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**THE IMPACT OF SOCIAL INSTITUTIONS ON THE ROLE OF WOMEN: INSIGHTS
FROM A RURAL AREA IN NORTH-SUDAN**

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Abstract

The objective of this study is to describe the way and channels how social institutions such as the family law, customs and codes of conduct determine the socio-economic role of women in Lower-Atbara, a rural region in North-Sudan. It looks in particular at the impact of the Islamic law (Shari'a) on women's role in the household, in agricultural and non-agricultural work, such as handcraft and petty trade.

All expressions of human life in Lower Atbara are influenced by Islam. The orders and prohibitions of Islam are internalized from birth onwards in every child. In particular the structure of the family, the authority of the man, the behaviour of the woman, her position in the family and the society as well as her rights, marriage, separation and the right to care for her children are all regulated by the Shari'a. Through the emphasis on the different Shari'a principles which have a direct influence on the social norms and customs in Lower Atbara, the Islamic laws legitimize the non-equal rights between man and woman. This has far-reaching consequences for the role of women in the economy. Women's roles in economic activities are seriously constrained as they have only a very limited access to education, information, credit and other resources. All this limits their possibilities for creativity and innovation. The widely exclusion of half of the labour force leads to huge private and social costs.

The improvement of the economic status of women requires a change in the institutional framework that can only be achieved on the basis of a normative consensus within the society. A suggestion put forward by the author is to start information awareness campaigns in Lower Atbara. This should highlight that giving women more rights does not mean to neglect religion and beliefs. More freedom will actually improve the economic situation of Lower Atbara as women are an important part of the work force contributing to development. For the author it is vital to increase the awareness of people by changing their attitudes and by running specific, long-term awareness projects. In these programmes, there needs to be an intensive cooperation between different NGOs at different levels, regional and federal governments and the international organisations in order to realize these projects.

I. Introduction

In any society, religion has an impact on the institutional structure of the society due to its strong influence on human beliefs, attitudes and behaviour, regardless of the formal characterisation of the relationship between religion and the state. In particular, the religion of Islam seems to be a significant source of culture and the institutional structures because of the comprehensive and forceful nature of its precepts. In comparison to other religions, Islam has a highly specific ethical code and well developed and articulated views on nearly every aspect of life (An-Na'im, 1994). The historical foundations of Islamic religious law, commonly known as the *Shari'a*,¹ include the system of law and ethics and purport to regulate the behaviour of Muslims and regulate every aspect of their public and private life. This power of the *Shari'a* derives from its moral and religious authority as well as from the formal enforcement of its legal norms. As such and regardless of its status in their formal legal system, the *Shari'a* influences individual and collective behaviour in Muslim countries through its role in the socialisation processes of such nations. Of course, the *Shari'a* is neither the only determinant of human behaviour nor the sole formative force behind social and political institutions in Muslim countries (An-Na'im 1992).

However, the status and rights of women in the Muslim world have always been significantly influenced by the *Shari'a*, regardless of the degree of Islamization in public life of Islamic countries (Dilger, 1993). From early childhood and as a part of the society, Muslim women are affected by the impact of Islam on the socialisation of female and male children, prevailing conceptions of gender roles and relation in the family and society at large, formulation and implementation of public policies, functioning of social and state institutions, and so forth. The status and rights of Muslim women in private life have always been significantly influenced by Islamic law (*Shari'a*) regardless of the extent of Islamization of the public debate. For example, *Shari'a* family law is applied today in the vast majority of Islamic countries, as well as by some Muslim minorities in supposedly secular non-Islamic state like India. Therefore, Muslim women's rights, in the context of marriage, matrimonial relations, divorce, custody of children, inheritance and related matters are all determined by *Shari'a* provisions.

This study discusses the situation of women in Islamic societies in a traditional rural area in North-Sudan, called Lower Atbara. It addresses the impact of social institutions like the family law, customs and codes of conduct on the role of women in household, agricultural and other non-agricultural work. The study identifies the Islam and the Islamic Law, the *Shari'a*, as the most important building block of the institutional set-up in Lower Atbara and analyses ways how introduce change maintaining legitimacy from the Islamic point of view. It is important, however, to mention at the outset that the local setting of every Islamic society will have an impact on the way the *Shari'a* is interpreted

¹ In Islamic literature, a distinction is made between the *Shari'a* and *Fiqh* to signify a difference between the divine law and human understanding and elaboration of it. As recently explained by Weiss, B.: "Shari'a Law is the product of legislation (*Shar*), of which God is the ultimate subject (*Shari*). It is based on Qur'an and Sunna (Prophet Muhammad's traditions). *Fiqh* Law consists of legal understanding, of which the human being is the subject (*fagih*)" (Weiss, 1998). In this paper, the term *Shari* is used because the aspects of Islamic Law discussed are directly based on Qur'an and Sunna and not upon personal opinions and commentaries of jurists.

and realized in that society. There are, however, certain parts of the Shari'a that are usually interpreted in the same way, particularly, the parts concerning the status of women. In the author's opinion, this study could be a basis for other studies in the effort to change the situation of women in strict traditional Islamic societies.

In the literature, one finds many studies that discuss the situation of Islamic women; however, with its detailed empirical analysis, this study brings new insight to the analysis of the situation of women in rural Islamic areas. Sudan is an especially interesting focus for following reasons:

- Since 1983, Sudan has been one of the few Islamic countries (among Saudi Arabia, Iran and Afghanistan) that has experienced an Islamic fundamentalist regime. Through the Islamization policy of the governors in the Sudan, the Shari'a principally became the sole source of the Sudanese law and shaped the whole society.
- It is the African country with the strongest Islamic influence. Throughout history, the Sudanese, especially the North Sudanese who normally dominate the politics in the country, like to identify themselves with the Arabic and Islamic culture. This has always disrupted the peace of the whole country. Compared to other African-Islamic societies, the Northern Sudanese societies took on the ideas of Islam and the Arabic culture completely when Islam came to Sudan. They were willing to abandon their languages, traditions and social norms and to adopt the new culture. Therefore, we find that the social institutions in Northern Sudanese communities, especially in rural areas, are very strongly influenced by the Shari'a.

The study is based on extensive field work carried out by the author in 2000. In order to analyse the socio-cultural and socio-economic results, qualitative and quantitative methods were applied for the data collection. Open as well as structured interviews, individual and group discussions and life stories were the main methods of collecting data. During the author's stay in the women's residential area of a local household, it became possible to create a suitable environment. Thus, observation of the everyday life of the women from early morning until evening was possible.

This paper is organised as follows. The next section presents briefly a conceptual framework for the analysis of the role of social institutions and elaborates on the difference between exogenous and endogenous institutions. Section III follows with an overview on the different kind of social institutions in Lower Atbara. The overall influence of the Shari'a is analysed in depth in section IV by highlighting the various channels of influence of social institutions on the economic role of women. Policy recommendations to improve the status of women are discussed in section V. Section VI concludes.

II. Social institutions and development: A framework

Institutions are broadly defined as the “rules of the game in the society” (North 1990). They include any form of constraint that individuals devise in human interaction. Institutional constraints include both what individuals (human beings) are prohibited from doing and, sometimes, under which conditions some individuals are permitted to undertake certain activities. They are the framework within which human interactions take place. According to this definition, institutions prohibit, permit or require a specific type of action; i.e. political, economic or social, with the purpose of reducing transaction costs, of improving information flows and of defining and enforcing property rights. According to other definitions, institutions include organizational entities, procedural devices, and regulatory frameworks (Williamson, 2000). In most of the recent studies, institutions are defined in a broader sense, linking several different measures of institutional quality to development outcomes from various angles and disciplines (Jütting 2003).

The major role of institutions in a society is to reduce uncertainty by setting up a stable, but not necessarily efficient, structure to human interaction. However, the fact that institutions are stable does not mean that they are not changing. “From conventions, codes of conduct, and norms of behaviour to statute law, and common law, and contracts between individuals are evolving and, therefore, are continually altering the choices available to us” (North 1990: 6).

In classifying institutions, one can see that they can be regrouped into three approaches depending on (Jütting 2003):

- the degree of formality;
- different levels of hierarchy;
- the area of analysis.

For the degree of formality, institutions can either include formal constraints, such as rules that individuals devise; or informal constraints, such as conventions and codes of behaviour (North 1990). Formal constraints are made up of:

- constitutions, laws, property rights, charters, bylaws, statute and common law, and regulations;
- enforcement characteristics (sanctions, etc.).

The informal rules which arose to co-ordinate repeated human interaction are:

- extensions, elaborations, and modifications of formal rules;
- socially sanctioned norms of behaviour (customs, taboos and traditions);
- internally enforced standards of conduct.

To investigate these interactions, the paper refers to the framework of Williamson, who analyses the relationship between different levels of institutions. The framework of Williamson is presented in the following table.

Table 1: A Hierarchy Based Classification Scheme for Institutions

Level	Example	Frequency of change	Effect
Institutions related the social structure of the society (level 1)	Mainly informal institutions such as of traditions, social norms, customs. Exogenous.	Very long horizon (10 to 100 years) but may change also in times of shock/crisis	Defines the way a society conducts itself
Institutions related to rules of the game (level 2).	Mainly formal rules defining property rights and the judiciary system. Exogenous or endogenous	Long horizon (10 to 100 years).	Defines the overall institutional environment
Institutions related to the play of the game (level 3)	Rules defining the governance private structure of a country and contractual) relationships, e.g. business contracts, ordering. Endogenous	Mid-term horizon (1 to 10 years).	Leads to the building of organisations.
Institutions related to allocation mechanisms (level 4)	Rules related to resource allocation, e.g. capital flow controls; trade flow regimes; social security systems. Endogenous	Short term horizon and continuous	Adjustment to prices and outputs, incentive alignments.

Source: Williamson (2000)

This paper focuses on Williams' Level 1, which includes social norms, customs, traditions, etc., and which are located at the social embeddedness level. These traditional institutions have often been in existence for many centuries, are generally informal and can be regarded as exogenous to the economic system. This level is of utmost importance for people living in developing countries, whereas the other levels (II–IV) have only been partly established and/or do not function properly. Although institutions are, in principle, never static and could change in response to new economic opportunities or to crisis, the path of change on this level is rather slow or even non-existent. The purpose of these institutions is to define the way the society regulates itself. Most of the transactions undertaken are regulated by expectations, which in turn are based on beliefs and identities. Although no formal enforcement mechanism is in place, the commitment to informal institutions is usually quite strong. The non-respect of certain values, traditions and norms can result in economic and social sanctions. Level 1 of the institutions also exerts a certain influence on the design of property rights in level 2.²

In this case study, the Shari'a is seen as an informal or exogenous institution that is supposed to influence the institutional setting of the Sudanese societies in general and of Sudanese women in various ways. The Shari'a influences the formal institutions in Sudan, such as the constitution, the law, property rights, etc. It also has a strong impact on all informal institutions in Sudan, such as the social sanctioning of behaviour and

² For details of the other institutional levels see Williamson 2000 and Jütting 2003.

internally enforced standards of conduct. It is important to say that even the non-Muslims are influenced by the Shari'a. This can be seen in the informal institutions and through their direct contact with the Muslims, as well as the formal institutions, especially after 1983, when the Shari'a was used as the sole source of the constitution and the law in Sudan.

In the following analysis, the various channels of influence running from the "Level 1" institutions Shari'a to other institutions as well as to development outcomes, i.e. the economic role of women are discussed. It is also highlighted that although the Shari'a present a fix reference point, different interpretations with respect to the treatment of women seem to be possible.

