

Fundamentalisms, globalisation and women's human rights in Senegal

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One response to the phenomenon of globalisation in politics, economics and culture has been a resurgence of fundamentalist movements. To fundamentalists, women symbolise ethnic and cultural purity, and their rights and status have become an enormous issue. But the links between fundamentalisms, tradition and modernity are very complex. In this article I look at the example of Senegal, where traditional spiritual beliefs are mingled with the newer world religions, in very complex ways. Consequently, it is difficult to understand the connections between fundamentalism, globalisation and women's human rights. But this understanding is critical if women are to obtain and retain equal rights with men. This article is taken from a presentation given at a workshop entitled 'Fundamentalisms, globalisation and women's human rights', at the AWID Forum.

The issues of human rights, democracy and citizens' participation have never been debated as much as they are today – both internationally, and in Africa. The world is now dominated by the ideas and rules of the free market, which are forcing political changes, obliging states to open up to the world market. These changes are altering the relationship between states and citizen. The state is reshaping itself, in line with the prescriptions of the international financial institutions (IFIs) and the World Trade Organisation (WTO) that there should be a lesser state presence or even a total absence of the state, in contexts where the role of the state was previously very prominent. States currently seem more concerned about their sheer survival in the world market than in satisfying the interests of their citizens.

The talk of human rights heard in international fora masks the violation of citizen's rights in general – and women's rights in particular – which accompanies globalisation. In particular, it is increasingly

difficult to address women's rights when policies reduce social budgets, and privatise resources and basic services to the poorest populations. How can we sustain the few gains made for equality between women and men, when states are unable to guarantee that these are reflected in women's lives? Women experience globalisation daily when they go in search of water at the hydrants in poor neighborhoods, or when they busy themselves in thousands of other ways to fulfill the needs of their families. These are needs that men are no longer able to meet, or needs arising from the cutting of state provision for education or health services, under the constraints of structural adjustment policies. It is primarily women who pay the actual costs of the privatisation of the economy.

All these factors have favoured the emergence of fundamentalist movements, in environments where religion is an integral part of culture. This article focuses on the example of Senegal. The resurgence of Muslim discourse, and its impact on

women, is what interests us most here, because of its impact on national life.

Religion and culture in Senegal

Senegal is a country located on the west coast of Africa, which had a long spiritual tradition even before Judeo-Christianity and Islam set roots. Pre-Islamic and pre-Christian religious underpinnings are deeply embedded in daily social attitudes and practices. These form the basis for numerous informal social norms, and formal laws. For example, it is customary in many Senegalese communities to sacrifice an animal when a newborn child is given a name, or during funerals. There are other similar examples. People still spill animal blood before undertaking an important event, to call upon the spirits (*rab*) and enlist their support, or in order to mollify their wrath. People bury cola nuts and charms, or pour sour milk or animal blood on the foundations when starting to build a house. Others drink and smear their bodies with all kinds of mixtures for luck, before taking an exam, applying for a job, or to ensure that their professional or political job remains secure.

Islamic and Christian practices have flourished and mingled with traditional practices. In the first example given above, a Muslim rite may be used for the animal sacrifice, with people facing Mecca, and reciting Koranic prayers. Good luck charms are made from soaked paper inscribed with Koranic chapters. A Sereer Christian from Sine would use the Bible for this purpose. All these types of behaviour are looked upon as familiar and sensible. Whether they are popular or not, they are never considered fetishist or pagan. It does not matter to the people who practise this behaviour what traditional healers or priests think of it. To the majority of believers, whether they are Muslims, Christians, or follow indigenous beliefs,

these practices represent a call to the spirit world, to enlist the ancestors' protection. Senegalese of all religious denominations, and of all ranks and social standing, depend on religious laws and rites to define their collective identity.

