
学界通信

日本アフリカ学会第 43 回大会 海外からの招聘者による記念講演



解題 ————— 大阪大学 峯 陽 —

次ページ以降に収録されているファトゥ・ソウ (Fatou Sow) さんの論文「21 世紀のアフリカにおける女性とイスラーム」は、2006 年 5 月 27 日に大阪大学で開催された日本アフリカ学会第 43 回学術大会特別講演の原稿に、ご本人が若干の加筆訂正をお加えになったものである。講演は英語で行われた。

ソウさんはセネガル人の女性研究者で、アフリカン・フェミニズムの分野の第一人者である。ソルボンヌで社会学博士号を取得されたソウさんは、カナダのトロント大学とオタワ大学から名誉博士号を取得し、ユネスコのグローバル科学委員会の委員を務めるなど、アフリカ研究者として重鎮であるだけでなく、DAWN などフェミニズム社会運動の世界でもよく知られている方である。CNRS (国立科学研究所) 研究員 (パリ第 7 大学所属)、およびシェイク・アンタ・ディオプ大学教授を経て、今年ご定年を迎えられたが、今なおアフリカとヨーロッパを往復し、活発な発言を続けておられる。最近の編著に、*Notre corps, notre santé : la santé et la sexualité des femmes en Afrique subsaharienne* (2004)、*Women in Africa: Violence, Politics, and Human Rights* (2005) などがある。

講演は刺激的なものであった。詳しくは論文そのものをお読みいただくとして、ソウさんの議論の魅力は、人間のかつ冷静な議論の運びと、不正を許さないラディカルさが、絶妙に結びついているところにあると考える。ソウさんの自己認識は、ムスリム・フェミニストである。だが、イスラーム社会の一員であることと、フェミニストであることは、矛盾しないのだろうか。この問いに対しては、矛盾を引き受けながら、グローバルな運動 (ムスリムは世界中にいる) のなかで解決していこうとするのが、ソウさんが希求する立場であろう。

ソウさんは、西洋キリスト教世界によるイスラームへの攻撃に反対する。9.11 以降の反テロ戦争によって、欧米世界で暮らすイスラム教徒は野蛮な原理主義者と見

なされるようになった。ソウさんは、イスラム教が歴史的にアフリカ社会の一部になってきたことを確認する。信仰共同体であるウンマは多様性を前提とする。世界を均質化し、植民地支配の歴史を無化しようとするネオリベラリズムと、西洋中心主義的な反テロ戦争のロジックを、ソウさんは雄弁に批判する。ネオリベラリズム批判はアフリカ学会の講演ではそれほど強調されなかったが、直前の 5 月 26 日に開かれた大阪大学 21 世紀 COE「インターフェイスの人文学」の講演内容では、ソウさんが特に力点を置いたポイントである。市場原理主義のもとで、セネガルでは水の供給まで民営化されつつあることをソウさんは指摘していた。

他方、反テロ戦争の激化はイスラム世界の反発を招き、そこでは反米とイスラムの旗印のもとでの女性の権利侵害が強まっている。すでに国家の法律において、家庭において、男性支配の原理が日常的に浸透している国々で、男たちは権力の道具としてイスラームを政治的に利用し、女性に対する家父長的支配を強めようとしている。大きな係争点は女性の体に対する支配であり、ナイジェリア北部において婚外子を生んだ 2 人の女性が「石打ち」による死刑の脅威を受けた問題は、私たちの記憶にも新しい。男がイスラームを利用しているという表現をソウさんは繰り返すが、そこには女性が主体としてイスラームを取り戻すことができるはずだ、そして、西洋化ではない近代化の道筋があるはずだ、という視点があるように思う。

ムスリム・フェミニストたちは、ムスリムとして、また女性として、二重の攻撃を受ける存在である。だからこそ、ムスリム・フェミニストは二重の闘いに自己を投げ出さざるをえない。文化相対主義のもとでムスリム女性の権利侵害に沈黙する姿勢も、西洋フェミニズムの普遍主義という外部者の立場からイスラームを非難する姿勢も、ソウさんは容認しない。

ここにおいてソウさんは、セキュラリズム（政教分離、ないし世俗主義）の原則を再確認するという戦略をとる。それは何よりも、男たちがイスラームを「利用」して家父長的な権力を固めようとしているからである。だが、セキュラリズムとイスラームの共存をどのような形で目指すことができるのか。大きな論点になるのは、おそらくここだろう。ソウさんはイジュティハード（独立した法学的推論）を重視し、シャリーア（イスラーム法）とその適用は絶体不変のものではないという。この認識を前提にセキュラリズムを求めるソウさんの立論は、フランス的な市民革命の伝統によるというより、あくまで同胞のムスリム女性の痛みに立脚しようとするものである

こと、そしてアフリカの多くの国々では非ムスリムとムスリムの共存を図らざるをえないという現実があることに、注意しておきたい。セキュラリズムはヨーロッパ起源の統治原理ではないのか。そのような批判をふまえたうえで、ソウさんの立場表明である。

なお、ソウさんの招請にあたって中心的な役割を果たされたのは大会実行委員長の栗本英世さんであり、特別講演者としてご推薦いただいたのは、ソウさんの長年の友人である明治学院大学の勝保誠さんであった。関係者各位のご尽力で貴重な講演が実現したことに感謝したい。

Women and Islam in Africa in the 21st Century: An African Feminist Perspective

Fatou Sow *Professor of Sociology*

Researcher at the SEDET/CNRS, University Paris 7 Denis Diderot, Paris (France)

Associate researcher at the University Cheikh Anta Diop, Dakar (Sénégal)

Introduction

To speak on *Women and Islam in Africa in the 21st century* is a real challenge, especially in the light of Muslim Afghan women under the Taliban regime, the implementation of *Shari'a* law in Nigeria, and the common misconceptions about women and Islam. To stand on a feminist perspective regarding this debate is another one. As a woman deeply rooted in the Muslim culture of my African society (Senegal), and at the same time a researcher, politically engaged in the advancement of African women's rights, for decades, it has been a challenge to discuss about Islam. As Muslim women, researchers and activists, in various occasions (i.e. international conferences), many of us often confront both rigid attitudes of Muslim as well as Western (religious or political) fundamentalists hostile to women's rights movements and rigid attitudes of feminist movements who are anti-patriarchy and anti-religion.

