

# Betwixt Civil Liberty and National Sensibility: Implications of Nigeria's Anti-Gay Law

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## Abstract

This paper interrogates Nigeria's anti-gay sentiment and law in the context of the contemporary global gay rights controversy. By way of qualitative discourse, predicated of the secondary sources, the paper posits that the Nigerian anti-gay sentiment/law is a reflection of deep-seated socio-cultural cum ideological complexes of the generality of Nigerians vis-a-vis gay practice. The paper observes that the gay rights/law controversy in Nigeria adumbrates a clash of democracy and culture, which holds strategic implications for the country's national interest and aspirations.

**Keywords:** National sensibility; civil liberty; gay practice; gay movement; anti-gay law (Nigeria)

## 1. Introduction

The gay rights and law controversy in Nigeria reflects the ambivalence of national aspiration in the face of untoward alien influences that seek to negotiate and compromise national interest and ethos. In effect:

Since President Goodluck Jonathan signed the Same-Sex Marriage (Prohibition) Act, popularly called anti-gay law, early in January, controversies have continued to trail the law. While Nigerians from different religions have continued to commend Jonathan and the National Assembly for enacting the law, Western countries and international organizations are kicking against it, saying that the step taken infringes on the rights of homosexuals (Oikelome and Omenazu 2014, para 1).

The situation that has played out following the enactment of the anti-gay law signifies an air of democratic paradox of some sorts. Implicit in the scenario is the clash of civil liberty and national sensibility whose implications are many and varied. National sensibility refers to an acute perception or responsiveness by a nation's population towards something (Jura cited in Italki 2013). Conceived in relation to national sentiment,

Sensibility generally has to do with how sensitive people are to an issue, while sentiment has more to do with their opinions. An example of national sensibility is demonstrated in the outrage against gun violence in the U.S (Eric cited in Italki, 2013).

National sensibility, therefore, encompasses the general perception, sentiments, feelings, opinions and attitudes that define the prevailing mindset of the citizenry given a topical development that affect their shared values and common heritage. It is amply exemplified in the reaction of the people to developments that shock public opinion (national outrage), provokes widespread civil repulsion, and elicits reactive nationalistic sentiments. The penetration of pro-gay consciousness and movement in Nigeria in the guise of civil liberty provoked widespread popular feelings that outraged national sensibility. This has since engendered popular reactions that culminated in the passage of the anti-gay law in the country in January, 2014. What is the politico-historical significance of this development? More importantly, what are the strategic political and legal implications of the anti-gay law for Nigeria? These are some of the fundamental questions that this paper seeks to address.

In attempting to answer the aforementioned questions, the paper principally intends to harness intellectual thinking on the subject matter with a view to advancing the frontiers of knowledge particularly in the field of vanguard studies, which is arguably an emerging sub-discipline of the contemporary Political Science. Hitherto, the subject of inquiry has largely resided within the domain of Social Psychology or, perhaps, Sociology (Herek 2004; APA 2008). More precisely, it has been the preoccupation of the disciplinary Sexology. The current effort draws heavily from the relevant extant perspectives of these fields in a modest task of offering, more or less, a Political Science-based contribution to the prevailing global discourse on the gay phenomenon.

## 2. Conceptual Framework: The Homophobia Construct

As a conceptual framework, the notion of homophobia has been used to conceptualize a variety of negative attitudes based on sexuality and gender (Herek 1984, 2004). More fundamentally, homophobia refers to anti-gay prejudice and stigma (Herek 2004; APA 2008). This negative attitude towards the non-heterosexual people (gay-men, lesbians, bi-sexual and trans-sexual/trans-gender individuals) has been termed heterosexism.

Heterosexism has been defined as an "ideological system that denies, denigrates, and stigmatizes any non-heterosexual form of behaviour, identity, relationship or community" (Herek 1992, 89). It can be manifested at a number of levels including:-

- i. The individual level, when someone verbally or physically assaults a non-heterosexual person.
- ii. The institutional level, whereby a hetero-sexual individual is sacked from his or her job as a result of his/her sexual orientation.
- iii. The socio-cultural level, when the right of the non-hetero-sexual persons are limited or violated by way of laws or any other subtle policy designs (APA 2008).

