

Culture/Religion/Tradition vs Modern/Secular/Foreign: Implications of Binary Framings for Women's Rights in Nigeria¹

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Abstract

This article examines the binary of culture/religion/tradition and modern/secular/foreign and its impact on women's human rights struggles in particular in northern Nigeria. This binary is commonly perpetuated by state and non-state actors, including politicians, community leaders and religious leaders, who weaponise culture, religion and tradition to resist the struggle for gender equality. It highlights how progress around some concerns, such as rape of young girls, has occurred concurrently with attacks on other rights, particularly sexual and reproductive rights including abortion and sex outside marriage, and of those with non-normative sexual orientations, gender identities and gender expressions. This hardening of attitudes and narrowing of what is seen as permissible not only obscures the diversity of how people lived and thought in the past but is also far from the reality of how people live their lives presently. It further reflects the increased influence of religious fundamentalism and conservatism in northern Nigeria.²

Keywords: Nigeria, Shari'a, women's rights, Boko Haram, LGBTQI, feminism

Peer review: This article has been subject to a blind peer review process



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Introduction

I write this article based on my work as a feminist, human rights and peacebuilding activist, researcher and practitioner in Nigeria. Although born in Nigeria, I left the country as a child, and returned in 2013. Not only am I not Nigerian but I was also not raised in either Christian or Muslim traditions, with my knowledge of both the result of activism, social networks, study and work rather than lived experience. To inform this article, I draw on three strands of work and activism: with human rights, peace and women's rights activists in five northern states (Borno, Kaduna, Kano, Plateau and Yobe) on conflict management and peacebuilding; research and work with communities in the conflict affected northeast; and collecting queer women's narratives for a book entitled *She Called Me Woman: Nigeria's Queer Women Speak*, which aims to address dehumanisation and change public discourse. It is challenging for me to write on this subject. Not only do I continue to live and work in northeast Nigeria where there is limited space to discuss these issues, but I count many activists whose attitudes I challenge and critique below as good friends with whom I have worked closely for human rights, including those of women, justice and peace for many years.

This article is divided into three sections. It first traces the genealogies of these binary framings. It then examines the ways these binaries draw on particular understandings of culture/ religion/ tradition and suppress other understandings and realities that existed in the past and are present today. It ends with examining how women's rights activists mobilise and implications of these binaries on their activism. While women's rights activists are strategic in engagement, their framework of mobilisation tends to be constrained by these binaries and the determination of the rights and rights-holders worthy of protection and advocacy.

Historicising the Binary

The binary between culture/religion/tradition and modern/secular/foreign has historical roots in northern Nigeria, a region seen as an Islamic monolith but which has large numbers of Christians, the continued (hidden) presence of Maguzawa, followers of indigenous Hausa religions, as well as those who do not believe. As will be explained below, over time, culture/religion/tradition came to be linked with justice, morality and effectiveness governance and in opposition to the modern/secular/foreign which became associated with corruption, injustice, immorality and predatory governance.

The arrival of Islam and the Sokoto Caliphate

Islam first came to and was spread in West Africa through trade, patronage and conversion by elites (Ubah, 2001). In the land now known as northern Nigeria, there was a vibrant Bori culture before Islamisation with keen understanding of medicinal herbs, the role of music in worship and importance of dance in connecting with the divine. The ruler of the Kanem Bornu Empire converted to Islam in the 11th century and rulers of the Hausa kingdoms following suit from the 14th or 15th centuries onwards (Ubah, 2001). In the late 18th century, the Fulani scholar Uthman dan Fodio and his followers declared war on the Hausa kingdoms to standardise Islam and align 'Hausaland eastward, namely within a wider Islamic civilizational complex whose centre was Arabia' (Eltantawi, 2017), eliminating syncretic versions that had arisen over centuries. Dan Fodio seized on grievances against corrupt and unjust leaders, excessive taxation, elite decadence and the prohibition of veiling for women and turbans for men. Primarily a movement to reform supposedly 'lax' Muslims rather than convert 'pagans' (Last, 1979), the caliphate aimed to increase social morality in accordance with Islamic ideals through

education reforms, the development of markets and economic reforms and improved communications (Smith, 1971).

Dan Fodio's daughters played important literary and political roles, particularly Nana Asmau who was a leading scholar, teacher, historian and adviser to her brother when he succeeded to the caliphate. She was committed to women's education, training a network of itinerant women teachers (jaji) whose objectives were conversion of women to Islam, education within Islam and harnessing of women's talents in the service of the caliphate. The jajis were symbols of the state and Islamic learning, held important and influential positions of power and were active in public discourse and debate. By training women, they integrated the newly conquered Maguzawa as well as the poor and those who lived in rural areas into caliphate practices and principles, their obligations as Muslims and what was seen as inappropriate behaviour (Mack and Boyd, 2000). Dan Fodio emphasised the importance of women leaders and women's rights within Islamic frameworks but he also banned certain women's hairstyles, tried to stop his wives going to market thereby setting a standard for seclusion as the marker of good Muslim households, closed houses to adult men and required women to pray separately from men in the mosque (Last, 2015).

