Negotiating Marriage and Divorce in Accra: Muslim Women's Experiences

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Dedication

This work is dedicated to Najat-Lanta Dumbe, My daughter.

Acknowledgements

I would like to acknowledge some individuals and a centre that have made this study possible. My first thanks goes to the Centre for Contemporary Islam of the University of Cape Town that funded this research. To my supervisors, Prof. Abdulkader Tayob and Dr. Sa'diyya Shaikh, I say thank you for your support and generosity to me. I really appreciate studying under both of you. This work would not have been a reality without the support of the administrative staff at the Centre for Contemporary Islam, Ms. Nabowayya Kafar. To Dr. Brigaglia and his wife Fawziya Fiji I thank you so much for opening your home and hearts for me during my study in Cape Town.

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Abstract

This thesis sets to investigate Muslim women's marital experiences in Accra, Ghana, West Africa. In particular, these experiences had to do with negotiating marriage and divorce. It included the broad marital relations like decision-making, roles and responsibilities, and the management and responses of marital disputes and abuse.

I used a qualitative method in this research. I interviewed twelve Muslim women in Accra who provided me with their perspectives, experiences and responses of socio-religious norms concerning gender roles. In addition, they shared their experiences and perspectives on wife abuse and their consequent reactions and management of wife abuse.

I found out there are different ways in which women expressed themselves in their negotiations. Because Islam and culture mediated their experiences, there was the option to choose from aspects of religion and/or culture that were favourable at a particular time. Other times when neither was responsive, they resorted to individual means in which they asserted themselves through the opportunities offered by the context. In responding to very difficult experiences, the situation was more problematic as women's individual responses were not very helpful. As a result, women resorted to different authorities for resolution. They resorted to the family members, the Islamic religious authorities and the state in a few instances. Depending on the outcome women moved from one avenue to the other until they got favourable and practical responses.

Contents

Chapter One

Introduction

Gender as a term and a social construct has been a contentious issue in major religions of the world, as religions are generally perceived to be patriarchal.[1] In this vein, the issue of confronting gender including its stereotypes' and discriminations against women is a matter of concern for feminists. Both men and women feminists have taken up the concern to bring about the equality that would enhance social cohesion.

Women historically have been marginalised in societies because of inferior social status due to culture and religion. Amoah suggests that women have always been marginalised in societies and cultures because traditional cultures expect women to hold an inferior position and not participate in activities outside their culturally expected domain (1990). This visible discrimination against women is the challenge feminists around the world have taken up to mobilise and contest.

With the impact of modernity, media, women's education in contemporary times, the debate around gender in Islam has resurfaced. Questions on the issues of gender in Islam and in Muslim communities have spread. This has led to the emergence of a theory known as Islamic feminism. Mir-Hosseini defines Islamic feminism as a "religious thought that is consolidating a conception of Islam and modernity as compatible, not opposed" (2007, p.42).

Islamic feminism has taken the task of questioning gender stereotypes embedded in the *fiqh*, the *Qur'an*, and the Hadith. Some of its arguments are based on the ethical principle of the *Qur'an* while others are rooted in *Qur'anic* verses that are seen to be discriminatory to women (Ali 2006, Barlas 2002, Shaikh 2007, Wadud 1992, 2006). Other Islamic feminists have concentrated on the *fiqh* which is the source of Islamic law and questioned the general assumption that the Sharia is divine and immutable (Mir-Husseini 1992, 2007). Their various ideas have enormous social implications on Muslim societies and women in particular as their writings aim to change the way religious discourses on gender shape human relations in marriage.

[1] Feminists scholarship teaches that it is important to note such tension exist in other religious traditions. See Gross (1993) for the tension in Buddhism, Ruether (1983) and Schussler Fiorenza (1984) for Christianity, Herschel (1983) and Plaskow (2005) for Judaism

Contemporary debates have also arisen about marriage and its role in gender construction. In Kenya, the role of the *Kadhi* court in shaping and reshaping gender ideology within the confines of Islam is at the forefront of religious authority (Brown 1998, Hirsch 1998). Women who faced marital disputes report directly to the constitutionally recognised *Kadhi* courts for redress. In most cases, women won their cases and *Kadhi* courts are perceived by many to be anti-men.

In other Muslim minority countries of Africa, there is no legal recognition of Muslim marriages and resolution to marital disputes however. South Africa also with a Muslim minority approaches the debate on gender in marital relations from a different perspective. The Muslim Marriages Bill, which is supposed to address the issue of gender and bring about harmonious marital relations, has received different responses from both religious authorities and the general Muslim population. The Bill in its draft form is designed to promote healthy marital relations. However, a section of the *Ulama* seems not to be in favour of the Bill as they argue that it is un-Islamic (Moosa 2010).

In Muslim majority countries in both Africa and the Middle East, the case is different. Morocco and Iran, for instance, have state laws concerning gender and marriage (Ennaji and Sidiqi 2006, Mir-Husseini 1992). In Morocco, there is the reformed *Mudawana* to regulate personal matters that enhances the rights of individuals in the private domain. Iran has the Special Civil Courts Act of 1979 to constitutionally regulate marriage and divorce matters in the country.

Ghana, which is secular and democratic with a Muslim minority, has no such laws pertaining to marriage and gender. Ghana however, has debates on gender in marriages in Muslim public sphere. Recognising the nature of gender issues in Muslim communities this thesis investigates the nature of gender constructions in the Muslim communities of Accra, Ghana, West Africa.

Background to the Context

Ghana gained its independence from Great Britain in 1957. It is bordered in the South by the Gulf of Guinea, in the North by Burkina Faso, in the West, by the Ivory Coast and it shares the eastern border with the Republic of Togo. Ghana has a total population of just over twenty-four million people (Ghana, 2010 Population and Housing Census).

Even though English is the official language, there are over fifty indigenous languages in the country. In the South, the common language is the Akan while in the north the Mole-Dagbani has dominance. Both groups of languages have several dialects. Apart from the indigenous Ghanaian tribes, there also exist a very visible and vibrant migrant group in the suburbs of southern Ghana called the *Zongos* (Goody 1953). They include several tribes from mainly Nigeria and French-speaking West Africa. Each of these tribes speaks different language and adheres to a distinct culture. There is one thing that binds them together though, and that is the religion of Islam.

The major religions in Ghana are Islam, Christianity and the indigenous African Traditional Religions. Christianity is the majority religion with various denominations. The Islamic religion follows in terms of number. The African Traditional Religion also has adherents. The majority of Ghanaian Muslims are Sunni and they adhere to the Maliki school of thought. There are two prominent Sufi orders in Ghana and they are the *Qadriyya*[2] and *Tijaniyya.*[3] The Ahmadiyya[4] Muslim Mission is also a vibrant minority Muslim group. In terms of its membership and leadership, the Asante and Fante dominate it.

The case study is focused on Accra; the capital of Ghana located in southern Ghana. There are different Muslim constituencies in southern Ghana including Accra. The first Muslim constituency is the group from other West African countries. This group has its origin in the Gold Coast (contemporary Ghana) during the colonial periods. They arrived in Ghana by trading kola nut or as labourers on cocoa farms. Those who came as labourers on cocoa farms arrived as seasonal workers with the aim to return home when they were financially capable.

The migrants could not return to their original homes because of the same economic reason. Some could not return since they did not have enough economic strength that would help them resettle back home. Others had acquired so much wealth, which they could not leave behind. This forms the basis of settling and segregation of Muslim migrants in southern Ghana because they did not inhabit among indigenes. Their segregated communities are called the *Zongos*. Consequently, Islam in southern Ghana appears to be a foreign religion.

[2] For more refer to Roman Loimeier, 1997.
[3] See Jamil Abu Nasr 1965. See also Ruediger Seesemann, 2011.
[4] This is an Islamic missionary movement. Refer to Haneef Keelson, 2002.

The language shared among the Muslim community is Hausa, a non-indigenous Ghanaian language. The language is still in use in the Islamic schools called the *Makaranta*.

Apart from this group, there are the indigenous *Ga* Muslims in Accra. There are also the descendants of Portuguese ex-slave Muslims from Brazil who were resettled among the *Gas* in Accra but hold a sub-identity referred to as *taboms* (Portuguese *esta bom*? "How are you?")" (Sean 2011, Pellow 1985). Thus far, I have identified three Muslim constituencies in Accra, Ghana: the *Zongos*, the *Gas* and the *taboms*. In this study, majority of the Muslim women were from the *Zongos* of Accra. A few of the women from other suburbs of Accra identified themselves as *Ga* while there was no individual who identified herself as a *tabom*.

Research Questions and Rationale

The research focuses on gender constructions in Accra, Ghana. I specifically want to answer a question on how Ghanaian Muslim women negotiate marriage and divorce. The research investigates how women deal with social changes in the urban city of Accra. I also want to investigate how Muslim women respond to difficult marital experiences in the context of poverty and urbanization.

This study produces a body of knowledge of Ghanaian Muslim women's experiences and understandings of their lived realities in relation to marriage and divorce. Muslim women's voices are highlighted as a means to understand the nature of the relationship between the role of religion, and Muslim women's decision-making power within marriage.

The study also highlights the challenges of Muslim women in the Ghanaian Muslim community with regard to marital experiences. Through their voices, the study brings to light some of the contemporary debates in the field of study. The study looks at the nature of Islamic feminism and how its discourses inform local narratives and practical life experiences of Muslim women in Ghana.

Theoretical Framework

This work engages a category of literature or theoretical approach that is broadly called Islamic feminism. This approach articulates the diversity of women's realities without universalising the concept of feminism. The research is informed by the commitment of feminism in using women's experiences as a process of knowledge production.

Islamic feminism is relatively new as a source of knowledge production. Central to its theory is gender justice as an ontological concept. Islamic feminists argue that diverse socio-cultural practices, geographical variations, and different political contexts produce a range of hermeneutics (Shaikh 2003, Wadud 1992). They also argue that Islam is inherently egalitarian and therefore advocate women's rights, social justice and gender equality (Barlas 2002). Many Islamic feminists argue that in the course of time *Qur'anic* principles were ignored through male dominated interpretation. Islamic feminists contest readings that are oppressive to women by using women's experiences to produce new meaning of religious canon (Shaikh 2007).

Islamic feminists question the method of traditional interpretations of the *Qur'an*, the Hadith and the *fiqh* as unrepresentative of the experiences of a section of the community, vis women (Barlas 2002, Mir-Husseini 2007, Shaikh 2007, Wadud 1999, 2006). Some have developed new ways, such as holistic reading of the text, which locates the meaning of the *Qur'an* within the context of revelation, the language and the entire worldview of the *Qur'an* (Barlas 2002, Wadud 2006).

Islamic feminism points out that there is no universal category of woman. Islamic feminism critiques the notion of a generalised perception of woman or women as articulated by Western feminism. Though feminism started in the West by white middle class women to bring about social change, it tends to talk on behalf of all women of diverse groups by positing the Western ideal as the norm for all women. Islamic feminists propose that there is no universal category of woman. Women of different communities and cultures or religious backgrounds have different understandings of woman (Shaikh 2003).

Another key concept proposed by Islamic feminists is the concept of women's inclusion in knowledge making. Employing feminist theory of knowledge production and experience, Shaikh (2007) proposes that women have to be included in making religious meaning by partaking in religious knowledge production. She asserts that through the experiences of women different meanings can be read into the *Qur'an*.

She applies this method to *Qur'an* 4:34.[5] Through empirical studies, she proposes what she refers to as "a tafsir (exegesis) of *praxis*" or "embodied *tafsir*". This is a form of religious engagement and interpretation that emanates from Muslim women's everyday realities, including marital relationships and related experiences of abuse.

In addition, some Islamic feminists put forward the concept of human agency (Wadud 1992, 2006, Barlas 2002). In their works, they build on the concept of *Khalifa*, which is intrinsic in Islamic understanding and applies it to modern discourse in relation to gender. The concept of *Khalifa* suggests that all human beings, men and women, were given the trusteeship of Allah on earth as the guardians of creation on earth. Hence, they are equally accountable to Allah in the hereafter. They argue that no one can be another person's ruler on earth, as all are the trustees of Allah.

It is within this framework of the concept of *Khalifa* that Wadud gives a novel meaning to Islam as "engaged surrender" (Wadud 2006, 23). This is a breakaway from the old meaning of "submission" to the will of Allah. She asserts that this fresh meaning is important because human beings have been endowed with free will. They have been made the trustees of Allah on earth. If Islam is translated to mean submission, it means a lack of free will. As a consequence, engaged surrender becomes appropriate as it implicitly includes free will and choices made by each individual. Islamic feminism provides a useful framework or foundation for this study because it gives an alternative meaning to the understanding of justice and being human.