Aspects of heterosexism include antipathy, shared subjective sentiments, discrimination and hatred against the non-heterosexual people and their culture (Weinberg 1972). These tendencies often find expression in active hostility (violence) against the gay people. This mis-treatment of non-heterosexuals results in what has been designated “minority stress” (Brooks 1981; Meyer 1995, 2003). Minority stress refers to the chronic stress and anxiety that result from living in a stigmatizing and ostracizing environment (APA 2008). It is composed of the following dimensions:

- i. Internalized homophobia which refers to the negative evaluations of non-heterosexuality that have been internalized by the non-heterosexual people.
- ii. Perceived stigma, that is, the fear of being mistreated as a result of one’s non-conformity to heterosexuality.
- iii. Prejudice events which have to do with the subtle and overt instances of discrimination that those who hold non-heterosexual orientation are exposed to.
- iv. Concealment of sexual orientation which implies the tendency by the heterosexuals, to keep their sexual orientation secret, thereby denying their sexual identity (Meyer 1995, 2003; APA 2008).

The anti-gay prejudice and sentiments in Nigeria are variously individual, institutional and socio-cultural. With the criminalization of gay practice and marriage, as consummated in the anti-gay law of January, 2014 in Nigeria has successfully entrenched heterosexism in the annals of her public law. Hence, the issue of gay practice and marriage has become problematized not merely as an ethical and moral question, but more fundamentally as legal and politico-ideological matter. It is the need to situate the legal cum political implications of the development that has informed this paper.

### 3. Disambiguating and Clarifying the Gay Concept

Broadly, the concept of ‘gay’ connotes the community of non-heterosexual people. The community encompasses the lesbians, gay-men, bi-sexual and trans-sexual persons. According to APA (2008, 11), the term ‘gay’ ... is used to describe men and women who have a hetero-sexual orientation; this term is more affirming than the term homosexual. Though gay can be used to refer to both men and women, it is more commonly used to refer to men.

Our conception of gay in the light of the foregoing conjured up a number of cognate concepts and nuances that require clarification. Table 1 hereunder addresses this pertinent issue.

**Table 1: Cognate Gay Concepts and their Meanings**

Concept	Meaning
Homosexuality	Sexual orientation that is primarily focused on sexual partners of the same sex.
Bisexuality	Sexual orientation that is focused on sexual partners of both sexes.
Heterosexuality	Sexual orientation that is primarily focused on sexual partners of a different sex (opposite sex).
Lesbianism	A term used to describe homosexual women only.
Trans-sexuality	Sexual orientation that thrives on the identification with, or assumption of, the role, behavior and lifestyle of the opposite sex.
Sodomy	The practice of indulging in anal intercourse, or sexual intercourse with animals; it also refers to the sin of homosexuality.

**Source:** Authors adaptation from APA (2008, 11); major extrapolations apply.

From the foregoing, it is evident that what makes someone a lesbian, a sodomist, or a bisexual, as the case may be, is his sexual orientation and gender identity. An understanding of these concepts would be relevant and germane to our conception of gay practice. Table 2 hereunder gives useful insights in this regard.

**Table 2: Conceptualizing Sexual Orientation and Gender Identity**

Concept	Meaning
Sex	Biological traits (eg., gonads, hormones) and chromo-somal (eg. xx, xy) traits that determine whether someone is male or female.
Gender	Socially constructed roles and behaviours that are ascribed to masculinity or femininity.
Sexual orientation	An enduring pattern of attraction, behaviour, emotion, social contacts and identity related to one’s sexual partners.
Gender	A person’s self-concept of his gender: as male, female, both, neither, etc.