Sinikangas (2004) has argued that increasing restrictions on public, political and economic roles of women after the jihad encouraged some women to turn to Bori, which was prohibited with performance punishable by death (Mustapha, 2018). Despite its repression, Bori has survived because 'it has a firm gendered base among women in Hausa society, it offers valuable psycho-medical services, and it is flexible and adaptable by nature' (Mustapha, 2018).

The death of dan Fodio in 1817 saw gradual return to pre-jihad practices, forming the basis for later calls for reform and revivalism (Mustapha, 2015a). There was dissidence as regimes failed to live up to expectations (Last, 2015) but in popular narratives among northern Muslims today, the caliphate is presented as a time of high levels of religiosity, morality and good governance. However, while Nana Asmau is remembered, the role of women more broadly in governance and expansion is all but written out. Thus, the binary, pitting 'universalised' Islamic practices and values and improved governance against other customs and beliefs, including a plurality of Islamic interpretations, syncretic practices as well as more indigenous belief systems, first became apparent.

The caliphate created and solidified links between governance according to Islamic law, morality and effective and just rule as opposed to the corruption of the 'state' i.e. the rulers of the Hausa kingdoms who were seen to be inauthentic followers of Islam interested only in themselves. This narrative decentres the experiences of those who resisted the caliphate's political and religious control, the Magazuwa and others subject to enslavement and slave raids and the scaling back of reforms and continuation of many aspects of pre-jihad inequality, especially after the death of dan Fodio (Mustapha et al., 2018; Kendhammer, 2016; Smith, 1954). However, even in present-day discourse around Shari'a codes, it remains difficult to focus on contemporary events rather than the caliphate which continues to loom large in 'political and symbolic influence' and remains a 'mythologised moment, an idealised reminder of what's possible through Shari'a, and a (potentially) plausible template for the modern Nigerian state' (Kendhammer 2016, p. 52).

Conquest and colonisation

The defeat of the caliphate by the British Empire in 1903 added the influence and actions of ‘outsiders’ to the nascent binary. Colonisation did not fundamentally change the nature of who held power with administrative structures recycled to facilitate indirect rule and local elites imbued ‘with formal and legal authority while the colonial state drew on their social and religious legitimacy’ (Hoffmann, 2014).³ Conquest led to emirs with enhanced powers but seeking to buttress their Islamic legitimacy, the ulama divided in attitudes towards the impact of colonisation on Islam and whether to call for opposition, accommodation or passive resistance and ordinary people confused by foreign rule and sectarian divisions (Mustapha et al., 2018).

The infusing of colonial power into caliphate structures caused problems for non-Hausa/Fulani and/or non-Muslim communities and increased conversion to Christianity (Hoffmann, 2014). A retired civil servant and historian whose grandfather was one of the first Christian priests in Gwoza in northeast Borno state talks about there being a contest for souls during this time (personal communication). Missionaries set up schools, dividing Islamic forms of education from what became seen as ‘western’ education. Consequently, the word boko, which had originally meant fraud, sham, inauthentic or hoodwinking, came to be equated with the latter form of education, connoting ‘a feeling that colonial schools could mislead Muslims into accepting false knowledge’ (Thurston 2017, p. 15). In contemporary times, it has come to mean westernised people and elites and western style frameworks, culture, institutions and education (Thurston, 2017). Piety and rates of seclusion among Muslims, thinking this was necessary for Allah to rid northern Nigeria of Christians, increased (Last, 2015). These dynamics reinforced the earlier binary into which narratives of corrupted governance due to foreign influence became infused.

From independence to democracy

While independence movements rose in southern Nigeria in the early twentieth century, northern elites resisted independence due to fears of marginalisation within a democratic dispensation due to educational, social and economic disadvantages relative to southern Nigeria. Religion (Islam) and identity politics (northernisation) were invoked to prevent southern Christian domination replacing European domination (Mustapha, 2018). Many northern Muslims suspected outside influences, saw modernisation as constituting unacceptable innovations to Islam and were resentful or ambivalent to secular forms of governance with a stronger religious sense of identity replacing ethnic or local identities (Hoffmann, 2014).

The post-independence state, structured around colonial administration with state symbols, the working week and governance style based on a secular Western model, was resented by many Muslims as 'Christian' (Clarke and Linden, 1984). While most Muslims could accept this model, this attitude began to change by the 1970s as the 'growing moral, political and economic crisis of the state' was identified with the failure of the imported secular western model (Mustapha, 2015a p. 10-11). The Iranian revolution was a galvanising influence for many young Muslims who believed 'Western impositions must be cast off, pious Muslims must rule and Shari'a must be the law of the land' (Ostien, 2018) and looked back to the earlier caliphate and jihad as solutions (Kendhammer, 2016). This period saw influence and financial support from groups in Saudi Arabia, Libya, Sudan and Iran changing religious discourse. It also saw diversification and fragmentation of religious affiliation (Mustapha and Bunza, 2015) and sectarian violence (Ostien, 2018). The duty to command right and forbid wrong aggravated sectarian intolerance, resulting in

‘perpetration of subversive violence or the invasion of individual privacy in the course of allegedly doing ‘God’s work’’ (Mustapha 2015a, p. 9).⁴

Here, we start to see increasing religious intolerance and fundamentalism, attacks on different religious interpretations and the further narrowing of actions and beliefs seen as permissible superimposed onto previous binary framings. The binary deepened with democratic transition in 1999 after decades of military rule mixed with intermittent civilian rule. Many people reflecting on this time speak of the shady nature and political thuggery of electoral mobilisation, continued impunity for leaders and corruption with ‘the coming of politics’ which further increased disappointment with and alienation from democratic governance. For many, democracy continues to be connected with secularism with both overlaid onto Nigeria political problems whereas a return to Islamic governance is seen as meaning justice, morality and effective governance.

