

The Rights of Women in Islamic West Africa

by

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A thesis submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Bachelor of Arts in Criminal Justice with Distinction

Spring 2015

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ACKNOWLEDGMENTS

I would like to thank my thesis director Dr. Aaron Fichtelberg for being patient with me and helping me grow to become a better writer, student and just an overall person. Thank you.

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ABSTRACT

In parts of West Africa there are deep rooted patriarchal societies. In this part of the continent, men have been regarded as leaders while women are often seen as fragile and in need of the guidance of men. Islam has been thought to be a driving force behind the treatment of women in West African countries. Through literature review and family interviews I discuss three main topics: Bride price, polygamy, and property rights of women. I compare and contrast what Islam says about these three topics versus how they are actually practiced within the various West African cultures. Through my literature review as well as my families' experience I conclude that in a lot of these cultures they are not necessarily following what the Quran says but are interpreting bride price, polygamy and property rights of women from a more cultural standpoint.

Chapter 1

Introduction

In many parts of Africa there are deeply patriarchal societies. Men dominate the socio-economic and political arena. In these places, men have been regarded as natural leaders, who are considered both physically and mentally superior to women. Women are seen as extensions of their husbands or of their fathers. The pride of women is seen as being derived from men. As a result most African societies attach more value and importance to males than to females.

Reflecting this value system, most traditional African practices are biased against women. The practice of marrying daughters off young with the payment of dowry is upheld in many African communities. Polygamy is also commonplace in Africa: Men are allowed as many wives as possible while women may only have one (shared) husband and men measure their wealth and influence by the number of women they have and control. If a woman's husband dies and she is a widow she may be subjected to many cruel traditions such as never smiling or being unkempt and haggard for a number of years. Sometime the eldest man in the family inherits the woman as his wife. Otherwise, she is kicked out of the husband's house with her children and her property is confiscated.

Even though these traditions predate the spread of Islam, traditional African practices are closely linked to Islamic teaching and customs. Much like the African traditions, Islam has been interpreted in a male-centered fashion among the West African cultures. Sayings like, "Men are in charge of women because Allah hath made

one to excel the other” (Sura 4:34) are given a great deal of weight when compared to the sections of the Quran like in Sura 4:19 where it says, “It is not lawful for you to inherit women by compulsion...and live with them in kindness.” Like the traditional African practices Islam endorses polygamy, bride price as well as property rights for the women. With the combination of traditional African values and Islam there are enormous amounts of human rights violation for women in the region. In order for women to gain more rights there must be a change in traditional practices as well as the change in how we interpret Islam as a religion.

In this paper, I will argue for an interpretation of Islam in the West African context that is far more “woman-friendly” than the version that is traditionally practiced in the region. I will do this by reviewing various literature on the rights of women in Islam and how that affects the women in Islamic West Africa I am doing this because it is important to see if West African women truly are practicing those rights that are in the Quran and how those rights may clash with African values and cultures. Like all religions, Islam is interpreted differently as time changes, but unfortunately because West Africa has such deep roots in its culture and traditions, the interpretation of Islam has become misguided but most importantly outdated.

Through extensive literature review and through interviews from friends and family who are from West Africa I looked at the Holy Quran as well as various books and articles dealing with my three main topics; bride price, polygamy, and property rights for women.¹ Although the people that I interviewed do not represent the whole population of West Africa I think it was important to hear these women’s experiences.

¹ I interviewed three relatives who had grown up in Guinea each for approximately two hours apiece. The interviews were loosely structured, but touched on each of the topics mentioned here.

Unfortunately, because this topic has not been researched by a lot of people it was challenging to find scholarly sources on this subject. Because there has not been a lot of research done on this subject it is important to further research in this field because there are many women who still are being treated less than a human being under the guise of religion. So it is important to shed light on their experiences and try to find possible solutions.

History of Islam in West Africa

Although Islam in West Africa dates back to the eighth century, the spread of the faith in region that comprises modern day Senegal, Guinea, Mali, Niger, Burkina Faso and Nigeria was a complex and slow process.² Much of what is known about the early history of Islam in Africa comes from the written accounts of the Arab merchants and North African historians. Historians have given several reasons as to why Africans converted to Islam. Some emphasize economic motivations, others highlight Islam's spiritual message and some the overall influence of Arabic literacy.³ While the motivations remain obscure it is clear that the early presence of Islam was a result of commerce and trade among the ancient African empires with North Africa. Although trade between the Mediterranean and the West Africans predated Islam North African Muslims intensified the Trans-Saharan trade.⁴ They were major actors

² Nehemia Levtzion and Randall L. Pouwels (eds). *The History of Islam in Africa*. Athens OH: Ohio University Press, 2000

