upon the death of their great grandfather, his properties were shared and their grandfather who got his own share asked their mother to remain unmarried to help him bear a son and consequently that arrangement enabled their mother to inherit her father’s property which in turn devolved on

them. The Nigerian Court of Appeal upheld the Respondents' contention. Although the Court's decision was not anchored on the validity of the custom which the Court out rightly described as being repugnant to natural justice equity and good conscience, the decision of the Court was premised on the fact that the mother of the Respondents could not be disinherited simply because she is a daughter as it was discriminatory^[17]. It is pertinent to point out that the intendment of the work is not to denigrate the *Nrachi* custom despite the fact that the Nigerian courts have held this custom as one which is repugnant to natural justice, good conscience and equity, rather the focus of this paper is to expose the health hazards and emotional traumas faced by these daughters/women in their quest to produce the male heir and to advocate for a reform of these native customs via the options provided by assisted reproductive technology (ART).

It is without contention that the journey to produce the male heir may be turbulent as a result of the multiple sexual partners the woman is expected to keep at the same time. Also, considering the fact that the primary aim of such relationship is for procreation there is a great likelihood that these women engage in unprotected sexual intercourse with their multiple sexual partners. Besides the need to produce the desired male heir, these women also rely on these multiple sexual partners for financial help to aid them in raising the child (ren). Apart from the likelihood of not been able to actually identify the biological father of the child, due to multiple sexual activities with different partners during the ovulation period of the woman, the woman may be exposed to cervical intraepithelial neoplasia, bacterial vaginosis or human papillomavirus infection^[18]. Keeping multiple sexual partners also help to maintain the extensive interlocking sexual networks which facilitates the generalised spread of Human Immunodeficiency Virus (HIV)^[19] Thus, multiple sexual partners is widely believed to be one of the ways of exposing these women to HIV and other Sexually Transmitted Diseases (STD)^[20].

Also in most cases, the mothers and their prospective sexual partners do not undergo sickle cell genetic screening with a view of determining their respective genotypes before engaging in unprotected sexual activity that may lead to conception. While some may be lucky, the unlucky ones have a high probability of giving birth to children with a genetic disease called sickle cell disorder^[21].

Woman to Woman Marriage (Surrogate Marriage)

It is a form of traditional African customary marriage where a woman marries another woman and assumes control over her and her offspring^[22]. Culturally, women-to-women marriages were allowed in different contexts. For example, barren women and widows took wives to obtain rights over children produced and rich women accumulated wives to gain prestige and wealth in the same way men do through polygyny. In other societies women who had no sons married daughters-in-law for a nonexistent son with the aim of procuring male progeny. In pre-colonial Africa, these types of marriages were documented in West Africa, amongst the Igbo and Kalabari communities of southern Nigeria among others. In Kenya, woman-to-woman marriages are found in the Nandi, Kamba, Kikuyu, Kisii and Kuria communities^[23]. Woman to Woman Marriage had been documented in more than 30 African populations including the Yoruba and Igbo of West Africa, the Nuer of

Sudan, the Lovedu, Zulu and Sotho of South Africa and Kikuyu and Nandi of East Africa^[24]. Although, it is referred to as a woman to woman relationship, it does not involve sexual relationship between the couple. Rather it connotes a traditional way of legalizing what ordinarily would have amounted to the birth of illegitimate children who traditionally would have been denied inheritance. In other words, the female husband improvised the sociological father to the resulting offspring. The children belong to her lineage and hold inheritance right accordingly. Therefore, woman to woman marriage was not actually contracted in response to sexual emotions or attractions between the couple but simply an instrument for the preservation or extension of patriarchy and its traditions. Indeed, while the Igbos of south-eastern Nigeria engage in female to female marriage to preserve the lineage of the patriarch, the Yorubas of the south-western Nigeria most times employed it to keep a loving and faithful widow who desires to stay with her in-laws even where there are no males in the family to keep her. In this case, the widow is acquired by any of the serving female relations of the late husband. Unlike the Igbo situation, the woman is not allowed any sexual relationship within or outside.

