THE ROLE OF LAW IN THE SEXUALISATION OF POLITICS IN NIGERIA

ABSTRACT

Men and women are sexual beings that relate harmoniously together but there are sexual politics in virtually all aspects of interpersonal relationships. Sexual politics is how power is shared between men and women, whether evenly or marginally. These relationships between the sexes are viewed in the political ideology as political sexualisation. However, the many factors and interplays of issues in this milieu propel this study to critically examine "the role of law in the sexualisation of politics in Nigeria." The specific objectives were to appraise the incidents of sexual politics between male and female, to examine the challenges faced by the female folk, and to as well appraise enactments both national and international made to curb the menace of sexual politics marginalization in the Nigerian society, and finally made some recommendations. The research design and methodology was doctrinal approach, using analytical and descriptive research methodology. The main sources of data collection were various legal documents and materials, both from the library and internet, and covering the primary sources and the secondary sources. For the summary of findings, it was submitted among others that the term politics refers to power-structured relationships and arrangements, whereby one group of persons is controlled by another, and patriarchy on the other hand is an institution perpetuated by such techniques of control, thus giving a working definition on how politics is conceived. It was further observed that while politics is concerned with getting or using power within a particular group or organization, patriarchal government can be taken as an institution whereby half of the populace which is female is controlled by the other half which is male. Sequel to these backdrops, it was recommended that the distance between the real and the ideal which result in contradictions and exceptions should be bridged within the system, also that patriarchy as an institution should be less dogmatic in male dominance, and with the import of democracy, females should not be discriminated in holding political power or occupying any political office, notwithstanding their sex. Finally, this study was made to be significant to scholars of jurisprudence, political philosophers, feminism and human rights advocates, as well as being relevant to the legal practitioners, politicians, economists, and political scientists, as well as the judges/justices in any case relating to women political rights.

Keywords: Sexual Politics, Ideology, Sexualisation, Patriarchy, Female Discrimination

1.0 INTRODUCTION

Everyone by now knows, or has heard, that Sexual Politics is a blockbuster. It has produced shock waves of successive printings. These have catapulted it to current leadership of the feminist movement. The term politics shall refer to power-structured relationships, arrangements, whereby one group of persons is controlled by another. Within this broader definition, sexual politics establishes that sexual dominion is perhaps the most pervasive ideology of our culture and provides its most fundamental concept of power. The ensuing

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discussion ranges widely, drawing ammunition from physiology, genetics, psychology, sociology, anthropology, and history to strike at the cornerstone of the only form of human organization, we know-patriarchal, male-dominated society. If one understands patriarchy to be an institution perpetuated by such techniques of control, one has a working definition on how politics is conceived.

Politics is not defined as that relatively narrow and exclusive world of meetings, chairmen and parties. The term Politics shall refer to power-structural relationships, arrangements whereby one group of persons is controlled by another. Certain groups have no representation in a number of recognised political structures that their position tends to be so stable, their oppression so continuous. The examination of our system of sexual relationship must point that the situation between the sexes now and throughout history is a relationship of dominance and subordinate. What goes largely unexamined, often even unacknowledged (yet is institutionalized none the less) in our social order, is the birth right priority whereby males rule females. Through this system a most indigenous form of "interior colonization" has been achieved. It is one which tends moreover to be studier than any form of segregation, and more rigorous than class stratification, more uniform, certainly more enduring.

However muted its present appearance maybe, sexual dominion obtains nevertheless as perhaps the most pervasive ideology of our culture and provides its most fundamental concept of power.This is so because our society, like all other historical civilizations, is a patriarchy. The fact is evident at once if one recalls that the military, industry, technology, universities, science, political office and finance in short, every avenue of power within the society, including the coercive force of the police, is entirely in male hands.[1] As the essence of politics is power, such realization cannot fail to carry impact. The ethics, values, philosophy and art of our culture is of male manufacture[2]. The theories of sexual politics are as follows; ideological, biological, sociological, class, economics and educational, force, anthropological and psychological. Before the theories of sexual politics are enumerated, some concepts need to be clarified.

1.1 CONCEPTUAL CLARIFICATION

(a) Politics:In introducing the term sexual politics one must first answer the inevitable question: can the relationship between the sexes be viewed in a political light at all? The answer depends on how one defines politics. Politics is the activities involved in getting and using power in public life, and being able to influence decisions that affect a country or a society. It also means matters concerned with getting or using power within a particular group or organization.[3]Politics is also defined as ideas or activities relating to gaining and using power in a country or city. It is the activities of people who are

[1]R Mead 'Sexual Politics and the Feminist Work that remains undone' <www.newyorker.com/books/page-turner> accessed on 27th March, 2016. K Millet, 'Sexual politics' <www.marxist.org.subject woman authors millet-katesexualpolitics> accessed on 12th January, 2012.

