FEMALE CRIMINALITY IN NIGERIA: A FEMINIST CONCEPTUAL AND THEORETICAL PERSPECTIVE

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Abstract

Criminality is no longer considered a male phenomenon as the involvement of women and girls in crime is on the increase in Nigeria and globally, even as the rate of women and girls' participation in outlawed behaviour is still relatively low compared to that of men and young boys. Of the current total population of 78,621 prison inmates in Nigeria, males account for 97.8% (or approximately 76,891) while the female sex makes up 2.2% (1,729 approximately). The criminal justice seems to lack a comprehensive and contextualized understanding of the gendered criminological pathways of women which include maternal roles, trauma, structural poverty and physical abuse, among others. This work aimed at a feminist conceptual and theoretical review of female criminality with a view to highlighting the distinctive nature of female criminality. The paper relied on secondary sources of data for its analysis. Based on the review, it was found that women's pathway to criminality is gendered and the cause(s) of female criminality are multidimensional, ranging from running away from home, drug abuse, child abuse, sexual victimization, domestic abuse, structural poverty and the need for survival. The paper recommends that all identified triggers of female criminality should be addressed by both governmental and non-governmental organizations to mitigate the incidence of what appears to be a spike in female offending in Nigeria and even beyond.

Keywords: Crime; Criminological pathways; Gender, Female criminality; Feminism.

Introduction

For over four decades, there has been profound change in the involvement of women within the criminal justice system. Globally, the rate of arrest and incarceration of women and girls has increased profoundly in recent decades by 50% since 2000 (Ameh, 2013; Chesney-Lind & Pasko, 2004; Oatakey, Birai; Jemaku & Ashituabe, 2021; UNODC, 2022; Walmsley, 2023). In the United States, incarceration capital of the world (more than two million prisoners), women account for 30% of total crime rate; in Germany women account is for 24% of the total crime rate; similarly, in the United Kingdom, women account for approximately 25% of the total crime rate (Sandler and Schaller, 2012, UNODC, 2022). This growth in population of female offenders is not peculiar to western societies, similar trend has been documented in African continent. South Africa has 3.0% of female offenders, the highest in African continent (South Africa Department of Correctional Services, 2023). In Nigeria, the current total population of prison inmates is 78,621. Male inmates account for 97.8% while female inmates are approximately 2.2% (Nigerian Correctional Service Report, 2024).

The disparity in female and male crime rates in Nigeria and elsewhere has been attributed to unreported crimes committed by women and "chivalrous treatment" of female offenders by male criminal justice officers (Agboola, 2014; Barkan, 1997; Fontebo, 2013; Suleiman, 2014). Feminist scholars, however, have challenged these assumptions and argued that much is not known about female criminality. Furthermore, they argued that the male criminologists who dominated mainstream criminology had little understanding of women's gendered social world and offending behaviour. Smart (1977) stated: 'Our knowledge is still in its infancy. Much is not known about offending women, the quantum of study carried out on female criminality and women's prison is extremely limited, when compare to studies on male criminality'. Smart (1977) attributed this neglect to the fact that women offenders are considered as less problematic for the society as they commit lesser crimes which are often less serious in nature compare to men, thus not worthy of research.

This paper attempts a feminist conceptual and theoretical review of female criminality in Nigeria, with a view to highlighting the distinctive nature of female criminality, provide better understanding of the concept of female criminality as well as theoretical explanations of female offending behavior, thereby shifting attention from the androcentric explanation of human criminality that has characterised Nigerian criminology.

