BIG SAS *works! 9*

Gender and Social Encounters

Experiences from Africa

Shillah S. Memusi and Adeyemi Balogun

UNIVERSITÄT BAYREUTH

INSTITUTE OF AFRICAN STUDIES

23

University of Bayreuth
African Studies
WORKING PAPERS

Gender and Social Encounters

Experiences from Africa

Shillah S. Memusi and Adeyemi Balogun, 2019

University of Bayreuth African Studies Working Papers

The Institute of African Studies (IAS) at the University of Bayreuth promotes and coordinates African studies in 12 subject groups distributed over the six faculties of the University of Bayreuth. It coordinates research and teaching, training junior researchers, and promotes the exchange of information between persons and institutions engaged in research and teaching in or on Africa.

The 'University of Bayreuth African Studies Working Papers' report on ongoing projects, the results of current research and matters related to the focus on African Studies. Contributions may be submitted to the Editor-in-chief Antje Daniel (antje.daniel@uni-bayreuth.de).

The 'University of Bayreuth African Studies Working Papers' is chronicled on the EPub document server at the university library:

- https://epub.uni-bayreuth.de/schriftenreihen.html#BASWP

Other IAS publications are available here:

- https://epub.uni-bayreuth.de/view/series/Bayreuth_African_Studies_Online.html

- http://www.ias.uni-bayreuth.de/de/forschung/publications/nab/index.html

- http://www.lit-verlag.de/reihe/BzA

Bayreuth International Graduate School of African Studies (BIGSAS)

Since the year 2007, BIGSAS is part of the competitive 'Excellence Initiative' by the German Research Foundation (DFG) and the German Council of Science and Humanities (WR). The basic aims of BIGSAS are to bring together excellent young African and non-African scholars to work jointly in the field of African Studies and to offer a center of creative and innovative PhD training and research. On 15th June 2012, BIGSAS was one of the successful DGF funded 'Centers of Excellence' which were granted support for the next 5 years. BIGSAS has more than 100 junior fellows from 25 African, American, Asian and European countries. BIGSAS builds on this experience and offers a multi- and interdisciplinary research environment based upon three clearly defined general Research Areas which are:

- Uncertainty, Innovation and the Quest for Order in Africa
- Culture, Concepts and Cognition in Africa: Approaches through Language, Literature and Media
- Negotiating Change: Discourses, Politics and Practices of Development

The Research Areas allow for challenging theoretical studies sensitive to emerging basic problems; they also take into account practical questions and problems of the African continent. Thus, the BIGSAS Research Areas encompass basic, strategic and applied research. BIGSAS also contributes to the creation of an African universities' network. It brings together African and European networks and fosters partnership not only between the University of Bayreuth and universities in Africa but also between the universities in Africa themselves. Six African Partner Universities, namely the University of Abomey-Calavi, Cotonou (Benin), Moi-University, Eldoret (Kenya), Université Mohammed V-Agdal, Rabat (Morocco), Universidade Eduardo Mondlane, Maputo (Mozambique), the University of KwaZulu-Natal, Durban (South Africa), and Addis Ababa University (Ethiopia) cooperate closely with BIGSAS in recruitment, selection, training and mentoring of doctoral students. Other partners are the Universities of the Africa-Europe Group for Interdisciplinary Studies, AEGIS.

PhD training in BIGSAS is based on various strategies which ensure a quality in the field of African Studies: multi- and interdisciplinary research with a multidisciplinary mentorship; specialist academic training with a cross-disciplinarily focus; clearly structured Individual Research Training Plans (IRTP). Also of high importance are: the offer of employment-oriented transferable skills, individual career planning, early integration into the international academic community, shorter

time-to-degree with structural and financial encouragements or specific support of female Junior Fellows.

Over the past 20 years Bayreuth has amassed considerable experience in coordinated research programs, integrating various disciplines into a stimulating research in the field of African Studies. The Institute of African Studies (IAS) promotes 63 researchers and coordinates African studies at the University of Bayreuth in 12 subject groups distributed over four of the six faculties of the university.

BIGSASworks!

With BIGSASworks! we aim at offering Junior Fellows at the Graduate School of African Studies a platform for publishing research-related articles. This new online-working paper series provides an excellent platform for representing and promoting the idea of BIGSAS. It opens a space for showcasing ongoing research, creating transparency of the work carried out by Junior Fellows and providing a space for present articles and working jointly on them towards further publication. Each issue focuses on a certain thematic field or theoretical concept and Junior Fellows from any discipline are invited to submit papers, enabling common interests beyond the predetermined BIGSAS research areas to flourish. At the same time BIGSASworks! offers its workgroup participants deeper insights into and practical experience of what it means to be an editor. Last but not least, BIGSASworks! makes BIGSAS and its research(ers), (i.e. us!), visible before our theses are published.

The name BIGSASworks! had various implications when we first chose it. First and foremost, it is an abbreviation of "BIGSAS Working Papers!" Secondly, it is meant to show the work of our BIGSAS "work groups", so indeed it is the works that are resulting from a structure like BIGSAS. Thirdly, taking "works" as a verb, it demonstrates the work that we as BIGSAS Fellows carry out, with BIGSASworks! guaranteeing us a visible output in addition to our theses.

Our latest BIGSASworks! publications

Title	Editor(s)	Year of Publication	Version
Gender and Social Encounters: Experiences from Africa	Shillah S. Memusi & Adeyemi Balogun	2019	23 (9)
Living in African Cities: Urban Spaces, Lifestyles and Social Practices in Everyday Life	Azza Mustafa Babikir Ahmed, Delia Nicoué, Johanna Rieß, Johanna Sarre & Florian Stoll	2018	18 (8)
Perspectives on Translation Studies in Africa	Uchenna Oyali	2017	17 (7)
Religion and Space: Perspectives from African Experiences	Serawit Bekele Debele & Justice Anquandah Arthur	2016	15 (6)
Actors, Institutions and Change: Perspectives on Africa	Matthew Sabi & Jane Ayeko-Kümmeth	2015	13 (5)
Challenging Notions of Development and Change from Everyday Life in Africa	Girum Getachew Alemu & Peter Narh	2013	11 (4)
The Making of Meaning in Africa: Word, Image, Sound	Duncan Omanga & Gilbert Ndi Shang	2013	10 (3)
Trends, Discourses and Representations in Religions in Africa	Meron Zekele & Halkano Abdi Wario	2012	9 (2)
Women's Life Worlds 'In-Between'	Antje Daniel, Katharina Fink, Lena Kroeker & Jaana Schuetze	2011	7 (1)

About the Authors

Persons marked * were part of the editors' team.

Umar Ahmed is an alumnus of Bayreuth International Graduate School of African Studies (BIG-SAS) and a lecturer at Usmanu Danfodiyo University, Sokoto-Nigeria. He specializes in language and gender studies and has published articles on gender in media discourse, sociolinguistics and language in education.

Morenikeji Asaaju received her PhD at the Bayreuth International Graduate School of African Studies, University of Bayreuth, Germany under the DAAD Graduate School Scholarship Programme. She teaches history of gender, sexuality, marriage, women in Africa in the Department of History, Obafemi Awolowo University, Ile-Ife Nigeria. She received her B. A and M.Phil. from the same university. Her work focuses on the dynamics of marriage and gender relations in colonial Yorubaland, Southwest Nigeria. She has presented her work in several international conferences. She has published journal articles and book chapters. Her work has won several awards including the Carnegie fellowship, and the Central Michigan University Women and Gender Studies Award.

Adeyemi Balogun* is a Junior Fellow at BIGSAS, University of Bayreuth. He received a MPhil in History from Obafemi Awolowo University, Ile-Ife Nigeria. He was a Teaching and Research Fellow of the ERC sponsored research project, 'Knowing Each Other' between 2012 and 2017 in southwest Nigeria, and taught at Osun State University, Ikire campus and Adeyemi College of Education, Ondo in this period. His research interest is on youth, nation-building and religion.

Shillah S. Memusi* is Doctoral Candidate at the University of Bayreuth's International Graduate School of African Studies (BIGSAS). Her interests are in Social and Public Policy, Feminist Institutionalism, Citizen-led Development and the Role of Media in Development. She is currently researching on the realisation of gender equality as envisioned in the 2010 Constitution of Kenya.

Alhassane A. Najoum holds a master's degree in Social Anthropology from the University of Niamey. Since 2015, he has been a doctoral candidate in the field of anthropology at the University of Bayreuth's International Graduate School of African Studies (BIGSAS). His current research focuses on marriages and marital breakdowns in Niamey.

Hanna Lena Reich studied at Bayreuth University where she received a BA and an MA in African Studies (Social Anthropology, Development Sociology). She is a Junior Fellow at the Bayreuth International Graduate School of African Studies (BIGSAS), currently pursuing a PhD in Social Anthropology. Her thematic focus lies on the nocturnal city, urban anthropology, the dynamics of work and leisure, and exploring the atmospheres of the urban night. Her research area of interest is urban East Africa (Nairobi and Dar es Salaam).

The Reviewers of this Volume

Prof. Dr. Ulrike Schultz

Theologische Hochschule Friedensau

Dr. Ifeyinwa Okolo

Stellenbosch University

Prof. Dr. Oyeronke Olademo

University of Ilorin

Prof. Dr. Gerd Spittler

Universty of Bayreuth

Prof. Dr. Katharina Schramm

University of Bayreuth

Dr. Jan Simon Hutta

University of Bayreuth

Dr. Su Lynn Corcoran

Manchester Metropolitan University

Foreword

Gender is a highly contested terrain within African communities. It is part of everyday negotiations in families and communities, but it is also part of discourses on belonging and identity. While some argue that gender is a Western concept and that, before colonialism, the binary division between men and women was not common in many African societies (Amadiume 1987; Oyèwùmí 1997), others stress that African societies had been patriarchal even before colonialism subjugated African women and men. This debate reflects not only the diversity and complexity of pre-colonial gender arrangements, but also indicates that gender plays an important role in the attempt to reconstruct tradition and the pre-colonial social order. Moreover, this also points to the diversity of women and men, and the entangled character of processes of stratification: Gender relationships can only be understood using an intersectional lens on differences and power relations within societies. Additionally, in doing gender research, it is important to grasp the mutual constituting of social categories. Gender does not exist by itself but is constituted by other categories of difference. A woman is never just a woman; she has an age, belongs to a family, a social class and a nation state. This is often neglected in scholarship on gender relations in Africa and African women (and men) are constructed as homogenous groups, all suffering from the same patriarchal structures. This is often criticized by African feminist scholars and can be explained by the colonial legacy of African studies, but also by the close entanglement of scholarship on gender in Africa with the development industry. Gender is part of the development discourse and this has largely influenced the debates on gender in African societies. On the one hand, activists and NGOs refer to development and the universality of human rights in fighting for equal rights of women and LGBTs, on the other hand, it is argued that Western gender discourses colonize African societies and are part of the post-colonial global order. While powerful stakeholders tend to follow one argument or the other depending on which supports them in their attempt to maintain their power and justify policy interventions, the ambiguity of the mainstream gender discourses is reflected in recent scholarship on African gender orders. For instance, it is mirrored in publications on masculinities and femininities, on legal pluralism and gender, on religious revival and women's agency in orthodox religious movements, and on rituals and customs such as FGM/FGC or other initiation ceremonies.

The 23rd volume of BIGSASworks! "Gender and Social Encounters: Experiences from Africa" represents these dimensions of gender debates within African scholarship. It reflects the diversity of gender arrangements in African communities and societies. Moreover, it contributes to the

understanding that gender is crucial for the way African people and communities position themselves in debates on modernity versus tradition, on globality versus locality and on religious or secular ways of living.

The contributions in this volume on gender and its social encounters in African societies deal with gender arrangements in Kenya, Nigeria, and Niger. While these alone reflect the diversity of gender arrangements in Africa, the contributions also reflect the ambiguity of gender discourses and the complexity of gender arrangements within African communities. This is on the one side due to legal pluralism but also to the positionality of different stakeholders. For instance, the articles by Morenikeji Asaaju and Najoum Alhassane discussing the brideprice in West Africa show that economic and social change, the codification of customary rules and practices, and the commercialization of social relations were beneficial for some women and men and detrimental for others. The two articles draw a complex picture of partly contradicting processes of social and economic change, which shapes the experience of different groups of people.

How the entanglement of customary rules and practices with national law and global gender norms is negotiated on the local level is discussed in the contribution by Shillah S. Memusi. Memusi also shows that the integration of global gender norms can open up "spaces of equality" within communities, which are based on customary laws and regulations and resist integration into the nation state. To describe new emerging spaces is also the objective of Umar Ahmed's contribution. He scrutinizes how the concept of gender equality is discussed in Nigerian print media by Nigerian feminist writers and how Western liberal feminism is appropriated on the national level.

Spaces for LGBTs in Kenya are rather hidden; they exist at night and are descried by Hanna Lena Reich. Her study reflects that the rights of LGBTs are not acknowledged and are not part of the mainstream "gender equality discourse" which has been adopted in many African countries. Reich's paper also contributes to the conceptualization of agency, another crosscutting issue in the contribution of this volume. While Reich and Memusi refer to the conventional understanding of agency as an expansion of choice, the paper by Adeyemi Balogun on the veiling of Yoruba women takes up Saba Mahmood's conceptualization of agency by understanding agency not simply as a synonym for resistance to relations of subordination, but "as a capacity for action that specific relations of subordination create and enable" (Mahmood 2001: 210). By using the case of Yoruba women, Balogun shows that religious movements can also create spaces for women and that gender arrangements in African communities are much more complex than the often-used binary division between tradition and modernity indicates.

The articles also point to the benefits of interdisciplinary work, which is central for BIGSAS. Interdisciplinarity in the context of BIGSAS not only means publishing papers written by authors from different disciplinary background in one volume, but also mirroring each of the articles due to the interdisciplinary academic culture of the graduate school. Furthermore, the background of the authors also indicates that gender debates within African studies are being more and more conducted by young male and female African scholars. Based on my experiences of the last 20

years, this is not surprising as gender is discussed widely in African universities. However, it is worth mentioning here because publications on women and gender in Africa were monopolized for a long time by non-Africans reflecting the post-colonial hierarchies within academia and the development industry.

Prof. Dr. Ulrike Schultz

Theologische Hochschule Friedensau, Germany

References

Amadiume, Ifi (1987). Male Daughters, Female Husbands: Gender and Sex in an African Society. Zed Books, London.

Mahmood, Saba (2001). Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival. In: Cultural Anthropology 16 (2): 202-236.

Oyèwùmí, Oyèrónkẹ́ (1997). The Invention of Women: Making African Sense of Western Gender Discourses. Minneapolis, London.

Contents

Gender and Social Encounters in Africa

Introduction

Shillah S. Memusi and Adeyemi Balogun

Gender in Africa is shaped by social encounters that are informed by rules, norms and practices across formal and informal institutions. Focusing on these encounters deepens our understanding of the institutions that shape and inform the rules and roles of gender in society. The interconnectedness of formal and informal institutions is rooted in the continent's colonial history, especially through the codification of norms as either civic or customary (Oyèwùmí 1997). Engaging the gender debate in Africa therefore requires an understanding of the rules of the cultural public as well as those of the civic public, and how the two convene to inform attitudes towards men and women, their roles and the unwritten rules on what is appropriate and expected of individuals in a society. Chappell (2006) refers to the operation of these unwritten rules as a logic of appropriateness which defines individual conduct as well as reactions and consequences that follow.

The heterogeneity of contemporary African societies means that approaches to gender differ, not just at the different national levels, but also within singular cultural environments. This notwithstanding, African countries have, in various ways, adopted legislative measures towards equality and equal rights across socio-economic and political spheres. Krook (2008) explains that this trend is informed by the realisation that equality is at the heart of sustainable development, which is an important goal for these countries. The effects of these efforts have been widespread in different countries.

In the face of globalisation, different approaches are also adopted by individuals in these societies to ascertain individual agency, at the same time maintaining a collective identity. This need for belonging is rooted in the benefits of "identity and psychological security" (Ekeh 1975: 171) that are derived from membership and adherence to appropriate conduct in the cultural public space. This quest for agency as both individual and collective means that approaches to gender can sometimes be confrontational, especially in the present global society where different forms of mordernities compete for space. This is especially the case with the issue of sexuality, which Okolo (2014) notes is riddled with contradiction and confusion. This comes to the fore in the lesbian, gay, bisexual, and transgender (LGBTQ) debate, which has been branded un-African and evil, fuelling homophobia across the continent.

For many people across Africa therefore, embracing certain approaches to gender can be a source of conflict, especially where this is in opposition to traditional narratives of equality, sexuality and culture; it introduces a battle of what to keep and what to let go, and how to be a member of a community whose socio-cultural ideals one does not wish to conform to. Hodgson (1996) provides a classic example of this in the case of a daughter who took her dad to court, to stop him from forcing her into an arranged marriage. Her course of action, informed by her awareness of her rights as a Tanzanian citizen, conflicted with the expectations by her Maasai community that she is not to defy her elders, even when this means defying her own wishes. As an unmarried woman, her wishes are secondary to agreements between her father and community leaders. In the end therefore, her decision to take her father to court, followed by the court's decision to stop the father from marrying her off, led to her being publicly shamed and disowned by her father and her clan. As this case demonstrates, belonging and decisions on what cultural practices to abide to are made difficult by differences in the speed of acceptability of change between the individual and communal levels, and the social costs for defiance of socio-cultural norms.

Beyond such conflict, formal gender norms tend to be more responsive to global debates and therefore fast changing, in contrast to the slow pace at which informal norms change. At the same time, formal norms of the state can act to suppress individual freedoms of the private realm, as is the case with the criminalisation of homosexuality in countries such as Uganda, Nigeria, and most recently, Tanzania. This creates an environment where individuals lack a safe space to 'live their truth'. In the end, experiencing and 'living' gender becomes the product of the choice between pursuing individual interests at a high social cost, suppressing individual choice for social capital, or creating new spaces altogether and forming new gender spaces.

This volume contributes to the academic debate on gender in Africa (Abdullah 1993; Awumbila 2007; Imam 2001; Oyèwùmí 2005). For instance, Oyèwùmí (2005) interrogates the basic Western assumptions that have informed the study of gender in Africa in relation to their local understandings. Through case studies, her study shows how gender is constructed and lived in different socio-historical African contexts, while calling for the need to situate a new understanding of the concept within the social experiences of its people. In the present volume, the contributors also draw on diverse experiences that help to conceptualise how gender is articulated and shaped in everyday encounters. They evince not only reactions and consequences, but also the agency of men and women in shaping and reshaping social and power relations. By highlighting the voices of men and women under different social encounters in Kenya, Niger and Nigeria, the articles in this volume enrich the body of literature on the range of perspectives on gender relations.

The contributors explore different questions from a multidisciplinary perspective, reflecting their different research backgrounds. Through individual case studies, the authors focus on the complex social encounters regarding marital relations, religion, sexuality, equality, agency, identity and the public discourses that shape these experiences. The case studies explore how the social encounters inform choices and agency, thus deepening our understanding of gender relations in contemporary Africa.

One of these case studies which focuses on bride price, examines how the impact of colonialism shaped the dynamics of marriage and gender relations. The provision of bride price is an important aspect of traditional African marriages, and one that is subject to a lot of politics. Focusing on this in colonial Akure, Southwestern Nigeria, Morenikeji Asaaju presents a historical account on how the colonial system, which introduced a new economic system that led to a change in labour demands and access to wealth, also caused a shift from the use of gifts as bridewealth to the use of money. This shift empowered many unwedded women to demand for higher bride prices. Young men of Akure contested the prices set by these women, which they argued did not take prevailing socio-economic conditions into account. By seeking legal redress to a customary matter, the subjects in Asaaju's article demonstrate how gender relations are reconstructed to reflect changing socio-cultural dynamics, mediated between formal and informal institutions. The relevance of this debate transcends the colonial period. In present-day Niger, Najoum Alhassane shows how the weight of the matter remains relative to individuals and ethnic backgrounds. Using the case of Niamey, Alhassane shows how bride price has remained an essential part of marriage negotiation processes, and that its lack or insufficiency could signal the end of a negotiation process. At the same time, contemporary monetization of dowry has introduced some challenges, with reimbursement in divorce processes being the most critical. The two authors thus demonstrate how, across time, agency is shaped by responses to changing socio-economic and political realities, genders experiences, agency and positions of power in society.

The issue of gender equality has been warmly received by feminists and human rights advocates across Africa. As Tamale and Oloka-Onyango (1995) point out, it is a debate that has managed to project the issue of women's rights in Africa to the international platform. Several strategies have been employed to push for the acceptability of the agenda in the largely patriarchal African communities. Using the case of Nigeria, Umar Ahmed explores the use of various discursive strategies and linguistic structures such as the topoi of usefulness, justice and human rights, democracy, gender partnership, and religion, by female authors in the country to make a case for equal treatment of all genders. He employs methods and insights from Feminist Critical Discourse Analysis and Systemic Functional Grammar, to show how these strategies have been used in Nigerian print news media to advocate for equality of the genders, as a way of engendering social change in society. This change is necessitated by, among others, the realisation that patriarchy has contributed to women's marginalisation in public decision-making processes and politics in general. Ahmed's argument is that the attempt of the female authors at legitimization of gender equality and equity does not always serve as an instrument of achieving domination and hegemony. It also functions as a strong instrument to resist domination. Departing from this viewpoint, Shillah S. Memusi uses the case of the Maasai community in Kenya to demonstrate how patriarchal considerations have created barriers to women's public agency, and how this is challenged by gender equality laws. She goes further to investigate how these formal state laws intersect with socio-norm environments, thereby reconstructing spaces for equality. Despite the barriers against the women's public agency, Memusi argues that alternative gender equality pathways which are informed by contextual realities are still possible. Exploring these

alternatives thus creates room to navigate formal and informal norms environments that determine the equality status of women in society.

Beyond the sphere of politics, Hanna Lena Reich focuses on the fact that strides in achieving gender equality in Africa have not extended to the LGBTQ community. There is still a lot of stigma associated with non-heterosexual relations, with limited spaces being available for non-heterosexuals to meet and interact freely. Without laws to support gender transitions, Reich reports on experiences of transgenders in Nairobi, Kenya, where incidents of violence are common, and are compounded by a general lack of understanding of gender-identity struggles. This has therefore created a quest for safe spaces, which she reports are available after sunset. Beyond the experiences of trans persons, Reich prompts us to consider the night, which is mostly associated with n negativity, as a safe place and a context that allows concepts like gender to be contested and challenged. Her study thus sheds light on the conflict that ensues from a disconnect between identity and belonging, subject to societal expectations on gender and individual conduct.

A discussion on gender and societal expectations would not be exhaustive if the role of religion was not considered. Change in religious identities is also important in the complexities of how gender may be understood in Africa. Since the 1980s, for instance, there has been an increase in veiling by Muslim women in many parts of Africa. This turn, part of the global Muslim revivalist movement, saw many Muslims ordering their lives toward piety and challenging traditional practices. However, this also led to different reactions which include Islamophobia. Of relevance to this volume, it raised the question on the agency of veiled Muslim women in modern society in public discourse and academia. Adeyemi Balogun's study of Muslim women who embraced veiling in Yoruba society contributes to this debate. Drawing from different sources, his study illustrates how these women understood Islam and how they reacted to societal challenges in Yoruba society through protest, court action and negotiation in different social contexts. Following Mahmood's (2005) study, he argues that the women's turn to veiling is part of their effort to achieve piety, and that they activated their agencies not only through veiling, but also in their reactions. His study thus encourages us to see how Islam, which is understood in many western feminist discourses as perpetuating Muslim women's subjugation, actually contributes to shaping the agency of women.

References

Abdullah, Hussaina (1993). Transition politics and the challenge of gender in Nigeria. Review of African Political Economy 56: 27-41.

Awumbila, Mariama (2007). Challenging contexts: Gender studies and geography in Anglophone African Countries. Belgeo, Available at: http://belgeo.revues.org/11172. DOI: 10.4000/belgeo.11172. (Accessed on 25.01.2019).

Chappell, Louise (2006). Comparing Political Institutions: Revealing the Gendered "Logic of Appropriateness." Politics and Gender. 2: 223-235.

Ekeh, Peter (1975). Colonialism and the Two Publics in Africa: A Theoretical Statement. Comparative Studies in Society and History, 17(1): 91–112.

Hodgson, Dorothy (1996). "My Daughter… Belongs to the Government Now": Marriage, Maasai and the Tanzanian State. Canadian Journal of African Studies/La Revue canadienne des études africaines, 30(1): 106-123.

Imam, M. Ayesha (2001). The Muslim religious right ("fundamentalists") and sexuality. In Good sex: Feminist perspectives from the world's religions, edited by P. B. Jung, M. E. Hunt, and R. B Alakrishnan. New Brunswick, NJ: Rutgers University Press.

Krook, Mona L. (2008). Quota Laws for Women in Politics: Implications for Feminist Practice Retrieved from: http://www.mlkrook.org/pdf/social_politics_2008.pdf. (Accessed on 25.01.2019).

Mahmood, Saba (2005). Politics of piety: the Islamic Revival and the Feminist Subject. New Jersey: Princeton University Press.

Okolo, Ifeyinwa (2014). Interrogating Sexual Preoccupations in Tanure Ojaide's The Activist. Marang: Journal of Language and Literature. 24: 108-122.

Oyèwùmí, Oyèrónkẹ́ (ed.) (2005). African Gender Studies: A reader. New York: Palgrave Macmillan.

Oyèwùmí, Oyèrónkẹ́ (1997). The Invention of Women. Making an African Sense of Western Gender Discourses. Minneapolis: University of Minnesota Press.

Tamale, Sylvia / Oloka-Onyango, Joseph (1995). The personal is political, or why women's rights are indeed human rights: An African perspective on international feminism. Human Rights Quarterly. 17(4): 691 - 731.

"The Girls of Akure are Now too Costly"

Gender, Bridewealth and Legal Debates over Marriage in Colonial Southwestern Nigeria

Morenikeji Asaaju

1 Introduction

The quotation in the title of this article is taken from a written petition addressed to the Assistant District Officer and the Akure Native Authority. The request reported about a resolution that an assemblage of young unmarried men, under the name "The Boys", had agreed upon in February 1942 about bride price and bridewealth in Akure, a town in southwestern Nigeria. According to them, bridewealth had "soared so high", and the girls of Akure have further complicated the situation by:

> being costly, after giving them £10.10 for love, you will have to give their father £10.10 again, then they request about £15 for gold and £10 for clothes, these demands are unaffordable to most youths.

They accused their elders (fathers) and women of "exploiting marriageable youths and encouraging the girls in their exorbitant demands." Therefore, they decided to write the District Officer and Akure Native Authority to make and enforce laws for the reduction and regulation of bride price, failing which they may be forced not to marry women from their town or remain bachelors forever (National Archives Ibadan NAI, AkDivCo.2, 197/2, Marriage Rules 1942). Two similar organisations, the "Ijebu Mohammedan Youngmen Friendly Society" and "Ijebu Anti-High Bride Price League" (both in southwestern Nigeria) in 1943, directed its members not to pay more than £20 for a bride, irrespective of the educational status of the girl. So intense was the situation that some members of the Ijebu Native Authority met with the members of the organisations to assure them that each of their concerns would be investigated and addressed (NAI, Ije Prof Marriage Rules 1954). This anecdote reflects a broader trend in how conflicts over bridewealth, a sociocultural obligation and requirement for traditional marriage, were representative of gender relations and the intergenerational crisis in colonial southwestern Nigeria.

The clamouring and the resolve of the young men fitted adequately into the prevailing culture of negotiating choice in the wake of new economic openings, institutions and political exploitation

by influential people. The young men's call to regulate bride price and their threats not to marry women from their town, to remain bachelors forever, and not to pay more than £20 for a bride (irrespective of the educational status of the girl) emphasises the changing circumstances of the twentieth century, when young people increasingly appealed to new understandings of marriage pioneered by European missionaries, and further advanced by British administrators to gain agency against perceived injustice. The youth linked and equated marrying a wife to "getting into debt." By the late 1920s, bride price and bridewealth were among the highest expenses incurred by unmarried young men in southwestern Nigeria. Consequently, one of the debates at the 1937 conference of Yoruba chiefs was the need to enforce a uniform bride price across towns and communities in southwestern Nigeria (Fadipe 1970). Beyond its link to economic crisis, the youth were also emphasising cultural nationalism, by suggesting inter-ethnic marriages as another possibility in a multi-ethnic colonial Nigeria. However, the narrative of exorbitant bride price and bridewealth was not unique to Akure, Ijebu, or communities and individuals in southwestern Nigeria; individuals and groups across Nigeria persistently lamented the impact of high bride price on gender and generational relations. For example, by 1954 or even earlier, the problem had become so serious that the government of Eastern Region of Nigeria set up a committee to "investigate the social effects of the payment of bride price" and to "make recommendations for the removal of any anomaly or hardship" (Aderinto 2015).

This study demonstrates how the junior men created an important status for themselves as they negotiated the authority of the senior men (chiefs and fathers) who facilitated marriage relations and served as cultural guardians. I then link this struggle to the larger legal debates on marriage. As young men stated their perspectives on marriage payments, they continuously unveiled a number of sociocultural and economic matters that connect intensely to the broader social change under British colonialism.

2 Rethinking gender, marriage and related practices in colonial Africa in African historiography

This study is situated at the intersection of literature on gender, marriage and marriage-related practices and law in colonial Africa (Asaaju 2018; Byfield 1996; Mann 1985). Historians of Africa have documented the transformation of marriage as part of the wider sociocultural and economic impact of colonialism. The central thesis of this large and growing body of work is that the entrenchment of colonialism led to the monetization of the society and the rise of urban centres, mining and plantations - the hub of colonial economic power. Bridewealth, the symbolic transfer of money, wealth and services from a groom and his family to that of the bride before marriage, has been a central point of discourse and debate by, gender historians. These debates have mostly developed around the purposes, meanings and implications of bridewealth. Bridewealth payment, which used to be made with agricultural produce and farm labour in precolonial times, was substituted with cash under colonial rule. Thus, marriage payments became monetized and commoditized, and this resulted in many rural communities imposing new financial commitments

on young men who migrated to work in the cities, in mines or on farmsteads to raise money for bride price and other marriage related expenses.

Some comparison to bridewealth practices in other cultures helps to illuminate the changes that took place in southwestern Nigeria. Exploring the theme of bridewealth which focuses on three Native American ethnic groups, Jane Fishburne Collier argues that the meanings of bridewealth vary widely between people of common ethnicities. Collier demonstrates that bridewealth payments generally indicated personal wealth and family cohesion. Explaining this, she contends that when the groom pays the bridewealth from his personal resources, the gifts and the ability to give them demonstrate his personal ability and material comfort. In situation where the family paid the bridewealth in support of the groom, bridewealth was a demonstration of kin cohesion and an indication of the groom's "worthiness and commitment" (Collier 1993). In the colonial history of certain communities in Asia and the Middle East, bridewealth was a means of striking alliances, "ending feuds and cementing a political alliance between families" (Moghadam 1999). In Africa, where several societies have a long historical tradition of bridewealth exchange, the debates about bridewealth are more extensive. These debates have placed significant importance on the purposes and significances of bridewealth. The central argument in this debate emphasises that the transfer of bridewealth suggests an economic investment in which families are involved in economic and social relationships that produced returns in the form of a wife's productive and reproductive labour (Stephens 2009).

In recent times, debates concerning bridewealth in African history have centred on the effects of colonialism on the institution. This growing body of scholarship examines how Africa's integration into global market economies reshaped bridewealth cultures. The general argument suggests that colonialism and its interrelated economic effects led to tremendous increase in the cost of bridewealth, which eliminate the ability of young men to make marriage unions. Racheal Jean-Baptiste contends that colonialism affected bridewealth amongst the Mpongwe ethnic group in colonial Gabon. She writes that bridewealth increased from transferring iron for a bride during the precolonial era to the payment of 15,000 to 20,000 francs in cash in addition to items such as "liquor, guns, ammunitions, knives, tobacco, cutlery and pricey European clothing during the colonial era" (Jean-Baptiste 2014). Yet, increasing bridewealth had clear-cut implications in different African societies because of the multiplicity of African cultures and colonial organisational structure. For example, in Gabon, increase in bridewealth forced some men to marry later than their predecessors, as men had to take a longer time to gather enough cash and goods for the bridewealth. This situation also created some increased enduring inter-racial concubine relations between young Mpongwe women and French traders who had the means to pay high bridewealth (Jean-Baptiste 2014).

On the implication and connections of bridewealth to the questions of female consent, Brett Shadle's exploration of court disputes in 1940s colonial Gusiiland, Kenya is significant. He explored the importance colonial courts attached to bridewealth, parental consent and female consent in deciding marital disputes between young women, their lovers or husbands, and their parents (Brett 2003). In her study of educated Yoruba elites in early colonial Lagos, Kristin Mann

investigated bridewealth and consent. She argues that societal norms placed greater emphasis on family consent on the choice of spouse. However, from the late 1880s young prospective brides and grooms (educated elites) increasingly "expressed strong feelings about whom they wanted to wed, and their kin often heeded their wishes." This change in priority from family consent to the consent of prospective spouses was enhanced by the codification of customary law in colonial Lagos (Mann 1981: 1985). Similarly, Temilola Alamu examines the complications surrounding bridewealth, betrothal, conversion and marital consent in pre-colonial Abeokuta (Yorubaland). Using the journals of western-trained Anglican Church Missionary Society (CMS) evangelists in Abeokuta, she demonstrates that the conflicts surrounding bridewealth existed prior to colonialism. However, the advent of the CMS's activities in the region enabled free young men and women a measure of agency within marriage negotiations. Thus, young free women in Abeokuta used the changing social landscape to their advantage either by pleading with their parents, refusing their matches or going to the mission house where they found partners (Alanamu 2015).

Besides the exorbitant bridewealth payment which scholars have termed "marriage crises" in Africa (Brett 2003), new colonial laws such as those on marriage and divorce empowered women by giving them the opportunity to leave unhappy marriages (Asaaju 2018). The improvement of transportation system also increased women's presence in urban centres and lessened the grip that rural patriarchy exerted on them (Coplan 2001; Little 1973). This article does not counter the established historical fact that marriage underwent significant transformations that varied from one part of Africa to another but focuses on the situation it created and how people responded to it in accordance with how it affected them. In doing this, I open up new perspectives for exploring the impact of colonialism on men and on gender and generational relations by retrieving the voices and opinions of young men from the court records, colonial archival documents and the pages of newspapers. Using a range of sources this article demonstrates that disputes over marriage and marriage payments were symbolic of larger tensions over decreasing and unequal access to political and economic resources which manifested themselves in conflicts across, and within, gender, status and generations.

By deploying a variety of sources for investigating marriage, this article offers the following methodological perspectives to explain the gendered perspectives of debates and contestations over marriage in southwestern Nigeria. First, the depiction of men and marriage in the petitions in the colonial archival documents and newspapers of southwestern Nigeria took the debate over marital relations from its conventional domain - the colonial native courts and private family meetings - to a much wider public, providing young unmarried men, both literate and illiterate, the opportunity to criticise their subordinate position, sometimes using fictitious names, and writing under the name of a group to escape the sanctions and punishments of their activities. The petitions and newspapers were an important platform through which boyhood and maleness were achieved, shaped and reshaped. Second, the petitions and print media as an arena for expressing grievances and public debate did not only give young men the opportunity to exchange information about marriage across regions and places, but it also allowed them a great feeling of solidarity as common victims of marriage racketeering and fraudulent marriage practices. When

young men wrote about exorbitant bridewealth, they highlighted that they were being oppressed and suppressed. This situation, they argued constantly put them against the hegemonic influence of the senior men, whom they accused of exploiting hardworking young men and preventing them from fulfilling cultural obligations and the initiation ceremony into adulthood.

The third perspective involves rereading the correspondence between colonial officers and native authorities and the native court records. From these records, it is evident that among the colonialists and the colonised not all men had the same opportunities and status. Local and foreign notions of gender roles, modernity and sociocultural obligation produced complex consequences of how men perceived themselves and how they were considered at different phases of their lives under shifting circumstances. Indeed, colonialism shaped marriage, gender and generational relations through the entrenchment of missionary education, wage labour, new colonial marriage laws and the institutions. It also transformed the pre-existing laws and customs and created new sets which were inconsistent with traditions and custom for achieving and preserving marriage, gender and generational relations. The colonial court records allow us to identify two categories of men: the elder men and fathers who imposed bridewealth and the subordinate young man who worked hard in the cities to obtain the necessary resources to fulfil marriage rites and obligations. These young men, mostly single and of a lower class who felt the negative impacts of marriage payments, were generally concerned about fulfilling cultural and financial expectations within their immediate communities. They repeatedly sought the intervention of the British administrators as the solution to the exploitation of the unmarried young men. While directing their grievances to their own kinsmen, they called for a just system that reduced the difficulty of meeting the financial requirements for marriage.

Although gender and intergenerational conflicts manifested in several ways - from socialisation to morals and dressing, this conflict was most evident in the choice of a partner because marriage is important in the society. Marriage provided the basis for society. It is a process through which family was formed and is fundamental to the preservation of social identities that ensures protection. Marriage gave men and women the chance to achieve any status in society and, simply put, to be considered an adult. Marriage is an important relationship that closely linked different groups. With marriage peoples and groups extended kinship connections in different directions, establishing links with people with whom they previously had little or no relation. Thus, this study shows that marriage was important for the young men who expressed their complaints about marriage payment in petitions, newspapers and in the courts because they were troubled about developments in their immediate communities and cultures regarding the cost of bridewealth.