In the aftermath of September 11th 2001, the assimilation of Islam to terrorism worsened the situation. I was living in Paris when the Manhattan towers blew up. For a week, all the French medias mainly focused on the event, with various sequences. The attack against the

two major and proud symbols of the US economic and political power, in the heart of Manhattan, blew their imagination more than in Steven Spielberg's spectacular movies or James Bond films. The whole world got involved in a purely US concern, more than during the attack against the US Embassy in Nairobi, few years before. From medias to political parties, the discourse during that week grew as a moral support to America being for once a victim: "We are all Americans!"¹. A couple of days later, it denounced a plot against Western democratic and human values. A very strong discourse emerged against Al Qaida and its alliance with the Taliban of Afghanistan, leaving the fact that those Taliban were the allies of the US Government against the URSS troops and, later, against Cdt Massoud. Then, Islam was described as a religion of retarded fanatics, hostile to Western civilised values that bear a universal modernity. Most Muslims were labelled as fundamentalists and Islamists and Islam was demonised.

The US strikes against Afghanistan, in November 2001, were led in the name of 'good against evil'. Mobs demonstrated their hostility throughout the Muslim world. In Senegal, women manifested with men in the streets against the war and the US and Western arro-

gance. Although they usually don't wear the hijab (veil), they claimed that the hijab was part of the Afghan women's culture and that the international public opinion had to admit their 'human right' to wear it. There was a complete confusion in different messages in a country where women are fighting to get a joint legal responsibility over their children that men and the State refuse in the very name of a patriarchal Islam.

So, in each case, we have to stand on a defensive position, instead of engaging in a constructive dialogue, especially when we try to bring back religion to the level of the private in a secular society. As for other religious systems in the contemporary world and beyond the religious content and the spirituality of Islam, we have to focus both the use (and misuse) of Islam as a culture and as a political tool for power.

Islam has been deeply embedded in African societies and cultures for centuries, according to their level of Islamisation. Islam is part of the identities of thousand millions women throughout the Muslim World and Muslim Africa. Within those spaces, all feminist discourses on women's rights and gender relations must take it into account as a religious identity.

This lecture aims at introducing the question of Islam in Africa and its impact on African women's lives and rights. Only some countries will be used as examples, because Africa is a continent and the status of Islam varies from a country to another. Some countries are Muslim kingdoms as Morocco, where the Sultan is the Head of the Muslim believers (*Amiir Al Muminin, Commandeur des croyants*). Mauritania and the Sudan are Islamic Republics, while Tunisia, Senegal, Mali and South Africa are secular States. Some are located in Sub-Saharan Africa where Islam is not embedded in an Arab cultural framework as in Egypt or Algeria. It lies in a different social fabric.

It is impossible in such a short presentation to raise all the issues implied the Islamisation of African societies. I will focus on the main trends of impact. My deep concern, as a Muslim feminist researcher, is about the contested political use of Islam as a tool of power. Women's bodies often become sites of struggle between political forces as in the Muslim Northern Nigerian States.

The contestation of secularism while Islamic customs and laws are feeding African cultural and legal rules and the resurgence of the Islam question in the contemporary world invite us to reflect on the evolution of Islam as a religion and as a culture of politics and

identities. Does religion shape society? Does it reflect it? What is the role of religion in the making of rules, laws and politics which influence women's lives, their position within society, and gender relations within society and family? Why does the State refer to religion in countries claiming their secularisation and their efforts of economic and social modernisation? The compatibility of Islam with development as modernity has been a debated issue for years, within Muslim and Non Muslim intellectual arenas. Can't modernity comply with religion, especially with Islam? What do we today mean by modernity?

I. The African Muslim World: Figures, Principles and Facts

Figures

By the 2002, the Muslim population is estimated at 1656.13 million peoples. The figure for 2001 was 1623.66 million (Table 1). Today, one person out of four is a Muslim (26, 46% of the world population).

Asia has the largest Muslim population in the world (1124, 54 million), while Africa with a much smaller size of population has the largest percentage of Muslims (53, 37%). Most Muslims in Northern and Western Europe and North America are migrant communities, in Europe mainly from North and West Africa, and in North America from Asia and the Arab world. One also must remember that Eastern and Southern European countries have their own native Muslim communities, as Russia (27.44% of its population), Albania (2.38%), Bosnia-Herzegovina (2.04%), and Yugoslavia (2.03%) and Macedonia (0.60%), just to name some of them. Chechnya is a Muslim Republic within the Federation of Russia².

The African Muslim population is mostly concentrated in the Northern part of the continent (Table 2.a). As part of Maghreb and Machreck, Algeria (99%); Egypt (94%), Libya (97%), Morocco (99%), Sudan (73%); Tunisia (98%), Western Sahara (100%) are illustrative of the deep Islamisation of the region. Most of the peoples are from Arab, Berber and other Saharan descents. Migrants from Sub-Saharan Africa are also part of those communities.