Literature Review Gender and Criminality

Criminality must be understood within the context of socio-cultural construction of the notion of gender. To a very large extent, women and men behavior are informed and shaped by the socio-cultural construction of the notion of gender. Contemporary feminist works in western societies have drawn out the gender dimension to criminal behavior, sentencing and treatment. Thus, feminist work on the theme of gender had stimulated highly complex theoretical discourses that are fundamental in the field of criminology and sociology. Gender plays a significant role in understanding who commits what types of crimes, why they commit crimes, who is most often victimized, and how the criminal justice system responds to these victims and offenders. For the purpose of in-depth understanding of the concept of gender and its connection with criminality, it is imperative to explain sex and gender explicitly. Sex can be explained as the biological /physiological differences between female and male or the biological distinction between female

and male (Lorber, 2010). In other words, sex is biologically determined identity and anatomical make-up of females and males at birth (Lorber, 2010).

On the other hand, gender can be explained as socio-culturally constructed differences between human females and males found in the meanings, beliefs, and practices as associated with femininity and masculinity (Hussein, 2018). Gender is an important features of a person's identity, shaping social life, informing behavior and individual's sense of self. Gender as a social organization of sexual differences, is enforced by gender belief system which includes all the ideas regarding masculine and feminine attributes that are held to be valid in a society (Lorber, 2000). Thus, everything social in our lives is gendered, including criminal behavior. Through gender socialization, gender-appropriate roles and behavior for each sex are learnt and further validated by gender norms. Gender socialization is the aspect of socialization that contains specific messages and practices pertaining to being female and male in a specific culture or society. This means that women and men learn the practice of gender, internalize the norms associated with masculinity and femininity (Hassan, 2018). Thus, males are socialized to embrace the notion of masculinity which is associated with assertiveness, machismo, toughness, independence, bravery, and fearlessness.

Females are often socialized to embrace the traditional notion of femininity which is associated with softness, passiveness, nurturing, domestic, emotional, dependence, sensitivity, and fearfulness. Aluko and Ajani (2006) observed that in Nigeria, gender does not only create duality of femininity and masculinity, it also places women lower in a hierarchy in which femaleness is generally valued less than maleness because of their socially ascribed roles in the reproductive sphere. These feminine traits which have kept women in subordinate position, are also responsible for the low crime rates of females and their involvement in non-violent crimes. Female-male difference in crime, especially violent crime, are often associated with difference in gender role and the way the sexes are socialized. In other words, women commit more of non-violent crime on account of their softness, sensitivity, empathy and passiveness. Thus, gender-based criminal behavior of female and male is a product of gender socialization and gender norms.

Gender and Crime in Nigeria

The term crime does not have universally accepted definition. It has been defined in various ways by different scholars. The Oxford English Dictionary (2009) defines crime as an unlawful act punishable by the state. It is an act, which could be harmful to an individual, some individuals and the larger society. According to Lindsay (2008) crime is being created by the law or is a product of the law. That is, where there is no law, there will be no crime; an act can only be regarded as a crime if there is a law that sees or classifies it as such. Thus, crime is a product of criminalization. A behavior becomes a crime when is criminalized by the law and its violation is accompanied by sanction.

Furthermore, crime is a cultural phenomenon that is found in every human society. There is a connection between gender and crime as there are differences in pattern of criminal behavior and crime rates between men and women. Thus, women and men involve in criminality though the pattern of offending behavior and rate of crime between both sexes differs to a very large extent. Recent studies have revealed that women involve in different types of crime such as: street crime, violent crime, property crime, white collar crime, organized crimes, victimless crime (drug offences and prostitution), non-violent crime and cyber-crime. In most cases, women involve in non-violent crimes (property crimes) for pecuniary benefit and survival (Artz, Hoffman-Wanderer & Moult, 2012; Beknap, 2007; Dastille, 2011; Sandler and Schaller, 2012). For example, in United States, United Kingdom, and Italy, women commit more of non-violent (property crimes) such as

theft, drug offences and fraud (Sandler and Schaller, 2012). Similarly, in Nigeria, offending women involve more in non-violent crimes such as drug trafficking, child trafficking, larceny (theft), and fraud (Ameh, 2013; Okoh, 2024; Zakariyya & Ado 2020). The involvement of women and girls in criminality, however, has suggested that criminality is no longer a male phenomenon, though criminal activities are still dominated by men.