Many of these rites lie within women's realm. They participate in them either as actors or leaders of worship. Female divinities govern the areas bordering the sea and rivers, between Dakar, Cape Verde and Saint-Louis on the north coast of the country. Fishermen's wives make offerings to Mame Jaare and Mame Coumba Bang as boats prepare to leave the shore at the beginning of the fishing season. This is an important activity in a country with over 600 kilometres of coastline. Women healers (*facckat*) preside over fertility rites (to cure infertility, or protect a pregnancy), and possession rites (including ceremonies of exorcism), and administer drug-yielding plants for therapeutic purposes, in cases of physical or mental illness or emotional crisis brought on by different types of problems, including difficult marital relationships.

In the newer world religions there is much less of a leading role for women. In Islam in particular, leadership of religious rites is mostly taken by men. This has had an impact on the traditional rites. By adding a few verses from the Koran to their incantations, male healers have taken over from female healers, giving the rites a new 'holy' dimension. Women have given up their roles as high-priestesses. The masters of worship and healers (who were referred to as 'shamans' in colonial ethnological terminology), have attained an even higher status than they had before the coming of the new religious beliefs. Thus, we are now witnessing subtle changes to cultural practices, in line with the gradual Islamisation of the country. A spiritual patriarchy is now established. The important titles of *Serigne*, *Thierno* or *Marabat* are given to men, but never to women, no matter what the degree of their acquired

wisdom. The male title *Serigne* (nowadays used for 'Mr') designates a religious man; the female title, *Sokhna* (now used for 'Mrs') either designates the female relative of a Muslim holy man, or a woman who has religious knowledge and learning.

Senegal, the land of Islam

Senegal has slowly become Islamised since the ninth century.¹ Today, almost 90 per cent of its population (close to 10,000) are members of four religious brotherhoods. Each is led by a marabout or spiritual leader. These are the *Tijaania*, of Algerian origin, the *Xaadria* of Mauritanian origin (Boutlimit), the *Mourides* (Touba) and the *Layeen*. These last two brotherhoods are of local origin and can be seen as nationalist responses to colonialism, when people strengthened their sense of collective identity in the face of Westernisation and Judeo-Christian beliefs imported through formal education and changes in social and political models. While France, the colonial power, spent a century crushing monarchies from Senegambian soil, the traditional authorities gathered strength and dynamism around Islam.

Even though Senegal is a Muslim country, its culture is not an Arab culture. There are certainly Arabic terms in local languages, especially from the Koranic legal code, but Arabic is only spoken in the country sparingly, in order to read and recite the Koran. The Arabic alphabet was used to transcribe national languages,² even before Latin characters were adopted. Many rules of civil and social conduct such as the proper way to say 'hello', 'thank you', or conduct marital and social customs, testify to a deep Islamic imprint. This imprint has mingled with other influences, in harmony with some and in opposition or contradiction with others. For example, it needs to be emphasised that women wearing a veil, or female seclusion within domestic space, are not practices from Wolof, Sereer, Pël, Mandeng or Koniagi

traditions, which make up the cultural base of Senegal. And matriarchal lineage still defines the fundamental foundations of Senegalese kinship systems, in the face of a patriarchal Islam.

In pre-colonial Senegal, a strong religious sensibility was governed by tolerance. Into this context, French colonialism imposed the separation of religion and state. The Napoleonic code was imposed in governing family relationships. This was a partial success, with Christian families undergoing a civil ceremony before a church wedding. All civil marriages forced the spouses to abide by rules of French law, especially mandatory monogamy, legal divorce, and so on. But the Muslim communities – even including individuals within them who had been most influenced by the French – categorically opposed the use of the civil code. Koranic law, adapted in line with local traditions, continued to be administered. Muslim jurisdictions managed by a *Cadi* (Islamic judge) were reinforced as well. Their legal decisions covered various areas of expertise, especially family law (divorce, child custody, family conflicts or inheritance, for example). They were, until independence, recognised by the colonial state. The colonial state was unable to ban polygamy, or to make civil marriages mandatory. The legislation which it tried to introduce was not respected in cities or villages. People continued to abide by laws enacted by traditional custom, and then by religious law (if not at the same time).

