


Chapter 17

Language and Women's Representation in Governance: An Examination of Nigerian Gender Policy Documents and Laws

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Abstract

This research examines the effect which language used in law and policy documents may have on the promotion or inhibition of women's representation and participation in governance in Nigeria. The impact of language is recognised by the gender-neutral language practice being promoted in legislative drafting. However, the foreign origin of this movement does not factor in the nuanced cultural bias in Nigerian languages and how this has found its way into law and policy documents. This cultural bias against women translates to and impacts on the level of women's participation and representation in governance. In Nigeria, there is evidence that cultural perspectives and representation of women, diverse as they may be, reflect on and impact on writings and actions on gender issues. This study adopts a content and discourse analysis approach to examine the language used in law and policy documents to determine whether it contributes to gender inequality, particularly in governance. The study deploys both quantitative and qualitative analysis. The documents analysed include the Constitution of the Federal Republic of Nigeria, the Criminal and Penal Codes, Evidence Act and other statutes and Gender Policy documents. The research found that these laws and policies are replete with gender excluding, subordinating and subjugating language against the female gender. It suggests that this is a seepage from cultural realities. The research proposes that the language of law and policy documents could go beyond gender neutral language and be re-engineered to promote gender equality by emphasising capacity instead of socially constrained roles.

Keywords: Gender, Governance, Language, Laws, Policy



Introduction

One of the most powerful elements of culture often overlooked in the discourse of power dynamics as contained in law and policy documents in Nigeria, is language. The fact, however, is that language is the tool with which the communication of change can be effected. It is also the tool for perpetuating inequality (Stevenson et al., 2019). It is therefore important that any discourse about adjusting power dynamics through laws and policies should factor in the role of language. This applies to the question of women's representation and participation in governance. Interestingly, representation and the ability to express opinion is through language. Language as used here is beyond whether one speaks a particular tribal or regional language or the lingua franca. It deals more with the attribution given to words, emotions attached to expressions and connotations implied by the arrangement of certain words in a discussion (Luo, 2019). For instance, in certain cultures, items and things, animate and inanimate are ascribed genders. Either as female or males. At times, such ascription of gender reflects the perceived role of the item or thing in society. This inevitably affects how society treats the item or thing and what that society through culture may expect from the gender associated with the attribution (Roberts, 1983; Williams, 2001). Similarly, in general discussion on issues that affect both genders, there is the tendency to default to masculine pronouns when in fact the female gender is included in the subject of discussion (Ikekeonwu, 2008:16).

For women, this is reflected every day in discussions and write-up about women's representation and participation in governance even in academic institutions (Oamen, 2019:231). Not too long ago in Nigeria, a famous instance was the retort by the President of the Federal Republic of Nigeria, President Muhammed Buhari that *'I don't know which party my wife belongs to, but she belongs to my kitchen and my living room and the other room and should not be heard to express her opinion on national issues'* (Ayo-Aderele, 2016). This invokes at least two suggestions which denigrate and derogate the right, dignity and competence of a woman to express opinion. It suggests that only men can be at the arena of discourse in governance and also offer their opinion. Women should neither be in the arena nor be heard. As innocent and jovial that retort may seem, it tells a lot about the President's and in fact society's perception of the capacity and role of women in Nigerian society. The irony is that he may not have realised the enormity of this statement.

This attitude consciously or otherwise also reflects in formal discourse, policy documents and statutory provisions relating to women and women's participation in governance. The language appears to slant towards viewing women as recipients of favours or unmerited affirmative action. There appears to be less discourse on language that views women on the same

and equal pedestal with men on issues of governance. This state of affairs greatly undermines the gender equality project. The discourse about gender equality cannot progress if conducted in a language that demeans, excludes or tokenises women's representation and participation in governance.