It is odd today to have the United Nations system and the rest of the world classify North Africa as part of the Middle East. Many North Africans claim themselves as Arabs or Maghrebins while they refer to Sub-Saharan communities as Africans. It is a critical racial and po-

litical matter in the region. Islamic culture has been cement among North African communities. Moreover, a common history since the period of the Fertile Sahara, the Antiquity and the millenary traditions of Trans-Saharan and Middle East trade and migration patterns, social exchanges and political struggles shaped their relations. This history has brought a particular mix of races and cultures within North Africa. On the matter of race, Black and White populations are present all over the area. Black peoples are also native of the region, to the contrary of a Western colonial history of Blacks being imported as slaves. Besides the history of Ancient Egypt and Nubia for instance, Anouar El Sadate, former Raïs of Egypt and Hassan II, the late Sultan of Morocco, are contemporary proofs of the mix of races and cultures. Most Black communities have been ostracised politically, the issue of race being silenced in the region.

Some countries claim their close relationships to the Arab Muslim Community, while it is a mostly matter of access to power and control over resources. Ethnic conflicts in Mauritania, at the fringe of North and West Africa³, oppose the Moors, a minority in the country, who are Negro-Berbers and speak Hasania, a dialect of Arabic to Soninke and Hal Pulaar riverine groups who are Sub Saharans and speak African languages (Soninke and Pulaar). The Moor leaders imposed the Shari'a as a judiciary system and Arabic as the official language against the will of the rest of the population. In reality, the conflict is based on economic (access to watered and fertile land along the river on which hydro-power dams are built) and political (access to power and control) issues. The same situation occurs in the Islamic Republic Sudan where a two decades civil war also confronts Northern Muslim communities with an Afro-Arab culture to Southern Christians of Bantu descent (27%).

The second largest Muslim area lies from the West Coast (Table 2.a) including countries as Mauritania (100%), Senegal (94%), Guinea-Conakry (85%), Sierra Leone (60%), Cote d'Ivoire (60%) or Nigeria (70%). It runs through to through the Sahelian States of Mali (90%), Burkina Faso (50%), Niger (97%), and Chad (85%). On the East Coast (Table 2.b) the countries where the Muslim communities are significant are mainly Somalia (100%), Comoros (98%), Djibouti (94%), Eritrea (50%), Ethiopia (50%), Tanzania (50%), Uganda (35%), Kenya (35%), Malawi (35%) and Mozambique (30%).

The presence of Islam in Central Africa (Table 2.b) is

much less important (Cameroon (22%), Central African Republic (15%), Democratic Republic of Congo (10%) and almost null in Southern Africa (Table 2.b): Swaziland (10%), Madagascar (7%), Botswana (3%), Lesotho (4%), South Africa (2%). Among Muslims in Eastern and Southern Africa, one has to count the migrant communities from the Arabic peninsula (Arabia, Yemen and Emirates) and Asia (India, Pakistan, Indonesia, Malaysia, etc.) who settled in those regions before and during colonisation.

Principles

The Muslims perceive Islam, as a continuation of a monotheism trend preached by the well-known messengers and prophets: Adam, Noah, Abraham, Moses and Jesus. Muhammad is considered to be the final messenger of God with the revelation of the 'Holy' *Qur'an*. Some salient information needed for our topic will be given here.

In Arabic, Islam means: "Submission to the will of God". It is based upon five basic pillars⁴:

1. *The first principle is the testimony of faith* : "There is no true god except Allah, and Muhammad is the Messenger of Allah". God (Allah) is absolutely unique and transcendent and Muhammad is the final messenger of God and was sent to all of mankind.
2. *The second principle is the prayer (As-Salah), five times a day*. The prayer begins with the purification of the body and ends with the purification of the soul.
3. *The third pillar is charity (Zakat)*. It is a financial act of worship. A certain percentage is due on any kind of possession during one year and is given out to the poor in order for them to meet their needs
4. *The fourth pillar is the fast (Siyam) during the month of Ramadan*. It intends to bring the Muslim closer to Allah, with a sense of obedience and self-restrain.
5. *The fifth pillar is the pilgrimage (Hajj) to Mecca*. It is an occasion for Muslims to meet in one place, at one time. During the hajj, all Muslims wear the same clothing, regardless of their heterogeneity, countries, languages or classes.

The *Qur'an* is the holy book of the Muslims⁵. The Prophet Muhammad, a trader in Mecca, is believed to have received the verses composing the *Qur'an* as divine revelations, by 610 A.D. The *Qur'an* is not a code

of laws. For the Muslims, “it is an eloquent appeal to mankind to obey the law of God” (Vesey-Fitzgerald, 1955:87). At first, Muhammad used the revelations to mostly deliver religious and moral precepts for social reforms. At the period of *hijra* (exile from Mecca to Medina), the Prophet had to respond to the social and political queries of his society. *Shari'a* was progressively built by his followers, through history, as an evolving body of rules of behaviours, norms and laws. It encompasses all aspects of public and private law, hygiene and code of conduct. The *Shari'a* is not a divine law by itself; it mainly has been constructed from four sources : *Qur'an*; the *Sunna* which gathers the traditions (*hadith*) of the Prophet; the *Ijma*, a body of traditions based on consensus of other Muslim communities and *Qiyas* rather based on human reason and judgment than divine revelation. *Shari'a* is public law of Muslim societies or has a profound impact of personal laws in some others.

Ijtihad is a very important process in the making and the application of the *Shari'a* in concrete cases. It “technically means exercising an independent juristic reasoning to provide answers when the *Qur'an* and the *Sunna* are silent” (An-Na'im, 1996:27). It means also that *Shari'a* can be revised not in any circumstance, but in many occasions, as attested by the history of Islam. It is important for women to grab the opportunity brought by *ijtihad*. It should allow them to question, not the *Qur'an*, but the *Shari'a* and its application today.