Senegalese Islam, while giving shape to moral and social life, has been relatively gentle towards women. It recognises the importance of each family system, whether this is patrilineal or matrilineal. Beneath the general principle that women should be obedient to men, women have a degree of choice in negotiating their status and their authority within the family and society.

Secularisation, women's rights and religious laws: managing identities

In Senegal, secular forces have promoted a state based on ideas of 'modernity'. The eight constitutions that Senegal has drafted since its independence in 1960 have all been based on the principle of the secular state. This includes the current Constitution, voted upon in 2001. In its efforts at social 'modernisation', the new state, presided over by Léopold Sedar Senghor, who is a member of the Sereer ethnic group and Christian, underwent significant legal reforms. Enacted into law in 1973, the Family Law Act of Senegal was an important and original reform in the West African region.³ The Family Law Act, which aimed to be secular and applicable to all Senegalese, no matter what their religious denomination, met strong opposition from the outset. All Muslim tribunals were abolished. Muslim authorities proclaimed their commitment to the principles of the Shari'a (*fiqh*) and a large majority of men believed the code to favour women too much. Indeed, the code provided impetus for women's rights insofar as it represented a series of rules set by the legislator and not by the interpretation of customs, or even by customs that were re-invented to suit various needs and contexts.

However, the code still contained an important number of Koranic dispositions, and it was left to citizens to decide whether to adopt these or not. For example, in the case of inheritance law, there are two options: either the inheritance is equally divided among children regardless of sex, or an unequal share is awarded to the two sexes (the daughter inherits half of the son's share, and only children born into wedlock have to right to inherit).

Similarly, in the case of marriage, dowry is possible, but not mandatory. But despite all the sex discrimination which appears in the Family Code, the Senegalese

state was attempting to secularise the institution of marriage. Consent, celebration, and registry of marriage at City Hall were demanded of the spouses. Most importantly, divorce had to be decreed in a civil court of law. Spousal support was set by the judge. While the code does not eliminate polygamy, it requires men to choose between monogamy, polygamy with two, or polygamy with more than two. Once a man has chosen monogamy, this cannot be reversed. While Christians could marry through a civil ceremony, without going through the church, Muslim couples must celebrate their union at the mosque as dictated by their Muslim identity. A civil marriage is mainly an administrative formality.

Despite the fact that Senegal is a country in which culture, religion and secularism intermingle and contradict one another, its citizens reaffirmed their commitment to the principles of secularism in the constitution voted in 2001, and confirmed equality between men and women in so doing.

Yet, secularism seems to infringe upon people's deepest sense of identity. Modernisation, which is rapidly changing the landscape in Senegal, does not allow for disagreement with the socio-economic, political and material changes associated with it. The time for questioning the extent to which Africans remain African if they adopt aspects of Western culture seems to have gone.⁴ Topical concerns now seem to consist in youngsters starting to challenge the authority of elders, especially where new ideas about female identity are challenging ideas about male identity (which have also changed).

The status of women is an issue which is at the heart of people's ideas about society and culture, and it is hence at the heart of the confrontations between Islam and modernity, between ideas about a Muslim 'Africanness' and Westernisation. Fundamentalist forces criticise the concept of modernity, which they say is imposed

'from the outside'. For them, the important thing is to reconquer and reclaim a traditional identity. In the eyes of fundamentalists, nothing should be changed (even though change is an inevitable process) and a woman is a symbol of ethnic 'purity'. Challenges to these religious and patriarchal power structures are presented through Senegalese women's new access to education (a symbol of modernisation), and the intellectual and professional freedom they can potentially gain. It should be noted, however, that while religion – which freezes ideas of women and their status in time – does not bring women freedom, modernisation and Westernisation do not necessarily guarantee that freedom either.