3 Exploring the marriage crises: social and economic transformations in an era of colonial consolidation

It is impossible to understand the gendered perspectives of the marriage payments exhibited in petitions on the pages of newspapers and in courts without highlighting the economic, political

and social changes that characterised southwestern Nigeria in the twentieth century and how women and men responded by adapting, negotiating and contesting their rights and duties over marriage which imposed new possibilities and limitations. These contestations played out in a number of complex and inconsistent processes: first, the integration and growing impact of the world economy on the Yoruba society; second, British imperialism and colonial marriage laws; and third, the establishment of the native courts. The most enduring legacies of these developments were the opportunities for wage labour and the establishment of the native courts. The opportunities for wage labour led to the emergence of a new group of working-class men whose personalities and incomes shaped the social expectations imposed on them by individuals and institutions that exerted immense power. Colonialism was a male-centred structure that placed men at the centre of state-building. Men, not women, dominated the wage employment such as mining, military and railway.

Although the introduction of Christianity and Islam into Yorubaland has a great influence on fabrics of the culture and social institutions, it did not alter the significance of bridewealth payment. Irrespective of whether the parties practiced Christianity, Islam or Yoruba religion, without bridewealth there was no marriage. Infact, marriage could not exist independently from bridewealth. The exchange of bridewealth legitimised a union. Bridewealth linked two families, guaranteed a woman's rights at her husband's home and established the man's sole sexual access and rights to a woman's reproductive labour and by implication he could claim compensation from adulterers. Whereas aspects of these rights were debated, the extensive arrangement was not. Without bridewealth, any relationship between a man and a woman was illegal and recognised as something merely temporary, subject to be broken at any time, with neither party holding any privileges over the other.

While the unique circumstances in the twentieth century and particularly opportunities for wage labour afforded young men and women the opportunity to be parties within marriage negotiations, the incorporation of Yorubaland into global market economies transformed bridewealth cultures. Thus, leading to astronomical increase in the cost of bridewealth, effectively reducing, and in some instances eliminating in total the ability of young men to contract marriage unions. The amount involved in bridewealth proved formidable for most men. Edward Ward wrote that in Ondo Province in the early 1930s a new bride could get £10.12 plus *dashes* for herself and her family, for a total of about £20. By 1938, the minimum he reported was about £14.10, compared with an average daily wage of 9 pence; marriage payments in this case implied about sixteen months labour. These figures correspond with amounts specified in Ibadan and Abeokuta court cases from the 1930s (Ake Native Court, Civil Record Book CRB 1930; Bere Ibadan Native Court 1952). Karin Barber's informants narrated that between 1920 and 1950, bride price in the town of Okuku was between £6 and £7, plus other expenses which were up to £40 (Barber 1991). In fact, the standard bride price in this community was greater than the total cash value of a household's yearly food consumption. A 1950 survey revealed that in the cocoa growing areas marriage expenses were estimated at £50, or about a year's agricultural wages (Galletti et al. 1956; Ward 1937).

Conversely, bride price was only a part of the total cost of marriage. While courting, a suitor was expected to visit his fiancée's parents frequently and to give them and their daughter small gifts of money. Once or twice a year during the engagement and throughout the period of the marriage, the suitor and his relatives or agemates were also requested to perform free labour for his father-in-law. This often involved clearing farmland or repairing the house. Although this practice was fading out by the mid-1930s, payments were not. Several Abeokuta court cases even in the 1950s stated money spent to help a prospective father-in-law build a house (Ake Native Court, CRB 1952). As the bride-to-be's consent was essential for marriage, she also received payments. More than half of the total expenses were made to her in the form of gifts, or "friendship money" (Bascom 1969; Bier 1955). At the turn of the century more expenditures had been required; a suitor could be called upon to help defray unusual expenses incurred by any of his prospective in-laws as well as his future father-in-law's debts. This almost unlimited liability for the financial commitments and obligations was one reason why men across generations sought wage labour, abandoning agricultural work and migrating from their villages to the cities. These men were attracted to wage labour because of the opportunities to acquire money to fulfil obligations imposed by their communities. In a 1945 divorce case, the husband Olayemi, testified that when he married Olayeni in 1950 he loaned £10 to Olayeni's father to prevent him from pawning his cocoa farm (Ake Native Court, CRB 1945). Also, in a 1950 case, an Itoku (Abeokuta) man sued to break the engagement of his daughter because he claimed the suitor had provided neither money nor labour (Ake Native Court, CRB 1950). Similarly, in 1950 Adesegun Gbadamosi sued to recover the marriage expenses he paid for Amuda Abeke. He testified that:

> When I first befriended the defendant, she got £3 from me to consult the oracle about our marriage. One month later, I gave her £5 to return to her former friend who was keeping her [her former fiancé who made payments on her]. A week after that she got 1£ from me to cook food for her sister who was married. I gave her £2 when she was going to see her mother who had injury. I gave her £3 to buy a pair of shoes, £10 friendship money, £1 when her brother named a child and £1.50 on eight occasions when I visited her (Ake Native Court, CRB 1950).

While money meant married status; itemising expenses made announced that status and also served as a sign of the man's commitment to the relationship. Informing the community about how much he has spent was a man's way of showing his seriousness about the union (Allman / Tashjian 2000; Lindsay 2003). It is safe to argue that in colonial Yorubaland, to a good number of people marriage was all about money. Men were expected to make some payments to prospective brides and their families, while any of the parties could disrupt the marriages because of insufficient money. In a 1930 Ake court case, a woman named Jojolola was betrothed to someone else, but she married Labode 'because he promised to give her money.' Labode never paid her parents, and they compelled her to leave him (Ake Native Court, CRB 1930). In 1945 a woman named Adefunke asked for a divorce because of an unpaid balance of her bridewealth, though she had lived with her husband for about ten years. (Ake Native Court, CRB 1945). After two years of courtship with no money given to her, Kafilat of Ijeja town brought Labode, a native of Owu, to

court for divorce, citing 'neglect' (Ake Native Court, CRB 1945). While I do not foreclose the possibility of other factors in these breakups, what is important for this section is that money threatened men's ability to get married and stay married.

Besides marriage payments, the new consumerist lifestyle, which was firmly established as Nigeria became integrated into the capitalist world economy system, also increased the need for cash. Access to cash was significant for negotiating new social and political relations: with cash a man had the opportunity of competing for and getting important chieftaincy titles and playing important roles in his community. Besides being attractive for labour employment opportunities, the city offered men as well as women opportunities to explore new social and sexual relations, which the community would disapprove.

For several unmarried men, marriage expenses were a primary reason for early twentieth-century labour migration, as reported throughout Africa (Beinart 1982; Bravman 1998; Peel 1983; White 1990). With the expansion of such opportunities, young men were increasingly able to "abbreviate the period of their juniority" (Peel 1983) by earning cash away from home. J.D.Y Peel recounted that early *osomaalo* (itinerant traders) explained that they had undertaken itinerant trade because "mo fe gbeyawo'' (I wanted to get married) (Peel 1978). By the 1930s, engaging in migrant trade and wage labour to raise money for marriage payments was well established (Peel 1983). N.A Fadipe, a Yoruba sociologist who studied marriage in southwestern Nigeria in the early 1930s and wrote very insightfully about his people, linked bride price inflation to the railway, wage labour and commercial expansion. As the rail line extended to northern Nigeria, he explained that unskilled government labour allowed a man to earn in one year what it would take three years of farming to save, and this money was commonly used by young men for getting married. He also pointed out that wage employment affected marriage custom for many young men. According to him,

> the introduction of wage employment also meant a modification of the custom that a son remained directly under his father in whatever occupation he followed from about the age of six until his marriage, and that the father should, thereafter, get a wife for him (Fadipe 1970).

However,

> the latter custom, with regards to those in salaried or wage employment, no longer holds since a young man is now responsible for finding money for paying the bride price of his fiancée (Fadipe 1970).

Also, with the arrival of the railway and increased economic opportunities through wage earning, parents, who could not themselves take advantage of the increased economic opportunities through earning wages, attempted to benefit from the enhanced standard of living by demanding extravagant rates from suitors (Fadipe 1970). Consequently, the scale of bridewealth maintained some pace with the rise in prosperity. The end of World War I witnessed an enormous rise in

prices of local crops, specifically cocoa. Unfortunately, the prices were not sustained for a long time before depression sets in (Berry 1975). These developments further complicated the increasing amounts demanded as bridewealth. There was a measure of recovery between 1925 and 1928, but this was followed by a worse price slump. The scale of bridewealth, which had come into effect during the years of economic boom had remained unaltered, much to the anguish of the young men who had to pay. Paying for their own marriage expenses allowed many young men to choose their own spouses more frequently than they had before. Women, too, began to demand more influence in their choice of husbands, often preferring young earners with cash over older men or non-migrants (Peel 1983: 2000). By the 1930s, Fadipe clearly links changes in marital relations to the railway industry including its construction camps and stations. He argued that the railway construction camps, and later the railway stations, attracted women and girls in their pursuit of trade and their contacts with clerks and artisans led already-married women and betrothed girls to defy both parents and public opinion in their affairs. Women who wanted to leave their husbands simply approached the office or the court of the Resident Commissioner to sue for divorce. Also, young girls whose parents wished to force them into a marriage also obtained the protection of the colonial representatives through the courts (Fadipe 1970). The women's actions and their connections with the railway workers cannot be separated from the larger economic quests. With the opening of the interior for trade and as the depression of the First World War began to bite hard, it made sense for women to take up such opportunities to improve their standard of living. Under these circumstances, significant changes in marriage customs in Yorubaland were initiated. These women pushed the boundaries of marriage by renouncing and rejecting the betrothal of girls in infancy without their consent, initiating marriage by mutual consent and the popularisation of divorce.

The unstable character of the colonial economy that manifested during the Great Depression and the World Wars, poor working conditions and unequal worker's compensation prevented men from wholly exploiting the advantages of working away from home. Consequently, between the 1930s and 1950s workers went on strike to demand improved working conditions (Oyemakinde 1975). Unemployment was on the increase, as about twenty thousand unemployed people registered with the government labour office in Lagos in the early 1920s and the numbers increased by the period of depression (Aderinto 2015). These developments worsened the financial status of most young men preventing them from fulfilling monetary obligations to their fiancées, families and communities. In essence, wage labour did not automatically create wealthy young men; in reality, only very few men amassed wealth through it. Instead, it provided access to consistent income through which people were able to meet their basic needs but insufficient for exorbitant marriage payments. Thus, this situation suggests that while some men were able to make exorbitant marriage payments, others were not able to do so.

4 Petitions and debates over marriage and bridewealth in the print media

The paper makes use of framing and crisis communication concepts in exploring how Kenyan press adopted distinctly different framing strategies in their coverage of the famine as it progressed, and thus impacted the Kenyan public's response to the crisis. Before delving into framing concepts, it is important to first tackle the question: why do media matter?

When men condemned their communities for imposing high bridewealth on them, they sometimes compared European culture with African culture and contended that the payment of bridewealth was not a prerequisite for marriage in Europe. Thus, they considered African modes of marriage as a form of slavery to penalise women. They attempted to redefine the conditions of marriage by suggesting that "marriage must be only out of pure love which cannot be purchased with money" and that the wish of the prospective bride and groom must overrule that of their parents (The Osunmare Egba 1936). This proposal attempted to individualise marriage by isolating the extended family from interfering in conjugal matters in breach of the prevailing norms that considered marriage as a relation between families rather than two individuals. The idea of individualising marriage or attempting to limit parental involvement mirrors the colonial influence of modernity - the idea of following the path of European states. Hence a contributor to a local newspaper who preferred the termination of the bridewealth system employed the language of modernity by associating bride price with "backwardness and oppression". He wrote:

> The system [bride price] is a kind of oppression, depression and all impression equally ruinous to the husband who is unable to recover his heavy amount, and the woman who owing to inability to pay or return the exorbitant dowry must remain forever with the husband whom she abhors to live with. In those parts of the world where civilisation is a matter of thought and action, no such selling erroneously termed dowry in connection with marriage exists; only character and financial equipment of the would-be-husband that count (The Osunmare Egba 1936).

The contributor concluded his writing by suggesting that the European form of marriage should be embraced and further cautioned parents who demand exorbitant bride price on their daughters to be "aware that they are impoverishing, not only husband and wife but the unborn generation" (The Osunmare Egba 1936).

None of the article I saw which demonstrates more effectively the irritation of most men regarding exorbitant marriage payments than the opening paragraph and conclusion of an author identified as Toye in Egbaland Echo, which read more like his own experience:

> Please allow me a space to talk to other men about marrying a wife and the grossly extravagant money we men spend on women as love money that the court does not acknowledge (The Egbaland Echo 1950).

Such monies include: money for the *alarena* (intermediary), *owo Iyawo Ile* (money for the housewives), and *owo omo ile* (money for the children of the household), among others. He argued that if the court would not recognise these payments it was:

> needless paying them, because these payments have made several women without husbands. Several men have vowed not to pay them or request for women's hand in marriage but resort to taking over other women in the courts, by refunding the bridewealth to their estranged husbands" (The Egbaland Echo 1950).

This in his opinion has led to the increase of divorce and marital cases in the native courts. He therefore, called on the native authorities to review existing laws of marriage payments because "if a custom was detrimental to the society and the people, it would not be out of place to review or scrap such custom" (The Egbaland Echo 1950).

Notwithstanding the complex nature of debates over marriage payments, most men wanted the amounts reduced and not completely removed. They understood the significance and value of bridewealth as that fundamental part of traditional marriage that sanctioned a man's status as husband. Another writer simply identified as Oke clearly explained the impact of the non-payment of bridewealth on gender relations in marriage and on marital relations:

> A woman whose husband has paid no dowry (bride price) for her, will at the slightest opportunity disrespect him and remind him of not expending any costs over her (NAI Marriage Notes 1918).

He also stated that the "failure of husbands to complete bridewealth payments had consequences for the respectability of the wives in the marriage and for the custody of the children" (NAI Marriage Notes 1918). Indeed, when these men wrote about the problem of marriage and marriage payments, they attempted to enlighten their community about their suffering and challenges in their attempts at making a living in the city. Through petitions, they refuted the claims that men from the city made a lot of money and as a means to pass home their demand for reduction of bride price. The youths' narratives in the petitions include the difficult conditions under which they worked, the kinds of work they did, everyday life and the unfair decisions of the courts in cases of refund of bridewealth.

5 Contestations over marriage and bridewealth in the colonial courts

From about 1914, the new native courts established across the southwestern region were up and running. Though most people in the region were probably sceptical of the courts, preferring to wait and see what will happen in them, a number of litigants brought disputes before the new courts. Between 1914 and 1957, the Ake Abeokuta native courts heard a total of 3,365 cases on bridewealth. Two of the first ten cases brought before the court in January 1914 dealt with a husband and a fiancé seeking to recover their bridewealth payments from their father-in-law

because the wife moved out of the house and the wife-to-be refused to honour the marriage arrangement. Adewunmi of Idiaba town sued his father-in-law, Adeyemi Nurenu, because Adeyemi's daughter had left him and Adewunmi wanted to recover the £30 expended as bridewealth (Ake Native Court, CRB 1914). Adesegun of Ijeja brought a case against his prospective father-in-law, Laisi, because his daughter did not want to live with Adesegun as his wife. Adesegun wanted to recover the £20 he had given Laisi as bridewealth for his daughter (Ake Native Court, CRB 1914). In both cases, the court ruled in favour of the woman's choice and granted a divorce and the refund of bridewealth.

Whether the native courts were compassionate to women's claims in favour of divorce or ordered a wife to refund her estranged husband's bridewealth, the judgements all highlighted the contractual nature of marriage. The essential component in Yoruba marriage is the strategic investment - "the circulation of goods and personnel in social streams" - that revolves around building and maintaining webs of kinship and in organising and controlling labour (White 1991). Marriage definitely builds kinship between groups. It also creates conditions for the generation of recognised descendants who are children. Marriage also transfers to the husband and his kinship group rights to his wife's labour, her reproductive power and rights of sexual access (Roberts 2005). Yoruba marriage is a long-term investment and transaction; the woman's labour and services provide some immediate returns for the substantial bridal costs, while many of the benefits will be amassed over the subsequent years. Marriage is a complicated affair and the problems with it are numerous and complex. The court records clearly highlight the "trouble spots" in these relationships and put their conflictual nature in perspective. Marital relations were clearly bounded by certain expectations; as long as husbands and wives related to each other within these expectations were met, then the marriage would persevere. Cases arrived in court when expectations were not fulfilled. In the courts, wives and husbands employed these limits in seeking dissolution of their marriages. Bridewealth was clearly one of the trouble spots in Yoruba marriage and the consequences of a failed marriage or marriage arrangement and a major source of disharmony between the father of the bride and the groom.

As previously explained, with the arrival of the railway and increased opportunities for wage-earnings, parents took advantage of the increased economic opportunities to demand high bridewealth from prospective sons-in-law. With this, the scale of bridewealth kept pace with the rise in prosperity and prevented many young men from marrying or marrying later than projected. Young lovers, watching their hopes of marriage disappear, eloped or ignored the process of bridewealth by arranging with the young woman to allow herself to be abducted. These ways and means were employed to convince the woman's father to accept either a reduced bridewealth, payment of bridewealth in instalments, or treatment of unpaid bridewealth as a debt that the young man may never honour (Fadipe 1970). Women forced into marriage with wealthy and influential men who had more money for bridewealth absconded, moving in with lovers of their choice. Thus, the native courts became flooded with fathers, daughters and future sons-in-law in contestations over bridewealth and women. In Abeokuta, bridewealth disputes represented 9.3 percent of the 65 percent of all marital disputes. Similarly, the divorce cases

presented before the courts which represented 41.6 percent also involved wives or fiancée refunding bridewealth.

The era of many marital troubles was a product of two factors. First was the nature of Yoruba bridewealth. Most men and families raised money for social and economic projects or repaid existing debts by exploiting bridewealth. For example, in many of the divorce cases presented before the courts, majority of the husbands testified to paying an existing loan for the wife's family or redeemed the bride from pawn as part of bridewealth payment. The second factor was the social transformations in the nineteenth and twentieth centuries, more specifically the colonial economy. The new wealth spreading in Yorubaland, unequally dispersed, forced the bridewealth rate up to amounts unseen or witnessed for decades. Individuals, as well as families, needed money for the payment of taxes, clothing, and other daily merchandise, education, and lawsuits. For some time, the sale of agricultural produce satisfied these needs, but at the turn of the century, this was not the case. Young men had opportunities to offer their labour for wages as a means of building wealth. With these possibilities, a new class of men emerged - chiefs, state employees, the educated and literate, and the skilled or semi-skilled. These men with access to new wealth ventured into other business enterprises such as trade in crops like coffee, retail shops, grinding mills, and transportation. Consequently, a gap emerged between the wealthy and the masses. These rich men gave more bridewealth, even well above the pegged price. In 1930, James Ogunjimi of Ago-Oko, Abeokuta, an ex-service man, petitioned a certain man identified as Tejuoso. The petition reads in part:

> When I was discharged from the army I spent all my money on Miss Rebecca Tejuoso who promised to marry me, but after I have spent every necessary dowry on her, her father by name Mr. Richard Tejuoso gave her to a railway official by name Mr Bankole, but the railway official refused to refund my money (NAI, Egba Council Records ECR 1930).

James estimated the total bridewealth he expended as £25, while Mr Bankole claimed to have expended £50 as bridewealth. These amounts were far above the proposed amounts for bridewealth in this period. With the rates of bridewealth upwards, few men gave more while others had nothing to offer. As a result, bridewealth was at a level never witnessed in Yorubaland since at least the nineteenth century.

From the cases on bridewealth presented before the courts we gain insights into what constituted marriage, why people got married, their expectations from marriage and the roles of kin in the marital process. Bridewealth cost had become so inflated during the period of prosperity that young men found it difficult to marry. Several fathers preferred to give their daughters to the man who could pay more for bridewealth, pushing their daughters or women into marriage with men whose only qualifying factor was their wealth and status. Young men responded by abducting their lovers with the aim to make a marriage or ran off with women because they could not afford to marry. This situation led to pockets of resistance in the form of petitions, newspaper editorials and the flooding of the native courts with marital issues. These circumstances compelled the

Yoruba chiefs in 1937, during their first conference, to consider pegging the amount of bridewealth. In 1928, a man identified as Folarin appealed to the Alake and council to make some strong regulations because women charged all sorts of fees that were not specified by the regulations on marriage (NAI, ECR 1948). In neighbouring Ijebu town, the Ijebu Muslim Friendly Society, Ijebu Mohammedan Young Men Friendly Society, and Ijebu Anti-High Bride Price League all enjoined the District Officer, Ijebu-Ode and the Ijebu Native Authority to come up with stricter regulations for bridewealth to prevent several men from "the evil of the exorbitant cost of marriage and immoral women who make our men to incur unpayable debt" (NAI Marriage Rules 1940). These concerns were also echoed in faraway Akure by a group identified as the "Sons of the Soil Akure" in several petitions addressed to the Akure Native Authority (NAI Marriage Rules Akure 1942). These groups of young men argued that bridewealth as practiced had become fraudulent from the original intent and was the cause of many disagreements between a prospective father-in-law and son-in-law. They also linked bridewealth to the high rates of divorce in their specific communities as well as neighbouring towns.

These debates encapsulate the issues that were crucial to the history of Yoruba marriage for three decades or more before and after 1937. Bridewealth was gradually rising higher, only to remain higher despite the attempts of chiefs and British administrators to regulate it. Marital disputes originated in great numbers by uncontainable bridewealth forcing colonial officials to insert themselves into affairs among Africans. Young and old men and women, sometimes acting maliciously and selfishly in marriage, regularly trying to pick from the best available options and living out their aspirations to their best. The conference of the Yoruba chiefs came at one of those historical moments that, in reappraisal, signalled the end of one era and the dawn of another. The decades before 1937 appeared to have been a period of prosperity in which bridewealth was quickly accumulated. Marital cases were on the rise and their numbers intensified and deepened in the subsequent years. Even with the directives of chiefs and colonial administrators to place limits on bridewealth, some men with female dependents continued to request for bridewealth which is beyond the pronounced amounts and men who wanted to marry paid these amounts. Within a decade, the chiefs and colonial officials soon accepted that no proclamation could ever peg bridewealth. Thus, the efforts to reduce bridewealth to more practical payments were not so productive. It was clear that citizens across southwestern Nigeria were not following the new limits. As fathers and families continued to consider the highest bidder in bridewealth payment, the institution of marriage became devalued as an avenue to acquire wealth and as a breeding ground for illicit sex. Escalating costs of bridewealth advanced a practice of divorce; prevented young men from marrying or marrying a little later than anticipated, strengthened the influence of women's in-laws over the homes of their sons-in-law, and instigated tensions and instability. Consequently, young men suffered a double tragedy: being hindered by the initial expenses of marriage and repeatedly, two or three months after a marriage, the wife requesting a divorce.

The inability of elite men and colonial officials to regulate bridewealth across southwestern Nigeria was in keeping with the failure of similar attempts across Africa in the period of colonial rule. For example, in Maradi, Niger Barbara Cooper argues that the attempt at regulating

bridewealth through the Jacquinot decree had little effect because it failed to take into account local variations in the amounts, contents and significance of bridewealth (Cooper 1997). These failed attempts were also echoed in Gabon and Kenya where French and British colonial personnel together with African chiefs and African political figures also made wartime and post-war efforts to limit bridewealth payments (Jean-Baptise 2014; Shadle 2003). As in Maradi, Kenya, and Gabon, bridewealth regulation policies in southwestern Nigeria failed due to non-compliance by communities and individuals and the failure of African and colonial political leaders to enforce the very limits that they had set. In Abeokuta, for instance, no husband at the time of divorce would accept being reimbursed only the official amount; husbands continuously argued to prove that they had paid a certain amount over several years above the official amount and would demand to be reimbursed the entire amount. In addition, only a few individuals registered their marriages in colonial registers. Thus, the state had limited capacities to enforce regulations. The increasing number of marital cases brought before the courts also demonstrated that the attempts at regulation was less effective. It reveals the conflicts of interest and the contestations among African men of different generations about access to wealth and the shifting landscape of defining marital relations. Consequently, the debates over divorce, bridewealth and marriage opened avenues for women to exercise extramarital control over their sexuality and their persons.

6 Men's agency in bridewealth debates

Early colonial and postcolonial ethnographies depict marriage as a set of relationships between male household heads in which the groom and bride were passive. The court records and petitions shed lights on the anxieties that surrounded marriage and bridewealth payments in the twentieth century. Due to social and political changes occurring in Yorubaland, most especially the increasing and decreasing opportunities for wage labour, and the establishment of the native court, young men and women were rejecting a lifestyle that they considered incompatible with their newly-found independence. For matters concerning marriage, this usually meant that the young men rejected the matches made on their behalf when they were young thus breaking established traditions because of inflated bridewealth. A young man narrated to his friends how he dissolved a marriage process which his parents had initiated when he was young because the girl's parents "repeatedly inflated bridewealth" (NAI, AkDivCo.2, 197/2, Marriage Rules 1942). Although we do not know how this matter was finally resolved, the young man gave his example as a way of empowering other young men to follow his example. Similarly, Young men returning home with their wage labour earnings put elders in a difficult situation. Youth now had cash of their own to use as bridewealth, releasing themselves from dependence on their elders.

Grooms fought for the significance and consequence of inflating bridewealth in marriage contracts. They established that fathers and women were active agents in the creation of the complex situation. One strategy was to attribute full responsibility to the elders, some of who were polygamists in their communities. These elders had regular interaction with British administrators and believed British administrators could see beyond the individual cases that came before them and understood the larger context in which they made their decisions. Thus,

while the elders maintained that he who had not given bridewealth had no claims over a woman, they did not always rule this way. In marital cases, the elders tried to balance out the rights of women against the men. Consequently, the younger generations demanded for the stabilisation of bridewealth in order to bring some semblance of order to marriage in Yorubaland.

Marriage customs, specifically the amounts involved in bridewealth that elder men had defended and attempted to convince the colonial administrators as essential to communal stability now appeared outmoded, backward and an obstruction to imperial goals. Colonial officials who had previously expended little energy in overseeing the courts, undertook to revamp the courts. New rules were created and enforced. New and educated elders who could better follow the more complex administrative regulations were appointed. This commitment to creating and enforcing court policies was where the new administrative judgements on women, bridewealth and marriage would have the deepest impact. The courts would no longer be able to force women back to their husbands or fathers as long as bridewealth was to be refunded. At the same time the number of women and men creating illicit unions increased, and the state could not grant senior men extensive assistance. While the native courts remained vital to the young men's quest to uphold their vision of marriage in Yorubaland, their success could not be guaranteed.

7 Conclusion

This article has shown the controversies over bridewealth in colonial southwestern Nigeria. This controversy fell within the framework of strained relations between junior and senior men. The junior men debated their stance in print media, wrote petitions to the colonial and native administrators and presented their cases in the native courts. Young unmarried men became newspaper columnists and wrote petitions criticising the impact of exorbitant bridewealth as persistently lamented about their inability to achieve the conditions necessary for marriage and rite of passage to adulthood. They also expressed strong disapproval of the decisions on bridewealth-related issues in the native courts and the continued sympathy of the courts towards the women. Thus, one of the main contributions of this article to African research on gender, marriage and marriage-related practices is its use of a combination of sources - petitions, newspapers and court records - which outline the contest among men and women of different generations and backgrounds and its consequence for conjugal relationships.

Although debates about bridewealth in the form of petitions or in the newspapers are full of several contradictions, these contradictions should be anticipated. Within the various Yoruba communities, marriage expenses varied. Even with the introduction and spread of Christianity and Islam and their two forms of marriages (referred to in Yorubaland as Christian marriage and Islamic marriage) most men preferred *Yoruba* (indigenous) marriage, yet they questioned the fairness and legality of social responsibilities that greatly affected their financial strength. The inconsistencies in the men's concerns cannot be separated from the wider problem of colonial modernisation. The first decade of the twentieth century witnessed Africans' selective

condemnation of African native laws and customs by way and means of supporting their ever-changing positions on fundamental issues and problems, like marriage, that concerned them.

Transformations in African marriage are a worthwhile area of scholarly research as evidenced by growing body of works that continue to emerge, but there are still some gaps. For instance, it will be interesting to take the debates further to the postcolonial period. In other words, how do the transformations and debates under colonialism continued to influence people's understanding of their role and members of their communities and a new independent nation? Much of the present work focuses on the colonial period, yet we need works that chronicle the reconfiguration of the intersection of gendered concerns and debates over marriage since the demise of colonial rule in 1960. Did new forms of concerns emerge after independence? What kinds of political and social conditions or changes ushered in the growth or consolidation of new forms of apprehensions? For instance, by October 1, 1960, several statutes were further enacted to regularise certain customary laws. Many of them were gazetted as local byelaws and were administered by customary courts (previously known as native courts). A typical example is the "Marriage, Divorce and Custody Adoptive Bye-laws" Order 1958, administered in all customary courts of Southwestern Region of Nigeria. This bye-law introduced new sets of ideologies about marrying and obligations in marriage. It is important to know what these new ideologies and dynamics teach us about marriage and gender relations in postcolonial southwestern Nigeria. What is more noteworthy is that political and economic developments since independence have impacted all areas of life in Nigeria especially with the oil boom of the 1970s. There is need for historical research on how expanding and decreasing socioeconomic opportunities, changes in government administration, and the extension of educational institutions, among other developments have transformed marriage, gender and intergenerational relations.

References

Aderinto, Saheed (2015). 'Youth of Awo-Omama Will Boycott Their Girls': Men, Marriage, and Ethno-Cultural Nationalism in Southern Nigeria, 1920–1956.: In: Masculinities and the Nation in the Modern World. Forth Christopher (ed.). Palgrave Macmillan, New York: 243-267.

Alanamu, Temilola (2015). 'You May Bind Me, You May Beat Me, You May Even Kill Me': Bridewealth, Consent and Conversion in Nineteenth-Century Abẹ̀òkúta in Present-day Southwest Nigeria. In: Gender & History 27, 2: 329-348.

Asaaju, Morenikeji (2018). Gender and Marriage: An Exploration of Changes in Marital Relations in Southwestern Nigeria 1914-1960, PhD Dissertation, University of Bayreuth.

Barber, Karin (1991). I Could Speak Until Tomorrow: Oriki, Women, and the Past in a Yoruba Town, Edinburg: Edinburg University Press.

Bascom, William (1969). The Yoruba of Southern Nigeria. New York: Holt, Rinehart & Winston.

Beinart, William (1982). The Political Economy of Pondoland, 1860-1930, Cambridge: Cambridge University Press.

Berry, Sara (1975). Cocoa, Custom, and Socio-economic Change in Rural Western Nigeria, Oxford: Clarendon Press.

Bier, H.U. (1955). The Position of Yoruba Women. Presence Africaine 1: 39-46.

Bravman, Bill (1998). Making Ethnic Ways: Communities and Their Transformations in Taita, Kenya, 1800-1950, Portsmouth, NH: Heinemann.

Brett, Shadle (2003). Bridewealth and female consent: Marriage disputes in African courts, Gusiiland, Kenya. In: The Journal of African History 44, 2: 241-262.

Byfield, Judith (1996). Women, Marriage, Divorce and the Emerging Colonial State in Abeokuta (Nigeria) 1892–1904. In: Canadian Journal of African Studies 30, 1: 32-51.

Collier, Jane Fishburne (1993). Marriage and Inequality in Classless Societies, Stanford: Stanford University Press.

Cooper, Barbara (1997). Marriage in Maradi: Gender and Culture in a Hausa Society in Niger, 1900 1989, Portsmouth: Heinemann.

Coplan; David B. (2001). 'You Have Left Me Wandering About Basotho Women and the Culture of Mobility. In: Dorothy L. Hodgson and Sheryl A. McCurdy (ds.). ''Wicked'' Woman and the Reconfiguration of Gender in Africa, Portsmouth: Heinemann: 188-211.

Fadipe, Nathaniel Akinremi (1970). The Sociology of the Yoruba, Ibadan: Ibadan University Press.

Galletti R. / Baldwin, Kenneth. D. S. / Dina, Ishola O. (1956). Nigerian Cocoa Farmers: An Economic Survey of Yoruba Cocoa Farming Families, Oxford: Oxford University Press.

Jean-Baptiste, Racheal (2014). Conjugal Rights: Marriage, Sexuality, and Urban Life in Colonial Libreville, Gabon. Ohio University Press.

Little, Kenneth (1973). African Women in Towns: An Aspect of Africa's Social Revolution, Cambridge University Press.

Mann, Kristin (1985). Marrying Well: Marriage, Status, and Social Change among the Educated Elite in Colonial Lagos, Cambridge University Press.

Mann, Kristin (1981). Marriage Choices among the Educated African Elite in Lagos Colony, 1880-1915. In: The International Journal of African Historical Studies 14, 2: 201-228.

Moghadam, Valentine M. (1999). Revolution, Religion, and Gender Politics: Iran and Afghanistan compared. In: Journal of Women's History 10, 4: 172-195.

Oyemakinde, Wale (1975). The Nigerian General Strike of 1945. In: Journal of the Historical Society of Nigeria 7, 4: 693-710.

Peel, John (1983). Ijeshas and Nigerians: The Incorporation of a Yoruba Kingdom, 1890s-1970s, Cambridge: Cambridge University Press.

Peel, John (1978). Olaju: A Yoruba Concept of Development. In: Journal of Development Studies 14: 130-165.

Roberts, Richard (2005). Litigants and Households: African Disputes and Colonial Courts in the French Soudan, 1895-1912, Portsmouth, New Hampshire: Heinemann.

Shadle, Brett (2006). Girl Cases: Marriage and Colonialism in Gusiiland, Kenya, 1890– 1970, Portsmouth, NH: Heinemann.

Stephens, Rhiannon. (2009). Lineage and Society in Precolonial Uganda. In: The Journal of African History 50, 203-221.

Ward, Edward (1937). Marriage among the Yoruba. 4. Catholic University of America.

White, Luise (1990). The Comforts of Home: Prostitution in Colonial Nairobi, Chicago: University of Chicago Press.

White, Richard (1991). The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815, New York: Cambridge University Press.

When Women Prefer Repudiation over Divorce

The role of Sadaki (bridewealth) in Marriages, Repudiations and Divorces in Niamey, Niger

Alhassane A. Najoum

1 Introduction

In many African cities, marriages are usually registered or conducted according to customary and/or religious rather than civil law. In Niamey, the capital city of Niger, for example, people rarely conduct civil marriages. The few who practice it do so as a supplementary to the more recognized religious or customary rites. People in Niamey, like many of their counterparts in the south of the Sahara region hold the opinion that a marriage is only valid with the payment of what they call "dot" in French. "Dot" in English literature has several names and meanings. Very recurrent terms are ''dowry'', "bride price" or "bridewealth". Literature on marriages in Africa highlights the importance of bridewealth in African marriages as well as its forms, nature and the roles it plays in conjugal alliances. Even though in the family codes of some African countries the payment of bridewealth is prohibited, it is still popular and a common practice among many ethnic groups (see: Akouhaba Anani 2011).

As in most Sub-Saharan societies, in Niger and particularly in Niamey the payment of bridewealth is characteristic of marriage alliances. In Niamey, it is referred to as *sadaki*[1] or *sadakin aure*, terms in Hausa language[2] that can be described as ''money that a groom gives to his bride through her parents or guardians in order to marry her''. The *sadaki* is a fundamental aspect of a conjugal alliances in Niamey. After a brief review of the literature, this article examines how the amount payable to the bride as *sadakin aure* depends on several parameters. It discusses the position and roles of women in determining the amount of their own *sadaki*, even before their parents get involved in the negotiations.

This article, further, elaborates on why attempts to regulate or fix *sadaki* in Niger by some military regimes and some religious reformists like the '*Yan Izala*[3] have failed. While literature on marriage

---

[1] *Sadaki* (Hausa term) in this context means in Arabic mahr. The latter is a wedding gift that a fiancé must offer to his fiancée during the contract of an Islamic marriage. Mahr is one of the material rights to a Muslim woman who marries."
[2] The use of Hausa terms in this article comes from the fact that, most of my respondents – regardless of their ethnicity – speak Hausa.
[3] *Izala* is one of the largest Islamic movements in Niger. People who follow this movement are called '*Yan Izala*.

tends to focus on the role of bridewealth in conjugal alliances, this article delves on the role of bridewealth in the breakdown of conjugal alliances, an aspect that is largely unexplored. This contribution will therefore discuss the role of *sadaki* in marital breakdowns, especially in cases where women seek divorce.

The term divorce is used in the Islamic Association of Niger (A.I.N.) or in the district courts of Niamey, mostly when a wife decides to dissolve her marriage. In contrast, repudiation (in Arabic *talâq*) is known as an act by which a husband "unilaterally" decides to break the marriage that binds him to his wife. However, the article illustrates that in Niamey, repudiation is not always a unilateral decision of men. When marital conflict reaches a certain threshold, women prefer repudiation over divorce. It further elaborates how the declaration of President Seyni Kountché from 1975 on the setting of the expenses of marriages, affects the access to divorce for women in Niamey today.