Typically, in the Igbo setting, the arrangement involves two women undergoing formal marriage rites, the requisite bride price is paid by one party as obtainable in a heterosexual marriage. The woman who pays the bride price of the other woman becomes the sociological husband. The female husband thus assumes the role of a sociological father to the resulting offspring. The children belong to her lineage and not to their biological father(s). To this end, the concept of female husband was an instrument for the preservation and extension of patriarchy and its tradition^[25].

In *Iweze v. Okocha*,^[26] a testimony of one of the witnesses (a retired Customary Court President) which was accepted by the Court was that according to Asaba custom, an unmarried woman who had no issue could marry another woman in order that she may have issues for her. According to the witness, these offspring take after the name of their mother and on her death they inherit her property both personal and real. The children do not take after the name of head of the family; the head of the family does not inherit her property except in situations where the children are minors at the time of their mother's death in which case, the head of the family would then hold the property in trust for them^[27]. Just like the *Nrachi* Custom, the wives of these surrogate marriages in most cases who are expected to produce the desired male heir, possess a high likelihood of keeping multiple sexual partners. Apart from the health hazards associated with keeping multiple sexual partners which this work has outlined in paragraph 2.0, there are situations where the resultant male child is also denied of his right of inheritance on the basis that the union that brought him to life is repugnant to natural justice, good conscience and equity. Most of these judgments delivered by the Nigerian courts which have denied the products of woman to woman marriage their right to inheritance from the family of their sociological father find strength in the philosophy that the union of marriage can only be contracted by a living man and a living woman. Secondly these judgments have expressed the view that endorsing a union between a woman and another woman which its main goal is for procreation and not for sexual affection or companionship will be tantamount to an approval of

promiscuity on the basis that since the sociological husband cannot impregnate the wife, the duty to impregnate will then be delegated to any willing and available male. In the Nigerian case of *Okonkwo v. Okagbue*,^[28] the custom of Onitsha people of Anambra state that enabled a woman to marry another woman for purposes of procreation for her deceased brother fell for consideration, the Supreme Court per *Ogundare JSC* in his contribution to the lead judgment of *Uwais JSC* wherein *Wali JSC, Mohammed JSC and Adio JSC* concurred stated thus:

The institution of marriage is between two living persons. Okonkwo died 30 years before the purported marriage of the 3rd Defendant to him. To claim further that the children, the 3rd Defendant had by another man or men are the children of Okonkwo (deceased) is nothing but an encouragement to promiscuity. It cannot be contested that Okonkwo (deceased) could not be the natural father of these children. Yet 1st and 2nd Defendants would want to integrate them into the family. A custom that permits of such situation gives license to immorality and cannot be said to be in consonance with public policy and good conscience. I have no hesitation in finding that anything that offends against morality is contrary to public policy and repugnant to good conscience. It is in the interest of the children to let them know who their true father are (were) and not to allow them live for the rest of the live under the myth that they are children of a man who had died many decades before they were born.

From the foregoing holding, not only did the Nigerian apex court declare the union between the deceased and the 3rd Defendant void, it also denied the children of the 3rd Defendant legitimacy status in the family which simply means that the children cannot inherit the deceased property. The maddening and exasperating fact of this case is that the deceased had children before he died. The subsequent marriage between the 3rd Defendant and the deceased was arranged by the sisters of the deceased. The relevant question now is what role did the innocent children play in the creation of the void union or is it a case of the parents have eaten sour grapes and the children's teeth are set on edge^[29].

Although the provisions of section 42 (2)^[30] have been applied by Nigerian courts to salvage these vulnerable products of woman to woman marriages, however this provision of the Constitution does not have a blanket application. Thus, the provision can only be employed in favour of a person being discriminated on the basis of sex or circumstances surrounding his birth and one who is able to trace his biological father. This suggests that the basis of denying products of woman to woman marriage is hinged on the obvious reason that since the products were given birth to long after the demise of the deceased or that they were given birth to by a nonexistent father, they cannot lay claims to the property of the deceased rather the provision will only come to their aid where they are able to trace and find their biological father.

