Women living under muslim laws
النساء في ظل قوانين المسلمين
Femmes sous lois musulmanes

Islam, Islamisation and Women in Africa:
A General Introductory Bibliography

Islam, islamisation et femmes en Afrique:
Bibliographie générale préliminaire

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Unité de Recherche, d'information & de documentation du WLUML

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Women Living Under Muslim Laws

is a network of women whose lives are shaped, conditioned or governed by laws, both written and unwritten, drawn from interpretations of the Koran tied up with local traditions.

> Generally speaking, men and the State use these against women, and they have done so under various political regimes.

Women Living Under Muslim Laws

addresses itself

to women living where Islam is the religion of the State, as well as to women who belong to Muslim communities ruled by minority religious laws,

to women in secular states where Islam is rapidly expanding and where fundamentalists demand a minority religious law, as well as to women from immigrant Muslim communities in Europe and the Americas,

and to non Muslim women, either nationals or foreigners, living in Muslim countries and communities, where Muslim laws are applied to them and to their children.

Women Living Under Muslim Laws

was formed in response to situations which required urgent action, during the years 1984-85

The case of three feminists arrested and jailed without trial, kept incommunicado for seven months, in Algeria, for having discussed with other women the project of law known as "Family Code", which was highly unfavorable to women.

The case of an Indian sunni woman who filled a petition in the Supreme Court arguing that the Muslim minority law applied to her in her divorce denied her the rights otherwise guaranteed by the Constitution of India to all citizens, and called for support.

The case of a woman in Abu Dhabi, charged with adultery and sentenced to be stoned to death after delivering and feeding her child for two months.

The case of the "Mothers of Algiers" who fought for custody of their children after divorce.

amongst others...

The campaigns that have been launched on these occasions received full support both from women within Muslim countries and communities, and from progressive and feminists groups abroad.

Taking the opportunity of meeting at the International feminist gathering "Tribunal on Reproductive Rights" held in Amsterdam, Holland, in July 1984, nine women from Muslim countries and communities: Algeria, Morocco, Sudan, Iran, Mauritius, Tanzania, Bangla Desh and Pakistan, came together and formed the Action Committee of Women Living Under Muslim Laws, in support of women's struggles in the concerned contexts.

This Committee later evolved into the present network.

The objectives of Women Living Under Muslim Laws are

* to create links amongst women and women's groups (including those prevented from organising or facing repression if they attempt to do so) within Muslim countries and communities,
* to increase women's knowledge about both their common and diverse situations in various contexts,
* to strengthen their struggles and to create the means to support them internationally from within the Muslim world and outside.

> In each of these countries till now women have been waging their struggle in isolation.

Women Living Under Muslim Laws aims at

* providing information for women and women's groups from Muslim countries and communities
* disseminating this information to other women from Muslim countries and communities
* supporting their struggles from within the Muslim countries and communities, and make them known outside,
* providing a channel of communication amongst women from Muslim countries and communities.

These objectives are fulfilled through

* building a network of information and solidarity
* disseminating information through "Dossiers"
* facilitating interaction and contact between women from Muslim countries and communities, and between them and progressive and feminists groups at large.
* facilitating exchanges of women from one geographical area to another in the Muslim world.

Femmes Sous Lois Musulmanes

est un réseau de femmes dont l'existence est régie par des lois, écrites et non écrites, dérivées d'interprétations du Coran, intimement mêlées aux traditions locales.

> D'une façon générale, on peut dire que les hommes et l'Etat utilisent ces lois de façon contraire à l'intérêt des femmes, et qu'il en a été ainsi sous des régimes politiques différents.

Femmes Sous Lois Musulmanes

s'adresse

aux femmes qui vivent dans des pays où l'Islam est religion d'Etat, ainsi qu'à celles qui appartiennent à des minorités musulmanes régies par une loi religieuse,

aux femmes qui vivent dans des pays laïques où l'expansion rapide de l'Islam a amené les fondamentalistes à réclamer une loi religieuse, ainsi qu'à celles appartenant à des communautés d'émigrés musulmans en Europe et dans les Amériques,

et aux femmes non musulmanes vivant dans des pays musulmans ou des communautés musulmanes, qu'elles soient citoyennes de ces pays ou bien étrangères, lorsque les lois musulmanes leur sont appliquées, à elles ou à leurs enfants.