This article is part of my doctoral thesis in anthropology dealing with marriages and marital breakdowns in Niamey. I conducted ten months field research in Niamey, between June 2016 and July 2017. This field research focused mainly on three levels of information gathering. The data was collected from several families (family level), religious organizations that fall within the framework of alliances and divorces (religious level) and in courts (judicial level) all in Niamey.

The main data collection technique was participant observation, as part of which I conducted some internships in the two main institutions that manage marital conflicts in Niamey, the Islamic Association of Niger (A.I.N.) and in the magistrate's courts of Niamey. Thus, most of my data is based on observations as well as conversations with married women and men, their parents and other important actors (preachers, *alkalai* (customary or Islamic judges) and civil judges).

There are certainly several ethnic groups of different social classes in Niamey. Despite differences in ethnic and social classes, inter-ethnic and inter-class marriages are frequent. In most of the marriages, Islam plays a crucial role. Furthermore, the Islamic and Judicial institutions that provided some empirical data for this study, discourage the categorization of people into ethnic or social classes in the settlement of marital conflicts. However, some matrimonial practices observed in Niamey do not have an Islamic origin, but customary practices and Islam are intertwined. Thus, this article goes beyond focusing on one ethnic group versus another or one social class over another.

2 Context and problem

Before I describe the case study of *sadakin aure* in Niamey, it is important to review the literature on bridewealth in Africa in general. What distinguishes African societies concerning bridewealth is often its nature and use. The bridewealth in Africa usually comes from the groom or his family to the bride's family during the marriage ceremony to seal the marriage contract and to legitimize the future descendants of the marriage (Colleyn 1982; Munzimi 2006). Depending on the different societies where it is practiced, it can be either in form of money and/or goods. According to Isiugo-

Abanihe, for example, in an Ibo society in Nigeria the bridewealth was offered in the form of tangible goods like cows, goats, yams, etc. He further states that the quantity of donated goods was not fixed. It depended on the status of the bride's family, her physical attractiveness and many other aspects of her abilities regarding farming or household (Isiugo-Abanihe 1994). Other authors, like Bernus, mention that the status of the groom or his family influence the amount of bridewealth as well (Bernus 1992). The bridewealth has several interpretations or significations.

2.1 Dowry, bridewealth, marriage compensation or bride price?

Literature in social sciences offers several interpretations of the bridewealth. It has been called "marriage consideration", "marriage compensation", "pledge of alliance" or "bride price". For Solus Henri (1950) and Nkouendji Maurice (1975) the "dot" (also: dowry) is considered as a purchase price paid by a man to acquire a woman. Nkouendji Maurice, asserts in his participation in the realization of the new family law in Cameroon that

> it is a purchase, it is necessary to proceed (as any sales matter) to the removal especially as the seller most often desires to release his responsibility for custody at the earliest[4] (see: Akouhaba Anani 2011; Bitota Muamba 2003).

However, authors like Bitota Muamba (2003) or Djibo Boukari (1962) do not share this point of view. For them the bridewealth is not the purchase price of a woman.

> "At Sodoké, the greatest insult a husband can inflict on his wife is to let her know that she has been bought by the payment of the "dot" (bridewealth). This can even cause a divorce: some humble families when the "dot" begins to grow to somewhat enormous proportions, refuse to receive it because this amount completely loses its meaning"[5] (Djibo, 1962: 547).

Thus, the term "bride price" is highly criticized. For Mair the bridewealth should not be reduced to the "price of the woman" because the woman remains still a member of her clan or her family even when she is married (Mair 1974).

It is in this framework that Evans-Pritchard proposes the term bridewealth (Phillips 1978), instead of bride price. In this case, the bridewealth symbolizes rights to the marriage not purchase of a woman, in other words, it represents the rights of the husband over his wife and the rights that a father can have over his children (see: Bounang Mfoungué 2012). Furthermore, the term "dot" (dowry) is often used in Francophone literature to refer to the payment of "bride price" or a "matrimonial compensation" that a fiancé gives to his fiancée or her parents before the marriage takes place. But the concept "dot" in French or "dowry" in English, comes from the Latin "dotis" meaning gift. Dictionary Larousse illustrated (2009) defines dowry as "Goods that a woman brings when she gets married." According to Segalen Martine (2004) dowry is a kind of contribution that

---

[4] The authors translation.
[5] The authors translation.

the woman makes to the marriage through an economic contribution necessary for the good functioning of her household.

For Marc Pilon, it is the middle class in parts of French-speaking Africa that translated the term bridewealth as "dowry" (dot). He further asserts that the term "bridewealth" applies to marriages arranged by families based on certain payment schedules, which some call 'price of the fiancée' (Pilon 1994: 135). The same expenditure is also called in the context of many Sub-Saharan societies "matrimonial compensation". Matrimonial compensation here refers to the property that the woman's family enjoys in order to acquire another wife and fill the gap left by the woman who leaves the family or the clan. The woman is seen here as a reproductive agent. This is confirmed by the fact that a woman who dies or separates from her spouse without having given birth causes the return of the bridewealth (Bounang Mfoungué 2012). The bridewealth is therefore perceived as a compensation for the women's family who suffered ''loss'' of one of its members.

In Niger, a country with a Muslim majority, the bridewealth is at the center of the complex process of marriage (Koné / Kouamé 2005). In Islamic law, *mahr* (bridewealth) is one of the material rights of a woman who marries in the same way as the obligation to be cared for by her husband (Asha 1997). It is the "payment" of the bridewealth which claims the right to sexuality. Marriage ceremonies mark the establishment of a sexual as well as a domestic union (Cutrufelli 1983; Phillips 1978). The bridewealth - formerly based on symbolic objects - is nowadays monetarized. The monetarization of bridewealth is a phenomenon which emerged between 1920 and 1945. Explanations for this development could be the increase in Western education with a high demand for educated wives, and parents' desires to recover the cost of a daughter's education through her bridewealth. A second explanation for the (relative) inflation of bridewealth could be an increase in commercial activities and major employment opportunities related to the growth of the public and private sector and the increase of the availability of money thanks to the system of wage labor. Since then, the bridewealth has become a market value with which one calculates and at the same time one of the major challenges that the young men meet during their marriages. It is considered even as a form of "business" (see: Isiugo-Abanihe 1994). This is also what Masquelier (2009) highlights in her book entitled, *Women and Islamic Revival in a West African Town* (Dogondoutchi, Niger*)*. She argues that:

> In the mid-1970s the kyauta arme (wedding gift) had risen to 2,500 francs ($10) in Dogondoutchi and, despite the cap of 20,000 francs[6] ($80) instituted by the govement, bridewealth usually amounted to a considerable sum (Piault 1978: 422). [...] At a time a month, earning the cash necessary to pay bridewealth for a budurwa (unmaried girl) was quite challenging, especially when Dogondoutchi mothers, mindless of the Izala message, decided the marriage would not be "tied" unless their financial expectation were met (Masquelier 2009: 182-183).

Moreover, this monetarization or even the inflation of the bridewealth produces a stabilizing effect for marriages in case of conflict. For Koné and Kouamé, it is even a guarantee for marriage

---

[6] The F.C.F.A. is the name of two common currencies of several African countries, precisely those that were colonized by France.

because in the face of the obligation to reimburse the bridewealth when divorce occurs, the parents influence the behavior and decision-making of their daughters to avoid divorce (Isiugo-Abanihe 1994; Koné / Kouamé 2005). Cooper agrees and writes:

> Since the payment must be returned to the husband if the woman initiates a divorce, high bridewealth can thwart women's efforts to servere a union, for their kin may be unwilling or unable to return it (Cooper 1997: 17).

However, it should be noted that the amount or value of the bridewealth often depends on the type of marriage. For example, in Niger the amount of the bridewealth or its value is often restricted in an intrafamilial marriage.

3 Place and role of women in "sadakin aure" in Niamey

A marriage process in Niamey consists of different stages. Before discussing *sadaki*, the practice of *kudin shiga gida*, literally translated as *home access money* (from the groom) is also important for most of my interviewees. The *kudin shiga gida* is the money that is used at the beginning of a betrothal. This sum varies according to social classes between 20,000 and 50,000 FCFA (between 30 and 80 Euro). The acceptance of this money by parents of a woman means the acceptance of the suitor and marks the beginning of an engagement.

It is usually followed by discussions on the amount of *sadaki* that the groom must give to be allowed to get married to his fiancée. According to existing literature, these discussions are held between the parents of the couple. However, the findings of this research show that today in Niamey these discussions or negotiations are taking place between young girls and their suitors before their respective parents even get involved in the process. Girls often make it clear to their suitors how much they expect as *sadaki* and they set this amount according to several parameters. They often fix it according to the amounts received by their elders, sisters, and / or friends who are already married. There seems to be a competition between women and even their families in this context. The following excerpt from an interview with Safiat[7], a young educated married woman whom I met in Niamey proves this:

> Long before I met Ila, I had several suitors. Among them, were great tradesmen and simple students of the university. My relationship with some of them lasted for seeral months and others for many years. They kept asking me for the green light so that they could send their parents to meet mine and start the marriage process. But at that moment, I did not want to get married to any of them. I was still waiting for my angel. I stayed with some until the time I met Ila. We got to know each other, and I undestood that he was interested in me. Weeks after our meeting I realized that he is a young magistrate looking for a wife. Few months into our relationship, I knew that he is the man I've been waiting for since. Allah has finally brought him to me. When he asked my hand in marriage I did not hesitate for a moment. He asked me how much he will

---

[7] Pseudonym.

give for my *sadaki* (*sadaki na*, in Hausa). I asked him how much he can give, he told me 500.000 FCFA (769 Euro). I told him no, it's very little, and by the way it's the same amount my aunts had as *sadaki* and some friends in the neighborhood. Then, I multiplied the proposed sum by two. I told him to bring 1,000,000 FCFA apart from the suitcases and other expenses that are part of the wedding ceremony ... On the day of the delivery of the *sadaki*, his parents came with 1,000,000 FCFA in cash and five suitcases filled with goods worth more than 500,000 FCFA. Today I am his wife ... (Interview, 01.04.2017).

At the beginning Safiat had accepted several suitors and stayed with them while giving everyone some hope of getting married to her until she met a young magistrate who met some of the essential criteria she had in mind and whom she chose to marry. This practice of having several "candidates" is not unusual for young girls of marriageable age in Niamey. Many married girls and women I interviewed considered this practice as normal. For example, a mother I interviewed mentioned that: "A girl should not rely on a single man because in Niamey men have no guarantee. He can leave her for another at any time. So, in this case, how is she going to do it (marriage)?" (Interview, 15.05.2017).

The case of Safiat shows that women discuss with their potential husbands how much they expect as *sadaki*. Describing it as *"my sadaki"* illustrates not only the power of a woman in determining the amount but also her role in the marriage process. Safiat had control over her intimate relationships with her suitors and she had the decision-making power over what would later be her *sadakin aure.* The differences concerning the amounts of *sadaki* are linked to several aspects, one is the marriage status of the women and the other aspect is their ethnic background. Girls who have never married before are called *budurwa* or *yan mat*a in Hausa and considered virgins. For them a *sadaki* must be higher.

Concerning the aspect of ethnicity, the *sadaki* of an Arab or Tuareg girl is usually higher compared to women from black-African descendants. I often heard men saying that "*buzuwa*[8] *tsada gare ta*" or "buzuwa is expensive". Very often getting married to a *buzuwa,* if one is not of the same ethnicity as her, is a way of demonstrating economic success, financial or social prestige. Many large traders in some neighborhoods of Niamey were married to their cousins when they were young. Their first marriages are usually endogamous. Most of them take *ba'abzina* (generally women with lighter skin and long hair) as second wives to demonstrate their economic successes. To be perceived as financially successful, it is often necessary to build a beautiful villa in which one "puts a new *amarya* (bride)" who has light skin. Some men and women go to the extent of comparing a woman with a fair complexion to a light (electricity) that illuminates a house. They say in Hausa: "*farar mace lantarkin gida*" or "a woman who has a light skin is the light (electric) of a house".

In Niamey, the amount of *sadaki* also depends on the marital status of the bride. The *sadaki* of a young girl is not the same as that of a divorced woman with or without a child. The number of

---

[8] The Tuaregs are often called *buzaye* in Niamey which is the plural of *buzu* or *buzuwa*, referring to male and female, respectively. But the term can be pejorative because can mean "liberated slaves". That is why Tuaregs themselves prefer to use the term *abzinawa*, comes from Abzin or Aïr and translated as Tuaregs.

children often affects the amount of *sadaki* of a divorced woman. It usually decreases with the number of children. My observations and interviews show that the *sadaki* of a girl who has never been married before could, in most cases, be higher than that of a woman who has three children. It should be noted here that not marrying before is not the single determinant of the amount of *sadaki*. The latter may also depend on the attractiveness of a woman. For example, in Niamey, men speak of *macce mai caisse* which literally means, "a woman who has a (good) body" and in contrast to this term they speak of *gajiyayya,* which can be translated as a woman who is ''tired''. Thus, the *sadaki* of a woman who has a "good body" is higher compared to the one who is described as tired, irrespective of whether the latter has children or not. Therefore, when a man wants to marry a woman who had married before, he enquires about the number of children she bore. However, my observation shows that marital status of young girls as *yan mata* or *zawarawa* (repudiated, divorced or widows) has strong influence on their *sadaki.*

In neighboring Nigeria, a digital agency called Ankle even launched an application called Bride Price which can be used to calculate in a few clicks the "value" of a bride's bridewealth based on criteria ranging from height to weight as well as cooking skills. Based on this application for example, a *sadaki* of a mixed-race woman with "Beyoncé's legs" or the "teeth of happiness'' would be considerably high. On the other hand, for women who are overweight or have tattoos, the calculated sum would be lower. This application has attracted many people in Africa, with Jeune Afrique (Juompan-Yakam / Niakate 2015) reporting that in three months, the application had registered about 4 million visitors.[9]

Based on my observation, this kind of categorizations are related to social changes happening across the society in which both parents and suitor commodify a woman on a scale based on her physical appearance. It is not only the *sadaki* that is debated in Niamey, but also other financial burdens on men that precede the proper "payment" of the *sadaki*. These are in forms of material presents/gifts and financial help to fiancées and parents' in-law. It is in this perspective that Ouassa writes:

> The "dot"[10] is today overbought and commercial in nature, enormous sums are being demanded from young people. From the engagement period until the wedding it is an incessant flow that circulates, the gifts and benefits that are added to it are multiplied [...] Where before sheep were gifted to tie the engagement, we see now a sequence of gestures and gifts that mix, money, work and presents [...][11](Ouassa 2013: 48).

Each case of marriage followed and observed as part of this research, in Niamey, cost (on the side of a fiancé) at least 700.000 FCFA, roughly 1.000 €. To understand this amount as huge, one needs to put it in the context of Niger, a country where it is still very difficult to find a paid job and even if one works the average salary of an ordinary employee is less than 100,000 FCFA or 154 € per month. As a result, men often face financial challenges to get married. These difficulties are often

---

[9] The authors translation.
[10] Like some other authors already cited she uses the term "dot" instead of bridewealth or (richesse de la fiancée) in French.
[11] The authors translation.

related to 1) integration into the labor market and 2) raising the amount of *sadaki.* These difficulties often force them to postpone their conjugal alliances. Even when men decide that they are willing to get married they are "forced" to ask for financial contributions called *gudummawa,* in Hausa, from their "Parents Amis et Connaissances" known as P.A.C. This implicit demand for this contribution is often expressed through the printing and distribution of so-called "carte de reunion" or "meeting cards" and/or those called "*carte d'invitation*" whose purpose is mainly to get financial support from family and friends. For men in Niamey this collection of money is crucial to come up with the sum of *sadaki* as well as covering other expenses regarding the marriage ceremonies. Concerned about the struggles men and women encounter on their way to get married the government in Niger reacted and tried for the past decades to regulate marriage expenses.

4 Attempts to regulate marriage fees and the resistance by women in Niamey

Sadaki inflation is not a new phenomenon and attempts to regulate marriage expenses started during the colonial period. As Barbara M. Cooper points out:

> [...] the matter of greatest interest to both the colonial and postcolonial governments after 1945 was that of the high cost of marriage. The colonial government saw the cause of "social disequilibrium" and in 1951 attempted to regulate it through the Jacquinot decree (Cooper 1997: 16).

President Kountché (1975) tried to regulate marriage expenses again after realizing their inflation. He made the following remarks to the women of Niamey*:*

> Faced with this social chaos, the CMS (Conseil Militaire de Sécurité) has decided - I am confirming it - that, from now on, we will not tolerate any wedding celebrated with ostentation and extravagance. Wedding expenses cannot exceed 50,000 CFA francs; noisy bridal processions spilling out of the town hall with fake veils and a nouveau-riche look are strictly forbidden. Equally forbidden - I am declaring today - are the one hundred roasts that have surfaced out of who knows which gluttonous tradition. [Forbidden] as well are the collections of outfits for the bride conspicuously exhibited throughout the city's streets and the loud and pretentious baptisms (see Masquelier 2009: 180).

As the author explains later in her book, President Kountché did not mention Islam in his speech, yet his speech is based on an image of Islam in which the ostentatious practices have no place. But this statement could have been influenced by some religious groups. President Kountché, according to my findings, had a very important relationship with some founding members of the Islamic Association of Niger (A.I.N.). What is also interesting is that Kountché's speech was directed at Niamey's women, often known for their "ostentatious" practices that the president considered as a "social chaos".

However, these different attempts to regulate the cost of marriage or *sadaki* were not successful. Although the president spoke about wedding expenses in general and certain practices (such as the famous roast the day after the harnessing of weddings and wedding uniforms that women wear during weddings) he did not specifically mention *sadaki*. However, one can understand by his speech that he tried to fix it by limiting all expenses within 50.000 FCFA. In the same vein, it seems that President Salou Djibo, during his military transition in 2010-2011, unsuccessfully tried to fix the *sadaki*. It is obvious that parents and their daughters have resisted attempts to fixing marriage fees, especially the amount of *sadaki.* A woman I met said:

> The government has no reason to forbid parents or young girls from setting the amount of sadaki they want to have. Why is he going to fix that? Where was this government when people raised their daughters? (Interview, 19.09.2016).

During the administration of President Salou Djibo, young girls whose amount of *sadaki* equaled the amount set by the president were referred to as "*Salou Djibo* promotion". In addition to different military regimes that attempted to control marriages, there are other public reformist discourses such as those of *'yan Izala* who propagate a frugal ideology concerning marital practices or ceremonies. They preach for both men and women to simplify marriages and avoid what they consider "turpitudes" that cause the "degradations" of the traditions (See also Masquelier 2009). The question begging for answer is why these different attempts have failed and why women and their parents do not want marriage fees to be fixed?

4.1 Reasons for failure

The women and their parents oppose any attempt to fix *sadaki* for several reasons, one of which is the religious or Islamic belief among the Niamey population. People in Niger believe that Islam sets the *sadaki* as one of major principles of marriage. However, Islam, according to some *ulema*, has never fixed its amount at least not regarding the upper limit. In this debate there are two contrasting Islamic schools of thought. They both agree that a *sadaki* in Islamic law should not have an upper limit, even if they do not encourage its inflation. The debate regarding *sadaki* focuses rather on a minimum amount one would have to pay.

Thus, according to Maliki school[12] of jurisprudence the *sadaki* has a clear minimum amount which is *rubu'ud-dinar,* literally ¼ of dinars. The *rubu'ud-dinar* worth, according to some of these scholars is about 50,000 FCA, around 77 €. In contrast, scholars adhering to the second school of thought, based on their understanding of hadith argue that the amount of a *sadaki* has neither a minimum nor maximum. According to them anything that is useful or anything that has value can be accepted by a woman, a girl or her parents, as her *sadaki* (a ring, a watch, a sheep, for example). The main reason for the perception of the hadith scholars is that during the time of Prophet Mohammad a ring of no great value was given as *sadaki.* A girl or a Muslim woman can receive as *sadaki* from 1 FCFA up to one million Euro or US Dollar, or more. But, on the other hand, both

---

[12] The Maliki School (*madhāhib)* is one of the four great schools of Sunni Muslim law (*fiqh*).

agree that anything that is considered as *haram* or forbidden in Islam, should not be accepted as *sadaki.*

The second reason which may explain the failure of these attempts to regulate marriage expenses is rather cultural and directly related to the use of the amount of money collected as *sadaki.* It is cultural and not Islamic because the *sadaki* in Islamic law belongs to the woman. The *sadaki* does not belong to her parents or anyone else. This is also why in the Nigerien context, the *sadaki* is not perceived as a marriage compensation or bride price. It is much more a "wedding payment" or a "pledge of relationship" that the suitor gives to his fiancée so that it becomes lawful to him to sexually engage with her. However, culturally when the *sadaki*[13] is given by potential husband or his parents to bride's parents, it is given not to the woman or bride herself but rather through her female parents or guardians. If *sadaki* money is not given to the young girl or woman who is getting married, then how is that money going to be used? What do their parents do with it?

5 The use of sadakin aure in Niamey

"*Macce da sadakin ta ne ake yi mata kayan daki*" is a common statement of mothers whose daughters are getting married in Niamey. This expression can be translated as: "woman's *sadaki* is used for furnishing her house". Apart from new sets of clothes, shoes, and cosmetics a bride takes to her conjugal household (traditionally known as *tsaraba* in Hausa, better known nowadays as valise or suitcase), the maternal family furnishes her new home with furniture and kitchen wares. That is known in Hausa as *kayan daki*, literally, "things of a room" which are all things needed in a matrimonial home.

In Niamey, amounts collected as *sadaki* are used for the purchase of items, such as beds, mattresses, sheets, lounges, wardrobes, dressing table, furniture, curtains, tablecloths, carpets, the famous "glasses of champagne", flowerpots, television sets, DVDs players, etc. These products are used to equip and decorate the interior of the bedroom of married women. Apart from these products there are many products used generally outside the rooms, for example, pots, large thermos, boilers, buckets, brooms, etc. Thus, *sadaki* is inflated based on the prevailing inflation rate in Niamey. In this regard, inflation and increasing cost of living in Niamey could be understood as the "problem" not the bridewealth "per se".

Most of the products mentioned above are not produced in Niger. These are products imported from neighboring countries and/or from other continents such as Asia and/or Europe which make them "very" expensive. Moreover, women are generally proud when their furniture is imported since local products are perceived as cheap and of poor quality. This is what Barbara M. Cooper observed in Maradi in the 1990s when she argues:

---

[13] The *sadaki* is usually accompanied by suitcases. These suitcases are today almost obligatory in a marriage. The non-provision of suitcases can even cancel a marriage process. A few decades ago one suitcase was demanded, but nowadays three or more suitcases are expected. They can be empty or full of loincloths, *bazins*, jewels, cosmetics, etc. When they are empty, apart from the amount of the *sadaki*, usually these bags are accompanied by another sum of money provided for the purchase of these products. These are the products that brides use during their first months or years of marriage.

> Women's preference for the more prestigious imported cloth [...] These new items must be purchased on the market and cannot be produced by women themselves [...]" (Cooper 1997: 101-103).

However, exorbitant *sadaki* is often commensurate to the skyrocketing cost of living in Niamey since it is not enough or sufficient to buy all the aforementioned products. Therefore, parents and close relatives of the bride have some moral duty to contribute money or goods (*gudummawa)* so that their daughter or their niece is provided with such items. A woman with a poorly equipped household can be a subject of gossip and ridicules in the neighborhood. The brides often feel embarrassed, a situation that sometimes triggers conflicts and leads to marital breakdown in Niamey.

To tackle these challenges, some reformists like the *'yan Izala* argue that women have no religious obligation to use their *sadaki* for the purchase of *kayan daki* and that a husband who wants his home nicely equipped should take the burden not his wife or his parents-in-law. Moreover, if in Niamey, the *sadaki* is not given in cash to the girl who is getting married, it is finally returned to her in another form. Once in her matrimonial home this property belongs to her. Therefore, in cases of marital conflict, women sometimes prevent their husbands from sleeping on their beds or lounges. In addition, it should be noted that the purchase of the furniture, bedding and cutlery is the responsibility of the parents or guardians in cases of marriages of girls who were never married before and considered "inexperienced". This is because these parents think that those young girls could mismanage their *sadaki*.

It is probably the existence of these realities mentioned above that led to the *sadaki* being recognized[14] in the latest preliminary draft of the Family Code in Niger. In addition, this preliminary Family Code did not limit the amount of *sadaki* but has recommended it to be moderate.[15] In Niamey, *sadakin aure* is not only discussed in the context of marriages, but also in a very lively way on marital breakdown or divorce.

5.1 The sadakin aure in divorce.

In Niamey, there are three main forms of conjugal breakdowns, *Tashi* the "simple" and temporary separation between spouses, repudiation and divorce. It is in the third form (divorce) that one speaks about the *sadaki* and its refund. Generally, if a man repudiates his wife, he is not entitled for a refund of *sadaki* from his wife or her relatives. However, if a woman is the initiator of a marital breakdown, reimbursement of the *sadaki aure* is discussed. This practice of reimbursing *sadaki* by a woman or *ramkon sadaki* is rooted in Islamic history espoused by a story of woman who

---

[14] Chapter II of the latest preliminary draft of the Personal Status in Niger or Family Code (September 2010) deals with *sadakin aure* extensively. In some African countries the bridewealth is sometimes abolished or recognized. In Burkina Faso and Ivory Coast, for example, the bridewealth has been abolished. In Ivory Coast it has been banned since 1964. While in some countries such as Benin or Togo it has been recognized and codified. In Togo it has an optional character and its amount should not exceed 10,000 FCFA (15 Euro), for example. However, having family Codes that regulate or abolish bridewealth is one thing, but applying these Codes in the daily lives of the populations concerned is another (See Akouhaba Anani 2011).

[15] See the article 27 of the preliminary draft of the Personal Status in Niger (Avant-Projet du Statut Personnel au Niger 2010).

"liberated" herself from her marriage by the same practice as explained to me by one of the Sunni scholars in Niamey:

> At the time of prophet Muhamad, there was a woman who lived with her husband. One day, he (her husband) had male guests at his home. While her husband was discussing with his guests in the court, the woman who was in her room observed the guests through her window. She realized that the visitors were taller and more handsome than her husband. Later, she went to the Prophet and told him that she no longer loves her husband. The Prophet asked her what she received as sadaki from her husband. She answered him "a garden". The Prophet asked her to return the garden to her husband. She returned the garden and he released her. This is called *Khul'i* in Arabic (Interview, 26.07.2016).

Since then any woman who wants to divorce from her husband must reimburse the *sadaki,* if her husband asks her to, regardless of the duration of her marriage and/or the number of children she has with him. The *sadaki* belongs to the woman, but with the condition that she remains in her household and does not seek divorce. It is thus the *sadaki* that binds the spouses. One of the first conditions accepted by all actors and institutions engaged in the divorce process is the reimbursement of the *sadaki* by the married woman to her husband. Many of the men I interviewed made reimbursement of *sadaki* a necessary condition, not only for a divorce but also for a repudiation desired by their wives. That is, without going through an intermediary institution or a judge.

However, during conflicts and/or conjugal breaks, the economic situation of women, the system and/or the inflation of the *sadaki* plays in favor of men. Owing to these aspects some men manage to "keep" their wives despite certain marital conflicts. Because when the amount of *sadaki* is important, it becomes more complex and complicated for a woman to free herself or get divorced. It is from this perspective that some authors (Cooper 1997; Komé / Kouamé 2005) cited above attribute to the brideweath a certain stabilizing effect of conjugal alliances.

In Niamey this statement is partly true. The results of my observations and interviews show that *sadaki* inflation can make a marriage stable especially when the negotiations of conflicts are at family level. Often, parents faced with the obligation to repay the husband, lobby or ask their daughters to be patient and return to their husbands. Even so, it must be noted, faced with the inflation of the *sadaki* and the economic context in which most of women do not have a paid job allowing them to pay their "liberation" through the reimbursement of their *sadaki*, they have developed and continue to develop strategies to push or even "force the hand" of their husbands to liberate them through repudiation. Contrary to what one might think, repudiation is not always a unilateral decision of men. Women, too, have real powers in this context.

This means that often, women who want to breakdown their marriages, even before their conflicts go out of their respective homes, do not generally sit idly by. This is what emerges from most interviews with my respondents and a dozen cases of couples followed for monographic studies. When they want to leave their husbands, they largely prefer repudiation over divorce. It is when their husbands refuse to repudiate them and from the moment the negotiations go beyond the

family level that the deal changes, even when the *sadaki* was the subject of a sum of money considered as high or important. In Niamey, there are two main institutions that are known in divorce settlement. One is a religious organization, the Islamic Association of Niger (A.I.N), the other is a judicial one, namely the courts. It is to these to employ the regulatory procedures to that I turn next.

6 Reimbursement of Sadaki by women in case of divorce.

Generally, at the family level the amount to be reimbursed, when a woman wants to break her marriage "without valid reason", is the amount of her *sadaki* received during her marriage, as mentioned above. It is also one of the reasons that push some women to "force the hand" of their spouses to repudiate them. It is one of the reasons why some women in *tashi* (separation) are neither protected nor supported by their parents. Further, that is why some parents even require their daughters to leave their husbands' homes only when they have their *takarda saki*, literally "release paper" or repudiation paper, at hand.

However, the amount of *sadaki* to be refunded changes when the case is taken before the *Alkali* (customary and/or Islamic judge) of the A.I.N. or before one of the judges of the five district courts of the capital. At the level of these institutions, the amount is nowadays almost fixed. It is usually 50,000 FCFA (77 Euro), except in cases where the marriage has not been "consummated". For example, in A.I.N., if the marriage has not been consummated, the Islamic association finds it to be a sort of fraud on the part of the woman. The woman is then asked to reimburse the *sadaki* received by her or her parents, or all the expenses incurred by the husband during the marriage.

But if the marriage was consummated, in clear terms, if there was sexual intercourse between spouses, it is thought, even if it is not clearly stated, that the husband has consummated or spent a good part of his money. The wife is then asked to reimburse not what the husband gave her, but rather 50,000 FCFA (a sum often announced during the sealing of marriages), even when the husband has paid 500,000 or 1,000,000 FCFA, announced as *sadaki* in the neighborhood, and sometimes broadcasted on some social networks like Facebook and/or WhatsApp. But in case it has been said, for example, that the *sadaki* is 500,000 FCFA during rituals for marriage sealing, the *Alkali* divides the sum into two. He asks the woman to reimburse half of the amount. At this moment the husband "loses" half.

This is one of the reasons for the presence of spousal representatives during - Islamic or judicial - hearings or trials. Some husbands, to whom taking this money is considered a shame, drop the refund, while others protest. Generally, these are those who have relatively young marriages and wives who are often childless, or those with one or two or sometimes three children. Moreover, a woman divorced without child is designated in Niamey by the Hausa term *sakin wawa* or "*liberated by a fool*". It is to avoid being considered as "double fool" that some men interviewed, require reimbursement of *sadaki.*

At the level of the district courts of Niamey, the principle is almost the same, except that women applying for divorce for a consummated marriage are always asked to refund 50,000 FCFA to their

husbands. This fixation of an amount in case of divorce surprises most of the men in conflict with their wives who I met at the A.I.N. and/or at court. How can this principle be explained? What is its origin?

This practice is connected with attempted *sadaki* regulation in the 1970s (during the regime of president Kountché). As I mentioned earlier, after noting the magnitude and inflation of the wedding expenses, the Kountché regime tried to set them at 50,000 FCFA. He led one of the most feared military regimes in Niger. Thus, for fear or being prosecuted by the regime of the day, according to a lawyer interviewed who knew this regime, people stopped public announcement of the exact amount of *sadaki* they gave or received during the process of their conjugal alliances. At the *Fatiha* (Islamic public rituals for marriage sealing) for example, they announced only 50,000 FCFA, even when the ''true'' amount was ten times more than that. The Islamic Association of Niger often considered a "state instrument", could not oppose this statement although this decision is somehow contrary to the Islamic law itself.

The members of the A.I.N., who were sometimes assessors in courts (see also Hassane et al. 2006) and certain Courts such as the Court of Cassation, could not give so-called customary opinions contrary to this declaration during the hearings related to divorce. Thus, at the level of A.I.N. the declaration has since become a rule considered as customary. Even today, most of the civil status officers and most of the Niamey court judges, some preachers and those who consider themselves to be intellectuals, regard this as law. But it is not, it is neither a custom[16] nor a law. In Niger there is still no law that fixes the amount of the bridewealth. It is through this "political" statement that president Kountché verbally fixed the marriage expenses.

It should also be noted that there are some associations and religious or Islamic actors that oppose any fixation of *sadaki*. Most women interviewed, whether married or not, do not accept the idea of setting the amount of *sadaki* or wedding expenses: "50,000 francs my 'dot'? No, never, I'm not a goat anyway". This is the first reaction of most girls of marriageable age asked about *sadaki* during talks and/or interviews. Thus, implying that they perceive their own "worth" much higher to this sum, which in their eyes is only suitable for a goat.

It can, therefore, be safely said that the measure taken by the president Kountché, to ease marriage contract in favor of men has today turned out to play an important role in favor of women when they want divorce at the two institutions mentioned above. It is also clear that these institutions are knowingly or unconsciously trying to change some of the practices related to divorce. In the face of the recurring failures of Family Codes in Niger (Alidou 2005) or Personal Status projects, which would give women some protection and some power,[17] these institutions often protect women and facilitate women's access to divorce. Nowadays, many women in Niamey do not need to sell their *kayan daki* to reimburse their husbands when they want divorce.

---

[16] It may be qualified as an administrative or legal custom. But it is far from the custom of the parties. For according to Robert (1994: 5201), custom is an "oral legal usage, consecrated by time and accepted by the population of a given territory" (translated by the author).

[17] See articles 17, 33, 39 of the preliminary draft of the Personal Status in Niger (Avant-Projet du Statut Personnel au Niger 2010), for example.

7 Conclusion

As in many African societies, bridewealth still plays an important role in conjugal alliances in Niamey. As already shown by other studies, the bridewealth can vary in its forms and can have different meanings as well. Often regarded as a "bride price" or "marital compensation", the *sadaki* in Niamey or in Niger in general, is not considered as such. It is rather seen in Islamic law as a pledge that a suitor gives to his fiancée for a lawful sexual engagement. On the other hand, *sadaki* is a financial support mechanism allowing parents of a bride to provide her with furniture and other materials necessary or useful for her new life in her matrimonial home.

In Niamey there have been several attempts to limit or regulate marriage expenses, but these attempts did not produce the expected results. With the help of empirical data, this article illustrates why these attempts were not well received by the population of Niamey. It also showed how and why Niamey women resisted and are still resisting these attempts. Furthermore, the article elaborated that the stabilization of marriages by the 'inflation' of the bridewealth in Niamey today depends on the level of negotiation, actors or institutions that are involved in the settlement of marital conflicts. The article concluded that women who want to break their conjugal alliances prefer repudiation over divorce. Since repudiation allows them to break their marriages without 1) going through one of the two institutions that manage marital conflicts in Niamey and 2) the reimbursement of their *sadakin aure.*

References

Akouhaba, Anani Isabelle (2011). La Dot dans le Code des Personnes et de la Famille au Benin, Burkina Faso, Côte d'Ivoire et Togo. In: Les droits de la Femme et de l'Enfant. Réflexions Africaines, Women and Children's Rights. African Views. Lagoutte Stéphanie / Svaneberg Nina, (éd.). Paris. Karthala: 223-250.

Alidou, Ousseina D. (2005). Engaging Modernity. Muslim Women and the Politics of Agency in Postcolonial Niger. Madison. University of Wisconsin Press.

Asha, Ghassan (1997). Mariage, polygamie et répudiation en Islam: justification des auteurs arabo-musulmans contemporains. Paris. L'Harmattan.

Avant-Projet du Statut Personnel au Niger (SPN) (2010). Ministère de la Population, de la Promotion de la Femme et de la Protection de l'Enfant. Projet de Renforcement de l'Equité en Matière de Genre (PREG). Version Amendée et Validée par le Comité d'Ethique. Septembre 2010.

Bernus, Suzanne (1992). Le mariage chez les Isawaghen d'In Gall. Extrait des carnets d'enquête de Suzy Bernus. In: Journal des Africanistes. Tome 62. Fascicule 2. Mémoire de Sable: 219-238.

Bitota, Muamba Joséphine (2003). Recherches sur le Statut Juridique des Femmes en Afrique. Thèse de Doctorat en Droit. Université des Sciences Sociales de Toulouse.

Bounang, Mfoungué Cornelia (2012). Le Mariage Africain, entre Tradition et Modernité: Etude Socio- anthropologique du Couple et du Mariage dans la Culture Gabonaise. Sociologie. Thèse de doctorat. Université Paul Valéry - Montpellier III.

Colleyn, Jean-Paul (1982). Eléments d'Anthropologie Sociale et Culturelle. Bruxelles, Université de Bruxelles, 3e éd.

Cooper, Barbara M. (1997). Marriage in Maradi. Gender and Culture in a Hausa Society in Niger. 1900-1989. Portsmouth. NH. Heinemann.