**Source:** APA (2008, 11).

The gay concept has been denoted differently in some socio-cultural milieu. For instance, among the people of colour in the West, it is often euphemistically designated ‘same-gender loving’ or ‘affair’ (APA 2008, 12). This is akin to the popular media’s notion of same-sex relationship. In Nigeria, the concept has been dubbed ‘nyash practice’ in some quarters. ‘Nyash’ is a Pidgin-English word meaning ‘bottom’ in Nigeria’s vulgar popular parlance. Thus the phraseology of ‘nyash practice’ points to indulgence in anal intercourse by same-sex mates. Hence, homosexuals in this context are crudely and vulgarly referred to as ‘nyash-men’ or ‘nyash women’.

The idea of gay marriage, what is the same thing as same-sex marriage, has been the latest dimension to the global movement for gay expression and culture. It is a situation where people of the same sex are recognized as ‘married’ in a queer institution designated ‘civil union’. This has been an extremely controversial issue around the world in view of its ethical cum moral significations (Carvino & Ggallagher 2012; Carvino 2013).

#### 4. History of Global Gay Rights Movement

Gay rights movement refers to civil rights vanguard that clamours for equal rights for gay men, lesbians, bisexuals, and transsexuals; seeks to eliminate sodomy laws barring homosexual acts between consented adults; and calls for an end to discrimination against gay men and lesbians. Gay practice is a historical phenomenon. Accordingly, “Most historians agree that there is evidence of homosexual activity and same-sex love, whether such relationships were accepted or persecuted, in every documented culture” (Morris, 2008, 35). With reference to the historical roots of the gay rights movement in Europe, it has been observed by the *Encyclopedia Britannica* (online) that:

Before the end of the 19th century there were scarcely any “movements” for gay rights. Indeed, in his 1890s poem “Two Loves,” Lord Alfred (“Bosie”) Douglas, Oscar Wilde’s lover, declared “I [homosexuality] am the love that dare not speak its name.” Homosexual men and women were given voice in 1897 with the founding of the Scientific-Humanitarian Committee (Wissenschaftlich-humanitäres Komitee; WhK) in Berlin (<http://www.britannica.com/EBchecked/topic/766382/gay-rights-movement>).

The contemporary global gay rights- or what is the same thing, gay pride- movement has its origins in the United States of America. Following its rudimentary germination in the pre-World War II era, and its fertilization in the context of the war, the movement attained appreciable maturity in the aftermath of the war. According to Morris:

In the United States, few attempts were made to create advocacy groups supporting gay and lesbian relationship until after World War II, although, pre-war gay life flourished in urban centers such as Greenwich Village and Harlem during the Harlem Renaissance of the 1920’s. The disruptions of World War II allowed formally isolated gay men women to meet as soldiers, war workers and other volunteers uprooted from small towns and posted worldwide (2008, 35).

The post-war era witnessed a number of developments that gave impetus to the rise of the gay movement in the United States and beyond. Prominent among these developments are these historical events:

1. The rise of homophile organizations in the 1950’s including the Mattachine society (1950), One Inc. (1952), Daughters of Bilitis (1955), etc.
2. The activities of the civil rights movements which, among other things, materialized in new legislation outlawing racial discrimination in United States in 1965.
3. The historic Stonewall protests (1969) which crystallized into ‘gay pride’ consciousness.
4. Emergence of pro-gay secular and religions congregations such as Parent and Friends of Lesbians and Gays (PFLAG), formed in 1972, as well as the advent of gay churches.
5. The election of gay politicians such as Elaine Noble and Barney Frank into the US Parliament in the 1970s.
6. The first gay-rights civil march on Washington in 1979.
7. The 1 million man pro-gay marches in 1987 and 1993.
8. The end of witch-hunt and expulsion of gay man and suspects in the American Military, following the policy of “Don’t ask; Don’t tell”.
9. The media visibility and opulence of gay celebrities like actress Ellen DeGeneres who promoted ‘gay pride’ programme on national television in the US.
10. The recognition of civil union under the Vermont Law (2000)
11. Performance of the first gay marriage in Massachusetts in 2003, with other states following suit
12. The celebration of gay people and culture by the global popular culture: music, movie, modeling, and literature (Cory 1951; Morris 2008).