The institution and implementation of Shari’a codes

Shortly after the democratic transition in 1999, northern states, starting from Zamfara, instituted Shari’a codes against a backdrop of supportive protests with ‘Shari’a’ seen as a solution to corruption, injustice, poverty, unemployment and inequality (Hoffmann, 2014; Eltantawi, 2017) and an ‘oppressive denial of the diversity of thought’ (Uwais, 2004) in the development of these Shari’a codes.⁵ A survey conducted in 2000 shows that Shari’a codes were unpopular nationally with only 38 percent of Nigerians approving of Zamfara’s actions but, although 33 percent of Muslims said the federal government should have intervened more forcefully to prevent Zamfara from implementing Shari’a, this was popular in states with large Muslim majorities (Kendhammer, 2016). Politicians seized on Shari’a codes to mobilise the electorate and win votes. These moves were a reaction to the transition, in particular power in the hands

of a southern President, reawakening fears of northern marginalisation in a democratic dispensation (Hoffmann, 2014). Many Muslims looked for a symbolic northern identity and effective and just governance and Shari'a codes provided both.

However, despite pockets of effective implementation (Mustapha et al., 2018), the institution of Shari'a codes has not met these high expectations. People talk of 'political Shari'a' to describe the insincerity of politicians, pointing to how institution of Shari'a codes has become embroiled within the same corrupt political process that had sparked their demand (Eltantawi, 2017; Kendhammer, 2016). While 'Shari'a' was failing to bring about fundamental and transformative change addressing poverty, inequality, corruption and injustice, there became increased emphasis on religious performativity and forms of 'immorality.' Women's bodies became *the* way to demonstrate Shari'a's effectiveness. Women's sexuality increasingly was treated as a source of immorality. As Last (2015, p. 46) points out, 'the way a community regulates its womenfolk becomes a marker for its concern for Islamic propriety.' Karuwai (prostitutes) were warned to get married or leave states (Gaudio, 2009). Policies were passed to 'save' single and divorced women, seen as vulnerable to prostitution, including through mass wedding ceremonies and payment of dowries to men who came forward to marry them. Many women – Christians and Muslims alike – have told me of street harassment and admonitions by friends, family and neighbours to change their dressing to become 'more modest.' In one of the narratives I collected, IX refers to her university Muslim Students Society who policed Muslim women's behaviour, stopping them from drinking alcohol, telling them not to live outside hostels as this would allow men to have access to them and threatening those dating men with exposure (Mohammed et al., 2018). Women were legally discriminated against with more women than men charged with and convicted of zina⁶ and different standards of evidence applied

(Pereira, 2005).⁷ Restrictions on sexuality are not confined to heterosexual women alone.

While homosexuality, although not approved of, was seldom discussed in the public domain beforehand, it became part of political, media and public discourse around the passage of the Same Sex Marriage (Prohibition) Act 2014 with increased preaching against this particularly in churches, arrests, detention and disruption of parties and celebrations (Mohammed et al., 2018). Furthermore, the legacy of jihad prohibitions against Bori, which has a base of women practitioners as mentioned above, continues. There is discrimination and oppression against Bori groups, worshippers and those affiliated, with efforts at repression increasing post implementation of Shari'a codes, for example through prescription of the death penalty for participation in 'pagan' rites and prevention of gatherings (Mustapha, 2018).

At every stage of Nigerian history, the development of the binary has been linked with governance. Since independence, the state has abrogated its responsibility, with the quality and availability of state infrastructure and services having noticeably declined in recent decades and religious institutions filling the gap.⁸ Often, religious leaders and institutions provide needed services and are the most accessible and available, with women in particular able to go to imams or pastors. Not surprisingly, religious institutions are often perceived to best work. Religious leaders are the actors that most people trust (Ehrhardt and Ibrahim, 2018; NSRP, 2012). While this perception may be somewhat inflated given social pressures around religion, these findings show failures of all other institutions.

