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*Agency in Praxis*

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The question of being human and treated as such is an existential issue for individuals. From the Qur'anic point of view, human beings are active agents of God on earth and, hence, trustees of all creations on earth. Consequently, human beings have to account to Allah in the hereafter for their relationships with each, other among other things. However, it has not always been this way in several communities. This work explores the ways and manner in which Muslim women in Accra, Ghana, have expressed agency in the choice of marriage partners as well as their perspectives and understandings on divorce. It suggests that the ever-changing urbanised city of Accra has legitimated a particular kind of identity that is more subjective which is in line with the Islamic recognition of human agency.

The question of the humanity of women has undoubtedly been discussed in several meetings because of their status in communities around the world. These questions emanate from the fact that most societies are patriarchal. Recent debates concerning women's rights in both the public and the private realms have been on the agenda of organisations, both local and international. The media also has contributed immensely to questioning the position of women. In an international conference organised in Accra on gender-based violence, the issue of gender, sexism and violence against women in Africa and North America was discussed, and debated extensively. As an international conference made up of women from academia, both in the specialised areas of women's studies as well as in various disciplines of religion and theology, the debate was one full of knowledge sharing and knowledge production. The one unusual characteristic of the conference was that it was not convened in the traditional sense of academic conferences where papers are presented and debated. Rather it was one that gave everyone the opportunity to speak through group discussion and assignments. In one of the group discussions in which I took part, the one thing that we debated extensively without conclusion was the notion and concept of family. Another member and I were the only junior academics in that group. It was actually a learning space for me. Among ideas about what constitutes a family was the African concept which is very expansive and can include individuals of first, second and even third or fourth degree of kinship, as membership is determined by blood connection. Also, when a person marries he or she automatically becomes a member of the family into which they have

married. This was news to our sisters from the Diaspora as their conception of the family is just the nuclear type. The one remarkable thing also about the group discussion was the nature of the family in urban cities in West Africa.<sup>1</sup> Despite the rapid acceptance of the nuclear family settlement, people still have strong ties with their families to the extent that a participant stated for emphasis: “I live in my home far from my husband’s family, yet my sister-in-law can tell me in a telephone conversation that I should not discipline my son because he is her father [named after the participant’s father in-law].” The issue that was common among all women was the fact that power is structured patriarchally. Irrespective of the diversity of participants at the conference, the shared experiences participants narrated on power structures of the various contextual backgrounds was that women’s livelihoods were dominated by men virtually in all arenas of life, from the domestic to the public sphere.

As part of the conference, the group connected with the past. This was the sad moment of the three-day program. We travelled to Cape Coast and Elmina Castles. Elmina was the first point to start our journey of reconnection. The tour guide took us through all the dungeons and finally to the “gate of no return.” The scene was one of calmness, reflection and a sense of disdain for what has been meted out to human beings. Some cried and others were moody and wanted to be left alone.

What I have learnt from the conference is that despite the varying religious, academic, social, and economic backgrounds of all the participating women, we all had a shared value and experiences. The value commonly shared amongst us was the acceptance of the fact that all

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<sup>1</sup> The West African participants of the conference were from Ghana, Liberia, and Nigeria.

people have the capacity to express agency given the opportunity. At the conference, we had the opportunity to express ourselves because we were free to do so, on the one hand. On the other hand, however, the women slave captives at the Castles did not have the opportunity to express agency, despite being human. In this paper my emphasis is on expressing agency in the Ghanaian Muslim context with regard to women's ability or inability to choose marriage partners as well as their ability to seek divorce in disturbing marital situations.

Closer attention to Ghanaian women's testimonies reveals two parallel experiences in regard to women's agency and choosing a marriage partner. Women, who were advanced in age, reared in rural environments and who did not have access to formal education tended to be betrothed to their husbands. On the other hand, women reared in urban areas, women who are younger and who have had formal educations had different experiences. They chose their partners and agreed before consent was sought. In both experiences, consent of a male guardian or authority was important, without which the marriage could not have taken place. The women's perceptions and understanding of divorce was shrouded by subjectivity and tradition. Some of the women felt that a woman has every right to initiate a divorce by going to male authorities/guardians of the marriage. For some a woman cannot initiate a divorce, and a few were of the opinion that marriage is a sacred institution that needs utmost protection and preservation.

### **Method and Theory**

The data for the research includes both primary and secondary sources. I employed a qualitative method in which I interviewed Muslim women in Accra regarding their experiences

of marriage and divorce. The interviews took place from December 2010 to March 2011. These individual Muslim women were married, divorced, or widowed.

