



**THE IMPACT OF MODERN LAWS ON SAME SEX MARRIAGE IN NIGERIA:
A LEGAL HISTORY PERSPECTIVE**

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ABSTRACT

The goal of this paper is to critically assess the impact of the modern laws on same sex marriage with focus on female husband rights. Some African countries have enacted laws to either legalise or ban same-sex marriages. Same-sex law has generated controversy in any country that legalises it or bans the practice. In Nigeria, since the same-sex law came into effect in January 2014, there has been rising fear among many Nigerians who practice female husband or woman-to woman marriages for purpose of producing children and not for sexual intercourse. The affected people are worried and confused as they are not sure of what will happen to the customary law marriage and the rights of the women and the children they owned through such marriages. A comparative approach is adopted such that the various forms of female husband marriage are explained and these are compared with other types of marriage that are universally known. While many lower Courts seem to be in sympathy the custom, the superior Courts have been consistently holding that female husband marriages offend public policy. Female husband marriages have been popular means that some women who could not bear children on their own have adopted to help them produce offspring for themselves or for their families, as such these form of relationship should not be categorized legally and judicially as gay marriages, which offend the law and public policy.

Keywords: Homosexuality, Public Policy, Human Rights, Civil Partnership.