Facts

Three facts are important for our debate :

1. Islam as central to the lives of Muslim peoples, as it is way of life and inspire behaviours;
2. Islam is one but is rooted in a diversity of cultures;
3. Islam is political and raises the issue of Islamisation of 'Tradition' and 'Modernity'.

Firstly, religion is central in the lives of Muslim peoples. In order to understand the current political situation of Islam, one must rely to the fact that :

“Islam from the lifetime of its founder was the state, and the identity of religion and government is indelibly stamped on the memories and awareness of the faithful from their own sacred writings, history and experience” (Esposito, 1980:3).

Islam is always more than a religious matter. It is also a political issue, both in the public and the private

spheres of its communities. It always conflict with secularisation as a Western process imposed by colonial rulers upon their colonies. The debate on secularisation is an unfinished when one relates to the Judaeo-Christian political systems in the world. After all, the Queen of the United Kingdom is the Head of the Anglican Church and the new elected President of the USA is sworn on the Bible. France was among the first States that implemented by law the separation the State and the Church.

Secondly, the Muslim world, *Umma*, is a mosaic of races, peoples and cultures who share a common faith in Islam. Beyond this commonality which moulds some social patterns, Muslim communities vary from one to another, in reference to the diversity of their historical background, political framework, cultural influences, etc. So the usual generalisation of the Muslims is as critical and as complex as the definition of the Christian community whose believers belong to various settings.

Thirdly, one of the most sensitive issues of contemporary Islam is about the common assumption about contradiction between Islamisation of culture and modernity⁶. Islam encompasses religious practices and beliefs embedded in peoples' history. Local values, traditions and customs are part of Muslim identities throughout the world, however some ambiguity is raised. Is modernity similar to Westernisation, a tradition of the '*Nasran*'⁷ as argued by many Muslim organisations ?

Islamisation is often associated with Arabisation, especially when it relates to the use of Arabic and clothing. The issue of language is raised with Arab-speaking African scholars educated in the Arab universities. They used to be considered as lesser scholars and have difficulties in getting suitable jobs, because the official language of educational institutions and the State is a European: French, English or Portuguese language. Wearing the kaftan for men⁸ and the veiling for women have been a political debate in both Muslim and non-Muslim societies. The veiling is an ongoing debate among scholars, feminists, Islamists and various organisations (Mernissi, 1987). For some, it is a symbol of women paying respect to their religion. For others, it rather means social control of women's body, as for Hausa women in Northern Nigeria (Imam, 1991). In the West, the veiling is considered as very conservative practice, while for fundamentalist associations, it is the sign of change towards a more appropriate Islamic way of life.

About the status of Muslim Women within the family, according to Shari'a laws, I will focus on the most important sources of gender inequality, that one still find in many constitutional laws.

- The woman has a minor status vis-à-vis the man. Shari'a laws discriminate among witnesses according to gender. "In civil matters, the testimony of Muslim women is accepted, but it takes two women to make a single witness. No restriction applies to the testimony of a Muslim male" (An-Na'im, 1996:90).
- The conditions of marriage are unequal. The man is always the legal head of the family. "The husband has the right to exercise guardianship and control over his wife to the extent of chastising her in a variety of ways, including beating her 'lightly' if he deems her to be unruly" (An-Na'im, 1996:90). A Muslim man can marry a woman of a different faith. He even has the duty to allow his Christian or Jewish wife to practice her faith safely. A Muslim woman is forbidden to marry a non-Muslim man. The latter has to convert to Islam, in order to marry her. A man is entitled to four wives, without the consent of his previous wives. A woman can marry only once at a time. Woman's properties always belong to her, even those acquired while married. But the economic protection of a woman by her husband allows him to prevent her from going or working out of the household.
- "A Muslim man may divorce his wife, or any of his wives, by unilateral repudiation, *talaq*, without having to give any reasons or justify his action to any person or authority. In contrast, a Muslim woman can obtain divorce only by consent of the husband or by judicial decree for limited specific grounds such as the husband's inability or unwillingness to provide for his wife"(An-Na'im, 1996:176).
- Inheritance is still unequal along gender. "A female is entitled to half the share of a male who has the same degree of relationship to the deceased" (An-Na'im, 1996:91).

Most Muslim States carry on those fundamental principles of women's subordination to men, as basis of positive law. They base their family laws according to, around or against these principles. "On one hand, there is the pull of historical religious traditions which sanction discrimination on grounds of religion and gender. On the other hand, there is the push of modernist domestic and international forces in favour of human

rights, and against discrimination on grounds of religion and gender" (An-Na'im, 1996:178). Turkey and Tunisia took a progressive step in secularising their laws which had an important impact on women.

II. Political Islam and Muslim Identities in Africa

Political Islam is central to the debate on African women and Muslim identities. What African activists and feminists are questioning is not Islam as a religion with moral values that anyone can obey on his/her own right. The challenge is the political use of Islam to get access to power by controlling peoples' minds, bodies and lives. Why are women's identities so stressful in the Muslim world, and the image so negative ?

Nowadays, the major reference to the impact of Islam on African Women's lives has been symptomatised by the recent cases of Safiya Hussein and Amina Lawal. The two Hausa women from Northern Nigeria were sentenced to death by stoning by the *Shari'a* court of their region. Their crime: adultery and birth of a child out of wedlock. Their cases were publicised by women's organisations locally, at the level of the continent and worldwide. For almost two years, press articles, meetings, electronic campaigns, appeals to national and international institutions were launched in Africa and around the globe. TV and radio programmes alerted the African public opinion down to the smallest village. Then, through an appeal to the Nigerian federal judiciary court and under a heavy pressure from national and international lobbies, Safiya Hussein was released while Amina Lawal's case was still pending. To my biggest surprise, Jean-Pierre Raffarin, the new French Prime Minister⁹ referred to the latter case while addressing his constituency at a political rally in France.

