

THE QUANDARY OF SEXISM: AN EXPOSITION OF FEMINIST JURISPRUDENCE IN THE NIGERIAN CONTEXT

Abstract

This article essentially focuses on a critical exposition of feminist jurisprudence in the Nigerian context. The article is aimed at appraising feminist theories such as liberal feminism, radical feminism, postmodern feminism, and African feminism. The article utilised the qualitative research methodology for information. The article espoused the view that African feminist ideology is most suitable and bespoke in Nigeria. The article found that although there are several feminist movements in the country clamouring for the emancipation of the women folk, their ideologies and modus operandi are antipathetic towards men and often based on western notions of feminism which are, in practical terms, at variance or incompatible with the norms, values, realities and peculiarities of Nigerian women. Conversely, African feminism gives feminists the latitude to involve their male counterparts in the quest for the realization of the rights of women. This stand point is premised on the reality that men dominate the socio-economic and political sectors of the Nigerian society. It is therefore contended that it is auspicious for women to collaborate with their male counterparts towards achieving the quintessential objective of equalization of opportunity and gender parity. The article concluded by recommending the adoption of African feminist jurisprudence and the exigency of implementing its ideological underpinnings and programmes so as to galvanise the realization of inclusiveness, equalization of opportunity and gender parity in the Nigerian context.

Keywords: Feminist Jurisprudence, Sexism, African Feminism, Gender parity

1. Introduction

Feminism is essentially a political and socio-economic movement aimed at achieving gender parity and equal rights for women. In retrospect, the evolution of feminism has been traced to 1942 when the media presented a film captioned along gendered lines. The film was entitled ‘Woman of the Year.’¹ This was subsequently followed by a series of agitations and campaigns for the emancipation of the women folk. By and large, the historical development of feminist movement has been categorized into three main periods. The first occurred during the nineteenth and twentieth centuries, which involved a longstanding period of feminist activities focused on the promotion of contract and property rights of women and the agitations against chattel marriage- the ownership of women by their husbands and subsequently for political empowerment of women. The second period existed between the 1960s and the 1970s, it was basically a continuation of the first period with a focus on the political empowerment of women especially their right to vote and participate in the democratic process. The third period commenced from the 1990s to the present moment. The period is characterized by the quest for the mainstreaming of gender based issues and the promotion of the rights and socio-economic wellbeing of women² including the formal development of gender studies and the law as well as feminist jurisprudence.

Feminist jurisprudence refers to ‘a philosophy of law based on the political, economic, and social equality of sexes.’³ As a subject of legal scholarship, the study of feminist jurisprudence has been traced to the 1960s. Feminist jurisprudence deals with multifarious and topical issues such as gender based discrimination, inequality in the workplace, domestic violence, gendered components and gendered implications of laws and customs, reproductive rights, sexual harassment, rape, divorce, discrimination in employment,⁴ marital and gender based inheritance, gender based roles, female genital mutilation, pornography and sexism, among others. Feminists generally hold the view that history has been presented to the society from a male stand point devoid of significance and impact of women in the history making process. They often contend that gender based stereotypes have negatively affected feminine potential and socio-economic opportunities.⁵ They have also argued that ‘the language, logic and structure of the law are male-created, and reinforce male values.’⁶ Over the years, feminists

* **By Paul Adole EJEMBI, DSW, PHD, BL (NIGERIA), PGDIMATHE (UGANDA):** Solicitor and Advocate, Lecturer, Department of International Law and Jurisprudence, Faculty of Law, Benue State University, Makurdi. email: paulejembi1972@gmail.com; paulejembi@yahoo.com; and

* **Mwuese Modupe MNYIM, LLB, LLM,** Solicitor and Advocate, Lecturer, Department of International Law and Jurisprudence, Faculty of Law, Benue State University, Makurdi. Email: myimmwuese@bsum.edu.ng; myimmwuese@gmail.com

¹ Chadwick Jenkins, ‘History and Theory You’ve Come a Long Way, Baby: Patronizing Feminism in ‘Woman of the Year’ <<https://www.popmatters.com/woman-of-the-year-george-stevens-patronizing-feminism-2495391345.html>> accessed 14 April 2020.