[2]*Ibid*, 3.

[3] A Hornby, *Oxford Advanced Learner's Dictionary Of Current* (8th edn, Oxford: Oxford University Press 2010) 1132.

concerned with gaining personal advantage within a group or organization whereas sexual politics is how power is shared between men and women.[4]

(b) Sexualization: This is a biological terminology which refers to the either the male sex or the female sex. In the political milieu, it refers to the systematic interplay of human relation as either male or female in political engagement. In this political relationship, one sex dominates the other. On the other hand, the disadvantaged sex is discriminated, stigmatized, dehumanized, and marginalized in the different spheres of the politics. In a nutshell, politics is rather tailored towards sex relevance and a battle of sexes whereby one certainly gains supremacy over the other, that is the patriarchal hegemony. Therefore, sexualization in politics is simply sexual politics.

2.0 THEORIES OF SEXUAL POLITICS

2.1 Ideological View

It has been observed that government is upheld by power supported either through consent or imposed through violence.[5] Conditioning to an ideology amounts to the former. Sexual politics obtains consent through the socialization of both sexes to basic patriarchal ideologies with regard to temperament, role, and status. The temperament involves the formation of human personality along stereotyped lines of sex category masculine and feminine, based on the needs and values of the dominant group and dictated by what its members cherish in themselves and find convenient in subordinates: aggression, intelligence, force, and efficacy in the male; passivity, ignorance, docility, virtue, and ineffectuality in the female. This is complemented by a second factor, sex role, which decrees a consonant and highly elaborate code of conduct, gesture and attitude for each sex.

In terms of activity, sex role assigns domestic service and attendanceupon infants to the female, the rest of human achievement, interest, and ambition to the male. The limited role allotted the female tends to arrest her at the level of biological experience. Therefore, nearly all that can be described as distinctly human rather than animal activity (in their own way animals also give birth and care for their young) is largely reserved for the male. Of course, status again follows from such an assignment. Were one to analyze the three categories one might designate status as the political component, role as the sociological, and temperament as the psychological - yet their interdependence is unquestionable and they form a chain. Those awarded higher status tend to adopt roles of mastery, largely because they are first encouraged to develop temperaments of dominance. That this is true of caste and class as well is self-evident.Knowledge about temperament can help us understand the way patriarchy manipulates the society and the way sexual politics works.

All human beings are a combination of two or more of the four basic temperaments, though frequently one predominates. A temperament is not better than the others. Differences, when not extreme but adequately channelled, can be positive, specifically for couple

[4] P Longman, *Longman Dictionary of Contemporary English* (5th edn, England, Pearson Education Limited, 2009) 1340.

relationships. The temperament theory was conceived by Hippocrates and divides people into four basic categories: sanguine, choleric, melancholy and phlegmatic [6].Patriarchy conditions the male gender to exhibit temperaments of dominance and power (choleric and phlegmatic) and the other temperaments are attributed to the feminine gender (sanguine and melancholy).Government is upheld by power supported either through consent or imposed through violence.[5] Conditioning to an ideology amounts to the former. Sexual politics obtains consent through the socialization of both sexes to basic patriarchal polities with regard to temperament, role, and status. The temperaments are sanguine, choleric, melancholy and phlegmatic[6].Patriarchy conditions the male gender to exhibit temperaments of dominance and power which are attributed to choleric and phlegmatic. The other temperaments sanguine and melancholy are attributed to the feminine gender. Aggression, intelligence, force, and efficacy are attributed in the male whereas passivity, ignorance, docility, virtue, and ineffectuality are attributes of the female.

1. Temperaments and Gender Roles

The sanguine is an outgoing, exuberant conversationalist talks and easily dominate conversations.[7]The choleric loves leadership, he is opinionated, domineering and bossy.[8] The melancholy is given to exceptional analytical thinking before he speaks. He is dominated by varieties of moods.[9] The phlegmatic is a quiet, slower and more deliberate, non-combative speaker.[10]The discrimination of the sexes in relation to temperament, role and status is unconstitutional. Section 42(1)[11] of the Constitution prohibits sex discrimination based on sex. Article 7 of UDHR[12] propagates that all are equal before the law and are entitled to equal protection against any form of discrimination. Article 2 African Charter on Human and Peoples Right 1981 [13] prohibits against any form of discrimination. The right to freedom from discrimination is explicitly recognized and states parties should condemn discrimination against women in all its forms, Convention on the Elimination of all forms of Discrimination against Women[14]agree to pursue all appropriate means of eliminating discrimination against women. Protocol to the African Charter on Human and Peoples Right 2003 Article 2[15] mandates Parties to prohibit and combat all forms of discrimination against women through appropriate legislative, institutional and other measures in this regard.