In response to this, there is increasing push from donors to work with religious and 'traditional' leaders seen as the power holders necessary to bring about change. Many women's rights activists have always worked to influence these leaders. This approach can work.⁹ However, programmes sometimes skip out women's rights activists or pursue parallel streams rather than hold interventions and leaders accountable to women mobilising for rights. This is problematic given these leaders are not known to be feminist allies and the limited possibility of one intervention changing this reality. This engagement can lead to perverse outcomes. A few years ago, I was facilitating a conflict analysis session when the representative of Jama'atu Nasrul Islam, an umbrella body for Muslim organisations, offered a potential solution to high incidence of gender-based violence: to mobilise imams to preach about hudud punishments. He felt telling people Islam requires stoning for zina or hand amputation for theft would show the seriousness with which Allah took gender-based violence and corruption. While his sincerity is unquestioned, this story shows potential dangers of engaging with these leaders without thinking through interventions and making them accountable to feminists.

As the institution of Shari'a codes has not brought about longed-for transformation, people have decreasing avenues to pursue within the current state frameworks. Around 2003, Mohammed Yusuf, the founder of Jama'atu Ahl al-Sunna li-l-Da'wa wa-l-Jihad, commonly known as Boko Haram,¹⁰ started preaching that modern western education, democracy and government employment were religiously forbidden (Ostien, 2018). Protesting the corruption and inequality produced by state structures and calling for a return to a 'purer', more Islamic way of life, the group garnered substantial support among a population disenchanted with the fledgling democracy and failed Shari'a code institution. According to Mustapha (2015b), five inter-related factors are critical to understanding the group: religious doctrines; poverty and inequality (vertical and

horizontal);¹¹ the political context of electoral competition post democratic transition in 1999; the geographical and international context; and personal agency of those involved. This binary between rule according to Islam as ensuring morality and effective and just governance in contrast to the secular Nigerian state corrupted by outside (foreign/non-Muslim/southern) influences, the rise and normalisation of religious fundamentalism and failures of governance laid the framework for making the rise of jihadi armed groups possible.

Cracks in the Binary

Having traced genealogies of the binary, this section interrogates it. While much of its power is based on purported links to unchanging culture, religion and tradition, this obscures the multi-faceted nature and diversity of ways people lived in the past and present lived realities. Culture, religion and tradition are three different concepts seen as synonymous with combined symbolic weight weaponised against the rights of women and those of non-normative sexual orientations, gender identities and gender expressions. A common statement made by mostly men to justify gender inequality is 'I am a traditional African' with no understanding of the diversity of gender roles across the continent, within Nigeria or historical shifts. (Mohammed et al., 2018). After all, Christianity and Islam came to the region through processes of conquest and conversion and, in some areas, relatively recently, purposefully displacing indigenous religions in acts of cultural and physical violence than continue today. It is now considered deviant to even learn about Bori with all traditional religions seen as synonymous with devil worship (Nagarajan, 2016a). Moreover, with conservative and fundamentalist religious interpretations holding sway, we are witnessing deliberate erasure of culture, religion and tradition, including through a process of what Bennoune (2013) quotes Hassan Rachik as calling 'Islamic globalisation' displacing and de-Nigerianising people's lived Islams. Furthermore, rigid demarcation

between culture, religion and tradition and modern, secular and state breaks down given the nature of the polity. If secularism is separation between religion and the state, Nigeria is not a secular country but rather aims to treat Christianity and Islam equally. Moreover, many northern states, having instituted Shari'a codes, have integrated Islam into governance and administration of justice. Societal performativity of religion translates into requiring this of political and governing classes who are also close with religious leaders, with religious actors being important political players. The binary characterises the state as secular in opposition to culture/religion/tradition but this is not borne out by the reality.

Binary framings also engage in historical erasure. They are used by those contesting women's rights to perpetuate ideas of men as active leaders and decision makers and women as passive followers in the household and in public life (Voices for Change, 2015). However, northern Nigerian history includes women such as Nana Asmau, her sisters and the jaji mentioned above, the eight queens of Daura who were part of a matrilineal and matriarchal tradition, the warrior and military strategist Queen Amina of Zazzau, and Ya Magira Aisa Keli Ngermaramma who ruled the Kanem Bornu Empire for eight years.

There has also been a considerable narrowing of what is considered permissible and acceptable when it comes to sexuality. Pereira (2005, p. 55) shows the distinction between Shari'a codes and prevailing Hausa sexual culture as lived cultural practices in the context of 'state-sponsored efforts by the Muslim religious right to reconstruct discourses of heterosexuality.' Pereira (2005) writes of modern courtship including spending time in the potential bride's house engaging in sexual intercourse to test compatibility and how these practices contrast with prosecutions for zina. She writes about tsarance, common in the early 20th century but

no longer practiced, where village groupings of girls and boys would engage in cuddling and sleeping together, and kawance or angwance, where friends of the bride or groom would gather for the wedding away from parents and have sexual freedoms with neither religious scholars nor anyone else condemning this practice. She quotes Asma'u Joda talking of older women in Adamawa state reminiscing about the past, saying they were 'laughing at us. They said, "You people that now have the 'real' Islam, your life has been destroyed." They [the older women] used to enjoy themselves.' (Pereira, 2005, p. 55.)

