

# Gender and the treatment of the offender: A comparative study of the treatment of male and female prisoners in Nigeria

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## Abstract

Following the increasing evidence of differentials in the prison treatment of male and female offenders, especially in the underdeveloped countries, this study sets out to investigate the extent of such gender differences in Nigeria. Purposely, the study aims to discover whether male and female inmates perceive their prison treatment and experiences differently, and whether there is any correlation between such perception and their readjustment. Results show that male and female inmates do not have any significant difference in their perception about prison treatment and that there was a negative relationship between males' and females' attitude toward imprisonment. However, it was recommended that prison officials and policy makers should employ gender-neutral practices that promote equal opportunities for both male and female offenders.

**Keywords:** prison treatment, gender opportunities and readjustment.

## 1. Introduction

Overtime, every society had evolved some ways of dealing with members that violate its institutional norms and arrangements. Champion (2006) notes for instance, that in ancient time, societies have largely treated offenders with a form of corporal (harsh, physical) punishment that calls for retaliation – “an eye for an eye” – and in modern industrialized societies, contemporary punishments are either fines or terms of incarceration. Modern imprisonment is intended to work on criminal's mind as well as their body in order to remove them from a position where they may continue their criminal behaviour, place them into an institution that satisfies the masses who desire some form of retribution, persuade other-would-be criminals that such activities are not beneficial, and in time shape them into productive and law abiding citizens who may be re-integrated into the society through positive psychological conditioning (Krestev, Prokpidis & Sicamniyas, 2008).

Imprisonment is a form of power that the state uses to protect the public, reduce crime, improve educational and vocational skills of convicts and promote law abiding behaviour after release from custody. It is a kind of deprivation of liberty, legal detention and an enterprise solely for reforming individuals. Thus, prisons are used not only as a punishment practice but as well as a form of strict school meant for the technical transformation of social misfits.

### 1.1 Historical development of prison in Nigeria

Okunola, Aderinto and Atere (2002) traced prison as a legal detention in Nigeria to its pre-colonial period where Yorubas had the Ogboni room; Edos used the Ewedo house; and Hausas established the GidanYari for the punishment of offenders. They also found that modern prison system began in Nigeria in 1872, with the establishment of a prison at Broad Street in Lagos by the colonial prison administration and that by 1910, more prisons were established in some other towns such as Ibadan, Onitsha, Degema and Calabar. The emergence of prison as a social system was intended to eliminate deviance and protect the society as convicts are seen to be dangerous to the society. Hence, imprisonment serves to safeguard the larger society from such danger.

If protecting the society from antisocial behaviours is the basic purpose of imprisonment, then the cost of maintaining offenders has direct effect on how much is left for education, construction of roads, recreation centres, parks, and so on, and therefore, that purpose is defeated. This position is supported by the observation that the larger percentage of prison population consists of potential male workforce and thereby acting as a drag on economic growth.

Still, if it is claimed that imprisonment is meant to conspicuously reduce crime by punishing offenders or discourage other people who may have criminal tendency, then the rate of return of ex-convicts to prison (recidivism) poses a counterpoint. For instance, Okunola et al. (ibid.) concluded that the rate of recidivism in

Nigeria is uncomfortable. The United States of America's Criminal Justice Act (2003) also reported that 59% of all prisoners convicted in 1999 in America were reconvicted within two years.

Further, if it is argued that incarceration is necessary for reformatory and rehabilitative effect, then violation of human rights of inmates can hardly make such objective to be accomplished. Such violation has been widely reported by different scholars and organizations (Ndujie, 2000; Amnesty International, 2008; Freeman, Karski & Doak, 2000).

## **2. Theoretical framework of prison**

The Functionalists see prison as an important institution, which is needed to control the selfishness of human nature, egoism, and to treat the disruptive people with justice. According to them, with punishment, citizens may be shown the limits of acceptable behaviour. They strongly averred that punishment and imprisonment make the criminals to function as negative models for the younger generation.