Methodology

The data for the research includes both primary and secondary sources. I employed a qualitative method in which I interviewed Muslim women in Accra regarding their experiences of marriage and divorce. These individual Muslim women were married, divorced or widowed.

[5] Men are the protectors and maintainers of women, Because Allah has given the one more (strength) than the other, and because they support them from their means, Therefore the righteous women are devoutly obedient, and guard in (their husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), refuse to share their beds (and last) beat them (lightly); but if they return to obedience, seek not against them means (of annoyance): for Allah is Most High, Great (above you all).

I conducted in-depth interviews in Accra with twelve Muslim women who were or had experienced marriage and divorce in a direct way. I attempted to interview men as well, but they either refused or evaded my requests. The majority of the women lived in the Muslim communities of Accra, which include *Nima, Mamobi, Madina-Zongo, Fadama, and Sabon-Zongo*. A few of interviewees came from communities that do not have Muslim majority populations. Such communities are *Nii-Boye-Town, Darkuman*, *Kokomlemle, Ashale-Botwe* and Accra New Town. Majority of the women were working as petty traders, and businesspersons. Others were homemakers, while a very few were in the formal labour sector. I communicated with the majority of the women in Hausa. A few of the women spoke English.

The recorded interviews were transcribed thoroughly for analysis. Data was analysed by first transcribing the recorded interviews. I then compared data with each other, which aided me to select themes for discussion. All the names in the analysis are pseudonyms. I gave them Muslim sounding names in order for the names of the participants to sound real and have some Islamic identifiers.

Research Ethics

The academic use of this research was emphasised at every interview. I applied the University Of Cape Town Code Of Ethics for research involving human subjects. I adhered to all the principles it entails by withholding the identity of the individuals involved and getting their consent before the commencement of any interview. Respondents had to sign a consent form, which only my supervisors and I had access. This form included a brief personal introduction of the researcher and the use of the study. Participants who agreed to participate signed the consent form. I verbally informed the participants at the onset that they had the right to participate in the interview. They could also withdraw at any moment. Participants were also encouraged to ask questions for clarity to enable them to decide whether to participate or not.[6]

Limitations

I wanted to interview men but my attempts proved futile. It would have been advantageous to put men's views alongside the women's perceptions and experiences in this study. Secondly, women's complex relations with religious norms and texts are clearly evident in

[6] See appendix 3

this thesis. However, there is greater room for more in-depth study. This thesis sets the scene for further work.

Organization of Chapters

This work is divided into four chapters. Chapter one is an outline of the study. In the second chapter, I concentrate on the understandings and experiences of Muslim women regarding marriage and divorce. I discuss the gendered roles women are assigned in society. In particular, I discuss the processes women have employed to either marrying or obtaining a divorce. In the third chapter, I discuss the understandings and experiences of violence in marriage. I concentrated specifically on the processes that have led to the abuse of women, and how women accepted or resisted the abuse. The fourth chapter summarises and concludes the research.

Chapter Two

Women's Perceptions on Marriage and Divorce

Introduction

In this chapter, I concentrate on the understandings and experiences of Muslim women on marriage and divorce. This has to do with negotiating marital relations in the context of urbanisation and poverty. My emphasis is on practices Muslim women have either accepted or resisted in a modern urbanised city of Accra. I particularly focus on the roles society assigns to men and women in matrimonial home, and issues related to childbirth, maintenance and decision-making.

Various issues arose in my interviews with Muslim women. This included their critical reflections on culture, environment, the religion of Islam and its impacts on their lives. Some expressed criticism about how Islam was applied in their lived realities. Others demanded simply fairness. I have identified some recurring themes from the interviews for greater elaboration. These themes capture women's experiences and reflections on marriage and divorce among Muslims in Ghana.

Getting Married

Marriage in the Ghanaian community is a process of negotiation when finding a husband, or being chosen as a future wife. The process of negotiation in most tribes takes place between two families. In modern and urbanised context such as Accra, the process might start with the individuals involved, as was clear in my interactions with the Muslim women from the Muslim communities of Accra. Women who were advanced in age were betrothed to their husbands while those who were younger tended to choose their partners. In all cases, the consent of their parents, especially the father, was very significant. The consent is significant as fathers are considered the guardians of their children. A guardian may also be a brother or an uncle who represents the interests of a bride. Without their father's or guardian's consent, the marriage may not take place.

During my interaction with Muslim women, I asked them how they chose or met their husbands. I discuss two contrasting stories of Muslim women on this issue. The first was Meeri, a thirty-seven-year-old widow and a mother of seven. She did not have modern education and was raised in a rural area before she got married and moved to Accra. The

other woman was Jaria, thirty years old, born and raised in Accra. She has had modern education and a mother of two. She was married for four years at the time of the interview. Meeri described her marriage:

> I was 15 years old in Nalerigu [a village in northern Ghana] when I was told that I was going to be given a husband in Accra. I did not know him anywhere; at that time, he was around 50 years old and was married. It was not my wish to marry him but it was my brother who identified him for me, and then told my father who then informed me. I did not object to it. You know during those days, when your father wants you to marry a man of his choice and you refuse, he will curse you. So I avoided being cursed (Meeri, 2010).

Meeri accepted the partner chosen for her by her brother and father. She resigned herself to the tradition, but revealed that she was afraid of her father's curse. However, her comments clarify her acceptance as a rational choice based on the social context:

> Because of my father's proposal, it would have been extremely difficult even if I find a person that I love. I cannot reject my father's proposal and follow my heart's desire. If I follow my heart's desire and I find some problems in the marriage of my heart, who would come to my aid from my family? That was why I obeyed my father. If I go and marry someone and something bad should happen then I would regret not following my father's wish, so I stayed (Meeri, 2010).

Meeri's narrative suggests that the circumstances in which she found herself forced her to agree to the marriage. She clearly thinks that it might have been possible for her to meet someone. However, her father's right over her was paramount. She realized this was probably for her own good.

Meeri's response indicates a degree of negotiation between her individual choice and tradition. She considers two aspects of this tradition. She first realized that her father could invoke the curse of God on her. Secondly, she realized that she may need her family when she was married to a husband she never knew and who was at the same time already married. Her understanding of the uncertainties' in marital relations is clear. In case of any unforeseen circumstances, only her family would be readily available to assist.

Meeri's story suggests that in the environment and the culture in which she was brought up, marriage was a family affair. Kin were involved in almost all marriage arrangements. In this context, women were married off instead of being married. Usually, either the father or brother asserted authority over a female. This left little space for a woman to negotiate her

marriage. Meeri herself realized the fact that her prosperity lay in the hands of her brother and father. However, her acceptance on rational grounds indicates that she was aware of how to accept her limited choices. I will now link Meeri's story to Jaria who was born and raised in urban Accra. Her story speaks to how education and urbanisation affect women's choices.

Modern education and urbanization have affected the process of women negotiating their marriage partners with family members. Women who have had secondary or tertiary education have been able to choose their marriage partners. Jaria attended up to secondary level in modern education and enrolled for further studies in a Computer Training Institute. However, for financial reasons she had to drop out. She says

> He [her husband] saw me and approached me. After some few days, he told me he was interested in marrying me. Therefore, in about three months the marriage was contracted (Jaria, 2010).

When I asked her whether there was consent from her family she elaborated.

> I do not know on what grounds [they agreed] but for me, I think it is because I told them [her parents] I like him. You see my father liked me so much. So in my view, when I told him I had met someone who is proposing marriage to me he would not want to hurt me (Jaria, 2010).

Jaria was fully aware of her agency in the choice of a marriage partner. This was in sharp contrast to Meeri who was only informed of the choice that was made for her. Apart from her education and the environment, her conversation with her parents was an important point. Her relationship with her parents created a conducive environment for her to freely communicate with them. Nevertheless, she was aware of the positions of her parents. In spite of the involvement of her mother in her initial statement ("I told them"), she goes on to put emphasis on her father's consent.

There is one overlapping similarity in Meeri and Jaria's experiences. This has to do with both of them having agency but expressed in different ways. Meeri's father's authority was so compelling that she was almost completely excluded in choosing a husband for herself. She however recognized the uncertainties tied to marital relations so she agreed to her father's proposal. On her part, Jaria also accepted her father's authority over her. At the same time, she guarded her individuality, promoted and pursued her interest in finding a husband. This marks a sharp contrast between women's socialisation and upbringing, which is an important factor of not universalising women's realities. Muslim women who were raised in rural areas,

but migrated to urban areas after marriage have different experiences with regard to choosing partners, than those who are younger and were raised only in urban areas. In the next section, I will discuss women's understandings of marital relations in matrimonial home.

Marriage as a Hierarchy

All the women I talked to expected a healthy and peaceful relationship. Nevertheless, they also accepted male authority as a part of the marital bargain. For various reasons such as economic and general wellbeing, they concurred that the role of their husbands as the head of the family was crucial in their lives as well as that of their children. I would like to discuss in this section the relationship between husband and wife. The responses came from two questions. First, I asked women who took care of their children. Second, I asked them who the head of the family was.

The women I talked to accepted the dominant notion that there are specific roles assigned to men and women in marriage. Husbands and wives had rights and responsibilities. Husbands' rights and obligations are accepted in terms of their authority and financial responsibility over wives. Of paramount importance of a husband's responsibility was financial maintenance of wife or wives. In my interaction with the women, it emerged that male authority and financial responsibility were largely expected. Women expected that their husbands took maintenance to apply to different meanings of the term.

Jaria's promptness to say that her husband takes care of her and her children is significant with regard to her perception and expectations of her husband. She said:

> My husband takes care of my children and me. He feeds, clothes and accommodates us; everything is on him so even I let him know my whereabouts. These are part of the reasons he took me away from my parents, so he must fulfil them because he was told even by my father who used to take care of me to do so. Therefore, it is incumbent on him to take good care of me (Jaria, 2010).

Jaria imagined that she is a trust passed on from her father to her husband. The trusteeship is tied to his financial responsibility and her general well-being. She links her husband's financial responsibility to his authority over her.

> Because he takes care of me, I take it that I am under him. So even when I am going out I let him know. I tell him my whereabouts because if the unfortunate should happen he knows he is already informed about where I am; but one thing about him is that, he never tells me where he goes and what he does; he

> will dress up and go out. He never tells me. You see it is not right. He is self-employed so he moves about a lot but at least I should know his regular base when he is not at home. This is a worry to me (Jaria, 2010).

Jaria accepted her husband's financial responsibility as fulfilling his obligation as the head of the family. In addition, he has the right to know her movements and activities. In spite of this understanding, she feels hurt when her husband does not reciprocate in the same manner.

Zara also mentioned financial responsibilities of husbands when discussing men's authority over their wives. She was a thirty-year-old woman, married for twelve years and a mother of four:

> A woman is under her husband. A man is always a man, because he went to tell my father he wanted to marry me, and took me to his house. My food, drink, my existence, he has to be responsible for me according to his means because that is what marriage is. Our fingers are not the same, so whatever he can afford I take it like that, because of this a woman is under her husband (Zara, 2010).

Like Jaria, leadership according to Zara belongs to husbands due to their financial responsibility. Since her husband proposed marriage to her and moved her from her parent's care, he automatically became the head of the family. He should be financially responsible for food, clothing and accommodation. However, she was conscious of the fact that in reality it was not always possible for all husbands to do so. She says that one's economic means determines the level of financial care.

Some other women accepted these roles, but explained the way in which authority was exercised in reality. Yasira was a typical example. A thirty-year-old woman and a mother of one, she worked in the formal sector. She has had tertiary education, and so we conversed in English:

> Religiously it is the man that is the head of the family, but practically it virtually becomes the woman. A woman has to be multi-talented to keep the house going. Once the marriage is blessed, it's more of the woman's responsibility to keep it intact, so she has to provide financially, provide physical care, take care of the house chores and do the cooking as well, and in the end, she is expected to fully satisfy her husband's selfish sexual needs at all times, whether she is sick, tired or what; so marriage becomes hell (Yasira, 2011).