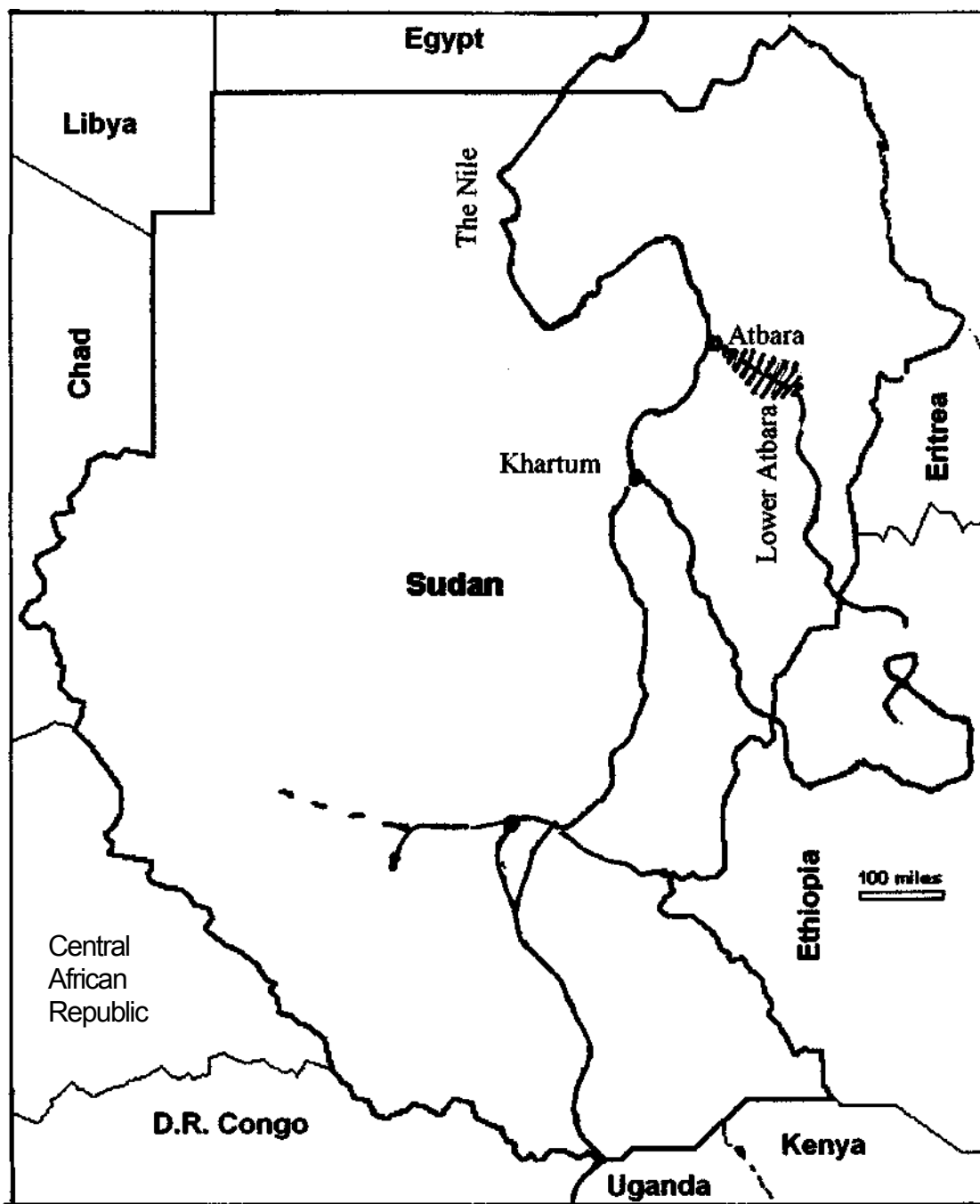
III. Social institutions in Lower Atbara

III.1 Introduction to the region Lower Atbara

The northern region, in which the Lower Atbara Area is situated, is the second largest region of Sudan, with an area of 477, 074 square kilometres and a population slightly in excess of 2 million. Throughout the whole region the Islamic-Arabic culture is predominant as a simple expression of the identification with Islam and the language and culture of the Prophet Mohammed. Therefore, the Nubians who lived in this area before the arrival of Islam and who still live there were and still are strongly influenced by the culture. Their own culture and language was overshadowed and eventually replaced (Trimingham, 1946).

The Nile and the Atbara River are crucial for the majority of the population of the northern region and its socio-economic structure because they provide a life for the people through the goodness of the water. The agriculture dominates the economic structure. Because of the very low annual rain fall, the only usable agricultural land is that on the banks of the rivers, as well as in the few valleys where there are seasonal rivers. The breeding of livestock also plays an important role in the economy, particularly in the Butana area, which is situated between the northern and eastern regions. (Ministry of Finance and National Economy, 1998)

Figure 2: Sudan and Lower Atbara



Source: EnchantedLearning.com with some modification from the author

There are many agricultural and livestock systems in the area. They spread from semi-nomadic livestock breeding to irrigation farming systems. There are two types of irrigation farming systems in the northern region (See figure 2). The first is the cultivation

of land where there has been a flood, 'flood-cultivation', and the second is pure irrigation farming. For each of these types there are permanent production possibilities, even in the years with very low rainfall. The following products are produced: wheat, corn and fruit and vegetables, such as onions, cucumbers, mangos, guavas, dates, lemons and melons. In Lower Atbara, in the valley areas in the Butana, the predominant production system is extensive livestock breeding and valley cultivation. Because it is only during the rainy season that there is enough water to cultivate the land, during draught seasons, farmers concentrate on livestock breeding. During the rainy season, products such as sorghum, onions and broad beans are cultivated. However, the cultivation in many valleys is only possible during the years where there is a high rainfall. Nevertheless, there is always the risk that harvesting will be unsuccessful. The cultivation in valleys is only a means of subsistence and the main crop for this purpose is sorghum. The farming system in this area cannot be separated from the household and family system and it is only to satisfy the needs of the family. (Ministry of Finance and National Economy, 1998, Mesching/Seifert, 1994).

III.2 Dominant social institutions influencing the role of women

III.2.1 Honour, disgrace and shame

In order to understand the social order and institutional environment of the population in Lower Atbara it is important to describe the ethnic structures and their main influential factors which are descent, family ties and intermarriage as well as the complex issue of 'honour and shame.'

The ethnic groups in Lower Atbara are based on descent. They are cohesive units whose members act according to group interests. To the people of Lower Atbara, descent is interpreted to mean that the individual person's specific rights and obligations (norms) are defined by the group that he/she belongs to and they determine how group members behave towards each other and towards other groups. With regards to common descent, the members think of themselves as a unit where the people belong together; it is a substantial component of their identity. In this way the different ethnic groups separate themselves from each other³. Therefore, and because of the patriarchal system in North Sudan, the ethnic groups in Lower Atbara acquire their descent from a common tribal father. In the paternal line, the tribal father usually passes his name on to the tribe and the children belong to the paternal line. An ethnic group is then built into segments which are described by the original people as *ferig* or *hilla*. The people of the communities stick together and live their lives based on this feeling of descent. They share land and economic resources with each other and everything is communal (Holter, 1994).

In the Islamic value system, above all in Arabic-Islamic societies, honour, disgrace and shame take a very central role (Holter, 1994). In the morality code of the ethnic groups in Lower Atbara honour takes an emphasized position. Honour and disgrace do not only

³ However, in particular currently, some individuals often have their own interests and these interests sometimes become paramount. Therefore, an individual might use the ideal of descent-group solidarity to justify his behaviour, and an ambitious person might use the descent-group framework to organise support for himself.

affect an individual. Thus, a desecration of the honour of an individual can effect his entire family and his relatives, sometimes even, according to the situation, the whole group. In this sense, his behaviour towards a different group is representative of the whole group.

There are certain social values which stand in connection with honour and disgrace in investigation groups. They focus on the central areas: protection of the interior of the family, genealogy and relationship as well as the land ownership of farmers and animal ownership of breeders. With land ownership, the surface size, the location and the quality of the soil are very important. With animal ownership, the number, type and quality (special breeds) are very important. Hospitality and generosity are also significant values which are connected with the honour of the man. Affiliation to a family, but also to the group, gives the members obligations and responsibilities. Men in particular should always help their relatives, above all in times of social, economic and political crises (Irabi, 1989).

In this way and in every situation, every family tries to prove and defend its honour, which it has inherited and connects with the family name. Therefore, a family is forced to prevent single members from acting in an unacceptable way in order to maintain the family's honour. This can go so far that the relevant person is expelled from the family or in rare cases is even killed. However, they do also try to hide certain offences of individuals from the outside world so that the family, or the group, can still be honoured. An individual, who realizes social ideals in everyday life, contributes not only to the improvement of his own individual prestige, but also to the increase of respect of the family or the group.⁴

III.2.2 Social norms and customs

In the ethnic groups in Lower Atbara, in which the patriarchal Islamic-Arabic culture prevails, social institutions in the form of social norms and customs is deeply internalised into every child during a long Socialisation process. This process is predominantly carried out by considering the following questions:

- How can an individual adapt to this strictly hierarchically and patriarchally arranged social structure and to the restraints on how to behave respectfully, obediently and socially harmoniously?
- How should one behave according to one's gender?
- How should one show and prove they are a true follower of Islam and behave religiously correctly?

⁴ In connection with this situation, in many ethnic groups, the pride of having knowledge of one's own descentance and family tree, as well of the maintaining of social values. This used to be a very important component of the cultural order. Due to different factors of influence, such as immigration and emigration, such values lose their importance. In this sense one can say: the greater the outside influence and emigration (permanently or seasonally) in an ethnic group, the lower the influence of traditional values of the ethnic group. Observations show that with the Ja'aliyn (the biggest tribe in the area), the genealogic knowledge dates back generally only two to three generations and that only older people still know their family tree (see Holter, 1994).

Each child in Lower Atbara must learn respect and to show attention and obedience towards others: towards his parents, older brothers and sisters, uncles, aunts, teachers etc., this applies especially to girls and women towards all men. Therefore, everyone has to know their place and act in a way that is determined by the people of higher status in the group. Learning respectful and obedient behaviour towards others is mainly to permit individuals to get along in the cognitive and interactively complex issue of the hierarchical position order of the lower Atbara societies.

Within every family in Albasli⁵, and in the whole of Lower Atbara, i.e. in typical patrilineal Islamic-Arabic societies, the boys and girls are prepared virtually from birth for the certain rules of the community in which every sex has a firmly defined role. The sex specific ideology is reproduced by social institutions and is a determinant for social behaviour. Thus, the girl orientates herself towards her mother and the boy towards his father. The girl will be prepared for a life in the house and household work and the boy will be prepared for public life. Hence, the boy learns his roles as a head of household and budget manager, i.e. the management of income and the responsibility of the flow of money into the family, as well as for the execution of all affairs which can be completed with the external world, like purchase and sales of products and consumer goods in the market. The young man learns how he can express his lawful and religious authority towards his sister and his future wife (future wives). He is the guardian of his wife and the family members younger than him and most of the society members younger than him. He is also the person with whom the initiative lies for searching for a bride and for building up and arrangement of his family, including the possible dismissal of his wife (or one of his wives). He is the defender, but also the guardian of his sister and his wife/wives. He can lock them up and without his agreement they cannot leave the house. Such observations and descriptions of the man's authority over the woman were also made by Holter (1994).

The process of bringing up girls with the proper traditions, customs and social norms consists of the fact that they must learn how to model their mothers by implementing the household work and their role as wives. Their whole childhood is a preparation for marriage. Their dowry is their skill, their honour and their dishonour. Girls are taught very severely how to behave obediently, respectfully and humbly towards her father, brothers and the future husband. The upbringing and education of young girls is to teach them how to service all men in the family and, above all, how to be her husband's submissive and subservient wife. She must always respect him and may not contradict him. With this behaviour she can find her place in the society. On judging the socialisation of girls in the patriarchal Islamic-Arab society, Irabi (1996) writes: "First of all the small girl was taught by her female family members that all men should be treated with respect, which also means brothers, whether they are older or younger, that they all have a right to be served and to occasionally give a pinch, clip round the ear or other make other assaults which belong to their male privileges and that a girl should never question this."