²Gender and Water Network (GWANET), ‘History and Theory of Feminism’ <http://www.gender.catwater-info.net/knowledge_e.htm> accessed 24 February 2020.

³Cornell Law School, ‘Feminist Jurisprudence’ <https://www.law.cornell.edu/wex/feminist_jurisprudence> accessed 25 February 2020.

⁴ ibid

⁵ ibid

⁶ ibid

have tellingly asserted that some tenets and provisions of the law patently perpetuate patriarchal power and male domination. Section 55(1) d of the Penal Code for instance allows for wife beating as a way of correction. Section 42 provides for the right against discrimination on the grounds of sex. However, sub-section (3)⁷ of that section has been argued to provide a lee way for the discrimination of women even in other statutes.⁸ For instance section 111(g) of the Police Act prohibits the enlistment of a married woman into the Police Force. Similarly, an unmarried police officer who becomes pregnant will lose her job and may only be re-listed on the approval of the Inspector General of Police.⁹ Again, an unmarried police woman can only marry upon procuring the written permission of the Commissioner of Police in writing.¹⁰

Discrimination and marginalization on the basis of gender is a common phenomenon in most African states including Nigeria. Gender oriented stereotypes exists in virtually all ramifications of the society with far reaching consequences. The conundrum of gender stereotypes have given impetus to the burgeoning development of feminist movements and ideologies in Nigeria unequivocally seeking for a paradigm shift from the current status quo characterized by discrimination, marginalization, oppression, subjugation, and exclusion to a new vista of gender parity and equalization of opportunity premised on the tenets of equality, non-discrimination, equity, fair play, and justice. The present discourse seeks to analyse the concept of gender stereotypes and the law through the prism of feminist jurisprudence and approaches in the Nigerian context. The article presents a conspectus of major feminist theories and their applicability as an ideological instrument to engender the realization of the desideration for gender parity in the country.

2. Conceptual Clarification

Gender

Gender refers to the state of being female or male. This is often used with reference to biological or social differences.¹¹ Gender has further been defined as ‘the range of characteristics pertaining to, and differentiating, between masculinity and femininity. Depending on the context, these characteristics may include biological sex (the state of being male, female or intersex), sex – based social structures (including gender role and other social roles), or gender identity.’¹² For the purpose of this discourse, gender is construed as the state of being male or female taking into consideration the biological differences and social roles attributed to them by the society.

Gender Stereotypes

Gender stereotypes ‘are beliefs that people have about the characteristics of males and females. The content of stereotypes varies over cultures and overtime. These expectations are often related to the roles that sexes fulfil in the culture.’¹³ Gender stereotype has also been defined as ‘a generalized view of preoccupation about attributes or characteristics, or roles that are or ought to be possessed by or performed by women and men. A gender stereotype is harmful when it limits women’s and men’s capacity to develop their personal abilities, pursue their professional careers and make choices about their lives’.¹⁴ Gender is therefore the general presumption people have about the characteristics and differing responsibilities of women and men in the society.

Sexism

Sexism refers to discrimination or prejudice which may be attributed to the gender or sex of the person involved. It encompasses acts or omissions amounting to bias or differential treatment based on gender. Sexism also connotes the tendency to presume that one sex or gender is superior or better than the other sex. Sexism may be characterized by overt or covert acts such as marginalisation, oppression or suppression, of any male or female including intersexual or transsexual persons.¹⁵ It has been succinctly pointed out that ‘Sexism in a society is commonly applied against women and girls. It functions to maintain patriarchy, or male domination, through

⁷ Section 42(3) provides *inter alia*: Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.

⁸MM Mnyim & VI Gisaor, ‘Domestic Violence against Women in Nigeria: Economic and Legal Dimensions’ [2019] (7)(1) *ABUAD Law Journal*.

⁹ Section 127 of the Police Act.

¹⁰ Section 124 of the Police Act.

¹¹ Oxford Dictionaries, ‘Gender’ <<http://www.oxforddictionaries.com/definition/english/gender>> accessed 21 June 2015.