Cutrufelli, Maria R. (1983). Women of Africa: Roots of Oppression. Translated by Nicolas Romano, London, Zed Press.

Djibo, Boukari (1962). La Dot chez les Kotokoli de Sokodé. Recueil Penant: 546-556.

Hassane, Moulaye / Doka, Marthe / Makama, Bawa Oumarou (2006). Etude sur les Pratiques de l'Islam au Niger. Ministère de l'Intérieur et de la Décentralisation. Bureau de Coopération Danoise-Niger. Rapport provisoire.

Isiugo-Abanihe, Uche C. (1994). Consequences of Bridewealth Changes on Nuptiality Patterns among the Ibo of Nigeria. In: Nuptiality in Sub-Sahara Africa. Contemporary Anthropological and Demographic Perspectives. Caroline BLEDSOE/Gilles PISON (eds). Oxford, Clarendon Press: 74-90.

Juompan-Yakam, Clarisse / Niakate, Haby (2015). Dot en Afrique: mariés à tout prix. Available at: https://www.jeuneafrique.com/mag/258739/societe/dot-en-afrique-maries-a-tout-prix/. (Accessed on 18.02.19).

Koné, Mariatou / Kouamé, N'Guessan (2005). Socio-anthropologie de la Famille en Afrique. Evolution des modèles en Côte d'Ivoire. Abidjan: Les éditions CERAP.

Mair, Lucy (1974). Le mariage. Etude Anthropologique. Paris, Payot.

Masquelier, Adeline (2009). Women and Islamic Revival in a West African Town. Bloomington. Indina University Press.

Munzimi, Jean-Macaire M. (2006). Les Pratiques de Sociabilité en Afrique: les Mutations Culinaires chez les Ambuun. Paris. Publibook.

Ouassa, Tiekoura (2013). Interventions en Milieu Rural et Changement Social au Niger. Actions et Réactions des Femmes. Paris. L'Harmattan.

Phillips, Arthur (1978). Survey of African Marriage and Family Life. International African Institute. London. Oxford University Press.

Pilon, Marc (1994). Types of Marriage and Marital Stability: The Case of the Moba-Gurma of North Togo. In: Nuptiality in Sub-Saharan Africa. Cotemporary Anthropological and Demographic Perspectives", BLEDSOE Caroline & PISON Gilles (eds.) Oxford, Clarendon Press :130-147.

Segalen, Martine (2004). Sociologie de la famille. Paris: Armand Colin (5ième éd.).

Solus, Henri (1950). Le problème Actuel de la Dot en Afrique Noire. Revue Juridique et Politique de l'Union, 1950/1959: 453-471.

Gender Equality for Whose Sake?

Discursive Strategies of Legitimizing Gender Equality in Nigerian Newspapers

Umar Ahmed

1 Introduction

In recent years, the issue of participation of women in democratic governance process in Nigeria has become a recurrent topic in many Nigerian newspapers. One may hardly read Nigerian newspapers without coming across an article about political participation of women and other gender issues. Since 1999 when democratic governance returned to Nigeria after nearly two decades of military dictatorship, the country has witnessed an unprecedented surge in the wave of gendered discourses in the nation's print news media. The country's return to democracy has expanded the activities of many gender activists and conservative individuals and groups, who tend to use language[1] to oppose or support systems of gender relations in the country. One major forum in which such positions are expressed is opinion articles[2]. As a sub-genre in newspapers, opinion articles (in Nigerian context) present an influential way of constructing and legitimizing particular relations between men and women in the society.

However, much as discourses on gender in Nigerian newspapers exist, little scholarly attention has been paid to how female authors of opinion articles linguistically justify and legitimize particular relations between men and women in the newspapers. This paper therefore seeks to add another voice to the few studies that examine how language is used to perpetuate, maintain and challenge social inequality between men and women in the Nigerian society[3]. It does this by employing methods of and insights from critical discourse analysis (CDA) to analyze how some female authors use language to legitimize participation of women in Nigerian politics and social

---

[1] I am using the term 'language' in a sociolinguistic sense, which sees it as "a primary means through which the social world is constructed" (Muntigl 2002: 49). In this regard, language is seen as a tool used by individuals not only to exchange information, but also convey to one another what kind of people they are – constructing and negotiating their social identities.

[2] An opinion article is a piece published in newspapers that mainly reflect the author's view on a particular subject or topic.

[3] This paper is part of my PhD research project, which was funded by the Bayreuth International Graduate School of African Studies.

equality between men and women in fifty female-authored opinion articles in five national newspapers in Nigeria, namely: *Daily Trust*, *The Guardian*, *The Punch*, *New Nigerian*, and *Vanguard* published from 199 to 2014. CDA is an approach to discourse studies that investigates the use of language as an instrument of social control. CDA is a relatively new research paradigm that seeks to demonstrate how language serves as an active agent in the construction of social reality through the illustration of how it is used to enact, legitimize and sustain social and political inequalities in discourse (Fairclough 1989; van Dijk 2001; Wodak 2001). Wodak et al. (1999: 8) indicate that:

> The aim of critical discourse analysis is to unmask ideologically permeated and often obscured structures of power, political control, and dominance, as well as strategies of discriminatory inclusion and exclusion in language use.

The focus of much CDA work is, therefore, on the linguistic resources used by certain individuals and groups to stabilize or even intensify social and political inequalities in society. This orientation of CDA is based on the assumption that language is not a neutral tool of communication. This makes the framework of CDA very suitable for the current research, which seeks to show how language is used to construct gender identities and ideologies that can perpetuate, maintain and challenge systems of gender relations in society.

Investigating how particular gender power relations between men and women are constructed through language use in the media, especially newspapers, is particularly important. As Mills (2003: 185) notes, gender ideology in society, or shared beliefs about who men and women are and the relations between them, "are often authorized in some sense through being mediated by the media", which tend to influence the way individuals may perceive and construct sense of selves in relation to others. Bearing this in mind, the article analyzes how gender equality is legitimized through the use of certain discursive (argumentation) strategies in the newspapers.

The article is organized as follows: Section 2 discusses the concept of discursive (argumentation) strategies. The data and methods of data collection are discussed in section 3. In section 4, I analyze data and present research findings. Section 5 concludes the study.

2 Discursive (argumentation) strategies

In discourse-historical approach (the approach to CDA adopted in this study), discursive (argumentation) strategies represent a category of analysis which examines how arguments are articulated against or in support of particular positions (see Reisigl / Wodak 2016; Wodak et al 1999). A key tool of analysis of argumentation strategies employed in this study is *topoi*, or argumentation strategies. Reisigl and Wodak (2001: 44) talk of these strategies as 'systematic ways of using language' to achieve a particular communicative goal (Reisigl / Wodak 2001: 44). van Dijk (2000: 97) defines *topoi* as parts of argumentation that "represent the common-sense reasoning typical for specific issues". In the same vein, Wodak (2009: 42) describes topoi as:

parts of argumentation which belong to the obligatory, either explicit or inferable premises. They are the content-related warrants or 'conclusion rules' which connect the argument or arguments with the conclusion, the claim.

Topoi have also been viewed as "conclusions or thematic propositions used to refer to a particular group or event", or a line of argument (de Luna 2013: 80). In this study, topoi have been identified as a significant means by which particular positions on gender attributions of identity are legitimized. Topoi are considered important in this research because, as Zampetti (2006: 26) observes, "they [can] help us uncover deeper meanings in arguments." In that, as he further observes, examining topoi can "offer us a systematic, organized process whereby we can acquire, interpret, manage and use information (in the form of arguments) critically" (ibid: 23). In section 4 I will discuss the six topoi that featured in the legitimation of gender equality in the data. These include topoi of religion, usefulness, justice and human rights, democracy, abuse and gender partnership.

3 The data and methods of collection

The data for this study is made up of fifty authored opinion articles on gender in five Nigerian newspapers. All the texts used are believed to be written by female authors. It should be noted that the name an author used to identify herself, was the only criterion used in identifying them as females. Unfortunately, I do not have any other practical means of verifying the identity of the authors apart from the names they identified themselves with. The selected newspapers are, namely: *Daily Trust*, *The Guardian*, *The Punch*, *New Nigerian*, and *Vanguard*. These newspapers are chosen purposively because they have national coverage and distribution. Although they are published in English, they enjoy wide readership in the country. They are considered to be national newspapers because most of their reports tend to focus on national issues, and they have correspondents in many major Nigerian towns and cities. Moreover, the newspapers do not seem to have specific audience or target readers. I wish to point out that with the exception of *New Nigerian*[4] (which is a state-owned newspapers) all the newspapers are privately owned and managed by Nigerian nationals.

Another criterion for selecting the newspapers is that they cover the time period beginning from 1999 to 2014. This period was selected because it witnessed an unprecedented surge in the wave of discourses on gender in the print news media in Nigeria, especially the newspapers. In other words, since 1999 when democracy returns to the country after nearly two decades of military dictatorship, gender issues such as participation of women in democratic governance has become a recurrent topic in many of the national newspapers in Nigeria, as evident by the huge number of articles on subject. This long period is also chosen in order to give a wider coverage to allow for uncovering the general trends in the discursive legitimation of gender equality and equity in the newspapers. The data used for analysis was obtained mainly from the archives of the newspapers located in three major Nigerian cities: Lagos, Abuja and Kaduna. *The Guardian*, *The Punch* and *Vanguard* have their archives in Lagos, while those of *Daily Trust* and *New Nigerian* are situated

---

[4] *New Nigerian* is the only state-owned national newspaper in Nigeria.

at Abuja and Kaduna, respectively. I visited the head office of each newspaper, explained the purpose of the research and sought permission to access the data stored in their libraries. The study could have obtained all its data from online sources, but a search for data online yielded only a few relevant articles. Perhaps, this is because in the process of updating their websites, these newspapers tend to replace old reports or articles with new ones. Since the study covers a fifteen-year (1999 - 2014) period, it was thought that restricting its data to a few articles available online might not be "representative enough". Nevertheless, the few available data searched and obtained online were also used in the study. However, a large percentage of the data was obtained from the archives of the newspapers. With the help of the librarians in charge of the archives, many editions of the newspapers from 1999 to 2014 were searched and relevant articles photocopied. I will return to this issue later.

Although the online version of the reports in the newspapers might have some differences from the print edition such as hyperlinks to related articles, graphic illustrations and other possible peculiar resources, these differences cannot however affect the study. The perceived difference between the online and print editions of the newspapers is therefore insignificant as far as this work is concerned. This is because this paper is concerned with only the linguistic aspect of the reports, that is, the actual wording and not the type and size of the fonts used in the different versions and the graphic illustrations that may accompany them. It is not expected that the online version will display certain linguistic features different from those displayed in the print edition since normally, they originate from the same manuscript and published by the same media house (or newspapers). The texts used in the analysis consist of opinion articles authored by female authors.

With regard to the huge amount of opinion articles on gender by the female authors in the newspapers and the practical constraints imposed mainly by the availability of time and other limitations, a decision was taken to select articles based on their saliency to the research topic and publication within the period covered by the study. Even at that a "Quota sampling" method (Saunders et al. 2009: 235) has to be employed, in order to produce a corpus that can serve as both a representative of the huge data collected and at the same time analyzable within the time frame allowed for the conduct of the research. This sampling technique involves gathering representative data from a group based on certain desired features (or, saliency of the articles for the study). The overall corpus consists of 200 female-authored opinion articles on gender with an approximately 187,000 words size. This method of sampling is chosen, because it is very useful in selecting salient articles for analysis and does not involve probability calculations. Saunders et al. (2009: 235-236) explain that using this sampling method ensures that sample selected represents certain characteristics of the total study population chosen by the researcher. For ease of identification of the source of particular data, the newspapers are coded as follows: DT for *Daily Trust*, NN for *New Nigerian*, TG for *The Guardian*, TP for *The Punch* and V for *Vanguard*.

4 Analysis of discursive strategies used to legitimize gender equality

The gender legitimization discourses observed in the data can be classified into the following topoi, although these are in no way exhaustive:

- ▪ The topos of religion (paragraph 4.1)
- ▪ The topos of usefulness (paragraph 4.2)
- ▪ The topos of justice and human rights (paragraph 4.3)
- ▪ The topos of abuse (paragraph 4.4)
- ▪ The topos of democracy, and (paragraph 4.5)
- ▪ The topos of gender partnership (paragraph 4.6)

In the sections and sub-sections that follow, I will analyze and discuss each of these topoi in some detail. Note that in the course of analyzing each topos particular attention will be paid to the linguistic means of its realization. The analysis will also examine how the discourses in the topoi contribute to the justification and legitimization of social equality between men and women in society.

4.1 The topos of religion

This topos is an appeal to religious authority, often through reverence for divine authority. It is, in the words of Reisigl and Wodak (2001: 79), a form of *argumentum ad verecundiam*, by which a particular position is constructed as true because, an authority, or in this case God or certain religious scriptures, agree with it. For example, in Excerpt 1, the author quotes a verse from the Bible to legitimize equality of the genders.

Excerpt 1:

> It doesn't matter if you are a Jew or a Gentile, circumcised or uncircumcised, barbaric, uncivilised, slave or free. Christ is all that matters and he lives in all of us" (Colossians 3: 11). This biblical quote shows that men and women are equals and therefore should be treated equally. The Bible is therefore against all forms of discrimination, sexism, classism, racism, ageism; the basis of peacelessness in society (TP, 27.06.2010: 39).

The excerpt opening with a quote from the Bible is noteworthy. It allows the author to invoke authorization by making an appeal to divine authority to call for equality of all persons regardless of their race, gender, and social status. The purpose of this intertextual reference is to construct all forms of discrimination against persons as ungodly and therefore evil. This is intensified by the author's identification of sexism and other forms of discrimination as source of "peacelessness" in society. By constructing this link between these two concepts (i.e. sexism and peacelessness), the author legitimizes her support for social equality. Note also the declarative clause "he [Christ] lives

in all of us" (Excerpt 1, lines 2-3), by which the author constructs a homogenous religious identity for all the readers. The assumption here is that all the readers believe in Christ who has authorized equality between men and women. Excerpt 2 illustrates another salient example of religious argument in support of gender equality.

Excerpt 2:

> According to the renowned Evangelical Christian Evangelist and ordained Pentecostal minister, Dr. Myles Munroe, men and women are created equal. On page 23 of his best-selling book: "Understanding the Purpose and Power of Women", he writes, "If the nations of the world had understood God's purposes for women and men, they would have realized that the spirit of equal rights that demands equality was never tended by God, because he has already made men and women equal. Men and women were created equal. Men and women are equal." Therefore, regarding or treating one gender as inferior and inconsequential is wrong (TG, 23.09.2003: 43).

This example further shows how the topos of religion can be used to further justify and legitimize gender equality. In the excerpt, the view of a renowned Christian religious leader, Dr. Myles Monroe, serves as a primary reference point for the discursive authorization of gender equality. What is however interesting in this example, is that it highlights Dr. Monroe's institutionalized religious position as an ordained Pentecostal Priest, who declared that God created men and women as equals. His authorship of a best-selling book and position as a highly respected religious leader, as reported in the excerpt, implies that he had unique knowledge of the spiritual purpose of creation of human beings. This paves the way for the author to delegitimize discrimination on the basis of gender, labelling it as an ungodly social practice. Of more significance is the way the author repeatedly declares men and women as equals in three consecutive sentences in the excerpt. The aim of this, it would seem, is to enable the author to reinforce the argument she articulated and ensure that the point she made stays in the reader's mind.

4.2 The topos of usefulness

Here, the authors frequently made use of topos of usefulness to express their support for social equality between men and women in society. Reisigl and Wodak (2001: 75) note that, this topos is based on the premise that "if an action under a specific relevant point of view will be useful, then one should perform it". To this topos (of usefulness), Reisigl and Wodak further identify three sub-types. These include the topos of *pro bono publico* (to the advantage of all), the topos of *pro bono nobis* (to the advantage of "us") and the topos of *pro bono eorum* (to the advantage of "them") (ibid). In the corpus, it was observed that the first of these sub-types (i.e. the topos of *pro bono publico*) featured prominently than others, as the following example illustrates.

Excerpt 3:

> Experts have calculated that for each additional year of schooling, a woman's income increases by 20%, agricultural productivity increases by 10%, infant mortality drops by 10%, and the return on investment in deferred health expenses is 25% [...] It was

> also stated that in Nigeria, if young Nigerian women had the same employment rates
> as young Nigerian men, they would add 13.9 billion Naira in annual GDP. Gender
> equality and women empowerment are therefore not favours done to women but, the
> smart ways to go as they benefit the entire society (TG, 23.09.2012: 33).

This excerpt shows how economic argument and statistics can be used to advocate women em-
powerment and gender equality. The repeated use of numbers in the example can be seen as a
discursive strategy, in that it allows the author (of the excerpt) to represent women's empower-
ment as a means to an end. Although the bases for the statistics was not explained in the example,
credibility of the calculations behind it comes from the opening clause ("Experts have calculated"),
which also serves to authorize the author's opinion. Note also, the use of the noun phrase "smart
ways" (Excerpt 3, line 7) to construct women's empowerment as a smart way of promoting devel-
opment in society is explicitly stated in the excerpt. Thus, the example shows how the topos of
usefulness can be used to advocate gender equality and equity. In another example, the author
uses a causal argumentation scheme to highlight the usefulness of gender equality. Her choice of
the adverbial clause of condition: "Until equal numbers of girls and boys are in school" (Excerpt 4,
line 1), to introduce her argument is noteworthy. It allows her to argue that without giving equal
educational opportunities for both men and women, boys and girls, the society will continue to
suffer from poverty, hunger, and diseases. The use of the adjective "impossible" (Excerpt 4, line 1)
enables the author to express commitment to the truth value of the proposition she makes. This
adjective can be taken as an example of "stance value" (Adendorff 2004). Stance values, as Aden-
dorff (ibid: 206) describes them, are linguistic resources, which a speaker or writer can use to
indicate certainty, commitment or otherwise of her proposition. By using this adjective, which
functions as a stance value in this context, the author indicates her commitment to the truth-value
of what she says, as the example below illustrates.

Excerpt 4:

> Until equal numbers of girls and boys are in school, it will be impossible to build the
> knowledge necessary to eradicate poverty and hunger, combat diseases and ensure
> environmental sustainability. Therefore, there is no basis for competition or subjuga-
> tion of one gender by the other as we march towards 2015. It is time to put an end to
> gender inequality and all its concomitant effects on our country's future (DT,
> 12.03.2014: 21).

It is also interesting how the author, through the use of this topos (of usefulness), attempts to
articulate an argument that can persuade the reader, and by extension men and women in society
to work together to put an end to all forms of discrimination against persons based on their gender
or sex category. Drawing upon gender partnership discourse, the author delegitimizes suppres-
sion of one gender group by another through the declarative clause "there is no basis" (Excerpt 4,
line 3), which portrays the practice as unnecessary and inappropriate. Of significance also, is the
way she represents gender inequality as having concomitant effects, suggesting that it has at-
tendant consequences for the future of the country. Thus, the excerpt shows how the topos of
usefulness can be used to instrumentally rationalize a position, or in this case, express support for

equality of the genders through highlighting the benefits that can be derived from promoting so-cial equality between men and women in society.

4.3 The topos of justice and human rights

This topos was used to legitimize equality of the genders by showing that it conforms to the pro-visions of the Nigerian Constitution and some international human rights conventions that de-clared equality for all persons regardless of their gender, race, ethnicity and place of origin or creed. The topos is thus based on the principle of equal rights for all human beings. The following example serves to exemplify the topos.

Excerpt 5:

> The 1999 Constitution [of the Federal Republic of Nigeria] (as amended) provides in section 42(1) that no person shall be discriminated against on the basis of community, ethnic group, place of origin, sex, religion or political opinion. As regards sex, the pro-vision is also in compliance with international conventions especially the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). Section 42(1) specifically protects the right of women against discrimination based on sex. So is also Section 15 (2) of the same Constitution. The combined effect of the provisions of the two sections is that discrimination against women is illegal, as far as the law is concerned (V, 11.03.2013: 25).

As this example shows, discrimination against persons based on their gender was depicted as a breach of the provisions of the Nigerian Constitution, which prohibits discrimination on the basis of gender, ethnic group, and religion. By using this topos (of justice), the author argues against discrimination against women. The writer's appeal to the authority of the constitution, as encoded in the topos, is noteworthy. It paves the way for the author to delegitimize gender inequality by declaring it unconstitutional, and therefore illegal and unacceptable. One can also note how the author repeatedly makes reference to some relevant sections of the constitution. This intertextual reference, it would seem, was used by the author to give credibility to the argument, transforming what would otherwise be taken as a subjective view into an objective one. This enables the author to present the position as authoritative because, it was derived from the country's supreme law. It would also seem that the reference to the Convention on the Elimination of All forms of Discrim-ination against Women (CEDAW) made in the excerpt was meant to show that, discrimination against women is something that has been prohibited also by international law or treaty. This comes out even more overtly in Excerpt 6, where the author appeals to the authority of the con-stitution and some international conventions on human rights to de-legitimize discrimination against women.

Excerpt 6:

> Discrimination against the woman is inconsistent with the AU Charter on Human and Peoples' Rights which promote right to live and personal integrity; Sections 33 and

35 of 1999 Constitution of Federal Republic of Nigeria also promotes rights to life and personal liberty respectively (TP, 18.09.2014: 30).

4.4 The topos of abuse

Related to the topos of justice and human rights, is the topos of abuse. This topos focuses on the protection of women from exploitation and victimization. Through this topos, women are represented as victims of physical abuse and some cultural practices in society. In excerpt 7 for instance, the author employs juxtaposition to de-legitimize cultural practices that discriminate against women. This strategy involves putting some lexical items, phrases, and clauses in contrastive (and often adjacent positions) in order to achieve an effect. By placing side by side, practices that can improve the lots of women with those that limit their opportunities and rights, the author is, in a way, asking the reader to make a choice between what can be loosely polarized as "beneficial" practices on women and "harmful" ones. Thus, through the use of this discursive strategy encoded in this topos (of abuse), she appeals to the reader's sense of justice to legitimize social practices that empower women and de-legitimize those that limit their opportunities and rights.

Excerpt 7:

> Instead of moral support, proper up-bringing, good education and respect for child rights, thousands of girl-children and women are enslaved by parents or guardians to engage as domestic workers or forced into early marriage across the country (TP, 18.09.2012: 35).

In a further bid to de-legitimize practices that are abusive to women, in Excerpt 8, the author employs the topos of abuse to argue that since women play a key role in sustaining the family institution, which is the basic unit of society, they deserve to be protected from physical abuse and exploitation. Here again, juxtaposition was used to legitimize some practices on women and delegitimize others. This could be seen in the way the author uses the metaphor "the pillars" (Excerpt 8, line 1), to refer to women and the vital role they play in the family. She contrasts this with the following declarative clauses in which women are portrayed as "the victims of the most telling abuses" and "socio-economic, political exploitation [of the woman]" (Excerpt 8, lines 1-2). To further depict women as victims of abuse, the author uses an emotive declarative clause in which she reports that "women have fallen victims of the most vicious forms of gang-rape" (Excerpt 8, lines 5-6). This discursive strategy allowed the author to draw attention to what women receive in return from the same society in which they play an indispensable role. By this juxtapositioning, the author is, in a way, appealing to the reader's sense of justice to legitimize better treatment of women and de-legitimize physical abuse and other forms of maltreatment of women in society.

Excerpt 8:

> Women are the pillars of the family institution, yet they are the victims of the most telling abuses and socio-economic, cultural and political exploitation in our society. Trafficking in women and children has become so commonplace nowadays that we wonder if any nobody is seriously tackling it. Consistently across the world in the last

few years, many girls and women have fallen victims of the most vicious forms of gang-rape (TP, 11.01.2013: 18).

4.5 The topos of democracy

The topos of democracy is based on the premise that since political equality between men and women conforms to universal values and principles of democracy; one should be in favour of it. In Excerpts 9 and 10, the authors employed this topos to point out to the reader that discrimination against women poses a serious threat to the growth and development of democratic systems of governance in the country. They also argued that a democracy that discriminates against women contradicts its principles. The proposition in the excerpts can be interpreted as suggesting that democracy was designed to give equal political opportunities to all citizens regardless of their gender, social class, ethnic group, and religious beliefs.

Excerpt 9:

A democracy without active participation of more than half of the population is susceptible to failure. In short, a democracy that discriminates against women is a contradiction in [sic] terms (DT, 27.04.2013: 28).

Excerpt 10:

A democracy in which more than half of the population still suffers from some ingrained limitations and prejudices is one that is seriously incapacitated by a huge deficit (TP, 09.03.2011: 23).

These excerpts sought to collectively highlight how the topos of democracy can be used to legitimize social equality between men and women in society. Using this topos, the authors attempted to establish a cause and effect relationship between women's active participation in political and governance processes and sustainable democratic systems in the country, suggesting that the latter depends largely on the former. Of more interest here, is the use of the adverbial phrase "seriously incapacitated" (Excerpt 10, line 2), and the noun phrase "susceptible to failure" (Excerpt 9, line 2) to portray discrimination against women as constituting a serious threat to the growth and development of democracy in the country. Here, the authors' strategy was to appeal to the reader's presumptive desire to promote and protect democratic systems of governance in the country. The authors know that since many Nigerians fought hard for the return of democracy after nearly two decades of military dictatorship, they would not want the system to fail. This is because the failure of the systems may result in chaos in the political system, or even the return of military dictatorship. Thus, what the authors were doing here was to point out to the reader, the dangers of not giving all citizens, and women in particular, equal political opportunities in democratic systems of governance. Note also the metaphor "deficit" (Excerpt 9, line 3) used to describe the effect that may result when democratic systems do not give equal opportunities to all citizens. It is also significant to note how the author of Excerpt 9 for instance, used the adjunct ("In short") to summarize her view point and also, reinforce the proposition she made.

4.6 The topos of gender partnership

This topos, which is closely related to the topos of usefulness (see sub-section 4.2), emphasizes the need for men and women to work together towards developing a better society. Using this topos, the authors draw on economic arguments and the notion of teamwork to justify and legitimize gender partnership, which by implication elevates the status of women to equal partners with men in developing the society, as the following example suggests.

Excerpt 11:

> We should expect growth and development when men and women listen and learn from each other's skills and talents. According to a recent study, heterogeneous groups comprising persons of different genders get better results than homogeneous ones (DT, 12.12.2012: 39).

This example illustrates the use of the topos of gender partnership to legitimize gender equality. Of interest here, are the discursive features used to achieve the legitimation. First, the excerpt opening with the declarative clause "we should expect growth and development" is noteworthy. It allows the author to establish a cause and effect relationship between growth and development and gender equality; constructing the latter as a viable means of achieving the former. The author positions herself as confident of the proposition she has made through the modal verb ("should") in the clause: "we should expect" (Excerpt 11, line 1). By using this linguistic resource which functions as a stance value (Adendorff 2004) in this context, the author indicates commitment to the truth-value of what she says, depicting it as certain. The author draws on research findings to not only justify the call for gender partnership, but also present what might otherwise be seen as her own subjective position as authoritative.

Similarly, this topos (of gender partnership) encodes arguments that focus on potential benefits of teamwork, and which also provides grounds for legitimizing gender equality. Some of these arguments emphasize the need for men and women to work together for the betterment of the society, as illustrated in the following example.

Excerpt 12:

> Since one hand alone cannot build a house, men and women should work together to build a better and prosperous nation, which we all dream for [...] The task of nation building may be difficult but as the Ghanaians would say "The load is lighter when two people carry it" (NN, 17.10.2007: 30).

Here, the adage "one hand cannot build a house" (Excerpt 12, line 1) was used by the author to argue for gender partnership (and ultimately, make the case for gender equality). The use of this saying, it would seem, is meant to show that nation building is a task that requires active participation of all citizens and not just a section of the population (or, in this case one gender group). Of more interest, is the way the author referred to the Ghanaian (Akan) proverb: "The load is lighter when two people carry it", further reinforcing the argument that the task of nation building should be a collective responsibility of all citizens (regardless of gender and other social differences).

Moreover, given that Ghana is one of the countries that (presently) appears to have positive connotation in Nigeria, the reference the author made to the Ghanaian proverb in the excerpt can be seen as a strategy of persuasion. It would seem also, that the reference to this foreign proverb was meant to show that the wisdom behind the notion of teamwork (or, in this case gender partnership) is something that is also recognized in other African cultures. It therefore constructs gender partnership as part of the wider African culture. Thus, the example shows how the notion of teamwork as encoded in the topos (of gender partnership) is used to legitimize gender partnership, and which by implication, elevates the status of women to equal partners with men in developing the society.

5 Conclusion

In this paper, I have examined how some female authors articulated arguments in support of social equality between men and women in Nigerian newspapers. Starting off with a discussion on how the return of democratic system of governance has expanded the activities of gender activists in Nigeria, the paper showed how some female authors of opinion articles in Nigerian newspapers used language to advocate gender equality. It then provided an analysis and a discussion of the different patterns of argumentation strategies identified in the data. The analysis revealed that that through the use of the topoi of religion, usefulness, justice and human rights, democracy, and gender partnership, the authors advocated equal treatment of all genders. It also showed that the topoi were realized through linguistic features such as pronouns, adverbial clauses, declarative clauses, noun phrases, intensifiers, intertextual devices, metaphors, idioms, and proverbs featured prominently in the discursive legitimation of social equality between men and women in society. More importantly, the paper has argued that legitimisation does not always serve as an instrument of achieving domination and hegemony through discourse, as other studies suggest. It can also function as a powerful tool of resisting domination. Moreover, it has shown that campaigns for gender equality in Nigeria involve women using language in the print news media to advocate equality of the genders, as a way of engendering social change in society.

Apart from contributing to the few existing literature on modes of women's struggle in Sub-saharan Africa, the present study has demonstrated how a discourse approach to the study of gender representation in Nigerian print news media can reveal the complex and often subtle ways in which gender equality is constructed and legitimized through the use of language in the newspapers. Thus, the findings of this research are expected to contribute in creating awareness on gender issues in Nigeria as reflected in the discourses examined in the dissertation. This (creation of awareness), is considered as an important step towards eradicating all forms of gender discrimination that serve as impediments to achieving gender equality and equity in society. As Talbot (2010: 117) argues:

> Before change can even be wanted, what appear to be natural aspects of the everyday lives of women and men have to be exposed as culturally produced and as disadvantageous to women […]. This means beginning with an understanding of how gender is socially constructed.

References

Adendorff, Ralph (2004). The Principal's Book: Discursively Reconstructing a Culture of Teaching and Learning in an Umhazi High School. In: Systemic Functional Linguistics and Critical Discourse Analysis. Studies in Social Change. L. Young & C. Harrison (Ed.). London, Anthony Rowe: 202-216.

de Luna, Rodríguez M. (2013). 'The Other' Crossing: Discursive representations of the management and dynamics of the southern boarder of Spain (M.A. Dissertation). University of Oldenburg, Oldenburg. Retrieved from https://brage.bibsys.no/xmlui/handle/11250/185864. (Accessed on 29.01.2019).

Fairclough, Norman (1989). Language and Power. London, Longman.

Reisigl, Martin / Wodak, Ruth (2009). The discourse-historical approach (DHA). In: Methods for Critical Discourse Analysis (2nd ed). R. Wodak, & M. Meyer (Ed.). London, Sage: 87-121.

Reisigl, Martin / Wodak, Ruth. (Ed.) (2000). The Semiotics of Racism. Approaches in Critical Discourse. Vienna, Passagen Verlag.

Saunders, Mark / Lewis, Philip / Thornhill, Adrian (2009). Research Methods for Business Students (5th ed). New York, Pearson.

Talbot, Mary (1998). Language and Gender. Cambridge, Polity.

Mills, Sarah (2003). Gender and politeness (Vol. 17). Cambridge, Cambridge University Press.

van Dijk, Teu. A. (2001). Multidisciplinary CDA: a plea for diversity. In: Methods of Critical Discourse Analysis. Martin, Reisigl & Ruth, Wodak (Ed.). London, Sage: 95-119.

van Dijk, Teu. A. (2000). On the analysis of parliamentary debates on immigration. In: The Semiotics of Racism. Approaches in Critical Discourse (pp. 85–104). Vienna, Passagen Verlag: 85-104.

Wodak, Ruth (2000). Does sociolinguistics need social theory? New perspectives on critical discourse analysis. In: Discourse & Society 2: 123-147.

Wodak, Ruth. (2001). The Discourse Historical Approach. In: Methods of Critical Discourse Analysis. Martin, Reisigl & Ruth, Wodak (Ed.). London, Sage: 63-94.

Wodak, Ruth (2009). The Discourse of Politics in Action. Basingstoke, Palgrave.

Wodak, Ruth / de Cellia, Rudolf/ Reisigl, Martin / Karen, Liebhart (1999). The Construction of National Identities. Edinburgh, Edinburgh University Press.

"What Can a Woman Say or Do?"

Gender Norms and Public Participation among the Maasai in Kenya

Shillah S. Memusi

1 Introduction

For public participation to be effective, there should be a discussion on how the communities that stand to be affected would like to engage in the process (Gaventa 2002). Public participation is to be approached in a manner that respects local realities without losing objectivity and creating an effective platform for pro-citizen policy-making. In his exploration of citizenship, participation and accountability, John Gaventa notes that little has been done to understand

> how poor people themselves perceive their rights, how these meanings are acted upon through political or social mobilization, and how they are bounded by issues of knowledge and representation, as well as by differences in identity (Gaventa 2002: 6).

This process of perception to action transcends poverty to encompass all matters requiring the socio-political mobilization of all citizens.

This article explores the findings of a study focused on Maasai women and their engagement in political processes within Kenya's devolution structure that decentralises power to 47 county governments with the aim of encouraging citizen participation and supporting participatory governance. Within the Maasai community, influential patriarchal considerations inform agency and power relations (Hodgson 1999; Hodgson 2001; Parsimei 2013; Spencer 2003; Taeko 2014). These considerations have continued to exclude women from political spaces and limit their access to economic resources, relegating them to being dependants on men and under-represented in decision making platforms. This disparity has created what Fraser (1990: 66) terms as a stratified society, defined as one "whose basic institutional framework generates unequal social groups in structural relations of dominance and subordination."

This stratification calls for amendments if increased engagement of women is to be realised in the community. Approaching this initiative from the lowest administrative hierarchies is important, as these are closest to the people and therefore better positioned to understand local norms and how best to formulate engagement mechanisms. This knowledge is crucial in promoting active

citizenship which ultimately contributes to increased participation by women in the Kenyan political arena. Gender equality at the national level cannot be realised in the absence of the very required subjects at the local ward level. Should this be the case, it would signify the presence of a certain class of women, one with not only the exposure and knowledge on political processes, but most importantly, from backgrounds that support them in the endeavour. Most Maasai women are not privy to such privilege. The affirmative action debate in Kenya is also clouded with accusations of being driven and dominated by a section of elite women – lawyers and those in academia (Kanyi 2016). The prevailing effect of this is poor participation by women at the local level due to a lack of information.

Against this background, this article adopts a case study approach, informed by the added value of a case study in addressing causal complexities. This approach gives room for the elaboration of causal mechanisms that can further explore Maasai women's agency, as well as contextualise the challenges facing Kenyan women in general as they seek political engagement. The choice of the Maasai women is informed by Parsimei's (2013) observation that they have become dormant, and increasingly unaware of social and political injustices, knowledge of which is obtained from the continuous process of critical thinking and acting upon solving community problems. This position is a reported consequence of colonialism which, as Hodgson (1999) reports, distorted the pre-existing complimentary roles of Maasai men and women, replacing it with a system where men were property owners and decision makers, and women were relegated to domestic chores. Being subject to this gendered separation of rights and responsibilities, makes the women a fitting target group for inclusion under citizen engagement, which is an integral part of devolved government as envisioned in Chapter 11 of the Constitution of Kenya (Constitution of Kenya 2010).

Data presented here was collected between March and May 2016, from several locations in Kajiado and Narok Counties where the Maasai community is dominant. The focus was on identifying factors that have contributed to the marginalization of Maasai women in Kenya's public/political spaces and examining current strategies for engaging Maasai women in decision making within the new devolution structure. Recruited through a mix of convenience and judgement sampling, focus group discussions explored barriers to Maasai women's public engagement, and how the same can be overcome. This was informed by analysing the composition and engagement processes in ward and sub county citizen forums. From the study locations, data was collected by following two main methods: participant observation in an organized county government citizen forum and three focus group discussions in each county. Divided into groups of eight, I discussed engagement mechanisms in women-only groups, men-only groups and mixed groups. The objective of this approach was to check on how men and women evaluate gender inclusivity in public engagement, and whether their responses vary in men/women-only forums. Additional information was collected from women in politics and officers from both counties.

2 Women and political participation in context

In many Sub Saharan countries, the debate on whether the position of women was better in pre-colonial times than in the post-colonial era remains contested. What cannot however be denied,

and for which evidence abounds, is the effect colonialism had on the position of women in the formation of post-colonial states. In Kenya for example, even though women participated in the liberation movement, they were secluded in the independent state (Wambui 2016). Recommendations by the only woman in the legislative council set up by the colonial government to discuss constitutional arrangements for independent Kenya, were ignored. It is reported that she was not even allowed to speak, and was only allowed to submit a written memorandum on behalf of Kenyan African women (Owuor 2016). This happened in 1962, ten years into the operations of an umbrella organization for the advancement of women's affairs, Maendeleo Ya Wanawake.