I interviewed twenty Muslim women who were or had experienced marriage and divorce in a direct way. I attempted to interview men as well, but they either refused or evaded my requests. The majority of the women lived in the Muslim communities of Accra, which include *Nima*, *Mamobi*, *Madina-Zongo*, *Fadama*, and *Sabon-Zongo*. A few of the interviewees came from communities that do not have Muslim majority populations. Such communities are *Nii-Boye-Town*, *Darkuman*, *Kokomlemle*, *Ashale-Botwe*, and *Accra New Town*. The majority of the women were working as petty traders and businesspersons. Others were homemakers, while a very few were in the formal labour sector. I communicated with the majority of the women in *Hausa*. A few of the women spoke English. The recorded interviews were transcribed thoroughly for analysis. All the names in the analysis are pseudonyms. I gave them Muslim sounding names in order for the names of the participants to sound real and have some Islamic identifiers.

This work engages a category of literature or a theoretical approach that is broadly called Islamic feminism. This approach articulates the diversity of women's realities without universalising the concept of feminism. The research is informed by the commitment of feminism in using women's experiences as a process of knowledge production. Islamic feminism is relatively new as a source of knowledge production. Central to its theory is gender justice as an ontological concept. Islamic feminists argue that diverse socio-cultural practices, geographical variations, and different political contexts produce a range of hermeneutics. They also argue that Islam is inherently egalitarian and, therefore, advocate women's rights, social justice and gender

equality. Many Islamic feminists argue that in the course of time *Qur'anic* principles were ignored through male dominated interpretations. Islamic feminists contest readings that are oppressive to women by using women's experiences to produce new meaning of the religious canon.<sup>2</sup> Islamic feminists also question the method of traditional interpretations of the *Qur'an*, the Hadith and the *fiqh* as unrepresentative of the experiences of a section of the community, women. Some have developed new ways, such as holistic reading of the text, which locates the meaning of the *Qur'an* within the context of revelation, the language and the entire worldview of the *Qur'an*.<sup>3</sup> Islamic feminism points out that there is no universal category of woman. Islamic feminism critiques the notion of a generalised perception of woman or women as articulated by Western feminism. Though feminism started in the West by white middle class women to bring about social change, it tends to speak on behalf of all women of diverse groups by positing the Western ideal as the norm for all women. Women of different communities and cultures or religious backgrounds have different understandings of woman.<sup>4</sup>

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<sup>2</sup>See Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002); Sa'diyya Shaikh, "Transforming Feminism: Islam, Women and Gender Justice," in *Progressive Muslims on Justice, Gender and Pluralism*, ed. Omid Safi, 147-162. (Oxford: Oneworld, 2003). Amina Wadud, *Qur'an and Woman* (Penerbit Fajar: Bakti Sdn. Bhd, 1992).

<sup>3</sup> See Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002); Ziba Mir-Hosseini, "Towards Gender Equality: Muslim Family Law and the Shari'ah," in *Voices of Islam*, ed. Vincent Cornell and Omid Safi, 85-113 (Westport: Greenwood Publishing Group, 2007.); Sa'diyya Shaikh, "A Tafsir of Praxis: Gender, Marital Violence, and Resistance in a South African Muslim Community" in *Violence against Women in Contemporary World Religions: Roots and Cures*, ed. Dan Maguire and Sa'diyya Shaikh, 66-89 (Cleveland, Ohio: Pilgrim Press, 2007); Amina Wadud, *Inside the Gender Jihad: Women's Reform in Islam* (Oxford: Oneworld, 2006).

<sup>4</sup> Sa'diyya Shaikh, "Transforming Feminism: Islam, Women and Gender Justice" in *Progressive Muslims on Justice, Gender and Pluralism*, ed. Omid Safi, 147-162 (Oxford: Oneworld, 2003).

## Getting Married

Marriage in the Ghanaian community is a process of negotiation, when finding a husband, or being chosen as a future wife. The process of negotiation in most tribes takes place between two families. In modern and urbanised contexts such as Accra, the process might start with the individuals involved, as was clear in my interactions with the women from Muslim communities of Accra. During my interactions with Muslim women, I asked them how they chose or met their husbands. Below, I discuss two contrasting stories of Muslim women on this issue. The first was Meeri, a thirty-seven-year-old widow and a mother of seven. She did not have modern education<sup>5</sup> and was reared in a rural area before she got married and moved to Accra. The other woman was Jaria, thirty years old, born and reared in Accra. She has had modern education and is a mother of two. She was married for four years at the time of the interview.

Meeri described her marriage:

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

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

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<sup>5</sup> I am referring to secular Western education in contrast to the traditional Islamic education with which Muslims in Ghana are familiar.