An important point in the socialisation of the boys and the girls in Lower Atbara is the preservation of honour. Building on a clear division between inside and outside, it is important to pay attention to the fact that this border - particularly within the family -

⁵ One of the main villages covered by the fieldwork, the author stayed in Umda's (the leader of the village) house for three months.

should not be hurt or violated. The honour of the man (husband) is bound to the fact that he can protect the interior of his family and his group. The honour of the woman (wife) is attached to being chaste and conjugally faithful. Hospitality and generosity are notions which are connected with the honour of the man as well as the woman.

III.2.3 The family and household

In the rural societies in Lower Atbara the family households are dynamic units. The household takes the central role as a producer-consumer unit. Apart from the economic purposes, the private household fulfils a set of additional tasks, such as acting as a social security system and protector of the weak, and guide for the socialization of children, i.e. a switching function mainly for the younger generation for such decisions as choosing a partner.

If one bases the concept of a formal household on administration⁶ – dependant on factors with regards to the decisions over the use of resources, work plans and the earning and distribution of income which are to be worked on within the household structures (Kirk, 1994) – in such away the households in the traditional farming groups in Lower Atbara, especially in Albasli, are built on family federations, with priority given to extended families in which relatives or permanent employees, can also be included. These families can also be bare nuclear families, thus a married man, his wife/wives and children. However, the households are actually larger and more complexly structured. In most cases, three to four generations live together; if, for example, young, adult, married sons with children still form an economic unity with their paternal household. Most often, within the scope of the relational obligations and traditional social securities, the household provides for old, dependent members of the family, namely, not only the parents, who are alone, but also unmarried, widowed or divorced aunts or cousins. One usually finds these close connections if the rural economy is still a basis of the income achievement for the household.

The emigration and the varied changes of living conditions and economic potential in Lower Atbara since the end of the '70s have clear resolution trends in the families' structures and their budgetary structures to the result that (for similar descriptions see Kirk, 1994):

- From the influence of numerous external factors some social values have evaporated and therefore the extended family that used to be very important is now much less so. The younger generation developed the trend of forming its own nuclear families.
- Many sons able to work have moved away with their families to the large cities; at home, the older generation of the fathers remained with their wives.

⁶ The complexity of the household functions in Lower Atbara makes it very difficult, if not impossible, to have a household definition that is generally valid, and at the same time fair on every dimension. The definition attempts in which households are defined as groups of people who live under one roof together, use a communal kitchen and live from one household budget, do indeed include some of the criteria but not all functions that make a household. Therefore, this analysis will work with a broad concept of the household. For the problems of defining the concept of household in rural areas in Sudan, see Kirk, 1994.

- As a result of the working migration in the Gulf, Arabic states that married daughters with children live must with the parents (hers or his), as long as the husband is abroad.

In the rural society in Lower Atbara, women get married much earlier than men. Most of the time girls get married from the age of 13. For girls, the independent family phase, and sometimes the starting up of their own households, begins earlier than for men. The men must first be in the position to work and to earn money. Normally the men are counted as marriageable from the age of 25. This is valid for most Sudanese societies (Ismail, 1999). Usually the wife joins the family of her husband; mainly at beginning of the marriage, if there are still no children or if the children are small, the wife remains in the family of her husband and increases the household size of her parents-in-law. But also, if the young family departs, the son remains so closely connected to his parental family that the living circumstances and the economic trade of the parental family and the son's family will be so closely tied together that one must speak of it as a single family household, not two. This structure shows once more how women are integrated into the patriarchal system of Lower Atbara, North Sudan and, above all, into the Ja'aliyn's tribe, in which only the father provides social identity.

III.2.4 Rules of decision-making and social relations

Within the patriarchal rural family structure of the Ja'aliyn ethnic group in Lower Atbara, the man is, as the head of the family (of his wife and his children), an authority figure. He makes all essential decisions, above all about the economic problems. He has the last word in all family occasions. He speaks with his wife/wives and the children in the imperative and gives them orders. They must obey him. If he speaks, nobody may interrupt him; if he is wrong, nobody may contradict him. Absolute obedience is given to him. This description of patriarchal system, in which men are fully authorised, was also given by Boehringer-Abdalla (1987) in her study of the situation of women in the tribe of Ja'aliyn.

As in many societies in the Horn of Africa (Ofcansky 1991), in Lower Atbara, the "autonomous" sphere of activity of the woman lies within the house. Here she is authorized – within the area that is relevant to her – to make many decisions; here she brings up the children and is responsible for finding the solutions for the everyday problems in the household. In certain areas, however, the man also makes decisions on his own within the house; he decides, for example, whether his daughter may go to school or not, when and whom she will marry, etc. In a patrilineal organized society like Albasli, the woman has no right to make decisions. The children do indeed grow up in the mother's world; however, they belong to the line of the father. But through farsighted and diverse worry and care, the mother binds the children so strongly to herself that not only the daughters, but also the sons feel closer to her than to the father as adults. Thus the relationship to the mother is full of respect, but at the same time, close and trusting. Her opinion is valuable to her sons, even when they have found their own family. While the women socially have no right to an opinion, no right to decide something and to have the ability to use words properly, the words of a mother count a lot.

For their part, men must be well-behaved towards older people, such as their fathers. These phenomena are typical of behaviour in rural areas of North Sudan (Holter, 1994). In theory, decisions must be obeyed in an authoritarian system which always requires obedience: as a rule the hierarchy in every family depends on age. Children - particularly from age ten, which are when they already understand what "obey" means - must, in each case, obey older brothers and sisters. Girls must obey not only older brothers, and but also younger brothers. By the age of six or seven years, girls have already learnt that they must stick to these rules; even a slight offence is avenged by older brothers with repression, and even blows, and count by all means as appropriate. Thus, women always owe obedience to men. For instance, a young married woman must obey her husband, her parents, the brothers of the father, the brothers of the mother, as well as grandparents and their brothers. For the solution of their own problems, married women may only go to their husbands or brothers. Married men must firstly obey their parents and their older brothers. They must always behave deferentially towards their uncles and elders. The relationship between brothers is also set hierarchically and demands exactly agreed behaviour patterns between the age groups. For example, the younger brother is not always permitted to smoke in the presence of the father, the uncles or the oldest brother.

The political decisions and the connection with the district government of the village in Ed Damer are of particular importance in the village (UNDP, 1998), and everything that concerns the common interests of the village. They all lie in the competence of the Sheikh (the chairperson of the Village Council). He does not make the decisions alone, but together with the men in the village, above all with the male elders. They decide on such things as: on the construction of the school, the water tank, the mosque and the clinic. The Sheikh is also responsible for the settlement of smaller disputes in the village between individuals, as well as between groups.

To what extent women can make decisions or have influence or be involved with men in decision making depends on different factors, like her knowledge and her status. An old woman has a special status, notably when she is a mother of an adult and above all has successful sons; thereby she is given a certain amount of authority, but she must also listen to her husband. Such women are often well informed and some men listen to their opinion with regards to decisions pertaining to family events, such as food shopping or the selling of agricultural products; although it happens just as often that men do not ask their wives for opinions and decide everything alone. It is therefore not unusual that men dispose of the land belonging to his wife/wives or other close feminine relatives and decide on it without asking for any approval, or even against her will. Women have no influence on decisions that concern the common interests of the village.

According to the author's observations, the most important social relationships in Albasli are those between relatives, i.e. the nuclear family of a man and his wife or wives, the children and the direct blood relatives, the extended family, parents of the man and his wife/wives, brothers and sisters of the man and his wife/wives, uncles and aunts of the man and wife as well as the cousins of the man and his wife/wives. Then come the more distant blood relatives, i.e. the member of a Lineage, then all inhabitants of Albasli. The mutual obligations and assistance depend on this degree of relationship.

The members of an extended family expect help from each other, chiefly materially, on all occasions. This especially applies when dealing with land ownership, the distribution of

work and maintaining the finances. This is a standard phenomenon of the Sudanese societies (Bernal, 1988). Although there is individual ownership of land, particularly if one buys a piece of land on his own, the land of a man and his sons or of brothers is, as a rule, managed all together and the work and responsibility are shared. Also when it comes to a family marriage or a death in the family, all costs of weddings and funerals are paid for by all members of the family together. In particular, with bereavements, distant relatives usually pay a part of the costs.

In Lower Atbara women are obliged to help one another with the housework. If a woman cannot do her work because of pregnancy, birth or illness, her mother, mother-in-law, sisters and sisters in law are obliged to do her tasks for her. Even when goats or cows are slaughtered during celebrations and visits from guests and meat and banquets are prepared, all women in the family household must work together. Women give each other objects and food as a present. The use of women for the care of sick people and for help with delivering a baby is considered to be natural. Distantly related women also help with family events, parties and banquets. For advice and help in problematic situations, such as divorce or separation or a quarrel in the family, only relatives are requested.

Between relatives (among men as well as among women) who get on very well with each other, there is a very close, friendly relationship. The way the women describe their friendships in interviews, shows that they are intense and long-lasting. This is expressed in an intense exchange of presents and everyday utensils. Friendship is characterized like the relative relationships by mutual tolerance and patience. This was also observed by Roth (1993) in her study of rural societies of Burkina Faso. However, if a person receiving a present tries to offer something back as if it were an exchange or if the person giving the present expects something in return, this would be seen as an insult and would go against all the social norms of the society.

The social relations between distant relatives are maintained by means of visits, presents and mutual help. Certain obligations also exist towards non-relatives to whom one has good contact, e.g., towards the inhabitants of the neighbouring villages, or towards the people with whom one does business, or who one calls friends. These obligations are fulfilled by transactions of concrete goods (agricultural products, livestock, etc.), but also by information and political support. One visits and helps each other now and then, however, not to the extent of that of among relatives. One should also help strangers, if they should ask for help. This is considered as generous and decent. If a stranger arrives at Albasli in the evening and has no place to sleep, he is taken in with generosity into every house and is catered for. In Albasli, the author herself was taken in during her stay and was treated with great hospitality and generosity by a household.

A regular exchange of information is necessary for making the social relations and contacts successful in Lower Atbara as well as in other rural areas in Sudan (Rahmann, 1994). There are possibilities for this in the evening clubs for men where they exchange information about the markets and the prices of agricultural products, or also in the general assembly of the cooperative. A good opportunity for the exchange of information is the crossing in the developmental cycle, i.e. the appropriate parties and also the preparations for them. Especially at weddings and funerals, relatives from come far away or the inhabitants of the village travel to their relatives who have emigrated to other areas

in Sudan. Thus, one gets information as well as access to occupational areas beyond agriculture.

Women have their own manner of exchanging information. They meet with each other in the afternoon or evening and talk. Sometimes they sit together, do their hand craft work and exchange news at the same time. The exchange of information is not sex-specific. Women also find, their ways of putting themselves in the picture with the competence areas of men. The important people whom women can trust are her close relatives, like her brothers, and, above all, her daughters. But her opportunities of collecting or spreading information are limited to a great extent to the small and big events in her everyday life because her freedom of movement is limited; and with it neither markets nor the remaining outside world play a role, even though women also produce for the market.

There are certain strategies for the preservation of network relationships or for tightening or establishing new networks. A good example of this is the marriage alliance. New networks are created from marriage connections with other lineages or sometimes - but very rarely - with non-family members, or are strengthened which can serve, for instance, as a way of improving status or for political purposes.

IV. The impact of Islam on social institutions and women

IV.1 The importance of the Shari'a for the legal system

The Shari'a has always influenced the formal institutions with regards to the constitution, laws, property rights, statute and common law and regulations. As it states in the constitution that any law is not allowed being in conflict with the Shari'a principles, the whole Sudanese legal system is dependant upon it, which means that both Muslims and non-Muslims have to follow the Islamic laws to some extent (Women and Law in Sudan, 1997). From the different types of law, we will mention two of them here: family law, which directly reflects the status of women throughout the country and law of inheritance, which permits conclusions to the underlying ideas of property rights and their redistribution and replacement. Both property law and law of inheritance decide on the status of the woman.