The male dominated government continued to side-line women in political affairs, focusing instead on constructing the image of an African woman as a submissive care provider. This is argued to be the propagation of the Victorian understanding of gender roles, as applied by the British colonial government, of women being private and domestic beings (Hodgson 1999). In her study on Maasai women in Tanganyika, Dorothy Hodgson traces the emergence of patriarchy to "two inter-related processes central to colonial state formation. The first is the division of the complementary, interconnected responsibilities of men and women into spatially separated, hierarchically gendered domains of 'domestic' and 'public '/' political', and the second is the consolidation of male control over cattle through the commodification of livestock, monetization of the Maasai economy and targeting of men for development interventions" (Hodgson 1999: 43). These she argues, distorted the pre-existing complementarity of roles and power relations thereof. Men gained more power in the shaping of roles and norms while women's influence diminished.

The history of Kenyan women's struggle is therefore characterised by men's efforts to define women's positions, arguing that affirmative action was not necessary as men represented all constituents. In addition to rejecting affirmative motions in parliament, men had the support of the repealed constitution[1] whose Bill of Rights in section 82 (3), defined discriminatory as affording different treatment based on race, tribe, place of origin or residence or other local connection, political opinions, colour or creed. Under the law, discrimination based on gender was therefore permissible.

All these injustices thrived into the early 1990s, a period that saw increased commitment from women, with the support of various civil society groups, for the institutionalisation of gender equality legislation (Kanyi 2016). Beyond political representation, women continue to face discrimination from their menfolk, as this discussion on the experiences of Maasai women will demonstrate. There is still widespread belief that the public space belongs to men, and that women should submit to their husbands and not question their authority (with respect to Bible passages - Ephesians 5:22; 1 Timothy 2:11).

This belief has shaped negative attitudes towards the political agency of women, perpetuating a powerlessness among women that spans the private and intimate space of home and family, into the civil public space. This motivated the demand for the inclusion of women and youth who have historically been underrepresented in governance. It is therefore a clear mandate under the 2010

---

[1] The 2008 revised edition is available at: http://kenyalaw.org/kl/fileadmin/pdfdownloads/Constitution%20 of%20Kenya%20(Repealed).pdf (Accessed on 29.01.2019).

Constitution of Kenya. Article 27(3) of the Bill of Rights states that:

> Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Article 56 of the Constitution goes a step further in stating that; The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups - (a) participate and are represented in governance and other spheres of life.

Descriptive representation, characterised by the acting of an individual as a representative or advocate of a homogenous group that they belong to (Kurebwa 2015), is guaranteed by ensuring that women are adequately represented in public office. Article 81 (b) of the constitution states that the "not more than two-thirds of the members of elective public bodies shall be of the same gender". This is supplemented by Article 97 (1) (b) which spells out that

> The National Assembly consists of forty-seven women, each elected by the registered voters of the counties, each county constituting a single member constituency.

This intersection of laws and provisions provides an equal platform for citizens to engage in decision making processes. These processes define participatory governance as envisioned in chapter eleven of the constitution, which focuses on devolution.

With a new constitution in place, it can be assumed that all women have benefitted from the struggle that bore fruit in the 2010 constitution which reflects the success of the affirmative action struggle. But this is sadly not so. The current (12th) national parliament has 76 women legislators, against 273 men, a clear contravention of the constitution. Efforts to redress the underrepresentation of women in the parliament have been frustrated by the inability to reach an agreeable formula to achieve the constitutional one third minimum. Unlike the ambiguity concerning the bicameral parliament however, the constitution expressly provides that county legislatures must nominate extra women to meet the gender requirement. Article 177(1b) of the constitution states that "A county assembly consists of the number of special seat members necessary to ensure that no more than two thirds of the membership of the assembly is of the same gender". This provision has necessitated the creation of gender 'top-up' lists, to meet the constitutional quota.

At the county level, only 96 women were elected to represent 1,450 administrative units across the 47 counties in the August 2017 elections, necessitating the nomination of an extra 559 female legislators to ensure that the county assemblies attained the legal gender ratio. None of the 19 women who contested were elected to the county assembly from the eleven constituencies in Kajiado and Narok counties. According to data from the Independent Electoral and Boundaries Commission, Kajiado had to nominate 11 women legislators, while Narok nominated 15, to ensure gender balance in their assemblies. But running for political office is a difficult task, as women face harsh criticism from the patriarchal community. This was the experience of the first Maasai elected woman member of parliament, Ms. Peris Tobiko. It is reported that she had to overcome threats, alienation and curses from Maasai elders for "trying to be a man" (Ndonga 2013). To many, the quest for political activity has had them branded as prostitutes, as no home and family focused woman has the time to run around discussing politics.

The existence of such attitudes in Kenya today may be difficult to grasp, especially considering the effort that went into publicising the women's struggle over the years. What it points to however, is the non-inclusivity of the movement. As Kanyi (2016) notes, ordinary women remained ignorant of the ongoing changes as these occurred predominantly at the policy level. The debate was driven by women in law, academia and the civil society, with little effort being put into engaging with those in the grassroots. Maasai women's current situation and struggles for equality are a clear embodiment of this weakness. Maasai women thus face the socio-political struggles that Kenyan women were supposed to have tackled in the 1990s. They are not only struggling to catch up with Maasai men, but also the rest of Kenyan women.

Aware of this reality, the case depicts a community whose female members opt for co-option instead of confrontation as a desired pathway to achieving gender equality. This option places men and women centrally in this quest, only minimally referring to formal laws for guidance. Respondents demonstrated an awareness of the rules governing power relations within the community, and optimistically, reported openness to alternative engagement processes. The case thus reiterates the argument for the need to balance desire for legitimacy and support for decisions in participatory policy planning (Rowe / Frewer 2000). For communities such as the Maasai, socio-cultural norms outweigh formal laws and it is within them that change can be actualised. Disregard for these will do nothing to help in giving a voice to the marginalised women and improving their agency in the Kenyan public space.

3 Barriers to Maasai women's public participation

Studies on women's low levels of participation in political processes tend to focus on three inter-related explanatory variables when exploring the lack of gender parity in politics in general: cultural practices and norms, socioeconomics, and institutional factors. This study adopts this approach in exploring the Maasai situation.

3.1 Socio-cultural barriers

Gendered separation among the Maasai has resulted in women's absence from the public space, severely limiting their input in the community's decision-making processes. Since they oversee domestic affairs however, they have little time to spare for political or other public engagements. They are also relatively poor (Erakit 2013), which combines with cultural norms of the duties of women to create the "double-burden" barrier to participation (McNulty 2015). This argument was prevalent in the discussions with the respondents, with both men and women agreeing that women have limited time to engage in public affairs. Domestic duties take up most of their time:

> They [the men] are now off to their jobs so if there is a political meeting they can go at night and will come back home whenever they wish. But as a woman, you cannot do this; you have to take care of the children, cows and other domestic affairs, but the men have free time (Interview, Female Respondent, Kimuka - Kajiado West, 23.03.2016).

With the increased awareness and legislative calls for change in engagement mechanisms, women are gradually becoming more visible in the public space. But while their presence is noteworthy, the substantial element of it remains questionable. Women are involved, arguably for the sake of numbers, without there being evident commitment to understanding and incorporating their views and opinions. For example, respondents reported that women in education and development committees were largely unaware of decisions made on these platforms, since men sidelined them. This attitude is prevalent in public forums, where men give speeches, but women are only given a chance to give a closing or a "women representation" remark. This was observed at a public meeting in Rombo Ward, Loitokitok Sub-County: at a meeting with the Member of Parliament as guest of honour, there were over 20 speakers, but only three of these were women. Of the three, one was from the Ministry of Education, another from a Non-Governmental Organization that supports pupils at the local school, and only one woman from the community. This lady spoke on behalf of the women in the community, a chance that had been given to more than 10 men from the same community.

It is scenarios such as this that continue to discourage women from participating as they are increasingly aware of the lip service paid to the inclusion of women. They are largely ignored by the system which is embedded in patriarchy, forcing them to focus on their domestic duties instead. As one respondent narrated:

> When we hear of such meetings, we do not see the importance of attending because we would only be taking our eyes as we have no opportunity. So we choose to remain at home and do other things. Men tell us whenever they go for meetings and we let them go and choose to focus on our chores as we have no chances in such meetings (Interview, Female respondent, Nairagie Enkare - Narok East, 19.04.2016).

Unsurprisingly, this disregard for the political role of women shapes the sphere of political leadership. The first elected Maasai woman Member of Parliament, Ms. Tobiko narrated the harsh criticism she faced from the community during her contestation in the 2012 elections. She is reported to have overcome threats, alienation and curses from Maasai elders for "trying to be a man" (Ndonga 2013). These sentiments were echoed by Ms. Merin, an aspirant for the position of Ward Representative, Rombo Ward in the 2017 elections. Being a single young mother, she was often criticised for neglecting her role as a mother, choosing instead to fight with men. She has been called *Elkirikoi*,[2] and has been sexually harassed by men who promise to listen to her only after she has granted them sexual favours or agreed to be a second or even third wife.

It is therefore evident that regardless of the legislative commitment to the inclusivity of women in politics and public affairs by the Kenyan government, the community continues to be governed by norms that are in opposition to this vision. A reluctance to change or shift attitudes on deep rooted traditional cultural beliefs remains the biggest obstacle to institutional transformation (Norris / Inglehart 2000): gendered norms and rules are very powerful and evidently undermine formal changes to political participation parity within the community.

---

[2] Mainly refers to *wanderer* in Maa, but could in cases like this loosely translate to *prostitute*.

While traditions and customs were often cited as reasons for continued male dominance in authority and decision making, one male respondent made it clear that the same is used as an excuse to perpetuate male dominance and maintain the status quo. He pointed out that the community has over time adopted many changes that contradicted what was termed traditional but are reluctant to get rid of male dictatorship to promote gender equality.

3.2 Economic barriers

Maasai women's freedoms of expression and socio-economic development have been affected by a lack of direct access to resources, limiting their capacity for development. They generally have limited control over property and resources as these are controlled by men as heads of households. Consequently, women are relatively poor and can therefore not always afford to meet monetary demands beyond basic needs. This lack of access to the "material means of public participation" (Fraser 1990: 64) enforces the socio-cultural disadvantages discussed above.

Public participation exercises tend to take place at administrative centres, necessitating travel for those from the villages. Participating in public fora therefore ranks lower for them as they choose to save the little resources they have to meet their domestic needs. The spare time they have for themselves is spent in women groups where they do beadwork, the proceeds of which contribute to meeting additional household and personal needs. As respondents narrated, calls for attendance to public meetings exclude inhabitants of areas further from administrative offices. According to one respondent:

> They make announcements for development meetings to be held in the administrative central. Further, they do not provide transport for the people coming from remote areas […] This process leaves out the common mwananchi because they need to go to the people at the grassroots and ask them what their needs are, and the people give their proposals (Interview, Female respondent, Loitokitok - Kajiado South, 03.03.2016).

This was also confirmed by the Narok County Budget Officer who reported that his office only reaches out to 12 locations that are easier to access. This excludes citizens who live in the outskirts, and especially women who cannot afford to take time off their domestic duties for such meetings, or even afford it.

Participants and county governments alike depend on the availability of resources to be able to fulfil the participation mandate. The Kenyan Public Finance Management Act of 2012 in conjunction with the County Public Participation Act of 2014 give the public the right to participate throughout the entire budget process, which runs from the formulation of the budget, throughout its implementation, to the evaluation stage. The effectiveness of public participation thus depends on the availability of resources to implement it.

The issue of inadequate resources was prevalent in the discussions with both citizens and economists in the planning departments of Kajiado and Narok county governments, magnifying the role

of financial constraints in limiting the implementation of the participation exercises as constitutionally envisioned. Financial resources do provide a constraint to the successful realization of public participation. Jütting et al. (2004) point to the reality that local governments may sometimes lack the human and financial resources to effectively implement decentralization. As the excerpt narration from the Loitokitok respondent shows, the lack of resources in both the domestic and public fronts continue to limit Maasai women's capacity to actively engage in public participation exercises. The women pointed out the need for such to take place within reasonable, preferably walking, distance so they could manage to attend at no cost.

Even though the funds are limited, this has not deterred its unfair distribution against women. The Women Representative for example, administers the Uwezo Fund, a programme aimed at enabling women, youth and persons with disability to access finances to promote businesses and enterprises at the constituency level.[3] The citizens have questioned the equitable distribution of the fund, with respondents reporting that it has been overtaken by an elite who have become guaranteed beneficiaries in every allocation cycle, leaving out many other deserving citizens. This is in addition to the fund's demanding and tedious application process that leaves very little room for the illiterate to participate. As a result, stratification in the community deepens, while at the same time widening socio-economic divisions.

3.3 Institutional barriers

Although the existing legal framework supports equal inclusion of women, respondents argued that there have been very few efforts to take the gender equality agenda seriously. The dissemination of information on citizen rights and public participation procedures were reported to be absent. Many community members remain unaware of the provisions of the very transformative constitution that guarantees them a position and a voice in governance procedures. While most voted for the constitution in 2010 based on hearsay, the men are more knowledgeable on its provisions, a benefit derived from their wide socio-political circles. Presently, the majority are becoming more knowledgeable based on the administrative failures that play out in public, such as suing parties and county governments for non-compliance with gender parity in nomination exercises.[4]

Both men and women admitted that the lack of knowledge is the biggest challenge to gender mainstreaming within the community. Civic education on the 2010 Constitution of Kenya was poor prior to the vote, and the situation still prevails, as one respondent explained:

> We are asking the government to come to the grassroots, we sit together and discuss, and for them to explain the Constitution to the community because we don't know.

---

[3] A programme aimed at enabling women, youth and persons with disability access finances to promote businesses and enterprises at the constituency level: http://www.uwezo.go.ke/ (Accessed on 29.01.2019).

[4] "Court revokes nomination of 12 Migori MCAs": http://www.nation.co.ke/counties/migori/Court-revokes-nomination12-Migori-MCAs/1183306-4251058-i70lotz/index.html (Accessed on 29.01.2019).

> They only come during the campaign period (Interview, Female respondent, Loitokitok - Kajiado South, 07.03.2016).

The limited civic education carried out was also skewed and marred with political interest. Very little, if anything at all, on rights and responsibilities was openly discussed, as another respondent summarised:

> What there was, is that they told us Christians to refuse Islamic law and legalization of abortion. As Christians, we chose the Orange (No) and the others were Bananas (Yes). [...] But we did not understand what it all meant [...] As Christians we fought against the legalization of abortion (Interview, Female respondent, Kimuka - Kajiado West, 23.03.2016).

This created a loophole that promotes the apparent lack of political will and commitment to gender equality. Combined with the fact that neither Kajiado nor Narok counties have adopted a political empowerment agenda, women continue to lack an equal voice in the participatory decision-making processes which would improve their agency and legitimise public participation within the community.

While women are appointed to development committees at the Ward levels, it is mainly done to fulfil the two thirds gender rule and not really to give a voice or any decision-making authority to them. This transcends to other positions in the administration, such as the chiefs, where it is recommended that the Chief and the assistant Chief be representative of both genders, to make it easier for women to have one of their own to whom they can address their concerns. However, this does not work out as envisioned because the women in these positions always have men as colleagues and fellow decision makers. As it is therefore, both men and the structure in place do little to legitimise these women's positions, and this clearly outlines the paradox of policy commitments. Of a female Chief in the Ewuaso Kedong Ward, it was reported:

> In her position, the men just let her be for the sake of it. So it can be seen that she is there [...] She is there because the government has said she should be [...] She is there but most decisions are made for her...She is given the opportunity to speak but it is not so that she can say everything. The power is there just because the government created the position...They still say a woman cannot do much [...] When a woman stands to speak on something they do not like, they use very bad language, asking 'What can a woman say or do?'[...] They ask in what capacity that woman gets up to speak to them (Interview, Female respondents, Kimuka - Kajiado West, 23.03.2016).

This scenario depicts the infiltration of gender bias into the administration, the consequence of which is a lack of commitment to fulfilling the agenda tasked to the institution. Having women in power without power is a failure of participation, not from operation or technique, but as a systemic consequence (Cooke /Kothari 2001). In supporting this, Connell (2005) theorises that principle and practice differ in the acceptance of change by men. It is more problematic in the Maasai community since it is the men who, due to their political dominance, select women who will join

committees and even endorse candidates for the Women Representative position, a special position that ensures that every county has a woman representative in the national assembly. On how they voted for this position in 2013, a respondent narrated:

> For example, when Mary Seneta [the Women Representative] expressed political interest, we had not known her previously but we voted for her because the men said they already knew her (Interview, Female respondent, Kimuka - Kajiado West, 23.03.2016).

In the Maasai patriarchal set-up, it matters that the male political class endorses a candidate, otherwise they stand little chance of winning. While it is true that women could do a lot more in nominating and voting for one of their own, the financial requirements in the Kenyan patron - client political set-up excludes many of them from being actively engaged in the political scene. Kimani (2014) highlights the fact that Kenya's politics are heavily reliant on social capital, but the process of accumulating political capital is more favourable to men. Women interested in politics therefore search for male colleagues to act as patrons, in a bid to attain legitimacy and improve their chances of winning. The endorsement of women candidates by men makes it difficult for the women to contradict men, due to the prevailing logic of appropriateness (Chappell 2006) that forbids women from openly opposing or criticising men. For the longest time, men kept their wives' identity and voter's cards, to ensure that they did not vote independently - this with the assistance of political party agents at voting stations. Incidences of violence were common whenever women acted independently. This is a proliferation and collusion of informal gendered norms in the formal public space, which in the end supports and upholds an elitist political structure that is dominated by men and slowing the gains of equality legislation.

4 Negotiating alternative pathways to inclusion

While the findings above illustrate more challenges than successes, the citizens are themselves aware of possible measures to rectify this. These measures were observed in the focus group discussions and are analysed in the following sections.

4.1 Citizen-led civic education

Civic education can make up for the disadvantages of a lack of higher education attainments. Many countries have therefore adopted this approach, to spread awareness on civic duties, rights and responsibilities. Persson (2013) reports that there is empirical evidence that civic education has had a positive impact on outcomes such as civic knowledge. As a precaution however, Finkel (2002) warns that the effects of civic education rely on frequency, style, and the political resources of individuals, because civic education exposes individuals to both curriculum and group mobilisation processes, which can have short term effects.

The focus group participants included men who expressed readiness to volunteer as ambassadors within their communities for civic education, but they noted the importance of government support. This support is necessary to facilitate movement and resources, such as expertise and texts, to promote training of trainers in a system that would speed up the process and increase depth of outreach. One of them explained:

> In order to deal with these problems and help women feel like part of society is that we the knowledgeable men […] need to volunteer to teach whenever public meetings take place or during the women's merry-go-rounds [rotational savings and credit associations] since the government seems to have abandoned the grassroots. If the county government can facilitate this because facilitation might be problematic especially in reaching out to women in this vast area, it would go a long way in uplifting our women and our community in general (Interview, Male respondent, Nairagie Enkare - Narok East, 21.04.2016).

Partnerships such as this would have a positive influence on the relationship between citizens and government administration, as communication and support channels would be readily available to both parties. Most importantly, in volunteering to teach women, men help to bridge the gap in the constitution of political spaces. Through teaching, men extend the invitation to participation, breaking down socio-cultural barriers that have perpetuated male dominance in public affairs among the Maasai.

4.2 Maximising on men's role as gate keepers of cultural norms

Men are gatekeepers for gender equality, and their willingness to "open the gates for major reforms is an important strategic question" (Connell 2005: 1802). This has worked in combating Female Genital Mutilation (FGM) whereby the involvement of men has led to increased success in the campaign. The engagement of Maasai Morans in Kajiado has been reported to be very effective, as they are the decision makers on whether or not to marry uncircumcised women.[5] Regarding participation, it is the men who made suggestions to have male ambassadors at the community level, who could volunteer for civic education whenever there is an opportunity for public engagement.

Involving men at the community level could make the process inclusive, as everyone plays an important role in transforming the political space. It also compliments sentiments by the women, that knowledge transmission on the importance of including women in governance processes should not be restricted to women alone but should also include men so they can provide an opportunity for change starting at the home front. According to one respondent:

> Even men need the training. They are saying that 'women do not speak' so they also need the training so that when both are educated, he can give me the freedom. I am

---

[5] "Legalise Female Genital Mutilation, says doctor in court": https://www.nation.co.ke/news/Legalise-female-circumcision--says-doctor-in-court/1056-4267584-11ajval/index.html (Accessed on 29.01.2019).

> not saying it is all of them, but without the training, he will not understand me when I bring an agenda to the home. For us to understand each other, we both need the training (Interview, Female respondent, Nairagie Enkare - Narok East, 21.04.2016).

With the provision of training for all members of a community in place, men and women can approach roles as equals, recognising and respecting each other's rights to engage in political affairs. The ensuing support structure would therefore minimise confrontations, while opening the space for equity and equality. Having men as champions of women's empowerment also increases the chances of the agenda's success since as custodians of Maasai customs, they have the power to influence the language and attitude that could ultimately restructure the equality landscape.

4.3 Formalising women groups

The formalisation of women's groups would provide an alternative avenue for the incorporation of women's voices in governance. This would involve giving them the power to act as political representatives, an approach that has been successfully adopted in Peru (McNulty 2015). As an informal platform of participation, women's groups as legally recognisable representative bodies could become channels for agendas that could not, for whatever reason, be discussed in public forums, and those that were discussed but not incorporated, but are of strong standing among the women.

Giving a legal political position to women's groups would provide a remedy to the shortcoming of general public meetings. Registered and unregistered women's groups are part of the community landscape across Kenya. Anunobi (2002) traces the roots of these groups to the precolonial era, where women supported each other in their extended families and within their age sets. Their activities, though not fitting into the mainstream political classification, play a very significant role. They provide excellent opportunities for mobilisation of women in organising women-focused events. Even though, in their operations, they do little to challenge gender norms that subordinate women, they do provide a platform for the improvement of members' self-confidence and welfare through peer learning, income-generating activities and peer lending.

Women's groups are of great significance in the lives of women, and in ways that benefit the community at large (Taeko 2014). The social and economic projects undertaken within these groups tend to introduce significant changes in not just the lives of the women and their immediate families, but in the rest of the community as well. Discussions with the respondents confirmed this, explaining that they have transformed their lives through the knowledge and assistance they get from their women's groups. These spaces are not only used as meeting points to support group lending and organise the sale of their beadwork, but also for peer counselling and information sharing on public affairs. The women have therefore been able to learn more about community affairs and development needs, in addition to their culturally pre-determined mandate of care. They can take charge of domestic duties, alongside running micro and small businesses. Most importantly, these groups have become an important space for networking.

> Things have totally changed today. There are village elders and among them are women. The women are now involved in community development and pass on all the necessary information to the women in the merry-go-round groups (Interview, Female Respondent, Nairagie Enkare - Narok East, 19.04.2016).

Formalising women's groups would increase their legitimacy and provide a platform for training on political agency, and a channel for women to communicate their needs without fear of prejudice or disregard from their male counterparts. This navigation system will then present itself directly to planning boards, communicating matters that would otherwise remain unaired in the mainstream participation process. Fraser (1990) terms these platforms subaltern counter-publics. She argues that in stratified societies, subaltern counter publics provide subordinated groups parallel discursive arenas where they can invent and circulate counter-discourses, allowing them to formulate their own interests and needs. Women groups as a subaltern counter-publics will therefore expand the discursive space while at the same time countering the issues presented by logic of appropriateness that limit women's contributions in deliberative processes. While this may be argued as exclusionary and therefore contrary to the goal of inclusion in a deliberative democracy, it bears the potential to offset the unfair cultural public participatory privilege of men among the Maasai.

5 Conclusion

Participation and participatory governance are hailed for bringing the government closer to the people and promoting responsive policy making by the government. Its bottom-up approach aides in the definition of local priorities and more home-grown solutions (Cornwall / Jewkes 1995). Public participation allows for a governance structure guided by the creation and implementation of activities among citizens in conjunction with those in government. Together, the two entities formulate policies to meet a common goal, mainly home-grown and inclusive development. As a means or an end in itself, the process of citizen deliberation has been argued to improve democracy (Bingham et al. 2005).

However, the concept of 'bottom' needs to be reconsidered. For Maasai women, their bottom position differs from that of their male counterparts. A call for participation can only be honoured if the ground is levelled, to afford citizens equal footing. The public sphere cannot be conceptualised as neutral, and free from any cultural ethos (Fraser 1999). Rather, as the discussion here shows, the public sphere available to women has become a platform for the continued marginalization of the very individuals for whose benefit the process is set up. Participation threatens to be a platform for continued male dominance, and one where women rights are violated or out rightly denied. The lack of freedom of speech provides a good example of this among the Maasai, where it remains subjugated to the community's gendered logic of appropriateness.

Contextualised policy making and openness to support for alternative processes pave the way for inclusive and transformative public governance systems. In the case of the Maasai, the awareness

and readiness for dialogue on engagement frameworks that promote inclusivity provide an excellent platform for the exploration of alternative approaches to gender equality, and within them, ensuring inclusive and effective participatory democracy.

References

Anunobi, Fredoline (2002) Women and Development in Africa: From Marginalization to Gender Inequality. African Social Science Review. Vol. 2, No. 2: 41-63.

Bingham, Lisa Blomgren / Nabatchi, Tina / O'Leary, Rosemary (2005). The New Governance: Practices and Processes for Stakeholder and Citizen Participation in the Work of Government. In: Public Administration Review 65 (5): 547-558.

Chappell, Loiuse (2006). Comparing Political Institutions: Revealing the Gendered "Logic of Appropriateness". In: Politics & Gender 2(2): 223-235.

Connell, Raewyn (2005). Change among the Gatekeepers: Men, Masculinities, and Gender Equality in the Global Arena. In: Journal of Women in Culture and Society 30 (3): 1801-1825.

Constitution of Kenya 2010. Available at: https://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf. (Accessed on 12.05.2015).

Cornwall, Andrea / Jewkes, Rachel (1995). What is participatory research? In: Social Science and Medicine 41 (12): 1667-1676.

Erakit, Joan (2013). The Challenge of Being a Maasai Woman. Available at: http://www.ipsnews.net/2013/05/the-challenge-of-being-a-maasai-woman/. (Accessed on 29.01.2019).

Fraser, Nancy (1990) Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy. In: Social Text 25/26: 56–80.

Gaventa, John (2002). Exploring Citizenship, Participation and Accountability. In: IDS Bulletin 33 (2): 1-14.

Hodgson, Dorothy (2001). Once Intrepid Warriors: Gender, Ethnicity, and the Cultural Politics of Maasai Development, Bloomington: Indiana University Press.

Hodgson, Dorothy (1999). Pastoralism, Patriarchy and History: Changing gender relations among Maasai in Tanganyika, 1890-1940. In: Journal of African history 40 (1): 41-65.

Jütting, Johannes / Corsi, Elena / Kauffmann, Céline / Mcdonnell, Ida / Osterrieder, Holger / Pinaud, Nicolas / Wegner, Lucia (2004). What Makes Decentralisation in Developing Countries Pro-poor? In: OECD Development Centre Working Paper 236: 1-59.

Kanyi, Wambui (2016). Kenyan Women's Journey In Their Quest For Affirmative Action. In: The Walls We Can't See: Public Policy Lethargy on Women's Political Participation in Kenya. Heinrich Böll Stiftung Policy Brief. Available at: https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_wambui_kanyi.pdf. (Accessed on 23.04.2017).

Kimani, Kennedy (2014) The gender rule quagmire: Implementing the two-thirds gender principle in Kenya. Available at: http://iedafrica.org/index.php/policy-legal-reforms/143-the-gender-rule-quagmire-implementing-the-two-thirds-gender-principle-in-kenya. (Accessed on 23.11.2014).

Kurebwa, Jeffrey (2015). A Review of Hanna Pitkin's (1967) Conception of Women's Political Representation. In: International Journal of Scientific and Research Publications 5 (11): 50-60.

McNulty, Stephanie (2015). Barriers to Participation: Exploring Gender in Peru's Participatory Budget Process. In: The Journal of Development Studies 51 (11): 1429-1443.

Ndonga, Wambui (2013) Women who broke barriers to get elected. Available at: http://www.capitalfm.co.ke/news/2013/03/women-who-broke-barriers-to-get-elected. (Accessed on 16.12.2015).

Norris, Pippa / Inglehart, Ronald (2000) Cultural Barriers to Women's Leadership: A Worldwide Comparison. IPSA 2000 paper. Available at: https://sites.hks.harvard.edu/fs/pnorris/Acrobat/IPSA2000culture.pdf. (Accessed on 11.12.2017).

Owuor, Effie (2016). Women and political inclusion in Kenya: A historical overview, 1963 – 2016. In: Gender Equality and Political Processes in Kenya. Japhet Biegon (ed), Nairobi, Strathmore University Press, 7-38.

Parsimei, Emmanuel (2013). The Maasai Women: Childhood to Womanhood. Available at: http://web.education.unimelb.edu.au/UNESCO/pdfs/maasai.pdf. (Accessed on 20.01.2014).

Persson, Mikael (2013). Education and Political Participation. In: British Journal of Political Science 45(3): 689-703.

Rowe, Gene / Frewer, Lynn (2000). Public participation methods: A framework for evaluation. In: Science, Technology and Human values 25(1): 3-29.

Spencer, Paul (2003). Time, Space, and the Unknown: Maasai Configurations of Power and Providence. Routledge, London.

Taeko, Takayanagi (2014). The complexity of literacy in Kenya: narrative analysis of Maasai women's experiences. In: Compare: A Journal of Comparative and International Education 44 (5): 826-844.

Wambui, Jane (2016) Neo-Patrimonialism, Patriarchy and Politics of Women's Representation in Kenya. The walls we can't see: Public Policy Lethargy on Women's Political Participation in Kenya. Available at: https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_jane_wambui.pdf. (Accessed on 12.03.2017).

"At night I am free like a bird"

The Night-time World of Trans Nairobians

Hanna Lena Reich

1 Introduction

> Queer life in Kenya is of necessity clandestine, secretive and furtive. Nevertheless, where there is a will there's a way and members of the Queer community have managed for 50 years and more to live, love and drink beer side by side with the rest of society without creating too much of a fuss (Githahu 2014).[1]

As the quote shows, a queer community has always existed in Kenya, particularly in Nairobi. In the past two decades trans issues in the African context have become more visible with more attention being drawn to the political and social topic of accepting LGBTIQ[2] people. More and more people refuse to live this clandestine and secretive life Githahu is referring to, but in many parts of Africa queer people, especially the trans community, however, still face a multitude of hardships within their societies. Trans issues is a highly misunderstood subject in Kenya and due to the stigma and shame linked to it, many trans Kenyans are confronted with conflicts within their personal as well as their work environments. Some even "suffer in silence", as Maureen[3], one of my informants framed it (Interview, Maureen, 30.09.2016).[4] Nighttime, as this article will demonstrate, is perceived by parts of the LGBT community as a safe space and a crucial part of their lives, because it offers trans people opportunities to be themselves, to be free and express parts of their lives they oppress during the day due to the aforementioned conflicts with family or colleagues.

Accordingly, it is the night that offers a contrasting experience compared to the daily life where many trans people in Kenya fear to live in the open because they have experienced violence and the loss or rejection of family and friends who did not understand or accept their gender identity. This is one of the reasons why some of the trans people in Nairobi, who will be introduced in this article, choose nighttime to express their gender identity socially (such as wearing clothes of their desired gender), at home or in nocturnal safe spaces, such as queer-friendly bars and clubs in the

---

[1] "We're queer, we're here and we're drinking our beer": https://www.the-star.co.ke/news/2014/02/05/were-queer-were-here-and-were-drinking-our-beer_c891077 (Accessed on 29.01.2019).

[2] LGBTIQ is the abbreviation for Lesbian, Gay, Bisexual, Transgender, Intersexual and Queer/Questioning and is widely used in the activist and political sphere. There are other common abbreviations such as LGBT, but for the sake of consistency I am using LGBTIQ in this article.

[3] All names of the mentioned informants have been changed or modified for the source's protection.

[4] There are no statistics about the trans population in Kenya. During my research I had close contact with six trans people and through them I met around 15 (Kenyan) trans people during my fieldwork.

city. Nairobi, a fast-growing, globally connected city, offers more opportunities for the queer community to live freely and engage with others as it is impossible in rural areas of Kenya. A perception of an open-minded and cosmopolitan city is one of the reasons why people from neighboring countries decide to move to Nairobi and enjoy the anonymity urban life offers. The phenomena of a nocturnal city where LGBTQ Nairobians have carved out their own space of freedom and security is the focus of this contribution.

There is little to no literature on queer people in Kenya, especially trans persons. Public discourse has only started recently and is limited to urban areas where activists, LGBT movements and non-governmental organizations engage in projects to support trans people personally as well as educate the broader public about the topic.[5] By sharing ethnographic data about trans persons in Nairobi and describing a fraction of their complex life stories, this contribution draws academic attention to trans stories in the Kenyan context and leads to new areas of research on trans persons in Nairobi and on the role gender plays in power relations and social struggles in Kenya.

In this article,[6] I address how the significant differences of night and day, reflects in the lives and struggles of trans persons in Nairobi. The article shows how important the night is for trans people as well as how the safe nocturnal spaces in the city are created and experienced. To do this, I will first discuss the methodological approach (2) and terminology used in this article (3). After reviewing the current regulations and laws affecting the trans community in Kenya in section 4, I will share the empirical material I collected in Nairobi and introduce different trans informants (5). In part 6 I illustrate how "a night out" is experienced by them and by referring to the quote in the title of the article I show how my informants link their nocturnal experiences with the idea of freedom. Using the concept of safe spaces, I will explain how trans people in Nairobi perceive the night as such (7). With concluding remarks, I will demonstrate how the night challenges social categories such as gender or class and offers marginalized groups visibility they lack in their daily lives.

2 Gaining access to and trust within Nairobi's trans community

The research that this article is based on was conducted in Nairobi between October 2015 and November 2017.[7] During two long and two short research stays totaling 19 months, I collected different kind of data, including participant and structured observation, questionnaires, night-

walks and interviews, which include in-depth and expert interviews as well as informal conversations.

The ethnographic material I am sharing in this article are personal experiences of my interlocutors, and I find it crucial to provide an insight into trans lives in Nairobi and give them a voice, at least to a certain extent. In this article they will speak through me, which means that I made the decision which material will be shared and of course I am taking into account how my own role as an ethnographer shaped the research process, the relationship to the people I speak about in this article as well as the interpretation of the collected material. This reflexive approach might reduce a bias, but it must be acknowledged that an ethnographer can never describe something objectively as it is, no matter how much we try to engage in a reflexive process. The lens I use to view my research process, whether regarding personal or theoretical beliefs, the relationships I built with my informants, how they viewed me and how I viewed them all influenced the outcome of this contribution. I think that the lens of these personal experiences I am going to describe, from family backgrounds up to illustrating a night out with the four trans people mentioned in this article, are a useful approach to understand the way they use and make sense of the night since I argue that these lived experiences shape the process of what I call night-making later in this article.

Collecting detailed descriptions and illustrations of my nocturnal trans informants' personal dilemmas was only possible because I gained their trust, I invested time as well as emotional energy into spending time with them and building close relationships. I argue that the process of developing rapport is inevitably linked to the idea of Participant Observation in the field of Anthropology and this article demonstrates the importance of such methodological approach once again to get a glimpse of people's lives, mainly speaking about issues regarding people's personal spaces. Nevertheless, my own biased position needs to be examined.

I am a cisgender white woman in her late twenties from Germany. I am educated, a PhD student, who is financially independent. I have an interest in nightlife culture and all kinds of nocturnal experiences. I see myself as an insider because I spent a significant amount of time in Nairobi's nocturnal scene but simultaneously as an outsider to the Nairobi trans community since I am neither Kenyan nor am I trans or any part of the LGBTIQ community. In the ethnographic descriptions later on I will show that the trans people I engaged with had an understanding of Europe as more tolerant than Africa, more open-minded towards people's sexual orientation and in general they imagined it as a place where people do not interfere as much in other people's personal lives as they experienced it in their lives before. My European background and being the same age as them, led to my informant's perception of me being tolerant and open-minded. Another contributing factor has been that I met the four trans people through a third party and that person linking us at is a gay friend of mine who I have known since my first visit to Kenya in 2010. In many conversations I had with my trans informants this was mentioned as a key factor for them to trust me and allow me to spend time with them since this friend has vouched for my discretion. By sharing narratives of trans people the aim of this article is to create a sensibility for the social power relations in my research context and the marginalization people experience as well as the opportunities nocturnal atmospheres offer to overcome these.

3 Trans in the Kenyan context- Terminology and legal framework

In this article, the primary emphasis lies on my empirical data which allows me to illustrate the personal experiences of my informants. Nevertheless, it is essential to discuss the terminology and language used in this article. My aim is not to reflect on ongoing debates in Gender and Queer Studies, but rather explain where my informants position themselves, which terms they use and why.