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[5]*Ibid*, 4.

[6] N Pelt, *Heart to Heart; The Art of Communication* (2nd edn , Spain: Jose Rodriguez Bernal, 1997) 18.

[7]*Ibid.*

[8]*Ibid.*

[9]*Ibid,*19.

[10]*Ibid.*

[11]*Constitution of Federal Republic of Nigeria* 1999 (as Amended).

[12]Universal Declaration Of Human Right 1948 Art. 7.

[13]African charter on human and peoples right 1981 Art. 2.

[14] Convention on Elimination of All Forms of Discrimination against Women *1979* Art. 2.

[15]Protocol to the African charter on Human and Peoples Right 2003 Article 2.

2.2 Biological View: Sex is Biological Gender Psychological

The temperamental distinctions, role and status created in patriarchy do not appear to originate in human nature. The heavier musculature of the male is biological in origin but is also culturally encouraged through breeding, diet and exercise**,** The distinctions between the sexes in the areas of role, temperament and status, have cultural rather than biological bases. Endocrinology and genetics afford no definite evidence of determining mental-emotional differences.[16]Core gender identity is established in the young by the age of eighteen months[17]. Sex is biological whereas gender is psychological [18]It is easier to change the sex of an adolescent male through surgery than to undo the educational consequences of years.[19]Mead is of the opinion that gender role is determined by postnatal forces.[20]Psycho-sexual personality is therefore postnatal and learned.[21]

2.3 Sociological

The family effects control and conformity where political and other authorities are insufficient. In patriarchal societies, women have little or no formal relation to the state. In tax law[22] the men are in most cases given tax exemption while some single mothers are neglected. Traditionally, patriarchy granted the father nearly total ownership over wife including the powers of physical abuse Section 55 (1) (d) of the Penal Code provides: "Nothing is an offence which does not amount to infliction of grievous hurt upon any person which is done by a husband for the purpose of correcting his wife, such husband or wife being subject to native law or custom in which such correction is recognized as lawful."[23]

Moreover, the Sunday Sun[24]captions devastating news titled "Man Kills Wife over Breastfeeding of twins" Classically, as head of the family the father is both begetter and owner in a system in which kinship is property. Yet in strict patriarchy, kinship is acknowledged only through association with the male line. It excludes the descendants of the female line from property right and often even from recognition. The argument is that the patriarchal basis of kinship is put in terms of dominion rather than blood; wives, though outsiders, are assimilated into the line, while sisters sons are excluded. The eldest male parent is absolutely supreme in his household. His dominion extends to life and death and is as unqualified over his children and their houses as over his slaves. In the archaic patriarchal family the group consists of animate

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[16] R Mead, *op. cit.*

[17]*Ibid.*

[18]*Ibid.*

[19]*Ibid.*

[20]*Ibid.*

[21]*Ibid.*

[22] Personal Income Tax Act Cap P 4 LFN 2004 s. 19.

[23] Penal Code Act, s.55.

[24] T Osauzo ' Man Kills wife over breast feeding of twins'*The Sunday Sun*, July 14,2013, p.7.

and inanimate property, of wife, children, slaves, land and goods, all held together by subjection to the despotic authority of the eldest male.

Article 2[25]states as follows: "Each state party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction." And still physical abuse still lingers its ugly head in Nigeria legislation and society. In the archaic patriarchal family, women are regarded as property and are excluded from property right as was held in *Oshilaja*v *Oshilaja*[26]*Dosumu* v *Dosumu*[27]*Nzekwu* v *Nzekwu*[28] *Nezianya & Anor*v *Okagbue & Ors*[29]*Akinnubi* v *Akinnubi*[30]

In contemporary patriarchies the male's *de jure* priority has recently been modified through the granting of divorce protection, citizenship, and property to women. Their chattel status continues in their loss of name, their obligation to adopt the husband's domicile, and the general legal assumption that marriage involves an exchange of the female's domestic service and (sex, some activists judges have in some judicial pronouncements made by them in *Ukeje* v. *Ukeje*[31]*Euphraim* v *Pastory*[32]*Muojekwu* v *Muojekwu*[33]*Lambert* v *Lambert*[34]*Packer* v*Packer*[35]*Uke & Anor* v *IRO* [36]*Salami* v *Salami* [37]*Mohammadu* v *Mohammadu*[38]*Azika* v *Atuanya*[39]*Loye* v *Loye*[40] the court drew attention to the modern socio-economic changes in relationship between husband and wife and held that this aspect of our customary law which disallow women from inheriting their deceased husband's property need urgent reform because it is capable of working great hardship in modern time when wives make significant contributions to the wealth and properties of their husbands.Howseetal[41]vividly portrays the

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[25]Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment 1984.