¹²Wikipedia Encyclopaedia ‘Gender’< <http://en.wikipedia.org/?title=Gender>> accessed 21 June 2015.

¹³ C.L Martin & L Dinella, ‘Gender related Development in International Encyclopaedia of Social and Behavioural Sciences, 2001< <https://www.sciencedirect.com/topics/social-sciences/gender-stereotypes>> accessed 27 February 2020.

¹⁴United Nations Human Rights Office of the High Commissioner, ‘Gender Stereotyping’ <<https://www.ohchr.org/en/issues/women/wigs/pages/gender-stereotypes.aspx>> accessed 27 February 2020.

¹⁵ Britannica, ‘Sexism’ <[Britannica.com/topic/sexism](https://www.britannica.com/topic/sexism)> accessed 27 February 2020.

ideological and material practices of individuals, collectives, and institutions that oppress women and girls on the basis of sex and gender. Such oppression usually takes the form of economic exploitation and social domination. Sexist behaviours, conditions and attitudes perpetuate stereotypes of social (gender) roles based on one's biological sex'.¹⁶

The Principle of Non Discrimination

The Principle of non – discrimination prohibits distinct treatment on the basis of prejudice and prevents differential treatment on unreasonable grounds. It restrains treatment on the basis of difference.¹⁷ The principle of non-discrimination has proved to be a significant aspect of human rights law. Equality and non-discrimination are prominent features of both the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). The United Nations has also addressed specific forms of discrimination through various treaties.¹⁸ For instance, discrimination against women has been condemned and prohibited by the Convention on Elimination of All forms of Discrimination against Women.¹⁹ Article 1 of the Convention provides that 'State parties condemn discrimination against Women in all its forms.' According to the Convention, discrimination against women connotes any 'distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.'²⁰ The issue of discrimination in the course of employment is exemplified in the case of *Mrs. Folarin Maiya v Incorporated Trustees of Clinton Health Access Initiative, Nigeria, Clinton Health Access Initiative (U.S.A), and William Clinton Foundation*.²¹ The facts of the case stated, in brief, are as follows. On the 13th of May, 2011, the Applicant commenced an action calling in aid Sections 34(1) (a), 42 and 254(d), (d), (f) and (g) of the Constitution of the Federal Republic of Nigeria, 1999, as amended, Articles 2, 5, 15 and 19 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, LFN, 2004 and under Order II of the Fundamental Rights Enforcement Procedure Rules, 2009. The Applicant asked for the following reliefs:

- (1) A declaration that the termination of Applicant's employment by the 1st Respondent simply because she was pregnant, the ratification of same by the 2nd and 3rd Respondents and the subsequent conduct of all the Respondents, constituted a violation of the Applicant's fundamental rights to human dignity and freedom from discrimination as guaranteed by the Sections 34 and 42 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, and Articles 2, 5, 14, and 19 of the African Charter on Human and Peoples' Rights.
- (2) General damages of Forty Million Naira against the Respondents jointly and severally for the violation of Applicant's rights guaranteed under Sections 34 and 42 of the Constitution of the Federal Republic of Nigeria, 1999, as amended, and Articles 2, 5, 14 and 19 of the African Charter on Human and Peoples' Rights 2004.
- (3) The sum of Three Hundred Million as aggravated and exemplary damages jointly and severally against the Respondents for the underserved, outrageous and unwarranted contempt, cruelty, insolence, malice, oppression, humiliation, molestation, embarrassment, degradation and inconveniences to which the Applicant was subject to by the Respondent.

Thereafter the 1st to 3rd Respondents filed their joint counter affidavits. The Applicant also filed a reply on points of law to the Respondents' joint written addresses. They also made oral submissions in adumbration of their respective written addresses. The Respondents also argued that since they have complied with Article 8(2) of the International Labour Organization's Termination of Employment Policy in line with the Employer Convention No. 158 of 1982 by issuing payment in lieu of notice, which the Applicant had accepted, the Applicant no longer has a right in law to challenge her dismissal. The court in delivering its judgment held, inter alia, that the Applicant is a woman and her pregnancy has been found to be the reason for her sack by the Respondents. Therefore she has been discriminated against by reason of her being a woman and that she has been subjected to disability. The court also held that the same action of the Respondents amounts to inhuman, malicious, oppressive and degrading treatment in that the Respondents in their action held themselves out as abhorring the humanity of a woman in being pregnant. The court observed, however, that the issue is not whether or not there is proper notice, but rather

16 Ibid

17D Moeckli, 'Equality and Non – Discrimination' in Daniel Moeckli, and Sangeeta Shah and Sandesh Sivakumaran, *International Human Rights Law* (Oxford University Press Inc. 2010).