³ *The History of Islam in Africa*. Athens OH: Ohio University Press, 2000

⁴ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

into introducing Islam to West Africa. Several trade routes connected the North to Sub-Saharan Africans such as the cities of Gao and Ghadames.⁵The Sahel which is the ecological transition zone between the Sahara desert and the forest zone was where most of the medieval African empires developed. The Ghana, Mali and Songhay empires all developed in the Sahel.⁶

The history of Islam in West Africa can be described as occurring in three different stages: containment, mixing, and reform.⁷ In the containment stage African kings contained Islamic influence by segregating Muslim communities. In the second stage African kings blended Islam with local traditions as more people starting to convert to Islam. Finally in the third stage both the Kings and the Muslim leaders pressed for reforms and wanted to establish Shariah law.⁸ These three stages help to shed light on the development of Islam and these three empires during the medieval times. This led to the development of Hausaland in Nigeria and the Umarian state in Senegambia region.

Merchant scholars played a large role in the spread of Islam into the forest zones. These included the Jakhanke merchant scholars, the Jula merchants in Mali and the Ivory Coast and the Hausa merchants during the nineteenth century in Guinea,

⁵ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

⁶ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

⁷ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

⁸ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

Nigeria and Ghana.⁹ From the eighth to the thirteenth century, contact between Muslims and Africans increased and Muslim states began to emerge in the Sahel. Eventually, kings allowed Muslims to integrate. During this time, the Almoravid reform movement began in Western Sahara and expanded throughout modern day Mauritania, North Africa and Southern Spain.¹⁰ They imposed fundamentalist Islamic beliefs as a result there became greater consistency of the practice of Islam among the West Africans. The Almoravids captured trade routes and posts.¹¹

Over the next few decades, African rulers began to adopt Islam while ruling over a diverse people with diverse faiths. Many of these rulers blended Islam with traditional and local practices.¹² The Mali Empire (1215-1450) rose out of the region's feuding kingdoms. The Mali Empire consisted of modern day Mali, Senegal, Guinea and parts of Mauritania.¹³ It was a multi-ethnic state with various religious and cultural groups. While Sunjata Keita was not a Muslim himself the kings after him would all be Muslims the most famous being Mansa Musa. He made Islam the state

⁹ Nehemia Levtzion and Randall L. Pouwels (eds). *The History of Islam in Africa*. Athens OH: Ohio University Press, 2000

¹⁰ "The History of Islam in Africa. Athens OH: Ohio University Press, 2000

¹¹ "The History of Islam in Africa. Athens OH: Ohio University Press, 2000

¹² "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

¹³ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

religion and in 1324 he went on his pilgrimage from Mali to Mecca. Shortly after Mansa Musa's death the Mali Empire dissolved.¹⁴

Although Islam was the state religion for the Songhay Empire the majority of the population still practiced their traditional belief systems. Many rulers combined local practices with Islam. For example Sonni Ali, the ruler from 1465-1492, persecuted Muslim scholars who criticized pagan practices.¹⁵ The Songhay state, on the other hand, sponsored Islamic institutions, mosques and libraries. One example is the Great Mosque of Jenne which remain the largest building in the world. By the 16th century there were several Islamic trading cities the most popular being the city of Timbuktu. The city's multicultural population and Islamic scholarship gave way to a cosmopolitan environment. Timbuktu attracted scholars from throughout the Muslim world.

The trans-Saharan trade was an important gateway for the spread of Islam in Africa. It continues to have relevance in present day Senegal, Guinea, Gambia, Mali, Nigeria and many other Muslim communities nearby. Islam has existed for over a millennium pointing to the fact that Islam is a significant part of the West African culture. Islam and West African traditions values have blended to become its own culture. So while they practice Islam because of the different cultural practices there a slight variations to how they practice Islam. Most importantly, culture shape people's interpretation of Islam. Since culture and traditions are big driving forces in many

¹⁴ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

¹⁵ "The Spread of Islam in West Africa: Containment, Mixing, and Reform from the Eighth to the Twentieth Century." Stanford Press, 2009

African societies it shapes how they read the Quran and what they believe to be Islamic so for them growing up in a culture that is very patriarchal and misogynistic in nature they will have a much more skewed view of what the Quran is saying. But if they can be educated in reading the Quran in a more literal way then they are one step closer to living in a more progressive woman friendly society.