[26] (1972) 2UILR 313.

[27] (1954) 14 WACA 527.

[28] [1989] 2 NWLR (pt 104) 317.

[29] (1963) 1 All NLR 352.

[30][1997] 4 NWLR (pt.486)144.

[31] (2001) 14 WRN 31.

[32](1993) LAC 231.

[33] (1997) 5 NWLR (Pt. 512) 413.
[34](2002) EWCA at 1685.
[35] (1954) NLR 15.
[36] (2002) 1 AHRLR 1555.
[37] (1971) 1 ALL NLR 57.
[38] [2002] 5 NWLR (pt 708) 1.
[39] [2008] 17 NWLR (pt 117) 484.
[40] (1934) 11 NLR 134.
[41] K Howse *etal*, *Family Matters a Guide to Family Life* (England: The Stanborough Press Limited, 1988) p.9.

injustice and discrimination that are meted to the female folk.Traditional sex roles are reconsidered, husbands and wives share equal voice in decision making, seek sexual fulfillment and co-operate in economic and child raising responsibilities.[42] Working women often find that the larger share of household and childcare duties remain theirs, even when they are working full time.[43]It is in the area of class that the status of the female within patriarchy is most liable to confusion. In a society where status is dependent upon the economic, social, and educational circumstances, it is possible for certain females to appear to stand higher than some males. Yet the man always has his manhood to fall back upon. Should this final vanity be offended, he may contemplate more violent methods.[44] There are incidents in which the caste of virility triumphs over the social status of wealthy or even educated women.

(a) Social Status of the Different Sexes

BuchiEmecheta in 'The Joys of Motherhood'[45]portrays how Nnuego got married to Nnaife. a man that is not of her status. The climax is that Nnaife later married the wives of his late brother and Adaku the youngest wife of his late brother came to join them in Lagos in one bed room and Buchi Emecheta[46] portrayed the humiliation, dehumanisation and insult women receive from the men they call husband in the name of polygamy and even from men of lower status as is portrayed in this scenario: Try to sleep, too, senior wife, Nnaife pulled Adaku into their only bed. Nnuego tossed in agony and anger all night. Adaku giggled, squeaked, cried and laughed in turn. When Nnuego could stand it no longer she shouted. There was silence from the bed, and then a burst of laughter. What hurt her most was Nnaife's remark: my senior wife cannot go to sleep, you must learn to accept your pleasure quietly, my new wife Adaku and the new wife replied, your senior wife is like a white lady: she does not want noise.[47]What an animalistic relationship!

Also, In Hardy's "Tess of the D'Urbervilles"[48] Angel Clare a middle class young man was married to Tess D'Urbervilles a pretty young girl of upper class. On their wedding day, Angel Clare made a confession to his wife of his illicit sexual affair with a girl in London.[49]Tess immediately forgave him. But when Tess made her own confession of her rape attack the hell broke loose.[50] Hardy clearly brought out the sexual politics in our society by Angel's statement, Tess how can forgiveness meet such a grotesque-prestidigitation as that![51]Just on the same vein Okpewho in "The Last Duty"[52] portrays incidentsin which the castle of virility triumphs over

[42]*Ibid.*

[43]*Ibid,* 10.

[44] R Mead *Op.Cit*.

[45] B Emecheta*, The joys of Motherhood* (Ibadan : Heinemann Educational Books Ltd, 1979) 45.

[46] *Ibid.*

[47]*Ibid*, 117.

[48] T Hardy, *Tess of the d' Urbervilles* (2nd edn, Britain :Wordsworth Editions Limited, 2000 p.19

[49]*Ibid*, 197.

[50]*Ibid*, 198.

[51]*Ibid*, 201.