Yasira did not mention male hierarchy related to financial responsibility of husbands. She mentioned this hierarchy as a religious prescription. This did not reflect the reality of who was really maintaining the family. As a woman, she also contributed financially, in addition

to providing the security and comfort of a good home in which to raise children. In her view, a woman was in practice the head of the family. From her personal experiences as a wife in managing the home, taking care of the children, and serving the man (including sexually), a woman has a demanding job. Irrespective of her vital role in the management of the home, however, her husband controlled her sexuality. In addition, Yasira seems to be doing a disproportionate level of labour in the home. While she maintained that, effectively, women are the heads of households, in reality, she presents herself as responsible for all household labour as well as serving her husband sexually. This was not a fair partnership of rights and responsibilities in the marriage.

Yasira was not unaware of the fact that it was her husband's financial responsibility to maintain his family according to Islam:

> Well since we are being bounded (sic) by the Islamic principles, which are the basis upon our marriage, he is expected to take full financial responsibilities of I (sic) and my children, whether I work or not (Yasira, 2010).

Yasira's remarks indicated that the social and economic conditions of women in Ghana were changing. While they held on to norms from the past, women's actual roles were changing. It appears that men are expected to have the dominant position in marriage in Muslim communities of Accra. However, women were sometimes expected to carry some previously male responsibilities.

Muslim women have responded to these changes without explicitly rejecting socio-religious norms. This strategy subtly rejected historical roles and norms. This current context has created fluidity in terms of roles of men and women in Muslim marriages. Sometimes the fluidity is beneficial for women's needs. In my interaction with Zara, for example, it came out that she had reported her husband to Ahlu Sunnah Wal Jama'a (ASWAJ)[7] because he was not financially responsible. She said.

> He is not financially responsible. I expect that every day he gives the children chop money [daily allowance]. Even the room that we are currently occupying is a contribution between him and me. So if he cannot afford basic necessities with one wife, how can he afford two? That was why I reported him to ASWAJ (Zara, 2010).

[7] This is an Islamic Non Governmental Organisation which offers social services including marital counselling and mediation of marital conflicts.

It became clear that it was not only financial irresponsibility of the husband that led Zara to report him to the Ulama at ASWAJ. Rather, it was because he wanted to marry another woman. She insisted on her husband's maintenance of her as a way to prevent him from marrying another woman. Moreover, it was evident in her comment that she contributed financially to the family expenses. Clearly, the husband was not living to his responsibility.

The fluid context in Ghana has demanded of women to find ways of engaging in economic activities. The economic condition of Ghana made it virtually impossible for a husband to be fully financially responsible for his family. As a result, women have taken advantage of the economic reality to assert themselves. Zara makes her assertion:

> Look at all these oooh![8] You cannot take care of my children and me! Yet, you would not allow me to work. We fought over this on several occasions. We reported the matter to my father and to my surprise; my father and other relatives were against me. Because he does not have money [they say], that is why I do not respect him. Nevertheless, I made my point to them that it is because he cannot take full financial responsibility that is why I work. Then they said that if it is the work that brings misunderstandings in our marriage, then I should stop and that whatever he affords I should take it. Therefore, I stopped working, but after some time I realised he could not afford to take care of the family so I was doing "stoway" in terms of working. What I was doing was, that when he is out, then I rush to town to get some few things, when I am on my way I would pray throughout, ooh Allah you created me and you know what I am going through, then I go and get the things and hawk them till evening. Then I go home before he comes. If I have some left, I hide them in my room where he would not notice or see. Sometimes I hide the key under my bed and other times in my wardrobe. Then I lock and hide the key. I do not joke with my wardrobe key at all. So he does not find them in the room, my wardrobe key is always with me because I am afraid when he finds out. However, he later found I was engaged in some economic activities. He was angry and said many things but I did not mind him, so things are no longer a secret (Zara, 2010).

This narrative shows how women like Zara were changing the order or relations in the family. They were facing great difficulties, but with some determination and commitment to personal belief, things were changing. It is also clear that the older norms, supported by families, were resisting change. However, there is tension in this form of engagement. While the husband was not adequately supporting his wife financially, he demanded her to live like a traditional wife who always stayed at home and took care of home management. The consequent difficulty for meeting practical survival needs forced her to take financial task

[8] This is a way of emphasising one's point in Ghanaian parlance.

outside the home. This created fear and anxiety for her. Thus while there is change, it is located within the context of compounded stress on women.

Jaria tells a similar story of how she would like financial self-reliance:

> If I had my own work, I will not depend on him [her husband]. If my child wants anything, I will not have the pain of going to ask their father. To be honest I can feel he is overburdened but being a man, he will not express it. That is why I want to work because if he continues to be financially responsible for me, I will always be under his control and being under him, he can do anything to me. Because of this, I have arranged with ASWAJ to share our father's property so that I can raise capital and start something (Jaria, 2010).

For Jaria, financial freedom is a crucial existential issue. Being dependent on her husband for sustenance means his control over her. If she engages in an economic activity, her relationship with him would change. Besides, the reality is that her husband is financially over-burdened. However, the cultural norm that dictates that a man should not show signs of weakness hinders him to show any signs of economic burden.

Yasira brings out a slightly different dimension of women and their financial responsibility:

> Because of the cultural upbringing, perhaps, where he was brought up he did not learn to be financially responsible. In addition, generally, in the *Zongo* communities the women mostly provide the major aspect of the financial contribution for the home. Therefore, if that is how he was brought up that becomes part of his cognitive framework[9] and he thinks in that context; so even if he has he does not see it as a duty to give to his wife and children. My husband is more than capable but he will not give enough. Because he does not give enough and pushing him to demand for more brings about problems, so to avoid those quarrels and fights, which end up into so many things, whatever he gives I supplement. If he gives, fine, if he does not too, fine. I have to contribute if I want my house to be put in shape; if I want my home to go the way I want. I have to, otherwise things would not go well and my child will be affected (Yasira, 2011).

Yasira points out that her husband could give her more than he actually was giving. However, he does not because that is the norm in the *Zongos* where he was brought up. She seemed to be referring to the social norm of what husbands are supposed to provide for their families. Again, there is tension on the one hand between an Islamic ideal that men should be the financiers of their wives and on the other hand, women are practically co-providers or even

[9] This was the term the respondent used to explain a person's way of thinking.

primary financial providers in the *Zongos*. The local cultural norms in the *Zongos* where women were expected to provide financial contributions to their households thus co-exist with the contrary traditional Islamic view that men are financial maintainers of the home. Living in the context of these norms as well as immediate practical needs, Yasira clearly took the responsibility of providing for her family particularly her child.

Muslim women's presence in the workforce has changed in contemporary times. Most of the Muslim women I talked to were among urban poor who worked in a variety of occupations (peddling, laundering cloths, and selling in the market). This means that the traditional roles of women and men were changing. These changes sometimes led to conflict between men and women in the experiences I chronicled. This is very clear from all the comments quoted above. It is also clear that the women were taking control over their lives, and managing their husbands' uncertain responses.

The majority of interviewees concurred that there are divided roles and responsibilities in the upkeep of a marital home. It is evident from above that financial responsibility was supposed to be an exclusively male affair. This is contradicted in practice by the financial realities of the country. At the same time, the majority of the women have generally accepted that the upkeep of the home like sweeping, cleaning, cooking and childcare is their duty. Jaria illustrates this:

> I do all the house chores and the finances he [her husband] is in charge. I do the work, which is supposed to be done by women. From baby nappies to bills, food and all that you think of, even me, he is financially responsible for all of us (Jaria, 2010).

She asserts that her husband has his roles and she has her roles. That is why he is financially responsible for her and the children as well. In contrast, however, Yasira criticizes the notion that house chores are basically for women, bringing in religion:

> Though the religion encourages men to help their wives, the culture does not. There is a general perception that helping your wife is a sign of weakness in a man; a real man should not help his wife. The culture has taken precedence over the religion. The religion should have taken precedence but human beings, being as selfish as we are, they will always pick the one that would suite their personal selfish interest. So doing house chores is my responsibility (Yasira, 2011).

In her view, culture plays a dominant role, even though the religion of Islam should have been pre-eminent. Culture has undermined the Islamic principles of assisting one's wife as a life partner. Furthermore, human ability to choose plays a major role in the choices men make. From her testimony, it appears that the cultural rules are favourable to husbands so they stick to it at the expense of religion.

With the exception of Yasira all the women considered here agreed that headship of the family belongs to a man. They linked the headship to financial responsibility towards them. As a result they all expected financial responsibility or maintenance from their husbands. Yet, they realized that most men cannot or will not provide for them. Consequently, the majority of the women work outside their homes to contribute financially to the family.

There was clearly a tension in the management of these roles and responsibilities. Sometimes culture, and other times religion were brought up to justify or support one or other position. However, women worked and contribute to the family, whether men accepted it or even knew about it. In the process, women were resilient and negotiated the various demands made on them with skill, tenacity and sometimes with sheer desperation. Through these negotiations, women challenged the normative social expectations. Zara's great efforts to hide her economic activity were later followed by a confidence when her husband actually came to know ("He was angry and said many things but I did not mind him"). In the next section, my discussion focuses on decision-making in marriage with special reference to reproduction.

Children are Important but Bearing them is a Woman's Choice

This section discusses the issue of decision making in marriage. All the women I spoke to viewed decision-making as important in marriage. Child bearing was particularly significant for women. When I asked women concerning how they take major decisions, child bearing was more prominent than other issues. The common view was that children bring joy and happiness in marriage. At the same time, women felt that their individual interests were equally important.

Jamila said:

> I know what I am going through that is why I am going to have family planning[10], so if it is not in line with his thoughts, and I know I need his permission, I would only pray for Allah's forgiveness. Because it may even be that having a child could end my life, and if death comes in this way, it is only me it would take

[10] Family planning is the collective term popularly used for all forms of contraceptives in Ghana.

> while he continues to live. Therefore, I would not say because of my husband I would kill myself. If I should die right now, it would not even be forty-days[11] and he would find someone among my own friends and marry. Therefore, I will do it without my husband's knowledge. If it comes to child birth, husbands have to keep quiet as they don't know anything about it, they only impregnate and slaughter the ram for naming ceremony but the physical trauma of pregnancy, the act of giving birth itself and sometimes, postnatal problems, is a woman's burden. Sometimes, I cannot even sleep while he is snoring, so why won't I go for family planning and have my peace of mind (Jamila, 2010).

For Jamila, the experiences of pregnancy, labour and nurturing give her the right on the number of children she would like to have. Jamila categorically rejected her husbands' role in child bearing. This is because a husband plays a minimal role. She is conscious of the fact that the husband's permission should be sought before taking contraceptives. She asked God's forgiveness, but thinks it is a lesser evil to protect herself than following her husband's demands. Moreover, her husband could easily replace her if she would die as a result of childbirth.

Meeri shares a similar view, and told me how she controlled the number of children she had:

> Our discussion did not extend to the number of children we would want to have. I decided on the number of children that I would bear. This was because the fourth and fifth children I experienced a lot of complications. Therefore, I decided to delay up to the seventh year before I delivered the sixth child. I used to take medicine. I used to go to the hospital for family planning without telling my husband because this one is very personal. What if I discuss with him and he disallows me? I suffer a lot so I decided to prevent having children. If I had not prevented having children I would have had about ten of them before his death. What would have happened to me now? You are also a woman you should know how it is (Meeri, 2010).

For Meeri bearing children is a personal decision, and she saw no need to discuss child bearing with her husband.

Asibi was thirty-eight, a university graduate but unemployed shared the same view. She told me why she finds family planning vital. For Asibi, decision making especially with regard to having children is crucial in marital relations.

> Making decision concerning the number of children is crucial because the two of you have to decide whether to take contraceptives, take injectables, or Islamic

[11]The forty-day prayer to the dead is an important rite in the Ghanaian religious rites for the dead and for every individual mourner the days are very important as they mark a point of reflections on the life of the departed person.

> family planning-coitus interuptus, fine, but not all the men would have time for this fruitful discussion. Some of the men even say that taking contraceptives is *haram* [forbidden], and that (it) is Allah who gives children. Is it not the same Allah who said that when He grants children to you, you will be accounted for how you took care of them? If you are unable to take care of them, if say, you can only take care of two and you have four, you will have problems (Asibi, 2010).

Asibi believes that the discussion should be shared, but men see no value in such a "fruitful discussion". She knows of religious objection, but justifies taking contraception in a *tafsir* (interpretation) of her own. She reminded me that God made women (and men) accountable for their actions. Contraceptives were justified in this ethical reasoning, according to her.