The gender-neutral language has attempted to resolve this inequality by suggesting that language that masks gender helps society to perceive all as equal (European Union Parliament, 2018:3). It attempts this by introducing gender-masking pronouns. This approach is, however, only effective when the subject of discussion broaches male and female gender. The gap, especially in gendered language cultures like in Africa, and in Nigeria in particular, where genders have their own language, is that gender-neutral language fails to resolve this challenge. Exclusion and subordination of women may still be conducted through innuendos, condescending tones and exclusionary language. Given the reality of this situation, this chapter examines how the exclusion and subordination language, using statutes and policy documents as case studies, may perpetuate gender inequality and hamper women's representation and participation in governance in Nigeria.

To address this question, the remaining part of this chapter is structured as follows. The next section provides a conceptual clarification and theoretical framework applied in the research. Next is a literature review to situate the research within extant discourse and justify the necessity for the study. This is followed by a description of the methodology adopted in the study. Next is a presentation of the findings and analysis. The chapter ends with a conclusion and recommendations.

Conceptual clarification and theoretical frameworks

In this chapter, some concepts will reoccur as the discussion revolves around them. Prime amongst these are language and gender. To improve clarity, in recognition of the dynamism of language and the concept of gender, the following clarifications are proffered.

First is Language. Language has so many connotations. As a word that depicts communication, it communicates several meanings depending on purpose, context and culture. For instance, language could be seen from the perspective of a tool for communication (del Castillo, 2015:50). In this regard, anything performed to transfer an idea to another is language. This is why one can say computer language, English language, Sign language. The key denomination is that they are used to communicate. Another perspective sees language as a means of creation of meaning (Rabiah, 2012:2-3). This is seen as the key element in the language between humans, the capacity to create meaning through language. Such creation of meaning may be in

the form of sound, signs, drawings or written words. From this perspective, what imbues an activity with the feature of language is its capacity to create meaning. Several other perspectives abound which are more relevant to linguists. However, for purposes of our discourse, language is the combination of these two concepts - communication and meaning. Thus, language in this chapter is seen as an instrument of communicating meaning. 'Meaning' itself is not a settled concept. It is amorphous and depends on the context and culture and all relevant noise that impacts the communication (Akan et al., 2019:64; Amberg & Vause, 2009). For our purposes, we define meaning as understanding. Thus, language is an instrument of communicating understanding.

Second is Gender. Gender is a vexed topic in contemporary discourse on power and privileges. In governance, gender is more or less seen from the perspective of access, inclusion and exclusion. It is not necessarily seen from the perspective of anatomical attributes only, that persons with same anatomical structure tend to present similar social construct of their gender (Büyükhıska, 2011:460). For our discourse, we deem it sufficient to perceive and discuss gender from the perspective of anatomical structure and the social construct attached to it. This is the conceptualisation of male and female gender, at least within the contest of Nigeria. Thus, reference to gender policy here means the way and manner that government policy recognises and integrates the possession or absence of male or female gender in its policy guidelines and decisions. Simply put, gender here is social perception and expectation of male and female in Nigeria.

To present our analysis about the relationship between language and gender, it may be helpful to call on several theoretical frameworks. Some of these theories are overlapping in their attempt to communicate. They are, however, not exhaustive. But for purposes of our discourse, it is sufficient to present our analysis, through the ideology and perspectives communicated by some of the theories. These include gendered language, dominance and critical discourse analysis theories.

First is Gendered Language Theory: Gendered Language Theory explores how language is used to create and perpetuate conceptions of gender roles in society. It examines language as a tool for either subjugation of a particular sex or of exclusion (Abdalgane, 2021:208). The theory suggests that language can be used as a tool to perpetuate social stereotypes, misconceptions and myths built over time by society. Similarly, language can be used as a tool of liberating one gender from the stereotyped position it is placed in by another gender or by society itself. Such placement could be with the collaboration, wittingly or unwittingly of the excluded gender. Gendered language achieves this division, subjugation and inequality by attributing roles, responsibilities

and perpetuating inequalities of belief of such through grammar, vocabulary, norms and discourse patterns. The idea of this theoretical perspective is that an understanding of how language is shaped to obtain a particular advantage or disadvantage for a gender could also be reverse-engineered to stabilise the relationship. Accordingly, this theory is used in this perspective in the succeeding analysis.