Femmes Sous Lois Musulmanes

s'est créé pendant les années 84-85 à l'occasion d'événements qui nécessitaient une action urgente:

Le cas de trois féministes algériennes, arrêtées et emprisonnées, au secret pendant sept mois, sans instruction ni procès, pour avoir discuté avec d'autres femmes un projet de loi connu sous le nom de "Code de la Famille".

Le cas d'une indienne sunni qui a intenté une action en justice contre l'Etat indien: la loi musulmane qui lui fut appliquée lors de son divorce lui déniait des droits par ailleurs garantis par la Constitution à tous les citoyens, et se trouvait, de ce fait, anti constitutionnelle.

Le cas d'une femme à Abu Dhabi, accusée d'adultère, condamnée à être lapidée après la naissance de l'enfant qu'elle portait et après l'avoir nourri pendant deux mois.

Le cas des "mères d'Alger" privées du droit de garde et séparées de leurs enfants après un divorce.

parmi d'autres ...

Les campagnes lancées à ces occasions ont reçu le soutien de femmes de pays musulmans et de communautés musulmanes, ainsi que de groupes progressistes et féministes étrangers au monde musulman.

A l'occasion de la conférence féministe internationale sur les Droits concernant la Reproduction, qui s'est tenu à Amsterdam, Hollande, en juillet 1984, neuf femmes de pays musulmans ou communautés musulmanes - Algérie, Maroc, Soudan, Iran, Ile Maurice, Tanzanie, Bangla Desh et Pakistan - se réunirent pour former le Comité d'Action des Femmes Sous Lois Musulmanes, destiné à organiser des actions de solidarité avec les luttes des femmes dans les régions concernées.

Ce Comité est à l'origine de l'actuel réseau.

Les objectifs de Femmes Sous Lois Musulmanes sont

* créer des liens entre les groupes de femmes - ainsi qu'avec les femmes isolées lorsqu'il leur est interdit de s'organiser et qu'elles s'exposent à la répression si elles le tentent - dans les pays musulmans et communautés musulmanes.
* contribuer à accroître la connaissance de leurs situations communes dans des contextes différents, et rendre possible le partage des expériences.
* renforcer les luttes et créer les moyens d'un soutien international.

> Les femmes sous lois musulmanes ont jusqu'à présent mené leurs luttes dans l'isolement de leurs situations nationales.

Femmes Sous Lois Musulmanes vise à

* organiser l'échange d'information entre les femmes et les groupes de femmes de pays musulmans et communautés musulmanes.
* disséminer cette information auprès des autres femmes des pays musulmans et communautés musulmanes.
* soutenir leurs luttes de l'intérieur du monde musulman, et les faire connaître à l'extérieur.
* fournir un organe de communication aux femmes des pays musulmans et communautés musulmanes.

Pour atteindre ces objectifs, Femmes Sous Lois Musulmanes

* crée un réseau d'information et de solidarité
* diffuse des dossiers d'informations
* favorise la rencontre des femmes du monde musulman entre elles, et avec les groupes progressistes et féministes dans le monde,
* favorise les échanges-invitation d'un lieu à un autre à l'intérieur du monde musulman.

Introduction

Ayesha M. Imam

This is, as the title indicates, a general and introductory bibliography to material on the issues of Islam and Islamisation in Africa and the implications of this for African women. It was compiled largely by Harsh Kapoor and the Documentation and Research Unit of the International Coordination Office of the Network of Women Living Under Muslim Laws (WLUML), drawing on work also undertaken by Amel Hamza. The bibliography is in response to a continuing demand on WLUML for more information about the topic of Islam and women in Africa. WLUML works to link and support the struggles of women in many parts of the Muslim world and with movements for women's rights and autonomy generally. Hence, the demand for more information comes both from those to whom it is a surprise to find that Africa has a large Muslim population and a long and varied Muslim history, and from those who are aware of this, but have found it difficult to find relevant materials. The bibliography hopes to meet the needs of both groups.