Following the American example, gay rights movement has been flourishing in some parts of the global

North. Today, gay marriage is legally permissible in countries like Netherlands, Belgium, Spain, Canada, etc. The recognition of gay marriage has been characteristically controversial across the world. In African, for instance, it has met with a backlash, arising from stiff resistance by the established religions and state. As of the present about two scores of African countries are implementing forms of law that fully or partially criminalizes gay practice. Table 3 hereunder gives details in this regard.

**TABLE 3: African Countries with a Form of Anti-Gay Law.**

S/N	Country	Status of gay practice
1.	Algeria	Illegal with penalty up to 2 years in jail or vigilante executions.
2.	Egypt	Partially illegal with the existence of broadly written morality laws. Penalty is torture, hard-labour jail or extra-judicial vigilante executions.
3.	Libya	Illegal with penalty up to 5 years imprisonment
4.	Morocco	Illegal with penalty up to 3 years imprisonment
5.	Western Sahara	Illegal with penalty up to 3 years in jail
6.	South Sudan	Illegal with penalty up to 10 years in jail
7.	Sudan	Illegal with corporal punishment after the third offence for men and after the fourth offence for women.
8.	Tunisia	Illegal with up to 3 years in jail penalty
9.	Gambia	Illegal with up to 14 years in jail penalty
10.	Ghana	Illegal for men with up to 3 years in jail; position on women not certain
11.	Guinea	Illegal with penalty up to 3 years in jail
12.	Liberia	Illegal with 1 year in jail penalty
13.	Mauritania	Illegal with death penalty; yet no extensions since 1987
14.	Nigeria	Illegal with up to 14 years imprisonment, fine or corporal punishment in the Sharia North.
15.	Senegal	Illegal with 1-5years in jail penalty
16.	Sierra Leone	Illegal for men with life imprisonment; not illegal for women
17.	Togo	Illegal with fine/3years in jail penalty
18.	Cameroon	Illegal with fine or 5 years prison term
19.	Burundi	Illegal since 2009 with penalty of 2 month to 2 years
20.	Eritrea	Illegal with up to 3 years in jail penalty
21.	Ethiopia	Illegal with unclear penalty
22.	Kenya	Illegal for men for up to 14 years in jail penalty; also presumed to be illegal for women.
23.	Somalia	Illegal with no clear penalty
24.	Uganda	Illegal for men with up to life in jail penalty; illegal for women with up to 7 years prison term
25.	Tanzania	Illegal with penalty up to life imprisonment
26.	Comoros	Illegal with up to 5 years in jail penalty.
27.	Mauritius	Illegal for men with up to 5 years jail term; legal for women
28.	Seychelles	Illegal with up to 14 years jail penalty; legal for female
29.	Angola	Illegal; penalty terms not clear.
30.	Botswana	Illegal with fine/7 year's jail term.
31.	Lesotho	Illegal for male and legal for female; penalty not clear.
32.	Malawi	Illegal with up to 14 years in jail penalty, and/or whipping
33.	Namibia	Illegal but hardly enforced
34.	Swaziland	Illegal with up to 14 years in jail
35.	Zambia	Illegal with penalty up to 14 years in jail
36.	Zimbabwe	Illegal with prison terms

**Source:** Wikipedia (2014) [http://www.en.wikipedia.org/wiki/lgbt\\_rights\\_in\\_Africa](http://www.en.wikipedia.org/wiki/lgbt_rights_in_Africa) (accessed February, (2014). Facts reflected in Table 3, among other things, that most countries of Central African and Indian Ocean regions are not listed. The implication of this is that most of these countries have not come with any legislation to criminalize gay practice. This is not to say that anti-gay sentiments and prejudice are totally non-existent in those countries.