All the women believe that having children is their decision. They argued that their individual health as well as the general well being of their children was their responsibility. Their individual circumstances of labour and nurturing affected the way and manner in which they asserted themselves. It is also clear that they took this decision in the light of their circumstances, and after giving birth to a number of children. None of them refused to have children at all. Their experiences and their moral responsibility gave them the right to decide on how and when contraceptives would be taken. Practically it appears that women take a disproportionately large proportion of responsibilities in the marriage. This ranges from economic, emotional and domestic duties. Thus, family planning becomes a realist response to the demands of marriage and family. For such practical reasons women have ignored God mandated male hierarchy, which they claimed in their testimonies.

Patience as an Islamic Virtue

In this section of the chapter, I discuss the value of patience in Muslim marriages. Almost all the women mentioned patience in society and especially in marriage as an essential value in human relations. Patience was expected from every human being in order to live with people whether in society, or at home. In the absence of such a vital virtue, the consequences of human relations would be disastrous.

In my interactions with the Muslim women of Accra, the most common definition women gave to marriage was patience and perseverance. From some respondents, patience came up when they were asked at the end of the interview whether they had any comments to make. For others, patience was mentioned during the dialogue. For virtually all the women, marriage was a difficult institution that demanded patience in abundance.

Jamila, a forty-year-old woman who is a caterer and a businessperson with four children, expressed her understanding of patience. At the time of the interview, she was in her second marriage.

> If you are patient, you will enjoy it, is all perseverance. Even our mothers were patient with our fathers because they are human beings; and you know human beings, we are something else. So if someone takes you to his house as a wife why can't you be patient with that fellow? Whether we like it or not there is bound to be differences but with patience it will work and you live together. There are differences in personalities, but we keep blaming men all the time. We the women too have our part of the problem. It is not all the men who are always at fault. Just as we see that they are the source of trouble, there are women who cause trouble as well. If you hear the preaching concerning marriage and you want a healthy relationship and the reward that Allah grants in marriage, even if the man walks on you, you would stretch yourself for your husband to walk on you. That doesn't show that you the woman do not have some level of *darajah* [rank or status], but it is because you want blessings of marriage (Jamila, 2010).

Jamila's understanding of marriage is one that demands patience and gratitude to her husband. It is the sole responsibility of a woman to make a marriage work through patience and perseverance. As her mother has been patient with her father, she too has to emulate the virtue of patience. Gratitude is due to the husband because he was a provider. As a woman, Jamila does not seem to expect anything as such. With patience and gratitude, she would enjoy a "healthy relationship" and "blessings" in the hereafter as well. Moreover, she criticises the prevalent perception that men are the only source of trouble in marriage. Both men and women are guilty of causing marital discord. She added that both men and women have different personality traits, which may be good or bad. For this reason, different individuals can bring marital disharmony. She challenges such perceptions by making a comment on the *darajah* of men and women.

Darajah is a word that appears in the *Qur'an*, and it is also used in Hausa. In Hausa, it means rank or status. In the *Qur'an,* the term appears in two instances. The first instance is *Qur'an* 6:13. Which translates "to all are degrees (or ranks) according to their deeds: for your Lord is not unmindful of anything that they do". Wadud elaborates on this verse: "the *Qur'an* specifies, for example that; by striving in the way of Allah with one's wealth and one's person or by immigrating for Allah, one can obtain a *darajah*" (Wadud 1992, 66). From this perspective, the meaning of *darajah* is a "degree" or a "step" that is earned by individual

believers through their deeds. In the second occurrence in the *Qur'an, darajah* is placed in the context of marriage and divorce:

> Divorce women shall wait concerning themselves for three monthly periods. And it is not lawful for them to hide what Allah has created in their wombs, if they have faith in Allah and the Last Day, and their husbands have the better right to take them back in that period, if they wish for reconciliation. In addition, women shall have rights similar to the rights but men have a degree (*darajah*) over them and Allah is exalted in Power, Wise (*Qur'an* 2:228).

Here too, *darajah* means rank, but men are considered to have a higher rank than women do. In her quote, Jamila seems to capture the idea that her acts of subservience may be seen as something that deprives her of *darajah.* But she insists that this is not so. Her willingness to stretch herself on the ground brings her blessings for the hereafter.

Some discussion on Jamila's use of *darajah* is worthy of reflection:

> … If the man walks on you, you would stretch yourself for your husband to walk on you. That doesn't show that you the woman do not have some level of *darajah* [respect], but it is because you want blessings of marriage (Jamila, 2010).

She accepts a submissive role of a wife as part of what she has been taught in sermons ("preaching"). However, she does not accept this submission as a lower rank and status (*darajah*) in the eyes of God. In her view, both men and women have the same *darajah*. She acts submissively in order to obtain the "blessings of marriage". It is clear that she accepts the meaning of *darajah* in *Qur'an*, 6:13, but not the one expressed in *Qur'an* 2:228. She does not take her submissive role as a lowering of her spiritual rank against her husband.

Other feminists have suggested that women, like Jamila, compromised their basic belief in God. Jamila seems to believe that in order to enjoy this life and the hereafter it is necessary that she obeys her husband's commands. Also according to her, the *Mallams* have been preaching this message, which she accepts. According to a modern Muslim feminist thinker, (Barlas 2002) this attitude opens the door to *shirk* (associating partners to God). Humans are supposed to approach God without other human intermediaries. Associating partners with God contradicts the fundamental Islamic belief concerning the unity and oneness of Allah. It is clear from the comment of Jamila, however, that she does not link her subservience to her husband with any question of belief. Subservience is linked to "blessings in marriage", while the relative rank and status of men and women are preserved.

Jamila is not unique in pointing to the importance of patience in marriage. I want to closely examine the experience of another woman who discussed patience in relation to divorce. The majority of respondents knew that divorce was permitted in Muslim marriages. At the same time, they also knew that it was extremely difficult to actually obtain a divorce. Women were expected to be patient, as divorce was only to be arrived at as a last resort. Only extreme circumstances should lead to such a decision. Kande, a thirty-year woman married for six years with two children, had this to say of patience and the option of divorce:

> I will only say that may Allah grant married women patience and endurance, the sort of issues we face, may Allah help us endure them, and I pray that He guides our husbands. We the women, too, whatever situation that we find ourselves in, whether he [the husband] is a wife beater or a womaniser, you [women] have to be patient, but if it is too much, my advice is to move on. That is all my advice walaahi [By Allah]; if it is too much, you should move on (Kande, 2010).

In Kande's view, women face many challenges, and it is only God who can help them in enduring the struggles of marriages. She asks for God's assistance for herself and married women in general. She also asked God to guide husbands. Through God's guidance, husbands may display the exemplary behaviour that she expects of them. However, there is a limit to her patience and God's guidance for husbands. Kande urges women to "move on" when it is "too much." Unlike Jamila who submits herself to obtain "blessings", Kande thinks that divorce, which is permissible in Islam, should always be an option.

Ayesha's testimony puts patience and endurance in graphic perspective. While marriage requires patience, divorce also demands the same. Ayesha, a twenty-seven year old woman, married for three years without a child, was working as a trader in a suburb of Accra with limited level of modern education. She made this observation:

> I hope that I am married to my husband. In that sense whatever be the case, I will be able to stay with him since its God who brought us together. Because to marry and divorce is not a good thing but sometimes one cannot help but to swallow the bitter pill. One chewing the stick of neem tree is not a small matter as it is very bitter. We do it to treat malaria [in this way], so it is the same thing with marriage. If the problems are so unbearable, life must go on. No one would take that major decision for you; it is difficult but what can one do. I think divorce becomes the better solution, just like chewing the neem stick to treat malaria. I pray that Allah gives us the power to live with our husbands (Ayesha, 2011).

Ayesha also believes that Muslim marriage demands a great deal of patience and strength. She asked God to grant these to her in great abundance. She also believed that God had brought her husband and her together, which she accepts. However, like Kande, she knows

that sometimes divorce is inevitable. Divorce should be accepted when a marriage does not work. It is difficult to agree to a divorce, but it has to be accepted like a cure for a disease. Drawing from the analogy of the traditional treatment of malaria (a common disease in Ghana), she says that one has to be prepared to take bitter medicine.

Divorce is difficult, but it is like chewing the stick of a neem tree. Divorcing a husband is a difficult decision. It needs a lot of careful thought and consideration. However, when the necessity demands, one has to take it as the cure of one's sickness. Marriage, in her view, had become a sickness that demands a cure (divorce). Clearly, patience is necessary but divorce may be unavoidable and a cure.

Ayesha also compared Muslim marriages with non-Muslim ones:

> The non-Muslim marriages are more attractive than ours are. Non-Muslims take good care of their wives, live with them until old age. As for we Muslims, you never see that. Meanwhile, we are supposed to have those virtues as Islam has given us everything. But unfortunately, the Muslim husbands do not adhere to those virtues. May Allah guide us all (Ayesha, 2011)!

According to Ayesha Islam as a religion is complete with all human values. Muslims, however, do not live by all of the worthy virtues that the religion teaches. This is again a strong criticism from Ayesha about Muslim husbands. While she invokes patience and the guidance of God, she points clearly to the problem that lies at the feet of men. There is a very clear sense that she is articulating an ethical critique of Muslim men's incapacity for caring relationships with their wives. Moreover, this points to the inconsistencies their behaviours with Islam's purported virtues. Therefore, she was holding Muslim husbands accountable to particular sets of religious ideals of caring relationships, which they were lacking.

In these testimonies, patience appears as a common virtue demanded within marriage. The women have expressed in different ways that patience is an important virtue in an Islamic marriage. All women also invoked God's presence in their lives as an important factor. They relied on God as a source of hope and perseverance. Irrespective of the challenges faced, they prayed to God to guide their husbands. On another level, they also expressed limits to this patience. Jamila stands out as someone who does not resort to divorce, and agrees to submit to her husband even if this means being "walked" upon. But in the end, she preserves her rank (*darajah*) in the eyes of God, and gets blessings for her marriage. Kande and Ayesha

also ask God to help them to endure their hardships patiently, but they believe that women must be ready to "move on." Using the analogy of malaria, Ayesha shows how difficult divorce might be in the society. Nevertheless, as a disease, such difficult marriages may need a bitter treatment.

Divorce: Women's Perspectives and Expectations

The women were aware that divorce was a lawful option that was available for irreconcilable marriage. Divorce is a negotiated process in which elders and religious leaders take a dominant position. Not all the women agreed that divorce is a man's absolute right. Since there were elders and other family members involved in marriage, husbands could not pronounce divorce for it to take immediate effect. This process of going through such stakeholders opened the door for arbitration. Only if the latter did not work, then a husband's pronouncement took effect. Some of the respondents' experiences and reports will illustrate the meaning of divorce from women's perspectives.

Fati is a primary school dropout and a mother of one. She is a wife of an absentee husband[12] and spoke to me in Hausa:

> For me, in my understanding, both husband and wife can invoke divorce. But you see people say that it is the right of the husband, forgetting that it is you the woman who lives with your husband and you know who he is and what he is capable of doing. If my husband disrespects me, cheats on me, humiliates me and beats me up, why can't I act if I want to? I think that either of you can initiate divorce although the elders have to come in before anything happens. If he initiates it [divorce], he would be invited and is the same way if a woman initiates it, and you have a very convincing issue your pronouncements would work. Like in this, my situation of being married to an absentee husband, if I can longer continue with the marriage and tell the elders, I think they would respect my position (Fati, 2011).

Fati demands equal rights for herself, justified by personal experiences and relationship with her husband. Clearly, in her view, the effectiveness of stakeholders or family members in divorce matters is critical in access to divorce. Fati, however, has never asked for divorce. She indicated that the elders would take her position serious if she initiates divorce. In contrast, Asibi's story shows how a woman who wants a divorce may be prevented by elders and by religious leaders. Asibi was also married to an absentee husband:

[12] A marriage in which a husband resides outside the country. All the women I talked to who were married to absentee husbands opined that it was because of economic reasons that their husbands reside outside the country. In short, they were economic migrants.

> Some women have pronounced divorce to their husbands on certain occasions but that of women do not take any effect, as the *Mallams*[13] say. Since the first day of my marriage, my husband has always been absent. I have on several occasions told the elders who prevented me from leaving the house that I could no longer wait, especially because he lives with another woman at his base. It is not just fair that he is always with her and I languish in loneliness in Accra. But I cannot understand why the elders would not allow me to leave whenever I intend to (Asibi, 2010).