Understandings of 'the Muslim world' are usually predicated on two assumptions: that Muslim communities are homogeneous; and, that the terms 'Muslim' and 'Arab' are more-or-less synonymous, because the majority of Muslims are Arab. Both of these are misconceptions. There is wide variation in Muslim discourses (the belief systems, legal systems and practices of those communities which claim adherence to Islam). And, in fact, there are more non-Arab Muslims than there are Arab. This is evident in Asia (Indonesia is after all the largest Muslim country with a population of nearly two million).

It is also the case in Africa, where it is less obviously evident for a number of reasons. First, there is the habit of referring to much of North and East Central Africa, (all the way from Morocco on the far north west coast of the continent, to Sudan and Somalia on the east on the continent down as far as the equator) as part of "the Middle East". Second, there has in these countries been a series of processes of Arabisation. These began with the early Muslim expansions in the first two centuries of Islam (i.e. the seventh and eighth centuries of the Gregorian calendar - AD), during which time, for example, the indigenous languages of lower Egypt disappeared. They move on, more recently, to the periods of nationalist independence in the 1960s - as in Algeria, where state policy deliberately ignored Algerian languages, like Berber in favour of Arabic. They also include the increasing influence of fundamentalist movements in the 1990s, as in contemporary Sudan. This Arabisation needs to be recognised not only as increasing the influence of speakers of Arabic and Arab culture, but also as the refusal to recognise the existence of other African languages and cultures within their borders.

Introduction

Ayesha M. Imam

Ce travail est, comme son titre l'indique, une bibliographie générale et préliminaire portant sur les questions de l'Islam et de l'islamisation en Afrique et de leur impact sur les femmes africaines. Elle a été réalisée par Harsh Kapoor et l'unité de Documentation et de Recherche du Bureau de la Coordination du Réseau International de Solidarité "Femmes sous Lois Musulmanes" (WLUML), qui ont poursuivi le travail entrepris par Amel Hamza. Cette bibliographie répond à la demande constante au niveau du WLUML d'une plus grande information sur le thème de l'Islam et les femmes en Afrique. Le WLUML travaille à relier entre elles et soutenir les luttes des femmes dans plusieurs parties du monde musulman, et collabore également avec des mouvements pour les droits de la femme et leur autonomie. Cette demande d'information supplémentaire provient d'une part de ceux qui s'étonnent de découvrir que l'Afrique a une forte population musulmane et une histoire islamique longue et diversifiée, et d'autre part de ceux qui sont conscients de cette réalité, mais ont des difficultés à trouver des documents appropriés. Cette bibliographie espère satisfaire les besoins des uns et des autres.

L'appréhension du "monde musulman" se fonde généralement sur deux a priori : l'un étant que les communautés musulmanes seraient homogènes ; l'autre que les termes "musulman" et "arabe" seraient plus ou moins synonymes, parce que la majorité des musulmans sont arabes. Il s'agit là en fait d'idées fausses. Il existe une très grande variété des discours musulmans (leurs modes de croyance, leurs systèmes juridiques et les pratiques des communautés se réclamant de l'Islam). Et en réalité il y a plus de musulmans non-arabes que de musulmans arabes. Cela est évident en Asie (l'Indonésie est après tout le plus grand pays musulman avec une population d'environ deux millions de musulmans).

C'est aussi le cas en Afrique, où c'est moins évident pour plusieurs raisons. D'abord, on a souvent tendance à parler de l'Afrique du Nord, du Centre et de l'Est (toute la zone allant du Maroc à la côte Nord-Ouest du continent, au Soudan et à la Somalie à l'Est et à l'équateur au Sud) comme faisant partie du Moyen-Orient. Ensuite, il y a eu, dans ces pays, plusieurs processus d'arabisation. Ils ont commencé avec les premières incursions musulmanes, durant les deux premiers siècles du développement de l'Islam (c'est à dire le septième et le huitième siècle du calendrier grégorien - AD) - durant cette période, par exemple, les langues locales de Basse-Égypte disparurent. Plus récemment, ils se sont poursuivis au moment des indépendances nationalistes dans les année soixante - comme en Algérie, où la politique de l'État ignora délibérément les langues locales, comme le berbère, en faveur de l'arabe. Ils sont aussi marqués par l'influence croissante des mouvements intégristes dans les années 90, comme actuellement au Soudan. Cette arabisation doit être vue non seulement comme accroissant l'influence des porte-