Second is Dominance Theory. Dominance Theory holds the view that there is always a struggle of dominance between groups in society. It looks at the power relationships and how power is sustained (Sidanius & Pratto, 2001). In terms of language, it examines how language could be used to reflect the power relationship between sections of society. This includes between male and female, between social strata, urban dwellers and rural dwellers, educated and uneducated, rich and poor. The Dominance Theory holds that society uses any tool available including force and violence to perpetuate a group's dominance in society (Pratto & Stewart, 2011:1). Language is also one of such powerful tools for obtaining and retaining or sustaining the dominance of a group over another. With respect to gender, the Dominance Theory argues that the arrangement of words, even the use of pronouns, ascription of positions through words may be used by the male gender to obtain and retain a position of dominance over the female gender. One of the ways that language is used to perpetuate dominance is the arrangement of hierarchy with words to project the male gender or assume the male gender in positions of power and authority, sometimes referred to as legitimising myths (Lakoff, 2003:176; Pratto & Stewart, 2011:2).

Finally, is Critical Discourse Analysis Theory: Following from the Gendered and Dominance theories is the Critical Discourse Analysis Theory. This theory is important for our research because we looked at documented evidence of gender exclusion and inclusion. Critical Discourse Analysis Theory thus is interested in analysing how issues are discoursed using language that creates, builds and reinforces stereotypes even when the discourse is intended to dismantle the stereotypes or exclusions (Luo, 2022). This is seen in discussions where, similar to Dominance Theory, during allocation of leadership roles, the masculine pronoun is used instead of the feminine. Critical Discourse Analysis Theory is thus important as it helps us to understand how language choices, ideologies, and social structures can be used to maintain or challenge gendered power imbalances in society.

It is noted that we have attempted, for purposes of communication, to simplify these theories. The important thing, however, is to appreciate that none of the theories is holistic or all-encompassing. They each share certain similarities with the other. They, however, highlight some key perspectives that are relevant to our discourse. These theories are relevant in this study as

lenses to understand the phrasing of legal and policy language that ascribes authority to the male gender and their implication to female representation in governance in Nigeria. Their value is properly highlighted in the methodologies adopted and the findings made. They are also integrated in the subsequent analysis.

Literature review

Language is a very powerful tool of social engineering. Its impact on gender relationships has been confirmed by several scholarly works. A few of these scholarships are reviewed here to demonstrate the impact of language on social engineering and how an understanding of the power of language may be properly harnessed for promotion of equality. It also highlights the gap in discourse and justifies this study. For instance, Hirmer et al. (2022), in their research in rural Uganda, posit that the use of gender-specific language in a gendered-language community may hinder the buy-in of the community into social development projects. They argue that it is best to use value-emphasising language instead of gendered language even when the project is meant for the benefit of a particular gender. They argue that a gender-balanced value-driven approach can create more positive impact and avoid unintentional harm. They reason that this is because of the perceived tension between the two genders as they struggle to dominate each other. Thus, the less the benefit is highlighted for a particular gender, especially the female gender, the more that society accepts the message. This is an interesting finding. It, however, appears to perpetuate or excuse gender inequality. It portends a similar conclusion with the use of gender-neutral language. This conclusion is supported by an earlier paper in Malaysia (Pérez & Tavits, 2019:23). The paper highlighted the tension between the genders and advocated for a genderless approach in discourse as a means of reducing tension and creating harmony in society. The research takes it as a given that in Malaysian society masculine gender is given an advantage by language. The authors suggest that by a conscious effort of gradually reducing the use of language that portends masculine bias and an increase in small consciousness-raising activities that check masculine bias on all levels of our society, inequality will gradually be constrained. Like the earlier paper, these scholars also appear to confirm the existence of tension between the genders. It is interesting to note that these two scholarships are from two different continents. Both, however, confirm the fact that language, as posited by the Dominance Theory, is a tool for dominance and allocation of benefit. Both scholars echo an earlier finding of an empirical research that examined how language impacts on gender balance in *genderless* tongues and *gendered* tongues, using Estonia and Russia as case studies respectively. The authors