**Table 4: International Policies on Same-Sex Marriage**

**Key:**

Int'l Indicator	Explanation		
0	Countries with <b>constitutional amendment</b> banning same-sex marriages		
1	Countries granting same-sex couples some rights and <b>domestic partner protections</b>		
2	Countries issuing <b>marriage licenses</b> to same-sex couples		
*	Countries that recognize same-sex couples for <b>immigration purposes</b>		
Country	Indicator(s)	Country	Indicator(s)
Andorra	1	Latvia	0
Argentina	2	Australia	*
Belgium	2*	Brazil	*
Burma (Myanmar)	0	Luxembourg	1
Canada	2*	Mexico	1
Colombia	1	Netherlands	2*
Croatia	1	New Zealand	2*
Czech Republic	1	Norway	2*
Denmark	2*	Portugal	2
Finland	1*	Slovenia	1
France	2*	South Africa	2*
Germany	1*	Spain	2
Honduras	0	Sweden	2*
Hungary	1	Switzerland	1
Iceland	2*	United Kingdom	2*
Israel	1*	Uruguay	2
		Vietnam	

**Source:** <http://www.infoplease.com/world/countries/international-policies-same-sex-marriage.html>

The global gay revolution has fertilized into a big movement, covering many parts of the world. It has been propagated by the league of pro-rights and pro-democracy activists, who have massively used the global New Media platforms Internet, Face book, Twitter, etc) to drive home their agenda. Interestingly, the gay movement appears to have penetrated all facets of the contemporary societies. Strong gay expression is now evident in the broadcast and social media, with some prominent gay persons enjoying immense global visibility and fame as celebrities and models.

More importantly, the gay frenzy has equally permeated some of the most revered societal institution, such as the church, the clergy, the military, and the rank and file of the political elite. Besides, gay practice now expresses itself in the fashion of public processions, congregations and festivals. A case in point is the global gay festival that holds world-wide in June of every year. Moreover, there has been rising tempo of pro-gay pressure around the world, manifesting in the form of radical activism and advocacy. These developments have since signaled the advent of 'gay pride' as against what used to be 'gay shame' of the old. These trends, however, has been challenged by some people of faith and orthodox traditions in many parts of the world, leading to some sort of backlash in the global pro-gay struggles. The Catholic Church, for instance, has been in the forefronts of the campaign against gay practice in the United States and elsewhere, even though some of its clerics have also been accused of 'gay dealing' in recent years.

## 5. Gay Rights Movement in Nigeria

Gay right movement is a pretty recent development in Nigeria. Hitherto, homosexuals in Nigeria carried out gay practice in the secret of their privacy. They were heavily stigmatized and ostracized. In some cases, they were targets of hate-violence whose effects could sometimes be fatal. Consequently, gay practitioners in this context

wallowed in public shame and what could be referred to as ‘queer identity complex’.

The globalization of the “new social movements” (McLean & McMillan 2003, 371) coupled with the influence of the global new media, has drastically changed the status of the Nigerian homosexuals over the recent years. Consequently, there exist a number of gay rights organizations in Nigeria today, some of which are:

- i. The Rainbow Gay Church (first opened in 2006) by Rev. Rowland Jide Macaulay in Lagos.
- ii. The Changing Attitudes Nigeria led Mr. Mac Iyalla.
- iii. The Allowance Rights Nigeria, led by Dare Odunuye, etc.

It must be noted that the propagation and spread of the pro-gay consciousness and movement in Nigeria has been greeted with popular repulsion and resistance (Apolo 2005). For instance, the Rainbow Gay Church members were callously victimized by self motivated heterosexuals, leading to the church’s abrupt closure in 2008 when its founder fled to London for safety.