Chapter 2

Islam and Bride Price

Bride Price (the practice wherein a husband's family gives money or a gift to a bride's family in exchange for the bride¹⁶) is a widespread tradition both in West Africa and in Islam but the way that it is practiced in places in traditional West African culture is different from what is described in the Quran and other Islamic sources. In the Quran the term "Bride Price" does not exist the term that is actually used is *mahr* which is the obligatory bridal money given by the husband to his wife at the time of marriage. "And give to the women their *mahr* with a good heart, but if they, of their own good pleasure, remit any part of it to you, take it and enjoy it without fear." (Quran 4:3). This is very different from the actual practice of Bride price in West Africa because men have to give money to their soon to be bride's family and not the wife herself. So in that sense it becomes a kind of transaction between the family of the bride and the husband to be. Bride Price predates Islam and has been a part of West African culture before the Islamization of Africa. In this section I will analyze the practice of bride price in an Islamic context as well as in a West African context. I will compare and contrast both and see how that relates to Muslim women's rights in West Africa.

¹⁶ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 35. Boulder, Colo.: Lynne Rienner, 1994.

Many of the Quranic verses concerning women often arise in the context of family matters such as marriage, divorce and inheritance. The underlying principle of these verses is that a woman is an independent entity with rights “for men there is reward for what they have earned, and likewise for women there is reward for what they have earned” (Quran 2:233 and 4:32) women are also in charge of her own affairs (Quran 33:50). Also, the relationship between spouses is intended in the Quran to be a partnership and the expectation is that women should be treated with kindness and fairness. “Wed them with permission from their guardians and give them their *mahr* according to what is reasonable...have you to count in respect of them.” (Quran 4:25 and 33:49). In the context of marriage, the equality of men and women is continually emphasized. The very basis of marriage according to the Quran is love and compassion “and among His signs is this that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy” (Quran 30:2).

Because women usually were dependent on men financially during these times having the men give money to their wife to be was a gift intended as a token of the husband’s willingness to bear the responsibilities of his wife’s expenses. “The rich according to his means and the poor in circumstances according to his means, a gift of a reasonable amount is a duty on the doers of good” (Quran 2:236). It is also regarded as security for the wife if something happens to her husband. During those days this made sense because women really did not work outside of the home and so Islam ensured the financial security of these women before they got married. The minimum amount of *mahr* varies depending on your own financial status and it does not always

have to be money it could be anything of value like land or something as simple as a coat.¹⁷

Also it is very important to note that any wealth that the bride brings into the marriage remains her property. Most women during seventh century Arabia were not financially independent and the Quran allows these women have some financial and independence.¹⁸ The norms of seventh century Arabia meant that women were dependent on men like their fathers, brothers and husbands however and the Quran makes provisions for full and equal economic participation.¹⁹ Therefore open to change in social norms that would allow women to be more independent of men.²⁰ If the marriage does not work out between the husband and wife the wife is not obligated to give back the *mahr*. "If you intend to replace wife by another and you have given one of them *cantar* (i.e gold) as *mahr* take not the least bit of it back" (Quran, 4:20).

The practice of *mahr* has been distorted in traditional West African culture. Islamic teachings were not imposed uniformly in all West African cultures Shariah interacted with each specific set of pre-existing customs and traditions to create

¹⁷ Lovat, Terry. "Social Inclusion in the Context of Foreign-Policy Debates: Reflections on Jihad, Human Rights and Gender Equality in Islam." In *Women in Islam Reflections on Historical and Contemporary Research*. Dordrecht: Springer, 2012.

¹⁸ Lovat, Terry. "Social Inclusion in the Context of Foreign-Policy Debates: Reflections on Jihad, Human Rights and Gender Equality in Islam." In *Women in Islam Reflections on Historical and Contemporary Research*. Dordrecht: Springer, 2012.

¹⁹ ¹⁹ Lovat, Terry. "Social Inclusion in the Context of Foreign-Policy Debates: Reflections on Jihad, Human Rights and Gender Equality in Islam." In *Women in Islam Reflections on Historical and Contemporary Research*. Dordrecht: Springer, 2012.

²⁰ "Social Inclusion in the Context of Foreign-Policy Debates: Reflections on Jihad, Human Rights and Gender Equality in Islam." In *Women in Islam Reflections on Historical and Contemporary Research*. Dordrecht: Springer, 2012.

distinctive Islamic societies. In countries like Nigeria, Senegal and Guinea, women's lives are shaped by a blend of local cultural practices and the teachings of Islam. As a result, it can be difficult to determine which parts of current culture come from Islam and which from predisposing elements in pre-Islamic society. Thus, the practice of bride price in West African culture and the practice of *mahr* in Islamic teachings can be viewed as the same thing but in all actuality the principle of *mahr* is different from the practice of bride price.