After the victory over Mahdia and the foundation of the Anglo-Egyptian condominiums, the British, who were the real bearers of the policies in Sudan, announced a new judicial system. The procedural law has actually been in existence since 1899 and has since then experienced numerous changes. The foundations of this legislation were the English Common Law, the Islamic jurisprudence and/or the customary rights of the respective family areas (Fluehr-Lobban, 1987).

In certain legal areas, such as family law, property law and the law of inheritance, the British have often fallen back on the respective customary rights. The groups in the North have given up many of their original customary rights in favour of Islamic legal ideas. The Islamic regulations are considered uniform to all Muslims in Sudan. For other people, the customary laws cover things that are not otherwise regulated lawfully or that offend principles of justice, equality and good conscience. Customs are basically considered to also be the respective religious rights of the non-Muslims as well as the family rights in the southern parts of the country (Women and Law in Sudan, 1997).

Thus, in the areas of family rights and inheritance rights, the British recognized the Islamic right as a legal source for the Muslims in North Sudan; the family disputes and inheritance disputes were supposed to be decided for Muslims by the Shari'a Law. For the rest of the country, the respective customary laws were the legal source, as long as it did not include laws that went against justice, equality and good conscience. Based on the Mohammedan Law Courts Ordinance (1902) and later to the Mohammedan Law Courts Procedures Act of 1915 the Islamic law became the law in certain areas, from which family and inheritance law were established.

„The Sudan Mohammedan Law Courts shall be competent to decide: a) any question regarding marriage, divorce, guardianship of minors or family relationship, provided that the question was concluded in accordance with Muslim law or all parties are Mohammedans. ...the Grand Kadi shall from time to time, with the approval of the Governor-General, make regulations consistent with this ordinance regulating decisions, procedure, constitution, jurisdiction and functions of the Mohammedan law courts” (Fluehr-Lobban, 1987)

The administration of justice in Sudan is carried out in the area of civil rights by the civil courts on a local level (the Town Bench), a district level (the District Court), a provincial

level (the Province Court), as well as by the Court of Appeals in Khartoum and nine other towns and the Supreme Court. Furthermore, for Muslims, there are separate Shari'a courts on the district and provincial level. Apart from that, on a local level, especially in southern Sudan, there are local courts which are occupied by laymen (Ibid).

According to Islamic law (the Shari'a) women are strongly disadvantaged and the man has the control and authority in the family. In the Shari'a interpretation of Sura 4, verse 34, in the Qur'an, the suppression of women and the preference of men is lawfully legitimized. According to Shari'a, it is God's will that there are judicial differences between men and women. Thus the following differences are given for the areas of family and inheritance:

- Men are above women in social rank
- Men have parental power over women.
- The Qur'an permits polygamy (the man may be married to up to four women at the same time).
- The man can end the marriage on his own.
- Daughters only inherit half of what sons inherit. However, men have to provide for women and children with their income.
- Fathers have the sole custody of their children (Women and Law in Sudan, 1997).

Through the Islamization policy of Numeiri, the Shari'a became the main (or in many areas even the only) source of law in Sudan from September 1983. The legal reform was concerned with numerous civil areas of law, punishment as well as procedure-judicial. This is still the situation in Sudan; that the Shari'a is still the main, or actually in many areas the only, source of the law in Sudan (Women and Law in Sudan, 1997).

The Shari'a law was further implemented and enforced in the Sudanese legal system due to the Islamization policy from 1983, through which Sudan was forced to become an Islamic state. Thus, further restrictions were introduced for women in the area of family law. From this point, the man's guardianship and authority over woman and children, for instance, has been regulated lawfully. Before this, there were restrictions, but they were not as strong as since the implementation of policy. Section 118 of the Staff Law code of 1991 asserts:

"The Father's guardianship also includes his supervision of the children's properties and financial assets, if any. Boys are to remain under the guardianship of their fathers till the age of adulthood. Upon reaching adulthood, a mentally sound Muslim man can be legally considered as a guardian. Women, however, who can never be legally considered as guardians, must remain under the guardianship of a male relative, even after reaching adulthood." (Women and Law in Sudan, 1997)

IV.2 Islam, social norms and customs

According to many social scientists, every social order known to us is characterized by religious presuppositions. At the same time, every social order or the structure of social institutions is always influenced by the material side of life and mental order. Culture as a common way of life cannot be distinguished from general tradition, common thinking and

the inheritance of knowledge. This again includes the organized striving and the human activities with the transcendental godly power which governs the world and is depended upon for bringing harmony to the people. Especially in this case, the impact of the Islam on the social and cultural order of the Muslim societies is very strong. This religion has an effect on individuals and forms them not only as a "religious beings", but also has an influence on their understanding of self-determination, self-regulation and self-realization, their life and world-orientation (Köster, 1986)

Especially in Lower Atbara, Islam and the Shari'a is a fundamental element in the social institution structure and socialisation process in Lower Atbara. The Shari'a, as a religious and moral body of principles and directives, has a significant impact on the thinking and behaviour of individuals in Lower Atbara. It forms an integral part of the socialisation of every child and is one of the primary forces behind the institutions and customs of the societies in Lower Atbara.

As a factor of socialisation, Islam represents an elementary socio-cultural regulation reason for the behaviour patterns of its followers. With its consideration of all details of life it trains in the acquisition of religious procedures very specifically and at the same time gives instructions for conjugal, family, social, economic and political life. Islam orientates itself to the needs of individuals as well as to the organisation of their societies. It intervenes in the separate situations of the individual with much freedom, impartiality and naturalness – even as far as questions of a physical, erotic, and conjugal nature. From the earliest stage of childhood the person is trained by instruction, adaptation, guidance, initiative and "initiation" the types of behaviour which do justice to the different situations in life (Irabi, 1989)

Since all expressions of human life are affected by Islam in Lower Atbara, the requirements and prohibitions of Islam are internalised in every child from birth. In particular, Islam and Shari'a regulate the structure of the family, the authority of the man, the behaviour of the women, their position in the family and the society as well as their rights, marriage and divorce, etc.

A more specific example that links this to the discussion of dominant social institution in Lower Atbara in section 4 is the gender division of labour. It seems that in Lower Atbara this is directly influenced by the Shari'a. The work of women appears to be done inside the house because women are not allowed to leave the house without authorization from the man. This is linked to some of the principles in the Shari'a. Until the age of ten girls help in the household but are allowed to do some work outside of the house, such as taking care of the animals and helping on the farm. From the tenth to the twelfth year, i.e. up to the age where it is possible to marry, girls learn every type of work which they must be able to do in order to start a family. Thus, every girl knows every job in the household by the age of ten, even if she can't do them all properly. From the sixth year up to menarche, the first menstruation, girls wear a headscarf. When the first menstruation comes, they must wear the traditional veil and are no longer allowed to be away from the house alone without the company of at least one other girl who is known by her family, not even to get water or firewood. Girls can also help on the farm until they are ten years old; at this age, they also start to help with the handcraft work, such as weaving carpets, baskets and bags. From the twelfth year, when girls are considered marriageable, they have to perfect all their household work, i.e. washing clothes, cooking, preparing

coffee/tea, tidying and cleaning the house, taking care of younger brothers and sisters, as well as handcraft activities.

A girl is marriageable if she can take over the household tasks with full responsibility for her husband, children and guests, i.e. if the learning phase can be seen as finished. This is the case in most of the villages in Lower Atbara at 15 years. Nowadays, there are exceptions of some who don't marry until they're 18 because they go to school. Generally a woman will not get married in Lower Atbara if she is any older than 25 years, or at best she will marry an old man who already has one or more wives.

In the phase after marriage the status of the woman changes radically. She mainly goes to the family of her man, but in rare cases she remains with her parents for the first five years. The first phase of a marriage can be called the main phase for reproduction (Holter, 1994). It can generally be seen that next to marriage the birth of the first child is the most important event in the life of a woman. The social prestige that the woman gains in her role as a woman ripe for sex is calculated by her fertility, which likewise shows a social value. As a whole, the main activities of a married woman consist firstly, of the household work, secondly, the agricultural work and thirdly the craft work. In the household, the woman is responsible for cooking, i.e. she brings vegetables in from the field, dries meat, and milks the goats. This situation can be seen as an example for the most rural areas in Sudan (Bernal, 1988). In the family households which have many animals, women make the butter and clarified butter. Further tasks in the household include the preparation of meals, tidying and cleaning the house, and entertaining guests and female visitors. An essential job of a married woman is taking care of and bringing up the children through a strict and long socialisation process. Altogether, women are responsible for the organization and the functioning of the house. Because fowl and small animals, like goats and sheep, are spatially narrowly bound to the house, they also belong to the women, who are thereby responsible for the feeding and cleaning of the animals. This is seen as a task for married women and small girls.

On the other hand, boys learn from the start that their tasks are outside the house. They learn how to earn money, to find good quality land, to cultivate cash crops, to discover markets, etc. In fact, most of the time spent teaching a boy is to prepare him to be a man, which means leading a family.

Boys in Lower Atbara are fully able to work between the ages 15 and 17. They should be able to do most of the jobs of a farmer at this age. Thus alone they can, for example, apply the fields with fertilizer and plant protection agent, i.e. they should be able to do all jobs from the preparation of the ground, to the sowing and planting up to harvest. If they are able to completely manage a field independently, they are called "men" and are considered marriageable. This occurs possibly between the 20th and the 25th year. For boys, the learning phase lasts longer than for girls, as long as it takes until they are really able to manage the full responsibility as a good farmer and the head of a family. Moreover, boys in Lower Atbara can travel and sell their products in the market. Because the women are not allowed to sell their hand-craft products, not only in the market in the towns where they live, but also in the nearby towns like Atbara and Ed Damer, the men do this for the women.

Because of the increasing visits to schools outside of the villages, in Lower Atbara and in other rural areas in Sudan (UNDP, 1998), and because there are no high schools there,

especially for boys, the presence of the boys older than 13 years in the village is only possible in the school holidays or at the weekend. As a rule, boys go to a boarding school. Therefore, these boys are only available as workers during the holidays. Their apprenticeship in the area of agriculture is thereby shortened. But an orientation towards other occupations also takes place. Nowadays it becomes more and more popular among the boys to search for other work in the towns after graduation. People will work less and less in agriculture, above all the old men.

The area of responsibility of a married man arises from his responsibility for the people belonging to his household and to protect the economic existence of the household. This includes the following activities: the main part of the agricultural work, so the man is responsible for the planning and organization of the production (women and children are available as helpers), as well as the sales of the agricultural products. The man also sorts out all market errands to other markets in the nearby cities, like the purchase of certain consumer goods, e.g. sugar.

With the financial responsibility for his nuclear family and on top of this, for his extended family, in Lower Atbara the man has the most pressure, particularly the oldest son in the family household. It is always expected by his parents that he takes over the financial obligations for the entire family household. The oldest son is the direct successor of the father and after his death he is going to take over his role. He has to take financial care of all younger brothers and sisters, his mother and other wives of his father. The following table shows the age and sex specific duties in Lower Arbara

Thus, it can be seen from the above illustration that the attitudes and codes of conduct of the people in Lower Atbara are all affected by their understanding of the principles of the Shari'a and the relationship between women and men in the society.