The comparatively low crime rate between women and men is a global phenomenon which has been attributed to gender factor and chivalry treatment given to women by male criminal justice officers. In Nigeria, large proportion of offender populations are males while female constitutes small fraction of the offender populations. It is pertinent to note that over the years, the number of female offenders is on the increase, though women still accounts for minority of offender populations. According to the World Prison Brief report (2022) Nigeria had prison population of 70,797 inmates, 69,501 were males while 1,296 were females. Thus, men accounted for 98.2% of the prison population, while women accounted for 1.8% (World Prison Brief Report, 2022). Between 2022and 2024, the percentage increase in the number of women that went to prison was more than that of men. In 2024, data indicated that the percentage increase in the number of incarcerated women was from 0.6% to 8.8% between 2022-2024, while that of men showed slight increase from 0.3% to 5.8% between 2022 to 2024 (NCS Report, 2022-2024).

Presently, the prison population of those incarcerated in Nigeria is 78,621. However, male inmates account for 97.8% while female offenders account for approximately 2.2% (Nigerian Correctional Service Report, 2024). This means that females still constitute minority of offender populations, suggesting that women commit less crime compared to men in Nigeria.

Women, Class and Crime

Early discourses and representations of offending women in traditional criminology and public domain was based on biological factors and prevailing societal construction informed by patriarchal ideology. Lombroso and Freud, claimed that female criminals were anomalies, and that female offenders exhibited biological and psychological traits that were similar to those of male criminals. Later a sociological discourse on the subject of crime emerged and birthed sociological criminology which also attempts to explain female participation in crime. In the 1970s, a controversial explanation of female criminality emerged and seen as an attack on feminism. The controversial argument was presented by Adler (1975) and Simon (1975), who linked women's offending behavior to women's liberation and change in gender role and further predicted convergence in male and female crime rates. Adler (1975) and Simon (1975) were heavily criticized and challenged by feminist scholars on account of distortions and flawed representation of women's offending behaviour. This criticism as well as the critiques of other traditional criminological works on women contributed to the emergence of feminist criminology which has provided alternative knowledge and contextualized understanding about women and girls' involvement in crime.

Feminist discourse, however, has highlighted the gendered nature of female criminality and women's experiences of the criminal justice system. Also highlighted class structure and feminization of poverty associated with female criminality. Criminality is considered to be a lower class phenomenon as well as a male phenomenon. Dobash, Dobash & Noaks, (1995) stated that criminal justice system responses to female criminality and deviance have been shaped by gender and class through institutional and ideological patterns associated with patriarchy and capitalism. The crimes that women engaged in are crimes often prompted by economic marginalisations (experience of structural poverty) and gender roles (Quinnla, 2006). Thus, female criminality is

related to gender structure and structurally imposed experiences of multidimensional poverty and social exclusion.

Contemporary feminist literature has also suggested that women's offending behaviour is closely related to feminization of poverty, social marginalization and the struggle for survival (Okoh, 2024; Otakey, et al. 2021). In Nigeria, where increase in female criminality has been documented, most female offenders are socio-economically disadvantaged and come from a marginalized segments of the society (Okoh, 2024). Furthermore, typical offending women are often young, unemployed, poorly educated and have dependent children.

In addition, many offending women have histories of substance abuse and experience of violence and sexual abuse (Agboola, 2014; Okoh, 2024; Otakey, *et al.* 2021). It was also argued that most criminalized women committed non-violent crimes, disadvantaged by poverty and illiteracy and suffered physical and sexual victimization (Baldwin & Epstein, 2017; Belknap 2007; Gullberg, 2013; Okoh, 2024; Otakey, *et al.* 2021). Similarly, Zakarriya and Ado (2020) who conducted a survey in Katsina and Kano custodial facilities in Nigeria, reported that many women offenders are impoverished mothers who struggled economically with their parenting roles. This is a reflection of the structural multi-dimensional poverty prevalent among majority of the women, who constitute the marginalized segment of the society (Nigerian Bureau of Statistics, 2023).