Unlike Fati Asibi had sought divorce but was prevented by the elders. She is subject to the wishes of the elders, but introduces an element that Fati did not mention at all, the way religious messages from its leaders impact believers praxis. Fati and Asibi's understandings on a woman initiating divorce vary considerably. Fati believes that a woman like her may initiative divorce. If she complained of the lack of her husband's fulfilment of his responsibilities, she is sure that they will allow her to go for divorce. And yet, Asibi said elders did not listen to her complaints. In particular, the *Mallams* preached that women might not initiate divorce. In addition, Asibi raised concern about husbands' social and religious privilege, which does not appear to be a reason for the elders to grant her wishes.

Jamila comments on divorce in Muslim marriages:

> Sometime back women used to fear the word divorce, but currently it belongs to the past when people shiver when they hear the word divorce. Now it is a fashion. Then when people [women] hear divorce they carry their veils to look for elders to come in and help oooh but now it is not a problem, things have changed. As for marriage of modern times, we pray for Allah's forgiveness, there is too much childishness in it. [For] the least thing, we want to leave the marriage! This is not marriage at all. The reason elders do not take women's divorce pronouncement is that we are impatient. But before a divorce pronouncement comes from a man then it really means there is something that is very difficult for him in the marriage. You see men are very patient (Jamila, 2010).
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Jamila points to the change in divorce matters in her society. In her view, though, women are to blame for the high incidence of divorce. Her view, however, ignores the predicament that Fati and Asibi describe. She wants to hand over more responsibility to men, even more than that held previously by elders.

All the women in this section have accepted that divorce is a permissible act in Muslim marriages. Nevertheless, different positions have been expressed concerning the manner of

[13] Islamic religious leaders in the Hausa language, the predominant language among Ghanaian Muslims especially in the Muslim quarters of southern Ghana called the *Zongos*.

going through divorce. Asibi tells us that women are not permitted to initiate divorce according to Islam, Fati says that both men and women have the same rights, and Jamila hands over the final decision to men.

Conclusion

In this chapter, I have described the perceptions and understandings of Muslim women concerning marriage and divorce. I discussed five themes on marriage and divorce in Accra: getting a husband, the hierarchy of marriage, reproduction, patience in a marriage, and divorce. Generally, Muslim women accepted some norms and objected to others. This was clear in their acceptance of guardians, hierarchy and the value of patience in marriage relationships. They all accepted the fact that specific roles were assigned to men and women, either according to Islam or culture. Closer attention to their testimonies, however, revealed that many of these roles were being challenged in urban Accra. There was clearly a tension in the management of these roles and responsibilities. The acceptance of patriarchal norms took place in a tactful and practical manner.

Women were more assertive in some aspects than others in marriage. They claimed both responsibility and decision to bear children. This was justified on the basis of their own health and financial responsibility to raise children. Indirectly and directly, the women also resisted men who prevented them from engaging in economic activities. Their rights to some form of economic independence or even survival could not be compromised. In both cases, they felt justified to assert these rights in spite of religious and cultural norms. In other cases, women were more indirect in their claims. They accepted the guardianship of their fathers in negotiating a marriage partner, whether they chose their husbands or not. They accepted the value of patience, but only up to a point. And there was a difference seen among women in relation to their age, rural or urban upbringing, and level of education.

In the context of urbanisation and poverty, the women selected and patched from religion and culture to meet their existential needs. In adopting this strategy, they may be seen to create unique personal reforms. In the process, it is clear that the women were sometimes challenging, other times compliant, negotiating and resilient. It is against this general background of marriage norms and women's challenges that I would like to discuss the issue of wife battery in Muslim marriages within Accra in the next chapter.

Chapter Three

Muslim Women's Experiences of Violence

> *As for me, I have a lot of problems with my husband and as at now, we are not on talking terms. I heard he has paid someone's dower and the marriage is due to be contracted. You [referring to her husband] have not laid any foundation for your children yet you want to go for a third wife. There is nothing between us; we are like strangers in the same room* (Saeeda, 2010).

Introduction

The above excerpt captures some of the painful marital dynamics experienced by one of the interviewees and sets the tone for what unfolds in the chapter. This chapter explores the ways and manner in which Muslim women of Accra have experienced violence. I situate my discussion in a broader context of the various dimensions of personal and structural violence women are subjected to in Ghana. This chapter focuses on the various ways my interviewees negotiate violent marital relationships. I include an analysis of the personal and social resources they turned to, including religious authorities, family members and state agencies. I will begin with a brief overview of violence in Ghana, and then focus specifically on the research material collected during my fieldwork.

Women's Abuse in Ghana

In Ghana, women from different cultural and economic backgrounds have voiced their concerns and experiences about gender discrimination and abuse. Gender-based violence has received much attention in the Ghanaian public life because it has consequences for women individually and collectively, thus, the family, the community and the nation. In a vivid and comprehensive study, Amoah and Ammah (2004) demonstrated that domestic violence in Ghana is prevalent in families across a range of religious and economic backgrounds.

Gadzekpo (1999) reveals that due to socio-cultural gendered patterns in Ghana women suffered various forms of abuses even before marriage, which continued in marriage. She expressed in her chapter "Women's and Girls' Experience and Understanding of Violence" that the pattern of violence is a part of the cultural structure whereby certain roles and responsibilities are assigned to women and children. The refusal of women and children to

perform such acts often serves as the basis for violence. Many adult women also become the bearers and perpetrators of the socio-cultural norms of hierarchical gendered patterns.

Further, Gadzekpo suggests that in Ghanaian society there are also some religious justifications for condoning violence against women. Islamic religious authorities for example, cite various excerpts from religious source to sanction violence against women. Women have internalised some religious notions that promote violence against women in the domestic setting. More broadly, in a national survey on violence against women and children in Ghana, some Muslim women have stated that apart from submitting to a husband a woman does not have to talk back to her husband in an "unacceptable manner" otherwise Allah will shorten her life span (1999).

Abbey-Mensah (1997) has suggested that women usually reported the abuse to members of the family after containing the abuse for some time. However, family members advised women to be patient with their abusive husbands. Thus, the social fabric does not provide adequate support for violated women because the family unit is perceived as a private space, and abuse against wives is hidden.

Prah (1999) reports, that dysfunctional institutional structures hinder women from reporting abuses. She indicates that the responses from the police are ineffective and discouraging to women. Consequently, many perpetrators are not held accountable or prosecuted. Therefore, the overwhelming majority of abused women resort to informal avenues such as family, friends and community opinion leaders. Such avenues do not subject perpetrators to adequate and deterring punishment.

In recent times, due to the work of gender activists, women's issues have appeared on the public agenda. They have presented the abuse of women as a social and national problem, and argued that it is incumbent on society to find means of curtailing the problem. The effect of their activism has created awareness both for the government and for the public to pay specific attention to women and children's issues. In the year 2001, the government created a ministry with a sole objective of tackling children and women's issues in the country.

In an effort to arrest, the nationally pervasive problem of domestic violence the Ghana Police Service in 1998 has created a unit called the Domestic Violence and Victim Support Unit to

cater for issues of abuse within family quarters. The unit has established branches nationwide. By the first half of the year 2002, the Unit had received 679 spousal abuse cases. On average at this same period, the Unit received up to thirty-five cases per day, from women and children who needed urgent assistance. From the year 2003, annual statistics shows that the average on daily basis has increased with women still being the majority of complainants. In an attempt to address the issue at hand the Domestic Violence and Victim Support Unit has incorporated gender violence sensitisation into the training curriculum of new recruits in the Police Service.

In a frantic endeavour on the part of the government to curb domestic violence, the Domestic Violence Law came into effect in the year 2007. The law defines domestic violence as

> specific acts, threats to commit, or acts likely to result in physical abuse, namely physical assault or use of physical force against another person including the forcible confinement or detention of another person and the deprivation of another person of access to adequate food, water, clothing, shelter, rest, or subjecting another person to torture or other cruel, inhuman or degrading treatment or punishment. *The Domestic Violence Act* (732 of 2007).

It also entails measures that aid women to access civil protection orders in a bid to prevent further attacks from perpetrators. The protection order potentially serves as a shield for women against their abusers as the victims do not want to prosecute their perpetrators. As several reports have suggested, victims of abuse feel victimised by family and society to prosecute their abusers because of the notion of the privatisation of the domestic environment (Cusack 1999).

Women's Experiences of Violence

In experiences of marital violence, women have encountered and contested violence for a variety of reasons that ranged from their contestations of polygynous marriages, disagreement and husbands perceived disobedience of wives. Often the violent episodes occurred when husbands thought that their wives questioned their authority or were challenging their decisions on a particular issue. It also appeared that in a number of cases the husband's violence was related to his wife challenging his polygynous or extra-marital sexual relationships. Rahina described her experience in the following way:

> Yes [my husband has hit me before]. It was because of this woman [her husband's other wife]. Just like the way a man and his wife converse, we were conversing and I said you [her husband] have been lamenting you do not have children and now you have [children]. Therefore, I do not understand why you went to marry

> another woman. Then he [her husband] exclaimed, "Is it your concern? If I have married what is wrong with it? I have my money; and went to marry. What is your problem? Do you have any right to prevent me?" [Her husband asked her all these questions] Then I said, yes I have that right. Then he [her husband] asked again; what right have you to prevent me; and then the beating ensued. He beat me, hit my head against the wall and kicked me as well (Rahina, 2010).

Zara states:

> Beatings, I cannot count. It happens all the time. The most recent beating was not even a month. It happened on the compound and other tenants were there looking on.[14] It was because I did not agree with the decision he took on our children (Zara, 2010).

These excerpts indicate the level of violence women have experienced in their marital relations. In both excerpts, husbands turned violent when their wives disagreed with them. Their husbands' responses suggest an underlying worldview that places a husband as a natural leader and a wife as a submissive, unquestioning follower. On the part of Rahina, she was challenging the status quo that permitted men to have multiple wives. While she does not outright reject the social privilege of men, she argues that her husband should have a convincing reason for going to marry another woman. Her husband perceived her response as a threat to his male authority and privilege and resorted to physical violence. Zara's response highlighted that physical abuse is a constant issue in their marriage, and occurs in a compound when other tenants were looking. The fact that neighbours observed this violence and did not intervene suggests that there is a social tolerance for male violence against their wives. Clearly, also her husband does not take into account the social humiliation reflected in his behaviour towards his wife.

Many of the women did not appear embarrassed to share their husbands' abuses with me given that I was a stranger. In fact, the openness, frankness and trust they showed also suggested a level of frustration women felt against husbands' abuses over them, and that they appreciated an opportunity to discuss it. In our discussion, it also became clear that they rejected the legitimacy and acceptability of such violent abuses against them. One of my participants, Kande commented, "there is no cogent reason for a man to beat a woman" (Kande, 2010).

[14] See appendices 1 and 2 that show an example of the building most of the women were living in, popularly called compound house. These houses contain a number of rooms that surround a piece of land and the centre is left and shared by occupants. This particular example in the appendix is not occupied by any of the participants.

Some of the women felt ashamed to be beaten by their husbands. One respondent, Saeeda, married fifteen years ago, narrates at the outset that she had been beaten three times since their marriage. However, as our conversation progressed, it became clear that violence occurred more frequently in the relationship. She said

> ...he [her husband] will beat me so to prevent the beatings I just keep quiet because sometimes even if I do not talk he beats me up. Therefore, my strategy is to keep quiet and look on. This is hurting but the issue is that I cannot just leave him without thinking about my children, not that I do not think of leaving the marriage but it is because of the children. Though it is painful, I am used to it (Saeeda, 2010).

Despite pain and embarrassment at the abuse, Saeeda stays in her marriage for the sake of the children, which is a theme that recurs with a few other respondents in my study. She has thus devised a strategy to be quiet in the face of violence. This might be a survival mode in a context that is physically dangerous, given that she believes her marriage gives some security to her children.

In another case however, a woman's care and concern for her children also resulted in her husband's violence. Zara explained how her husband felt challenged when he had instructed her to leave their children with his parents, which she refused:

> He [her husband] told me he would not take care of them [their children] because I refused to leave them in a deplorable condition with his parents when he demanded. Since then I pay their *Makaranta*[15] and school fees. One Sunday I went to beg the *Mallam* [teacher] of the children to let them in because I was unable to settle their fees. When I came back, he was anxiously waiting for me. He then asked me where I was coming from, which I told him, and he beat me up (Zara, 2010).

This marriage creates a very vulnerable situation for both the wife and the children. Zara's husband withdraws financial responsibility for his children because his wife did not listen to him and leave her children elsewhere. Moreover, he feels dishonoured and humiliated that his wife pleaded with the teacher to keep her children in the school, despite his lack of financial contribution. So not only is he not maintaining his family, he also abuses his wife because of her desperate attempt to educate her children. This is a man who does not abide by the traditional Muslim male responsibilities of care and financial maintenance of his family and

[15] *Makaranta* is a school in the Hausa language.

who presents obstacles to his wife who, in turn, is forced to assume financial responsibilities for the children. Violent marital hierarchy accompanies economic hardship imposed by the husband.

