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Sexual Violence in Muslim Communities

Towards Awareness
and Accountability



Edited by Samah Choudhury and Juliane Hammer

Foreword by Kecia Ali

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**“Kindergeld is My Blood; My Blood Cannot Be Violated”:
West African Muslim Women’s Experiences of Sexual Abuse in Germany**

Fulera Issaka-Toure

Abstract

In this chapter, I connect notions of agency to explore how West African Muslim women in Germany engage and challenge Muslim patriarchal norms in their marriages. Because the Islamic concept of *nikah* (marriage) is intricately linked to sex, Muslim women’s experiences of sexual abuse are often also connected to their marriages. The title of this chapter emerged from a West African Muslim woman in a German town while narrating her challenges of sexual abuse by her ex-husband. *Kindergeld* is a system of financial support for the parents of all children under the age of eighteen whose parents have legal status in Germany. Depending on the number of children, parents receive a significant amount of money. Based on ethnographic fieldwork with West African Muslim women in Germany, I argue that implicitly forcing women to stay married and having children in order to collect the *Kindergeld* constitutes a form of sexual violence. This chapter thus contributes to our understanding of West African Muslim women’s experiences of sexual abuse through the conflicts and contestations over *Kindergeld*.

Introduction

Kindergeld - child support money from the federal government - is a common point of reference regarding childcare in Germany, irrespective of one’s country of origin or whether one is a citizen or not. All parents with at least a residence permit are entitled to *Kindergeld* until a child reaches the age of eighteen. I got firsthand information about *Kindergeld* in 2013 when I had a DAAD (German Research Foundation) scholarship to study for my PhD in Germany. As a mother, it was part of my scholarship package as long as I lived with a child/ren in Germany. Having spent about a decade in Germany at the time of writing, I have heard several stories from West African friends and acquaintances in different German cities about some West African women who do not want to work, so they fully depend on the benevolence of the state because of such offers; and some men also use such opportunity for reduced taxes by having more children and making extra cash through them. However, I did not fully recognize the importance of *Kindergeld* until I embarked on this research in the year 2021.

In this chapter, I connect notions of agency to explore how West African Muslim women in Germany engage and challenge Muslim patriarchal norms in their marriages.

Because the Islamic concept of *nikah*¹ (marriage) is intricately linked to sex, Muslim women's experiences of sexual abuse are often also connected to their marriages. More specifically, I examine West African Muslim women's engagements with norms of patriarchy in the diasporic space of Germany.

West African Muslims in Germany are a minority within a minority, and Muslims in Germany comprise seven percent of the population (Pfündel, Stichs and Tanis 2020). This chapter contributes to scholarship on Islam and Muslims in Germany by moving beyond a research bias on what has become known as "Turkish Islam" which, for specific historical, economic and other reasons, has a special place in the study of Islam and Muslims in Germany. However, this bias erases the differences and nuances of Muslim life and experience in Germany. This chapter is part of empirical studies on Muslims in Germany that not only pay specific attention to gender but also its entanglement with the question of race and the specific experiences of African Muslim migrants (Johnson 2006; Atacan 1999; Kulinna 2008; Sokefeld 2008; Preckel 2008).

Conceptually, the chapter highlights the empirical explication of agency in Muslim women's engagement with sexual abuse. Amartya Sen, a leading social theorist, defines an agent as "someone who acts and brings about change, and whose achievements can be judged in terms of her own values and objectives, whether or not we assess them in terms of some external criteria as well" (Sen 1999, 18–19). Not every person can exercise agency: children, sick people or very old people, for example, cannot. Other people's agency, driven by pursuits and choices, is connected to what Sen calls "agency freedom" and "net gain" (Sen 1985, 206). Sen further makes a distinction between well-being and agency, arguing "each person's advantage commands attention and respect in moral accounting" (Sen 1985, 207–8), and this cannot be subsumed by their agency. For Sen, the inequalities of society can motivate individuals to use their agency in search of freedom and justice even if they are not its direct beneficiaries. The act of choice is particularly vital for agents because there is a set of contextual norms that render choices meaningful to the agent. At the same time, this widens the manner in which agents make their choices beyond their immediate situational context.