18 Rehman (n1) 512.

19 United Nations Treaty Series, New York, 7th March, 1966 – Vol 660,195.

20 Ibid Article 1; section 32 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

21 Unreported Suit No. NIC/ABJ/13/2011 Holden at the National Industrial Court of Nigeria, Abuja. Per Justice BA. Adejumo, *OFR*; see also *Muojekwu v Ejikeme* [2000] NWLR (pt. 57) 402; and *Augustine Majekwu v Caroline Majekwu* [1997] 7 NWLR (pt. 512) 283.

that the reason for the dismissal was unlawful. To this extent, the Convention in question is applicable. The court held further that its duty to prevent a breach of the provisions of fundamental rights enshrined in the CFRN 1999 is heightened by the country's obligations to the comity of nations which also forbids such practices. The court placed reliance on the African Charter on Human and Peoples' Rights and the Discrimination (Employment and Occupation) Convention 1958. The court concluded that the Respondents are entitled to general and aggravated damages. Non-discrimination is to the effect that human beings are equal and should therefore be treated as such. In other words, men and women are equal and they should be treated equally. The principle of non-discrimination clearly prohibits all forms of discrimination especially where there are no reasonable grounds to treat people differently.

3. An Overview of Feminist Theories and Approaches in Context

Feminism is a collection of movements and ideologies aimed at establishing and defending equal political, economic, cultural, and social rights for women. This includes seeking the realization of equal opportunities for women in education, employment, and the like.²² Some proponents of feminism have picturesquely described feminism in the following words: 'Feminism is not a dirty word. Feminism is the radical notion that women are people, and that we (women) want to be treated as equals. Don't let someone else pretend otherwise out of their own misguided notions.'²³ Some major approaches to feminism are briefly discussed here under.

Liberal Feminism

Liberal feminism is an offshoot of liberal political thought. Liberalism focuses on fundamental ideas of universal rights, equal citizenship, and democracy. Proponents of liberal feminism hold that the ideals of equality and rights or liberties apply to the women folk. Liberal feminism is essentially premised on the assumption that women are equal to men. Thus advocates of Liberal feminism assert that women must, not, in principle, be excluded from the rights enjoyed by men and vice versa. Liberal feminism is associated with the notion that everyone including women must have their rights guaranteed. Liberal feminism is enmeshed in the ideas of formal equality and equality of opportunity.²⁴ The main rights canvassed by liberal feminists include reproductive rights, protection against sexual harassment, equal access to education, equal employment opportunities, equal remuneration and work conditions for the same jobs as their male counterparts, affordable access to health and maternity, equal voting rights; the same civil, political, cultural and socio-economic rights.²⁵ Liberal feminism is essentially founded on the idea that women are possessed with intellectual capacity and ingenuity. Thus they are entitled to human rights and freedom to choose their social roles and pursue their full potential on equal basis with their male folks.²⁶ Taking cognizance of the longstanding and ubiquitous discrimination, socio-economic disparities, and blatant marginalization of women across the Nigerian society, it has become expedient to establish laws and policies to address the socio-economic imbalances between men and women. The liberal feminist approach, however, espouses Universalist ideals which are applicable to all and sundry across the globe regardless of their social and cultural peculiarities. It is contended that although the liberal feminist ideology is useful, it is not apposite in Nigeria given the divergent and multifarious cultural and religious beliefs and practices in Nigeria which acknowledges the place for patriarchy and gender based roles despite feminist inclinations and pursuits.