Another dangerous and life-threatening experience was reported by Saeeda:

> One dawn he [her husband] came to meet me awake. He thought I was waiting to find the time he returns. So he got furious and he really beat me up. Nevertheless, I was not waiting for him. I was in labour, so it was after his beatings that I went to the hospital to have my baby. At the Polyclinic the nurses detected I was beaten since there were signs all over. They convinced me to tell them so that they would call the police to arrest that fellow; but I could not because he is my husband. I said that to the nurses thinking that he would change his habit, which he did for a while until he met another woman again and the cycle continues. We are already two. Are we not enough for him (Saeeda, 2010)?

This man unrelentingly beats a pregnant wife who is in labour. Her unwillingness to report his violent abuse suggests the complex psychological and social patterns that facilitate violence against women. The view that a woman would not hold her husband responsible for his abuse "because he is my husband" suggests the ways in which women have internalized destructive marital norms, and violence that becomes acceptable in private spaces. She is also upholding the public/private binary by protecting her husband's unacceptable violence in the domain of the household, and not exposing him to public accountability. The nurses' encouragement that she reports her husband to the police demonstrates a level of disapproval of wife abuse in the Ghanaian public discourses. However, there was not much for the nurses to offer as the abused woman refused to expose her husband and protected her husband despite his violence.

Saeeda's final rhetorical question "We are already two. Are we not enough for him?" points to another theme that also emerged in other women's comment on the emotional and psychological pain caused by their spouses' polygynous relationships. Rahina said, "Since he [referring to her husband] married this woman I have not had peace in my life" (Rahina, 2010). Both Rahina and Saeeda, as cited above, by invoking the personal struggles of their own polygynous relationships, are implicitly challenging the ethical and emotional acceptability of such unions. Their responses reflect some of the real-life negative impact of polygyny in the lives of Muslim women in Ghana.

Many of the respondents felt disrespected, dehumanised for being beaten, and rejected the notion of a husband's right to violently discipline his wives. The multiple levels of pain and scarring experienced by abused women is cryptically and succinctly reflected in Saeeda's statement: "Emotionally I can't describe for you but physically this right arm is virtually useless. I can't use it much because of the pain" (Saeeda, 2010). Thus, the dire physical impact is one outer level of pain and abuse. The internal wounding is so deep that it cannot be expressed in words.

Irrespective of the physical, emotional, and psychological abuses the women had received, they all remained in their relationships. It was not because of a particular desire to continue the relationship; rather it was because of several factors including economics and children's security. Economically they alone cannot sustain themselves and their children. Others were still in the relationship because of the social impact on the children. Yasira for instance said, "I am in the marriage to save the face of my child" (Yasira, 2011). This response suggests that the woman believes children of divorced parents would suffer a loss of public respect or prestige.

All the abused women in this study tried in their individual ways to stop the abuse. Through various means, the women thus rejected the notion of abuse from their husbands. There was an active response in some of the women's reactions to their husbands. Kande states:

> He [her husband] is a military officer but I was not intimidated by that. I thought that if I do not fight back he would take me for granted. Of course, I do not have the strength to match with him but I fought back and since then he did not raise his hand on me. This does not mean that he does not hurt me in different ways (Kande, 2010).

Kande's desire is not to fight her husband in order to match his physical strength. Her desire to fight back is a particular response that suggests a rejection of violent abuse against her. This particular physical response is an explicit manner of questioning the husband's moral mandate to physically violate her. It is noteworthy that this woman is not intimidated by the symbolic powerful representation of the army profession. By fighting back, she is demanding that her humanity is recognized and that she is not objectified. However, it is clear that her marriage is still painful even if she is physically not violated.

One particular response in a life-threatening situation was quite unusual and possibly could be seen as suicidal and dysfunctional. Zara said:

> This time I asked him to beat me up and kill me. If he kills me, people would blame him, then the beating continued, he beat me to his satisfaction and I asked whether he was tired then he left, he came at midnight and knocked the door I did not open. I sat in my room, I did not tell anyone, I gave everything to Allah then I said to Allah that he is my witness, I believe that what is happening to me is a test and it is only you; Allah, that can take me through (Zara, 2010).

The woman seems to have no recourse to stop the violence and so almost provokes her husband asking him to kill her since her death would finally hold him accountable. This is an indication of the profound powerlessness experienced by the woman and that she cannot do anything to stop the violence. Her statement to her husband to beat and kill her is poignant and terrifying in that while it does not critique the social order in an explicit manner, it implicitly invokes her own death as a form of contesting the violence against her. However, her later refusal to let him back into her room on his return and her prayers to God reflect the seriousness of her situation. Facing grave danger in the context of her intimate domestic space, she turns to God as her witness and as the one who will sustain her through this difficult test of enduring a violent husband. It is her trust in God that provides her with a feeling of being supported in a dangerous situation. On the other hand, the ways in which she viewed surviving a violent marriage as part of a test from God presents an understanding of Islam that does not seem to mobilize her to leave the marriage and thus effectively results in accommodating violence.

Another way in which a particular respondent sustains herself through a violent relationship is to dissociate herself. Kande informs me that she responds to everyday violence by devising a particular response in the context of abuse "I only behave as if nothing is happening. I respond to him as if I am a different person" (Kande, 2010). This particular response is a self-devised means of coping with the physical and emotional violence from her husband. She has to dissociate herself from the violence by creating separate parts of her being to contain the violence in order to continue with the marriage because there is no support from any other avenue. This woman uses a survival coping strategy that does not contest the violence but allows her to continue and to survive in the context of great difficulty.

In addition to women using survival coping strategies it is clear that they did not find solutions to the abuse. Despite the women's efforts to respond to violence and pain, their individual resolutions have not proved successful. They then sought out external authorities

for social intervention. This is evident in the next section of my discussion. They resorted to either their family members or religious authorities, *Mallams*.

The role of religious authority and Family Members

One of the responses to recurring violence in marriages was that many of the women went to a number of people and organisations for external intervention. Predominantly women approached their family members who I refer to as stakeholders because the latter stood on behalf of the women for their marriages to take effect. The other group that abused women approached were those people considered to be Islamic religious authorities. The religious authorities are the *Mallams* in the communities who play various social and religious functions including counselling. There are also the female *Mallams* (*Mallamahs*) who teach adult women. Their positions as *Mallamahs* give them the opportunity to serve as counsellors both directly (upon a woman's approach) and indirectly (through educational talks). I enquired from my respondents for the sort of knowledge they propagate.

All the women I talked to have resorted firstly to family members and on rare occasions, friends who were considered stakeholders in the marriage. The family members therefore were the first point of call for the abused women. Sometimes the family members invited the women when outsiders informed them their daughter was being abused in her marital home. Saeeda for example said, "They [her family] heard what was happening and summoned me" (Saeeda, 2010). This suggests the major concern family elders have for their members. In addition, the intervention of neighbours who informed the family members also shows a level of concern and abhorrence of violence from the community.

The recurring theme was that family members all abhorred violence in all its ramifications. The elder family members challenged all the husbands for violating their wives. In some of the instances, the challenge was very strong and compelling to husbands to change their behaviours. Rahina said

> When the beating became too much for me I run to my elder mother's house [she happens to be a neighbour]. He followed me and wanted to continue beating me. That was when my family rose against him and told him that the beatings nullify our marriage (Rahina, 2010).

While discouraging the husbands to stop the violence many family members simultaneously encouraged the women to be patient. They advised women to cultivate the active ingredient

of marriage, patience, which would enable them continue with their marriages. Fatima made this clear "whenever I complained, they [her family] said I should be patient". Moreover, the family members encouraged them to continue with the relationship because of their children. Saeeda for instance said, "My grandmother always encouraged me to be patient with my husband because of my children" (Saeeda, 2010).

With the exception of one woman, the rest of the women escaped from their abusive husbands to externally resolve the unending cycle of violent abuse. The family members provided safe haven in a protected space in order to stop the abuse from the husbands. They provided the women with shelter and security. Yasira said, "I went home several times and he would come and beg my parents who would in turn advise me to move back to my matrimonial home". Zara said

> This time I was in my father's house for about four months when his people [her husband's family] came again for reconciliation, then it happened that my father was ill, then in my father's condition he advised me to go back to my matrimonial home since that was the best for me. Therefore, when we had another meeting with his relatives I went back (Zara, 2010).

Clearly, Zara had stayed in her parents' home for a while without them advising her to go back to her husband. Both Yasira and Zara were advised to return to their marital homes once the husband or his family attempted reconciliation. There is a tension in the families' responses. They provide refuge for women who were beaten in their matrimonial homes, and they even register their protest with the abusive husbands. At the same time, they encouraged reconciliation.

Family members all seem to abhor abuse in all forms and shapes, and appear to respond in the interests of the women. Despite the support the women received from their families, they were not ultimately very effective. Many families finally advise women to return to the marriage, to be patient in the hope that the husbands will change their behaviours. However, there does not seem to be any tangible way that these family members are able to practically demand changes in the husband's behaviour or to create ways to hold the husbands' accountable in instances where they continue being abusive. The violence did not stop in any of the cases presented. Azumi makes a clarification for this point "the beatings never stopped. I always go [to her family] and come back [to matrimonial home]" (Azumi, 2011).

In addition, divorce was a husband's prerogative for the family members. Zara's comment below gives a vivid illustration.

> When I reported to my father, he called his relatives' [her husband's family], they talked to him [her husband] and he admitted he would not hit me again. Then they [my family] said to him at that meeting that if he does not stop hitting me he should divorce me; then he [her husband] stood before the gathering and proclaimed "I would not divorce you [referring to his wife] today, I would not divorce you tomorrow". Therefore, I went back (Zara, 2010).

The defiance of the husband shows how powerless the family members are in terms of divorce. With their sincere attempt to end the abuse, they goad the husband to dissolve the marriage, which he refused. Consequently, the marriage has to continue because of the husband's defiance, as he is the sole person to take divorce initiative. Women who found themselves in such situation become more vulnerable to their husbands as their fate laid in the hands of their husbands. This becomes particularly problematic, especially when husbands deliberately refuse to initiate divorce. In this sense, a marriage may not be working but a man may choose to keep his wife in perpetual bondage.

Finally, on the issue of family intervention, some women noted that families are not effective in causing the husband to change his behaviour. Saeeda states:

> Report my husband to whom? Hmmm even his mother he does not heed to her advice. When she talks to him, he would only affirm but he never changes (Saeed, 2010).

This position reflects the reality that sometimes, despite a family's best intentions, if a husband is not co-operative, the family is ineffective and do not have any real power to change situations of abuse. The non-cooperation of a husband makes women more susceptible and powerless.

When family interventions were unsuccessful in stopping the violence, women went to Islamic religious authorities known as the *Mallams*. The experiences of the women with the religious authorities vary. Most of the women went directly to the *Mallams* to resolve their marital problems. There are two sets of *Mallams*, the traditional *Mallams* and the Salafi oriented *Mallams*. Some of the women went to the local Salafi *Mallams* in the *Zongos* who have affiliation with the Ahlu Sunnah Wal Jama'a (ASWAJ). Others went to the traditional

Mallams[16] who work individually. The latter do not have any affiliation with any organisation. They are mostly members of the *Tijaniyya* Sufi order.

All the women I talked to went to one or two traditional *Mallams,* and after being unsuccessful, they resorted to *Mallams* at ASWAJ. All the women expected a form of justice, fairness and respect from the resolutions of the *Mallams*. Women saw their pleas for intervention not as challenging the status quo but rather legitimately sought out justice, equity and fairness.

Some of the women who only experienced the counselling of the traditional *Mallams* were of the view the *Mallams* are prejudiced against women. Therefore, such *Mallams* were not the right place for women. Yasira for instance said "initially I tried it with an imam that is in our community. He happens to be the chief imam of the mosque and when I realised he was being bias and stereotypical, I tried with a different *Mallam* but unfortunately both were the same" (Yasira, 2011).