[52] 1 Okpewho, *The Last Duty* (The Caxton Press West Africa Limited 1976) 20.

the status of wealthy or even educated women. Okpewho portrays incidents of sexual ravishment of an incapacitated woman Aku by wicked and disabled men. One of the men said "This is heaven! To have a woman sharing my own bed with me and willing to wallow in such lowly circumstances[53]Aku's husband was put in prison by conspirators, she was ostracized and she laments that she now has to spread her legs for a living.[54]

According to Uko,[55]Zakeya's life is a catalogue of pains.She was circumcised, raped, suffered bleeding, bore ten sons and six daughters.[56]Galal, her only survived child was taken into war.[57]Oppression is not the mother of virtue,oppression can warp, undermine, and turn us into haters of ourselves. But it can also turn us into realists.[58]Zakeya, rather than get weakened by her adversity, is empowered by it and motivated into action. Women pay dearly in order to become free and escape dominance.[59]The abuse of femininity would be checked and stopped.[60]

2.4 Economic and Force

The patriarchal government lies in the agency of its economic hold over its female subjects. In traditional patriarchy, women, were permitted no actual economic existence.The kinds of employment open to women in modem patriarchies are, with few exceptions, menial, ill paid and without status.[62]For anapplication for admission into legal profession, by one Edith Haynes was refused. One of the judges stated that the right of a woman to be admitted is a misnomer.[61]But now there is tremendous improvement in the Legal and Medical profession but more has to be done in the Engineering profession with regard to female gender.Eze[62]stated that women play three roles in the society; the reproductive, productive and the social role. All these should be taken into consideration in the company staff policies and both sexes should be remunerated equally.[63]

Women's distance from higher technology reduces their power and leads to systematic ignorance.[64] The head line in the Sunday Sun[65]says it all, Female engineers are like male nurses, everyone needs engineering and the society needs more enlightenment about the engineering

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[53]*Ibid*, 204.
[54]*Ibid*, 162.

[55] I Uko, 'Feminity in Nawal El Saadawi's God Dies by the Nile' In G U Ukagba et al (eds), *The Kpim Of Feminism* (Trafford Publishing, 2010) 392.

[56]*Ibid,* 394.

[57]*Ibid,* 396.

[58]*Ibid,* 394.

[59]*Ibid,* 393.

[60]*Ibid,* 397.

[61] Re Edith Hayness (1904)6 WAR 209, 213-214, Per Burnside J.
[62]Eze, Gender Issues in Nigeria, Action Women (Women Aid Collective, 2005) 7.
[63]*Ibid.*
[64] R Mead*op cit*, 18
[65] A Olayinka, 'Female Engineers are like Male Nurses*'*, *The Sunday Sun*, June 24, 2012, p. 21

profession for the girl-child. 15% of women are engineers in this country and it is a global thing too.[66]We sometimes associate patriarchy with force. In some Muslim countries adulteress is still stoned to death.While the International world is trying to abolish the death sentence or limit the use of it to very serious offences. Article 6 (1)[67]protects right to life.Recent legislations, in Nigeria seem to have increased the number of crimes that are subjected to the death penalty[68]. The offence of Zinna[69] was previously punishable by flogging which also contravened the right not to be subjected to torture as guaranteed by theConstitution.[70]
However, in the states that have introduced Sharia Penal Laws, the punishment is now mandatory death sentence if the accused is married, while it is 100 lashes if the accused is not married. Four male or eight female unimpeachable witnesses are required to find a man guilty under this law, whereas a fact of pregnancy is enough evidence to rope a woman in. It is of particular interest that by this manner of imposition of death sentence, other rights are being violated. These include the right to non-discrimination, freedom of association and expression[71], and the right to privacy[72]. Zinna erodes the principle of equality before the law guaranteed by the Constitution[73] of Nigeria, as it is not an offence to the rest of Nigeria. The gender-discriminatory evidence rules within the ShairaPanel Codes, for the proof of Zinna, also ensure that women are disproportionately sentenced to death for Zinna[74].

This offends the rights to freedom of association[75] and privacy respectively guaranteed by the Constitution of Nigeria.Culpable homicide in S. 221 of the Penal Code is defined as an act by which death occurs with the intention of causing death and the doer of the act knew that death would be the probable consequences of the act or any bodily injury. Anyogu narrated a report of Amnesty International[76] an interview of women charged with culpable homicide detained at the Katsina prison for no cogent reasons. Discrimination against women on grounds of sex is prohibited in CEDAW.[77]The application of death penalty under the Penal Laws violates the provisions of the constitution[78]and more than half the countries in the world have now abolished the death penalty in their laws[79]. Most men perpetuate physical violence on the women and our

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[66]*Ibid.*
[67]*International Covenant on Civil and Peoples Right* (ICCPR) 1966 Article 6.
[68]*Sharia Penal Code Laws of Zamfara State*, ss 126 and 127, *Sharia Penal Code Laws of Sokoto States*, s. 129, *Sharia Penal Code Laws of Kaduna State*, ss 121 and 122. Also see, F Anyogu, *Access to Justice in Nigeria: A Gender Perspective* (Ebenezer productions Limited, 2009) 163.