As a feminist scholar, I use personal narration as a site of knowledge production. The chapter relies on formal and informal conversations with Muslim women and men because their personal narratives allow them to express their realities, making them the agenda setters without the researcher doing that for them (Baderoon, Hoel, and Shaikh 2013). I carried out nine months of field research in seven states of the Federal Republic of Germany from 2021 to 2022. I engaged fifty-two West African Muslim women as well as sixty-eight West African Muslim men. This included imams and other Islamic religious authorities.

In what follows, I link my discussion of sexual violence in Islamic texts and their interpretation to the lived experiences of West African Muslim women. I chose to tell one particular story that affected me very much during my fieldwork to demonstrate the broader dynamics of sexual abuse in Muslim marriages around childbearing and *Kindergeld*. In the conclusion, I also offer a reflection on the question of agency that links the empirical materials and personal narratives back to the introduction.

¹ For further discussion on Muslim marriages being hinged on sex, see Ali 2006, 2010; Hoel 2012.

Sexual Violence and Muslim Texts

Some classical legal texts of the early Islamic period espoused gender-based violence to such a degree that there are a few exegetes who write unapologetically about wife abuse (Shaikh 2007, 72-73). Muslim feminist scholars have argued that many classical exegetes have distanced the Quran and hadith from violence against women - wives, to be precise — despite Quran 4:34 as well as a number of contentious hadiths (Shaikh 2007; Mir-Hosseini 2000; Ali 2006; Mernissi 1991; Mir-Hosseini et al. 2015). Islamic religious authority tends to elevate three sources: the Quran, the hadith, and the sharia.¹ The ulama are the interpreters and producers of “the sharia” as well as “the custodians of tradition” (Zaman 2002, 10). They continue to be relevant to believers today (Zaman 2002, 2006; Mir-Hosseini 2000). The predominantly male ulama have continued the patriarchal legacy of “the sharia,” which constitutes a challenge not only to Muslim feminists but also to Muslim majority nation states and to Muslim apologists. Some modern Muslim majority countries, including Tunisia and Morocco, have sought to address the tension between patriarchal Islamic laws on one hand and human rights and the equality of citizens on the other through legal reforms. This has resulted in some Muslim states outlawing polygamy and triple repudiation, but it has also led to Muslim apologists insisting on a distinction between Islam and Muslim traditions (Issaka-Toure 2022; Ennaji et.al. 2016; Salime 2011; Khan 1998, Grami 2008).

Islamic feminists have predominantly argued that gender inequality, including wife abuse in Muslim societies, is multifaceted because of the inherent tension in the Quran and hadith texts. Others have opined that Islam itself is a social movement geared toward reform. What matters, they say, is the interpretation of these texts, as human agency brings life to the text which do not themselves speak (Wadud 2006; Ali 2006; Brown 2014; Jeenah 2008). Others have argued for a position which speaks to the ethics of not violating and harming others (Silvers 2006; Abou El Fadl 2001). Here, one can clearly see that exegesis, production of sharia, and the religious texts themselves are forms of religious mediation with patriarchy. In religious mediation, Muslim men and women have forms of agency. Agency thus plays a significant role in the study of Muslims because of how Muslims agentially make meaning of religious texts.

In much of the available scholarship on women and gender in Islam, it is vital to recognize and contextualize the stereotypical images that are often invoked because “gender issues have been pivotal in the construction of Otherness between ‘Islam’ and the ‘West’” (Nieuwkerk 2006, 1). In studying gender and Islam in Europe, questions of identity, religious/cultural transmission, integration, and the head scarf are marked by the intersection of race and gender, and Germany is no exception (Curtis IV 2015; Bendixsen 2013; Hermansen 2006).

This particular approach to understanding agency in the study of Muslims is vital for how it appears at the most personal level in the community. The majority of the participants in my study are low-income earners who engage in unskilled work. Before I delve into the life experiences of one woman and her experience with sexual abuse, I acknowledge again that this research demography is marked by race. Coming from West Africa invokes black skin colour. Although the participants of my study were distinguished by country of origin, colonial histories, ethnicities, and gender, the issue of race bound them together and became the basis of black community formation in German cities.