On a general note, pro-gay activism in Nigeria has been at best precarious in view of the following factors:

- i. The orthodox and intransigent Christian and Muslim stance against the gay practice.
- ii. The abiding sense of sexual sanctity among the people of tradition and faith in Nigeria.
- iii. The prevalence of widespread and deep-seated hetero-sexual prejudice and sentiments among Nigerians.
- iv. The activities of religious fundamentalists that demonize and victimize gay practitioners.
- v. The ambivalent posture of the government on secularity and public morality, which does not adequately protect gay culture and rights.
- vi. The ‘hate’ and ‘prosecution’ complexes of the gay and their sympathizers in an environment that is characterized by stiff heterosexual prejudice.

The revolution in Information and Communication Technology (ICT) in Nigeria has accorded the gay practitioners more public visibility and assertiveness. The use of the instruments of social media has afforded the homosexuals the opportunity to network in an attempt to mainstream social capital and synergy. This development has bolstered pro-gay activism in Nigeria in the recent times. Also, the activities of the new social/rights movement and some western countries that are favourable to gay rights have contributed to empowering the Nigerian gay community to reasonably canvass for greater public expression and regard. However, the advent of the Nigerian anti-gay law (2014) has dealt a big blow on the achievements and aspirations of the gay rights movements. More significantly, the development signifies the triumph of popular sentiments over any fanciful idea that is repugnant to national conscience and sensibilities.

## **6. The Nigerian Anti-Gay Law: A Discursive Overview**

Nigeria signed the anti-gay law on January 7, 2014 following a controversial consideration of its bill by the arms of the National Assembly in 2013. The consideration of the bill was reasonably open and transparent with relevant interest groups allowed to air their views and canvass positions. The law criminalized same-sex relationships and union with “a provision of a 14 year jail term for anyone who enters into a same-sex union and a 10 year jail term for anyone who administers, witnesses, abets or aids same-sex marriage or a civil union ceremony” (Oikelome and Omenazu 2014, para 2). Accordingly to the enabling Act of the law,

a person or a group of persons who supports the registration, operation and sustenance of gay clubs, society, organizations, processions or meetings in Nigeria commits an offence and liable to a conviction to a term of 10 years imprisonment (Oikelome and Omenazu 2014, para 3).

The new anti-gay law was applauded by many Nigerians especially people of faith and tradition. It affirms the subsisting posture of the Sharia law in some northern Nigerian states which had hitherto criminalized gay practice with death penalty. However, the law was not welcomed by most civil rights activists and secular thinkers/activists. In a swift reaction to the law, the United Nations High Commissioner for Human Rights, Navi Pillay alarmed:

This draconian new law makes an already bad situation much worse... It purports to ban same-sex marriage ceremonies but in reality does much more. It turns everyone who takes part in, witnessed or helps organize a same-sex marriage into a criminal. It punishes people for displaying any affection in public towards someone of the same sex. And in banning gay organizations, it puts at risk the vital work of human rights defenders, who speak up for the right of lesbian, gay, bisexual, transgender LGBT and intersex people (Oikelome and Omenazu, 2014 para 5).

Condemnation of the law also came from other prominent members of the international community including the United Kingdom, Canada, European Union (EU) as well as the Amnesty International (AI). The position of this group of actors has been countered at home by prominent pressure groups such as the Christian Association of Nigeria (CAN), Pentecostal Fellowship of Nigeria (PFN), the Nigeria Supreme Council for

Islamic Affairs (NSCIA), to mention but a few. These organizations have respectively registered their avowed approval and support for the new law. In effect, they have held the government position in that regard on high esteem.

Indeed, the public contestations trailing the aftermath of the Nigerian new anti-gay law have been immense, ramifying and widespread. What are the practical political and strategic implications of the law vis-à-vis Nigeria's national interest and aspiration? It is to this crucial issue that we now turn.

## **7. Implications of The Nigerian Anti-Gay Law**

The implications of the Nigerian anti-gay law are many and varied. Historically, it is a declaration to the wider world that Nigeria alongside the rest of the over thirty African countries that have criminalized gay practice, has come of age. It is significant that Nigeria squelched the subtle diplomatic pressure and threats from her Western allies to promulgate the antigay law. The symbolism of this is that the sovereignty of Nigeria is paramount and non-negotiable.