Moreover, northern Nigeria's long history of people of non-normative sexual orientations, gender identities and gender expressions is deliberately erased by Christian and Muslim conservatives and fundamentalists who paint these identities and practices as deviant, un-Islamic/un-Christian, 'un-African' and 'against our culture and religion' (Mohammed et al., 2018). Actually, Hausa society has a 'reputation for homosexuality' in other parts of the country whose denial of people who engage in homosexual acts can be contrasted to Hausa people's inclination to be more likely to gossip about than deny this (Gaudio, 2009). The 'yan daudu are a 'strictly distinctive social category of males who have adapted feminine mannerism, speech and dress' (Sinikangas 2004, p 26). They do work seen as that done by women such as preparing and selling food, may or may not have sex and relationships with men who they refer to as miji (husband) and may get married to and have children with women (Gaudio, 2009, 1998; John, 2016; Sinikangas, 2004). In the past, there were brothels for men of men and for women of women in northern Nigeria (Mohammed, Nagarajan and Aliyu, 2018). However, after implementation of Shari'a codes, many 'yan daudu left 'Shari'a states' due to fundamentalist preaching and fear of attacks and violence (John, 2016) as well as rhetoric of the need to rid the state of 'yan daudu to create 'social conditions necessary for the full implementation of Shari'a' and

‘improvement of public morality along Islamic lines’ which ‘would lead to justice and prosperity for all’ (Gaudio 2009, p. 23).

Furthermore, while there is a strong social norm of men as household heads and breadwinners (Nagarajan, 2016b), this does not match reality. For example, in northeast Nigeria, violent conflict has forced women to assume new roles and decision-making power due to numbers of men killed, detained, disappeared, recruited or who have left the area (Nagarajan, 2017). Women have been responsible for saving the lives of men by hiding them and smuggling them to safety. Many households now are headed by women (Nagarajan, 2017). Even if men are present, their power has diminished due to inability or unwillingness to financially support the family, with women and girls having to earn incomes or acquire food, including through survival sex. Humanitarian and development actors hold discussions and consultation with women, try and address gender-based violence and mostly choose to distribute aid to women as this is more likely to reach the entire family. We are already seeing some backlash against these changes, with increasing incidence of violence against women and girls (VAWG), attempts to stop women talking of their actions to save men and imams and traditional leaders preaching against NGOs as changing culture and tradition when it comes to women’s roles and responsibilities. However, we are also witnessing changing attitudes towards ‘western’ education and women’s empowerment with people talking of how times are changing, those displaced from rural areas having new choices in urban spaces and lack of education seen as a key causal factor of conflict.

Beyond Binary Framings: Activism on the Ground

Women organise in both secular and faith-based organisations. The work of Nana Asmau and the jaji live on in groups such as the Federation of

Muslim Women's Associations of Nigeria (FOMWAN) and Muslim Sisters Organisations, women's groups who engage in da'awa and focus on women's rights with campaigns against early and forced marriage, genital mutilation, women's exclusion from education and public life, early pregnancy and maternity rights. Christian women mobilise in faith-based organisations and are active in churches and in the women's wing of the Christian Association of Nigeria. They challenge narratives around the normalisation of VAWG as part of women's submissiveness in marriage. They conceptualise women's rights within Christian and Islamic frameworks which has implications for rights, as discussed below. On the other hand, many women working for secular organisations are religious, indicating the prevalence of religiosity in northern Nigeria (performative and otherwise). The choice of whether to work within a secular or religious framework can be as much a matter of strategy and circumstance as personal ideology (Nagarajan, 2016a).

Activists work in coalitions of secular organisations, Christian organisations, Muslim organisations and interfaith organisations to push for women's rights. They make strategic choices, for example talking about the need to be compliant with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and United Nations Security Council Resolution (UNSCR 1325) when talking with interlocutors in ministries, departments and agencies, making the case for action on VAWG by stressing its incidence and their duty to act with the police and faith narratives around violence when talking with religious leaders.

While knowledge of international frameworks may not be high in rural areas, women activists in state capitals, depending on to whom advocacy and influencing is directed, often use international instruments, Nigerian constitutional and other law or religious frameworks. They take different

approaches to fundamentalist and conservative interpretations of religion when it comes to women's rights. Many women's organisations fail to challenge the profoundly patriarchal interpretations of culture, religion and tradition that abound within binary framings, conceding this point and rather talking of needing to move into a new era and discard some of culture. Using arguments grounded in contesting interpretations of culture, religion and tradition is not enough in itself as prospects for change become limited within these frameworks but this is a missed opportunity to combat religious fundamentalism and patriarchal entrenchment by keeping these spaces and terrain open, particularly given 'any agitation for change that does not cloak itself in the rhetoric of 'Islam' stands almost no chance of gaining any popular support' (Eltantawi, 2017).

Other women's organisations, including faith-based organisations, put forth interpretations of culture, religion and tradition that promote and protect (certain) women's rights, arguing for example that,

Muslim women in Northern Nigeria, like women in other societies across the world, have been subjected to practices that violate their rights. Some of these violations are carried out in the name of Islam in spite of the fact that such practices are against the teachings of Islam' and 'striving to protect the rights according to women... is one of the obligations imposed by God on all members of Muslim societies (Sada et al. 2005, p. 6, 8).