Transgender, Transsexual, Trans, Trans men/women? - How to write about trans persons*

One can find a multitude of creative terms, concepts and definitions when it comes to discussions about (trans) gender identities. I would like to explain why I chose to use the term 'trans' in referring to the informants I am speaking about in the following sections. To use the terms correctly and to understand their manifestations it is necessary to discuss them here.[8] Green et al. addressed the issue of using proper terms in an article published in Transgender Quarterly formulating the question "What do you want us to call you?", using the subtitle "Respectful language" indicates that working about trans people is always linked to a discussion and maybe even justification why one chose to use a specific term since "terminology goes hand in hand with particular viewpoints" (Green et al. 2018: 105). Therefore, it is necessary to speak about the term transgender on the one hand, and to discuss on the other hand why I chose to use the term trans or trans persons in my work.

The term transgender is not indicative of gender expression, sexual orientation, hormonal makeup, physical anatomy, or how one is perceived in daily life (Valentine 2007: 33). It has its origins in the United States and focuses on the social gender dimension instead of the physical dimension indicated in the term transsexual (Baumgartinger 2017: 46). It is very much linked to debates in the Global North and has been criticized as US-centric. Nowadays transgender is mostly used as an umbrella term grouping individuals who are transsexual, genderqueer, agender, androgyne, demigender, genderfluid, individuals who cross-dress or dress androgynously as well as other individuals who cross or go beyond traditional gender categories. The following statement about transgender people in the Kenyan context has been published in an article which Audrey Mbugua wrote for the Queer African Reader.

> When I talk of transgender or transsexual people, I will be referring to people who experience a long-lasting and persistent discomfort with their assigned sex and seek medical and legal assistance to transition from one sex to another. Note that I will not be talking about drag queens and kings, male sex workers who go around dressing in certain clothes to get attention from clients and I will definitely not be talking about shemale porn actors, cross dressers and effeminate gay boys and butch lesbians (Mbugua 2013: 123).

---

[8] It is not possible and not my intention to give a full description of the historical and political developments which lead to the use of a variety of terms. For an overview Baumgartinger (2017), Stryker / Whittle (2006), Stryker / Aizura (2013).

Mbugua is a Kenyan transgender activist who has been involved in legal actions in the High Court of Kenya to fight actively for the rights of transgender people in the country. When discussing her prominent case in the Kenyan Media as well as in academic publications, she uses the terms transgender or transsexual (Mbugua 2011, 2013). Since she is the only person writing academically as well as in her position as an activist about the trans community in Kenya she is the person dominating the discourse in my research context. I would like to point out that Mbugua refers in the quote and in most of her work to a specific trans identity which is linked to the idea of transitioning, she mentions the point of seeking legal and medical advice, and therefore could rather be described as transsexuality. It will become clear that not all trans people, also not all of my informants, want to undergo surgery or even locate themselves in binary categories. Transsexual, transgender and trans are relatively new concepts in the African context (Theron / Kgotisau: 580) and are not yet popular terms used in Kenya outside of the LGBTIQ community. My interlocutors though, used the term trans when they introduced themselves. This aspect will be discussed later in this article.

Recognizing the importance of the emic perspective, I am using the term trans in this article since my informants used it themselves and it is imperative for me to represent their voices correctly. As mentioned in section 2, my own role as an ethnographer might have even influenced the language and terminology used by my informants. Being educated and from a European country my informants likely assumed that I am familiar with the term trans and the discourse linked to it. There is no Swahili or Sheng translation of the term trans and in Kenya, as the statement of Mbugua and her published papers shows, the discussion about trans issues in public is held in English. Even though many Kenyans speak English it is rather a language used in work and educational contexts. Within families, other languages are spoken. By dictating English as the language dominating the discourse about trans issues a choice has been made to exclude a rather large amount of people and might be one of the reasons why the larger public is still not educated about trans issues in particular as well as LGBTIQ issues in general. The fact that my informants spoke about themselves as trans shows, that they are aware of ongoing debates from LGBTIQ movements and adopting commonly used internationally terminology as their own. I will not discuss this phenomenon in detail, but it emphasizes on the importance of understanding the life stories of trans people in Kenya (and other African countries) since they cannot be seen only in the local context, but they are a part of a more significant global discourse. I will show in the descriptions of my informants they all experienced moments in their lives where they were exposed to knowledge about the issue of gender identity struggles. Following global debates, the terms discussed in these discourses offered my trans informants' opportunities to frame, name and more importantly understand their personal experiences. The interlocutors in this article all refer to themselves as trans.

The second reason why I use the term is trans because even though the term originated in Western discourses such as transgender did, in which binary gender/sex concepts are assumed as the norm, it is less US-centric and commonly used in academic as well as activist publications. Regarding the term, reports published by the "Transrespect versus Transphobia Worldwide" (TvT), an

ongoing, comparative qualitative-quantitative research project initiated by Transgender Europe, state the following definition:

> Trans people and gender-diverse people include those with a gender identity that is different from the gender they were assigned at birth, and those who wish to portray their gender in a way that differs from the gender they were assigned at birth. Among them are those people who feel they have to – or who prefer or choose to – present themselves in a way that conflicts with the social expectations of the gender role assigned to them at birth, whether they express this difference through language, clothing, accessories, cosmetics or body modification. These include, among many others, transsexual and transgender people, trans men and trans women, transvestites, cross-dressers, no-gender, liminal gender, multigender and genderqueer people, as well as intersex people who relate to or identify as any of the above. Also included are those who identify with local, indigenous or subcultural terms – such as Leitis in Tonga – and relate to the terms 'trans people' or 'gender-diverse people', for instance in international activist contexts. Further included are those people in non-binary gender systems who were raised in a different gender than male or female and who self-identify as trans people or gender-diverse people in international contexts (Balzer et al., TvT-Report Vol.9, 2015: 6).

Reviewing my empirical material for this article, I read the following passage of my fieldwork diary. In this passage I am referring to Rose as Robert since I did not know about her trans identity and in the interview with Rose he introduced himself as Robert.

> It is Friday evening, 11 pm, in an apartment somewhere in Nairobi. I am sitting on the floor next to Robert, who invited me here, and some of his friends. We are having drinks, smoking and some people pass a joint around. I interviewed Robert yesterday. He is a student and a part-time model. A friend of mine, a photographer, gave me his contacts and he agreed to meet me for an interview in a café. He was dressed in a suit. Right now, he (or she?) is wearing a short black dress and walking barefoot showing her perfectly painted red toenails. Her wig has long thick straight hair. The subtle Make-Up, just a little mascara and rouge, suits him (her) (Research Diary, 27.11.2015).

When we first introduced ourselves, Rose used her male birth name, Robert, "because we were in public". Focusing on his perceptions of the night in Nairobi, discussions about gender identity or sexual orientation did not come up. When I came to the apartment under the impression of meeting Robert and some of his friends, I did not have a clue I was given the opportunity to explore the nocturnal life of parts of the trans community. In preparation for this article, I recently texted Rose on WhatsApp, and we made jokes about my reaction when I came to her apartment that night. "Robert was the one who invited you and then Rose opened the door" (WhatsApp Conversation, 25.03.2018), she commented on that incident. Looking back, I remember I did not ask anything about who they were, how they refer to themselves or anything. Seeing how I wrote "he" but including "she" in brackets demonstrates my confusion Rose might have sensed when she observed

me that night. It was Rose who brought up the topic the same night. She refers to herself as trans, a term her trans friends use as well. That night, Rose made it easy for me: "I am trans, so is Maureen. Joshua is just gay. David is crossdressing sometimes. There are two more coming", she told me while giggling (Research Diary, 27.11.2015). Surprisingly, even though Rose is not very open about her trans identity to strangers, she was not afraid to confide in me. When discussing this with her after we had gotten to know each other for some time, she explained to me that she opened up to me, because we had a friend in common who was gay (Rose concluded that I was likely not homophobic), because I was a woman and a foreigner who she always referred to as "more tolerant" than Africans.

The four interlocutors I introduce in this article, Rose, Maureen, Pauline and Mary, were assigned the male gender by birth.[9] All have struggled with their gender identity for many years. One had undergone Gender Reassignment Surgery. Some are dating men, some are dating both men and women, Rose currently has a girlfriend.

It is important to clearly state what my informants, interlocutors and many of you already understand and take for granted. Trans people are not all the same, not anywhere in the world and not in Kenya. They are all individuals with unique family backgrounds, living in different economic and religious settings and therefore perceiving their gender identity struggles in very different ways. Some live and speak about it openly and engage in activism for their rights, and some only confide in their close friends, and many face these issues alone. The individuality of each person, and the variety of different trans cultures and identities around the world is the reason for such diversity among trans people. There is no such thing as a typical "Kenyan trans person". What they all share is enduring discrimination in the Kenyan labor market, difficult access to medical services as well as experiences of exclusion and sometimes even violence (Mbugua 2011: 244).

Unfortunately, there is scarce literature on trans people in Kenya[10] and the challenges they face. Most is material from NGO's, activists or articles in the newspapers. These sources report about the high levels of transphobia in Kenyan society. There is a lack of knowledge in Kenya about gender identity struggles. In recent years, homophobic and transphobic discourses have become prevalent in Africa. Often, religious and political leaders perceive the issue as something un-African, immoral and imposed on Africa by foreign people (Aarmo 1999: 255). They promote the idea in public and even pass new laws which lead to their on-going harassment by police and broader society.[11] What is striking is that this image of Africa as homophobic, and in the case of this article transphobic, is promoted by both traditionalists in the respective countries who insist that homosexuality is a Western intrusion and by the Western media as well that lays an ongoing focus on homophobic statements from African political and religious leaders (Awondo et al. 2013: 145).

---

[9] Since Rose connected me to other trans people in Nairobi I did not influence the group of informants. There are trans people in Kenya who were assigned the female gender at birth and who struggle with their gender identity, but I did not establish close relationships with them and therefore they are not included in this article.

[10] There are several articles on Trans People in Southern Africa: Currier (2012), Lubbe-De Beer (2013), Morgan (2009), Swarr (2012). The literature regarding Kenya is limited to papers published by Audrey Mbugua or NGO publications.

[11] A very prominent case was the so-called Anti-Homosexuality-Bill in Uganda. Further literature on similar cases from various African countries: Awondo (2010), Cheney (2012), Msibi (2011).

The 2010 Kenyan Constitution, which was celebrated as progressive compared to other African countries (Glinz 2011) forbids discrimination on some grounds but does not include sexual orientation or gender identity unlike the South African Constitution. It explicitly states that a marriage must be between a man and a woman. Sexual activities between persons of the same sex are criminalized in the Kenyan Penal Code as "against the order of nature" with the penalty of 5-14 years' imprisonment. This includes homosexual activities which affects the lives of trans people in Kenya because many of them are categorized as homosexuals. There is a perception in Kenyan society that trans people are homosexuals or sex workers which leads to further criminalization. This perception has been discussed regarding other parts of the world. Valentine states, that "transgender people have, for a long time, been misrecognized – or misclaimed – as homosexual" (Valentine 2007: 29). GALCK[12] reports that trans people in Kenya are often arrested, although charges may not actually be pressed (Deutsche Welle 2018, GALCK).

In 2014, two critical cases regarding trans persons were won in the Kenyan High Court (Migiro 2014): one where the High Court ordered the National NGO Council to register the trans organization Transgender Education and Advocacy and another where Audrey Mbugua got the right to change her name and gender on her academic certificates. Given that there are existing legal measures to change names on certificates, but not the sex of a person, and there is no adequate protection for transgender and intersex people against discrimination or hate crimes, the two were essential landmark cases that could change the situation for trans persons. Nevertheless, for my informants being as outspoken about their gender identity as Mbugua would take more time and courage. Before I share the observations of the nocturnal experiences, I will describe the background of my informants regarding their gender identity struggles and private situation. This is crucial to understand their ideas of being unsafe as well as being free and safe.

4 Living as trans in Nairobi

In this section I introduce Rose, Pauline, Maureen and Mary and their life stories. I summarized information I received from them but included many direct quotations as well. I met all four alone for audio-taped interviews, but we also spoke during group activities and when we all hung out where the conversations were rather informal.

Rose

Rose is in her twenties. She was born and raised as a boy named Robert in a village close to Kericho in western Kenya. In the past ten years, she has not been back home and has not been in touch with any of her family members. Rose knew from early childhood that she wanted to be a girl. The feeling started when she wanted to play with her sisters' dolls and always felt more comfortable being surrounded by girls to play and talk with. She told me that it was not an issue while at home

---

[12] The Gay and Lesbian Coalition of Kenya (GALCK) was established in May 2006 following the convening of local and regional lesbian, gay, bisexual, transgender and intersex (LGBTI) activists and is the Kenyan umbrella organization for the LGBTI community.

with four sisters and only one brother, but that things began to become difficult in the school environment:

> For me, the problems started in boarding school. Being in boys' dorms and after school hours I had to engage in the boys' activities like sports. I was not feeling comfortable. This was just not who I was (Interview, Rose, 14.12.2015).

Being in boarding school, a typical experience for many Kenyans, there was not much privacy, and when Rose was 16, she got caught by a classmate trying on lipstick and eyeshadow in one of the school's bathrooms. He insulted her, calling her "shoga" and "msenge", disrespectful Swahili words used for gay people. Afterwards, the boy outed Rose to the boys in their dormitory, and later the word spread, and the whole school knew about the incident in the bathroom.

> It was humiliating. I was not gay, but nobody understood that. My classmates, even close friends, were avoiding me. A few times I got beaten up severely. It was horrible. […] When I tried to reach out to teachers, they were not helpful at all. One even told me that I was not normal and that I am a shame to the school. […] I pretended to be really sick so that the school would send me home to my family for medical treatment. When I was sent home, the headmaster gave me a letter for my father. I did not know that he reported about the incident and informed my father that they suspected I was gay (Interview, Rose, 14.12.2015).

Rose never returned to school. Her father did not react in a supporting way, and neither did the rest of her family:

> Only my little sister was understanding me, but she feared my father, too. My parents asked the pastor in our church for help; they thought if I pray enough I will recover from this issue. […] I stayed at home for seven months. My neighbors were gossiping why I was not in school. My father could not even look at me. I was depressed. I could not eat. I thought about taking my life many times. […] The only thing my father would ask me if I was still gay. I did not want to live at home anymore. I proposed to visit my auntie in Nairobi (Interview, Rose, 14.12.2015).

Rose left to visit her "auntie", who is a rather a family friend, in Nairobi in August 2011. Since then she has not returned home. This friend, a successful businesswoman, who lived by herself in Kileleshwa, helped Rose to understand what happened to her. It was the first time in her life that Rose encountered the word trans. Even though Rose found a support system while living with her aunt, she is not yet ready to live publicly as a woman. Only at night when she is out clubbing, she "fully lives as a woman" (Interview, Rose, 14.12.2015).

Pauline

Pauline is Rose's best friend. She is 24 years old and a Ugandan refugee seeking asylum in Kenya. Uganda is one of the 36 African countries where homosexuality is illegal.[13] It is widely known as an intolerant place for the LGBTIQ community, many face discriminations, violence, eviction from their homes and even police arrests. Even though the legal situation in Kenya is similar, many transgender and homosexual people from Uganda flee to the neighboring country, especially to urban areas like Nairobi, since the enforcement of the law is not as strict as what obtains back home. Pauline arrived in Nairobi with her friend who is gay. They live in a house with 11 LGBTIQ refugees from Uganda. There are a few arrangements, safe houses, like this in Nairobi, and it has been a topic in local and international media (Wesangula 2017): Pauline's case is similar to Rose's. She faced discrimination and violence within her own family once she was outed. Neighbors were avoiding her, and she was unable to find a support system. Suffering from depression and fear, she decided to leave her home. Through Facebook, she got contacts of NGO workers in Kenya who helped her settle in a house with other refugees. Pauline wishes to leave Africa and move to a place where she could get a gender reassignment surgery one day and start a new life:

> It is easier to get the surgery done overseas. Maybe Europe or the United States. […] I would like to start fresh. At a place where I can just go and say, 'I am Pauline, I am a woman and I am happy'. I will never be able to do this here. […] I miss my home and my family every day. Here I spend time with people like me, but we are always at home hiding. When I met Rose, I started feeling better, because she helped me to make more friends and even to start enjoying my life a little (Interview, Pauline, 01.10.2016).

Pauline says that for trans people, it is sometimes even more difficult than for homosexuals.

> I think I get attention because my physique is still masculine, but sometimes I wear purses and jewelry like rings and necklaces. I get stopped by police officers, and they want to see my documents. Once I did not carry my refugee papers, and then the police guy wanted money. He threatened if I don't pay, he can send me to jail (Interview, Pauline, 01.10.2016).

She stopped using purses, wearing feminine clothes, or using nail polish and make-up during the day to hide her "true gender". Pauline and my other trans informants always spoke about "keeping a low profile" during the day to ensure their safety. Since Pauline does not have a regular job, she mostly stays at home during the day. She goes out with friends at night to bars and clubs. This is her "real life" (Research Diary, 23.11.2016) as she stated in a conversation I had with her one night.

---

[13] "Mapping anti-gay laws in Africa": https://www.amnesty.org.uk/lgbti-lgbt-gay-human-rights-law-africa-uganda-kenya-nigeria-cameroon.

Maureen

Maureen is a very outspoken person, and unlike the previous informants, she has actually under-gone gender reassignment surgery in the United States. Maureen was born in Mtwapa, a small town close to Mombasa at the Kenyan Coast. When we met and first discussed my research topic, she told me that Mtwapa was always called "the village that never sleeps" and that she "knows everything about nightlife" (Research Diary, 27.11.2015). Maureen is in her early thirties, and she works as an accountant in the Kenyan branch of an American company in Nairobi. She said that she always knew that she was a woman: "I knew I was female since I was a little child. There was just something different about me. Of course, by then I could not name it" (Interview, Maureen, 05.12.2016). Maureen went to school and achieved a high school degree while still living with her family in Mtwapa. She was able to hide her problems regarding accepting and understanding her gender identity from her parents during this time. When she was 19, she started going to many of the local bars and clubs in Mtwapa which are frequently visited by a massive crowd of interna-tional tourists at the coast as well as foreigners who settled there.

> I started sleeping with tourists. Men. They were gay. I was not. [...] Some of these men paid me for sex or bought me stuff. They just assumed I was also gay. I did not mind them thinking this. For a while, I felt it too since I was a bit happy with my situation. [...] It was not just sex. I found friends. They would understand why Kenya was such a hard place for me to be (Interview, Maureen, 05.12.2016).

Maureen studied accounting at the University of Mombasa and with the financial help of friends abroad she was able to get her own apartment and enjoy some personal freedom: "This is when I started buying nice dresses and skirts in the boutiques and wear them at home. I would dress up, wear heels and try on makeup. It felt so nice" (Interview, Maureen, 05.12.2016). Maureen told me that her landlord found out about her cross-dressing and threatened to kick her out of the apart-ment if she continued "living like this." Although she didn't add much more detail to this story, but Maureen mentioned numerous experiences of violence in her housing context. She moved out and started taking care of a house for an Italian who was living in Mombasa a few months per year. Later she earned a degree as an accountant and started looking for jobs "rather unsuccessfully", as she explained to me. For four years Maureen was in a relationship with an American man named Marc. They met at a local bar in Diani Beach. Even though they broke up many years ago, Maureen kept mentioning him in many conversations, always stating how grateful she was for this experience and that she "still deeply loved him". In conversations we had on the phone after I returned from my fieldwork, I learned that it was Marc who helped her in getting the surgery done.

> He (Marc) helped me. He knew what was going on with me and told me that I could get help in the US. I knew that there was surgery to become a woman, but I never thought that one day I could get it, so I did not bother so much. [...] By that time for me it would have been ok just to be a woman as in dressing, changing my name and so on. [...] Marc helped me. He took care of everything. I was with him in Chicago for almost three years (Conversation on the phone, 15.02.2017).

Eventually Maureen and Marc broke up, and she returned to Kenya. Even though she had undergone surgery, something she claimed "many trans people wish for", Maureen never felt unhappier and lonelier than in this period of her life:

> I was all alone. Marc and I were still friends, but we could not stay together. I got back to Kenya. [...] I had no friends here, and my family was not speaking to me. I was a woman, and it made me happy, but it was still new, and I had no access to psychological help like I had in the States and no support system at all. I was depressed (Conversation on the phone, 15.02.2017).

Maureen reached out to one of her sisters to explain her situation. She told her sister about the surgery and asked for "forgiveness". This notion of forgiveness appears constantly in my dialogues with Maureen. She told me that day to day life has been difficult for her family either and that she feels guilty for causing problems: "I don't blame my family. And now they really try. We are not close, but we talk on the phone sometimes. That is progress for all of us." (Interview, Maureen, 05.12.2016)

Mary

Mary is in her mid-twenties and a rather quiet person. When she is with Rose, Pauline and Maureen, she is the one who talks least and commonly refers to herself as "not a party person at all" (Research Diary, September 2016). Nevertheless, Mary frequently visits various nightclubs in Nairobi, and I accompanied her several times. Mary was born and raised in Nairobi. Her family resides in Embakasi while Mary shares an apartment with her cousin in South C. She was enrolled at the University of Nairobi, but because Mary does not have a regular job, unpaid fees forced her to drop out. She relies on her cousin who pays rent and most of their other housing expenses. Mary is on good terms with her family, but currently they are not aware that Mary identifies herself as a different gender from the one she was assigned at birth.

> I think I knew I was living in the wrong body since I was a child, but I realized it later on, maybe as a teenager. I could never really explain my situation to anyone. I was not so much afraid of the reaction of my family, but even me I did not know what was happening with me. [...] Always feeling sad and not wanting to be with people. My parents thought I was an introvert and not very social, more into reading, painting and writing. Creative things. [...] I learned about the whole issue (being trans) when I read about it in Blogs and Social Media. I joined some discussion forums and chatrooms where I spoke to people anonymously about my situation (Interview, Mary, 01.05.2016).

Mary does not want her family to know. The reason why she is confiding with her cousin and roommate Joshua is because he is gay. He had come out to his family two years previous, and even though no-one supported his decision, there appeared to be no consequences thus far.

> My parents know about Joshua being gay. My father made some jokes about it and
> called it a phase, but they are still close to him, and they visit us often, and my mum
> brings food (Interview, Mary, 01.05.2016).

When they visit and see women's clothes in the apartment such as high heels and purses, Mary's parents assume that they belong to Joshua. Even though her parents seem very open-minded for their generation, Mary is not planning on telling them about her wish to live as a woman.

> I don't think I am there yet. My country is not yet there, however. Even if my parents
> would support me, there is still work, neighbors, friends and relatives. […] I just wish
> that everybody could understand that we are only humans. Yeah, Joshua is gay, and I
> am trans, but does that make us less of a human? We are just like everyone else. […] I
> did not ask for this. God created me this way, and I believe that he will guide me on
> my path. […] I want to study abroad. Maybe in the UK or Belgium. My aunties live
> there, and they want to help me. Perhaps there it will be easier for me to build a future
> because Europe is much more tolerant than Africa (Interview Mary 01.05.2016).

Mary thinks that for her it is not a possibility to out herself in front of family or friends. For now, she has only told Joshua and her trans friends that she feels like she is "living in the wrong body" (Interview, Mary, 01.05.2016).

Even though the four trans persons who were introduced in this section come from different backgrounds, two from urban and two from rural areas, and their life stories are all unique in their ways, one can find some similarities when looking at them. All of them have experienced discrimination, whether verbally or physical violence, in various contexts, such as school and within their families. Apart from Mary they all have no or only loose contact to one family member and have not been to their family homes in years. None of them is very engaged in activism, but they all follow debates from the LGBTIQ community through Facebook or Instagram. Maureen is the only one who had a surgery and therefore does not have to go through the visible transformation from man to woman, unlike the others who go to university or to work and "play the role of a man" as Rose sometimes framed it. The four are all active at night and go out many times a week a crucial experience, as Maureen describes it: "We have the night at least to be ourselves" (Conversation with Maureen, September 2016).

5 "At night I am free like a bird"– A night out as a Nairobian trans person

This quote which is part the title of this article is from my second interview with Rose which took place two weeks after I knew she was a trans person. We discussed the differences between the day and nighttime environments in Nairobi in as well as in her private life. When I asked what is specifically different for her regarding inhabiting these two environments, she told me: "Everything! Everything is different. It is a whole different world at night. I can't describe it. I can't find the right words" (Interview, Rose, 08.12.2015). Many of my informants struggled to describe the

specifics of the night with words, I responded by asking for more details regarding her dual experiences:

> The most significant difference is noticeable: I am a man, but at night I am a woman. No, let me rephrase this. I am a woman, but at night I can be one in public. I dress differently, I do different things of course. But it is not about that. I could study at night too, and still, it wouldn't be the same as studying during the day. [...] I don't know how to describe it; how do you even describe being free? It is a feeling. At night I am free, free like a bird. I can be who I am, do what I want. Trust me, and you will get it once you see it (Interview, Rose, 08.12.2015).

When I asked her if I could join her and her friends to see and observe the places they go to and the activities they participate in, she told me: "You have to! If you want to truly understand what the night means for me, how it changes me, it's a must" (Interview, Rose, 08. 12. 2015). Not only once, but many times that I accompanied Rose and her friends during their nights out in the city. Although each unique in its own way, a typical night with the "girls" would follow similar activities, some spontaneous, others repeated and interestingly ritualistic. Our nights generally took on a consistent form with observable elements including dressing up, "Pre-gaming" enlarging the group with the addition of more friends, bar hopping and eventually the denouement, what Mary poignantly refers to as "wiping off the traces of the night".[14]

Dressing up for the night

It is Friday night, and I'm with Rose at her apartment.[15] We met at the Central Business District where the company she works for has an office. We took an Uber together since it would have been a hassle to get a seat in one of the Matatus, the Kenyan minibuses serving as shared taxis. Rose is wearing a suit. It is required at her workplace to dress up like this. Since she is not outed[16] at work, she has no choice but to dress as a man. As soon as we get home, Rose immediately puts her briefcase in the closet and takes off her suit. "Let me get rid of this shit and feel comfortable", she tells me while she changes into white leggings and a white blouse with pastel-colored flower print. Rose sprays herself with a vanilla scent perfume before she sits down next to me on the couch. Dinner is takeout chicken from a restaurant next door. The discussion about tonight's plans unfolds: Rose is on her iPhone checking the WhatsApp Groups she is active in where she and other members of the LGBTIQ community discuss where to party.[17] "Apparently tonight most of them

---

[14] These stages were part of a night out for most of my informants (the night roamers), but in this article I will specifically focus on the stages which were more crucial for my trans informants compared to other interlocutors.

[15] The following descriptions are based on the notes in my research diary from November and December 2016. This includes the quotes.

[16] Outed means here that Rose's colleagues do not know about her trans identity since she has not confided to them. At work she is still Andrew.

[17] WhatsApp and Social Media (Facebook, Twitter, Instagram) are popular platforms to discuss Nairobi nightlife and share ongoing events.

want to go to *Alchemist*, later *Brew* or *Gypsies*.[18]" Rose says that she does not have a preference and that we can still decide later "where to start".

After dinner we both shower and start to get ready. Since I had packed my outfit before, I dressed up quickly while Rose shows me all kinds of outfits asking for my opinion. "I can't decide. I like the red dress, but Mary asked me to borrow my golden heels, so I have no shoes to go with it. Maybe the new silver top with a black skirt then?", she asks. After we settle for her outfit, the red dress with black heels, Rose tries on a wig with long, brown straight hair and picks golden jewelry, a fine long necklace, hoops and a bangle. I notice that every time Rose puts on an element of her outfit, she looks in the mirror, and smiles. She appears to be celebrating the whole process of dressing up. "I enjoy this so much. Sometimes I even do this at home during the week, just to, you know, see how I look. It makes me feel good", Rose adds when I compliment her outfit for the night. Beauty and the perceptions linked to it play a great role in Nairobi, especially at night. A major part of this is the intensive "dressing up" before anyone leaves the house, which is cele- brated by my informants, sometimes alone, but very often with friends who can advise on the proper outfit.

"Pre-gaming" at a friend's house

After getting ready, Rose and I use an Uber to get to Mary and Joshua's place for "pregaming". Pregaming is the process typically done by students and young adults of getting drunk and/or high before going out to socialize at events or places. (Glasser 2011: 31). When we enter their place, Maureen is already there as well as Joshua's boyfriend Michael. They want to party, drink, feel good and let go. "That is what pre-gaming is for. Getting in a mood to enjoy the night,'' as an informant of mine described it (Research Diary, December 2015).

This activity is another ritual which takes place immediately after the process of dressing up, and it is necessary to put oneself in the position to think, act and feel like a night roamer. Rose and her friends usually meet at someone's house to listen to music, dance, drink and discuss the plan for the night. Everyone brings a bottle of alcohol, typically hard liquor like Whiskey or Vodka. Tonight, Rose and I brought a bottle of Jack Daniels and some leftover Tequila from the week before. Joshua is lighting up a joint and handing it around. The conversations tonight and in general in the context of pregaming deal almost exclusively with former nocturnal experiences, funny or exciting mo- ments which took place at night, as well as the plans for the upcoming night regarding where to go.

While getting in the mood for a night out, expectations are verbalized. Rose is hugging me, raising her glass and shouting, "Tonight we have to get wasted.'' Maureen agrees and adds: "I had such a fucked-up day. I need some fun tonight". She smirks and adds "If you know what I mean". In this case, Maureen means "hooking up with someone". The expectations towards the night differ: on

---

[18] The Alchemist, Brew Bistro and Gipsys are clubs located in the Westlands area of Nairobi. They are popular for Kenyans and expatriates living in Kenya.

the one hand, the goal is to find a sex partner for the night. On the other hand, it is merely getting drunk and enjoying time with friends.

Even though the conversations between the group of friends tonight is light-hearted and funny as usual, I am sensing a bit of competition between them, something I have observed on other occasions like this before. They appear to want to outdo one another: who can tell the wildest stories, who can drink more alcohol and still be at work on time the next day, who has the most outstanding outfits, who flirts better, who is sexier or who is the most outgoing. In the conversations taking place while pregaming, my trans informants are also trying to prove that they are each the most experienced night person. This person acquires, through successful performances in the framework of dressing up and pregaming, some authority which allows him/her to influence the decisions which need to be made regarding the planning for the upcoming night. This is important insofar as every bar or club in Nairobi has their own agenda on which crowd to attract. This includes regulations such as age limits, dress codes or entrance fees. For trans people, like anyone else, these things are important, but it is also crucial to find locations which are considered tolerant towards the LGBTIQ community.

My informants' decisions for a specific style of clothing, hairstyle or the choice of make-up appear to resonate with certain scenes/milieus which reveal ideas of belonging. For the LGBTIQ community, which is very marginalized within the Kenyan society, this is their opportunity to "not look misplaced", as Rose frames it. Since Rose is the one with "the hottest outfit" tonight, she suggests starting with some drinks at Havanna, then head to Brew Bistro and end the night at Gypsies. She calls an Uber. When the driver calls to verify the location, Rose says "Good evening, this is Rose….", using her female name for the first time tonight in public. Our group of eight people left the house and reach Havanna some minutes after midnight.

Club-Hopping

We started the night at Havanna, a bar owned by a German, which is quite popular among the Expatriates in Nairobi. Then we headed to Brew Bistro, a famous rooftop lounge and club. It is common for my informants to hop from one club to another. Usually three to five locations are visited per night. They rely on information shared via Social Media and WhatsApp Groups where people inform each other for example which locations are full and where the mood is good that night. Some of the clubs Rose and her friends visit are walking distance. Even though I have been warned many times by friends that it is unsafe to walk in the darkness in Nairobi, most of my informants would walk around in Westlands, the major nightlife district of the city, from one club to another. My trans informants even made fun of me when I told them that people had warned me to not even walk 200 meters alone at night. Rose responded to this as follows: "I always walk around in Westie, not scary at all. I mean look how many party people are here and all the taxi guys. It is not unsafe when there are people around. I would be more scared if there is nobody" (Research Diary, December 2016). Tonight, we walked from Brew Bistro to Gypsies, around 650 meters. When we passed the little shops, Maureen suggested to have a shot of something there before we pay nearly four times as much for it in the club. She and the others do this most of the time in between switching locations to stay on a budget but keeping a certain level of drunkenness

throughout the night. After we passed the shops, we entered Gypsies where Rose and I had a couple of chitchats with the security personnel since we both know them quite well.

It is around 4 am, and we are on the dancefloor at Gypsies which is packed. Lighting machine and mirror balls are projecting the rainbow colors on people's faces displaying sweat drops. It is hot and sticky even though we are not in a closed building. A song by the Kenyan band Sauti Sol is played and I observe the girls[19] dancing. Responding to the lyrics of the song named "Shake Yo Bam Bam" they are all twerking. I hear Maureen shouting "Shake your asses bitches" while she insinuates spanking Mary. The lyrics are taken literally regarding the dancing style:

"I wanna see the ladies lose control"

"So turn around give it to me"

"Give it to me, baby, passionately"

"Shake your bam bam kwenda Sukuma[20]

"Shake your bam bam kwenda Sukuma"

Pauline is flirting with an older guy, dancing in front of him closely and wrapping his hands around her body while moving her hips to the rhythm of the song. Rose is standing on the wall in front of one of the bar sections, a familiar spot for people at Gypsies who like to show off their dancing skills. It is a typical Saturday night at Gypsies, a club in Westlands, Nairobi. Though there might not be something like an official gay club in the Nairobian context, Gypsies could be called the best-known unofficial gay club. It is a bar where a significant number of queer people, Kenyans as well as "expatriates" meet and feel comfortable enough to socialize, dance, enjoy themselves without worrying too much about what other customers, the management or the staff will think about them. The Gipsy crowd was and still is what one might describe as cosmopolitan with a racially mixed crowd which seemed in the eyes of the queer community to be sophisticated enough to not make a big deal of them. It is not in all clubs in Nairobi that queer people feel this safe. It depends on the management of locations as well. Since the straight crowd is still the majority and owners and managers think about business first, I observed a few times that gay men were kicked out of place because they hit on a straight man who then complained to the management. Gypsies is a club many people frequent later at night as the last location, to have one for the road and, in case of Rose and her friends, to probably meet someone to hook up with later. During my research I observed that in Gypsies, for example compared to Brew Bistro where we were before, there are more people actually making out while they can be seen, and this includes gay men, lesbians as well as trans persons.

 J. Blessol Jr., a Kenyan gay activist, wrote in an article for Pambazuka News:

---

[19] The four informants introduced before. I refer to them as "the girls" since this is how they would speak about themselves when we were out at night.
[20] Translation= Shake your booty, go and push it.

> We create our own safe spaces, we have queer parties, and we establish queer-friendly joints where we get to relieve our stress, be rowdy, free our minds, and be treated as normal beings. We get to dress as drag-queens and kings, dancing in our own sensual way while we happily watch 'straight' people dance to Lady Gaga's songs, and hum Rihanna's 'Te Amo' without reasoning the meaning behind it.[21]

The ritual of visiting a club begins not on the dance floor, but in the line to get in. If the bouncers let you through, you cross a threshold dividing inside from outside, marking the border of an exclusive space. Once inside, there is a community feeling, irrespective of age, origin or sexual orientation. Gypsies has been considered one of the rare, but nowadays growing number of places where the LGBTIQ community feels some sense of freedom to be themselves. When I came to Nairobi for the first time in 2010, it was *the* spot for my gay and transgender friends to go out every weekend. During the period of my research between 2015 and 2017, I realized that there are more queer-friendly bars and clubs in Nairobi than many people, even members of the queer community might think. There has been a significant change over the past years, and new bars and clubs pop up where the LGBTIQ community can meet. Blessol speaks about the creation of safe spaces, a term I will also take on in the next section of this article.

Going back to the dance floor at Gypsies, I am taking a break and sitting down on a bar stool close to the entrance, an excellent position to observe most parts of the club. Joshua and Michael and another gay couple are standing two meters away from me, both couples kissing. Seeing physical affection in Nairobi's clubs is normal, at Gypsies, it is commonly accepted among Trans people and homosexuals as well. "Kissing and a little touching at least. Sometimes you might do it in one of the parked cars around. Somewhere where its dark and people won't see you," Rose tells me (Research Diary, December 2016). Club-Hopping is the phase where my trans informants "really let go." They drink, dance and flirt and they are open about who they are. They always introduce themselves with their female names and speak about their gender identity if the topic comes up if someone asks or if they feel comfortable enough in a conversation to discuss it.

> It's not like I say Hi I am Rose, and I am Trans, but I am not hiding it. If I flirt with someone and I feel like there is really a vibe, I will just say it. Also, many trans and gay people come here, and we know each other (Research Diary, December 2016).

The way home

At around 4.30, the dancefloor is almost empty; many people have left or gone to another joint. Rose suggests walking to Oil Libya, a petrol station, and getting a snack at one of the fast food places, call an Uber from there and chill at her residence. For the way home, I share an Uber with Joshua, Maureen and Rose. They are discussing how the night went and whether it fulfilled their expectations.

---

[21] "The queer community in Nairobi": https://www.pambazuka.org/governance/queer-community-nairobi (Accessed on 29.01.2019).

Maureen: "It was nice. Nothing special, but I liked the music at Brew and that Indian guy I danced with at Gypsies asked for my number. Not bad"

Rose: "I got to wear this dress so hell yeah it was a great night."