The Marxists claim that prison is an instrument of capitalists to exploit the lower or working classes and render them a tool in their hands outside or inside prisons in order to accrue more power and capital. Prison and other correctional institutions were believed to be "repressive forms of social control, born out of class conflict and designed to protect the vested interests of a wealthy and governing class" (Ash, 2003).

Utilitarianism believe that all human behaviours are motivated by a desire to maximize pleasure and avoid pain, hence, conduct that produces more happiness in a society than unhappiness should be permitted while proscribing conduct that results in more unhappiness than happiness. Thus, the purpose of punishment or of any law is to discourage or deter future wrongdoing so that the general happiness of society is maximised.

It is assumed that those who commit a crime derive mental satisfaction or a feeling of enjoyment in the act. To neutralise this feeling of the mind, punishment inflicts equal significant suffering on the offender so that it is no longer attractive for him/her to engage in such crimes. Pleasure and pain are two sensations that nature has provided to mankind to enable him/her do (or desist from) certain things. For example, driven by appetite and good taste, which are feelings of pleasure, a man over-eats. Gluttony and excess make him/her over weight and develops sickness, which causes pain. He/she is taken to a doctor and from then on, starts dieting. In the like-manner, punishment brings about the element of pain to correct the excess action of a person carried out by the impulse (pleasure) of the mind (Eser, 2007).

By nature, the utilitarian theory is consequential, that is, it recognizes that punishment has consequences for both the offender and the society and holds that the total good produced by the punishment should exceed the total evil. In other words, punishment should not be limitless or unrestricted. For instance, an inmate who is suffering from a sapping illness should be released, especially if his/her death is imminent as society is not benefited by his/her continued incarceration because he/she is no longer capable of committing crimes. This suggests that punishment should be applied only when it brings about an improved situation since it is intended to increase the happiness of the society as a whole, even though, it decreases the happiness of the person being punished (Sara, 2002).

According to the Utilitarian philosophy, punishment can benefit society in the form of deterrence, rehabilitation and incapacitation. Deterrence indicates that infliction of punishment on offender is believed to discourage further crime occurrence both by the released offender and premeditated ones. According to Champion (2006), there are two types of deterrence: specific deterrence, which means that the punishment should prevent the same person from committing crimes. This works in three ways. First, an offender may be imprisoned to physically prevent him/her from committing another crime and thereby protect the public from offenders. Second, imprisonment is designed to be so unpleasant that the offender is discouraged from repeating his/her criminal behaviour. In other words, fear of more imprisonment deters him/her from committing crime. Third, imprisonment offers the opportunity to rehabilitate offenders so that they no longer need to commit crimes.

General deterrence implies that punishment of an offender should prevent others who contemplate committing a crime. In other words, incarceration serves as an example to the rest of the public as it puts them on notice that criminal behaviour will be punished and that it is morally wrong to disobey the law. Landry (2006) notes that the apprehension that something (punishment) will or may happen in the future harnesses most and keeps them straight on the road of law and order.

Punishment also affords offender the opportunity to receive moral education and thereby get rehabilitated. The goal of rehabilitation is to prevent future crime by giving offenders the ability to succeed within the limits of the

law. Measures of rehabilitating offenders usually include treatment for afflictions such as mental illness, drug addiction, and chronic violent behaviour. They also include programs such as basic education, aptitude and vocational skills needed to compete in the labour market.

Incapacitation entails restricting offenders' movements or liberty since they are believed to pose a threat to the community. Such restrictions take the form of detention, imprisonment, house arrest, and so on. It is believed that incapacitating offenders prevents them from harming innocent citizens or damaging property. Mostly, incapacitation is frustrating and psychologically painful, however, it is usually considered to be sound defensive way to protect the public and fight crime. Incapacitation then benefits society as a whole because happiness is maximized when individuals are protected from becoming future victims of known past offenders. However, the effectiveness of incapacitation may be put to question since many criminals are undetected, un-apprehended, and unconfined. As a matter of fact, such question may even be complicating, especially, in a country like Nigeria where prison overcrowding and poor management frustrate efforts to properly and adequately incarcerate all criminals who deserve to be incarcerated.