The globalisation of women's human rights

The globalisation of the issue of human rights should open infinite possibilities to promote the rights of women. We cannot talk about African women's rights without taking into account the globalisation of this issue. Women's claims to equality have been strengthened by the international recognition of universal human rights, and by scrutiny of the extent to which these rights are upheld in particular contexts. Two decades of world conferences on women, from 1975 to 1995, have allowed debates about women's struggles for their rights to be heard at national and international levels. Women's claims have been legitimised by various conventions signed by states.

For example, international campaigns to outlaw the different forms of female genital mutilation (FGM) have pushed some African states to legislate to abolish these practices. In Senegal, this occurred in 1999. Forms of FGM were found in the regions of Hal Pulaar and Soninké, in the north and north-east, and in the south, in Mandeng and Pulaar. While FGM is actually a pre-Islamic practice, it has been embraced in

Muslim communities as a guarantee and symbol of female purity – a concept which is so important in Islam. It is sometimes proclaimed that women who are not genitally mutilated cannot say prayers or serve meals. This is a context in which ideas of cleanliness are closely linked to ideas of religious purity: where to perform one's ablutions before prayers, and to abstain from praying and from fasting during menstruation, are religious obligations. This affects gender relations: sexual activity during menstruation is prohibited for reasons of impurity. At the end of a menstrual period, women must undergo a ritual cleansing before being allowed to pray again. Islam is invoked by those who wish to continue with the practice of FGM and to legitimise its continuation.

A similar analysis can be produced regarding violence against women. Since the reform of the penal code in 1999, this type of violence is punished more severely than before. In the old French and Senegalese penal codes, domestic violence to women was permitted if there were extenuating circumstances. In Shari'a law, beating one's wife is allowed in specific circumstances. Male public opinion was strongly opposed to the first public campaigns against domestic violence led by women's organisations, which were sparked off by the death of Dokki Niasse. Dokki Niasse was a young woman who, in 1993, was beaten by her husband while she was in the early stages of pregnancy. Taken to hospital, she died a few hours later. Her husband was arrested by the police, and jailed only after women from her neighbourhood marched, and petitions were signed nationwide. The case against him was dismissed three years later because the doctor was unable to establish that her death was a result of the beating.

Finally, international debates about the need to ensure women's equal access to politics and decision-making has contributed to a larger contingent of women

entering the public sphere of political and economic power, sometimes through positive discrimination.

Fundamentalism as a response to globalisation

During important international gatherings in the recent past, the church and the mosque have forged an alliance in order to limit women's rights. It is widely acknowledged that the Christian discourse of Pope Jean Paul II plays a role in constraining women's freedoms, especially in terms of their sexuality and reproductive rights. The condemnation by the Vatican of contraception, including condoms, and abortion, weighs heavily on the sexual and reproductive rights of Christians. Muslim women are relatively free: they may use contraception, and therapeutic abortion, if life is threatened. However, Muslim women cannot refuse to see pregnancy to term for any personal reasons, or undergo an abortion if they have been raped. Hundreds of women have died from secret pregnancies and abortions as a result of the imposition of these religious dictates.

During the 1970s, the Koranic discourse was brought together with the power of money. Islamic power emerged as a major force with the Iranian revolution, and with the wave of activism generated from the escalating price of oil from countries in the Maghreb and the Middle-East. The influence of this new religious movement has been significant in the sub-Saharan Muslim world, and gave a boost to already existing movements within the region. As Islamic power became evident in the Senegalese political landscape, Senghor, the Christian President of Senegal for over 30 years, made efforts to strengthen secularism, and maintained a certain balance between communities of different religious denominations.

In 1981, his successor was immediately seen by a part of public opinion as a

Muslim President. Certainly, he allied himself spiritually to the very powerful brotherhood of *Mourides*, mentioned earlier, which controls the production of peanuts,⁵ other tradeable products, and craft industries. Migrations of people from the *Mourides* brotherhood to other parts of Africa, and to North America, have resulted in significant sums of money being sent back for re-investment in the country. During his 20-year presidency, between 1981 and 2000, manipulation and mutual influence became established between the Senegalese state (initially ruled by a single party system, then a multi-party system), and the religious leaders, for the control of the mainly rural electorate. The *Mourides* spiritual leader would encourage the believers to vote for a particular candidate.