Bride price is practiced in all ethnic tribes in West Africa by both Muslims and non-Muslims. In many West African countries in order to be married in the first place, a man has to pay bride price. Thus, many men cannot afford to marry until they reach their late twenties or later.²¹ This is also when boys reach adult status because that is when they become economically self-supportive.²² For example Hausa men in Northern Nigeria are not granted adult status unless they are married.

This is prime example of the blending of Islam and West African traditions because the Quran states that a man cannot marry unless he has sufficient *mahr* and this is also practiced in West Africa. But instead of giving the money or gift to the bride the man gives it to the family of the bride in most West African cultures. In

²¹ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 38. Boulder, Colo.: Lynne Rienner, 1994.

²² Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 34. Boulder, Colo.: Lynne Rienner, 1994.

exchange, the wife is expected to take care of household chores, show proper deference to her husband, and be sexually monogamous.²³

Marriage by bride price can be regarded as a rite of initiation for the wife into her new family which makes it nearly impossible for her to divorce or leave. If she does leave, her family must return the bride price that was given to them upon marriage. This puts huge pressures on the wife to stay in the marriage because not only will she not be financially secure but she will also be shunned by her family when she leaves. Traditionally husbands provide an allowance to wives for the purchase of food and household essentials.²⁴

As a result of the African bride price practice, most women are married off as young girls before puberty because of the economic benefits the family will gain, especially if they are very poor.²⁵ If for whatever reason she wishes to leave the marriage she will be discouraged by her family because she will not only have brought shame to them, but they will be forced to return the money the husband paid for her. Bride price also allows men to have full custody of their children. The children are seen exclusively as his. She may only be able to keep an infant child and is entitled to

²³ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 36. Boulder, Colo.: Lynne Rienner, 1994.

²⁴ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 35. Boulder, Colo.: Lynne Rienner, 1994.

²⁵ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 34. Boulder, Colo.: Lynne Rienner, 1994.

receive support for it but upon weaning the child may be claimed by the father or the nearest male figure.²⁶

This is all the result of a man treating the woman more like property than as a human. If she had not been essentially bought she would be able to claim custody of her children in the event that she decides to get a divorce. Before Islam came to West Africa women were not given the right to the money or goods paid for their bride price.²⁷ Although, women had this right because of Islam many West African cultures still practiced the same old tradition of bride price afterwards because it has been deeply rooted in the culture.

This is a perfect example of the blending of Islam and the traditional West African culture. For example, Hausa marriages are defined by contract and this contract is bound by the bride price the husband gives to the wife's family and the marriage remains valid as long as the husband feels like his wife is respecting her wifely duties.²⁸ It is also a blend because of the sheer fact of how long ago Islam came to West Africa. With the introduction of Islam and the already existing religions and traditions of West Africa people just naturally interpreted the Quran with what they already knew to be their traditions.

²⁶ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 39. Boulder, Colo.: Lynne Rienner, 1994.

²⁷ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 33. Boulder, Colo.: Lynne Rienner, 1994.

²⁸ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 35. Boulder, Colo.: Lynne Rienner, 1994.

Bride price and the Islamic teaching of *mahr* then become two very different things. The Islamic practice of *mahr* is meant to ensure that the wife is economically independent and she is able to keep her money even after a divorce. She is not obliged to give anything back: it is seen as a gift. The practice of bride price on the other hand is basically a transaction between family members. It makes the women a commodity that is to be bought and sold which is why many girls are married off young. They essentially become slaves in their own household and hold no power. In the Quran it outlines many different rules to ensure that women were seen and being treated as equals. Although these West African countries view themselves as Muslims they are not practicing what Islam preaches. It is important to note that the actual term “bride price” is nowhere to be found in the Quran. Consequently, Muslim West Africans should abandon the practice of bride price because it has no basis in Islam and it degrades Muslim women. This is a classic example of culture prevailing over religious teachings so although bride price is not in the Quran they have interpreted the practice of *mahr* as being the same thing. One of the ways the practice of bride price can be eliminated is if people in that culture know the difference between what the Quran says and the actual practice by reading what it says. If one can do that than we are one step closer to empowering African Muslim women.

Chapter 3

Islam and Polygamy

Polygamy is by far one of the most controversial topics when it comes to Islam and women's rights. Unrestricted polygamy was practiced in most human societies throughout the world in almost every age. Islam regulated polygamy by limiting the number of wives and establishing responsibility in its practice. In West African countries some Muslim women are in polygamous marriages. For example in Mali a predominately Muslim country 20% of their marriages are polygamous.²⁹ In this section I will be comparing polygamy in the context of Islam and polygamy as a West African tradition and arguing that the African practices fall far short of the demands of orthodox Islam.