appear to confirm the effect of language on gender harmony. They found that while Estonians, who use genderless language, are more liberal and accepting of gender equity policies and practices, a gendered-language community like Russia is more resistant to gender equality practices. It, however, highlights a limitation to the effect that this occurs in society where norms are embedded in the language. This implies that where norms about the expectation from each gender is separate from the language, genderless language may have no effect in changing those norms. This finding appears to confirm that language may be a normative tool for emphasising role allocation and inequality. This could be inferred from the fact that even where there is genderless language, the norms of society allocating the roles must still be couched in language, since it is the major communication tool available to humankind (del Castillo, 2015:50).

A 2019 work by Tolstokorova, in apparent recognition of the effect of language on gender inequality, posits the necessity for an international legal framework that mandates a language that promotes gender equality for women. They argue that equal representation of women and men in language and speech will be achieved when it is acknowledged as a right. The research termed it as linguistic right. Taking it forward, the scholars hypothesised that it may require an international legal framework in terms of gender language rights. One of the challenges of this proposal, however, is that international instruments are almost always not obeyed when they impact on entrenched culture. Also, the reputation or political interest of the country championing it may impact on its international reception. Another unaddressed challenge of this proposal is that a uniformity in language does not recognise the inevitability of differences in culture, a dynamic social construct that is affected by different factors including climate, location and level of development and which is not uniform in the world (Brutt-Griffler, 2002; Dower et al., 2017). Also, language is part of culture. The idea of uniformity of language may strip humanity of its unique features. Nearer home, Dooga (2009) examined how power is invested along gender lines through language choice in two Nigerian works of fiction: Alpha Emeka's novel *The Carnival* and Razinat Mohammed's short story collection, *A Love Like a Woman's and Other Stories*, found that the language used in both works though written by authors from different tribes in Nigeria and of different genders, reflected the subjugation and objectification of women. It suggests that culture is reflected in writing and vice versa. Similarly, Aleke (2021) explored how language through the instrument of proverbs is deployed as a tool to maintain the dominance of the male gender in Igbo land. He posits that through language, the female gender is lured to accept a subordinate position in society and that this is also used to validate male assertion of authority and subjugation of the

female. He argues that this is sustained through proverbs that portray the acceptance of a second-class position as virtuous.

There are other scholars who have demonstrated that gendered language could be used positively to promote the capacity and roles of both genders (Rueda, 2022). The trick, however, is in striking a balance between non-gendered and sterile language and leveraging language to improve and assure inclusion. It appears that there are inevitable social roles that are affected by gender and must be discussed in gendered language. Examples include motherhood, bearing children, the role of fathers in child development, the role of mothers in children development, the role of parents in society, and so on (Ramatsetse & Ross, 2023). These biological roles inevitably invite gendered language. The problem, however, is not in using gendered, neutral or non-gendered language but in ensuring that the language used does not exclude, derogate, subordinate or malign or deprive any gender. Research has shown that for society to develop in a balanced way, gender as differentiated by sexes must play their role (Rueda, 2022; Ramatsetse & Ross, 2023:209). Thus, the question is how these roles can be promoted without using gendered, gender-neutral or non-gendered language that excludes, derogates, subordinates or maligns the female gender. It is against this background that this research seeks to examine how the use of language in Nigerian laws and policy documents may sustain gender imbalance in governance in Nigeria and how the gap may be addressed towards creating gender equality in representation and participation in governance.