[69] Adultery (sexual intercourse outside marriage).
[70]*Constitution of Federal Republic of Nigeria,* 1999 (as amended) s. 34(a).
[71]*Ibid,* s.42.
[72]*Ibid,*s.37.
[73]*Ibid*, s. 17(2) a.
[74] F Anyogu, *Access to Justice in Nigeria: A Gender Perspective* (Ebenezer productions Limited, 2009) 163.
[75] CFRN, ss 39 and 40.
[76] Amnesty International Library Online Documentation Nigeria, 'The death penalty and women under the Nigeria penal system' <http://web.amnesty.org/library/index/engafr.4400120004> accessed 15th July, 2021.

[77] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1993, Article1.

[78]Anyogu (n74) 168.
[79]*Ibid.*

Penal Code supports this as was stated in section 55(1) (d)[80]. There are many horrifying captions in our newspaper on physical violence meted to the womenfolk. Police inspector sets wife ablaze[81], Mercy Nnadi was tortured with hot pressing iron.[82]A police inspector hacked his wife to death over alleged infidelity[83].The vice principal confessed to have killed a woman for an undisclosed reason.[84]

Patriarchal societies typically link feelings of cruelty with sexuality. The rule has associated sadism with the male and victimization with the female. Victimisation of the female folk is an infringement to their human rights. Justice Chukwudifu Oputa, in *Ransomkuti* v *A.G. Federation*[85] distinguished fundamental rights from Human Rights thus:Fundamental Right is clearly spelt out in the constitutions According to Justice Niki Tobi, J.C.A. (as he then was) stipulates that "Human rights are more of international concept, while fundamental rights are more of municipal or domestic concept.[86] Also his Lordship, Justice MammanNasiir P.C.A in *Uzoukwu v Ezeonu*[87] was in ad-idem with Niki Tobi J.C.A (as he then was) when he also maintained that the term,Human right is employed in International Law. Justice KayodeEso in *RamsonKuti v A. G. Federation*[88] also described human rights as a right which stands above the ordinary laws of the land.[89]

Furthermore Craston maintained that: "A human right is something of which no one may be deprived of without great affront to justice"[90].Human rights are therefore not gifts from Mr. Big or Mr. Small and cannot be withdrawn at the whims and caprices of the donor.[91]Narrowing the various evaluations of human rights and fundamental human rights to the issue of victimization of female folk, we need to highlight sections 33 and 34 of the Nigerian Constitution, so as to establish the legal authority upon which the argument of eradication of physical violence, sexual violence and all kinds of victimization of women are predicated.Thus section 33(1)[92] stipulates right to life but section 33(1) authorizes killing in order to execute a sentence of a court of competent jurisdiction, such must not be done where there is a pending appeal as was held

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[80]*Penal Code Act*

[81] K Mgboji 'Policeman Sets Wife Ablase', *The Sunday Sun*, March 25, 2012, p. 60.

[82] C Jupadim, 'More Agonies for Women Battered by Husband', *The Saturday Sun*, July 7, 2012, p.57 to 59.

[83]O Sampson, 'Police Inspector Beats Wife to Death', *The Sunday sun*, July21, 2013, p.8.

[84] P Osuji, 'Vice Principal Kills Principal with Dane Gun', *The Daily Sun*, July 3, 2012, p.10.

[85][1985] 8 NWLR (pt 6) 211.

[86]'The Judicial in a Democracy', Obayi Memorial Lecture Series, 1996 as quoted by O Ogbu, *Human Rights Law and Practice in Nigeria*, (CIDJAP Publishers, 1999) 31.

[87][1991] 6NWLR (pt 200) 708.

[88]*Ibid.*

[89] R Howard, *Human Rights and Development in Africa*, (Personal Education Inc, 1984) 59.

[90] C Cranston, *Human Rights: Real And Supposed in Political Theory and The Right of Men* (Bloomington, University Press 1967) 52.