Furthermore, a feminist study conducted in Nigeria highlighted physical abuse, sexual victimization, structural poverty, familial responsibilities (motherhood) and dysfunctional relationship as criminological pathways of offending women. This same study also maintained that gendered factors and events created context that influences women's pathways toward criminality. This means that physical abuse, sexual victimization, trauma, structural experience of poverty and gendered familial roles which amplified women economic vulnerabilities are gendered criminological pathways of offending women. Thus, female criminality is different from male criminality on account of gendered complexities of women realities, factors responsible for women's involvement in crime, the context in which women commit crime as well as the gendered nature of their crimes (Vetten, 2008; Artz, et al. 2012).

When offending women come in contact with the criminal justice system, they often experience double standard which some scholars described as chivalry treatment. The chivalry hypothesis suggests that male police officers who often dominate the police institution often avoid arresting female suspects and even when they arrest women, they treat them more leniently than men. Taking these factors into consideration, one may argue that the current statistics on female offenders in Nigeria are not a true representation of female criminality and the actual statistics of female offenders.

However, feminist criminologists challenged the chivalry factor and further argued that women are treated more harshly by the criminal justice system than men. Beknap (2007), Chesney-Lind (2001) and Walkate (2001) maintained that male offenders are treated leniently than their female victims, especially in rape and domestic violence cases. In domestic abuse and sexual assault trials, women have to establish their respectability and credibility before their evidences would be considered admissible in courthouses.

A number of empirical studies that challenged the validity of the chivalry factor and concluded that male and female are treated differently and this differential treatment are informed by traditional stereotypical gender norms that prescribed what is considered appropriate behavior for female and males. This differential treatment, however, is not often to the detriment of women offenders. Carlen (1997) maintained that women who conform to the idea of femininity held by male judges sometimes receive lighter sanctions while females whose sexual lifestyle are not in

conformity with feminine sexual script are more likely to receive custodial treatment than males. On the other hand, the criminal justice may be reluctant to take women with young children whose lifestyle reflect gendered appropriate behavior for women. This indicate that the justice system is influenced by the socio-cultural construction of the notion to gender as the criminal justice administration is tied up with conventional definitions of femininity and masculinity, evident in how women and men are treated differently in contemporary Nigerian criminal justice sector. Thus, the criminal justice system is gendered and class-based and the differential treatment seen as 'chivalry', however, disadvantaged women and reinforce sexist stereotypical ideologies about women and men.

Discussion

Theoretical Discourse of Female Criminality

The term 'pathway' is frequently used in sociological and epidemiological research to explain the linkages and connection between a risk factor or exposure, and an outcome. In feminist criminology, the context of events and experiences of offending women/girls are examined with the aim of understanding how these events interact and shape women's and girl's subsequent criminal behaviour. Feminist pathways model provides an understanding of how the past traumatic experiences of females influence their propensity to commit crimes and delinquent acts. The gender pathways approach emerged from feminist pathway perspective and further developed by Kathleen Daly (1992), the leading proponent of the theory.

The theory emphasized on the interconnectedness between the lives of females and their subsequent offending behavior, particularly, childhoods and adulthood victimization and subsequent criminality in providing explanation to female criminality. In addition, the theory also maintains that female criminality is different from male criminality, stressing that the journey of women into criminality is different from that of male offenders. Feminist/gender pathway theory is based on the premise that sexual victimization, physical abuse, parental neglect, substance abuse, dysfunctional family background, trauma, and economic deprivation are defining features and factors that influenced women's pathway into criminality.