Research methodology

This is a qualitative research. We collected and analysed data and from its findings we propose a theory of understanding women's representation in governance in Nigeria and how improved representation may be achieved through inclusive and empowering language. We adopted a qualitative approach because the purpose of this study calls for qualitative analysis of language in statutes and policy documents which perpetuate gender inequality and hamper women's representation and participation in governance in Nigeria. To this end, the research collected documentary data from the Constitution of the Federal Republic of Nigeria (Federal Republic of Nigeria, 1999), statutes such as the Criminal Code Act (Federal Republic of Nigeria, 1990) and the Penal Code Act (Federal Republic of Nigeria, 1960), Discrimination Against Persons with Disability (Prohibition) Act, 2018 (Federal Republic of Nigeria, 2019), Evidence Act 2011(Federal Republic of Nigeria, 2011) and policy documents. The data is then subjected to content and discourse analysis. Content analysis here means a systematic analysis of

text to identify and categorise features that seek to convey certain meanings or perceptions on gender (Ihugba, 2020:164; Luo, 2023). This includes features like dominance, hierarchy, capacity and subjugation. These features are drawn from literature and concepts projected by theories on gender equality. For purposes of rich analysis, qualitative and quantitative approach are integrated in the analysis. Discourse analysis (Luo, 2023) comes in handy to give meaning to quantitative and qualitative data gleaned from the content analysis. It is used to subject the data to an examination of how language creates and perpetuates dominance and inequality in gender discourse. This approach helped in highlighting and addressing implicit bias, ideologies and exclusionary practices that impact on gender representation and participation in governance.

Presentation of findings and analysis

Using content analysis of policy documents and laws, the following were found:

Legal framework

The Constitution of the Federal Republic of Nigeria 1999

The Constitution (Federal Republic of Nigeria, 1999) devotes two chapters to the rights and dignity of the human person, specifically Chapters II and IV. Although, according to Section 6(c), Chapter II is non-justiciable, Chapter IV's provisions are justiciable and enforceable except when statutorily derogated (Federal Republic of Nigeria, 1999:S 45). Despite this seemingly huge promise for the respect and protection of the dignity and rights of persons, the language used to couch some key provisions of the Constitution sends a different message. For example, a Microsoft Word search of the Constitution for the word 'her' and 'she' brought up no result.

However, a search in the Constitution for the words 'him' and 'himself' brought up 58 occurrences: 52 for 'him' and 6 for 'himself.' A similar search for 'his' brought up 201 occurrences. Also, a search for 'he' brought up 268 results. A total of 529 references to the masculine without a single mention of the feminine.

It is interesting to note that most of the provisions where the masculine pronouns were used involved the allocation of rights, duties and responsibility. These include allocation of rights to vie for or hold political offices and leadership positions like the President, Governors, Senator and Member House of Representatives.

Discrimination Against Persons with Disability (Prohibition) Act 2018

This is another interesting finding. This is a law that supposedly sought to promote equality between persons, in this case persons with disability. The use of language in the Act, however, appears to tell a different story.

For example, the Act starts well with the use of gender-neutral language in its preamble when it stated it is meant for the “full integration of *persons* with disability into the society.” However, in the allocation of rights, duties and responsibility, there appears to be some inconsistency. The first section of the Act provides that a ‘*person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance*’.

Within the same Section 1, in Sub-section 3, there is a visible attempt to use gender-inclusive language. Instead of using ‘his’ or ‘he’, the Section used the word ‘person’ throughout. This shows a recognition of the value of inclusive language. Interestingly, when it came to the provisions on the Establishment and Membership of the National Commission of Persons with Disability, Discrimination Against Persons with Disability (Prohibition) Act 2018, Part VII Sections 34 and 35, the law reverted to use gendered language with a heavy use of masculine pronouns and no use of feminine pronouns.