Basically, two variables are to be observed in this study. Gender forms the independent variable on which the tendency to be harsh or soft on an offender and to perceive certain handling as severe or mild will depend. Treatment thus becomes the dependent variable.

In examining the treatment of offenders in Nigeria, it is important to note that sex does not inform the basis of treatment as passage through the Criminal Justice System (CJS) and prisons serve the same purpose for women and men – to punish those who were found guilty of crimes while protecting the public from dangerous offender (Mazza, 2007). Ordinarily, the system is designed to control and rehabilitate men, but then women have traditionally been treated against such scenery of the patriarchal arrangement.

Usually, women constitute a small percentage of the total number incarcerated because for all age groups, there are fewer female offenders than male offenders (CJA, 2003) and also because women and men have differences in offending history and type of offence. Drug and property offences, which had shorter average sentences, make up a greater proportion of offences committed by women in contrast to men who are mostly engaged in violent offences (Shaswata, 2008). However, in recent years, the number of women in prison has been increasing (Australian Bureau of Statistics, 1999). With the dramatic increase in women's involvement with the CJS and taking into consideration their criminological needs, should they be treated as if they were male? Will treating women offenders as if they were men bring result in effective responses to their behaviour? These are the concerns of this study.

In any patriarchal and gender-specific society like Nigeria, the structural organization licences male-dominance that conditions women to display male-inclined behaviour and to accept male-inclined roles. Hadjipavlou (2003) points out that in a patriarchal, hierarchical society, the dominant values (as expressed by a minority of powerful men and nations) promote competition, the exercise of power over others and nature, a dependency relationship, the use of violence against others who are perceived as different or with whom one simply disagrees. Just as in other spheres of life, criminology has treated women's role in crime with a large measure of indifference. Women are defined in reference to men (Kelly, 2008) and corrections are seen to have largely assume a sameness of women who offend to men and where women have been studied, they tend to be represented in distorted ways based on stereotypical notions that operate largely unconsciously but nonetheless powerfully, through institutional processes (Miller-Warke, 2000). Covington (1998) states that women are neglected and misunderstood just as Coll, Baker, Fields and Mathews (1998) note that services and ideas concerning women prisoners remain modelled on those of men.

However, some other scholars have noted that women's imprisonment has always differed from that of men. For instance, Kurshan (2001) avers that women have traditionally been sent to prison for different reasons that men – historically, for crimes involving sexuality for which men have never been punished, and more currently, crimes of poverty or property. According to her, once women are in prison, they have different conditions of incarceration, due to gender-specific needs that include privacy, health and reproductive care, which at best are poorly funded, inadequate, and at worst are completely ignored.

Another controversial aspect of incarceration is the feeling of isolation, guilt and depression that often follow the separation of women from their children. When the mother is incarcerated, it is not likely that the father would be present all the time in the child's life. For instance, Simon and Ahn-Redding (2005) find that when a father is incarcerated, 95% of children live with their mother but when a mother is incarcerated, only 25% of children live with their fathers. It should be noted that the patriarchal society that we live in basically places a lopsided

amount of pressure and responsibility on women to be primary caregivers. For that reason, if the goal of the CJS in the long run is to better the society, then it should be considered that the separation of children from their mothers has adverse effects on the child. Female incarceration often place three generations of women at risk and destroy families (Murray, 2004), removes a woman from the social supports (whether for family, friends, or others in the community) she normally applies at a time of crisis (King, 2000), makes children of incarcerated parents to exhibit physical problems, hostile and aggressive behaviour, use of drugs or alcohol, truancy, running away from home, disciplinary problems, withdrawal, fearfulness, bedwetting, poor school performance, excessive crying, nightmare, problems in relationships with others, attention problems, anxiety and depression (McClellan, Farabee & Crouch, 1997) ; and children of incarcerated parents are five times more likely to serve time in prison than children without incarcerated parents (Petersilia, 2003).