Strategically, Nigeria's defiance of the Western pressure to enact the anti-gay law is an affirmation of the fact that she is steadfast about protecting her national interest and heritage. The national interest is the chief determinant of both domestic and foreign policies of any nation. The cultural values of Nigerians constitute an indispensable aspect of the vital interests that determine how Nigeria responds to the international environment and policy issues arising there-from (Akinboye 1999). In the light of this, the position of Nigeria in respect of the gay rights issue is strategically plausible.

Diplomatically, Nigeria's anti-gay law is an affront on the diplomatic goodwill of her traditional allies who are sympathetic to the gay rights cause. Invariably, Nigeria will experience some rift in her relations with this group of countries. This is expected given the avowed stance of these countries on the global gay rights debate. However, the impacts of such friction on Nigeria's vital interests largely depend on how the country strategically positions herself in her relations with the countries. If such countries resort to punitive diplomacy by, say, withdrawal of development aids, Nigeria can retort by asserting her comparative importance through economic diplomacy, banking on her rich petro-endowment and the like.

Democratically speaking, the Nigerian anti-gay law would ostensibly look draconian and reprehensible. This is because it seems to have limited the rights of the gay people in terms of freedom of association, privacy and legitimate congregation. In this regard, it could be argued that such a law is not consistent with the Nigerian Constitution (1999) which graciously provides for freedom of association, privacy and cognate liberties. Hence, it has been observed that such a law amounts to "Violating rights to privacy and to freedom from discrimination, both of which are protected by the Nigerian Constitution and the International covenant on Civil and Political Rights, which Nigeria has ratified" (Navi Pillay as cited by Oikelome and Omenazu 2014, para 4).

It must be pointed out that the Nigerian Constitution equally makes elaborate provisions for the moderation of civil liberties. In effect, citizens are not allowed by the Constitution to express their civil rights in such a manner that violates, obliterates, or jeopardizes the rights of others, individually or collectively. This is not to talk of indulging in acts or practices that quintessentially offend public morality and national conscience by and large. The idea of same sex relationship and marriage being canvassed by the pro-gay advocates/activists incidentally belong to this realm of practice.

Related to the question of constitutionality is the argument regarding the consistency of the anti-gay law with Nigeria's professed principle of secularism. Being a secular state, Nigeria subscribes to no state religion. This may technically imply that valuation of policies based on the notion of public morality and religious ideals is out of place, and should therefore not arise. It must be noted in this respect that the bulk of the public sentiments that confronts the gay rights movement in Nigeria is more cultural than religious or moral. In fact, the Nigerian anti-gay prejudice is principally driven by the "cultural ideology of heterosexism" (Herek, 1999; 2004).

Overall, the Nigeria anti-gay law and the controversy thereof signify a contradiction between democracy and culture. It betrays the fact that the western notion of civil liberty may as well be reprehended by Africans who share different perceptions on the ideals of democratic practice. The pursuit of democratic civil liberty to the extreme as represented in the global gay right movement is largely understood as promoting civil licentiousness. In the case of the same sex marriage advocacy, it has resulted in outrage that offends the national sensibility.

## **8. Conclusion**

The Nigerian anti-gay law (2014) depicts the culmination of a popular struggle by which Nigerians strove to come to terms with a fundamental contradiction of democracy. The sentiments that fertilized the anti-gay consciousness and the subsequent enactment of the law stemmed from the shared feelings of the generality of Nigerians regarding the cultural cum ethical propriety of gay practice. On this issue, most Nigerians exhibited fierce heterosexist stance on what they feared would amount to democratic licentiousness. The widespread public misgiving that has characterized the gay right issue and legislation in Nigeria is a demonstration of the

popular apprehension of the repugnance of the gay phenomenon. The implication of this is that democracy and all what verities it may connote must be sensitive to cultural, moral and ethical sensibilities of the people. Otherwise the democratic ideals may as well amount to a contradiction of national interest.

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## Authors' Profile

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