Criminal and Penal Codes

1. *The Language on Rape*: It is noted that the Penal Code Act (Federal Republic of Nigeria, 1960) and the Criminal Code Act (Federal Republic of Nigeria, 1990) both criminalise and sanction rape. Proof of rape is however made a bit difficult. The law does not contemplate independent scientific evidence like DNA (deoxyribonucleic acid) and so on. It rather requires corroboration by other witnesses. Unfortunately, the secret nature of the offence of rape further undermines the protection of the female gender. Especially as, according to the Penal Code Act and the Criminal Code Act, only females can be victims of rape (see Section 357 of the Criminal Code Act). Interestingly, the female victim is faced with potential liability for defamation where the offence is not proven. Similarly, there is the non-criminalisation of marital rape in the Criminal Code Act and the Penal Code Act (see Sections 6 and 357 of the Criminal Code Act).
2. *The Language on Indecent Assault*: The Criminal Code Act provides different punishments for the offence of indecent assault depending on whether it is committed against a man or woman; where it is committed against a man, it is felony (see Section 353 of the Criminal Code Act); but

when committed against a woman it is a misdemeanour (see Section 360 of the Criminal Code Act).

3. *The Language on Battery* – Section 55 (1) of the Penal Code Act allows husbands to chastise their wives (if married under customary law) for correction purposes as long as such chastisement does not amount to infliction of grievous harm.

Evidence Act

The Evidence Act 2011 (Federal Republic of Nigeria, 2011) appears to have captured the derogatory use of language against the female gender more appropriately. According to Section 211 of the Evidence Act:

*When a man is prosecuted for rape or for attempt to commit rape or for indecent assault, it may be shown **that the woman against whom the offence is alleged to have been committed was of a generally immoral character**, although she is not cross-examined on the subject; the woman may in such a case be asked whether she has a **connection with other men**, but her answer cannot be contradicted and he may also be asked whether she had connection on other occasions with the prisoner, and if she denies, it may be contradicted.*

Policy and Institutional Framework Documents

Revised Draft National Policy On Gender In Agriculture by Federal Ministry of Agriculture and Rural Development (2016; 2019)

According to the executive summary,

‘This gender policy in agriculture provides a policy direction that underscores the fact that accounting for the different roles of women and men in agriculture for development and gender equality in access to resources as well as equal opportunities in maximizing means of livelihood, is a necessary condition for progressively realizing the SDGs.’

It is interesting to note that although the content of the policy was geared towards empowering women in agriculture, the language was closer to that of gender empowerment instead of women’s empowerment (See the quoted paragraph above). Also, the policy document was conscious of the use of pronouns. It eliminated the use of both male and female pronouns and used mostly gender-neutral language all through. Words like ‘*person and their*’, ‘*men and women*’, ‘*women and youths*’ and so on, were used instead of gender-specific pronouns. The document also used the word ‘*role*’ to define what

men and women do in agriculture. The words 'capacity' and 'competence' were not used. In places where reference to training and capacity-building were made, it referred to capacity-building to enable women to perform their traditional roles. The words 'gender sensitive' were used ambiguously, in some instances to recognise the peculiarity of the biological and natural differences between the male and female gender, such as body build:

'Women in agriculture often find themselves with technologies that are not gender sensitive, for example, sizes of some agricultural machines are too big for women.'

In other instances, gender sensitivity was used to perpetuate social stereotyping and patriarchal practices. For example, in suggesting that trainings should be conducted where female participants can easily access, the policy document noted

'Again, women are impaired to attend trainings or seminars organised far from their communities because they have first to get approval from their husbands for staying overnights.'

The document appeared, however, to have recognised the necessity to concentrate more on women's empowerment than gender empowerment. For instance, there is mention of the word 'men' 56 times while 'women' was mentioned 120 times.

The National Gender Policy in Agriculture: Simplified Version for Smallholder Women Farmers 2021 by ActionAid on behalf of Federal Ministry of Agriculture and Rural Development (ActionAid, 2021).

The 2021 National Gender Policy in Agriculture appeared to have made some great improvements. However, although there was deliberate non-use of pronouns for the feminine or masculine genders, there was frequent enforced collocation of other groups with the word women, such as women and men, women and youths and so on. Also, there is apparent restriction of women's participation to roles. For example, the policy states thus in the Executive Summary.