In *Nwodo & Anor. v. Nwodo*,^[31] the Appellants' claim to the land in dispute was founded on a woman to woman marriage and a claim to a father who died fifteen years before he was born. The 1st Appellant's mother was married by another woman (Keziah) who was an adopted wife of the deceased who inherited her from his own father upon his

father's death. The Nigerian Court of Appeal (Owerri Judicial Division) dismissing the appeal, held that to allow a married woman such leverage/power to marry or bring another woman into the marital home of her late husband many years after the death of the said husband and arrange for the strange relationship between the woman and other men to produce a child (son) in the name of the late husband for the alleged purpose of continuity of the family line of the late husband, is absurd, immoral and an unnatural/strange mode of procreation most especially where the ulterior motive of the strange arrangement is to corner and possess the family property of the deceased. The 1st Appellant's attempt to seek refuge under S 42(2) of the 1999 Constitution was unheeded to by the Court; according to the Court the provision cannot be applicable to the 1st Appellant because he is not even a biological son of the father he claimed which would have linked him with the family name.

Infertility-The Igbo Context

Although infertility may not be a public health priority in many countries, it is a central issue amongst the Igbo of the south-eastern part of Nigeria. Infertility is known to be a source of psychological and social anguish for the parties involved and may place great pressures on their relationship^[32]. In dire situations, the infertile woman's pain is aggravated, resulting in domestic violence, stigmatization, unstable marriage and in rare cases banishment. This is due to the very fact that for women, the ability to reproduce, in some societies like the Igbo ethnic group is often defined through motherhood. The appalling situation amongst the Igbo is that a woman who has given birth to only female children is placed on identical footing with the barren woman and this is attributed to the preference of male children over their female counterparts.

It has been stated earlier in this work that it is not the intendment of this paper to malign or vilify these customs employed by some Igbo communities to ensure the continuity of family line by the production of a male heir rather this work advocates for a reform of these prevalent native customs via the healthier and more viable solutions provided by ART procedures. This proposed reform advocated by this paper will be discussed concurrently with different modes of assisted reproductive technology (ART) within the succeeding paragraphs.

Finding Healthier Solutions in Assisted Reproductive Technology (ART)

Assisted reproductive technology (ART) is an assemblage of a number of fertility treatment techniques and procedures from the use of medication to surgery; circumventing obstacles to achieving pregnancy by the conventional methods^[33]. It includes fertility treatments that manipulate the egg and sperm, allowing pregnancy and childbirth to occur where otherwise the possibilities of pregnancy or childbirth are zero. This entails removing eggs from a woman's ovaries, combining them with the man's sperm in the laboratory and placing them in the woman's uterus^[34]. Occasionally donor eggs, donor sperm, or previously frozen embryos are used in the procedure. ART is employed not only as a fertility treatment option but additionally to detect genetic disorders, the viability of embryo(s) and gender selection.

There are pre-conception techniques to achieve the desired

gender including sperm sorting and Preimplantation Genetic Testing (PGT) or Preimplantation Genetic Diagnosis (PGD). A sperm-sorting technology (the *microsort method*) takes advantage of the fact that the sperm with large X-chromosome has significantly more DNA than that with the minute Y-chromosome hence on application of fluorescent dye glows more brightly under laser light^[35]. The desired sperm after the sorting is then placed in the woman's uterus (artificial insemination) or used for *in vitro* fertilization (IVF). The success rate using this technique to select Y-chromosomes is about 74%. The PGT involves IVF as discussed below.

In Vitro Fertilization/Intra Cytoplasmic Sperm Injection (ICSI)

This is considered the most effective and common type of ART. The birth of Louise Brown; the world's first test-tube baby in 1978 through IVF was a landmark breakthrough in medicine. This technique involves the retrieval of eggs from the ovary through a minor surgical procedure known as follicular aspiration and combining them with sperm. The fertilization in this case occurs outside the human body; in a test tube or petri dish. The fertilized eggs grow for several days becoming an embryo(s). One or more embryo(s) is then transferred into the woman's uterus for implantation. IVF also involves a specialized technique; Intra Cytoplasmic Sperm Injection (ICSI) where a single sperm is injected directly into the egg to achieve fertilization^[36]. To maximize the success of the IVF treatment, the woman is placed on fertility drugs containing the fertility hormone; follicle-stimulating hormone (FSH), a process referred to as ovarian stimulation to ensure multiple eggs are produced per cycle. This increases the likelihood of multiple gestations. Before the transfer of the embryo(s) into the uterus, the desired gender can be determined through the PGT. A cell is carefully removed from each embryo and the sex of the embryo is determined using polymerase chain reaction (PCR) of repetitive Y-sequences. Only embryos of the desired gender are transferred into the woman's uterus^[37]. The gender selection success rate is approximately 100% though this procedure is more invasive, technical and expensive than sperm-sorting techniques.