This negative image of Muslim laws regarding women has grown with the resurgence of political Islam worldwide. Much has been written about 'chadored' Iranian women under Khomeini; about mass murders of people including women and children at the upsurge of the Islamic Armed Group (Groupe armé islamique) opposed to the FLN (Front de libération nationale)¹⁰ State or about the brutal seclusion of Afghan women during the Taliban regime.

Islamic resurgence was linked to the Iranian revolution in 1979, with its radical claim of an Islamic revolution. It was labelled fundamentalist.

"Some of the writers on Islamic resurgence use the

term *fundamentalist* in reference to the contemporary Muslim activities who demand complete conformity with the precepts of Islam as they understand them, including the total and immediate application of the public law of *Shari'a*" (An-Na'im, 1996:8)

This resurgence accompanied with an Islamisation or re-Islamisation often has been considered as a response to a deep global, economic and social crisis. It has brought a religious legitimacy to societies deceived by former colonial Western politics and secularisation. In this case, "Islam does appear to provide a practical political alternative as well a secure spiritual niche and psychological anchor in a turbulent world" (Dekmejian, 1981:39). More than political and cultural framework, fundamentalist Muslims is willing to re-assert their identities within their faith and tradition in order to "challenge the causes of social disorganisation, political powerlessness, and economic frustration" (An-Na'im, 1996:4).

The rise of fundamentalist groups in North Africa, in a broad scope, can be related to this analysis. Besides Sudan, no country has an Islamic regime in place. Political powers are engaged against their opponents becoming Islamists and recruiting younger generations as in Algeria. Egypt and Tunisia have a strong political hold on their Islamists, while Morocco negotiates with them, as far as their party gained in 42 of 325 seats in September 2002 legislative elections. A Turkish 'moderate' Islamist party won the elections of November 2002, while the country is pleading for its entry into the European Union. By January 1, 2004, 8 Eastern European countries, Malta and Cyprus will join the Union. For several years, the question has been raised whether Turkey, as a Muslim State should or should not be a member, as lately stated by the former French President Valéry Giscard d'Estaing, current Chair of the Convention for the Future of Europe (Convention sur l'avenir de l'Europe). Islamist parties claim that if Christian democracy works for Europe for almost a century, why Islamic democracy would not ?.

In Sub-Saharan Africa, the only Islamic State is the Republic of Mauritania, established in 1980. For the Moors, it was a political move towards the recognition of their country as integrated to the Arab world¹¹.

If the Muslim Arab world fears that the current war against terrorism is nothing against Islam and the Arab culture, any Muslim countries and Islamist organisations in Sub-Saharan Africa share the same vision. Muslim culture has been rooted long enough to be part

an integral part of national identities. There several layers or dimensions of peoples' identities: age group, class, ethnicity, citizenship, etc. Religion is a critical one. The religious affiliation to Islam, as well as to Christianity or to other local belief systems (when not all of them in syncretism) shape people's lives, moral values, codes of conducts. Religion and culture are deeply intertwined as parts of identities.

Sub-Saharan Africa established strong and close relations with the Muslim Arab world (North Africa and Middle and Far East) during an economic, political and religious long history (politics, religion, trade, slavery, pilgrimage to Mecca...), which will not be addressed here, except to say they were significant enough to shape a specific space of civilization. The processes of Islamisation and Arabisation were as important as later processes of Christianisation and Westernisation but Muslim Africa never became an Arab world. Up to today, people are Muslim and not Arab Muslim. A lot was written on Black or African Islam, often picturing it as a 'lesser' Islam, which is completely wrong. As Christianity, religion is rooted in specific social and cultural fabrics. Religion and culture shape each other.

Colonial powers in their struggles against pan-Islamism (Turkey) at the end of the 19th and early 20th centuries exerted a political control over the Muslim colonial elites, as in Senegal, Northern Nigeria, Sudan or Zanzibar and prevented the secular relations to build up, especially between the North and the South of Sahara countries, the latter and the Arab world. Islam was claimed as part of national identities. Muslim authorities replaced the local authorities destroyed by colonisation: Imams became true chiefs and respected symbols of lost powers. Usman Dan Fodio, El Hajj Umar Tall, Samory Toure and Cheikh Ahmadou Bamba Mbacke are eminent figures of Muslim resistance in West Africa. In the early 20th, various Muslim reformist groups emerged also as political and nationalist movements of resistance to the colonial power. They were involved in reviving the broken relations. On the contrary to the existing large brotherhoods, they established schools different from the more traditional Daara (Kuranic schools). They were the allies of the Pan-Arab national movements with Gamal A. Nasser of Egypt, Ben Bella of Algeria, etc. and other non-allied and anticolonial movements at the end of World War II. They also shared the vision of a new economic order.

After 1960, most of the newly independent States, with a large Muslim population, will try to get hold of

the strongest political movements, including the religious ones. They will negotiate (Nigeria), control (Senegal) or destroy (Guinea-Conakry under Sekou Toure) Muslim elites. The Arabic speaking elites were marginalized in government. Nigeria was an exceptional case, with the Muslim North running the Federation, after several military coups. In the early 1970, new relations were implemented with the oil boom (1974) between the wealthiest Arab countries (Saudi Arabia, Kuwait, Libya...) and African states faced to a deep economic crisis and in a dramatic need of new sources of funding. A lot of capitals were poured in the continent while ideas and ideologies circulated in various manners, mainly the financing of schools, mosques, hospitals and other social facilities and infrastructures.