*The inability to recognize the **roles** and contribution of smallholder women farmers in agricultural production will have massive impact on output, income and food security. Hence, it is of great importance to highlight the **roles** of smallholder women farmers and integrate to the entire Agricultural production process and system.*

Analysis

A careful reading of the above findings discloses some worrying and some hopeful attributes in Nigerian law and policy documents. A recognition of these features will hopefully make it easier to address the exclusion and subordination of women. The analysis, using the data above, is accordingly presented under the concepts of Empowerment, Subordination, Ambiguity, Exclusion, Inclusiveness and Neutrality.

First, is the Constitution of the Federal Republic of Nigeria 1999 (Federal Republic of Nigeria, 1999). The Constitution in its preamble starts with an inclusive language '*We the people of the Federal Republic of Nigeria*'. This language suggests an inclusive language that recognises and empowers all genders. However, in the substantive provisions of the Constitution, the male gender takes pre-eminence. This is evident in the use of the masculine gender throughout the Constitution, particularly in the allocation of rights, recognition of duties and confirmation of capacity to hold office. This gives the impression that the female gender does not exist. Words reflect thought and consciousness (Usman et al., 2021:7). Thus, when a concept is not captured in words, it reflects the level of importance attached to the concept. The persistent use of male pronouns suggests a subordination of the female gender and the exclusion and lack of belief in the capacity of the female gender. With particular reference to representation and participation, it is an irony that the Discrimination Against Persons with Disability (Prohibition) Act 2018 (Federal Republic of Nigeria, 2019), which supposedly was meant to promote equal rights by protecting the vulnerable minority still carries on the culture of subordination of the female gender. The Act at best is ambivalent about the use of gender-neutral language but exposed its bias against the female gender in provisions on allocation of leadership positions. First, the head of the Commission is referred to as 'Chairman'. Also, unlike most other provisions in the Act, the masculine pronoun is used to identify potential members of the leadership of the Commission. This suggests that women cannot or do not have the capacity to lead. Another interesting provision is that of Section 55(1) of the Penal Code Act (Federal Republic of Nigeria, 1960), which allows husbands to chastise their wives (if married under customary law) for correction purposes as long as such chastisement does not lead to grievous harm. This provision is a clear subordination and subjugation of the woman to the man. It is interesting that a man has the capacity to chastise the woman but not the other way round.

The same excluding, subordinating and derogatory language is seen in most laws including the Evidence Act (Federal Republic of Nigeria, 2011), the Criminal Code Act (Federal Republic of Nigeria, 1990) and the Penal Code Act. These are principal national laws, but the language used in certain

circumstances in relation to women is discouraging and contrary to the spirit of the National Gender Policy, and in fact, constitutional provisions against discrimination. For instance, the empowerment by the Evidence Act of a defendant male to question the morality or sexual life of a female victim of rape unnecessarily and derogatorily brings to question the person of the female victim. This should have no impact on the trial. What should be the concern of the prosecution and law is the fact of penetration without consent. However, by virtue of the Evidence Act, a woman is subjected to ridicule. Also, the fact that proof of the crime is made difficult because of the need for corroboration, further negatively impacts on the dignity and integrity of the female gender. It suggests that the female word is not good enough and must require more people to validate it. Although there is validity in the need for corroboration, the fact that means of proof other than corroboration by persons exist, is not contemplated by the Act, impacts negatively on the perception and status of a woman. Already, rape has a stigma. Therefore, requiring a woman to subject herself to the scrutiny of more persons in order to prove rape is discouraging and moves the power balance in favour of the male defendant.

For policy documents, in apparent contrast to the use of masculine gender, but with the same result of exclusion and subordination of the female gender, the policy documents used gender-neutral language. However, this could not mask the deep-seated gender tension and bias against women. First the National Gender Policy is meant to promote the representation and participation of women in agriculture (ActionAid, 2021). It, however, had to use the words 'gender policy' instead of 'women's empowerment policy'. This appears to be an attempt to reduce the perceived tension between both genders. It suggests that women's empowerment should not be proposed and to accommodate social bias, gender equality should be used. This is another example of subordination of the female gender. This suggests that a deliberation on promotion of the female gender can only successfully take place under the cover of the male gender. A similar example of subordination is seen in the use of the collocation of words. Collocation here means the placement of two words together using the conjunction and in a statement. For example, while proposing initiatives that could better the opportunities for women, the document had to collocate 'women and youths', 'women and men', 'women and children'. This gives the impression that women need to be validated by identifying with the challenges of other groups. That is a classical symptom of exclusion and subordination.