Islamic writing on the subject of sex roles often stresses “complementarity” which essentially means that women obey and serve men and perform all domestic tasks.³⁰ In the Quran it states “men are those who support women, since God has given some persons advantages over others, and because they expend their wealth on them...men have authority over women because Allah has

²⁹ Fenske, James, *African Polygamy: Past and Present*.

<http://www.csae.ox.ac.uk/workingpapers/pdfs/csae-wps-2012-20.pdf>

³⁰ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 108. Boulder, Colo.: Lynne Rienner, 1994.

made the one superior to the other and because they spend their wealth to maintain them” (Quran, 4:35). The Quran further states that a man may marry as many as four wives if he can support and treat them equally (Quran, 4:4). This is the reason why divorce rates are high in in the Islamic regions of places like Nigeria and Senegal – women have a right to leave if they feel that their men are not taking care of them as they should.

In Senegal, pre-Islamic societies contained a mixture of matrilineal and patrilineal traditions.³¹ Among the Wolof people in Senegal, women were believed to transmit character and intelligence to their children which could be both a good and bad thing because most women would be blamed if the children were acting up.³² Islam gave women family rights they had not had before like giving a mother rights to her children.³³ Most Senegalese are Muslim, which means that men marry up to four wives. The Family Code of 1972 required men and women to agree at the time of the marriage as to whether that marriage would be polygamous or monogamous.³⁴ If he is polygamous he must give equal time to each wife in order that each may be assured of equal opportunity to bear children.

³¹ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 36. Boulder, Colo.: Lynne Rienner, 1994.

³² Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 36. Boulder, Colo.: Lynne Rienner, 1994.

³³ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 34. Boulder, Colo.: Lynne Rienner, 1994.

³⁴ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 34. Boulder, Colo.: Lynne Rienner, 1994.

This equality among wives is very important. If the husband is unable to do so he can not marry them for the Quran stresses equal time and love for each of the wives if the man chooses to be polygamous. “And if you fear that you may not be just to the orphans then you may marry whom you please of the women: two, three or four...but if you fear that you will not be just, then marry only one” (Quran, 4:3). These words can be read in conjunction with the following Quranic words “you will not be able to treat all women equally even if you wish to do so” (Quran, 4:129). If we combine the content of these two verses it becomes obvious that God is very clearly discouraging more than one wife. One can interpret it that God only allows this action under very strict circumstances but even then it is still very much discouraged.

The prophet Muhammad was married to one wife, Khadijah until she died and she had all his children except one from Khadijah. During the remaining thirteen years of his life, the prophet married the aged widows of his close friends but he did not love them in the way that he loved his wife Khadijah. He only did it to provide a home and a fatherly figure for the children.³⁵

There is also a discussion of monogamy in the Quran regarding Adam. Adam was the first person sent on earth and Allah had created only one wife for him and not several wives. Quran 2:35 says “and we said: O Adam, dwell thou and thy wife in the garden, and eat from it wherever you wish”. Thus, this is another verse that clearly implies one female for one male and not many females for one male. God does not create ten women for one man therefore, it is man who changes this equation.

³⁵ "Quranic Views on Polygamy." Quranic Views on Polygamy.
http://www.irfi.org/articles/articles_151_200/quranic_views_on_polygamy.htm.

If more than one woman is married to a man it should be saved for some kind of social crisis. For example in verses 4: 2-3 show that polygamy has been permitted only in high exceptional circumstances i.e. when a large number of women have been rendered *yatim* (orphans) due to devastating wars which was not at all unusual at that time in Arabia. The word *yatim* means not only orphans but also widows according to the classical Arabic usage.³⁶ It is natural that in war time many of the widows and orphans property could be taken away if they had any so in order to protect the properties of these women and to find shelter the Quran permitted marrying up to four wives.³⁷ The Quran emphasizes the limitations against polygamy in very strong words “if you fear lest you may not be perfectly equitable in treating more than one wife, then you shall be content with one” (Quran, 4:3).

Polygamy was practiced in many West African societies before the Quran was revealed 1400 years ago and is more closely linked with historical inequality and exposure to the slave trade than the spread of Islam.³⁸ The practice is concentrated in West Africa but it has declined in recent decades.³⁹ Polygamy in West Africa Polygamy also depends on if the families of the daughters are also polygamous or not.

³⁶ "Quranic Views on Polygamy." Quranic Views on Polygamy.
http://www.irfi.org/articles/articles_151_200/quranic_views_on_polygamy.htm.

³⁷ "Quranic Views on Polygamy." Quranic Views on Polygamy.
http://www.irfi.org/articles/articles_151_200/quranic_views_on_polygamy.htm.