Radical Feminism

Radical feminism is a theory that focuses on the patriarchal origins of discrimination and inequality between males and females. Proponents of radical feminism contend that patriarchy engenders the oppression and dominance of women by men. They hold that human rights and privileges are determined by sex and in most cases men enjoy unfettered privileges and rights whilst women are marginalized.²⁷ Radical feminists emphasize the prominence of gendered difference in social life. Proponents of radical feminism assert that, sex difference is structural in the same manner class difference is structural to Marxists. According to Catherine MacKinnon, a radical feminist, men suppress and marginalize women. Radical feminists aver that law on the whole is made by men for the benefit of men. Conversely, the law does not adequately address women's concerns, such as domestic violence or sexual violence, and rely on excuses such as private – public dichotomy, which tend to ossify and perpetuate men's subordination of women in the society.²⁸ Radical feminists insist that the existing social and political systems are

²² Wikipedia encyclopaedia, 'Feminism' <<http://en.wikipedia.org/wiki/feminism> >accessed 21 June 2015

²³ D Manian, J Dillion, S Majeed et al, "About feminism" <<http://aboutfeminism.me>> accessed 21 June 2015.

²⁴ N Lacey, 'Feminist Legal Theory and the Rights of Women' In K Knop, (ed) *Gender and Human Rights* (Oxford University Press 2004) 19-22.

²⁵ 'Liberal Feminism' <<http://www.feministtheory.weebly.com/liberal-feminist.html>> accessed 4 February 2018.

²⁶ V Bryson, 'Modern Liberal Feminism and Its Critics' <http://www.link.spring.com/chapter/10.1007%2F978-1-349-22284-1_10> accessed 4 February 2018.

²⁷ J J Lewis, 'What is Radical Feminism?' in Thoughtco. 15 August 2017 <www.thoughtco.com/what-is-radical-feminism-3528997 >accessed February 5 2018.

²⁸ *ibid* P.23

skewed and founded on primordial patriarchal arrangements. Radical feminists, unlike liberal feminists and other feminist ideologies, are more aggressive in their approach to issues. They generally hold the unflinching view that Patriarchy must be annihilated rather than merely calibrating the social system through legal reforms. Some major issues espoused by radical feminists include:²⁹

- (1) Reproductive rights and freedom to make choices to give birth, have an abortion, use birth control or get sterilized.
- (2) Evaluating and then breaking down traditional gender roles in private relationships as well as in public policies.
- (3) Understanding pornography as an industry and practice leading to harm to women, although some radical feminist reject this position.
- (4) Understanding rape as a manifestation of patriarchal power, not merely to be regarded as the quest for sexual pleasure.
- (5) Understanding prostitution within the purview of patriarchy as tantamount to economic, sexual exploitation and oppression of women.
- (6) A critical examination of the extent cultural practices is based on patriarchal assumptions and a critical perspective of marriage, motherhood, sexuality, and nuclear family system.
- (7) A dispassionate view that other institutions and sectors of the society including government and religion are entrenched historically in patriarchal might.

Furthermore, some proponents of radical feminism have canvassed for a radical change in the dynamics of sexual relations. For instance, they espouse the practice of lesbianism or celibacy as exclusive options to heterosexual relations within the context of patriarchal societies and cultures.³⁰ Thus the main thrust of radical feminism is aimed at the radical transformation of society from the skewed gendered dominance of the womenfolk by the male folk.

The change in sexual relations between males and females proposed by the radical feminists would have far reaching implications taking into account the phenomenon of procreation and the perception regarding the moral turpitude associated with lesbianism in most cultures in Africa and Nigeria in particular. Homosexual relations and gay marriage is not only abhorred by most Nigerian cultures but amounts to a crime the breach of which attracts criminal sanctions.³¹ Nigerian traditions and cultural practices are predominantly based on patriarchal considerations and orientation. It is contended that the acerbic approach of radical feminists and its ideological underpinnings have a tendency to create social upheaval in the Nigerian context. Nigerian leaders and traditional rulers would probably use the excuse of cultural relativism (exemption from general norms and values on the bases of culture) to resist the revolutionary reforms advocated by radical feminists. For example, the pertinacious request for a change in traditional gender roles such as cooking and childcare stands to be vehemently resisted without dialogue and consensus in most Nigerian societies. Changing gender roles such as infant care would also require legal and institutional reforms. For instance, public service rules applicable at state and federal levels of government only recognize maternity leave in the event of child birth. However, the rules often do not contemplate the provision for paternity leave which would be expedient if the change in gender roles as postulated by radical feminism is to be realized. As pointed out earlier, most Nigerian communities are organized along patrilineal lines. Therefore it would be an uphill task to bring about radical transformation in favour of women as demanded by radical feminist apologists. In the light of the foregoing, it is averred that the radical feminist approach is, in principle, inauspicious in the Nigerian context.