Her suggestion illuminates the experiences of the women with the traditional *Mallams,* who appear to hold onto a particular patriarchal and unchanging worldview. This is not particular to the Ghanaian *Mallams*. Some modern scholars have suggested that *Ulama* trained in the traditional *fiqh* canon which was formulated in the tenth century where patriarchy was the norm, often internalise these norms as being the ethical norms of Islam and so they do not see things in a contextual manner. They perceive patriarchy as an enduring and relevant part of the Islamic tradition (See Ali 2006, Mir-Husseini 2007, and Shaikh 2007). This position of the traditional *Mallams* presents an uncritical acceptance of the *fiqh* canon without thinking through the historical gender assumptions embedded in them. When commenting on a response from a traditional *Mallam* Yasira said:

> When I complained about the sexual abuse, He [the *Mallam*] told me that the *Qur'an* says that women are like gardens for husbands. And they [husbands] can enter them [women] any time and anyhow they want. But my understanding of that verse is that if a woman is like a garden to her husband you [the husband] are rather supposed to take care of her because gardens are nurtured, protected, and pampered and constantly taken care of for them to flourish unlike forest. So if the *Qur'an* says women are like a garden and not a forest to you [husbands] it means

[16] I labelled them as traditional *Mallams* because they are the *Mallams* who have been in the country for a very long time. The Salafi oriented *Mallams* appeared only in the late 1960s. Not all Salafi oriented *Mallams* are affiliated to the Ahlu Sunnah Wal Jama'a as an organisation.

> that you need to nurture, pamper and protect them; not just go in anyhow. If you trample on seedlings, they will die. If you do not water the plants, they would die. So how can you maltreat your garden and expect it to flourish (Yasira, 2010)?

This quote illustrates how a particular *Qur'anic* verse on sex and sexuality is open to varied interpretations. For the *Mallam* the metaphor of women as men's gardens gives men particular kinds of power, rights and sexual privileges that promote inequality between husband and wife. This *Mallam* does not give any consideration to the woman's bodily and sexual integrity.

In contrast, Yasira's understanding of the same *Qur'anic* metaphor prioritizes a different type of sexual relationship between spouses, one that focuses on care, gentleness, nurture and protection. She is contesting the dominant interpretation of the *Mallam* that legitimizes her husband's untainted sexual power. Instead, she promotes a different mode of sexual relationship of care and compassion that actually presents a counterpoint to wifely submission without complaint.

The other compelling issue that was prominent in the arbitration of the traditional *Mallams* was the wholesale acceptance of male authority. All the women noted the *Mallams* were of the opinion that husbands' authority over wives was established and not contestable. Women were of the opinion that whenever they went to the *Mallams* the latter told them to submit and be patient with their husbands. They added that the *Mallams* said men's authority over women was a divine mandate so it was women's duty to submit to the will of the divine, and if they did so it had positive consequences for women in this world and the hereafter

Yasira also presents an interesting alternative interpretation of a *Qur'anic* verse (Q4:34) that purportedly sanctions husbands unquestioned authority over wives which was invoked by a traditional *Mallam* when she reported her husband's abuse:

> I could not even finish my complaint and he just jumped into it and said that *alrijal qawamun ala nisa* so women are suppose to be submissive to their husbands and obey without complain at all times. So is (sic) because I do not obey my husband that is why he beats me up. He [the *Mallam*] even recommended that because I am the only wife that is why I go about complaining. So, if he had married two women it would not have been like that and I realised that he was the wrong person to go to. He saw it as an acceptable thing; a man should be able to discipline his wife; he saw it as a form of discipline and not an abuse. You see they tend to quote or abuse the *Qur'an* to suite their ego. Therefore, I thought that those quotations he based on to make his decision was

> ignorance and out of context. So I realised that approaching an imam wouldn't help me at all because they turn to explain the *Qur'anic* quotation based on their cultural socialization and that does not favour women at all. *Alrijal qawamun* means that men are above women, they are like heads of family. What role does a head play? A head plays a supportive role, a protective role and he fends for the family. A head serves like a manager to coordinate the affairs of the home and to make sure that the welfare of the people in the home are catered for. So if you become a manager and you are only authoritative how will your company flourish? If you don't have good human relationship with your workers, how would they be in the right frame of mind to work for you to achieve results? So if the husband is like the head and a head is like a manager then he is rather supposed to nurture, care and protect his family members not to beat, harass and frustrate. Then if he takes that wrong dimension, beating, harassing and frustrating his family, the home will break (Yasira, 2011).

The first part of Yasira's quotation reports on the deeply patriarchal response of a traditional *Mallam*. Instead of listening to her complaint about an abusive husband, the *Mallam* hastily invokes a *Qur'anic* verse that is presented as a religious mandate for men's authority. Women were ideally depicted as passive and submissive to men who wield all forms of power in the family and in society. The *Mallam* silences her protest against her husband's violence and suggests instead that *she* is to blame for complaining. Instead of providing support for her, he blames her and in fact suggests that a polygynous unit might solve the problem. His response reflects a depth of personal insensitivity as well as a very patriarchal religious ideology.

In this instance, Islam has become a backbone for men to perpetuate the oppression of women. The *Mallams* are predominantly men who act as the mouthpiece of Islam in society, they engage in selective readings of the Quran that does not relate to the contextual realities of women. Moreover, they make no reference to other *Qur'anic* verses that speak about treating fellow human beings with mercy and compassion, or in particular specific verses that encourage loving and caring marital relations where for example, spouses are referred to as garments for each other.[17] The traditional *Mallams* are selective and biased in the ways they only focus on particular *Qur'anic* verses in a decontextualized manner, and do not foreground the multiple voices of the *Qur'an*.

Yasisra's view of the *Mallam* is noteworthy recognizing him as biased and incorrectly projecting his own cultural values on to his understandings of the *Quran*, she describes him

[17] ...they *wives* are your garments and you *husbands* are their garments (Q2:187)

as the "wrong" person to go to, and as "ignorant". She explicitly challenges his authority by suggesting that he misunderstood the verse he was quoting and in fact presents her own understanding of what the *Qur'an* says. She does not reject the view that a husband is the "head of the household". Instead argues that being the head of the family implies a male role of service, care, nurture and protection of those within the household, as opposed to unilateral male authority. She is suggesting that ethically she deserves respect and dignity from her husband, and this includes processes of consultation and mutual understanding in the marriage for peaceful coexistence.

Yasira's interpretation of this *Qur'anic* verse as promoting a particular type of male authority characterized by mercy, care, consultation and protection reflects how her experience in marriage informs her understanding of the *Quran*. This is what feminist scholar, Shaikh calls "A *Tafsir* of Praxis" (2007). In Shaikh's view, the social world of the text becomes a compelling factor for a meaningful exegesis. In addition, Silvers (2006) has noted that while the *Quran* is open to multiple interpretations, human beings bear moral responsibilities for the type of interpretations they claim, act on and live with. Humans make sense of the *Qur'anic* text and thus become active agents of the usage of the *Qur'anic* message. As such, Yasira is contesting the ethical value of the *Mallam's* interpretation of the *Quran* and she presents us with a more humane and compassionate ethical norm as implicit in her reading of the *Qur'anic* text.

Another theme that emerged in my research related to the sort of education women received from the *Mallamahs* (female *Mallams*) which reflected the traditional and patriarchal worldview evident among the *Mallams*. Indirectly the educational talks of the *Mallamahs* are a source of Islamic knowledge production for the women. Zara reports on the sort of educational message the *Mallamahs* provide concerning marital relations:

> Concerning marriage, they [*the Mallamahs*] told us that if your husband asks you to sit here, you sit. If he says he does not like something you desist from it, if you please your husband you would succeed in life and in the hereafter, because they say that the submission is the easiest way to heaven (Zara, 2010).

The type of religious instruction by the *Mallamahs* is not very different from the ways in which the traditional *Mallams* present Islamic views of marriage. They appear to have internalized a view of marital hierarchy as part of Islamic teachings and their advice to other women simply reinforces male authority. Their teaching concerning marital relations is the

one that placed husbands as the overlords of women. It does not accept women's agency in marital relations. In the advice and educational talks, the *Mallamahs* give, there is no evidence their own personal experience as women in a patriarchal society results in a different and more gender sensitive understanding of Islam. Thus, both the traditional *Mallams* and the *Mallamahs* uphold male authority and female obedience as a religiously legitimate way for peaceful coexistence of husbands and wives

The other group of *Mallams* the women resorted to fell under an umbrella organisation called the Ahlu Sunnah Wal Jama'a (ASWAJ) that works from the community level to the regional and national levels. All the women who approached the ASWAJ-affiliated *Mallams* who worked in the various communities got their grievances resolved. In cases where the representatives of the organisation at the community level were unable to resolve their grievance, they turned women to the National headquarters in Nima, Accra.

All the participants I spoke with at the office of ASWAJ informed me that they had consulted at least a traditional *Mallam* before finally arriving at ASWAJ for resolution. Most of these women had been advised to come to ASWAJ by other women who had their problems successfully resolved by ASWAJ *Mallams*, while other women had been referred to the ASWAJ headquarters by local representatives' of ASWAJ at the community level.

In their interactions with ASWAJ-based *Mallams*, the women I interviewed felt they were listened to, their feelings and positions were given due consideration, and they were a part of the whole negotiation and arbitration process regarding their grievances. Rahina is a typical example of the women who went to ASWAJ and asked for divorce after unsuccessful attempts with two traditional *Mallams*. Through the arbitration, the *Mallams* attempted reconciliation. However because she insisted on divorce she was given divorce which came with a certificate. She said:

> I went to Hajj Umar [the chairperson of the arbitration panel of ASWAJ] and the other *Mallams* that I do not love my husband any longer. They attempted to reconcile us when they invited both families [representatives from her family and her husband's family]. Nevertheless, I made my point clear the marriage must be annulled and they did just that and stated the date I should end my *Iddah*[18] (Rahina, 2010).

[18] *Iddah* is a three-month waiting period for a woman after divorce or upon the death of a husband.

What is noteworthy in this case is that the ASWAJ-based *Mallams* did attempt reconciliation but when the woman resisted this, they accepted her position and annulled her marriage. They appear to treat women as subjects, able to make choices that need to be respected, and in their capacity as religious leaders, they appear to facilitate divorces when needed.

The major issue that was remarkable in the works of ASWAJ was the available spaces for women to be active parties in the arbitration process. This process was open, transparent and realistic to women. Unlike the traditional *Mallams* the ASWAJ served women's needs without selective readings of the *Qur'anic* verses. Rahina said: "when we sat together during the arbitration at ASWAJ I insisted on divorce though they tried to reconcile us since my husband pleaded" (Rahina, 2010). Thus, this method of mediation presented women as dynamic agents in the process of negotiating divorce.

While both the traditional *Mallams* and the ASWAJ *Mallams* were trained in similar types of traditional Islamic disciplines, including *Qur'anic* studies and *fiqh*, their approaches to marital conflicts in Ghana differ significantly. ASWAJ- based *Mallams* appear to take the humanity and dignity of women with ethical considerations in their approach to resolving marital disputes, considerations that did not feature strongly in how most of the traditional *Mallams* responded to my interviewees. The ASWAJ *Mallams* took seriously the lived experiences of women and used this as a basis for making legal decision, and thus women's realities were factored into how knowledge and authority was produced and exercised. In doing this a process of reform in the Muslim context of Accra emerges within the discursive spaces of the ASWAJ *Mallams*.

Finally, there was a significant minority of abused women, who resorted to the state in their individual capacities. Yasira said

> Well when the last incident occurred, I reported him [her husband] to the police[19]. He was even arrested and put behind bars. We even went to the court but I had to withdraw the case after I had interactions with some lawyers to see the consequences of his action. I mean the intensity of the charge that could be placed on him based on the abuse. I was told that the least number of years he would stay in jail if I agree for the issue to proceed in court would be ten years. And that

[19] In Ghana, there is a wing of the Police Service called the Domestic Violence and Victim Support Unit (DOVVSU). This is a popular avenue where people resort to whenever they are violated in the country. It has the mandate to arrest and prosecute offenders and offer legal service for victims.

> would be an indictment on myself and on my child. Because there is already, a general perception in the Ghanaian community especially in the Islamic community that, highly educated women cannot marry. So I did not want to confirm their false hypothesis. So I decided to withdraw the case not because he showed remorse and regret in what he did (Yasira, 2011).

Yasira's decision to report her husband to the police was a very bold and uncommon one. Usually women feel stigmatised when they lay charges against their husbands who then get arrested. From Yasira's perspective, it appears that the state offers a realistic solution for affected people. However, she chose to withdraw her case from the court to avoid social indictment. Thus, social pressure hinders women to access justice and fairness at the level of state-based interventions.