³⁸ "VOX CEPR's Policy Portal." African Polygamy: Past and Present. Accessed February 25, 2015.
<http://www.voxeu.org/article/african-polygamy-past-and-present>.

³⁹ "VOX CEPR's Policy Portal." African Polygamy: Past and Present.
<http://www.voxeu.org/article/african-polygamy-past-and-present>.

In a survey done by Barabara Creevey about marriage she asked Hausa men and women who should decide who a daughter should marry the overwhelming majority said the husband alone should decide.⁴⁰ This could affect who the daughter ends up because if her parents most importantly her father is in a polygamous then they would be less hesitant to give her away to a polygamous marriage.

In my native country of Guinea it is not uncommon to see polygamous marriages and one would expect it to be quite chaotic but the women work together to make sure that the house runs smoothly. They actually see the other women as sisters and they take care of each other's children like they are on their own. One would assume that its mostly uneducated women that are in polygamous marriages but there are some educated women who are also in polygamous marriages. For example, a woman who is a very educated businesswoman is in a polygamous marriage. Her husband has one other wife when asked why she decided to be in a polygamous marriage she said it was just much easier because she knows her kids will be taken care of when she is gone and she can trust the other wife like she's her own sister. My mother on the other hand did not want to be in a polygamous marriage and before she married my father they both had an agreement that he would not marry someone else because that was the only way she would agree to the marriage. Although my mother is a Muslim she never grew believing that polygamy was an Islamic idea but more of a cultural idea. So for some polygamy works and for some it does not but what is important to know is that it should be a choice that the woman has and to use Islam as

⁴⁰ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 108. Boulder, Colo.: Lynne Rienner, 1994.

a guise or an excuse to be in a polygamous marriage is unacceptable. Women should have the chance to choose who they marry and whether or not they want to be in a polygamous marriage.

Polygamy did not come from Islam. Polygamy came from culture and tradition what Islam did was take something that was cultural and regulate it. Yes Polygamy is permitted in the Quran but under strict rules and special circumstances. What Islam did was put restrictions on the amount of wives men were allowed to have and because the Prophet had four wives that became the standard for how many wives a man could have. Whether or not one believes that polygamy is right or wrong it is important to keep in mind that it should be up to the women if they want to be in polygamous marriages and they should not be forced into one because they believe it is their religious duty.

Chapter 4

Property rights and Islam for West African Muslim Women

All of the key Islamic legal materials generally support women's rights to acquire, hold, use, administer and dispose of property. One of the ways to evaluate land and property and housing rights of Muslim women is through international human rights law standards. However, even within the human rights framework, gender rights are not always prioritized. The mere existence of paper rights does not guarantee their practice. According to the Quran a Muslim woman possesses independent legal, economic and spiritual identity and independence. In this section I will be comparing the rights of Muslim women to own property as stated in the Quran and their rights observed in their West African culture and the traditions they may have that conflicts with the Quran.

All the key Islamic legal materials generally support women's rights to acquire, hold, use and dispose of property. The Quran notes that women "shall be legally entitled to their share" (Qur'an 4:7) and that "to men is allotted what they earn, and to women what they earn." (Quran 4:32) Only if women choose to transfer their property can men regard it as lawfully theirs. (Quran 4:4). The Islamic laws supporting property rights of women are drawn from a variety of fields such as family law like marriage, inheritance, or dowry, property law like gifts, endowments or trusts and economic law which is the right to work or income. Muslim women's lesser rights in inheritance under Islamic rules have been regarded as seeing women as

inferior by some Muslim scholars. Islamic framework should be approached holistically. Some Muslims often argue there are other avenues for obtaining property such as gifts, dower, maintenance in marriage etc. It is important to note that there is no Islamic prohibition on women obtaining equal property rights as men, only in relation to inheritance.

Historical accounts of women's treatment as equals under the law, together with examples of women controlling and managing property, provide great evidence that tools exist within the Islamic legal framework to better the position of women in contemporary societies. In early Islamic history, Muslim women played a variety of public roles. The Prophet in his farewell sermon spoke of property rights for both men and women, and his wives held their own separate property. For example one of the Imams appointed to lead prayers of both men and women and a superintendent at the market at Madinah were women.⁴¹

Recent findings on the ownership and management of property by Muslim women in Ottoman records show that women had rights to property in many Muslim societies.⁴² Ottoman records have shown significant property rights of Muslims women. For example, in 16th Century Istanbul one-third of all founders of trusts were women.⁴³ Ottoman records show that “no one including the husbands or even fathers,

⁴¹ Jennings, R C (1975) 'Women in early 17th Century Ottoman judicial records - the Sharia court of Anatolian Kayseri' 18 *Journal of the Economic and Social History of the Orient* 53