A discussion develops on how they experienced the different joints we visited. They speak about the music, the drinks, the quality and friendliness of the staff (bouncers, waiters and the DJ's), but the most critical point is speaking about the different crowds. Maureen prefers Brew Bistro, "because the crowd is so mature. Decent people. Pretty people. Tolerant people". For my trans informants, the most crucial aspect concerning the crowds in the different bars and clubs they visit is the acceptance level of the other people. It is so crucial because they want to feel safe and they want to feel comfortable enough to let go and be who they really are. On the car ride home, they speak about these kinds of experiences, maybe they heard other people making comments about them or if people gave them some evil looks. These feelings are discussed in the Uber or taxi home, but not anymore when they reach home. The car ride is the sign for them to "call it a night". It is often mentioned that now it is "time to get serious again". Even though all of them were still in the mood to stay in the clubs, they decided to go home. Rose explained to me that they always pay attention to the time since they "want to be home before the sun is up so that neighbors won't see us dressed like that" (Research Diary, December 2016).

Wiping off the traces of the night

We reach Rose's place around 5.30. The night security guard opens the gate for us. I ask Rose whether they are not afraid of him seeing her and the others dressed the way they are. She says "no, not at all. He is only working here at night, so I guess he doesn't even know the truth" (Research Diary, December 2016). At her apartment, suddenly we all feel tired. Since the others will all sleep at Rose's place, they are discussing the sleeping arrangements as in who takes the couches, who shares a bed and so on. I will leave the moment everyone is in bed and head back towards my own place. Rose is taking off her wig and puts it on one of the mannequin heads on the shelf, something she bought "to keep them in order, but also to look at them" (Research Diary, December 2016). Afterwards, she stands in front of the mirror and starts removing her make-up: first the false lashes, then she uses cotton pads and toner to remove the lipstick and eyeshadow. Once in a conversation we had about skin products, Mary called this procedure "wiping off the traces of the night" (Research Diary, December 2016). Knowing myself in such a state, I would simply go to bed and take care of my face the next morning; Rose thoroughly cleans her face, changes afterwards into pajamas, folds the dress she wore and puts it on the chair next to her bed with the jewelry on top. This way "she can look at it in the morning first thing when she wakes up" (Research Diary, December 2016). She does not wash away the stamp on her hand which shows she went inside a club. Tomorrow morning it will be this sign of yesterday, a trophy of the night, which signals that Rose is a member of the scene and preserve that feeling of belonging. Looking one last time at the carefully folded red dress on the chair and remembering how she put away the suit and her other "male clothes" in her wardrobe so that she does not have to look at it, I hug Rose goodbye, wishing her and the others a good night and leave the apartment.

A night out as a ritual process

The night out reflects the transition from a kind of "day-personality" into a "night-personality," a process I have observed not only with trans people, but with other night revelers as well, and it can be grasped as a ritual process. Even though Victor Turner speaks of different transitions such as puberty, marriage or death, I find the concept very suitable regarding my research, especially looking at the transition my informants undergo each night while going out. Turner explores the threefold structure of a ritual process, namely separation, liminality, and incorporation (Turner 2005: 94), but only the first two are relevant in my case. "The first phase (of separation) comprises symbolic behavior signifying the detachment of the individual or group'' (Turner 2005: 94). In the separation phase, we find rituals which end the current status. In the case of my informants, it is the changing of clothes: taking off the rather formal work clothes like shirts, blouses and suits, and putting them in the wardrobe, and taking out more flashy clothes like sequin dresses, ripped jeans, colorful blouses, mini-skirts, the newest sneakers or high heels. For Rose and other trans people, this separation phase is even more significant compared to other night revelers, because they not only change from work wear to party outfits, but this change of clothes is directly linked to a switch of gender expression. My informants celebrate this separation phase and often commented on it with statements such as "Finally I can let this day go" or "Thank god this day is over". Rose, as mentioned before, speaks about "getting rid of this shit ". Bastian Bretthauer speaks about dressing up as performing a transition ritual between day and night in his book about night roamers in Berlin: "The aestheticized transition into the night includes the visible wiping off the day" (Bretthauer 1999: 8). Women and men meet in Nairobi with friends at home and do this aestheticized transition into the night. They try on clothes, put on make-up, style each other's hair. My informants emphasized very often that they CAN look different at night and WANT to look different at night. In an interview with Kulundu, he called "Putting on my night style and coming off the right way" (Interview, Kulundu, 01.11.2015) as the primary goal in the nightly preparations. The somehow beautiful expectations towards the night should be reflected in a beautiful self. As mentioned before, for the trans people introduced in this article, this night style includes the expression of the female gender, the starting point for a night out.

The individual phases of the transition rituals can be rated and shaped differently regarding the occasion. Turner states that liminality is the most striking phase of transition rituals. This is where the transformation of the Initiands takes place. Turner stated that in liminality, the transitional state between the other two phases, individuals were "betwixt and between" - they do not belong anymore to the society that they previously were a part of, but they are not yet incorporated into the new group. Relating to my research context, the liminality phase begins when my informants are fully dressed up and are ready to leave the house and immerse into the night, which starts mostly with pre-gaming at a friend's house or in a cheap bar. Turner describes liminality as an intermediate world where people live in a community of equals, which he refers to as "communitas" (Turner 2005: 95).

Communitas is characterized by an intense community spirit and the feeling of togetherness. This idea of community is crucial for my trans informants. It is this community of equals which makes the night in Nairobi something special for many of them. In this phase, existing social norms are

suspended and alternative rules of nocturnal life, are given space to flourish. For the night roamers in Nairobi, their pastime is important as an outlet for them to relieve themselves of their responsibilities and obligations, question existing social norms (for example gender roles or the sexual orientation of people) and rebel against the strict segregation within their community. They do this by overlooking where people come from, ignore differentiation markers such as age, gender, race or economic background. Schnepel describes this phenomenon as hyper nights,

> nights which offer spaces for rebellious and even revolutionary forms of behavior, spaces in which the normal, diurnal form of life, with all its behavioral patterns, norms and moral values, is questioned, mocked and even transgressed (Schnepel 2006: 9ff.).

Regarding my trans informants, the idea of hyper nights begins with the ritual of dressing up and ends with the way home and includes other phases which are discussed below. However, they create their own nocturnal rules for this phase such as dress codes or a specific kind of language. This feeling of communitas is lived throughout the whole night, but mostly when my informants meet for pre-gaming and while they are partying in the clubs. As described, during the activity of pre-gaming, an activity which is performed by my non-trans informants as well, Rose and her friends speak about their expectations towards the night. Even though the expectations themselves, drinking, having fun and finding a potential one-night stand, do not differ as much, I think that for the trans people it is more crucial since they all mentioned that they would not flirt in daily situations such as work, while commuting or shopping, something straight informants would probably be more open to. Clubbing I would say is the most crucial part of the liminal phase when we perceive the night out as a rite de passage. The communitas feeling is now changing in the sense that during pre-gaming the trans people are mostly amongst themselves, but during clubbing this community of friends interacts with other people.

While Turner focused on a permanent change of status within the societies they looked at, in my case I am speaking about a temporary change of state, from a day person to a night person, which is repetitive. Turner himself stated that liminality refers to any "betwixt and between" situation or object. This understanding of liminality unfolds opportunities to use the concept far beyond that which Turner himself had suggested. Therefore, liminality is applicable to both space and time. In this sense, liminality can be applied to single moments or certain time frames, in my case the night-time, specific places or areas, in my case clubs and other nocturnal spots that my informants frequent. Also, liminality can be applied not only to whole societies, but also single individuals as well as specific groups, in this contribution trans people, specifically trans-night-roamers. Using ritual theory might be exaggerated here, but in observing how my informants perform certain rituals at night to prepare themselves and to set their mood to experience the night, I think the ethnographic example of trans-night-roamers can be explained with Turner's concept quite well.

6 The night as a safe space

The somewhat detailed descriptions of my informants as well as my observations of a night out with them show on the one side the importance of nightlife for their trans life as well as the various practices linked to it.

People in Nairobi experience the diverse atmospheres, in different ways at night. What is liberating for one person might generate specific fears for others. One's personal background, religion, economic position and age all shape experience, but the most reliable difference regarding nocturnal experiences in Nairobi is the aspect of gender and the social expectations and regulations connected to it. While many of my straight female informants complained that nightlife is just another part of life where the somewhat conservative gender roles within Kenyan society are reproduced[22], the night implies possibilities to challenge these conceptions, question them and in the case of my trans informants, offer a space where they feel much safer to out themselves than in daylight. Many times, Rose mentioned to me that the night is her safe space. But what does she mean when she speaks about space in this context? Is it the specific bars and clubs which are considered open towards the queer community or the night itself and its atmospheres which deliver the idea to trans people that they can feel free, be themselves and let out a part of their identity which they suppress during the day out of fear to experience negative consequences?

The concept of safe space emerged in the women's movement in the late twentieth century (Kenney 2001: 24) and has a lively history, primarily but not exclusively in activist and pedagogical communities. To use the term safe space, one must ask what makes a space unsafe. The idea of safety generally relies on an underlying threat of violence, particularly physical violence. The personal backgrounds of my trans informants which were only discussed briefly made clear that many trans people experienced violence, stigmatization and discrimination regarding their gender identity struggles. They feel this threat of abuse regarding the police and strangers, but also at their workplaces or from family members and relatives. In feminist, queer, and black movements an understanding of safe space has developed that is associated with keeping marginalized groups free from violence and harassment. This type of safe space also encourages "a certain license to speak and act freely, form collective strength, and generate strategies for resistance" (Kenney 2001: 24). Perceptions of safety, therefore, vary greatly, partly based on identity production and performance (Bondi /d Rose 2003: 234) and on how a space is used and controlled. These differ spatially and temporally - a specific public space may be deemed safe during daylight hours, but unsafe after dark when walking home alone. Additionally, a single physical space can be considered safe by and/or for some people, but hazardous for others of a different gender, race, sexuality, class, age or other identities - a concern stressed by poststructuralist feminists (Day 1999: 307; Koskela / Pain 2000: 270). This is the crucial point regarding the experiences of trans people in Nairobi.

I argue that it is not only the specific places that my trans informants frequent at night such as queer-friendly clubs, which give them the confidence to negotiate their gender identity differently,

---

[22] There are popular nightclubs in Nairobi where women are not able to gain access without male company.

but that it is preferably the night itself with its peculiarities, its specific liberating atmospheres which needs to be understood as a safe space for them.

The discourse about "unsafety" in the Nairobian context is mainly linked to the night, but for parts of the trans community it is the opposite. Earlier I mentioned that I received many warnings from Nairobians about walking at night or being out at night in general when I explained to people that I was conducting nocturnal fieldwork for my PhD project. Why is it then that Rose and her friends speak about the night as a space for desirable experiences? Why do they call it a safe space and why does Rose refer to these experiences that she feels free like a bird even though other people I spoke to found it rather suffocating?

The daily life in contrast to the night, holds higher chances for people to discover my informant's identity due to increased visibility, but first and foremost it is the specific atmosphere of the night, a higher tolerance, a strong feeling of a community and overcoming social and racial boundaries, which allows trans people to perceive the night as their safe space. First, the term safe space has mostly been in operation to reference a physical location which people frequent to be safe from threats of bodily harm. Lately, it has become commonly associated with queer people seeking space dedicated to freedom from homophobia, transphobia and other forms of discrimination (Mountz 2017: 1). Regarding this, it might seem evident that queer friendly clubs are considered safe spaces for trans people, but I argue here once more that it is the night itself which creates an atmosphere where trans people develop a sense of safety. Yes, these clubs are physical locations which are created as safe spaces through certain social practices, for example bouncers denying access at the door to people they would categorize as not open-minded. But as illustrated before it is also the whole transformation process of people's day to people's night personalities which allows trans people to feel safe at night. Using different kind of transport, walking around from one club to another, dancing with people, interacting with the non-LGBTIQ-community while expressing their desired gender, are all experiences they are not able to have during daylight.

The trans people I introduced in this article use the night in the sense of Schnepel's hyper night. They are trying to escape the daily life and create spaces where they can dress, speak and act differently, as well as engage with a specific kind of crowd. Regarding these spaces, safety plays a crucial role since all of them have faced negative experiences such as stigmatization, discrimination, psychological and physical violence. They live in constant fear of "getting caught", and there are various things they are not able to do, for example carrying a handbag or wearing high heels and make-up, at work or other situations. Knowing that the night will come allows them to feel a sense of freedom and liberation. It is linked to the rituals of getting ready where the "male traces" of their lives can be diminished and their true gender, in these cases, their feminine identity, can be revealed.

It is the night in Nairobi which makes many people feel like they are in the same situations, facing similar exclusion for example in their daily lives. Marginalized groups in the Kenyan society, whether they are trans, homosexual or refugees from neighboring countries, when in contact with other people can dissolve the boundaries which are visible and felt in a highly segregated city like

Nairobi. "The night brings a tolerance which is inexplicable", as Maureen described it (Conversation with Maureen, 05.12.2016). "I might meet my colleague from work at night who would judge me and avoid me if he knew who I was, but if I run into him in a nightclub it is not an issue", she elaborates. The unwritten law of "what happens at night stays at night"[23] is the lived experience for many of my informants. At night, they are less frightened, they enjoy themselves, meet new people and interact freely. Part of this experience is their gender expression. As described before in the phase of getting ready for a night out, my trans informants work on the physical manifestation of their gender identity through clothing, hairstyle, voice, body shape, movement and most importantly the name. It is their opportunity to make their gender expression (how they look) match their gender identity (who they are), rather than their sex assigned at birth. They not only do this in queer-friendly clubs, but also in other bars, clubs, restaurants, in the taxis they use as well as on the street when they walk from one joint to another. The women I introduced in this article usually go out together in a group. This could be a contributing factor in perceiving these night outs as something safe since they spend them with people they trust. But since I spent time with non-trans-people as well during their night outs and observed similar moments, I argue that the nocturnal experience itself is the contributing factor to this feeling of safety for trans people, particularly in interactions with other parts of the community. It is a collective.

7 Conclusion

"At night I am free like a bird", the expression Rose used to describe the way she feels at night sums up the experiences I had while observing her and her friends out at night in Nairobi. They create a world at night, a parallel universe, which contrasts enormously with their daily lives. The night is a microcosmos where everything seems to be allowed, where different norms apply. It is the particularly liberating atmosphere of the Nairobian night which enables them to express their gender identity through appearances such as clothing and hairstyle, but it is also an internal transformation which takes place. The way Rose feels changes. She is free, free as a bird. Night and nightlife as this microcosmos where anything goes, like a bubble which is for a moment delineated from people's daily lives, obligations and restraints, is a projection space for desires and ideals and the trans people use it to live their desired gender openly.

As shown in the article, the night is a gendered experience like every other part of life. Gender, especially expressing individual identities such as feminine or masculine and how these identities shape interpersonal relationships, has been a striking feature of my fieldwork in nocturnal Nairobi and it illustrates the dualistic binary conceptualization of gender that is present in Kenya. And it demonstrates that the night is not a "lawless" or "normless" space, but a space where delineations are more permeable, where more is possible, while it is far from "anything goes".

Even though the existence of trans persons and the phenomenon of gender identity struggles linked to it is not part of a nationwide Kenyan discourse yet, I think in the future discussions will

---

[23] This is a saying many of my informants used to describe why they feel free to do things at night which they would not be able to do during the day.

arise and media coverage will increase just as in South Africa. This might lead to more opportunities for LGBTIQ activists to push their causes and gain acceptance. Especially Nairobi as a fast-growing, globally linked modern city offers opportunities for the queer community to live freely and engage with others. In the introduction of this article I mentioned that trans people clearly get more opportunities to live in the open in an urban context compared to rural areas.

With this process it will be possible to conduct further research on trans people in Kenya as well as other African countries. This could contribute to the documentation of "the rich history of the struggles and successes of various trans-related events and work on the African continent" (Theron / Kgotisau 2015: 579). As Theron and Kgotisau rightly state

> there is no singular trans experience or definition, not in the global North and definitely not in English-speaking sub-Saharan African countries (Theron / Kgotisau 2015: 579).

Hence it is even more important to collect empirical material about trans people from different cultural contexts such as this paper did. This would also decrease the confusing perception of gender identity and sexual orientation as the same phenomenon which is prevalent in the misinformed Kenyan public.

It is crucial that anthropologists understand the dynamics of the night and illustrate that the somewhat "bad press" (Schnepel 2005: 3) it incorporates only covers one perception people have when they think about the night. Especially for marginalized groups like trans people in the context of this article, the night offers opportunities to feel included, safe and visible.

References

Aarmo, Margrete (1999). How homosexuality became "un-African": The case for Zimbabwe. In: Female desires. Transgender practices across cultures. Blackwood, Evelyn/ Wieringa, Saskia (eds.). New York, NY, Columbia University Press, 255–280.

Amnesty International: Mapping anti-gay laws in Africa: https://www.amnesty.org.uk/lgbti-lgbt-gay-human-rights-law-africa-uganda-kenya-nigeria-cameroon. (Accessed on 05.05. 2018).

Awondo, Patrick / Geschiere, Peter / Reid, Graeme (2012). Homophobic Africa? Toward A More Nuanced View. African Studies Review: 55 (3), 145-168.

Awondo, Patrick (2010). The Politicisation of Sexuality and the Rise of Homosexual Mobilisation in Postcolonial Cameroon. In: Review of African Political Economy 37 (125), 315-328.

Balzer, Carsten / Hutta, Jan Simon / LaGata, Carla (2015). The social experiences of trans and gender-diverse people in Colombia, India, the Philippines, Serbia, Thailand, Tonga, Turkey and Venezuela. TvT Publication Series Vol. 9.

https://transrespect.org/wp-content/uploads/2015/08/TvT-PS-Vol9-2015.pdf. (Accessed on 05.08.2018).

Baumgartinger, Persson Perry (2017). Trans Studies: Historische, begriffliche und aktivistische Aspekte. Wien, Zaglossus-Verlag.

Blessol, Gathoni J. Jr: The queer community in Nairobi. https://www.pambazuka.org/governance/queer-community-nairobi. (Accessed on 05.05.2018).

Bondi, Liz / Rose, Damaris (2010). Constructing gender, constructing the urban: A review of Anglo-American feminist urban geography. In: Gender, Place & Culture, 10:3, 229-245.

Bretthauer, Bastian (1999). Die Nachtstadt. Tableaus aus dem dunklen Berlin. Frankfurt am Main, Campus-Verlag.

Cheney, Kirsten (2012). Locating Neocolonialism, 'Tradition,' and Human Rights in Uganda's 'Gay Death Penalty'. In: African Studies Review 55 (2), 77-97.

Currier, Ashley (2012). Out in Africa. LGBT Organizing in Namibia and South Africa. Minneapolis and London, University of Minnesota Press.

Day, Kristen (1999). Embassies and Sanctuaries: Women's Experiences of Race and Fear in Public Space. In: Environment and Planning D: Society and Space 17 (3), 307-328.

Githahu, Mwangi (2014): We're queer, we're here and we're drinking our beer. https://www.the-star.co.ke/news/2014/02/05/were-queer-were-here-and-were-drinking-our-beer_c891077. (Accessed on 13.08.2018).

Glasser, Irene (2011). Anthropology of Addictions and Recovery. Long Grove Illinois, Waveland Press Inc.

Glinz, Cornelia (2011). Kenya's new constitution: a transforming document or less than meets the eye? Nairobi, Konrad-Adenauer Stiftung.

Green, Jamison / Dallas, Denny / Cromwell, Jason (2018). What do you want us to call you? Respectful language. In: Transgender Studies Quarterly 5 (1), 100-110.

Kenney, Moira Rachel (2001). Mapping Gay L.A.: The Intersection of Place and Politics. Philadelphia, Temple University Press.

Koskela, Hille / Pain, Rachel (2000). Revisiting fear and place: Women's fear of attack and the built environment. In: Geoforum 31, 269-280.

Lubbe-De Beer, Carien (2013). Home affairs. Rethinking lesbian, gay, bisexual and transgender families in contemporary South Africa. Auckland Park, Fanele.

Mbugua, Audrey (2013). Transsexuals' nightmare: activism or subjugation? In: Queer African Reader. Ekine, Sokari / Abbas, Hakima (eds.). Cape Town, Pambazuka Press, 123-140.

Mbugua, Audrey (2011). Gender dynamics: a transsexual overview. In: African Sexualities. A Reader. Tamale, Sylvia (ed.). Cape Town, Pambazuka Press, 238-246.

Migiro, Katy (2014). Transgender activist wins landmark case in Kenyan court. https://www.reuters.com/article/us-foundation-rights-kenya/transgender-activist-wins-landmark-case-in-kenyan-court-idUSKCN0HW14820141007. (Accessed on 05.05.2018).

Morgan, Ruth (2009). Trans. Transgender life stories from South Africa. Auckland Park, Jacana Media.

Mountz, Alison (2017). Safe Space. In: International Encyclopedia of Geography: People, the Earth, Environment and Technology Online. https://onlinelibrary.wiley.com/doi/pdf/10.1002/9781118786352.wbieg0945. (Accessed on 14.08.2018).

Msibi, Thabo (2011). The Lies We Have Been Told: On (Homo) Sexuality in Africa. In: Africa Today 58 (1), 55-77.

Schnepel, Burkhard (2006). Strangers in the Night: The Making and Unmaking of Differences from a Perspective of the Anthropology of the Night. In: The Making and Unmaking of Differences. Anthropological, Sociological and Philosophical Perspectives. Rottenburg, Richard / Schnepel, Burkhard / Shimada, Shingo (eds.)., Münster, Transcipt Verlag, 123-144.

Stryker, Susan / Aizura, Aren Z. (2013). The Transgender Studies Reader 2. New York and London, Routledge.

Stryker, Susan / Whittle, Stephen (2006). The Transgender Studies Reader. New York and London, Routledge.

Swarr, Amanda Lock (2012). Sex in transition. Remaking gender and race in South Africa. Albany, SUNY Press.

Theron, Liesl / Kgositau, Tshepo Ricki (2015). The Emergence of a Grassroots African Trans Archive. In: Transgender Studies Quarterly 2 (4), 578- 583.

Turner, Victor (2005). Das Ritual: Struktur und Anti-Struktur. Frankfurt am Main, Campus-Verlag.

Valentine, David (2007). Imagining Transgender: An Ethnography of a Category. Durham, Duke University Press.

Wesangula, Daniel. On the run from persecution: how Kenya became a haven for LGBT refugees. https://www.theguardian.com/global-development-professionals-network/2017/feb/23/on-the-run-from-persecution-how-kenya-became-a-haven-for-lgbt-refugees. (Accessed on 05.05.2018).

"What is wrong with the Hijab?"

Muslim women and the Challenges of veiling in the Yoruba society of southwest Nigeria

Adeyemi Balogun

1 Introduction

This study is situated in the southwest region of Nigeria, which is generally considered as the homeland of the Yorùbá. The Yorùbá are largely a diverse group with different but similar dialects, shared histories, economies and socio-political organisations (Eades 1980; Johnson 2010). At the beginning of the twentieth century, nearly all of this group had come under British colonial rule. Colonialism facilitated the growth of modern economic and socio-political systems and led to wider social changes. At the same time, it impacted relatively on the course of religious conversion of the Yorùbá, even though the efforts of local agents were significant in this process (see Peel 2000: 2-7). Thus, by 1960 when Nigeria became independent, many Yorùbá had converted to Islam. The Islamization process dates to about the seventeenth century through gradual proselytization by traders and clerics from Mali and the region which became northern Nigeria (Gbadamosi 1978: 4; Ryan 1978: 104-106). From the 1840s, some Yorùbá also began to convert to Christianity through the efforts of Christian missionaries such as the Church Missionary Society (CMS) (Ajayi 1965; Peel 2010). Generally, the process of conversion involved stiff competition, and often clashes, between the Muslim and Christian missionaries on one hand, and between the two religious groups and the devotees of various local *Òrìṣà* (deities) on the other hand. Even though they came late to the scene, the Christian missionaries led this competition in much of the colonial period such that by the closing years of colonialism the number of Christians was very close to the Muslims. This was due to their strategic organisational structures and ability to provide for the socio-economic needs of the people. The introduction of Western education was their biggest influence in this regard (Gbadamosi 1978: 124-146).

However, a number of people referred to as the 'Traditionalists' by the Yorùbá remained devoted to the *òrìṣà* such as *ogun* (god of iron) and *ọsun* (river goddess). Despite their conversion, it was not uncommon to find many Muslims and Christians who participated in the worship of these local deities and sought their services. Not only did they accommodate local cultural practices during this period, but also married from one another and participated in each other's religious festivals such as Christmas and the festival after the month of Ramaḍān. This form of interreligious interaction underscored the notion of religious tolerance which is assumed to be peculiar to the Yorùbá (Falola 1998; Laitin 1986). That this tolerance is hardly an achievement, as Peel rightly argues, will however be shown in a deeper understanding of how followers of the three religious groups

have encountered each other over time (Peel 2016: 125-126). The experiences of Muslim women in veils such as *ḥijāb* (lit. screen, referred to as headscarf) and *niqāb* (veil with face cover) is a case study that also questions that notion of religious tolerance in Yorùbá society, particularly in recent times.

This paper uses 'veil' to denote various types of clothes that Muslim women use to cover their heads and bodies.[1] As a practice, the use of veil is understood by many Yorùbá Muslim women as part of God's command and the *sunna* or ways of life enjoined by Prophet Muhammad (S.A.W.). From the 1980s, a significant number of young women began to use the veil in place of the local and western dresses. This large-scale adoption of the veil was facilitated by the reform led by many Islamic movements and individuals who studied in Nigeria and outside the country. The reform was also inspired by series of transnational Islamic revivalist movements which accelerated after the 1979 Iranian revolution. The Islamic movement, Muslim Students Society of Nigeria (MSSN), played a major role in inspiring this reform among many female Muslims. Established in 1954 by secondary school students in Lagos, the movement today has members which include artisans, academicians, engineers and civil servants (Abass 2016; MSSN 2009). Although the reform played a major role in facilitating the use of the veil, many of the women who adopted it are nevertheless of the view that it should be based on their own deep understanding of what it means to veil rather than being forced to embrace it.

Adopting the veil encouraged many female Muslims in Yorùbáland to challenge many aspects of the globalised modern cultures and practices which are considered immoral and less modest (Adeniyi 2015: 24-37). However, this did not mean they rejected the ideals of modernity as most of them continued to acquire Western education and embraced the use of new technologies. On the contrary, the adoption of the veil represents their idea of modernity which contrasted with how it is understood by other people. This has therefore positioned them differently from their Yorùbá Christian fellows (Peel 2016: 160). In reaction, many Muslims, including clerics, have opposed their practice of veiling. Among the Muslim community, some have questioned the suitability of certain kinds of veiling adopted by these women such as *niqāb* within the context of Yorùbá society. Some Christian groups also showed Islamophobic attitudes by discouraging the use of the veil. Islamophobic tendencies against them are also present in public institutions including workplaces and government-owned schools. Owing to this, many Muslim women in veil have had their employment opportunities declined. This paper thus posits that the contestations by many Muslims, and the Islamophobic reactions by Christians and the public are some of the major challenges which female Muslims in veil are facing within the Yorùbá society today.

But these women do not always accept the challenge. They usually defend their rights to use the veil on many occasions. This includes seeking justice in the court, advocacy, negotiating within political circle and resisting attempts by institutions to ban its use. As it will be shown later, the quote in the title of this study is one of the expressions they used to advocate for their rights to

---

[1] It should be noted, as Siddiqui (2006: 412) pointed out, that while the ḥijāb has evolved in meaning to denote the idea of a Muslim woman's veil, the word is also used for different types of clothes that Muslim women use to cover their heads/hair and bodies.

use the veil. The major aim of this study is thus to discuss how the new Islamic identity of these women was assailed in the Yorùbá society and how the women reacted to this challenge. To this extent, this study is connected to the wider discourse on female Muslims and agency. Some feminist theorists consider veiling as the object of passivity of Muslim women and one of the ways in which they are subjected to patriarchy. This argument has been heavily contested by scholars like Saba Mahmood (2005, 2011) who argued for the need to reconsider passivity as a form of agency. The case study of Yorùbáland further showed that veiling did not prevent women from acting on their own. Moreover, the women in veil also activate its use to contest their discrimination. This study will thus build on Mahmood's discourse of female Muslims' agency and piety. It must be noted that the focus of this study, the veiled Muslim women challenges and their reactions, is not the same as Mahmood proposes. In this regard, this study also builds on debates which situate the understanding of female Muslims' agency within the point of view of resistance. In addition, this study will also show how the rise of Islamic reform encouraged the women to adopt the veil.

Beyond this, this paper seeks to draw attention to the less known but a significant Muslim community in Nigeria. Over the years, research on Islam in Nigeria has mostly focused on Muslims in northern Nigeria, even though there is a long history of Islam in the region. And, where there have been studies of religion among the Yoruba, the focus has mostly been on Christianity and Traditional religion (Loimeier 2017). In addition to understanding the history of Islam among the Yoruba, this study also shows the nature of interreligious encounter in Yorùbá society today. The study draws on personal experience, newspaper reports and ethnographic data collected between 2016 and 2017 on some female members of the MSSN and other Muslim organisations for my doctoral research.

2 Muslim women, agency and veiling

Female Muslims in veil are understood in many Western feminist discourses as being subjugated under patriarchal culture, and thus lacking agency over their own lives. This view is part of the recurrent public debate on the veil in many European countries like Germany and France (Bilge 2010: 14-18; Duval Smith 2004). However, this understanding of agency is contested in Mahmood's (2005, 2001) ethnographic study in Egypt which examined Muslim women's agency in the piety mosque movement and their involvement in the previously male-centred *da'wa* (invitation to Islam) activities. Challenging such feminist discourses, her study answered the question why women engage in practices such as veiling, modesty, humility and shyness which many feminists consider as a form of perpetuating their subjugation. Based on the notion that agency requires free will, feminists associate these practices with docility, passivity and submissiveness of women to a male-centred culture. But Mahmood contends that agency should not be understood in the Kantian sense which underlines the notion of freedom in the West as well as the feminist goals of equality and realization of oneself. She argues for the need to move away from merely equating agency with resistance against domination, but as a capacity for action that is produced and activated by historically specific relations of subordination (Mahmood 2005: 210). Her argument therefore questions the assumption that the desire to be free is universal one.

For Mahmood, the women she studied are concerned about achieving piety in their everyday lives which requires the cultivation of shyness or being docile. Rather than lacking agency, she insists that they are not "docile agents" because "docility" does not imply abandonment of "agency." Building on Foucault's work on ethics, she contends that docility is the ability to condition or train oneself to become a willing subject of a specific discourse, which may also be a form of agency (ibid: 212). This view of docility means that the women in the piety movement have control over their own lives in the way they live in patriarchal society and how they resist the norms of that society that may affect their achievement of pious disposition. The norms they are resisting include those of the secular life and the traditional system, which resonates with the experience of many Yorùbá Muslim women in veil.

It is useful to point out that piety is considered a key element in Islamic ethics. It is conveyed in Arabic term as *taqwā*, understood as "virtuous fear" or "fear of God" (Mahmood 2005: 145). It is a condition of being close to God and it is regarded as the most discernible virtue a Muslim could have. It is also believed to be the most important attribute and means to achieving prosperity and salvation. In addition, it is regarded as a key factor that could help a Muslim to attain self-perfection and purification of soul (Amini 2009: 129-132). Many Muslims believe that the Qurʾān and Ḥadīth have recommended several practices for attaining piety. This range from what are considered the basic principles of Islam and being a Muslim to other things that may seem ordinary to the secular mind. These include belief in Allah (*Iman*), observing the obligatory *ṣalāt* (prayers), fasting in the month of Ramaḍān which many Muslims regard as the basic pillars of Islam. They also include practices that are contested by Muslims such as lowering one's gaze in public, veiling, humility, shunning suspicion, dressing modestly, observing self-restraint from sin, remembering God, and doing things that pleases God. These acts are considered rewarding for Muslims because they help to free them from such acts as greed, lust and prejudice. They are also regarded as means for mastering self-control while bestowing honour and power on Muslims who have them (ibid. 2009: 135-137).

One of the major arguments in Mahmood's study is that veiling is a key symbol of piety and it is instrumental to practicing the ethic of modesty or shyness. Veiling often serves at first to be a measure to train oneself on the attribute of this ethic, and it is not a practice that can be separated from this ethic because it is integral to practicing it. Consequently, veiling cannot be discarded when a modest comportment is achieved (Mahmood 2005: 158). However, even though Mahmood acknowledges the studies that have focused on other reasons for veiling (Mahmood 2005: 209), the practice may not only be regarded as a symbol of piety as she contends. Many women have different motivations and meanings behind their use of veil depending on the historical and social context in which they live. In Morocco, it is discovered that some women consider the *ḥijāb* as part of their religion which guarantees them justice in a world that has failed them (Bullock 2004: 9). In Algeria, many women used it to protest secularization and Western elite programmes (Bullock 2010: 11; El Guindi 2003: 169-173). Herrera (2000) also discovered in Egypt that the decision of many women to use it or not is based on different practical reasons; some unmarried women did not use it in order to attract men for marriage, while some women used it because it is required by their profession. It is also discovered in Dakar that some women

used it to attract pious and wealthy men (Nyamnjoh 2005: 305). These different experiences show that besides their agency to employ the veil to achieve pious disposition, women also have the capacity to subvert the objectives of veiling beyond the religious context, which includes activating its use for political protest and socio-economic gains. With regards to the Yorùbá society, as this study will show, the Muslim women's motivation to veil is also not limited to the concern for piety. It is often based on what is recommended by different Islamic movements which the women belong and what is socially accepted.

Given that this study is focused on the challenges of veiling among Muslim women in Yorùbá society and how they reacted to them, it also builds on the debates which examined the agency of the veiled Muslim women from the point of view of resistance. It must be noted that Mahmood made a strong critique of an understanding of female Muslim's agency from the standpoint of resistance, which she considered as only one of the possibilities in which the veiled women act. Yet, as Bangstad (2011: 42) suggests, Mahmood's study gives more priority to the achievement of piety over women's rights which many female Muslims are engaged. The resistance view of agency, as Bilge (2010) points out, is embodied in postcolonial feminist studies that only portrayed the veiled women as symbols of opposition to Western hegemony and commodification of women's bodies (Bilge 2010: 14). The problem with this understanding of the veiled women is that it gives little attention to their religious motivations and a narrow appraisal of their agency. Despite this problem, however, the resistance view cannot be dismissed altogether because the everyday experiences of Muslim women in veil in different social contexts are not only focused on achieving piety. The women also demonstrate varying acts of opposition to social norms, institutions and other obstacles which may not necessarily obliterate the religious motivation of the veil. Thus, this study considers the agency of the veiled women both from the standpoints of piety and resistance. This understanding of agency supports the kind of reactions of many female Muslims in veil in Yorùbá society. The next section discusses the historical reform that facilitated the wide scale adoption of the veil by these women before discussing their encounters.

3 Islamic reform and veiling

In most Yorùbá Muslim communities today, some aspects of the traditional political institutions and cultural practices have been accommodated into Islam. This is noticed in the creation of chieftaincy titles for prominent Muslim chiefs and *alfas* (cleric) like *Oba imale* (Muslims' king) and *baba adinni* (patron of the religion and head of the Muslim community). Many Muslims also participated in cultural festivals for different deities which for them did not conflict with their Islamic faith. In the colonial period, the practice of *gbigbohun-tira* (listening to the Voice of Scripture) at the beginning of every year at the palace of the king, was the norm in many towns where the *alfas* had access to the kings. This replaced the practice called *Ifá ọdun* among *òrìṣà* devotees (Danmole 2008; Akitoye 2014). Indeed, these practices were condemned by different scholars who refer to them as *shirk* (association of partners with God). Among them was Alhaji Alifat Mustapha (1987), popularly known as Ajágbemọ́kèfèrí (literally "the one who shouts at unbelievers"), who became

notorious in Ìkòrodú for his intolerance of Muslims' syncretic practices. He was also a strong cri-
tique of Christians and Traditionalists in the town (Balogun 2017: 82-83). The critique of these
clerics often led to clashes between them and the Traditionalists. In 1953, one of such clashes led
to the murder of a fiery Muslim preacher, Alfa Bisiriyu Apalara in Lagos (Daily Success 1953). Over
time, the emphasis on reform by these scholars were supported by the emergence of different
Islamic groups and associations referred to as '*ẹgbẹ́*' by the Yorùbá. The leading groups were the
Ahmadiyya movement which began in Lagos in about 1914 and the Ansar-Ud-Deen Society
founded in 1923, also in Lagos (Adekilekun 2012: 24-40; 218-226). Unlike the *alfa*, most of these
new associations were also concerned with providing schools which combine Islamic and secular
education for Muslim children. These schools were used to challenge the Christian missionary
schools which were attracting many young people into Christianity.