The resurgence of a proper Islamic discourse as political tool of access to power became ore significant with the 1979 Khomeini's revolution in Iran. Political Islam became much stronger. Nigeria is an important example of an increasing politisation and radicalisation of the Islamic movements that wanted to implement social change based on the Iranian model. They strongly opposed the colonial and post-colonial secularisation of the State.

While the coastal South is Christian or African religion believers, Islam has been dominant in northern Nigeria for centuries. *Shari'a* codes have always been enforced in Northern Nigeria but the British banned amputation and stoning during colonisation. After independence, religious courts continued to intervene only in family law cases until 1999, when Nigeria cast off decades of military dictatorships¹² in favour of a civilian government. From that date, Northern States began reintroducing the Islamic penal code. By the end of 2000, eleven States in Northern Nigeria officially applied *Shari'a*. It was a political opposition to the Christian South. A population often forced the adoption of *Shari'a* law upon reluctant governors tired of crime and corruption. Most of the economic, political and cultural failures were attributed, by Muslim communities to the so-called failure of secularisation of the State. The return to a stronger Muslim identity and a militant activism was proposed to younger generations as a key to recovery from lost decades of development. The Islamist movements were committed to a very strong political movement opposing the Federal government and 'corrupt' elite: media campaigns, marches, protest, and violences... Even the most radical groups opposed the implementation of the new *Shari'a* legal system. They

were arguing that *Shari'a* couldn't be established on the foundation laid by secular democracy.

The question of secularisation is critical here. It is the one, which impacts the most on women's lives. Introduced by colonisers, secularisation was more than de-veiling and imposing the European dress code in Muslim Africa. The current debate is the need of a secularist approach to the social and legal position of women within a society where access to resources and political power are not based on religion, be it Islam, Christianity or any African religion.

III. Women, the State and The Mosque : The Gender Debate in Muslim Africa

Many African States, during the past forty years, have dealt with various policies towards women, mainly under the pressure of the international environment, conferences and programmes in order to promote women's issues and rights. Most of them even put up national machinery. But there is still a lot to do to implement a gender approach at the level of policy-making, which takes into account the needs of women not only as wives and mothers, but also as workers and citizens. It is still very important to promote a legitimate debate on women in their societies, on the ideological and unequal nature of gender relations in many human societies. Religion and politics are at a centre stage of the debate.

The various crises promoted new thinking on an African culture of power, on the role of the State and on the global development. So it is a challenge for African women to contribute to a better understanding on ways in which gender inequality is sustained, and reinforced deep into politics. Women, struggling for more rights must question the gender of the State that is required to guarantee equality among people, among women and men.

Women' movements have critiqued State policies unfavourable to women. Even if, up to the mid-eighties, they were not quite interested at looking at the impact of state bureaucracies and ideologies, they contributed to enlighten the role of State as central in the evolution of gender relations, within the family or at work. The feminist approaches of the nature and the role of the State are various. Is the State patriarchal as denounced by Western feminism ? Is the State secular or religious, as some women in the Muslim world fear it ? Women relate to the State as women, wives, mothers, but also as workers, citizens. Does the State promote their proper

interests as the gender equal opportunities, the mix at school, at work or in politics. Does the State challenge the social and ideological gender division of labour when promoting family laws. Does it help women to cope with her reproductive and productive duties ?

1. Laws are patriarchal

In their structuring, functioning and policy-making, contemporary African states create and reinforce gender inequalities. State institutions are at large directed and controlled by men. Their policies reflect male domination over women's lives. Indeed, the laws, which regulate political rights, have promoted a legal egalitarian space where women are only tolerated. Despite its democratic pretensions, society is critical about their actions towards the actual application of their rights. Their claims deeply disrupt the inegalitarian patriarchal order, which has yet generated regulatory texts to redress this disparity. African political systems have been built on women's exclusion.

Women's access to the actual exercise of their citizenship through education, vocational training or political commitment has blurred the limits between the private and public spheres, which had been carefully outlined by laws. Men prevail over both spheres. They have totally taken up the public sphere and directly or indirectly rule over the private sphere managed by women. This dichotomy used to assume a different form in African societies, which have restructured their hierarchical, social and family systems according to their religious patriarchal ideologies (Islam and Christianity), colonial legislation and their new political order. In this, African women have been deprived of their position, their participation and their autonomy in the management of these spheres. They have been confined to the social sphere that has become private.

Yet this space had been a center of power where both family and social relations were managed. The religions of the Book and the family codes have granted men full authority over that space, by making him the head, both from a legal and religious point of view (Sow, 1985). Such an arrangement occurs in a constitutional context, which advocates equality but admits gender-based hierarchical organization, hence all the inequalities found in the African family codes responsible for the protection of women and children. The advent of women into the public sphere (especially in the labor force and in politics) has been perceived as an intrusion and disrupts an order in which they were not expected.

2. Family and reproductive rights

The family is the very space for the exercise of gender and power relations between its various members: gender-specific and age-specific hierarchical relations between men and women, wives in polygamous households, mothers-in-law and daughters-in-law, parents and children, older and younger brothers and sisters, etc. the family undoubtedly provides the framework for state and political power. The state has made laws on whatever deals with relationships between individuals and society, between individuals themselves, but also on family relationships.

The family codes enacted in the 70's by several African states, or the Koranic Code (Shari'a) enforced in such States as Mauritania, Sudan or Niger, are sets of laws and rules which shape the family and the relations between its members. Gender inequalities are based on power relations sanctioned by the State (Callaway & Creevey, 1994). They are only questioned by administrative efforts aiming at modernizing society, the action of social movements (women's associations, constituencies, etc.) or international pressures.