Sexual Abuse, *Kindergeld*, and Lived Muslim Reality

It was during my fieldwork in 2021-22 that the details and experiences regarding *Kindergeld* in Muslim marriages came to the fore as a site of contestation and conflicts. First, there is tension emanating from my discussions on *Kindergeld* from both male and female respondents in the seven federal states of Germany covered in this research. Some of the men I had group discussion with saw *Kindergeld* as a small sum that has to be given to mothers for the upkeep of children as it is women who generally take on childcare. In this case, the money is deposited into the mother's account until the child turns eighteen. This was corroborated by some Muslim women as well. On the other end of the spectrum, tension arises because some male respondents perceived it as the sole right of the husband to receive *Kindergeld* payments. Some men were of the view that there are women who misuse these funds on frivolous things, so it is not appropriate for such women to be given the money. A lot of the women also accuse men of using the money to construct houses back in their country of origin so they may marry other women to keep in those houses, thereby starving the women whose "blood"² was conveyed to the children. Apart from these opinions and experiences, *Kindergeld* is also a great source of tension because the majority of wives came to Germany to join their husbands, meaning if not for their husbands, these women would not even be in Germany. Therefore, in some of these cases, wives are not even informed about *Kindergeld* by their husbands. When women come to know about it through other means, additional tensions arise.

Below is a personal narration of a respondent I call Alheri. Her experience is only one among many that give details regarding how *Kindergeld* has become a source of sexual abuse among West African Muslim women. Alheri and ex-husband came from two different West African countries. I name the countries with the letters A and B. She said:

My husband is fourteen years older than me. He met me through his sisters in [country A]. We are both from the same ethnic group, but he is from [country B].³ The sisters introduced me to him [while he was living in Germany], and within a short period of time, we got married in the Islamic way. He never wanted me to stay at home [in country A] while he stays in Germany, so as soon as the Islamic marriage was done, we did document marriage [legal marriage] so that I could join him in Germany. With this document, he started the [immigration] process, and I had to go to the Goethe Institute in [country A] and get the required German language course for family reunion. After all these processes, I was granted the family reunion visa, and I entered Germany in the year 2009. Even before I came, he already had three children with a [white] German woman, two boys and a girl. Though he was divorced from the white woman, we were all together as one big family. She was a nice person, and she treated me so well. Her children would come and stay for a few days once in a while, and when I started having my children,

² I am using blood here in a metaphorical sense, as representing women's reproductive processes.

³ It is not uncommon to have a specific ethnic group split in different West African countries, whether Anglophone or Francophone. Movement of people for various reasons, including trade and Islamic learning, have existed in precolonial West Africa. However, it took a different turn with partition of the continent by the colonisers. Some colonial laws made people move to other West African countries yet with a claim to belong to a village or town which is in another country of West Africa. As such, both ethnic groups and families are divided by citizenship of the post-colonial states created by the colonialist.

they, too, could visit her. When I came [to Germany], I didn't know anything about the system, and so things were new. At the same time, the issue of integration is a big one for the Germans. For them, when you enter [Germany], you have to integrate, so I had to go back to school again for several months because, just as any other migrant, one has to get the B1 in order to know what to do [careerwise] afterwards.

In the process, I got pregnant, and because I was just 21 and without any experience of pregnancy and childbirth, and I was also alone, things were hard for me. As a result, I had to drop out for a while until after giving birth, and the child is grown a bit to go to the Kita [daycare/crèche]. Then, after my childbirth through CS [cesarean section], I got pregnant again before my child was one year. Then I had to go back to the language school to prolong my stay at home and take care of the children. Even when I gave birth, I felt so lonely at the hospital because my husband has to work the whole day and do all the necessary documentation and submit to the various state institutions. After all these feelings of loneliness and strangeness in a foreign land, my home was not at peace. My husband did not give me any attention. He goes to work the whole day, and when he is back home, he would sit in front of his computer again. When I want to sit and talk to him like a wife, he would ask me whether I am his age mate. Then I withdrew from him.

At this point I have had two children and gone back to school. In school there was a day we should all contribute two Euros each toward something, then I told the teacher I did not have money. She was alarmed and asked how this should happen [the teacher quizzed], I told her I don't work and do not have any source of income. Then she asked what about your Kindergeld [children's support money], then I started crying. I told her I don't know anything about it, and neither do I get anything. It was this instance that opened my eyes to such and that everything is in my husband's name. Sister [referring to me], things were not easy. When I came [to Germany] fresh, we were using landlines, but my husband cautioned me never to answer a call from Africa. I can sit down and the telephone will ring several times, and I cannot answer. Sometimes, callers have to speak to the voice mail and introduce themselves before I can respond to the urgency of the call and answer. I was just following my husband's dictates. If a man brings you [to abroad] and he exhibits these signs, then he has his mentality on something: don't answer calls from Africa, he goes to the supermarket buys grocery for you, cautions you about how to manage food because you have to remember that you are in a foreign land and a day will come when you will go back home, he goes to get second-hand clothes for you and the kids, he only cares about Kindergeld and Elterngeld [parental support money] as well as hides his bank pin when you are together, he covers the ATM machine or teller machine with his back, it means he has his mind set on something.