When separated from their children, feelings of anger, anxiety, sadness, depression, shame, guilt, decreased self-esteem, and a sense of loss were largely reported by mothers in prison (Pennix, 1999; Young & Jefferson, 2000) and the extent to which the incarcerated mother experiences these type of distress has implication for both the child's emotional development and the mother's mental health (Hoch & Schirtzinger, 1992).

In the last decades, there has been rapid growth in the number of women in prison, which has led some researchers, theorists and social commentators to cast a critical and wide-ranging eye over imprisonment in general, and on the imprisonment of women in particular. However, one of the striking observations about such research is that the rehabilitation and treatment needs of some important groups of offenders are neglected, particularly, women and indigenous offenders (Howells, 2000). Equally, research into the social control of criminality is dominated by a concern to identify, define and regulate male criminal activity (Naffine, 1997). Thus, women's experience of the CJS, the reasons why they engage in criminal activity and how their different social position affect their experience are only marginally recognized in the field of criminal research and consequently, as Turnbo (1992) notes, the problems and disadvantages for women prisoners by and large remain unresolved.

In a paper titled, *Prisoners and women: questioning the role and place of imprisonment*, which was presented at the Women in corrections: staff and clients conference held in Adelaide in November 2000, Miller-Warke made two propositions: first, that the current broad, global policy and practice platform constitutes an ill-fitting and flawed piece-meal package, based on the practice/model for men, which fundamentally fails to provide a cohesive, targeted strategy. Second, that gender is the 'fundamental' and largely ignored issue because women offenders are different to men, having different pathways to crime, different life circumstances and different rehabilitative needs. If these propositions are accepted, even in principle, what implications do they have for policy makers, correction administrators and researchers? It initiates the need for a comprehensive reassessment of the handling and management of correction facilities with the possibility of overhauling the role and use of imprisonment.

As a result of the forgoing, certain issues become pertinent: what is the appropriateness of prison as a correction facility? How is female criminality and sentencing perceived within a patriarchal system? Does gender affect treatment of inmates and their coping with prison life? These questions underlie the intention of this research work to investigate the treatment of male and female prisoners with a specific attention on Idi-Aba prison at Abeokuta, Ogun State, Nigeria.

### **3. Participants**

Subjects for this study were sampled from the Nigeria Prison Service at Idi-Aba, Abeokuta, Ogun State, Nigeria. The sample consists of two hundred and eighty two inmates that were randomly selected but eventually, two hundred and fifty two respondents whose responses were suitable for statistical analysis were used. This is because out of the two hundred and eighty two questionnaires that were distributed, sixteen were not returned while twenty two out of the returned questionnaires were considered invalid as they were ambiguous and illegible.

The facility was preferred because it harbours both male and female prisoners, which is the strongest element of this study. Also, the researcher resides in the state, which makes it easier for him to access.

#### **3.1 Instrument**

Both qualitative and quantitative facts were collected for this study. To collect the qualitative data, in-depth interviews were conducted with ten out of the thirty two prison officials that were on duty at the time the study was conducted. This is required for comparative assessment of inmates' complaint behaviour while in prison.

To collect the quantitative data, a questionnaire which contains thirty four questions that pertain to information on inmates' experiences was administered on the prison inmates. It allows inmates to indicate their perception of imprisonment as a form of punishment.

The total population of inmates in the correction facility at the time of this study was six hundred and eighty four out of which only sixty one of them are females. The small size of the female inmates necessitates all of them to be included in the research. In the case of male inmates, the random sampling method was used to choose one hundred and ninety one of them that participated in the research exercise in order to give equal opportunity to all male inmates in the facility.