Gamete Intrafallopian Transfer (GIFT)

Gamete intrafallopian tube transfer/transplantation is a method of ART, which involves retrieving the egg(s) from the ovary and placing it together with the sperm in the fallopian tube for fertilization. Unlike IVF, the process of fertilization in GIFT is in the fallopian tube rather than in the laboratory (petri dish). GIFT is a good option for females with normal fallopian tubes or males with sperm motility problems^[8]. It is preferred by couples who for religious or ethical reasons believe that fertilization should occur inside the human body.

Zygote Intrafallopian Transfer (ZIFT)

Unlike GIFT, Zygote Intra Fallopian Transfer (ZIFT) is a method where an egg is fertilized outside the uterus usually in a test tube and transferred into a woman's fallopian tube (rather than the uterus) while the fertilized egg is still at its pronuclear stage. ZIFT is identical to IVF throughout the stages of ovarian stimulation, egg retrieval, and fertilization. The only difference is when the embryos are transferred, and also where they are placed.

Intrauterine insemination

This involves the fertilization of the egg inside the uterus. During this procedure, the sperm is inoculated directly into the uterus. It is recommended for males with low motile sperms, low sperm counts or in cases of retrograde ejaculation^[39]. Females with scarred fallopian tubes, cervical defects or cases of chemical mismatch between the semen and the vaginal fluids have higher chances of conceiving with this technique. It is a more affordable option than other ART procedures but the success rate is lower.

Surrogacy

Surrogacy can either be traditional or gestational. A traditional surrogate is a woman who has been contracted for the purpose of bearing a child through artificial insemination using her own egg(s) and sperm from the intended father while a gestational surrogate otherwise known as the birth mother is contracted for the purpose of carrying the pregnancy for an individual or couple to term using an egg that is not the carrier's (could be a donor egg or that of the intended mother). The traditional surrogate is biologically related to the child while the gestational surrogate has no genetic ties to the child^[40].

A cursory observation of the forgoing procedures reveals that the yearn for male children can actually be fulfilled via ART procedures without resort to some indigenous arrangements which the Nigerian courts had in a plethora of their judgments held to be barbaric and repugnant. Thus the patriarch has the option to access any of the foregoing ART without mandating his daughter to remain unmarried thereby exposing her to HIV and STDs that may be contracted via unprotected sex with multiple partners. This work acknowledges the high cost associated with ART. However, it is the firm stance of this work that the lives of these women who are exposed to these health hazards concomitant with having unprotected sexual intercourse with multiple partners can never be equated with the cost of ART. Furthermore, the money spent on traditional rites and the bride price of the woman can be channeled towards sourcing a surrogate or a gestational carrier. Apart from advantages offered by ART which ranges from sex selection and genetic screening, ART eradicates the discrimination faced by products of woman to woman marriage whose right to succession is always contested on the basis that they are products of a void and illegal union. Thus, the right to succession of a male child who was conceived by the sperm of a patriarch via ART is on the same footing with the right to succession of a male child of natural conception. Even in a situation where the infertility is traced to the patriarch, it is possible to procure a healthy sperm cell from a donor thereby giving the patriarch ample time to nurture the child and acknowledge his paternity before joining his ancestors.

Conclusion

This work appraised the reasons for male preference amongst the Igbo communities of the south-eastern part of Nigeria and the various approach devised by these communities in conquering the difficult situations caused by the absence of a male heir. This work also revealed the sustainable and healthier options offered by ART which is yet to be harnessed by these Igbo communities in their quest to ensure the continuity of the family line. Thus an Igbo family with only female children has an option under ART

to use one of their daughters as a gestational carrier instead of opting for the Nrachi custom.

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