Postmodern Feminists

Postmodern feminist hold that gender types, such as male or female, are mere social constructs. They acknowledge that although these constructs are products of male patrimony, it is not necessary to seek for a new idea to replace the old. To them, no single theory of equality or goal will work for the benefit of all women.³² Albeit post modernism resists characterization, Mary Joe Frug explained that principle of post modernism holds that human experience is based on Language. Frug also stated that sex is not something natural nor determinable or definable. Rather sex is a part of a system of meaning produced by Language. Proponents of Postmodern feminism such as Butler argue that women's subordination has no cause or panacea. Thus this approach provides no definite strategy towards addressing gender based issues.³³

²⁹ Lewis (n15).

³⁰ *ibid.*

³¹ Nigerian Federal Criminal Code, Section 214; Nigerian Federal Criminal Code, Section 217; Same Sex Marriage Prohibition Act (SSMPA), 2014; Kano State Penal Code as Amended (2015) Section 284.

³² P Cain. 'Feminism and the Limits of Equality' [1990] (24) *Georgia Law Rev.*; 803 in Freeman, M.D.A *Lloyd's Introduction to Jurisprudence* (8th edn, Thomas Reuters (Legal) Ltd 2008)

³³ Wikipedia Encyclopaedia, 'Post Modernism' < <http://en.wikipedia.org/wiki/postmodernfeminism>> accessed 21 June 2015.

From the foregoing, it may be inferred that the postmodern feminist theory unequivocally attacks the status quo regarding the paternalistic perception of male and female, which is viewed as a social creation founded on mere linguistic expression. It also rejects any form of classification or characterization, be it premised on physical features or based on social roles between men and women. It is averred that the outright rejection of distinction between male and female especially on the basis of their physical features amounts to a total denial of reality. There is indeed a glaring difference between the male genital organs and those of the female. Their biological organs also differ in many respects. For instance, while the female has womb and ovaries as well as the capacity to conceive and carry a baby in the womb, men do not possess these biological organs. It is also averred that to regard men and women as having no distinction in terms of their physical stamina is not only an aberration but a potent ground to breed inequality, suppression, and marginalization of women. To buttress this stand point, it is pertinent to ask these introspective questions: would it be just, fair, and equitable to make a female football team play against a male football team under the same terms and conditions? Would it be feasible to require a man to breastfeed a baby in lieu of the mother given the postmodern feminist postulation that there is no gender based nuance or difference between the male and female? Moreover, taking cognizance of the fact that the postmodern feminist theory has refrained from proffering solutions to the historically bifurcated inequalities and discrimination that exists between men and women in society, its utility as a means or ideology of provoking reforms in the society is patently questionable. The postmodern feminist paradigm is therefore, for all practical purposes, not apposite particularly in the Nigerian context, which is the epicentre of the present discourse.

African Feminism

African feminism is a form of feminist paradigm that focuses on the needs and circumstances of African women resident in the African Continent.³⁴It has been contended that African feminism is necessitated by western feminism's exclusion of issues and experiences of women in continental Africa and black women.³⁵Naomi Nkealah, a notable proponent of African feminism has canvassed for the need to place African women at the epicentre of discourse taking into account the realities and experiences encountered by women in Africa. She advocates for 'nego-feminism' and 'snail-sense feminism' which are forms of feminism essentially predicated on the inclusion of men in feminist discourse or advocacy in order to actualize the freedom of women. She espouses the view that 'gender inclusion, collaboration and accommodation to ensure that both men and women contribute to improve the material conditions of women.'³⁶ The central ideological underpinning of African feminism is essentially a more measured and less confrontational approach to feminism as compared to liberal feminism, radical feminism and postmodern feminist. It is glaringly distinguished by its inclusiveness, consideration of the unique experiences of African women and the peculiarities of African culture, and the latitude for male involvement in the pursuit of feminist goals and aspiration. The African feminist theory is therefore adopted as the most suitable and auspicious taking into account Nigeria's cultural diversity and socio-economic realities which is often characterized along patriarchal lines and gender based roles.