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

Meeri's narrative suggests that the circumstances in which she found herself forced her to agree to the marriage. She clearly thinks that it might have been possible for her to meet someone. However, her father's right over her was paramount. She realized this was probably for her own good. Meeri's response also indicates a degree of negotiation between her individual choice and tradition. She considers two aspects of this tradition. She first realized that her father could invoke the curse of God on her. Secondly, she realized that she may need her family when she was married to a husband she never knew and who was at the same time already married. Her understanding of the uncertainties in marital relations is clear. In case of any unforeseen circumstances, only her family would be readily available to assist.

Meeri's story suggests that in the environment and the culture in which she was brought up, marriage was a family affair. Kin were involved in almost all marriage arrangements. In this context, women were married off instead of being married. Usually, either the father or brother asserted authority over a female. This left little space for a woman to negotiate her marriage. Meeri herself realized the fact that her prosperity lay in the hands of her brother and father. However, her acceptance on rational grounds indicates that she was aware of how to accept her limited choices. I will now link Meeri's story to Jaria who was born and reared in urban Accra. Her story speaks to how education and urbanisation affect women's choices.



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

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

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

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

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

There is one overlapping similarity in Meeri and Jaria's experiences. This has to do with both of them having agency but expressed in different ways. Meeri's father's authority was so compelling that she was almost completely excluded in choosing a husband for herself. She, however, recognized the uncertainties tied to marital relations so she agreed to her father's

proposal. On her part, Jaria also accepted her father's authority over her. At the same time, she guarded her individuality, and promoted and pursued her interest in finding a husband. This marks a sharp contrast between women's socialisation and upbringing, which is an important factor of not universalising women's realities. Muslim women who were reared in rural areas, but migrated to urban areas after marriage have different experiences, with regard to choosing partners, than those who are younger and were reared only in urban areas. In the next section, I will discuss women's understandings and perspectives on divorce.

### **Divorce: Women's Perspectives and Expectations**

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

Fati is a primary school dropout and a mother of one. She is a wife of an absentee husband<sup>6</sup> and spoke to me in Hausa:

For me, in my understanding, both husband and wife can invoke divorce. But you see people say that it is the right of the husband, forgetting that it is you the woman who

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<sup>6</sup> This is a marriage in which a husband resides outside the country. All the women I talked to who were married to absentee husbands opined that it was because of economic reasons that their husbands reside outside the country. In short, they were economic migrants.

lives with your husband and you know who he is and what he is capable of doing. If my husband disrespects me, cheats on me, humiliates me and beats me up, why can't I act if I want to? I think that either of you can initiate divorce although the elders have to come in before anything happens. If he initiates it [divorce], he would be invited and is the same way if a woman initiates it, and [if] you have a very convincing issue, your pronouncements would work. Like in this, my situation of being married to an absentee husband, if I can no longer continue with the marriage and tell the elders, I think they would respect my position (Fati, 2011).

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

Some women have pronounced divorce to their husbands on certain occasions but that of women do not take any effect, as the *Mallams*<sup>7</sup> say. Since the first day of my marriage, my husband has always been absent. I have on several occasions told the elders who prevented me from leaving the house that I could no longer wait, especially because he lives with another woman at his base. It is not just fair that he is always with her and I languish in loneliness in Accra. But I cannot understand why the elders would not allow me to leave whenever I intend to (Asibi, 2010).

Unlike Fati, Asibi had sought divorce but was prevented by the elders. She is subject to the wishes of the elders, but introduces an element that Fati did not mention at all, the way religious messages from its leaders impact believers' praxis. Fati and Asibi's understandings about a woman initiating divorce vary considerably. Fati believes that a woman like her may

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<sup>7</sup> Mallams are Islamic religious leaders in the Hausa language, the predominant language among Ghanaian Muslims in the Muslim quarters of southern Ghana called the *Zongos*.

initiate divorce. If she complained of the lack of her husband's fulfilment of his responsibilities, she is sure that they will allow her to go for divorce. And yet, Asibi said elders did not listen to her complaints. In particular, the *Mallams* preached that women might not initiate divorce. In addition, Asibi raised concern about husbands' social and religious privilege.

Jamila comments on divorce in Muslim marriages:

Sometime back women used to fear the word divorce, but currently it belongs to the past when people shiver[ed] when they hear the word divorce. Now it is a fashion. Then when people [women] hear divorce they carry their veils to look for elders to come in and help, oooh, but now it is not a problem; things have changed. As for marriage of modern times, we pray for Allah's forgiveness, there is too much childishness in it. [For] the least thing, we want to leave the marriage! This is not marriage at all. The reason elders do not take women's divorce pronouncement is that we are impatient. But before a divorce pronouncement comes from a man then it really means there is something that is very difficult for him in the marriage. You see men are very patient (Jamila, 2010).