[91]*Ibid.*

[92] CFRN, 1999.

in*Bello v. A. G. Oyo*[93]Section 34 (1) (a)[94] states that every individual is entitled to respect for the dignity of his person.
Again, African charter on Human and Peoples Rights[95] guarantees in its Articles 4 and 5, the right to life and dignity of human persons.Another form of force used in patriarchy is torture. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment held that "torture" means severe pain or suffering intentionally inflicted on a person[96] and state party are mandated to prevent acts of torture[97]According to J Ezeilo *et al*[98]Torture can be both mental and physical and can take very different forms.Nikki Tobi in *Uzoukwu vEzonu*[99] stated that "torture" means to put a person to some forms of pain which could be extreme. Criminal Code[100] in its section 252 states that persons are protected against assaults and violence.Torture is absolutely prohibited under International Law.[101]The International Covenant on Civil and Political Rights (ICCPR)[102]mandates State to protect individuals against torture. The African Charter on Human and Peoples Rights[103]places a ban on torture. The Protocol to the African Charter on Human and People's Rights[104]prohibits discrimination against women.

3.0 Anthropological: Myth and Religion

Evidence from anthropology, religious and literary myth all attests to the politically expedient character of patriarchal convictions about women. According to Steinem,[105] "nature burdens women with menstrual condition and foetus habitant, the society should mitigate the emergent pains and pangs." Men have a chauvinistic altitude towards women as a result of women's characteristic menstruation, and that if suddenly, magically men could menstruate and women could not, menstruation would become an enviable, boast worthy, masculine event, a celebrated event with religious ritual and state parties.[106]Asekhauno[107] highlighted that menstruation is a

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[93](1986) 12 SC 1.
[94] CFRN s 34 (1) a.

[95]*Laws of Federation of Nigeria*, 2004,Cap A9.

[96]*Convention against Torture and other Cruel,* Inhuman Degrading Treatment or Punishment 1984 Article1.
[97]*Ibid,* Article 2.
[98] J Ezeilo *et al* "Torture and Female Gender, Report of National Survey on Torture in Nigeria, Women's Aid Collective (WACOL) 2006 p. I.

[99] Supra (n0. 88).
[100]*Criminal Code Act*, Cap 138,*Laws of the Federation of Nigeria*, 2004.

[101] J Ezeilo*et al op cit.*
[102] International Covenant on Civil and Political Right (ICCPR) 1966 Art. 2 (1).

[103] African Charter on Human and Political Rights (ACHPR) 1981 Art. 5.

[104] Protocol toAfrican Charter on Human and Political Rights (Pro ACHPR) 2003 Art. 2.

[105] G Steinem, *If Men Could Menstruate: Race, Class and Gender: An Anthology* (2[nd]edn, Wordsworth Publishing Company, 1995) 392-393.

[106]*Ibid*, 392.

stage involving a cycle of biological condition to cleanse by discharging and rebuilding itself.Menstruation is a mark of feminine maturity and a fact of motherhood.Menstruation is seen as a curse. The discomfort that women suffer during their period is likely to be psychosomatic rather than physiological, cultural rather than biological in origin. [108]

In religious and spiritual circles, menstrual period is often considered as a time of impurity. But since menstruation is a sign of fertility, and fertility is a sign of maturity. Fertility is God's, and God is holy. How then can menstruation period be considered impure and unholy? Contemporary slang for the vagina is "gash." The penisis given the most crucial significance, endless boasting and endless anxiety.Menstruation is an invaluable gift not only to women, but to the entire humanity. Girls should mark the onset of menses with religious ritual and stage parties, sanitary supplies should be federally funded and free. [109]Menstruation is the posterity, haughtiness, smugness and pride of humanity.[110]

3.1 Psychological

The aspects of patriarchy already described have each an effect upon the psychology of both sexes. Status, temperament, and role are all value systems with endless psychological ramifications for each sex.The sexual politics of interpersonal behaviour is the battlefield on which the daily war between the sexes is fought.[111]It is boys who are supposed to call girls for dates, propose marriage to women and initiate sexual activity.[112]Expression of anger is more sanctioned for men than for women. Higher-status persons did touch lower-status persons significantly more, men touched women more.[113]In eye contact we observe a sex difference.Looking indicatives dependency and subordination whereas stare which are more sanctioned for the men conveys interpersonal dominance and control.[114]Contrary to popular myth, men talk and interrupt more than women[115] Female voices are expected to be soft and quiet, even when men are using loud voices. Women who do not fit this stereotype are often called loud or shrill.[116]

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[107] A Asekhauno, 'Since Women Menstruat: A Reply to Gloria Steinem'In GU Ukagba*et al* (Eds), *The Kpim of Feminism* (Traford Publishing, 2010) 478.