Womanism

The term Womanism has been referenced to Alice Walker³⁷ who used the term for the first time in 1983 in her book 'In search of our Mothers' Gardens: Womanist Prose.' It can be said to be a genre of African Feminism. The movement came about as a response to the failure mainstream feminism to cater for the specific experience and needs of black women who suffer racial discrimination in addition to sexual discrimination. The Womanist thesis therefore advocates for women standing together with their men in order to confront the issues that oppress their offspring such as racial, political and economic oppression.³⁸

4. A Brief Narrative of Gender stereotypes, Misogyny, Sexism, and other Quandaries encountered by Nigerian Women

Discriminatory practices against women in Africa include beating of women, dowry – related violence, marital rape, sexual harassment, intimidation at work and in schools, forced abortion, forced pregnancy, forced sterilization, female genital mutilation and forced prostitution.³⁹ Harmful traditional practices such, as female

³⁴ N Nkealah, 'African Feminisms and Their Challenges' [2016] (32) (2) *Journal of Literary Studies*; 61-74

³⁵ Ibid

³⁶ Ibid

³⁷ MEM Kolawole, *Womanism and African Consciousness* (African World Press, Inc. 1997)

³⁸ The Place of a Woman in Christian Legal Theory: Gleanings for Womanism [2014] *Anambra State University, Post Graduate School Journal*.

³⁹ M Kimani, 'Taking on Violence against Women in Africa' < <http://www.unorg/africarenewal/magazines/special-edition-2012/taking-violence-against-womenin-africa> > accessed 22 June 2015.

genital mutilation is known to be practiced in at many African countries including Nigeria.⁴⁰ Early marriage is another serious Challenge which a significant number of girls face in particularly in northern Nigeria. Health complications that arise from early marriage in Africa include the risk of operative delivery, low weight and malnutrition owing to frequent pregnancies and lactation period in the life of the young women.⁴¹ Nigeria has a long standing cultural practice of inequality between men and women. The security challenges in the country has occasioned several cases of assault and raped of Nigerian women and girls. Gender based violence is prevalent in many Nigerian homes. The beating of wives is also widely practiced in Nigerian Culture as a form of discipline. Wives are regarded as the ‘property’ of men. Women who are victims of domestic violence usually refrain from seeking legal redress owing to fear of further violence, lack of economic independence, or the desire to shed their private lives from public scrutiny.⁴² Furthermore, the Penal Code Law gives husbands the latitude to beat their wives so long as it does not occasion grievous hurt.⁴³ Some African customary laws in Nigeria deny women the right to inheritance and succession.⁴⁴ Disparities also exist in the educational sector. Gender inequality is common place in the educational sector in spite of measures taken by the Federal Government to enhance equalization of opportunities for through the introduction of Universal Basic Education.⁴⁵ Without access to education women are illiterate and economically dependent.⁴⁶ The reality of Gender disparity in employment has been attributed to the negative social attitudes to women. Differential access to educational opportunities has resulted in low numbers of women in the formal employment sector and their subsequent resort to low paid jobs with bleak career prospects. Although women perform a significant role in society, they egregiously face economic, political, social, and legal disparities.⁴⁷ Against this backdrop, there is need for reforms in Nigeria. A fundamental strategy to address the historically bifurcated inequities and inequalities between the male and female gender is the adoption and application of African Feminism in Nigeria.