#### 4. Result and Analysis

The qualitative data that were gathered from the in-depth interview were reviewed while the quantitative data were analysed using the Statistical Package for Social Scientists (SPSS). Accordingly, the hypotheses in this study were tested using the t-test for independent samples and Pearson correlation coefficient.

Hypothesis 1: There will be significant difference between the attitudes of prison officials toward male and female inmates.

**Table 1: Attitude of prison officials toward male and female inmates**

		Levenes test for Equality of Variances				t-test for Equality of Means				
		F	Sig.	T	df	Sig. (2-tailed)	Mean differences	Std. Error differences	95% confidence interval of the difference	
									Lower	Upper
	Equal variances assumed	.079	.779	3.972	198	.000	3.57	.90	1.80	5.43
Attitude toward inmates										
	Equal variances not assumed			3.972	197.280	.000	3.57	.90	1.80	5.43

The result in the table above indicates that prison officials' attitude to male and female inmates is different. The implied meaning of this is that females are not treated equally with males ( $p < 0.05$ ). Specifically, males are more strictly and austere dealt with than females. Thus, the first hypothesis is confirmed as predicted.

This finding is in line with the conclusion of Fishman (1995) that female defendants are more likely to be viewed as requiring treatment rather than punishment as female criminality is more likely to be regarded as a product of a disordered mental state than that of their male counterparts. On the other hand, it disputes the claims that corrections are seen to have largely assumed a sameness of women who offend to men (Miller-Warke, 2000) or that ill-treatment and exploitation in Nigeria prisons are more traumatic and overwhelming on female offenders (Mazza, 2007).

Hypothesis 2: There will be significant difference between the perception of male and female inmates toward imprisonment.

**Table 2: Perceptions of male and female inmates toward imprisonment**

		Levenes test for Equality of Variances				t-test for Equality of Means				
		F	Sig.	T	df	Sig. (2-tailed)	Mean differences	Std. Error differences	95% confidence interval of the difference	
									Lower	Upper
	Equal variances assumed	.024	878	-1.532	198	.127	-1.92	1.25	-4.39	.55
Attitude toward inmates										
	Equal variances not assumed			-1.532	197.995	.127	-1.92	1.25	-4.39	.55

This table shows that male inmates' perception about prisons is not significantly different from that of the females ( $P>0.05$ ). The second hypothesis is therefore rejected. This means that males and females have similar views about imprisonment. Largely, inmates are of the opinion that prisons cannot really reform offenders. On the other hand, interviews held with prison officials revealed that prisons have deterring effect on offenders' criminal acts, especially, women.

## 5. Summary and conclusion

The intent of this study was to investigate the conditions under which inmates (both male and female) serve in Nigeria and to determine if their sex differences affect the way they are treated. The study also aims to find out if there are any differences in the perceptions of these groups of inmates on the effectiveness of prison as a crime-control facility. A survey of inmates of the Nigeria Prison Service in Idi-Aba, Abeokuta, Ogun State, Nigeria was conducted and a significant difference in the attitudes of prison officials toward male and female inmates was confirmed. This finding is in line with earlier studies that women are treated differently to men as their crimes are viewed as less culpable than crimes committed by men (Stuart & Kay, 2000). But the finding refutes the claims of Mazza (2007) that female offenders in Nigeria prisons are exposed to ill-treatment and overwhelming exploitation.

Another remarkable discovery was the fact that male and female inmates share the same view about imprisonment, which is an indication that gender, on its own may not be an important factor in determining whether an inmate will be effectually or ineffectually rehabilitated by prison. This means that some other factors such as social security, sanitation, promotion of religious and vocational programs, parole, restorative, probation, compensation, electronic monitoring, furlough system and so on may be importantly taking into consideration by prison authorities in policy formulation and implementation.

In view of the above findings, gender-based opinions and policies should be abolished by all facilities and organizations if every individual must be encouraged to form appropriate behaviour. Discrimination based on gender differences during behaviour readjustment and reintegration is therefore opinionated and unethical.

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