Conclusion

I have shown the prevalence and the nature of violence in the Muslim communities of Accra. The problem is pervasive and cuts across various social classes. The women in this work were from different backgrounds. Irrespective of that, they had suffered different forms of abuse from their husbands. The abuses included physical, psychological, and emotional forms. Initially women thought that it was possible for them to contain the abuse because they were already married to their partners and have children with them.

When abuse persisted women found ways to assert themselves and look for ways to stop the abuse. They involved family members and religious authorities. I showed that the family members were always the first point of call. They availed themselves and helped in a limited way. They listened to the women and provided shelter for the women. Their voices were not loud or powerful enough to prevent the abusive husbands. So the women returned to their husbands after reconciliation with the families of their husbands.

When the role of the family members proved futile women resorted to Islamic religious authorities in the community. I suggested that the nature of resolution depended on which religious authority a woman chose. If a woman chose to go to the traditional *Mallams,* her chances of getting genuine help were slim. This has inevitably led women to move from one *Mallam* to another until they got a favourable response. Some finally arrived at the doorstep of the *Ahlu Sunnah Wal Jama'a*. There, they had their cases heard and resolved in their favour. A few of them resolved their issues with the state.

The final conclusion of this chapter is that Muslim women's experiences of violence in the Muslim communities of Accra have revealed the relationship between Islam and gender. Gender appeared to be a social category that is negotiated and reconstructed. In their negotiations, women implicitly questioned the ethical basis of the social norms, which were emotionally destructive to their existence. This is illustrated in the women's reactions to polygenous relationships. In the process of negotiation and reconstruction of gender norms, the chapter showed that the place of Islamic religious authorities could not be ignored.

The relationship between Islam and gender came to the fore in the women's interactions with the *Mallams*. There is a difference in the approach of the two sets of *Mallams*. From the women's narrations, it was evident in their encounters with the traditional *Mallams* that Islamic notions of gender are static. The data suggests that the approaches of the traditional *Mallams* are conservative, patriarchal and oppressive. Nonetheless, this set of *Mallams* has a great level of dominance in the *Zongos*. The ASWAJ *Mallams* are dynamic in their approach to gender and Islam. As such, women found their approach as favourable and responsive to their realities.

Irrespective of the positions of the *Mallams* the data further suggests that there was some form of implicit and explicit resistance from the women on different levels. The first is what I would like to refer to as the psychological response. On this level, women either developed coping mechanisms to sustain the violence or they had to physically respond to their husbands in order to stop the unending abuse. The second is the religious level where women found religious justification for violence against wives as disturbing to their conscience. Therefore, their conscious endeavours to triumph over violence mirror their capacity for active agency, as they were more assertive and tactful to either save or annul their marriages. I will give my concluding remarks in the next chapter.

Chapter Four

Conclusion

The objective of the thesis was to investigate women's perceptions and understanding of marriage and divorce in Accra. It was suggested that there is a connection between religion and social norms, and surrounding discourses impacted on the lives of women. These are located at the personal, social, religious and institutional levels and they collectively add to the gendered construction of religious meanings.

The research was carried out against the background of the general state of women's inferior status in Ghana. In the Muslim communities of Accra, the study area, the issue at stake was mainly to investigate Muslim women's marital experiences. This was done with an attempt to find how Muslim women in Accra negotiate marriage and divorce.

In chapter two, I discussed five themes on marriage and divorce in Accra from the data gathered from Muslim women of Accra. They were getting married, the hierarchy of marriage, reproduction, patience in a marriage, and divorce. Muslim women largely agreed to some traditional norms and rejected others. They all concurred that roles are specifically shared in accordance to one's sex. A particular look at the testimonies of the women shows the roles are taking different dimension because of changes in circumstances. Consequently, there was tension in the management of roles and responsibilities.

Women were more assertive in some aspects of marriage than they were in others. Women individualise both the responsibility to bear children and decision-making. This was justified on health and difficult financial constraints to raise children. In addition, women cautiously resisted their husbands who prevented them from engaging in economic activities. Thus, they could not compromise their rights to some form of economic independence. In spite of religious and cultural norms, women felt justified to assert these rights.

Women were not direct in their demands in other cases. They did not object to guardianship of fathers or uncles in negotiating a marriage partner, whether they chose their husbands or not. They valued patience up to a certain level. In addition, there was a remarkable contrast

among women with regard to their age, upbringing, and level of education. In the context of urbanisation and poverty, women selected and put together aspects of religion and culture to meet their needs. In adopting this strategy, they produced exceptional personal reforms.

In chapter three, I explored the ways and manner in which Muslim women of Accra experienced violence. I situated my discussion in a broader context of the various dimensions of personal and structural violence that all women faced in Ghana. I concluded that women turned to social and religious sources for resolution of difficult marital experiences. These included family members, state agencies and religious authorities. As a social category, gender appeared to be negotiated and reconstructed. Women questioned the ethical basis of the social norms, which were emotionally destructive.

In addition, the chapter showed that in the process of negotiation and reconstructions of gender, the role of the religious authorities was immensely significant. The responses of the *Mallams* showed a relationship between Islam and gender. There is tension in the approaches of the two sets of *Mallams* that I presented, however. The women's narrations showed that Islamic notions of gender in Islam are static, patriarchal as presented by the traditional *Mallams.* On the part of the ASWAJ *Mallams,* there is dynamism in their approach to gender and Islam. Women found their approach positive and open to their realities.

There was some form of implicit and explicit resistance from the women on different levels. First, women developed coping mechanisms to manage violence or they had to physically respond to their husbands in order to stop the unending abuse. Second, women found religious meanings that justified violence against women disturbing to their conscience. Therefore, their active engagement to overcome violence reflected their capacity for vigorous agency.

The research further showed that the position of the socio-cultural mediators of Islam is immensely noteworthy. It was evident that the authority of the *Mallams* to describe and manage religious symbols and knowledge. The traditional *Mallams* presented an unchanging and incontestable truth while the ASWAJ *Mallams* represented a process of reform in Islam.

I have noted in my introductory chapter that there is a framework of Islamic feminism, which engages in critical ways of interpreting the Islamic sources. This approach supports

women's empowerment that originates from religious tenet. Specific scholars have come up with some responses on how to respond to text and verse that are sensitive and unjust to women. These scholars engage with religious texts that address the difficulties in human engagements with religious texts. The contestations occur in everyday experiences of women with religious norms and texts. I showed that many of my respondents who engaged religious authorities in their difficult marital relations had a series of critical engagements with the ethics surrounding women's abuse. In some cases, they were ready to say "No" (Wadud 2006). In the women's experiences with the traditional *Mallams,* for example, it was evident some *Qur'anic* quotations caused some form of discomfort, and they searched for alternative ways of understanding the text. However, women's choices for agency were limited and creative because it depended on different social factors. These limited constraints did not prevent women from finding solutions to their problems.

Also, because there are tensions and ambiguities in the socio-religious structure it was possible for women to retranslate the system in constructive form. Nonetheless, some instances of power relations like women's experiences with spousal abuse and decision making offered limited potential for negotiation. In such particular reference, women often made hard-headed decisions for peace to prevail in the home and preserve themselves as well.

Some of my respondents surrounded themselves with religious matters in their marital life. For some, religion was a source of strength and empowerment. In particular, belief in a merciful and compassionate God was expressed as a source of comfort. Some however surrounded themselves with religious views that were not advantageous to their interests.

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Appendix 1

An example of a compound house. The small passage is the entrance.

Appendix 2

The centre of the compound house with rooms surrounding it. The middle space is shared by the occupants of the house.

Appendix 3

Consent Form

Title of Research: Negotiating Marriage and Divorce in Accra: Muslim Women's Experiences

Supervisors: Prof. Abdulkader Tayob and Dr. Sa'diyya Shaikh

Department of Religious Studies, University of Cape Town, South Africa

Researcher: Fulera Issaka

Important Information to Participants

Thank you for agreeing to participate in this study.

This study seeks to study the relation between Islam and gender in the Ghanaian Muslim community of Accra, Ghana, West Africa. The information collected during the interviews will be kept in confidentiality by the researcher. The questions that you will be asked during the interview are of personal nature. Please answer as honestly and truthfully as you can. Your honest responses will help me understand the realities. A key component in this study is to pay attention to your experience. Your voice is important about identifying and addressing various challenges that the Muslim community face. The thesis will use anonymous names as well as remove identifiers that can in any way identify you as the respondent. The thesis will be made publicly available at the University of Cape Town library in its final form.

The interview will be audio taped and the researcher will be taking notes during the course of the interview. Only the researcher and supervisors will have access to this information. No one else will see your responses to the interview questions. The data emerging from the research will be stored in a secure and appropriate manner. You can withdraw your consent at any time during the research and interview process.

If you have any questions concerning this form of consent, please ask the researcher before you sign this form.

- I agree to take part in this project

- I have read and fully comprehend the component of this questionnaire
- I agree that my responses will be used only for educational and academic purposes on condition of anonymity
- I accept I am under no obligation to partake in this project
- I can withdraw my consent during the interview.

Sign. (Researcher) Sign. (Participant)

....

Date

.....

Appendix 4

Questionnaire for Muslim Women in Accra

Biographic Data

1. Age.....

2. Where were you born?

(a) What is your tribe/first language? (b) What other languages do you speak?

3. Level of formal education:

(a) Primary	[ ]	(b) Middle/JSS	[ ]
(c) SSS/ "O' Level	[ ]	(d) "A" level	[ ]
(e) Vocational	[ ]	(f) Tertiary	[ ]
(g) None	[ ]	(h) Please specify area of specialization if you choose vocational……..	

4. Did you attend traditional Islamic school/Makaranta?

(a) Which one did you attend? (b) In which suburb or Zongo?

(c) Who was your Mallam? (d) How long did you study with your Mallam?

5. Where do you currently live?

(a) Who do you live with? (b) How many bedroom(s) do you have? (c) Do you have a personal kitchen? (d) Do you have toilet and bathrooms for you and your family alone? (e) Do you and your family share these facilities with others?

(i) Yes [ ] (ii) No [ ] (iii) other specify…...…….

(iv) If yes, how many people do you share these facilities with? (v) Please indicate whether you have any of these items in your home, television, radio, motor car/motor bike, DVD/VCD player, or video player (VHS) otherwise called video deck in Ghana.

6. Are you married, divorced or widowed? (a) If divorced can you please tell me what happened? (b) Are you in a polygamous relationship? (c) If you are in a polygamous relationship, can you tell me how many wives your husband has? (d) If you are divorced/separated can you tell me what happened?
7. Do you have child/children? (a) How many are they? (b) How many are dead? (c) How many are alive? (d) Are they in school/Makaranta?
8. Do you have an income? (a) What work do you do?

Experiences

1. Can you tell me about how you met your husband?
2. When did you get married?
3. Whose responsibility is it to take care of the children?
4. Whose responsibility is it to do house chores?
5. Who is the head of the family?
6. Who supports the family financially?
7. Are you the only wife of your husband? (a) How long have you been the only wife? (b) If yes, has he thought of getting another wife? (c) Did he discuss it with you?
8. Do you think your husband has an extra-marital relationship? (a) How do you know? (b) How did you get the information your husband has an extra-marital relationship?
9. Has your husband violated you?
10. How did your husband violate you? (b) How often does your husband violate you? (c) What form does the violence take? (d) What did you do about it? (e) Have you reported the matter? (f) If you have reported, to whom did you report? (g) What was the outcome? (h) Has this matter been discussed outside

the relationship? (i) With whom; friends, family or Makaranta (Islamic School) colleagues? (j) What was said about it?

11. Do you accept that a husband can strike/discipline a wife? (a) Do you know other people who are in a similar situation? (b) Who, and how do you know that? (c) Can a husband strike his wife in a different way?
12. Any other comment?

Knowledge

1. Can a woman decide on whom to marry?
2. Whose decision is it to have children? (a) wife (b) husband (c)joint decision
3. Whose responsibility is it to take care of children? (a) Where did you acquire such information: parents, society, school, religious tradition/Mallam etc?
4. What about doing house chores?
5. Who is responsible for financial provisions?
6. Is there headship in the family? (a) Who is the head?
7. Is it permissible for a wife to work outside her home?
8. Is marriage based on complete obedience to a husband?
9. Does your husband have the right to have sex with you at anytime he wants?
10. What does the veil mean to you?

The Impact of Religion on Participants

1. Do you belong to an Islamic organisation?
2. Which one of them do you belong?
3. In which suburb?
4. What do you do in this organisation?
5. Can you tell me about your daily/weekly religious routine?