Table 2: Age and Sex Specific Duties in Lower Atbara

Alter	Women	Men
From 4/5 years	Small helping with hands in the housework, bringing and getting of subjects and food in this and from the neighbour house.	Bring and getting of subjects and food in him and from the store
7-12 years	Getting water, collect firewood, making fires, feed nanny goats and fowl and milk nanny goats, tiding and cleanings the house, dresses wash and look after small brothers and sisters, beginning of the education in hand craft works.	Beginning of the education in the agricultural work, nanny goats and sheep protect
12-35 year	Cooking, tiding cleanings the house, rinsing, washing, brothers and sisters look after, hand craft works if marries: own budgetary management, dressing of food and preparations of meals, bring up and care of children, entertainment of guests and craft works	12-17 years: further education and assistance at the agricultural work: Cleaning the field, Fertilizing and Plant protection, take care of cattle like cows from 17 years: control of all agricultural works, contact with machines, e.g., tractor drive, trade and sales of agricultural products from 25 years: trade and sales of agricultural products, more financial responsibility for the whole family, market ways (purchase and transport of large amounts of food and consumer goods)
35-60 years	Further like under 35 years old, Assistance in the agriculture: Weed, harvest bring and grow own seasonal products	Further like from 25-35 years old
from ca. 50 years old	increasing delegating of the activities and responsibility to the children and grandson's children	increasing delegating of the activities and responsibility to the children and grandson's children

Source: Elnaiem, 2001.

The family, the formal schools, the Qur'an school and the community are named as the main instance of socialisation for Islam and Islamic regulations (Köster, 1986). Between the ages of six and eighteen years Islam is taught in the schools. But already at the age

of four, children are made familiar with the Qur'an and the requirements of Islam at home. They also mainly visit the traditional Qur'an school or traditional Kindergarten, into which Qur'an is integrated. As soon as a sufficient understanding of the religion is shown by children, they are encouraged to learn and practice the canonical prayers and to attend the mosque and the Qur'an school more often. When children are seven years old, parents are also obligated to make them give individual prayers and to participate in the community prayers at the mosque. Upon reaching puberty, children are obligated to fast during Ramadan. However, children usually start to prepare for this duty by the age of ten: one begins by fasting for one day, and then for several until it is possible to fast for the whole month. In religious education at school, as well as in the Qur'an school, the Qur'an is first learned by heart and recited loud and afterwards the child will learn how to read from the holy book. Every child will have the whole text internalised from reading it aloud, which is a condition to guarantee the successful dedication to God. This is because the holy book is a guide through life for every Muslim. It belongs to the personal identity of a Muslim to see himself as a servant of God and to submit unconditionally to God's Will. A central statement in Islam is: "God's nature is unique and indivisible." This is the "knowledge" of the godlike unity "*Tauhid*". In addition to this is the "knowledge" of the omnipotence of God. This is the framework in which religious socialisation is seen in Shari'a. The claim of the religion is one of totality: "The Muslim stands, in a radical way, individually-responsible before God" (Irabi, 1989).

IV.3 The nature and effect of the Shari'a on the role of women

Private and public life in Lower Atbara have always been significantly influenced by the Shari'a regardless of the extent of Islamization on the public debate. For example, Shari'a family law has been applied in Sudan from the time of the colony. Therefore, for all Sudanese Muslim women, the rights in the context of marriage, matrimonial relations, divorce, custody of children, inheritance and related matters, have been determined by Shari'a provisions since a long time (Fluehr-Lobban, 1987).

It is generally agreed that the rights granted to women in the Qur'an and by the prophet Muhammad were a vast improvement in comparison to the situation of women in Arabia prior to the advent of Islam; after the Prophet's death the situation of women in Islam began to decline and revert back to pre-Islamic norms (Taha 1987)

After looking thoroughly at the general principles and rules of the Shari'a⁷, one can say that there are two major principles which likely have a negative impact on the status and rights of Muslim women. The most important being the notion of *qawama* (Guardianship and authority). According to Shari'a interpretation of verse 4:34 of the *Qur'an*: Men have *qawama* (Guardianship and authority) over women because of the advantage they (men)

⁷ Base on Ustadh Mahmoud Mohamed Taha's opinion and as a Muslim, the author does not challenge the divine nature of *Qur'an* and Sunna; rather she challenges the failure of contemporary Muslims to appreciate the impact of historical context upon the interpretation and application of those main sources of Islam. The basic Argument is that given the historical context of both basically revelation and subsequent interpretations of the texts of the *Qur'an* and Sunna, some of them are no longer applicable while others need to be reinterpreted. The divine revelation must be understood and applied in historical context, because it addresses one in the human condition and circumstances which change over time (Taha, 1987, An-Na'im, 1990), see also section 8.1.

have over them (women) and because they (men) spend their property in supporting them (women) (Holy Qur'an 190-91), men as a group are the guardians of over and superior to women as a group. Also, the men of a particular family are the guardians and superior to women of that family. This notion of *qawama* has had far reaching consequences for the status and rights of women in public and private domains. In keeping with verse 4:34 of the Qur'an, for example, women are disqualified from holding general public office, which involves the exercise of authority over men, because men are entitled to exercise authority over women and not the reverse (Taha 1979)

Another general principle of Shari'a that influences the status and rights of women is the notion of *Al-hijab*, the veil. The consequences of this notion are more than the Muslim woman just covering the body and face in public. According to Shari'a interpretations of verses 24:31, 33:33, 33:53 and 33:59 of the Qur'an, it is assumed that women have to stay at home and not leave unless there is an urgent need to do so. When they are permitted to venture beyond the home, they must do so with their bodies and faces covered. The notion of *Al-hijab* tends to reinforce women's inability to hold public offices and restrict their access to public life. They are not expected to participate in public life, because they are not allowed to mix with men even in public places (Taha 1987).

In addition to their general inferiority of women's rights under principles of *qawama* and *hijab*, there are a number of specific rules in private and public law of *Shari'a* that discriminate against women and highlight women's general inferiority and inequality. For instance, in family law, Muslim men can marry up to four wives, provided they are Muslim or believers, and divorce any of them at will, whereas Muslim women can only marry a Muslim man and cannot obtain divorce except by judicial decree on a few specific grounds. During marriage, men have the power to exercise complete control over their wives, to the extent of punishing them for disobedience if deemed to be necessary. Since a Muslim wife is supposed to be "obedient" to her husband, he can deny her permission to work, travel or engage in any other public activity. Under these rules of *Shari'a*, hundreds of millions of Muslim women routinely suffer violation of their human rights to equality and non-discrimination (An-Na'im, 1990).

According to An-Na'im (1990) the private and public aspects of Shari'a overlap and interact and they affect the socialization of both women and men and the orientation of the whole society as well as legal rules in the formal sense.

The general principles of *qawama* and *al-hijab* operate at the public as well as the private levels. Public law discrimination against women emphasizes their inferiority at home. The inferior status and rights of women in private law justify discrimination against them in public life. These overlapping and interacting principles and rules play an extremely significant role in the socialization of both women and men. Notions of women inferiority are deeply embedded in the character and attitudes of both women and men from early childhood (Ibid, p 38)

Furthermore, and with regard to custody of children, mothers in *Shari'a* are usually granted "custody" of their young children up to a certain age: 7 for boys and 9 for girls according to some schools. Fathers, or their male kin if he is dead or absent, will automatically have custody after this specific age. They will also retain control over the education and material affairs of their children even while they live with the mother. In

addition to discrimination against women, this *Shari'a* principle can also raise serious problems with regard to the convention of the rights of the child and the principle of "in the best interest of the child". To automatically deny all mothers the right of custody of her children and the control over their education and material affairs and grant these rights to the father and his kin, regardless of how unfit he may be for discharging the obligation, may not be in the best of the child (Women and Law in Sudan, 1997).

The *Shari'a* and its role in the socialization of women and men in Lower Atbara and the whole of the country is, in the author's view, the most important phenomenon affecting the status of women. It exactly reflects the social institutions' problems, especially in the rural areas of Sudan, and in the case in Lower Atbara, where there is still a very high illiteracy rate and the society is more traditional and subject to a very little external influence. Therefore, the main reason behind the prevention of girls from going to school, socializing outside of the house and going to the market, which makes them shy, withdrawn and convinced they are merely objects of men, is the deeply engraved attitude that has been passed down for generations in men and women about the place of women in society; this attitude comes from principles mentioned above from the *Shari'a*. Both men and women find it difficult to accept that women can participate in public life and mix with men; because it is against the common belief in *qawama*.

So without identifying and addressing all these points of conflict and tension between the Sudanese cultural values and the goals and institutions of any development project dealing with the promotion of women, and without trying to integrate approaches to resolve these points of conflicts and tension, there would be no success in achieving the goals and expectations of strategies intended to involve women in development.

IV.4 Social institutions constraining the economic role of women: Examples

IV.4.1 Social institutions constraining women's access to education and capacity building

When people lead their lives according to strict rules, as is the case of the women in Lower Atbara, innovative behaviour and creativity count as deviating from the traditional norms; hence, it is sanctioned negatively. This is an essential reason for the strong cultural restrictions of their work and economical role carried out in their personal space and the autonomy by the introduction of innovation and creativity in this society. The interviews presented in Table A-1 in the Appendix provide detailed information how the day to day life in general but the access to education in particular is affected by the prevailing social norms and values.

According to Hayek (1969), innovation capability, in the context of the evolution of orders and the increasing control of the person in his environment and the depth and impact of social-cultural influences of an individual – in the sense of the intensity of his social and cultural sanctions – refers to the function of rules of behaviour of this individual. Hayek claims that there is a distinction to be made with the rules of behaviour of the person between abstract and concrete rules. Concrete rules prescribe the behaviour in the concrete isolated case. In contrast to it, the spontaneous orders which are based on abstract rules permit every single person to use his special knowledge for his own

purposes. Röpke (1970) asserts that the more abstract the rules are, the more elbowroom they leave to the initiative, the more complex not only the order, which results from the teamwork of the individual actions, will be, but also the more 'considered' it will be, compared to other orders in which the behaviour is bound to less general or even concrete rules.

Because in a spontaneous order more knowledge and skill is used, it is also more innovative and experimental. In a spontaneous order the single elements are subjected to abstract rules and are not defeated by concrete requirements. This enables them to adapt themselves in their behaviour to the special circumstances which determine their relations with the social environment. Knowledge is collected from experience of adaptation and is attained further in making plans and decisions. This accumulated knowledge of details, time and local settings can only be known by the individual himself. Thus, it is about a cognitive addition which allows an increase of the individual's experiences and knowledge (Ibid).

It is worth taking into consideration that the economic social development receives its most important impulses through innovations or by trying out new ideas (Schumpeter, 1987). The greater the possibility is that the individual thinks up and experiments with new ideas, the greater the potential for innovation will be. However, these possibilities will increase. According to Röpke (1970), the more the single potential Innovator is merely bound to abstract rules, which means his actions are not orientated towards achieving prescribed concrete results, or the greater the elbowroom is which gets rid of abstract rules for him, or if the area of behaviour is not covered with sanctions, very briefly said, the greater his freedom for movement is.

According to the thoughts stated above and in view of the restriction of elbowroom of the initiative of the women in Lower Atbara through concrete social constraints and rules, her innovation potential must be seen as limited. Because of the strictness of the etiquette rules for women, they are given no free elbowroom for experiencing and experimenting. The role and the behaviour of women are set and they participate in the social and economic processes while being treated like a child and having no freedom of speech. The fateful dependence of the woman on the man limits her action possibilities and the possibility to make use of herself as an individual and her abilities and to make use of her property rights and tools for production and trading. Due to this, not only is the normal development of her personal knowledge and skills disturbed, but so is the development of her cognitive ability, her practical experiences and the manner in which she helps herself to the institutional facilities of society.

Social institutions in Lower Atbara are preventing women from being educated, which stops them from being skilled, creative and knowledgeable. Most girls are not given the chance to learn how to read and write, but even if they were, this would be all they would be taught. At the beginning of puberty, they must give up school due to the many culturally compulsory restrictions, i.e. after the sixth class and sometimes before elementary school. And if girls have finished school, they are usually not allowed to be trained any further; because of the restriction of movement, girls are not allowed to go to boarding schools in the towns. Thus the education is very limited for women in Lower Atbara because of their social position. The following table shows the education level of women in Lower Atbara compared to men.