It is imperative to note that socio-cultural gender norms significantly influence female pathways into crime through the construction of masculinity script and femininity script. Gender belief system and gender structure influences and shapes women's experiences and lives. Men, however, are raised to enact their masculinity using aggression, violence and harsh approaches. The femininity programmed into women through gender socialization, and further reinforce through gender norm makes women to be passive, vulnerable and susceptible to victimization perpetrated by their male counterparts. According to gender pathway theory, the harmful effects of abuse, victimisation and gender oppression influences women's identity and experiences and consequently influence their coping and survival mechanisms which are usually drug use, delinquency and crime.

Gender pathway theory identified five different pathways of women into criminality and deviancy which are physical and sexual abuse, running away from home, drug addiction, and economic marginalization. These identified pathways provide understanding into the criminological pathways and criminogenic needs of offending women. According to Daly (1992), the first pathways involve running away from home that is characterized by abuse and violence. Daly described those female as street women who are entering street life. The crimes that follow may be drug- related offenses, prostitution, or property crimes. The second pathways involving contact with recreational drugs and/ drug addiction, and these women are referred to as drug-connected women. Daly is of the view that these women sees drugs as coping mechanism to

manage the strain, and other challenges which is often gender-related. Women who are using drugs may be coerced by intimate partners or family members to traffic drugs.

The third gender pathways involve serious victimization and experience of child abuse, sexual abuse, physical abuse and neglect, therefore entering into the world of crime or causing criminal behaviour. Daly (1992) referred to such women as harmed and harming women. The fourth pathway, however, have to do with battering and subjection to dehumanization. This pathway usually involving battered women who are abused by intimate partners, but are unlikely to have committed crime prior to the abuse. The crime that follows is geared towards coping and survival. The fifth pathway highlighted by Daly (1992) involves economic strain and economic offending. Women on this economic offending pathway can be separated into two categories, poor women offending for survival, and women who commit crimes because of luxury or greed. The latter may have no history of abuse, addiction or violence (Daly 1992; Daly, 1994).

However, most of the pathways highlighted are motivated by survival. For the majority of female criminals, abuse and trauma are involved, making their criminological pathways and correctional needs different from that of male inmates. These pathways represent the majority of female offenders in Nigeria and the reality of their difficult lives. The works of other feminist criminologists (Artz., Hoffman, & Moult, 2012; Belknap, 2007; Modie-Moroka, 2003) have helped to shed light on the pathways of females into crime in furtherance of gender pathways theoretical framework.

Conclusion

Women's pathway to crime is multifaceted and gendered in nature. Women and girls commit more of non-violent crimes (and property crimes). Thus, gendered contexts and experiences underpin women's criminality. Female criminality is uniquely different from male criminality on account of gendered criminogenic factors and social contexts that propel women to involve in crime. Physical abuse, sexual victimization, experience of poverty, gender socialization and gendered familial roles influence women's lives severely and consequently place them at risk of criminality.

Recommendations

- (a) The paper identified experiences related to abuse, trauma, structural poverty and maternal roles are some of the criminological pathways of many offending women. Therefore, gender-sensitive therapy, education, vocational training and work in correctional facilities are critical for rehabilitation and diverting women away from crime. Custodial facility activities should seek to create egalitarian and appropriate skills that will develop and empower women, without fostering stereotypical gendered notions of 'women's work' (or focusing on pink-collar work) that may in fact compound existing histories of poverty, dependency and abuse.
- (b) The paper implicated structural poverty for the involvement of women in criminality. Consequently, economic policies and poverty alleviation programmes should be all inclusive and gender-sensitive. When this is done, it will reduce the feminization of poverty.
- (c) Another finding of the paper is that which isolated abuse and trauma as criminogenic factors to the extent that most offending women are victims of abuse. It is therefore recommended that there should be gender-sensitive trauma and therapy facilities in the community for female survivors. This would help in addressing women's offending behavior.
- (d) Governments at all lvels, should sensitize the public on the need to change the narrative of socializing boys into the culture of male supremacy and hegemonic masculinity. If the notion

of masculinity is socio-culturally reconstructed to reflect traits such as empathy, sensitivity, and gentility, the rate of female criminality will drastically reduce.

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