They educate women, judges, policy makers and the general public on women's rights under Islam and encouraging women to access their rights.

Adamu (1999, p. 60) writes the difficulties Nigerian Muslim feminists face: viewed with suspicion by their own communities and 'branded as Western agents, funded by foreign powers to undermine Islam' with focus on women's rights seen as 'a means of diverting attention from the pressing economic and political problems facing many members of Muslim societies' in which international economic and political bodies and local elites are implicated. This work is done and interpretations put forward within the framework of Islam rather than that of international human rights and is having some positive impact. According to Suberu (2009), strong internal critiques from Muslim civil society organisations have moderated controversial aspects. In certain 'pockets of effectiveness', 'Shari'a institutions appear to facilitate access to justice, to enhance law enforcement and even improve the socio-economic position of the most poor group of women and widows' (Mustapha et al., 2018).

An example of some choices made can be seen by the decision to engage the hisbah board¹² in VAWG prevention and response. I worked with women's rights activists in five northern states between 2013 - 2016 on running Observatories on VAWG, platforms for reporting, referrals, response and advocacy. They brought together key actors in steering committees including government ministries and departments, security agencies, human rights and peacebuilding organisations and religious and traditional institutions to discuss cases and referrals, look at broader trends and determine prevention and response strategies. Members used information to push change in institutions. However, this strategy has required involvement of actors not known for their support for gender equality. For example, a few months after its launch, it was decided to invite the hisbah board to join the steering committee in Kano. This decision required a lot of work to influence hisbah board members to shift attitudes. While known these attempts at attitudinal change would not be completely successful, it was agreed to nonetheless include them as they

received approximately 1,300 VAWG reports every month as the agency closest to and living in communities in Kano (Nagarajan and Nwadinobi, 2016).

However, the binary outlined above also impacts mobilisations. Many women's rights activists are careful when talking about religion due to level of risk and personal beliefs. This hesitancy to challenge constrains action. An illustrative example is the way the culture of silence around VAWG is reinforced when perpetrators are religious leaders. Women's rights activists have to strategise carefully when it comes to cases of sexual violence committed by Islamiyya teachers and imams due to likely risk and ensuing uproar. In one particular case, the mother of a girl raped by her Islamiyya teacher focused on persuading her husband to move her to another Islamiyya school rather than tell him or the community what had happened. Activists felt constrained in knowing what to do, beyond providing services.

Moreover, divisions in the country along ethno-linguistic and religious lines are reflected in group organising and challenges faced. In some instances, women create faith-based organisations when services are open to all. For example, Christian Women for Excellence and Empowerment in Nigerian Society (CWEENS) runs the only shelter in Plateau state. They have found resistance among Muslim communities due to perceptions they are Christian women seeking to convert Muslims, which has made Muslim women wary of seeking help. We also see fault lines between and within women's organisations. They still work and mobilise together but there can be some mistrust.

Furthermore, particular issues are not tackled. Despite stringent laws around abortion,¹³ risks women face procuring abortion¹⁴ and personal convictions of many activists, particularly those working in sexual and

reproductive rights, there is no open mobilisation around the right to choose. Not even the high numbers of women and girls abducted by armed groups and raped before returning to communities pregnant has sparked public debate. Some Muslim women openly discuss having had abortions and FOMWAN even released a legal opinion in the wake of these abductions that spoke of the permissibility of abortion within certain term limits in Islam alongside guidance on not stigmatising the women concerned and the children born to them. However, there is no strong push by women activists to change the law as it is seen too sensitive for Christians.

Attitudes are particularly anti-choice among Christian communities. Women's rights activists who have been known to counsel women, girls and their families who want to abort pregnancy that resulted from rape against doing so, talking of sanctity of life. Indeed, many women's rights activists are moralistic about sex outside of marriage or between people of the same gender. They focus on what women, girls and their families can do to keep themselves safe, such as the clothes to (not) wear or not allowing girls to engage in street hawking which smacks of victim blaming. That displaced girls engage in survival sex with men in power is seen as wrong not just due to unequal power dynamics and exploitation but also as it constitutes sex outside marriage and will affect future marriageability.

Many women's rights activists in Nigeria are also profoundly homophobic and transphobic. I have facilitated VAWG workshops where activists have labelled lesbianism as a form of violence, spoken of homosexuality as synonymous with paedophilia and talked of the need to address 'sexual initiation practices' of 'lesbian cults.' Reports of increasing cases of 'lesbianism' in IDP camps are seen as symbolic of the immorality to which people have degenerated. Referral services are likely to be staffed with

people of discriminatory attitudes and queer women need to be warned to be selective about details they reveal (Mohammed et al., 2018). Of course, not all women's rights activists in northern Nigeria feel this way, but it seems to be a dominant attitude and there is little to no solidarity and alliance building between women's rights and queer movements.