⁴² Jennings, R C (1975) 'Women in early 17th Century Ottoman judicial records - the Sharia court of Anatolian Kayseri' 18 *Journal of the Economic and Social History of the Orient* 53

⁴³ Jennings, R C (1975) 'Women in early 17th Century Ottoman judicial records - the Sharia court of Anatolian Kayseri' 18 *Journal of the Economic and Social History of the Orient* 53

could make use of women's property without their consent, and women appealed to the courts when anyone tampered with their assets.”⁴⁴ Dower or *mahr* is for the wife's use and may be disposed of as she wishes. One of the ways in which women can empower themselves is through the Islamic right of a reasonable *mahr*, without fear of social consequences. For example in Nigeria, while being courted by her husband he would present gifts to her on a weekly basis as well as money. During their wedding ceremony brides publicly display their gifts as they are ushered into their new homes.⁴⁵

Muslim women's access to property is best understood through the dynamics of custom, tradition and family. Unfortunately, a woman's rights to property are shaped by her social status and the dynamics within her household and family. Under the integrated Islamic approach to women's property rights, her inheritance rights are expected to be compensated by other means.⁴⁶ These means of wealth generation include a woman's access to purchase through earnings, endowments and gifts and savings (from lack of financial obligations within the family), and maintenance. In practice the system fails to carry equitable access to land for several reasons. First there is no mechanism to ensure that a woman is compensated for her inheritance loss in other ways, as there are different people at various stages of the woman's life.⁴⁷

⁴⁴ Sonbol, Amira El-Azhary (2003) *Women of Jordan* (Syracuse New York, Syracuse University Press)

⁴⁵ Masquelier, Adeline (2009) *Women and Islamic Revival in A West African Town* (Indiana University Press, Bloomington and Indianapolis)

⁴⁶ Masquelier, Adeline (2009) *Women and Islamic Revival in A West African Town* (Indiana University Press, Bloomington and Indianapolis)

⁴⁷ Sait, Siraj, and Hilary Lim. "Muslim Women and Property." *UN-Habitat Islam, Land & Property Research Series* 5.

Therefore, they do not take a “life course” perspective when dealing with a woman’s demands or needs.

Second, while inheritance shares are often land rights, the others such as *mahr*, maintenance and beneficial interests under an endowment/trust (*waaqf*) are at best limited to rights or wealth.⁴⁸ Property tends to flow away from women as opposed to towards them. Under social or familial pressure women may give up that inheritance right to land or exchange it for cash or other property, which may or may not actually be paid. Third, customary norms through family and kinship structures seem to have trumped Islamic principles by making earnings and savings difficult, the *mahr* and maintenance rights conditional and inheritance rights often merely theoretical.⁴⁹ However, Islamic principles and early practice demonstrate that it does not have to be this way and that a reappraisal of Islamic law could empower Muslim women and enhance security of tenure.

Although there are Islamic laws that are in place of to help women get the property and monies they are entitled to most women in West Africa work – usually in agriculture, the informal sector, a wage-paying job or some combination thereof.⁵⁰ In the laws that are written for women’s property rights their seems to be an assumption

⁴⁸ Sait, Siraj, and Hilary Lim. "Muslim Women and Property." *UN-Habitat Islam, Land & Property Research Series 5*.

⁴⁹ Sait, Siraj, and Hilary Lim. "Muslim Women and Property." *UN-Habitat Islam, Land & Property Research Series 5*.

⁵⁰ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 93. Boulder, Colo.: Lynne Rienner, 1994.

that women do not have any obligations when it comes to taking care of the family and the *mahr* that they are given or the allowances that their husbands may give them is enough to sustain them. But it is quite the opposite when it comes to taking care of their families. Many West African women have become the head of their households and are a major part for providing for their families. This may be explained by the prevalence of divorce or migration.⁵¹ Because of the lack of jobs in their towns or villages the husbands may have to migrate and find work in other places leaving for months at a time. During that time it is the women who are in charge of the finances and household expenses.⁵² In traditional polygamous societies, women have the right to use proceeds of their labor.⁵³ Families keep separate budgets, each adult having some kind of work and income tally. Women are obligated to grow and prepare food for the family, provide clothing and assume other household expenses. But men hold the only available resource which is land and they have the right to the labor of the women on the family plots, which they control.⁵⁴

⁵¹ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 93. Boulder, Colo.: Lynne Rienner, 1994.

⁵² Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 93. Boulder, Colo.: Lynne Rienner, 1994.

⁵³ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 93. Boulder, Colo.: Lynne Rienner, 1994.