Although the National Gender Policy in Agriculture (ActionAid, 2021) document recognised the need for the protection and promotion of the female gender, it appears to have restricted the necessity for protection

and promotion of their participation in agriculture to traditional gender-based roles. Even the introduction of initiatives that would have made significant changes is subjected to negative 'gender sensitivity' tests. For example, in supposed recognition of the peculiarity of the biological and natural differences between genders in their body build, it was proposed that machines be built in smaller sizes to accommodate females. This seems to suggest that all males are of the same large size and all women are small-sized and do not have the capacity to use such machines. This effectively represents women as not up to standard and do not belong and therefore, may only be accommodated. This language of tokenism is perpetuating and validating exclusion and subordination. Another instance is the recommendation on convening training at short distances where a woman would easily get consent from her husband to travel and attend. This suggests that the woman cannot be trusted to leave the house without the man's knowledge and approval. In other words, the woman is beneath the man. Similar strictures, in a supposed gender policy document, does not apply to men. This is subordination. This is thus another classic example of subordination language that perpetuates gender inequality. In this instance, the words 'gender sensitive' that are used to introduce those recommendations only perpetuate social stereotyping and patriarchal practices. Gender sensitivity in this policy document is used as a code for not upsetting the established patriarchal system. This sort of language confers on the male gender leadership positions and unconsciously undermines female capacity for leadership positions.

Conclusion

Gender equality, particularly the promotion and protection of the right of a woman, should start with the language used in the policy documents and laws that seek to achieve these objectives. Language as expressed in words is the expression of thoughts and convictions. Accordingly, we should be very mindful of the potential impact of the wrong language. While the attempts to curb these limitations through the introduction of practices like gender-neutral language have their benefits, they remain highly limited when they exclude or subordinate the female gender. As seen in the good use of gender-neutral language in policy documents, there was still the subordination of the female gender. This confirms that gender-neutral language in itself is insufficient. Similarly, the use of gendered or non-gendered language does not necessarily imply promotion of gender equality or otherwise. The achievement of gender equality lies in the concept projected in the language. This suggests a nuanced approach in the use of language that promotes gender equality. This chapter's contribution therefore is the concept of nuanced and deliberate use of language that empowers and is inclusive of the

female gender as against language that subordinates, excludes or derogates the female gender. Language, irrespective of whether it is gendered, non-gendered, genderless or gender-neutral will only be effective in the promotion of gender equality and equity when the choice of words and their arrangement, whether or not they represent male or female gender, are empowering and do not subordinate any gender. This will translate in the recognition of every gender, particularly the female gender, as capable of leadership positions and representation in governance.

Following from the above, it is recommended that language used in law and policy documents should be deliberate and circumspect to ensure it does not project traditional excluding or subordinating concepts. In specifics:

- The idea of negative gender sensitivity should be avoided. Gender sensitivity tests that are based on stereotypes and that neither recognise the capacity nor empower women should be avoided.
- Also, there is an urgent need to review Nigerian laws to bring the language used up to date. There is a need to be especially conscious of the language used in policy documents and laws that ascribe authority, allocate rights or confer political representation or seek to create opportunity for the female gender. Such opportunities should not be limiting or limited to traditional patriarchal gifts and tokens.
- Emphasis should not be on gender roles as these appear to have been defined traditionally and are limiting. Emphasis should be on gender capacities and the enhancing and empowerment of those capacities, as apart from biological roles, all genders can perform well in all endeavours including political leadership positions. Accordingly, the language of law and policy documents should be capacity-affirming language.

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