These dynamics highlight another binary: between issues such as sexual violence against young girls, early and forced marriage and education where there has been some progress (Nagaraian and Nwadinobi, 2016; Eltantawi, 2016) and issues around sexuality, abortion and people of non-normative sexual orientations, gender identities and gender expressions. While 'sexual violence and abuse against girls (and boys) is being regularly condemned, there is an acceptance that this happens in 'our' communities and parents and guardians are increasingly coming forward to report despite the fear that still persists around doing so,' reported VAWG cases are overwhelmingly those of minors with people less likely to report when survivors are adult women or when perpetrators are partners (Nagarajan and Nwadinobi, 2016). This is unsurprising given attitudes around intimate partner violence and marital rape and the victim blaming adult women experience for their dressing, behaviour and even deciding to have sex for money and food when all livelihood sources are lost. Limited progress made around women's rights is still on 'easy' issues with girls who provoke empathy. Many women's rights activists, whose analysis and mobilising does not necessarily equate to feminist activism are unable, unwilling or wary to challenge beyond a certain limit, thereby reflecting the regressive nature of dominant thinking in society as a whole as well as the influence of this binary on women's rights organising.

Conclusion

I have sought to define the binary between culture/religion/tradition and modern/secular/foreign, showing its historical roots and developments and ways these are grounded in struggles against corruption and injustice.

The binary first noticeably emerged during the Sokoto Caliphate when 'universal' Islamic practices and values were set against a plurality of Islamic interpretations, syncretic practices and more indigenous belief systems and links between governance according to Islamic law, morality and effective and just rule as opposed to the corruption of the Hausa rulers, seen as 'inauthentic' and self-centred Muslims developed.

Conquest and colonisation by the British brought about social if not administrative rupture with populations struggling to understand defeat by Christians and believing governance structures had become corrupted due to foreign influence. Post-independence, increasing religious intolerance, fundamentalism and sectarian violence further attacked the idea of diversity of religious interpretations. The binary framing deepened with democratic transition with democracy, secularism and the corrupt nature of Nigerian politics seen as inextricably linked and in opposition to just, moral and effective Islamic governance. Shari'a code implementation failed to bring about the transformative change addressing poverty, inequality, corruption, injustice and ineffective governance for which people were agitating. Its 'success' rather became tied up with religious performativity and policing of 'immorality' with women's bodies *the* demonstration of effectiveness.

I have interrogated the dissonance of such binaries with past and present lived realities pointing to women having influence and occupying positions

of power throughout history, lived cultural sexual practices between heterosexual people, the existence of non-normative sexual orientations and gender identities and current gender roles. Despite this dichotomy between binary framings and historical and current realities, the binary continues to have weight. While women activists mobilise using both religious and human rights frameworks and are able to come together in coalitions to achieve some success, the progress made tends to be limited by binary framings and on issues with empathisable victims such as the rape of young girls. However, the silence around VAWG generally is magnified when it comes to matters close to religion, some issues such as abortion are not the focus of mobilisation and many activists can take profoundly anti-feminist stances through engaging in victim blaming, policing of women's and girls' sexualities and perpetuating discrimination against those of non-normative sexual orientations, gender identities and gender expressions. Yet even here, mobilising occurs outside these binary framing with varying levels of success, with women's rights activists working for secular and faith-based organisations coming together and deploying a range of strategies.

It is also important to acknowledge that gender discussions take place outside these frameworks. Social media is used to challenge and interact with those in power and change narratives and norms. Although online spaces are limited in terms of access for the most marginalised women and they can be sites of violence with women publicly shamed and harassed, activists use new technology and social media and traditional media such as radio to drive forward conversations. Women share experiences of marginalisation and violence on Twitter using hashtags such as #BeingFemaleInNigeria. Female in Nigeria, a Facebook group, enables women to tell stories in a non-judgmental space and be linked to support. #BringBackOurGirls was a worldwide phenomenon leading to protests

across the world. During many of these conversations, religious arguments are ignored or sidelined.

Moreover, while the binary posits rights discourse as linked to democracy that has proved inherently corrupt in contrast with just and effective Islamic governance, people themselves clamour for rights. The rights discourse still resonates with many and the binaristic approach has not been successful in winning over a significant proportion of the population, particularly those who are marginalised. The desire to combat early and forced marriage is present across the ideological spectrum in northern Nigeria with even some Islamist activists conceding it is a result of poverty, ignorance and incorrect understanding of Islam and women at the forefront of fighting this practice despite negative reactions from some Islamist forces (Eltantawi, 2016). Furthermore, Muslims, including religious leaders, across northern Nigeria are hungry for education for themselves and their children, pursuing both Islamic and 'western' education (Ostien, 2018) as they see it as needed for personal and community development and growth (Nagarajan, 2016a). Change is starkest in northeast Nigeria where conflict has led to fundamental societal rupture and attitudinal change. That women and girls have been left with the burden of providing for their families and communities and with decision making power, has fundamentally shifted gender roles and is starting to change gender norms. Despite protests of religious and other community leaders who are unhappy about these changes in gender roles, many women desire education and opportunities for their daughters, pointing to their own inability to earn decent incomes due to lack of education and wanting their girls to be more self-sufficient and less likely to experience these same hardships.