[108] R Mead op cit p.23.

[109] G Steinem *op cit p*.25

[110]Asekhauno (n107).

[111]N Henley and J Freeman, 'The Sexual Politics of Interpersonal Behaviour' <http//www.jofreeman.com/womansociety/personal.htm> accessed on 30 June2011.

[112]*Ibid*, 3.

[113]*Ibid.*

[114]*Ibid.*

[115] B Eakins 'Verbal Turn Taking and Exchanges in Faculty Dialogue'In B Dubois(ed), *Papers in Southwest English IV: Proceedings of the Conference on the Sociology of Languages of American Women* (San Antonia Trinity University Press, 1976) 53.

[116]*Ibid*

3.2 Gender Bias and Advertising in Nigeria

Mobile Telecommunication Network (MTN) advert caused a lot of controversy. A young man in the city whose wife delivered a baby announced with excitement, "mama, na boy" which the mother re-echoed sending the whole village into a frenzied dance.[117]Bolaji Abdullahi[118]posits that MTN is taking us back to age of darkness, when male child was the ultimate testimony to a man's good fortune". Abdullahi insisted that the commercial reinforces the inferiority of the female gender". Onuora[119] posits that all the noise from gender rights activists are unnecessary. Kolawole[120] said that the advert was gender insensitive. Okediran[156] was against the advert. Vidal,[121] quotedNiki Tobi in his pronouncement on the case of *Mojekwu v Mojekwu*[122] any form of societal discrimination on ground of sex should be prohibited. Christine Vidal submitted that one need not travel to Beijing to know that some customs are not consistent with the civilized world.

Thereare other gender insensitive adverts.Media portrayal of women often reinforces gender stereotype in the society. Mother knows best answer to healthy cooking is a BINATONE advert which implies that kitchen affairs are exclusive to the mothers[123]Xper Cookers products portrays the picture of a smiling woman[124] Grand Soya depicted a woman with the derogatory advertisement slogan, "Use me".[125]Harpic advertisement features a woman who was asked what amidst her domestic chores gives her most problems. Her response was "Na my toilet".In the Dettol advertisement, a woman who cleans up her son with Dettol wonders aloud, "If I don't take care of him, who will?" Jik featured a woman who continually washes her son and husband's clothes while they are busy dirtying them. Women are stereotyped either as happy and fulfilled homemakers who are obsessed with cooking and doing laundry in the house even when it is known that both sexes find doing domestic chores which is unpaid as unpleasant[126] Gender insensitive advert goes against the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).[127] on inferiority or superiority of sexes. All these Laws and Conventions are binding on every advertisement by virtue of the Provisions of Part 4, Subsection 4(1) of the Advertising Practitioner's Council of Nigeria APCON Code,[128] which states that, "All advertisements must be legal.

4.0 Conclusion and Recommendations

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[117] J Ezeilo, 'Gender Bias and Advertising in Nigeria' (Enugu: Woman Aid Collective, 2006) 3.

[118] B Abdulahi, 'MTN's Boy and The Sex Question', *This Day*, January 22, 2005.

[119] C Onuora, 'Mama It's a Boy', *The Guardian,* January 27,2005 p.6.
[120.]S Kolawole, 'MTN Na Boy and The Girl-Child Debate', *This Day,* January 15, 2005, p. 21.
[121] C Vidal, 'MTN and The Girl-Child', *The Guardian,* December 8, 2004 p.22.
[122] [1997] 7 NWLR (pt 512) p.283.
[123]J Eziloop *cit* p.10.
[124]*Ibid*, 11.
[125]*Ibid*, 13.
[126]*Ibid*.
[127]*Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) 1981, Article 5

[128]*Advertising Practitioner's Council of Nigeria Code,*2005.

This work appraised the sexual politics between the sexes in Nigeria. The paper while advocating for equality between the sexes clearly portrays different power-structural relationships, arrangements whereby one group of persons is controlled by another,thereby promoting inequality before the law. The work has also in its deliberations and comparative analysis propagates the various theories of sexual politics. The paper portrays all forms of discrimination based on sex and advocates that non compliance with constitutional and statutory provisions with regards to elimination of sexual politics should attract stiff penalty and all laws promoting sex discrimination shall be amended with immediate effect.

Sequel to the foregoing, it is therefore recommended that the distance between the real and the ideal which result in contradictions and exceptions should be bridged within the system. Also, it is recommended that patriarchy as an institution should be less dogmatic in male dominance, and with the import of democracy, females should not be discriminated in holding political power or occupying any political office, notwithstanding their sex.