⁵⁴ Callaway, Barbara, and Lucy E. Creevey. "Socialization and Subordination of Women." In *The Heritage of Islam: Women, Religion, and Politics in West Africa*, 95. Boulder, Colo.: Lynne Rienner, 1994.

Unfortunately, when I spoke to some family members and friends that are a part of the Guinean community many of them have had the same experiences. For example, my grandfather had one son (my father) and after he passed away he became the sole person to inherit everything that was my grandfather's property leaving my grandmother and aunts with nothing all because my father is the son. Like many men in the family my grandfather had good intentions for him passing along all of the property to my father would ensure that my father would take care of his mother and my aunts who are much younger than my father. He was left with the burden of taking care of the family which is very normal in a traditional Guinean household. Speaking to a friend who is from Sierra Leone she also had the same type of situation happen within her family. Her father owns some land in Sierra Leone but all of the land that her father owns will be given to her two brothers when he dies not her or her mother. When I had asked her if her mother was upset by this she said no because to her if her brothers have the land it does not make a difference because it is still in the family and her mother knows that her brothers will take care of her.

So although Muslim women do have the rights to own property and land, when mixed with traditional West African culture it becomes very difficult for them to actually get any land. Property is a matter of implicit and explicit bargaining and negotiation within the family. Women employ a variety of strategies, some of which may seem counter-intuitive but remain effective. So although my friend's mother or my grandmother did not get the property and it was passed on to the sons they were still reaping the benefits because in that culture you must take care of that person so for many women in this culture it does not seem like a loss at all because it is still kept in the family. I think it is important to note that if a woman does decide that she would

like rights to this property under Islamic law she can get it and it can empower Muslim women and enhance security of tenure but with the mixture of culture and tradition it becomes difficult to enforce those rules. In the context of property rights for women culture seems to have triumphed as a result it will become difficult for women to have property rights unless the culture and society changes and makes it okay for women to hold and use land.

Chapter 5 Conclusion

Islam has existed for over a millennium pointing and is a significant part of the West African culture. West African values and traditions mixed with their interpretation of Islam has hindered women's rights in the area of bride price, polygamy, and property rights. Even though these customs predate the spread of Islam traditional African practices have been closely linked to Islamic teachings and customs. Unfortunately, influence by African customs, Islam has been interpreted in a very male-centered fashion. In order for women to gain more rights there must be a change in the traditional practices of West Africa but most importantly a change in how we interpret Islam as a religion. It is important to go back to what the Quran has stated involving these three areas.

First, the practice of bride price is strictly a West African tradition and has no basis in Islam. The practice of *mahr* empowers women and doesn't treat women as property unlike the practice of bride price. The practice of *mahr* also doesn't put much pressure on the men when they decide to get married. Secondly, for polygamy it is important to note that the practice existed before Islam and that while Islam tolerates polygamy it is not advised to have more than one wife. What Islam did was limit the amount of wives women had and also ensured that every woman and children were taken care of by men. Thirdly, it is a myth to say that Muslim women do not have property rights in Islam: according to the Quran women can own their own property and can have their husband's property if by chance their husband is dead.

Unfortunately, because of the customs that are in place in West Africa most property is known to be passed down to sons from their fathers.

Overall, each topic that was discussed it was important to note that when it comes to the fundamental rights of Islamic West African Women, each ethnic group is going to interpret the Quran differently because of the different local customs.

Religious practices are shaped by culture. It is hard to separate the two especially with religious texts. Each person will interpret it differently depending on what kind of culture they come from. It is also very important to note that it is very easy to mix culture and religion and try to call it a “religious practice”. It is imperative that Muslims first go back to what the Quran says as this text is the foundation of our religion. If we do that then we will be one step closer to respecting women in all aspects whether it be on a personal level like marriage or on a more business level like when we are dealing with property rights.

There is more research that should be done on this topic. I have just touched the surface on these issues but it is very important for scholars to pay attention to Islam in West Africa. It was very challenging to find scholarly sources that talked about these issues, despite the fact that over 245 million people live in the region. Hopefully more research can be done on this topic in the future. It is important to know and learn more about this region because whether we like it or not it does affect the US and the West a lot especially with the increase of the amount of Immigrants that are coming from this area. It is also important to shed light on women’s experiences because they’re being treated less than human beings. So if we can empower these women in these regions then the standard of living in this region will improve. If we can understand the culture then we can try and find possible solutions.

REFERENCES

Interviews

Sidi Mouctar Dicko, on March 14th for 2 hours

Khaite Dicko, on March 14th for 2 hours

Aissatou Dicko, on March 14th for 2 hours

Appendix A

CAPITALIZED APPENDIX TITLE

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