When making laws on marriage, polygamy, the dowry, paternal authority, abortion, divorce versus repudiation, inheritance, the State of Senegal is either confirming or attempting to reduce gender inequalities (Sow, 1985). Many family codes in sub-Saharan Muslim countries which yet maintain secularism as a principle of government, have introduced provisions from the Koran which deprive women from the right to equality in personal law: strengthening of men's position as head of the family, maintaining unequal inheritance between men and women, acknowledging the dowry as a prerequisite for a valid marriage, upholding polygamy, etc. Even when accepted by women, polygamy denies gender equality because it does not allow the same right to women and deems infidelity a valid cause for divorce.

In Senegal, the Family Code enacted in 1973 has been refurbished in 1982, under the pressure of women's organisations. Indeed, some provisions that were biased against women, have been repealed: for instance, the husband's right to prevent his wife to exercise a profession he deems degrading for his family, or the unilateral choice, by the husband, of the marital home. However, the Code still remains deeply inegalitarian because the wife's submission to her husband is maintained as an obligation; the choice between monogamy and polygamy (two wives or more) pertains to the hus-

band, etc. Moreover, for Personal Law it is legally possible to turn to the Koran, in which many provisions are unfavorable to women, as denounced by many organizations in countries living under Muslim laws. In 2002, after the falling of the Socialist Party which ruled the country for 40 years, the next ruling class elaborated a new Constitution in which men and women are cited as equal to the law in a more precise statement. For instance, access to education or resources as land or credit is equal for both genders. But still, the clause by which is the husband is the head of the family remains in the Constitution.

The area of reproduction is therefore one in which the State reproduces gender inequalities. Women's rights to control their body, their sexuality and their reproduction, which were widely discussed at Women's World Conferences, and achieved some success at the Cairo Conference on Population and Development (1994), still remain a major struggle for African women. Through these rights, women are able to refuse the ownership of their own body by men, by society and by the State. This involves the self-determination of their sexual and reproductive life, the right to contraception and to abortion. It also relates to the right not to be subjected to early, arranged or forced marriage; to female genital mutilations; to domestic violence, rape, including marital rape (rarely addressed), sexual harassment and incest. It includes the right not to be inherited by the family of a deceased husband; the capacity to be protected against unsafe sex leading to HIV/AIDS; the right to claim legislation against violence to women, etc. Yet, existing laws do not address most of these issues, or provide minor sanctions for serious offenses. In few cases when the sanction is enforced as in Senegal where the conjugal violence is an aggravating circumstance, it is barely applied. Laws are written in a foreign language (language of the colonisers) and most women have to have the laws translated and explained for justice.

In their large majority, African States still refuse to provide for laws repealing or punishing female genital mutilation, arguing, on the one hand, that it is a cultural practice, on the other that the penal code provides for sanctions punishing it (assault and battery). While Burkina Faso took legal steps forbidding it in 1996, Senegal and Cote d'Ivoire passed a law only in 1999. The repealing and sanctioning of female genital mutilations was rejected, by a one-vote majority, in the Kenyan Parliament in November of the same year. In Chad, in 1995, Zahra Yacoub received death threats

from Muslim associations, following the release of her documentary film on excision "Dilemme au Féminin", without any reaction from public authorities. It is only after an international campaign launched by feminist associations that the Fatwa against the film director was lifted. Even with a law, the practice is maintained in many communities. In order to achieve the goal, African states will organise a meeting on *Female Genital Mutilations: Tolerance Zero*, at the U.N Economic Commission for Africa, in Addis Abeba (Ethiopia), early February 2004. Wives of Heads of States will be attending the meeting.

In order to promote family planning, major agencies such as UNFPA and USAID, or the media, still rely on moral and religious authorities: Imams, priests, village chiefs, religious associations, etc., as opinion leaders, even financing their local meetings or missions abroad. To such extent that these authorities are claiming the right to be involved in the formulation of population policies. Yet, this is double-edged.

If these authorities can be convinced of the validity of family planning, they will found themselves on arguments drawn from the Koran and the Bible to allow populations, and more specifically women, to practice contraception. But at the same time, this confers them so much power! They are allowed to direct people's conscience in a background of poverty, moral and social fragility, where it is difficult to act individually, in the face of the constraints imposed by the social mould. This would entail all kinds of obligations for and abuse of women, especially. They would be expected to pray ostensibly, cover themselves, like the female students on university campuses, not to shake hands with men, bear or not bear children, stay at home to raise children, obey their husband, or the religious authorities, etc. This amounts to empowering them in strongly religious countries where the Imam settles disputes in villages or in suburban areas, wherever there is a lack of judicial, administrative or police structures. Above all, men and by culture are thus reinforced in their ownership of women's body.

Conclusion

Such a reflection on *Women and Islam in Africa* shows how critical it is to address women's living conditions, their difficult access to natural, material and financial resources, and their low participation to the decision making process, while referring to culture and religion.

It shows how inequalities are enshrined in culture, religion and politics. Despite all the national and international declarations about the suppression of all discriminations against women, as well as calls for enabling democratic environments for such measures, the State confirms or reinforces them through patriarchy, legislation, and policy. How do African women challenge patriarchy rooted in religion within the family, the society and the State, when patriarchy is also rooted in culture? Culture has been used as a buffer solution against Western ideologies and politics. It is flagged out today as another buffer solution against neo-liberal policies. Africa can only survive through its own cultures and identities. It is not an easy position or task to transmit new ideas, challenging taboos and silences, when their own environment is accusing to lose both their Africanity and faith.