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While North Africa's introduction to Islam was through military conquest, East African contact came partly through military attempts by the conquerors of Egypt, but mostly peacefully via Arab traders up the Nile, and along the coast both by sea and overland. Arab Muslim refugees were welcomed in Ethiopia in the seventh century, and Arab Muslims settled later on the coasts of Sudan, Eritrea and Somalia, and after the eleventh century began to establish a series of city states along the coast of present-day Kenya, Tanzania and northern Mozambique. The Sudanese kingdom of Sinnar in the sixteenth century was receptive to Muslims, which provided a base for Islam's spread to Darfur and Waddai to the west. Similarly in West Africa Muslim influence was largely due to proselytisation through trading contacts rather than conquest. From the empire of Ghana in the eleventh century, and all its successor empires and kingdoms, including Mali and Songhay in the fifteenth century; to Kanem Bornu further east, in the fifteenth and sixteenth centuries; and, the Hausa emirates from the fifteenth century on - Islam was a religion recognised at the courts and associated with states, government and central authority.

The skills of literacy and record-keeping that Muslim scholars brought with them were responsible in large part for this. But, unlike North Africa, in West Africa the Arab alphabet was used to write, not only in Arabic, but majorly in the indigenous languages like Fulfulde, Hausa, and Kanuri. And, in East Africa, the contact (with started prior to Islam) between Arab traders and East Africans (grouped as Bantu-speaking peoples), eventually led to the development of a language, Swahili, a mixture of Bantu languages and Arabic, and an African culture in which strong Muslim influences can be discerned. Clearly, Islamisation in Africa (as in Arabia or Asia) has taken different trajectories and had different sorts of consequences. A common body of texts - the Qur'an, the hadith, various sources of shari'ah (jurisprudence and law) - are selectively drawn upon, diversely interpreted, and not all discourses are equally successful in achieving authority. Hence the bibliography's entries on Islam and Islamisation point to the historical, social and political contexts in which particular forms of Muslim discourses and communities have developed.

Obviously, there are broad similarities - the very reverence accorded the Qur'an and Muslim scholarship being one. However, if Islam has often been associated with scholarship and piety, and the expansion of trade in Africa, Muslim traders were also associated with a specific trade: in people. Although it may be that "being a slave under Islam was never as harsh as eighteenth and ninetheenth century plantation slavery in North America"[1], it was nonetheless slavery. Another area of apparent broad similarity concerns the consequences of the Islamisation of societies for gender relations[2]. It is an aspect of this which is the focus of the second category of entries in the bibliography - the ways in which women are imbricated in Muslim communities.

Prescriptions concerning gender relations in the

parole de la langue et de la culture arabe, mais également comme le refus de reconnaître l'existence des autres langues et cultures africaines à l'intérieur de leurs frontières.

Alors que l'adhésion de l'Afrique du Nord à l'Islam s'est faite par une conquête armée, le contact avec l'Afrique de l'Est s'est fait en partie par les tentatives militaires des conquérants de l'Égypte, mais surtout, de façon pacifique, par la mer et à l'intérieur des pays, par le biais des commerçants sur les bords du Nil et le long de la côte. Les réfugiés musulmans arabes furent accueillis en Éthiopie au septième siècle, et les musulmans arabes s'installèrent plus tard sur les côtes du Soudan, de l'Erythrée et de la Somalie. Par la suite, après le onzième siècle, ils commencèrent à fonder des cités-états le long de la côte qui correspond maintenant au Kenya, à la Tanzanie et à la partie nord du Mozambique. Le royaume soudanais de Sinnar au seizième siècle était ouvert aux musulmans, ce qui permit à l'islam de se propager vers Darfur et Waddai à l'Ouest. De la même façon, en Afrique de l'Ouest, l'influence musulmane s'est répandue en grande partie par le prosélytisme qui se faisait lors des contacts commerciaux plutôt que par la conquête. Depuis le royaume du Ghana durant le onzième siècle, et tous les empires et royaumes successifs, y compris le Mali et le Songhai au quinzième siècle ; à Kanem Bornou plus à l'Est, durant le quinzième et le seizième siècle; et les Émirats Haoussa à partir du quinzième siècle - l'Islam était une religion reconnue dans les cours et il était associé aux états, au gouvernement et à l'autorité centrale.