Table 3:

Table 3: **Education level in Lower Atbara**

Variable	Male	Female	All
Illiterate	35.3	57.9	46.4
Primary School	33.4	20.1	26.9
Secondary School	6.1	1.1	3.6
University	0.8	0.1	0.4
Adults Education	0.3	0.3	0.2

Source: Elnaiem 2001

IV.4.2 Social institutions constraining women access to resources

Customs and social norms in Lower Atbara also affect women's access to land. Although it clearly states in the Shari'a that women have the right to have their own property - in inheritance they are not equal to men but they are entitled to half the amount of what the men can have -, the customary law prevents women in ethnic groups in Lower Atbara from having the full right to make their own decisions concerning their own property. Within the customary law the father is regarded as the head of the family and the inheritance right is favourable to children of the male sex. Women have the tendency to lose their identity as an indirect result of their dependent social and economic status. The majority of properties are registered in the father's or the husband's name. It does not matter if the woman has inherited the property from her family. According to tradition, property, contracts and leases should be managed by the husband. Women seldom use their rights as it could be considered as a lack of trust in or respect for her husband.

Looking back at the task catalogue of women, it is clear that women are mainly responsible for the subsistence production and occasionally responsible for the cultivation of certain products; they also help with the harvest and with the weeding of the farmland and are jointly responsible for the market production. Since women must work throughout the year for subsistence products and must cooperate at the same time with the market production, their work-load is very high. Because of the social constraints, women are prevented from using mechanized tools such as tractors for the field preparation and cultivation, which would clearly decrease the work-load and increase productivity and efficiency.

In fact, women do not have access to information and new technology or improved agricultural inputs. This is mainly due to social constraints. Because of the limited mobility of women, they are hindered to apply the new technology. Moreover, men control the sale of output, so there is little increase in women's resource ownership. This was also observed in an Islamic community in Bangladesh by Naved (2000).

Women in Lower Atbara are further restricted by their limited financial situation. They do not have access to credit. This is due to the fact that they are not allowed out of their villages and because they need authorization from men for financial decisions. Due to their lack of collateral and their limited productive capacity women in Lower Atbara are unable to access major credit.

IV.4.3 Social institutions constraining freedom in decision-making

It is especially important to address the influence of the informal social constraints in Lower Atbara on the economic role of women in relation to her freedom to make a decision and to enforce it. There is a direct link in the opinion in some areas between these constraints and the Shari'a and more specifically, between the principle of *qawama* (Guardianship and authority) and women's freedom in decision-making.

There are two types of social constraint facing women in decision-making: one is the hierarchical structure of the society, in which case men are also affected when they are young (but at a certain age they are, to some extent, allowed to start thinking and acting freely); and the other is the type that only restricts women, where they are required to have men as their guardians for the entirety of their lives. If women decide to do anything, such as to go to work, to go to school, to go and visit somebody, or to do anything she wants to do, she must acquire the permission of her father, brother or her husband, if she is married. This limits women's capability of making decisions in every area of their lives.

Some of these constraints are inflicted upon women more by the customary law and the very narrow interpretation of the *qawama* and the veil principle, which influence the social norms and customs and the type of socialization of girls, than by the Shari'a itself. Even if the Shari'a does actually allow women to make decisions with regards to their own property, for example, the customary law prevents it.

Figure 1: **The impact of Islamic Law on the economic role of Women in Lower Atbara**

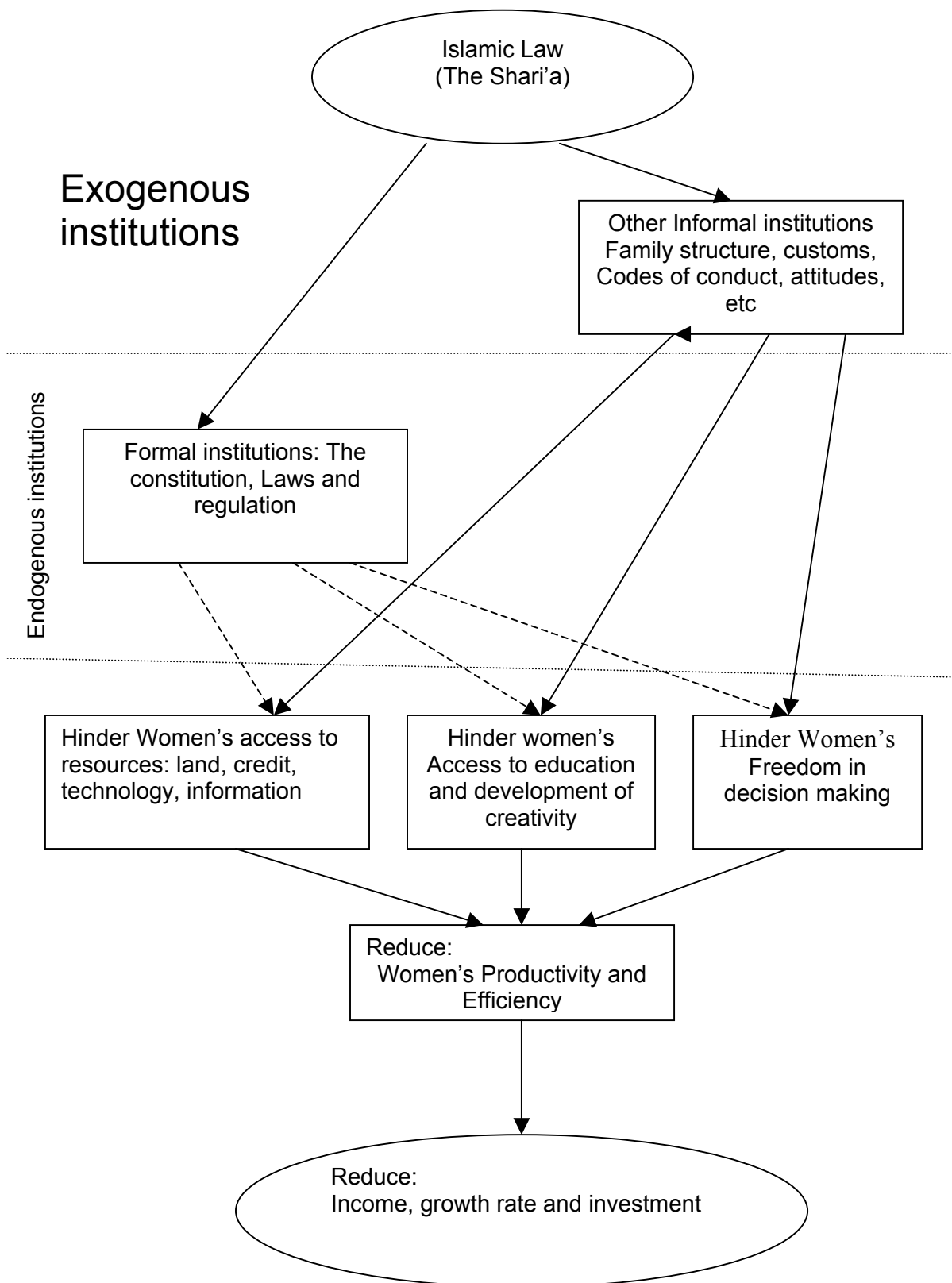


Figure 1 summarizes the channels of how the strict application of the Sharia impacts on the development prospects of Lower Atbara. As described above, the Shari'a as the sole source of the legal system regulates every aspect of women's daily life from early childhood to old age. Women's opportunities to participate in the economic life are strongly constrained as (i) they have only limited access to land, credit, technology and information; (ii) they are usually forced to leave school latest after being able to read and write and (iii) their freedom in decision making is limited. These restrictions have a direct effect on the allocation of resources and on the distribution of income and property via setting the incentives for entrepreneurial action. This is reflected in the choice of production factors and their respective allocation at sub-optimal levels. A reduction in women's productivity and efficiency reduces growth, investment and income earning capacities of the household.

Given this overall importance of the Sharia as an exogenous institutions, an improvement of the situation of women has to maintain legitimacy from an Islamic point of view. In the author's opinion, an Islamic discourse based on the work of the late Sudanese Muslim reformer *Ustadh* Mahmoud Mohamed Taha will solve the contradiction of gender equality in the Islamic societies in Lower Atbara, as well as other Islamic societies. The basic principal of this approach is the recognition that social institutions and cultural norms evolve in response to specific historical circumstances. Thus, these norms may vary or be modified with the change of circumstances. According to *Ustadh* Mahmoud, since the *Shari'a* is merely a historically conditioned human understanding of Islam, alternative interpretations in the modern context, which are conducive to the full rights of women and gender equality, are possible, and indeed imperative. The *Shari'a* reflects a historical interpretation of Islamic scriptures in the sense that the founding jurists during the 8 and 9th centuries had to understand those sources in accordance with their own social, economic, and political circumstances. Therefore, it was natural and indeed unavoidable that Muslim jurists would understand the relevant texts of the Qur'an and Sunna as confirming rather than repudiating the realities of the day.

The big challenge of today is to create an enabling environment that helps putting forward a more gender friendly interpretation of the relevant texts in the Islamic law. Promising examples how this can be achieved can currently be observed Morocco.

V. Policy recommendations to improve the situation of women in Lower Atbara and to strengthen their economic role

In the situation of women in Lower Atbara, the rights of women in their family and society raise complex and intractable issues because of the way in which the dignity, autonomy, bodily integrity and sexuality of women are embedded in religious and social norms and institutions of the local societies.

Therefore, any awareness programme that intend to change the customs and codes of conduct for enhancing the full participation of women in development in Lower Atbara and Sudan as whole, must first take into full consideration the cultural legitimacy in the area. Particular attention should be given to understanding the nature, context and dynamics of the institutional environment and of the power relations between and among the various actors and subjects of the culture, and the possibilities of altering or adjusting those power relations. Assuming that every cultural tradition contains some norms and institutions that are supportive of some aspects of the development approaches, as well as norms and institutions that are antithetical or problematic ones in relation to these approaches, this strategy must seek to enhance the supportive elements and to redress the antithetical or problematic ones in ways that are consistent with the integrity of the North Sudanese cultural traditions (An-Na'im, 1997). With this background, an illustration for a concept of awareness programs to improve women status in Lower Atbara and their participation in development will be made in the following paragraph. The basic theoretical premise of this approach may be briefly summarized as follows:

Although human cultures and social institutions are clearly identifiable and distinguishable from each other, they are also characterized by their own internal diversity, propensity to change and mutual influences. This cultural and institutional diversity reflects the dominance of certain interpretation of the major norms and institutions of each culture at a given point of time. Although the advocates of dominant interpretations would normally purport to present them as the only "authentic" or "legitimate" position of the culture on the issue in question, within a certain range of possibilities, different positions can be usually presented. This is due to the fact that cultural norms and institutions are characterized by varying degrees of ambivalence and flexibility in order to cater to the different needs and circumstances of the population. In response to internal demands, as well as external influences, culture and social institutions also change and evolve over time. Accordingly, there will be always other perspectives which can be articulated to challenge dominant interpretations, and thereby present alternative views of the position of the culture on a particular issue at any given point in time. The dominance of one perspective or another is therefore open to challenge through change and adjustment in the dynamics of power relations within the culture. The struggle over cultural resources can take place through action or behavior as well as verbal articulation (An-Na'im, 1994).

To be effective in changing believes, attitudes and behavior of any population, the proposed alternative perspective must be perceived by that population to be consistent with the internal criteria of legitimacy of the culture, and appreciated as relevant to their

needs and expectations. For this reason the proponents of change must not only have a credible claim to being **insiders** to the culture in question, but also use internally valid arguments or means of presentation. In other words, the presentation and adoption of alternative perspectives can best be achieved through a coherent internal discourse (An-Na'im, 1994). This does not mean that **outsiders** to that population have no influence on the processes of internal discourse. They can, for example, support the internal participants to challenge prevailing perception, while avoiding overt interference because this will undermine the credibility of internal actors. However, efforts to articulate shared values and principles must be founded on mutual respect and sensitivity to the integrity of other cultures, especially in view of colonial and post-colonial power relations between the North and South.