As stated by the Conference Statement of the South East Asia Regional Meeting, at Petaling Jaya, Malaysia, in October 2002, most Muslim women are currently facing “the threat of hegemonic global unilateralism whose security policies have provided excuses for re-introducing or strengthening oppressive national laws [and] the rise of extremist religious forces that feed upon persistent local patriarchies. All of these have contributed to lending legitimacy to what is a manufactured ‘demonic’ image of Islam as an enemy of democracy and of women¹³⁷”. While religion is still deeply rooted in many Muslim countries, the struggle for gender equality and human rights for women requires, more than ever, the separation between the State and religion and secularisation of the State and the law. Lastly, Muslim women, who believe in their faith, have not only to interpret the Qur’an from their own perspective, but also the enormous task to reconcile Islamic sets of rules and universal human rights from within the Islamic culture itself.

Notes

1. “We are all Americans”, said Dr. Kouchner, the former French Ministry of Health of the Socialist Government of Lionel Jospin (1995-2002). He was the UN Coordinator for Kosovo after the Serbian withdrawal). It was a remembrance of President John Kennedy’s famous speech, during his first official visit to Berlin : “Ich bin a Berliner” (I am a Berliner).
2. Sources : <http://www.cia.gov/cia/publications/factbook/geos:ag.html>
3. The Islamic Republic of Mauritania is located South of Morocco

and North of Senegal. The River Senegal has been the frontier between the two States, only few years after their independence in 1960. Saint-Louis was the capital city of both former French colonies : Senegal and Mauritania. Nouachchott, the current capital city of Mauritania was founded in 1956. At independence, France left the power to the Moor community, with Mokhtar ould Daddah as President.

4. *The Principles of Islam*, Compiled by Sheikh Hamoud M. Al-Lahim, Al.Sunnah.com.
5. Diagne, Souleymane B. *Cents mots pour dire l’Islam*, Paris, Maisonneuve, 2002.
6. See the debate in Westerland D. and Evers Rosander E. ed. *African Islam and Islam in Africa. Encounters between Sufis and Islamists*, London, Hurst & Company, London, Nordic Africa Institute, Uppsala, 1997.
7. *The Nasran* are people who don’t believe in the faith of Islam. Christians are considered as *Nasran*.
8. Not mentioning the beard, the hat or the cap.
9. The French President Chirac was re-elected, in April 2002.
10. The FLN led the revolution and won the independence.
11. Mauritania belongs to the Arab League. Its relations with Arab countries, especially with Iraqi Baas Party, allowed the country to leave the Franc CFA zone and adopt a new currency, the ougyiah, backed by the Arab petro-dollars. The State also broke diplomatic relations with Israel, which were reestablished only a couple of years ago.
12. Sani Abacha was murdered. The current President Abasanjo, a former General, was elected.
13. Women’s Development Collective (Malaysia) & DAWN-South East Asia. *Islam, Politics and Women: Whose Identities ? Whose Interests*, Conference Statement of the South East Asia Regional Meeting, Petaling Jaya, Malaysia, 26-28 October 2002.

Bibliography

- An-Na’im, A. A. (1996) *Toward an Islamic Reformation, Civil Liberties, Human Rights and International Laws*, Syracuse Press University, Syracuse.
- Callaway, B. & Creevey L. (1994) *The Heritage of Islam. Women, Religions & Politics in West Africa*, Boulder & London, Lynne Rienner Publishers.
- Dekmejian, R. H. (1981) “The Anatomy of Islamic Revival : Legitimacy Crisis, Ethnic Conflict and the Search for Islamic Alternatives “ in Curtis, M. ed. *Religions and Politics in the Middle East*, Boulder, Westview Press.
- Diagne, S. B. (1980) *Cent mots pour dire l’Islam*, Paris, Maisonneuve-Larose.
- Esposito, J. L. ed. (1980) *Islam and Development: Religion and Sociopolitical Change*, Syracuse, Syracuse University Press.
- Imam, A. (1991) “The Development of Women’s Seclusion in Hausaland, Northern Nigeria”, *Dossier du Programme Femmes et lois dans le monde musulman (WLUMI)*, 9/10:4-18.

- Kukah, M. H. (1993) *Religion, Politics and Power in Northern Nigeria*, Ibadan, Spectrum Law Limited.
- Mahmood, Y. (1993) *Sharia Law Reports*, Spectrum Law Series, Ibadan, Spectrum Law Limited.
- Mernissi, F. (1987) *Beyond the Veil*, Bloomington, Indiana Press University.
- Muslim Women's Research and Action Forum (2000) *The need for Ijtihad or Intellectual Reasoning*, Seminar Series N° 2, Colombo, .
- Nwogugu, E.I. (1974) *Family Law in Nigeria*, Heinemann Studies in Nigerian Law, Ibadan, Heinemann Educational Books.
- Sheikh Hamoud M. Al-Lahim. *The Principles of Islam*, Al. Sunnah.com
- Sow, F. (1995) "Famille et loi au Sénégal : permanences et changements", in *Les frontières mouvantes du mariage et du divorce dans les communautés musulmanes*, Dossier spécial N° 1 du Programme Femmes et loi dans le monde musulman (WLUML), pp. 129-141, 1995.
- Sow, F. (1985) "Muslim families in Contemporary Back Africa", *Current Anthropology* 26 (5) (December).
- Vesey-Fitzgerald, S. G. (1955) "Nature and Sources of the Shari'a". In Khadduri M. and Liebesny H. Eds. *Law in the Middle East*, Washington D.C., Middle East Institute.
- Westerland, D. and Evers Rosander E. ed. (1997) *African Islam and Islam in Africa. Encounters between Sufis and Islamists*, Uppsala, London, Hurst & Company, London, Nordic Africa Institute.