The March 2000 elections overthrew the socialist party in power for the previous 40 years. The new President proclaimed himself a Muslim, a *talibé*⁶ of *Mourides*, to the surprise of the political establishment. A lawyer and professor of economics – an exemplification of modernity – he has encouraged the progression of a fundamentalist discourse. This has caused concern to civil society and women's organisations. It is true that Senegal is certainly not a religious state such as Iran or Algeria. There is no 'Islamist' power as such; indeed, the constitution prohibits the creation of political parties based on religious, ethnic or gender affiliation. Nonetheless, during the presidential elections of March 2000, three parties claiming Islamic denomination offered their candidatures. They were effectively ignored by the electorate, but their speeches about a return to faith and to Shari'a law, and their promise to abolish the Family Law Act in the event of an electoral victory, presented a threat to women.

Dahira, and other fundamentalist religious groups have now emerged, and attempt to impose a totally retrograde and alienating rhetoric on women, which is

disseminated by local radio. Their stipulations include the wearing of the veil by girls in schools, in city streets and in villages; a taboo against touching women's hands; revival of religious vigils; a return to the Islamic practice of patriarchal control over women, women's seclusion in domestic spaces, and rule of a male household head; and condemnation of social changes which are rooted in secular law. The airwaves are taken over by Islamic preaching until very late into the night. Women and children's rights are heavily contested, and are subject to fights between 'modernists' and 'Islamists'. Others even question the legitimacy of laws voted on in Parliament. Obedience to the patriarchal order is looked upon as a sign of commitment to God and religious faith. The fundamentalist discourse on culture has gone as far as to deny the civilised cultural values which Senegalese communities had preserved in the face of both Islamisation and Christianisation. Wolof Islamic customs are questioned in the name of a united, outward-looking Islam.

At the time of writing, the state is getting ready to implement changes to the Family Law Act. Resistance to this is strong. One of the changes proposes a modernisation of the concept of paternal authority, so that parental authority over the children is shared by the mother and the father. This change is in line with the principle of equal rights as stipulated in the constitution. The parliamentary debate on this has so far been unable to resolve the issue. To debate women's issues is also to debate the question of male identity.

Conclusion

Religious forces in Senegal are demanding greater power in the public sphere and in decision-making institutions which shape the lives of citizens. The intention of certain religious groups is to influence the political process through their interpretation of

divine texts. Fundamentalist groups manipulate religion for ideological and political means, and women's rights issues are a particular focus. We cannot allow them to succeed, or leave it to society to introduce the necessary changes to abolish discrimination on the basis of gender, class or race. We need laws to reduce violence, to prohibit marriage and family practices which harm women, such as polygamy and divorce by repudiation, and to give states the power to renegotiate power relations between the sexes in the pursuit of greater social justice. Here lies the real challenge of democracy.

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Notes

- 1 Christian communities live mainly on the coast and the south of the country.
- 2 *Wolofal* refers to the transcription of Wolof using the Arabic alphabet.
- 3 Cote d'Ivoire, Mali and Guinea formulated their Family Codes much later. Benin ratified its code as late as 2002, while Niger and Chad, which have strong Muslim communities, refuse to adhere to secular law on the family for religious reasons and questions of identity. Except for Mauritania (which by establishing itself as an Islamic republic in the 1980s has followed Shari'a law) all these countries have written secularism in golden letters in their constitution.
- 4 This is a reference to Cheikh Hamidou's *L'aventure ambiguë*, a Senegalese novel published in the 1960s to highly enthusiastic reviews. The author questions

the construction of the African identity
in light of Western culture.

- 5 Peanuts are Senegal's main export crop.
- 6 A *Talibé* is a pupil of the Koranic school,
given up by his family, who must beg to
make a living for himself and his teacher.