As applied to the case of Lower Atbara, the main issue is how to regulate processes of awareness and internal discourse over the status of women, their rights, and the meaning and implementation of women participation in development in various policy and decision-making settings. Sharing of insights and experience of such programs will, over time, help to produce a cultural and institutional change toward improvement of women's status and rights, and thereby their participation in development. However, for any meaningful discourse, the Shari'a must be taken into consideration as the most important factor influencing the status of women in the North Sudanese culture. This is necessary for maintaining legitimacy from the Islamic point of view.

In the following brief illustration, the essential premises of the awareness programs and internal discourse shall be made. As it is above mentioned, this has to be made in collaboration between women's groups and other civil society NGOs, the state and the international development organisations:

1. The role of the women groups and NGOs can be seen as follows:

- One of the main prerequisites is that the national and local women's groups and NGOs have to support the women in Lower Atbara through the social discourse so that they are able to exert their rights by themselves. The knowledge of which rights they can have and how they can satisfy her basic needs by themselves must be given to them. The elimination of suppression and the improvement of their life situation must be realized by themselves by building on their own awareness of their rights. (Elnaiem, 2000).
- A crucial element in any conceivable awareness strategy in Lower Atbara is the role of local women groups and the civil society organisations, NGOs. For the approach represented in this study, these groups represent the main actors and playing the role of the insiders in the internal discourse. Women in Lower Atbara have their own social network and some types of traditional women group. In these groups, there are some women, who can be the potential active actors in the village level, if they got support and training from other regional and national NGOs. They can be mediators for these regional and national NGOs.
- The NGOs need to engage, with other parts of the society in Lower Atbara, in an internal discourse within an Islamic frame of reference, in order to overcome objections and resistance from the Islamic societies to the international standards

of women rights. An internal discourse about the religious validity of women rights is essential if these rights are indeed to be realised in these societies. The key to any effort of any group advocating for women rights to education and access to economic recourses and enhancing their full participation in development is their credibility in the eyes of their own local constituencies. They must be able to draw on the symbols of their own culture and history, speak the language of their own people, know and respect their concerns and priorities. All of this will have to be through what might be called an internal Islamic discourse.

- These Organisations must work to bring women in Lower Atbara together and give them the trust and confidence to discussing their problems and solving these problems within the framework of their culture.
- The NGOs should also engage in a cross-cultural dialogue with other NGOs from other countries (Islamic and non Islamic) to exchange insights and strategies of internal discourse.
- One very important issue is that male advocates of the rights of women have a contribution to make. The thought here is also about the men in village level, who can support the better involvement of women in development. So the NGOs must work to get support from the men society. This is particularly important in Islamic countries in order for female and male advocates for women rights must come together and enter an internal discourse with Islamic frame work to have their own Islamic justification for women rights and promoting their participation in development.
- The NGOs can also organize strong campaigns and lobby work at the macro level in order to work towards the reform of the laws that discriminate against women and towards the application of the existing laws to the welfare of women.

The awareness programs have to touch on many subjects, which involve changing the ways of behaving. The improvement of the situation of the health of the people, as well as their food customs and keeping public equipment clean, are also important subjects. The available institutions, such as the mosques, the Qur'an schools (the khalwa) and the women's social network, should be used for the realization of the awareness programme and internal discourse. All involved parties in the schools, the mosque, the khalwa and the media like the radio, the press, books and cassettes, and also the organizers of talks and events would have to work in this direction. In addition, certain high-powered cultural factors and social codes, such as the Islam, should be used in discourse. This point is the most important instrument of the policy recommendation.

2. The role of the state and international development organizations

- The state and international development organisations must support the internal participants to challenge prevailing perceptions, while avoiding overt interference because this will undermine the credibility of internal actors.
- There must be co-operation, trust and confidence work between the local NGOs and the international organisations. The employees of these organisations must support and defend the NGOs. Beside the financial support, international organisations must also provide women, in particular the members of the NGOs, with technical education and training.

- The international organisation should also support a cross-cultural dialogue between the local and national NGOs with other NGOs from other countries (Islamic and non Islamic) to exchange insights and strategies of internal discourse.

V.1 Education - an instrument of social change

In conjunction with the thoughts about the importance of education as an economical investment for developing human capacity building, it can be seen that the education of girls and women is a very important condition for the cultural transformation process and for a lasting development in Lower Atbara. It has an immediate effect on the social position of women, their possibilities of employment and income possibilities. The educational level of the women affects her competence of action in the sense that they attain competence through more education for developing new ideas or imitating or acting on available ideas creatively. However, this is - as has been repeatedly mentioned - a necessary condition for economic development. The educational level of women also affects their role in the family the state of health of their children. Here it is meant that formal education, as well as informal education, is very important for women who might catch up on a basic education, for example in khalwa.

The essential point is that a reform of the education system must be initiated in Sudan at all costs because the education system in Sudan seems to have many problems and urgently needs reformation. Musa (1986) has found that the education system shows the following defects in Sudan and in a lot of Arabian countries:

Educational systems as essentially defined by former colonial administrations, expanded after independence without radical change in objectives, structures and content. Massive quantitative expansion led to lowering of standards and highly competitive formal academic education. There is also little attention to building character and qualities of organization, discipline, love of knowledge, enjoyment of work, appreciation of art and beauty, independence and initiative (Musa, 1986)

Musa criticises the social value systems as being reactionary or retrogressive, as well as deterministic and defensive (looking to the past for shelter) instead of being innovative and progressive and says that this social structure and its values and emphasis on obedience is reflected in the education system, which stresses submission and obedience as well as the adoption of other peoples' points of view without really being convinced. Hence, a reform of the education system to make its value systems more flexible and innovative is necessary. Therefore, it is agreed with him, that:

Social transformation should be achieved through socialization processes either by enhancing the efficacy of existing educational systems or reforming them (Ibid).

It is important that - according the policy concept of this study - a syllabus does include what the people want and need to learn in order to live in their society. The population could be motivated to accept and perceive the syllabus through the adaptation of the education system and the teaching contents in the schools to the environmental conditions and living conditions in Lower Atbara. To reiterate once more, the main thesis

of theoretical considerations that every strategy of initiating social change and also abolishing all kinds of discrimination of women has to first of all concentrate on the potential and the dynamism of the change within the respective community (An-Na'im, 1994).

Because the educational policy is a very important part of these policy recommendations, it is strongly recommended that the government and the international organizations should carry out many support programs in this area for development and collaboration. In every village, at least one elementary school should be set up and there should be a high school for girls in every village or in a group of neighbouring villages. At the same time, many clarification campaigns about the importance of education for girls and women should be carried out in Lower Atbara.

V.2 The alteration of the basic socio-economic conditions

For the conversion of the strategic thoughts of this paper for the lasting and wide-effective development in Lower Atbara, different programs and projects should be carried out in different areas and on different levels. During the awareness programs and the internal discourse, which has to be considered as a long-term process; direct strategies to change the basic socio-economic conditions in Lower Atbara must also take place. This could be a direct work of the state in collaboration with the international organizations. Some ideas can be developed from the following points:

- The promotion of specific women's and children's health programs such as women's-medical consultation, vaccination campaigns and courses about nutrition. This has to adapt the local condition in Lower Atbara till the awareness programmes could bring their results. For instance it is observed during the field research that there are problems with the health of children under five in the Lower Atbara area (Elnaiem 2001). The fact that children were not taken to the health centre for immunization was apparently due to cultural constraints -- while it is the responsibility of the women to look after the children, they do not have permission to leave the village. Suggested for example to have a travelling clinic to visit the people in their villages.
- The promotion of the traditional proven systems of the social security in Lower Atbara, which especially influence the living situation of women.
- The creation of better conditions for an active participation of women in decision making in their community through suitable structures and institutions on local and regional levels.
- The promotion of the subsistence-production and the development of suitable work-facilitating technology for women.
- The improvement of women's access to resources, markets and financial systems through suitable innovative and improved basic conditions at the macro, meso and micro level. The thought behind that is to let women have access to credit.

VI. Conclusions

The objective of this study is to analyze the impact of social institutions on the economic status of women in rural Sudan. It finds that in the selected area of Lower Atbara the Islam is by far the most important institutions determining the social structure of the society and regulating the day to day life. It concerns all areas of the society and determines its value system. The orders and prohibitions of Islam are internalized from birth onwards in every child. In particular, the structure of the family, the authority of men, the behaviour of women, women's position in the family and the society as well as their rights, marriage, separation and the right to care for children are all regulated by the Shari'a.

The social position of women and their rights in society in Lower Atbara are mainly determined by two important Shari'a principles: the principle qawama and the principle al-hijab in which the superiority (authority and guardianship) of men vis-à-vis women is legitimised. This statement of non-equal rights between men and women are than translated into various spheres that leads to a vast exclusion of women from economic opportunities. There are not allowed to move freely, inherit only half of the men's amount, have no custody over children, can not take decisions independently and have only limited access to resources like education, credit, information, etc.

The socio-economic problems in Lower Atbara and in Sudan in general cannot be solved unless there is change in the attitudes of the people towards women. To achieve this, a cultural transformation is required. This cannot be realized unless there is a long-term holistic policy to be taken in Lower Atbara. As the Islam has played such an important role in the institutional structures in Sudanese societies, and specifically in Lower Atbara, it has to be used as an important factor in every development policy for the area. If one succeeded in showing clearly that a worth of contents, which once had much meaning in Islam, could be revived, the religious conflicts with women participation in development could be reduced or even avoided. If Muslims were to be convinced that their religion, Islam, would not contradict the principle conception that all social groups (of women and men) should have the same rights and chances in everyday life, they would themselves be more ready, privately and publicly, to discuss the place of women, and also to expand the attention given to this principle in practice.

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Annexes

Annex 1: Sudan, Islamic law and Sudanese women.

A Brief Historical Setting of Islam in Sudan

Throughout history, Sudanese societies have been influenced and formed by religion. Although Christianity was introduced to Sudan in the sixth century A.D., and became the religion of three kingdoms (Nubia, Magarra, and Alwa) that survived for a thousand years, Islam took over as the main religion in most of the societies at the beginning of the sixteenth century. Islamization set a process of gradual decline in Christianity in northern Sudan in motion, culminating in the overthrow of the Christian kingdoms through an alliance of Arabs and the Muslim kingdom of Funj. In due course, Islam and Arabic gained hold in the North and overshadowed the indigenous and Christian cultures (Shugeir 1981).

In northern Sudan, Islam was later reinforced by every successive regime, from the Ottoman-Egyptian administration that invaded the country in 1821, to the Mahdist Islamic revolution that overthrew it in 1885, and even to the Anglo-Egyptian Condominium that ruled the country from 1898 until Sudanese independence in 1956 (Holt, 1973).

From the time of independence until May 1969, when Jaafar Nimeiri came to power, there had been one military regime and two democratic regimes. Nimeiri was the first president of Sudan who managed to unite it and from 1972 to 1983 and who was successful in stopping the war. However, in mid 1983, he re-divided the southern region into its three historic provinces which led to another war. By September, Nimeiri had proclaimed the Shari'a as the basis of the Sudanese legal system. Nimeiri's decrees, which became known as the September Laws, were bitterly resented both by secularized Muslims and by the predominantly non-Muslim southerners. The South had deteriorated so much that by the end of 1983 that a civil war broke out there. In early 1985, a general strike occurred that took him from power and a new democratic regime was established which lasted until 1989 when the current Islamic Fundamentalist regime came to power and worsened the economic and social situation (Holt and Daly, 2000).

Features of the Sudanese society

For many people, the first and most overwhelming impression of Sudan is its physical immensity and ethnic diversity, elements that have shaped its regional history throughout time. The country encompasses virtually every geographical feature, from the harsh deserts in the north to the rain forests rising on its southern borders. Sudan is defined by the boundaries which the European colonial powers determined at the end of the nineteenth century (Holt, 1970).