Les compétences en matière d'alphabétisation et d'archivage que les érudits musulmans apportèrent avec eux ont été en grande partie à l'origine de cela. Mais à la différence de l'Afrique du Nord, en Afrique de l'Ouest l'alphabet arabe a été utilisé pour écrire, non seulement l'arabe, mais aussi les langues locales comme le fulfude, l'haoussa, et le kanuri. Et en Afrique de l'Est le contact (qui avait commencé avant l'Islam) entre les commerçants arabes et les Africains de l'Est (les peuples parlant les langues bantou), a finalement mené au développement d'une langue, le swahili, qui est un mélange des langues bantou et de la langue arabe, et d'une culture africaine où on peut reconnaître de fortes influences musulmanes. De toute évidence, l'islamisation en Afrique (comme en Arabie ou en Asie) a suivi des voies différentes et a eu des conséquences diverses. Un ensemble commun de textes - le Coran, les hadiths, et les différentes sources de la chari'a (la jurisprudence et la loi) - a été utilisé de façon sélective, interprété différemment et tous les discours ne sont pas arrivés de la même manière à se légitimer. Ainsi les données dans cette bibliographie sur l'Islam et l'islamisation montrent des contextes historique, social et politique où des formes particulières de discours musulmans ont été développées.

Évidemment il y a de fortes similitudes - comme la vénération accordée au Coran et à l'érudition musulmane. Cependant, si l'Islam a souvent été lié à l'érudition et à la piété, ainsi qu'à l'expansion du commerce en Afrique, les commerçants musulmans étaient également associés à un commerce spécifique : celui des personnes. Bien que "le fait d'être esclave dans l'Islam ne fut jamais aussi dur que l'esclavage dans les plantations en Amérique du Nord au dix-huitième et au dix neuvième siècle"[1], il s'agissait néanmoins

dominant discourses of Islam are very well known. Yet, perusal of the material identified here, shows that other learned discourses about gender relations in Muslim communities have also existed from Egypt to Nigeria and elsewhere. Even more, the actual lives of women in Muslim societies show not only similarities, but also enormous differences, both in time periods and in different communities and within the same societies at any point in time. For instance, the excision of the clitoris (female genital mutilation, erroneously referred to as female circumcision) is commonly practiced in some countries in Africa (like Egypt, Sudan, Mali, the Gambia) and defended as a requirement of Islam. In others (like Algeria, Tunisia, northern Nigeria) it is not common among Muslims and considered to be a pagan practice. In very many countries in Africa, the past shows women recognised and esteemed as scholars (Egypt, Nigeria), while often in the contemporary world, schooling for girls is resisted on the grounds that Muslim girls should marry early and not waste time studying. Forms of women's seclusion (the restriction of women's freedom of movement to domestic space) are common in northern Nigeria, Mombasa, northern Sudan, yet virtually unheard of in Senegal, the Gambia, Burkina Faso and Niger.

However, as WLUML has pointed out, a common thread for women in Muslim societies continues to be 'the cultural articulation of patriarchy in which structures, social mores laws and political power are all justified by reference to Islam and Islamic doctrine'[3]. By this means the different situations of women in any given Muslim community are presented to each of us as the only way "to be". One thing this bibliography makes clear, is that there are and have been many different ways for women in Muslim societies to live their lives. And, hence, that there can be many different visions of how we want "to be".

1. Martin, B.G., "The Spread of Islam", in P. Martin and P. O'Meara (eds.), Africa, 1986, Indiana University Press, p. 89.