Jamila points to the change in divorce matters in her society. In her view, though, women are to blame for the high incidence of divorce. Her view, however, ignores the predicament that Fati and Asibi describe. She wants to hand over more responsibility to men, even more than that held previously by elders.

All the women in this section have accepted that divorce is a permissible act in Muslim marriages. Nevertheless, different positions have been expressed concerning the manner of going through divorce. Asibi tells us that women are not permitted to initiate divorce according to Islam, Fati says that both men and women have the same rights, and Jamila hands over the final decision to men.

## Conclusion

I started this work by narrating and relating to women's experiences in an academic conference. I showed the varied experiences in understanding and perceptions on issues such as the family and the notion of being human. I showed that despite the differences in experiences there was a common ground and experience. I then moved on to discuss the perceptions and understandings of Muslim women concerning marriage and divorce. I discussed themes on choosing a marriage partner and women's perspectives and understandings on divorce.

Generally, Muslim women accepted some norms, particularly their acceptance of marriage guardians. Different forms of subjectivities were expressed through the women's narratives.

Women of different ages, geographical locations, educational and economic backgrounds shared a common religious identity but had different life experiences and expressed various forms of subjectivities. The subjectivities of women in urban areas were more compelling and acceptable to the Muslim feminist interpretation. Despite the entrenched position of male authority, a different form of identity is emerging which is constructed by Muslims of urban areas. There is some form of power imbalance in terms of who gives a woman's hand in marriage. In the experiences of the women, there is a great level of emphasis on male guardians concerning the way women negotiated and entered into marriages. Despite the different geographical locations of the upbringing, the fathers' unilateral/unflinching power over whom a daughter marries is entrenched in a particular way.

In the view of authors like Shaikh<sup>8</sup> and Silvers,<sup>9</sup> women's practical daily experiences embody a particular sense of meaning making. Shaikh in particular identifies what she calls a Tafsir of Praxis through which she describes the view that women's life experiences are being used in making religious meaning as the social world of Muslim women makes it more practical to extract religious meaning. For Silver, the notion of human responsibility is crucial for Muslims because Muslims, male and female of sound minds, have equal rights and responsibility and so Muslims, or humans, carry full responsibility for their actions otherwise the notion of judgement in the hereafter is meaningless. As these women's experiences have shown, the historical trajectory of the women has not produced any religious meaning that is responsive to their existential issues, thus inhibiting their ability to full agency and taking full responsibility for the decisions they make, practically denying some level of agency to women.

Finally, I would like to end with Wadud's<sup>10</sup> novel definition of Islam as "engaged surrender." This is a breakaway from the old meaning of "submission" to the will of Allah. She asserts that this fresh meaning is important because human beings have been endowed with free will. They have been made the trustees of Allah on earth. If Islam is translated to mean submission, it means a lack of free will. As a consequence, engaged surrender becomes appropriate as it implicitly includes free will and choices made by each individual. If humans are

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<sup>8</sup>Sa'diyya Shaikh, "A Tafsir of Praxis: Gender, Marital Violence, and Resistance in a South African Muslim Community" in *Violence against Women in Contemporary World Religions: Roots and Cures*, ed. Dan Maguire and Sa'diyya Shaikh, 66-89.

<sup>9</sup> Laury Silvers, "In the Book We have Left out Nothing: The Ethical Problem of the Existence of Verse 4:34 in the *Qur'an*," *Comparative Islamic Studies* 2., No.2 (2006): 171-180.

<sup>10</sup>Amina Wadud, *Inside the Gender Jihad: Women's Reform in Islam* (Oxford: Oneworld, 2006).

endowed with full capacity to express agency, then the narratives of the women does not show the full practical expression of agency in the Ghanaian Muslim communities.

Although the conference was not themed around the topic of this particular paper, it had certain kind of resonances with what the paper discussed. It focused solely on women in religion and theology. Women of different religious background present at the conference presented some experiences that seemed almost universal to all women. Being a woman means facing marginalization of all forms, shapes and shades because of the inherent patriarchal power structures that prevailed in the contextual backgrounds of participating women. Because all the women were in religion and theology, of particular concern to participants was the re-reading of religious texts to make meaning out of texts that have been used to perpetuate social injustices against women.

The one other related issue that arose and was discussed in a graphic manner is the issue of women's agency, which resonates more with this particular paper. From the perspectives of the different religions represented at the meeting, religious texts can be used as a means of empowering women by re-reading texts from a feminist point of view with the aim of producing a certain kind of response to serve the particular concerns of women's existential realities.

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