5. Contextualising African Feminism in Nigeria: From Theory to Practice

Gender stereotypes, misogyny, inequality, marginalization, and suppression are prevalent in Nigerian society. The African feminist theory unequivocally espouses the imperative of taking into account the experiences and realities of African women especially those resident in the continent. As pointed out earlier, beleaguered Nigerian women face discrimination and marginalization in virtually all ramifications of the society. Although there are several feminist movements in the country clamouring for the emancipation of the women folk, their ideologies and modus operandi are often based on western notions of feminism which are often, in practical terms, at variance or incompatible with the norms, values, realities and peculiarities of Nigerian women. Some of the western paradigms of feminism, such as radical feminism, essentially agitate for the total exclusion of men in feminist discourse and advocacy owing to their antipathy towards men. In contradistinction, African feminist movement is intrinsically an inclusive model. It gives women the latitude to involve their male counterparts in their quest for female emancipation. Given the incontestable reality that Nigerian men dominate the political, economic, educational and legal sectors of the society, it is, *ipso facto*, auspicious for women to collaborate with men towards achieving their collective goals of equalization of opportunity and gender parity in the country. Feminists, particularly Non-Governmental Organisations (NGOs) are enjoined to undertake public enlightenment about the plight of women in Nigeria and canvass for the inclusion of both men and women as stakeholders in the quest for the emancipation of women. This is in sync with the hallowed aphorism in scripture that ‘two are better than one, because they have a good reward for their toil.’⁴⁸ Feminists should also collaborate with government officials including legislators, the Ministry of Women Affairs at the federal and state levels, and other relevant government agencies, to mainstream women issues, establish and implement policies and programmes premised on African feminism as a pragmatic and bespoke means of advancing the frontiers of equalization of opportunity and gender parity in the Nigerian context.

6. Conclusion

⁴⁰ United Nations, ‘Harmful Traditional Practices affecting the Health of Women and Children’. Fact Sheet No. 23 <<http://www.ochchr.org>> accessed 22 June 2015.

⁴¹ *ibid.*

⁴² J Akande, ‘Realising Women Rights’ [1993] (1) (1) *Nigerian Current Law Journal (NCLJ)*; 103.

⁴³ Penal Code Cap 89 Laws of Northern Nigeria 1963, S. 55 (1) (d).

⁴⁴ SO Akintola, ‘A Focus on Female Discrimination and Seclusion in Nigeria’ [2004] (1) (2) *Ife Juris Review IFJR*; 314.

⁴⁵ Norah Omoregie and Ihensekhien Orabosa Abraham, ‘Persistent Gender Inequality in Nigerian Education’ (2009) <<https://in.nau.edu/2018/08pdf>> accessed 6 April 2020

⁴⁶ The Parliament Magazine, ‘Lack of Education Making Women Powerless’ <<http://www.theparliamentmagazine.eu/articles/opinion/lack-education-making-women-powerless>> accessed 22 June 2015.

⁴⁷ *ibid.*

⁴⁸ Bible Gateway, Ecclesiastes 4:9-12 (English Standard Version) <<https://www.google.com/amp/s/www.biblegateway.com/passage/%3fsearch=Ecc>> accessed 6 April 2020

Feminist jurisprudence connotes a philosophy of law that addresses a plethora of issues focused on feminist perspective regarding legal and socio-economic and political values, gender based discrimination, sexism and other gendered perspectives. The article has appraised various feminist theories. It is contended that theories such as liberal feminism, radical feminism and postmodern feminism are essentially founded on western notions of feminisms that are, in principle, incompatible or at variance with African and Nigerian experiences and realities regarding feminism against the backdrop of the country's socio-economic and political system which is often characterised by male domination and sexism. The article espouses the view that the African feminist ideology is inclusive and most suitable in Nigeria. This is predicated on the fact that unlike most of the feminist paradigms, the African feminist theory gives women the latitude to involve their male counterparts in the quest for the realization of the rights of women. Taking cognizance of the reality that men at the moment dominate the political, economic, and social fabrics of the society, it is auspicious for women to collaborate with their male counterparts towards achieving their cardinal objectives of equalization of opportunity and gender parity. Feminists are therefore implored not only to adopt the African feminist jurisprudence but to take pragmatic steps towards implementing its ideologies and programmes so as to galvanise the realization of inclusiveness, equalization of opportunity and gender parity in the Nigerian milieu.