Shortly after completing my school [language school] and enrolling in Altenpflegeschule [nursing school specialized in giving care to old people] he informed me he wanted to visit home [country B]. Then he left for home [country B]. Before he got back [from country B], I was informed he had married a second wife. Meanwhile, his friend informed me that I should be careful of my mobile phone conversation because my husband has tapped into my phone. I was not bothered because I was not cheating on him. While all these abuses were happening, I was informing my father that the condition of the marriage is not good. You see [referring to me], my shock was why he hid all the money he was getting because of me from me and even denying me what I want to eat. I and my children will eat what he buys because I could not go to the

market since I don't have money. Meanwhile, we were married on paper [a state recognized marriage]. The white people [Germans] would not do this. If they say marriage; it means you should have access to all things that belong to the family, why is ours not like that?

When I asked him about his marriage, he denied initially and later gave me stories about who visited him when he went home [country B] and how it ended in marriage. Then I told him that all women are not the same; we [women] are different in nature. Then, after a while, he told me that we have to move back to Africa and resettle. I said I will not go for you to starve me and my children to death. Here [in Germany], even if I don't work, I will not go hungry. Then I told him that I will not continue with the marriage because I cannot share a man. That is why the Prophet asked Ali [the Prophet's son-law] not to marry an additional wife to Fatima [Prophet's daughter] because the Prophet knows that anything that affects Fatima will affect him [the Prophet], and truly, Ali didn't have an additional wife until Fatima died. In one of the hot exchanges between me and him, he snatched my mobile phone from me, and when I wanted to collect it back, I got cut on my palm caused by the phone screen. Then I called the police, and he was asked to vacate the home until after some time. One day, I was out with the kids, and as soon as I got back, the police just budged into me and sought for him all over without finding him. Not knowing, a neighbor saw him entering and called the police, but by the time I came in, he had left. The police told me that they are doing this to protect me and the children.

In all this heat, I went home [country A], and as I told you from the beginning, we come from different homes [families]. Where I come from, I cannot do certain things. My father is a big Ahlusunnah [salafi] Alfa [alim] who kept asking me to be patient with my husband, so when I went home [country A], we sat together with the religious leaders [ulama], and they asked what I wanted. I said they should end the marriage. Then they ended my marriage. Even before going home [country A], we have had some deliberations with uncles [religious leaders] here in Germany, but at one point, I realized they have taken sides with him [her husband], so I chose the home [country A] option. During the heat of the marriage, one of my father's Alfa [alim] colleagues and a friend came to Germany and used the opportunity to intervene. I narrated all that has happened, including all the starvation while there was Kindergeld. The Alfa [alim] [jokingly] said, 'I will cane you for allowing him [her husband] to use all your money and starve you in addition.'

After the divorce through the Alfas [ulama] at home [country A], they [the ulama] said that since I was the one divorcing, I should return his sadaki [bride wealth]. Meanwhile, he was invited to come for the sitting, and he wrote back and said he would not respond to any summons. Then I told them [the ulama] I will not return any sadaki until he does this. He has acquired five sets of trucks to establish a transport business in [country B], among other valuables. If he agrees to share that money he has acquired through my blood and caesarean sections and give me my portion, then I will take his sadaki out of my portion and return to him. I made my way back to Germany. I told him that he will not enjoy that wealth he has accumulated through my blood and labor. He has harvested the cocoa in abundance, but he will not enjoy its benefits. Then he had a [car] accident in the other [country B] where he has his business and his new family. Two people were killed [in that fatal accident]. Then heey [a form of exclamation] people started talking that it was the curse of his first [Alheri] wife that is following him. So, that is all about the sadaki. When I came back to Germany, I went to court to end the marriage after one year of separation without his consent; and of course, all documents

regarding Kindergeld and Elterngeld were changed into my name given that the state [the police] has witnessed the abuses. Then I remarried another person. After some time, I wanted to get my belongings from his family home, where I lived briefly before joining my ex-husband in Germany. He refused and said he was still married to me because it is only a Muslim man who can divorce his wife.