Islamic reform usually emphasized the need to go back to Muslim practices in the past, during the
time of the formation of the first Muslim community. This has been a central focus of several move-
ments of reform seeking to address contemporary challenges that were brought about by the post-
colonial state system and socio-economic ruptures (Lapidus 1997; Loimeier 2016). Islamic reform
also involved the conception of what is orthodoxy and orthopraxy in Islam. The history of Muslims
in Yorùbáland shows that the conception of Islam and how it is lived are discursively produced.
This argument builds on Talal Asad's (1986) thesis that Islam is not dramatized by Muslims based
on what they read in Islamic texts. Rather, it is produced through debates on what they read in
these texts in relation to their social contexts. Islam is thus a 'discursive tradition' which "ad-
dresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic
practice in the present" (Asad 1986: 14). It is through such discourses that certain practices came
to be understood as 'correct' and differentiated from what is 'incorrect.' The criticism of scholars
and Islamic movements such as the Ahmadiyya and Ansar-ud-Deen could be understood as part
of this discourse.

In the same vein, the wide scale adoption of the veil by many women from the 1980s is also part
of this discourse. The adoption of the veil followed another wave of reform that was shaped by
some historical developments among the Yorùbá Muslims. This includes the efforts of the Iranian
government, following its 1979 revolution, to promote Islamic revival and Shiism among young
Muslims in Nigeria. Although few Muslims in Yorùbáland embraced it, Shiism was successful in
northern Nigeria under the Sheikh Ibraheem El-Zakyzaky led Islamic Movement of Nigeria. How-
ever, several journals and literature were distributed in Yorùbáland which introduced many
young Muslims to different topics on Islam and the social experiences of Muslims all over the
world. A major example is the monthly periodical *Mahjuba* (the covered woman) which explores
the exemplary character of Muslim women, their legal positions in Islam and their duties in the
society. The magazine also introduced many young Muslims to the images of women in *ḥijāb* and
niqāb. Around this time, many young Muslims who studied abroad, including Saudi Arabia, Egypt,
Sudan and Kuwait also returned to Nigeria. Some of these returnees were members of different
transnational Islamic movements such as the Muslim Brotherhood in Egypt and the World Assem-
bly of Muslim Youth (WAMY) in Saudi Arabia. On their return, they embarked on *da'wa* through
study circles and sermons in mosques and in different Muslim organisations. They include Sheikh

Abdul-Fatai Thani who studied in Kuwait and became an influential figure in the MSSN. He provided inspiration for many young female Muslim students who embraced the veil, and the male students who established an Islamic reform movement called The Muslim Congress (TMC) in 1994 (Interview, Sheikh Abdul Fatah Thani, Lagos, 22.05.2018). Some of the returnees also established *madrasas* (Qurʾānic schools) to facilitate the development of Islamic education. One of them is the Salafi inspired Sheikh Bin Baaz Shariah College of Nigeria in Iwo, founded by Sheikh Abdur-Rasheed Hadiyyatullah in 1988. Together, these returnees were responsible for introducing different and often conflicting interpretation of Islam based on prophetic *sunna* and Salafism (an understanding of Islam based on those who are regarded as pious predecessors, *al-salaf al-ṣāliḥ*).

With all their *da'was*, these returnees did not teach an uncontested interpretation of Islam. They did not also impose their knowledge on the students. Local *madrasas* such as the Arabic and Islamic Training Centre, popularly known as Markaz in Agege Lagos also produced many young scholars who became scholars in many communities. Many of these young scholars were also admitted into tertiary institutions. Together, these local graduates also engaged the returnees on various subjects in different Islamic educational contexts. It was therefore through the discourses and teachings of both returnees and graduates of local *madrasas* that a new understanding of Islam which emphasises the use of different veils emerge. Among these veils are the *ḥijāb*, *niqāb, khimar* (a long, cape-like veil) and *burqa'* (an outer garment which covers the body and face with a mesh for the eyes). Many of the discourses that produced the use of these veils were articulated in published texts such as Ibrahim Uthman's "The ḥijāb of the Muslim woman and a call to every reformer", which examines whether the type of veil recommended for the wives of the prophet can be adopted by other women (Uthman 1997). Another point worth mentioning is that some of these veils were in use in Yorùbáland before this period. For instance, the black *burqa'* was common among women called *eleha* (the local word used to describe Muslim women in veil), of Salafi-minded reformist group known as the Bamidele movement or Zumratul-Mumineen (Adetona 2010: 25).

Despite the arguments of the reformists, there was only a gradual shift towards veiling between the 1980s and 1990s. This is because of the challenges and criticisms against the introduction of the veils, discussed in the next section. However, the number of women using the veil increased tremendously from about the 2000s. Appearing in different colours and sizes, the veil is either used as a replacement or together with local and western dresses, which include shirts and gowns. For many female Muslims, the decision to adopt either of the two, or even to veil, depends on several factors. These include the level of Islamic knowledge and what is supported by different religious movements. Amina Adisa, a student of Obafemi Awolowo University (OAU), Ile-Ife who uses the *khimar* with socks, draws attention to the importance of knowing what the veil means before using it. She explained that the decision to veil should not be based on which size or colour is best. Rather, a woman must have a deep "understanding"[2] of what it means to veil before making a decision. This involve knowing the different types of veils that meet the conditions of modesty and why female Muslims are enjoined to cover their heads. Also, while some female Muslims

---

[2] I discuss this notion of "understanding" in my doctoral thesis: "Being a 'Good Muslim'" at BiGSAS University of Bayreuth (Balogun unpublished).

would prefer one type of veil over the other, Adisa is of the view that this is also a function of their different levels of understanding. Using her own example, she insists that her level of understanding is the only reason why she chooses the *khimar* over the *niqāb* and *burqaʻ*, and not because she feels like using it. By drawing attention to the importance of knowledge, Adisa also contested the idea of using the veil based on peer influence which is considered to inform the decision of many female Muslims. She also challenges the ideal of many Islamic movements who recommend a particular type of veil for Muslim women. The MSSN, for instance, required women to choose from a variety of veils that meet the criteria of modesty. However, in the Zumratul Mumineen, mentioned above, the *burqaʻ* is common among the wives of the *alfas*. Also, in the women's Islamic movement called Al Mu'minaat (The Believing Women) Organisation founded in 1995, nearly all female members used the *khimar* as well as socks. The movement, which includes teachers, entrepreneurs and medical practitioners, is the female wing of The Muslim Congress (TMC), mentioned above.

While the discourses that inspired veiling usually attempt to separate the values of "modernity" from Islam, the women who used the veil do not totally reject many aspects of modernity. For instance, most of them received their education in western educational institutions and have become professionals in different sectors of the economy including media and health care. This also suggests that the use of the veil is not limited to non-literate market women. The veil has also been adopted as part of the school dress for female pupils in private primary and secondary schools, especially those owned by Muslims. In addition, there are many women in veil who used the social media for sharing educational content, marketing of goods and social interaction. Al Mu'minaat, for instance, has a Facebook page which not only connects members, but also used to share videos of its events and other information. Using the veil does not also mean that the women reject the Nigerian state system. For instance, during Nigeria's annual Independence Day celebration, many young females in veil participated in the activities that are used to celebrate the event in many social gatherings. A case in point are the female students of Vanguards Academy, a Muslim school in Ogun State where the veil is part of the dress code. They celebrated the event in their schools with display of congratulatory messages to the nation in 2017. The use of the veil in these different contexts thus ensured that veiling is largely represented and visible in the public sphere. It also ensured that veiling co-exist with modern institutions and practices, and it does not limit the agency of female Muslims to private spaces.

Yet, many of these women also faced different struggles in the use of the veil. Worth noting is the contrasting experiences of two friends, Rashida Hammed and Jelila Hassan, who are both students of the University of Lagos. Rashida wore the *jilbāb* which covered her entire body. In contrast, her friend Jelila wore the turban hat and kept a loose scarf in her bag which she used during prayer. When I asked Jelila why she did not use the *jilbāb* like her friend, she explained that her decision not to use it was due to her parents' protest against it. The opposition to the veil by her parents is an example of many cases of female Muslims who do not use the veil. But more importantly, Jelila also expressed her worry about the social expectation that those using the veil were 'saintly' in character. Although this expectation is not limited to female Muslims in veil in Yorùbá society, it

also extends to males who wear the Pakistani kaftan and keep beard, referred to as *alfa*, irrespective of their age and knowledge of Islamic texts. Nonetheless, the expectation that people should demonstrate the embodiment of their religiosity with good character and in their utterances is higher for the veiled female Muslims. The thinking that many veiled women have fallen short of this has thus given rise to a disparaging remark, *abori mabowa* (literally "the who covers the head but leaves her character open") among the Yorùbá. Given such expectation, Jelila explained that she was not ready to wear it because her *Iman* (faith) was weak and she did not want to appear as a symbol of "piety" if her personal character says otherwise (Interview, Jelila Hassan, Akoka Lagos, 14.01.2017). By recognizing the symbolic meaning of the veil, Jelila's fear confirms Mahmood's argument that veiling is a key symbol of piety.

As a matter of fact, Jelila's fear was affirmed by Rashida's experience of the use of the veil. Rashida explained that many people expected her to be a symbol of her veil, which she did not deny. But that people do not understand that despite using it, she is still human and could make mistakes. In addition, she insisted that people do not consider that using it is like her own personal battle against temptations and her strong will to train herself to be pious (Interview, Rashida Hammed, Akoka Lagos, 14.01.2017). To this extent, Jelila and Rashida's experiences support the findings in other Muslim societies that while Muslims strive to be pious, they also face challenges which impose different negotiations on them and determine how they actually live (see Janson 2014: 12; Schielke 2009: 24-26; Soares / Osella 2009: 10-11). Thus, rather than largely focusing on piety, these studies showed the significance of taking the range of struggles, ambivalences and failures of Muslims seriously in their religiosity.

4 The challenges and reactions

Despite the increase in the use of veil, it has remained a highly contested topic among Muslims in Yorùbáland. Although most Muslim scholars do not denounce the importance of modest dress and the role of the veil in achieving piety among Muslim women, but they consider many of the veils that were recommended by the reformers to be mainly for the wives of the prophet, and therefore not obligatory for other Muslim women. According to Uthman, whose argument refers to the *niqāb* and the *burqa'*, "the veiling of the face, the two hands and the two feet is not mandatory on Muslim women" (Uthman 1997: 33)*.* Some Muslim scholars also dispute the relevance of certain veils within the context of Yorùbá society and culture. They are of the view that veiling has been elevated by the reformers to a fundamental issue in Islam while they neglect the more important aspects of the religion. For these scholars, it is important for Muslims to purify their souls and be clear about the "intentions" of their actions because God is more interested in these than their outward appearance (Interview, Alhaji Sheriffdeen Adenuga, Ifako Lagos, 02.02.2017). Some scholars also argue that the 'traditional' dress of women, which include blouse, wrapper and scarf, also meets the Qur'ānic interpretation of modesty. This underlines the bold argument by Muhib Opeloye, an academic and member of the Muslim community in Osun state that "since the under-

lying principle for the concept of *ḥijāb* is the need to cover essential parts of the body, the traditional Yorùbá dress (consisting of *bùbá*, *ìró*, *gèlè*, and *ìbòrí*)[3] satisfies the requirement" (Opeloye 2011: 15).

These various arguments add to the concern by some Muslims that those who put on the veils are 'extremists', often understood in Yorùbá as *alasèju*. Being referred to as an 'extremist' is a categorisation which many frowns at for different reasons. These include the stereotype by non-Muslims that Muslims are 'jihadists,' 'unforgiving' and 'aggressive' in character. This stereotype has increased due to the incessant interreligious violence from the 1980s which involved some Muslim groups in northern Nigeria, as well as other parts of the world. There is also the concern that such veils might lead to the erosion of Yorùbá dress identity which they consider Islam to respect, although many of the so-called 'traditional' Yorùbá dress had northern Muslim origin (Peel 2016: 163). For many Muslim scholars in Yorùbáland, Islam does not frown at any local culture and practices that do not conflict with the teachings of the *Qur'ān* and *Ḥadīth* (Interview, Prof. D.O.S. Noibi, Ibadan, 09.02.2017). Owing to these criticisms, it became difficult for many women to abandon the traditional and western dresses for the veil.

However, those who adopt the veil have continued to defend its use as part of the Qur'ānic injunctions that enjoin women to dress modestly: "O ye children of Adam! We have bestowed raiment upon you to cover your shame, as well as to be an adornment to you. But the raiment of righteousness" (Q. 7:26). Meanwhile, they considered the traditional Yorùbá dress to fall short of this. They contended that the veil is not an Arabian cultural import but a religious obligation (Balogun 2018). In the same way, they condemned the clothes that are considered to reveal the shape of the female bodies and those that subject them to modern economic system. The all Nigerian Muslim women movement, Federation of Muslim Women Associations in Nigeria (FOMWAN) established in 1985, is one of the major voices in this debate. The movement, whose members include academics, bankers, civil servants, medical practitioners and lawyers, is also an advocate of Muslim girls' education and the socio-economic upliftment of Muslim women. In defense of the *ḥijāb*, the national *amira* (leader) of the movement, Hajia Aminat Omoti argues that:

> When a Muslim woman wears ḥijāb she is obeying and submitting to Allah. When a woman wears ḥijāb; she liberates herself from the vain and selfish desire to show off her beauty in competition with other women around her. The innate desire of wanton display of opulence is tamed by modesty of ḥijāb covering. The tendency of being enslaved by the corporate capitalistic industry known for publishing naked women to sell anything is removed. When we wear ḥijāb, we deprive privy eyes from scrutinizing our physical appearance and foreclose the possibility of passing comment about our beauty (Omoti 2016).

Besides the criticism in the Muslim community, the women in veil also faced Islamophobic reactions in many public spaces. This notion of Islamophobia builds on the definition of Allen (2010)

---

[3] B*ùbá* – blouse, *ìró* -wrapper, *gèlè* – head tie, *ìbòrí* – scarf. The *ìbòrí* is like the *Shayla*, a long and rectangular scarf popular in Saudi Arabia and the Persian Gulf region.

who consider it as "an ideology, similar in theory, function and purpose to racism and other similar phenomena, that sustains and perpetuates negatively evaluated meaning about Muslims and Islam in the contemporary setting in similar ways to that which it has historically, although not necessarily as a continuum, subsequently pertaining, influencing and impacting upon social action, interaction, response and so on, shaping and determining understanding, perceptions and attitudes in the social consensus - the shared languages and conceptual maps - that inform and construct thinking about Muslims and Islam as Other" (Allen 2010: 190). He argues further that Islamophobia is not restricted to the direct relationship of power and domination, but also in the less explicit everyday relationship of power which often makes it difficult to identify in social encounters. This, however, allows perpetuation of practices that discriminate against Muslims in social, economic and political spheres. Allen pointed out that the practices will be considered Islamophobic if there can be

> an acknowledged 'Muslim' or 'Islamic' element - either explicit or implicit, overtly expressed or covertly hidden, or merely even nuanced through meanings that are 'theological', 'social', 'cultural', 'racial' and so on, that at times never even necessarily name or identify 'Muslims' or 'Islam' (ibid).

In 1999, Ogunbumi (1999) reported the cases of discrimination of Muslim women in veil in many work places. One was Hajarat Usman, who was interviewed for a bank job but was denied the position due to her dress code. This was despite her brilliant performance and having emerged with the best graduating result in her class. Usman narrated that she was aware of the reasons why she did not get the position because a staff of the bank had intimated her before the interview that she might not be interviewed and that if she was eventually, she would not be offered the job. This was later confirmed by one of the panellists who asked her if she would dress in *ḥijāb* if offered the position, which she affirmed.

> I could see they were impressed by my performance. This was later confirmed when the leader of the panel told me after the interview that I was the best candidate they had interviewed that day and that I would be best for the job. He however wanted to know if I intended to dress the way I was to the bank if employed (Ogunbumi 1999).

The report also showed that many employers were averse to employ *ḥijāb* wearing women because of the peculiarities of their job. One confounding argument was provided by a senior executive in an advertising firm who suggested that women in *ḥijāb* might not be employed in that industry because "advertising thrives on dynamism and the readiness to be creative, such women might be seen as being old-fashioned and incapable of being creative" (Ogunbumi 1999.). Apart from these cases, there were also those who used the veil in their work places but were requested to stop using it by their employers. Ogunbumi's report referred to Professor Abdul-Kareem Hussein, president of the Islamic Study Group of Nigeria (ISGON), who said he met two ladies who told him that the bank they worked for asked them to change their mode of dressing or risk being sacked. He confirmed that one of them resigned while the other lady engaged the bank to fight for her right to wear it (ibid. 1999).

I also interacted with some members of the MSSN who narrated the various forms of discrimination which their female members in veil are confronted with in the search for employment. The MSSN, which has made a significant contribution to facilitating the turn towards veiling by many Western educated Muslim women has also been largely involved, together with other groups, in the fight with schools and establishments which discriminate women in veil. Despite the fight, Taofeek Yekin who is an academic and the national leader of the movement (from 2018), narrated to me that their female members continued to be discriminated (Interview, Taofeek Yekin, University of Ibadan, Ibadan, 20.01.2017). But rather than giving up, some of them started small enterprises to empower themselves and contribute to the upkeep of their families. I met some of these women who displayed what they offered for sale including clothes, food items and shoes, around the University of Ibadan mosque during the weekly Friday prayers and during MSSN events. Some of them are also engaged in catering, decoration and event planning as well as dress making. By opting for other enterprises rather than abandoning their veils for the paid jobs, these women demonstrated that veiling is not a barrier to women's visibility and capacity for self-empowerment in the public sphere. They also showed their capacity to negotiate for an economic life that accommodates their struggle to attain piety.

In educational institutions, female Muslims in veil also face discrimination and harassment. This mostly occurs in schools run by the government. The discrimination they face in these schools usually depends on the attitude of the authorities in such schools, which in turn, might depend on government's policy on the use of veil. State governments like Lagos have a policy in their schools that allowed its use during Islamic Religious Knowledge (IRK) classes. This policy emerged from the plea by Muslim groups like the MSSN that Qurʾānic texts are taught in these classes and it is required for female pupils to use a veil when the texts are recited (Interview, Adekoya Ibrahim, Yaba, Lagos, 30.01.2017). The school also allowed female Muslims to use the veil when they want to perform their prayers. However, this policy is often violated. In 2013, for instance, the Lagos State government banned the use of *ḥijāb* in public primary and secondary schools on the premise that it was not part of its approved uniform for pupils. The state also argued that the ban was necessary to protect the "secular" nature of the schools and the state (Dania 2016). The fillip to this ban was the public outrage by Muslims in the state in February 2013 over the public flogging of Aisha Alabi, a student of Kadara Junior High School, by her school principal. The principal resorted to punishing Aisha Alabi for wearing the *ḥijāb* beyond the restricted hours (Abubakar 2016: 1-4). About the same period in February 2013, further resentments by Muslims were recorded when the principal of Mafoluku Senior Secondary School removed the *ḥijāb* of Bareerah Tajudeen in public on her way to school and suspended her from school (ibid: 6).

On February 28, 2013, hundreds of female Muslims, mobilized by the MSSN, staged a protest at the office of the governor of the state over the harassment of these students. With placards and banners, they registered their displeasure with such expressions as "My Hijab, My Right," "Muslims say No to oppression," and "What is wrong with the Hijab?" They also called for the resignation of both principals for what they called "child abuse and human rights violation" (Abubakar 2016: 8-19). Apart from using protest, many students also seek redress in court. This happened in 2014 when two students, Asiyat Kareem and Mariam Oyeniyi of Atunrase Junior High School in

Surelere who were molested in their schools, challenged the ban on *ḥijāb* in court with the support of MSSN Lagos Area Unit. They won the case at the appellate court in 2016 after a lower court had earlier upheld government's policy in 2014. Although the state government challenged this judgement at the Supreme Court, it later directed principals in its schools to allow the use of the *ḥijāb*.

In some cases, the protest over the use of *ḥijāb* in schools was made by the Christian group. In 2016, for instance, a court in Osun State ruled against government's ban on the use of *ḥijāb* following a case that was instituted in 2015 by the MSSN as well as other Muslim groups. The court's ruling nearly led to a violent interreligious crisis when the principal of Christ African Middle School in Osogbo sent some pupils in *ḥijāb* away from school. Even though the school is government funded, the principal was of the view that the school was 'Christian,' which should not allow the *ḥijāb*. While the students and Muslim groups in the state protested this action, the umbrella body for the Christians in the state, Christian Association of Nigeria (CAN), further challenged the court judgment and encouraged Christian students to wear church robes and garments to school to enforce their own religious rights as the Muslims. For few days, many Christian pupils followed this directive (Olarinoye 2016; Onyekwere et al. 2016). The opposition to the veil by many Christian groups can be linked to their recurring fear that Muslims are trying to dominate Christians and Islamise Nigeria. This fear has been used by them to oppose other agendas such as Nigeria's membership of the Organisation of Islamic Countries (OIC) in the mid-1980s and the introduction of Islamic law in the early 2000s (Vaughan 2016: 127-131, 179).

In recent times, the use of the veil has also sparked national debates on Islamophobia. Amasa Firdaus, a graduate of law at Ilorin who was not called to the Nigerian bar in December 2017 by the Nigerian Law School is a major figure in this debate. The call to bar, which is formally used to admit law students into the legal profession, is marked with a ceremony that has a dress code. Firdaus was said to be aware that the ceremony does not permit the use of the veil, but she insisted on wearing it because she considered the discrimination against the veil had no basis in law (Olawoyin 2017). Her action probably represented the concerns of some members of MSSN, who I interacted with, that they wish a female Muslim in veil can challenge the Law School on this policy. Firdaus' case therefore stimulated the outrage of the MSSN together with other groups such as the Muslim human rights group, Muslim Rights Concern (MURIC), and the all-Nigerian Muslim body, Nigerian Supreme Council for Islamic Affairs (NSCIA). In their protest, they all accused the Law School and its Body of Benchers responsible for admitting prospective lawyers into the profession of 'Islamophobia' (Vanguard 2017). The situation became tense in February 2018 after the public hearing called by the National Assembly to address the issue was aborted due to a court order, secured by the Body of Benchers, which restrained the Assembly from this exercise. Piqued by this order, some members of the Assembly challenged the jurisdiction of the court over their affairs based on the principle of separation of powers between them. The Muslim groups led by Prof. Ishaq Akintola of MURIC, also protested and insisted that the Assembly must proceed with the hearing because a public hearing on the matter had been aborted in the past (Emejo 2018). However, in June 2018, the matter was resolved when the Body of Benchers accepted the veil to be used for the call to bar ceremonies. Firdaus was thus called to bar with her veil in July 2018.

Beyond her victory, Firdaus' case may be considered as one of the ways she activated both her agency as a female Muslim and the veil to resist institutional practice.

Rather than resisting institutional practice, negotiation is also employed by many female Muslims where they face discrimination. This is common among female students in tertiary institutions. In public institutions where it is accepted, the dress code includes veils like the *khimar* which leaves the face open, while there is a ban on specific ones like the *niqāb* and *burqa'* which covers the face. Similarly, in tertiary institutions that allowed the veil, some departments such as Nursing frown at it on the premise that it violates the dress code of the discipline. Owing to this, many female students in veil usually negotiate the type of institution and the course they want to study depending on the dress code. I interacted with many students who narrated to me that the MSSN and leaders of the Muslim community in their schools have supported them in such negotiation. As part of this negotiation, students who want to study nursing are advised to give up the use of veil within the period of their training for the "greater good". The 'greater good' is understood as both their own 'interest' and the 'benefits' which the profession will bring to other Muslims. Although it should be noted that the non-use of veil by such students is only restricted to the periods when they are expected to be in the dress code of the profession (Field notes, Adeyemi Balogun 2017). But some students who find it difficult to embrace this form of negotiation have either changed schools or course of study (Interview, Kabir Ajadi, Ife, 12.11.2016).

Besides this form of negotiation, the women in veil have also reacted to their discrimination by using the veil as a means of negotiation in political power contest. This happened during the electioneering process to elect the governor of Lagos state in 2015. In this period, the women were joined by several Muslim groups including the MSSN to lead a campaign titled 'No Ḥijāb, No Vote' (Abubakar 2016: 44-51). The stimulus to this campaign was the court judgement, mentioned earlier, that upheld the ban on veiling by the state government in secondary schools and the inability between the government and the MSSN to settle the case out of court. The aim of the campaign was thus to ensure that Muslims in the state vote for a candidate that will support the use of veil in schools. Using various mosques in the state to promote this objective, these Muslim groups urged parents to vote for a candidate that will give unalloyed support to the use of veil and promote religious freedom in schools. However, the campaign achieved a relative success following the emergence of a Christian governor, Akinwunmi Ambode, whom they gave their support. Upon his assumption of office, the new governor directed heads of schools in the state to respect the use of veil, although his administration did not withdraw the court case (ibid: 51).

Advocacy has been another form of action taken by women. This is done through many platforms such as the social media and through seminars where members of the public are informed on the importance of veiling for Muslim women. Today, the advocacy has been linked to the annual World Hijab Day founded by Nazma Khan in 2013, after her own experiences of prejudices in New York (Raihanah 2018: 97-98). The day is used to create solidarity among the global Muslim women who use the veil and are undergoing different forms of discrimination. During the event on February 1, 2015, many women wore different kinds of veils in southwest Nigeria and embarked on a long walk in major cities like Lagos and calling attention of different communities to their discrimination in the society. The women included representatives of different organisations such as the

MSSN, Al Mu'minaat, FOMWAN, and the women's wing of Ansar-Ud-Deen Society of Nigeria. As part of the event, they issued press statements to protest discrimination against veiled women (Abubakar 2016: 33-43). In their demonstration, they used the veil to convey the objectives of the events. Few of them held cardboards and banners with messages like "My Ḥijāb! My Right" and "World Ḥijāb Day: join the movement." There were many who wore veils with inscriptions like "World Ḥijāb Day", while few others tied small banners to their veils with messages such as "Ḥijāb is my crown" and "I cover my head not my brain." These various expressions illustrate their rejection of societal discrimination and stereotypes against the veil. More importantly, it demonstrates how the women linked the religious objective of veiling with the global agenda of human rights.

In addition to this form of advocacy, some Muslim women established non-governmental organisations to address discrimination against Muslim women in veil. Notable in this regard is the Hijab Rights Advocacy Initiative which is coordinated by Ms. Mutiat Toyosi Orolu-Balogun, a lawyer and entrepreneur. Her initiative operates through a network of Muslim students in educational institutions and Muslim organisations such as MSSN, Al-Mu'minaat and FOMWAN. It provides support to women who used the veil by ensuring that their rights are protected. Her initiative also encourages them to report cases of assault. In addition, her initiative creates awareness in public and private establishments on the importance of the veil through seminars and lectures (Hijab Rights Advocacy Initiative 2018).

5 Conclusion

The adoption of the veil as part of the identity of Yorùbá Muslim women is one of the ways in which the public face of Islam in Yorùbá society has changed since the 1980s. It shows how these women have connected to transnational Islamic movements aiming to revive Islamic practices in the past to achieve pious dispositions. However, these women were met with different oppositions which represents a challenge to the notion of religious tolerance among the Yorùbá, who are assumed to co-exist with each other with little or no conflict. Importantly, their experiences illustrate the relevance of Nolte and Ogen's argument in their study of the Yorùbá city of Ede on the need to move beyond the notion of religious tolerance in the Yorùbá context. Their study is important because it shows the varying degree of conflicts and intolerance among followers of three major religious groups despite their understanding of the need to live peacefully among themselves in the city (Nolte / Ogen 2017).

Beyond the opposition they face, the experiences of these women show that the veiled Muslim women's agency in Yorùbá society is not limited to achieving piety. The women also activated their agencies to resist societal discrimination and institutional practices. While they adopted the veil based on their understanding of Islam and the need to be pious, they also demonstrate that their struggles to be pious do not stop them from public engagement in the modern society. Rather, it is the society that seeks to limit their chances from this engagement. As a result, these women responded through the courts, resistance to authority, negotiation within the political circle and awareness creation on the use of their veils. Their experiences thus encourage us to think of female Muslims agencies both within the frames of piety and resistance.

The attitude of the state on veiling in Yorùbá society calls attention to the problem of the political system in the navigation of two positionalities in the modern world. The state governments in the region, and the Nigerian government, have always position themselves as secular. At the same time, they recognised the religious diversity of the people. The issue of veiling, however, shows that they face some conflicts in trying to balance the two positions. While the resolution of this conflict is crucial to peaceful interreligious relation among the Yorùbá, this difficulty challenges the assumption of secularism in the modern Yorùbá society.

References

"Amasa Ḥijāb controversy: Apologise, reinstate her now. Muslim groups tell Law school." (2017) In: Vanguard. 22 December. Available at https://www.vanguardngr.com/2017/12/amasa-hijab-controversy-apologise-reinstate-now-muslim-groups-tell-law-school/. (Accessed on 20.08.2018).

"Apalara coming to spoil the world – Evidence" (1953). In: Daily Success, 16 September.

Abass, Femi (2016). 62 years ago. In: The Nation, 8 April. Available at http://thenationonlineng.net/62-years-ago/. (Accessed on 20.08.2017).

Abubakar, Abdur-Rasheed (2016). Ḥijāb and the Nigerian Press. Lagos: Rawsheid PR Company.

Adekilekun, Abdul-Lateef (2012). Selected Islamic Organisations in Nigeria, 1916-1986. 2nd Ed. Ede: Makanjuola publishers.

Adeniyi, Zafaran (2015). What women wear. Lagos: Talkword Ventures.

Adetona, Lateef Mobolaji (2010). Da'wah (Islamic Propagation) in Yorùbá land - From the Advent of Islam to the End of Colonial Period. Journal of Oriental and African Studies 19: 99-121.

Ajayi, J. F. Ade (1965). Christian missions in Nigeria, 1841-1891: The making of a new élite. London: Longmans.

Akitoye, A. Hakeem (2014). Islam and Traditional Titles in Contemporary Lagos Society: A Historical Analysis. In: International Letters of Social and Humanistic Sciences 25.

Allen, Christopher (2010). Islamophobia. Surrey, Ashgate.

Amini, Ibrahim (2009). Self-Building: An Islamic Guide for Spiritual Migration Towards Allah. Ansariyan Publications.

Asad, Talal (1986). The idea of an anthropology of Islam. Occasional papers series. Washington, D.C.: Center for Contemporary Arab Studies.

Balogun, Ishola (2018). Hijab: Denial of right to hijab is war against Islam – Al-Muminaat. In: Vanguards, February 1. Available at https://www.vanguardngr.com/2018/02/hijab-denial-right-hijab-war-islam-al-muminaat/. (Accessed on 18.08.2018).

Balogun, Adeyemi (unpublished). Being a "Good Muslim": The Muslim Students' Society (MSS) and the promotion of Islamic reform in Southwest Nigeria between 1954 and 2014.

Balogun, Adeyemi (2017). The Dynamics of Traditional Religion in the Political Economy of Ìkòrodú. Yorùbá Studies Review 2 (1): 73-96.

Bangstad, Sindre (2011). Saba Mahmood and Anthropological Feminism After Virtue. Theory, Culture & Society 28(3): 28-54. DOI: 10.1177/0263276410396914.

Bilge, Sirma (2010). Beyond Subordination vs. Resistance: An Intersectional Approach to the Agency of Veiled Muslim Women. Journal of Intercultural Studies 31(1): 9-28.

Bullock, Katherine (2004). Ḥijāb and Contemporary Muslim Women. In: the MESSAGE international. Feb-March.

Bullock, Katherine (2010). Rethinking Muslim women and the Veil: Challenging Historical and Modern Stereotypes. Abridged ed. Herndon: International Institute of Islamic Thought (IIIT).

Dania, Onozure (2016). Appeal Court lifts ban on Hijab in Lagos public schools. In: Vanguards. 21 July.

Danmole, H. O. (2008). Religious Encounter in Southwestern Nigeria: The Domestication of Islam among the Yorùbá. In: Òrìṣà devotion as world religion: The globalization of Yorùbá religious culture, ed. Jacob K. Olupona and Terry Rey, 202 - 235. Madison, London: University of Wisconsin Press.

Duval Smith, Alex (2004). France Divided as Headscarf Ban is Set to Become Law. In: The Guardian, February. Available at https://www.theguardian.com/world/2004/feb/01/france.schoolsworldwide. (Accessed on 28.08.2018).

Eades, J. S. (1980). The Yorùbá Today. Cambridge: CUP.

El Guindi, Fadwa (2003). Veil: Modesty, Privacy and Resistance. Oxford: Berg.

Emejo, James (2018). Muslim Group Protests as House Committee Halts Hearing on Hijab Controversy. In: Thisday. March 15. Available at https://www.thisdaylive.com/index.php/2018/03/15/muslim-group-protests-as-house-cttee-halts-hearing-on-hijab-controversy/. (Accessed on 28.08.2018).

Falola, Toyin (1998). Violence in Nigeria: The Crisis of Religious Politics and Secular Ideologies. Rochester, NY: University of Rochester Press.

Gbadamosi, T. G. O (1978). The growth of Islam among the Yorùbá, 1841-1908. London: Longman.

Herrera, Linda (2000). Downveiling: Shifting Socio-Religious Practices Middle East in Egypt. ISIM Newsletter 6, 1 and 32.

Hijab Rights Advocacy Initiative (2018). Available at http://hijabadvocacy.com.ng/. (Accessed on 17.08.2018).

Janson, Marloes (2014). Islam, Youth, and Modernity in the Gambia: The Tablighi Jama'at. Cambridge: CUP.

Johnson, Samuel / Obadiah Johnson (ed.) (2010). The History of the Yorubas from the Earliest Times to the Beginning of the British Protectorate. Reprint. Cambridge: CUP.

Laitin, David (1986). Hegemony and Culture: Politics and Religious Change among the Yorùbá. Chicago: University of Chicago Press.

Lapidus, M. Ira (1997). Islamic Revival and Modernity: The Contemporary Movements and the Historical Paradigms. Journal of the Economic and Social History of the Orient 40 (4): 444-460.

Loimeier, Roman (2017). Review of Insa Nolte / Olukoya Ogen / Rebecca Jones (eds) Beyond Religious Tolerance: Muslim, Christian and Traditionalist Encounters in an African Town. Africa Spectrum 2: 129-131.

Loimeier, Roman (2016). Islamic Reform in Twentieth-Century Africa. Edinburgh: Edinburgh University Press.

Mahmood, Saba (2005). Politics of piety: the Islamic Revival and the Feminist Subject. New Jersey: Princeton University Press.

Mahmood, Saba. (2001). Feminist Theory, Embodiment, and the Docile Agent: Some Reflections on the Egyptian Islamic Revival. Cultural Anthropology 16 (2): 202-236.

Muslim Students Society of Nigeria (2009). MSS at a Glance. MSSN National Secretariat.

Nolte, Insa / Olukoya Ogen (2017). Beyond Religious Tolerance: Muslims, Christians and Traditionalists in a Yorùbá Town. In: Beyond Religious Tolerance: Muslim, Christian & Traditionalist Encounters in an African Town. Insa, Nolte / Ogen, Olukoya / Jones, Rebecca (eds.). Woodbridge, Suffolk, GB; Rochester, NY, US: Boydell and Brewer, 1-30.

Ogunbumi, Kayode (1999). Agonies of Muslim in Veils. In: The Guardian, October 3.

Olarinoye, Gbenga (2016). Ḥijāb crisis: How Osun schools turned religious war theatres. In: Vanguard. 15 June.

Olawoyin, Oladehinde (2017). Hijab Controversy: Affected law graduate - Amasa Firdaus, speaks. In: Premium Times. 16 December.

Omoti, Aminat (2016). Hijab liberates Muslim women from vain desires. In: Vanguards, February 5. Available at https://www.vanguardngr.com/2016/02/hijab-liberates-muslim-women-from-vain-desires/. (Accessed 18.08.2018).

Onyekwere, Joseph et al (2016). The right to wear Ḥijāb, versus the right to school uniform. In: The Guardian. 21 June.

Opeloye, Muhib O. (2011). The Yorùbá Muslims' cultural identity question. Ilorin Journal of Religious Studies, (IJOURELS) 1: 2, 1-2047.

Peel, John D. Y. (2016). Christianity, Islam, and Orisa-Religion. California: University of California Press.

Peel, John D. Y. (2000). Religious Encounter and the Making of the Yorùbá. Bloomington: Indiana University Press.

Raihanah, M. M. (2018). World Hijab Day: Positioning the Hijabi in Cyberspace. In: Seen and Unseen: Visual Cultures of Imperialism. Fotouhi, Sanaz / Zeiny, Esmail (Eds.). Leiden: Brill.

Ryan, Patrick J. (1978). Imale: Yoruba Participation in the Muslim Tradition: a study of Clerical Piety. Harvard dissertations in religion no.11 S.l.: Scholars Press.

Schielke, Samuli (2009). Being good in Ramadan: ambivalence, fragmentation, and the moral self in the lives of young Egyptians. Journal of the Royal Anthropological Institute (N.S.), 24-40.

Siddiqui, Mona, (2006). Veil. In: Encyclopaedia of the Qurʾān Vol. 5. McAuliffe, Jane Dammen (Ed.). Leiden: Brill.

Soares, Benjamin / Osella, Filippo (2009). Islam, politics, anthropology. In: Journal of the Royal Anthropological Institute (N.S.), 1-23.

Uthman, Ibrahim Olatunde (1997). The Ḥijāb of the Muslim woman and a call to every reformer. Abeokuta: Islamic Conscious Group of Nigeria.

Vaughan, Olufemi (2016). Religion and the making of Nigeria. Durham: Duke University Press.

UNIVERSITÄT BAYREUTH

INSTITUTE OF AFRICAN STUDIES