Women's rights activists would do well to build on these opportunities by utilising a range of strategies and approaches. As well as challenging the profoundly patriarchal interpretations of culture, religion and tradition that abound within binary framings externally, activists need to do internal movement work to centre feminist analyses, particularly around sexuality and sexual and reproductive rights, and link and work in solidarity with other movements. Focus should also be on facilitating discussion of how gender roles are changing and helping individuals, families and communities to adapt to new realities hence mitigating likely backlash while expanding and challenging gender norms.

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Notes

¹ The author thanks Fatimah Kelleher, Ayesha Khan, Nida Kirmani, Mariz Tadros and the anonymous reviewer for their useful comments on earlier drafts.

² I used the term religious fundamentalism as distinct from religious conservatism and to signify the project whereby those engaged in it 'construct 'tradition' in a way that is highly selective, at the same time as dogmatically insisting that their reconstructions of text are 'sacred' and so unable to be questioned' (Cowden and Sahgal 2017, p. 15), deny 'the possibility of interpretation and reinterpretation even while its adherents engage in both' (Bennoune 2013, p. 16) and centre the importance of control of women's bodies and sexuality and rigid gender roles. Religious fundamentalists 'believe in the imposition of God's law, something called *the Shari'a* – their version of it rather than others' – on

Muslims everywhere and in the creation of what they deem to be Islamic states or disciplined diasporic communities ruled by these laws,' denounce secularists, seek to bring politicised religion into all spheres, want to police, judge and change the behaviour, appearance and comportment of others and aim to sharply limit women's rights, sometimes in the name of protection, respect and difference (Bennoune 2013, p. 16). In contrast, while religious conservatism remains problematic, it does not make claims to possessing the only true interpretation and can be 'protective of certain traditional spaces for women as well as being capable of reform and change' (Cowden and Sahgal 2017, p. 18).

³ This system of indirect rule in northern Nigeria differed from the approach used in much of the south with this difference in the colonial project creating a division within Nigeria that still echoes today.

⁴ There is today a large body of 'neutral' Muslims who, wary of sectarian contestation and turmoil, shun affiliation (Mustapha 2015, p. 4) with as many as 44 per cent of Muslims surveyed in 2010 seeing themselves as 'just Muslim.'

⁵ The word 'Shari'a' is used in political, popular and media discourse as fixed, immutable and with one correct interpretation deliberately obscuring the existence and practice of interpretation. This paper will use 'Shari'a codes' to refer to laws passed and 'Shari'a' to refer to the concept, such as the people's desire for Shari'a, and when giving the names of the bodies that were created.

⁶ Zina connotes 'illegal' sexual activity i.e. any form of consensual sexual relations between a man and a woman who are not married to one another. Offences are referred to as fornication or adultery, depending on marital status.

⁷ For example, in the cases of Amina Lawal and Safiya Hussaini, who were sentenced to death by stoning in 2002 for zina, the men involved were set free due to lack of evidence. The women's rights organisation Women's Rights Advancement and Protection Alternative (WRAPA), supported by Baobab for Human Rights and other organisations, mobilised legal defence and both women were subsequently acquitted on appeal.

⁸ At the same time as the state is relinquishing its responsibility to provide for those living in it, coercive control has been increasing, in reaction to perceptions of growing power and civic education across the country. The Same Sex Marriage (Prohibition) Act of 2014 criminalises the registration and operation of, participation in and support for gay clubs, societies and organisations. A Bill Prohibiting Frivolous Petitions, popularly known as the Social Media Bill, designed to regulate communications and use of the social media, was successfully resisted by civil society in May 2016. A Non-Government Organisations Regulatory Commission of Nigeria (Establishment) Bill, which has been said by civil society organisations to threaten the independence of NGOs and CSOs in Nigeria, is currently in the House of Representatives.

⁹ For example, there have been examples of 'traditional' leaders that, as a result of this work, have decided to expand their council of advisers to include women so they can be aware of and responsive to women's concerns (Nagarajan, 2017).

¹⁰ In the interests of conflict sensitivity, this article will use the exact names of groups as opposed to using the blanket term 'Boko Haram' which, rather than being the name of groups, is one ascribed by the media and serves to simplify message and aims.

¹¹ Mustapha defines vertical inequality as inequality between individuals and horizontal inequality as inequality between groups and regions.

¹² Following the introduction of Shari'a codes, the hisbah board, a force charged with upholding morality was set up formally by the state or informally by communities in many states where Shari'a codes had been passed. While there are many accusations against the hisbah, including for violation of privacy, seizure of property, targeting non-Muslims and harassment of political enemies of state governors, the hisbah are a major service provider, particularly of arbitration and dispute resolution for the poor: (Mustapha and Gamawa, 2018).

¹³ Although post abortion care is allowed, providing or procuring an abortion itself is a criminal act except if the mother's life is at risk.

¹⁴ It is freely available, including in medical clinics, for those with money while poorer women are blocked from access to safe abortion.

To cite this article:

Nagarajan, C. (2018). Culture/Religion/Tradition vs Modern/Secular/Foreign: Implications of Binary Framings for Women's Rights in Nigeria. *Feminist Dissent*, (3), 114-146. Retrieved from: <https://journals.warwick.ac.uk/index.php/feministdissent/index>