The Nile is the link that runs through Sudan, and influences the lives of Sudan's people, even though many of them farm and herd far from the Nile or its two main tributaries, the Blue Nile and the White Nile. Not only do nomads come to the river to water their herds and cultivators to drain off its waters for their fields, but the Nile facilitates trade,

administration, and urbanization. Consequently, the confluence of the Blue Nile and the White Nile became the administrative centre of a vast hinterland because the area commanded the river, its commerce, and its urban society. This location enabled the urban elites to control the scattered and often isolated population of the interior while enjoying access to the peoples of the outside world (Sellin, Tetzlaff, 1982).

Although linked by dependence on the Nile, Sudan's population is divided by ethnic, linguistic, and religious differences. It is made up of many societies that are completely different from one another with regards to language, culture, social institutions and attitudes. However, there is one very important and significant connection between many of these groups; religion. In much of the literature on Sudan, it is maintained that Sudan is divided into Muslim societies and non-Muslim societies (Holt and Daly 2000); some divide it into the northern Muslim area and the southern Pagan area (Trimingham 1949). It would seem that the division of Muslims and non-Muslims is more convincing since there are also non-Muslim groups in the North.

The largest single category among the Muslims consists of those speaking Arabic. Other Muslim groups are the Nubians in North Sudan, the Beja in East Sudan and various other groups in West Sudan. However, these groups share many social institutions that are rooted in the Islam and the Shari'a. For example, all of these societies follow a patriarchal system, where the man is the guardian of the family. The hierarchical structure of the household, the social relationships and networks, the awareness of honour and disgrace, the gender division of labour, the lower status of women, everything is influenced by the Arabic-Islamic culture (Trimingham 1949).

Islam and Islamic Law

Although the Sudanese people are not all Muslims, in the interest of this study this section examines Islam in Sudan. More than half Sudan's population (about 65%) is Muslim. Most Muslims live in the north, where they constitute 75 percent or more of the population. Data on Christians is less reliable; estimates range from 4 to 10 percent of the population. At least one-third of the Sudanese are still attached to the indigenous religions of their forebears. Most Christian Sudanese and adherents of local religious systems live in southern Sudan (Country Study & Guide, Sudan, 1991).

Sudanese Muslims are adherents of the Sunni branch of Islam, sometimes called orthodox, by far the larger of the two major branches; the other is the Shiaa, which is not represented in Sudan. Sunni Islam in Sudan is not marked by a uniform body of belief and practice, however. Some Muslims opposed aspects of Sunni orthodoxy, and rituals having a non-Islamic origin were widespread, being accepted as if they were integral to Islam, or sometimes being recognized as separate. Moreover, Sunni Islam in Sudan, as in much of Africa, has been characterized by the formation of religious orders or brotherhoods, each of which made special demands on its followers. Sunni Islam requires of the faithful five fundamental obligations that constitute the five pillars of Islam. The first pillar, the *shahada* or profession of faith is the affirmation "There is no god but God (Allah) and Muhammad is his prophet." It is the first step in becoming a Muslim and a significant part of prayer. The second obligation is prayer at five specified times of the day. The third enjoins almsgiving. The fourth requires fasting during daylight hours in the month of Ramadan. The fifth requires a pilgrimage to Mecca for those able to perform it,

to participate in the special rites that occur during the twelfth month of the lunar calendar (Trimingham, 1949).

Sunni Islam insists on observance of the Shari'a, which governs not only religious activity narrowly conceived but also daily personal and social relationships. It includes a universal system of law and ethics and declares to regulate every aspect of Muslims public and private life. The power of Shari'a to regulate the behaviour of Muslims derives from its legal norms. In principle, the Shari'a stems from four sources: the Qur'an, Sunna (traditions of the Prophet), *ijma* (consensus), and *qiyas* (analogy), the last two commonly translated as consensus and reasoning by analogy, respectively. *Ijtihad* (independent juristic reasoning), which is sometimes mentioned as a source of Shari'a in records of early traditions, will be considered further in the next section. The logic of Shari'a as a religious legal System clearly indicates that it is to be derived; first, from direct divine revelation, the Qur'an; second, from the traditions or Sunna of the Prophet, who received that revelation; and finally from the "reliable" and "guided" action of the individual persons and the community who have lived in accordance with that revelation and tradition. Although *ijma* and *qiyas* are not expressly mentioned in the Qur'an or Sunna as sources of Shari'a, the development of these concepts as sources of Shari'a was the product of an expressly sanctioned source, the *ijtihad* of the founding jurists of the second and third centuries of Islam (Dilger, 1993).

Islam made its deepest and longest lasting impact in Sudan through the activity of the Islamic religious brotherhoods or orders. These orders emerged in the Middle East and North Africa in the twelfth century in connection with the development of Sufism, a mystical current reacting to the strongly legalistic orientation of orthodox Islam. As mentioned in the historical section above, the orders first came to Sudan in the sixteenth century and became significant in the eighteenth. Sufism seeks for its adherents a closer personal relationship with God through special spiritual disciplines and meditations (Holt, 1973). The exercises (*dhikr*) include reciting prayers and passages of the Qur'an and repeating the names, or attributes, of God while performing physical movements according to the formula established by the founder of the particular order. Singing and dancing may be introduced. The outcome of an exercise, which lasts much longer than the usual daily prayer, is often a state of ecstatic abandon (Trimingham, 1946). The basis for the formation of particular orders is a mystical or devotional way, each of which is also called a *tariqa* (singular: *tariqa*; plural: *turuq*). The specialists in religious law and learning initially looked askance at Sufism and the Sufi orders, but the leaders of Sufi orders in Sudan have won acceptance by acknowledging the significance of the Shari'a and not claiming that Sufism replaces it. The oldest and most widespread of the *turuq* is the Qadiriyyah founded by Abd al Qadir al Jilani in Baghdad in the twelfth century and introduced into Sudan in the sixteenth.

A movement that spread widely in Sudan in the 1960s, responding to the efforts to secularize Islamic society, was the Muslim Brotherhood (Al Ikhwan al Muslimin), founded by Hasan al Banna in Egypt in the 1920s. Originally it was conceived as a religious revivalist movement that sought to return to the fundamentals of Islam in a way that would be compatible with the technological innovations introduced from the West. Disciplined, highly motivated, and well financed, the Muslim Brotherhood, known as the Brotherhood, became a powerful political force during the 1970s and 1980s, although it

represented only a small minority of Sudanese. In the government that was formed in June 1989, following a bloodless coup d'état, the Brotherhood exerted influence through its political expression, the National Islamic Front (NIF) party, which included several cabinet members among its disciples (El-Battahani, 1995).

Annex 2: Two illustrations of the condition's of girls in Lower Atbara – results of the field survey

Miriam

Miriam is a girl of about 17 years old. She comes from the village, Girsi. She is unmarried and illiterate. She is a lively and intelligent girl and gave her opinion openly.

Childhood

My father is a half-nomad. He owns camels, cows, sheep and goats, but not so many. But he also has a field which he cultivates. We live from the farmlands and from the sale of our livestock and craft products. We grow millet, wheat, cucumbers, onions, okra, tomatoes and water melons. My mother helps my father, especially with the harvest and the weeding. The women of our village are only allowed to work in the fields if they are married and older than 40. We unmarried young women are not allowed to work outside the house, so instead we do housework and crafts. We make carpets, bags and baskets. I have four sisters and three brothers.

I had to start to help my mother in the household at a very early age. Until I was ten years old, I was also allowed to help with the farming, especially with the harvest and with the weeding. I was allowed to help my brothers and the neighbours' children to look after the small animals like sheep and goats near the village. But when I turned twelve, I was not allowed to do many things anymore. I was not allowed to look after the animals. I was not even allowed to leave the house, even if I went to neighbours' houses, only with permission and in company. We are not allowed to go to the towns, Ed Damer or Atbara. My father and my brothers buy us the raw materials for the craft production. They also sell the products to the traders in Ed Damer. They buy us everything that one needs in the towns, like clothes and food. I have only seen Atbara twice in my life, once when my mother was ill and had to stay in hospital, and once when I was also very seriously ill and had to be treated in the hospital.

Education:

In our village nobody even thinks about girls going to school, at least, it was that way when I was still a child. There was also no elementary school in our village. We were not allowed to go to the neighbouring villages and go to the school there. My brothers have been to elementary school and one of them went to boarding school in Ed Damer and graduated from there, but he has not been to university.

Are there women in Girsi who have been to school or women who work in public?

Of my age there are only two girls who have been to elementary school. They are sisters. Their father let them go to school in the neighbouring village together with their brothers. But since the school was founded here in the village there have been many girls who go to elementary school.

A woman is under no circumstances allowed to work in public. Once, the people from the UNDP project wanted to train women from every village to be midwives in Atbara. In our village every father said: We're not letting any women drive to Atbara, this would bring such disgrace to us because the teachers are mostly men in the midwifery school. In addition, any woman who goes there must stay in a boarding school for three months. We still have no midwife in the village. If we need a baby to be delivered, we call a midwife from the Atbara area, which is far away.

Marriage

I am not married yet. The girls here usually get married from the age of 15. In my case there were two men who asked my father for permission to marry me. But my father did not want either of them and I'm still waiting for some luck.

Are you allowed to choose your husband?

No, my father selects the husband for me. I know that my father is searching for a good man for me.

Fatima

Fatima is a married woman. She gives her age as 40 years old, however, looks much older. She has grown up in a very poor family.

Childhood

I had a very strenuous childhood. My father had next to no land. He only had one very small infertile field, and every year we had an insufficient harvest, neither enough to sell, nor enough for our survival. I and my four brothers and five sisters suffered very much during our childhood. Although we had help from our relatives, my brothers had to search for work from childhood so that they could help my father a little bit. We are all illiterate.

At the age of fourteen I was married to a relative who was about sixty years old. He was already married and had eight children. I had four children by him. At the beginning I lived very well with him. He was a well-off man. He had a lot of land and also a store. But now he is very old. His children from the other woman have never liked me and my children. Now they manage the whole land and have sold the store. In particular the oldest son gives me and my children nothing at all of the harvest. He has become very rich and has a lorry.

Now I have to work a lot so that I can feed my children. They are still small and cannot help me a lot. The oldest child is a girl and she is ten years old and the smallest one is four years old. I have two sons and two daughters.

What do you do for work?

On top of my craft work I work as a trader. I buy food, dishes and clothes from big traders and sell the things to the people in the village.

Do you have a problem with working as a trader?

Not here in the village, I am already a married woman and have many children. Here the people buy from me to support me. They know that I have to feed my children alone. The

only problem is that all wholesalers are men and as I am a woman I cannot negotiate with them easily. However, I have a relative who plays this role for me. He buys the products for me and helps me to transport the products from Ed Damer to Albasli.

Education

I was illiterate until recently but now I can read and write. I go to Khalwa (The Qur'an school) every day and learn the Qur'an. Hence, I can read and write.

Children and education

I provide for my children as well I can. Three of my children go to school. I will provide for them to at least finish elementary school. But the school fees are sometimes a lot for me. Sometimes I think of taking the oldest girl out of school, she can also help me with the craft work but I'm going to let her finish elementary school as I said I would. Boarding school is too expensive for me to send all the children there. If I cannot manage this, I will only be able to send my sons. I want my sons to find good jobs so that they can provide well for me when I am old. For that they need a good education. And I want my daughters to find good husbands.

What do you think of equality between men and women?

There is no equality between men and women. Men have their place in the life, and women have theirs. This is how God made it, and that's why it's right. I also believe that men should have more freedom than women because it has to be that way. But some men are using that for their own interests and I do not find this good. There are not so many of these men in our society. Most men have a lot of respect for women. This is how it should be and thus it's stated in the Qur'an. Women should not have the same rights as men because this would be against religion and against the traditions of our society.

Religion and the position of the woman

I am a Muslim and I think that Islam is the only and the best religion. I follow the Islamic rules of the Qur'an and Khadith strictly. In Islam, women are respected. The position of the woman in Islam is fair. Islam brings many advantages to women and when it comes to conflicts the laws give many rights to women.