2. Gender relations are the social relations between women and men, but also the relations of women, or of men, to each social phenomenon (the state, the division of labour, systems of education, political systems...).

3. Women Living Under Muslim Laws On-Going Collective Project: A Status Report on the International Research and Action Project on Women and Law in the Muslim World, June 1993, p. 2.

d'esclavage. D'autres ressemblances ressortent nettement, comme celles concernant les conséquences de l'islamisation des sociétés sur les relations de genre[2]. C'est un aspect de ces conséquences qui est au centre de la deuxième catégorie de données de la bibliographie : les façons dont les femmes sont imbriquées dans les communautés musulmanes.

Des prescriptions concernant les relations de genre dans le discours dominant de l'Islam sont bien connues. Néanmoins, la lecture de la documentation relevée ici montre que d'autres discours érudits sur les relations de genre dans les sociétés musulmanes ont aussi existé de l'Égypte au Nigeria et ailleurs. Plus encore, la vie réelle des femmes dans les sociétés musulmanes ne montre pas seulement des similitudes, mais aussi des différences énormes, aussi bien dans les périodes de temps et dans les différentes communautés qu'à l'intérieur des mêmes sociétés à n'importe quel moment. Par exemple, l'excision du clitoris (la mutilation génitale de la fille, appelée de façon erronée la 'circoncision de la fille') est souvent pratiquée dans quelques pays d'Afrique (comme l'Égypte, le Soudan, le Mali, la Gambie) et est justifiée comme une recommandation de l'Islam. Dans d'autres pays (comme l'Algérie, la Tunisie, le nord du Nigeria) cette pratique n'est pas courante parmi les musulmans et elle est considérée comme une pratique païenne. Dans de nombreux pays d'Afrique, le passé a montré des femmes reconnues et appréciées en tant qu'érudites (Égypte, Nigeria) alors que souvent dans le monde contemporain, la scolarisation des filles est négligée du fait que l'on prétend que la fille musulmane doit se marier tôt et ne doit pas perdre de temps en étudiant. Des formes de réclusion des femmes (la liberté de se déplacer de la femme étant restreinte à l'espace domestique) sont fréquentes au nord du Nigeria, à Mombasa, au nord du Soudan, mais ces pratiques sont inhabituelles au Sénégal, en Gambie, au Burkina Faso et au Niger.

Toutefois, comme le WLUML l'a souligné, pour les femmes vivant dans les sociétés musulmanes, un point commun continue d'être "l'articulation culturelle du patriarcat dans lequel les structures, les impératifs sociaux, les lois et le pouvoir politique sont tous justifiés en référence à l'Islam et aux doctrines islamiques"[3]. Par ce moyen, dans n'importe quelle communauté musulmane, les différentes situations des femmes sont présentées à chacune d'entre nous comme l'unique manière "d'être". Ce qui est clair à la lecture des titres de cette bibliographie, c'est qu'il y a eu et qu'il y a encore pour les femmes vivant dans les sociétés musulmanes plusieurs façons de vivre leur vie. Et, par conséquent, il peut y avoir plusieurs visions différentes de ce que nous voulons "être".

1. Martin, B. G., "The Spread of Islam", in P. Martin and P. O'Meara (eds.), Africa, 1986, Indiana University Press, p. 89.

2. Les Relations de genre sont les relations entre hommes et femmes, et également les relations de femmes, ou d'hommes, par rapport à chaque phénomène social (l'état, la division du travail, les systèmes d'éducation, les relations économiques, les systèmes politiques...).

3. Women Living Under Muslim Laws On-Going Collective Project: A Status Report on the International Research and Action Project on Women and Law in the Muslim World, June 1993, p. 2.

Structure of the bibliography

I. Africa & Islam General

II. Regions / Countries

II.i. East, Central & Southern Africa;

II.ii. North Africa;

II.iii. West Africa.

I. Africa & Islam General

1. Bibliographies

African Women: A General Bibliography, 1976-1985. Westport, CT: Greenwood Press, 1989. 334 p.

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