This personal narrative of Alheri highlights some critical issues for reflection, especially in how patriarchy surrounded the entire marriage period. The hierarchical norms of patriarchy have negatively impacted the marital relationship, and the context in Germany played a significant role. The German state offered financial assistance to the parents to support their children. However, this was used for other purposes due to patriarchal norms, which pervaded their union. The role of patriarchy in all such abuses is also evident in the ulama's responses. They appeared as custodians of the Islamic tradition and, in that capacity, upheld patriarchy by limiting the woman's agency. The first set of ulama in Germany did not give room to understanding the perspective of the woman, while the other ulama in country A gave room to the woman's perspective but still returned to a patriarchal conclusion. This is clearly demonstrated in the issue of returning the bride's wealth as well as her contestations over such a verdict. Patriarchy also appeared in the husband's rejection of the divorce verdict issued by the ulama in country A.

The contestation over *sadaki* is one that vehemently challenges patriarchal norms. In this particular instance, returning *sadaki* was linked to patriarchy because there was no refusal but a condition. Again, the rejection of the ulama's divorce verdict brings to the fore contestations over the question of divorce process in Islamic legal text that abound in Muslim societies till today. This is what I have termed "I divorced him, but he said he has not divorced me," highlighting the gendered perspectives of divorce in Accra, Ghana (Issaka-Toure 2022). All the abuses in this personal narrative are connected to female sexual exploitation, a form of abuse, even though they appear economic in nature. Alheri's repeated references to her blood and her body, and how they were given to her children during pregnancy and childbirth, indicate that she herself experienced her husband's treatment of her as sexual violence. Because she was brought to Germany and married for the purpose of having sex and birthing children (painfully and with health complications), whose existence put state remuneration funds into the pockets of the husband, it stands to reason that this was a form of sexual abuse. However, we also see Alheri's mediation of hadith, which is a specific engagement with one of the core Islamic texts that reflects feminists' readings and praxis and that demonstrates her agency and her resistance to the sexual abuse. This one story powerfully exposes the different dimensions of the tension that arise regarding *Kindergeld*, especially in connection with polygamy and power relations in West African Muslim communities and families in Germany.

Conclusion: A Reflection on Agency in the Study of Muslims

At the center of this chapter is a West African Muslim woman in a German town who narrates her challenges of sexual abuse by her ex-husband. The narrative demonstrates the central role of the woman as an agent. In the way Alheri uses blood as a metaphor, there is a clear demonstration of the manner in which agency is understood through the individual's

engagement with society, clearly responding to prevailing social inequality. The metaphor of blood, therefore, is a symbolic representation of a human being who abhors violence. The agency exercised by the individual had an established motive: to avoid violence. The perspective on *sadaki*, polygamy, and male authority reflect the limitations placed on female autonomy. The ulama are also discussed in this chapter as interpreters and custodians of Muslim tradition, and this role gives them additional agency between tradition, social change, and the needs of the individual they counseled. Thus, the ways in which the ulama deploy their agency is what maintains their relevance in the lives of Muslims. However, the freedom of choice in exercising agency cannot always result in achieving one's goals. This is clearly evident in Alheri's experience, where the state (through its institutions), the ulama, neighbors, and friends all exercised their individual agency to help her realize the goal of freedom from her marriage through divorce. The chapter links to and supports existing scholarship, and it argues for the centrality of human beings in making religious meaning. If religious meaning making and interpretations are indeed dynamic, then the Islamic tradition is not static. Regarding religion as media, the narrative provided highlights how Alheri's decisions were mediated by the three traditional (and textual) sources of Muslim authority. There was still a vehement contestation from others about how to interpret those sources in relation to Islamic marital norms. Alheri's mediation is a contestation to dominant Islamic narratives of patriarchy, reflecting a shift in marital mores and regulations and issuing a challenge to predicating Muslim marriage on sex and reproduction.

Fulera Issaka-Toure is a Senior Lecturer in the Department for the Study of Religions, University of Ghana, Legon, and also a Research Assistant in the Department of Islamic Studies at the University of Bayreuth in Germany. She has previously carried out field research in Ghana on Muslim family law in the context of the postcolonial state. Currently, she is working on Islamic practices, transnationalism, and gender among West African Muslims in Germany.

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