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Please give me my divorce: an ethnography of Muslim women and the law in Senegal

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INTRODUCTION

In this chapter, I analyse the roles and relations of neighbourhood chiefs, imams, and judges, with a view to marital disputes and divorce. Zooming out from the perspective of women *per se*, this chapter takes a contextual approach and focuses on authorities. As preceding chapters have made clear, neighbourhood chiefs, imams, and judges are sometimes solicited in cases of marital dispute and divorce. To ask their help is an option people *may* avail of. What does it mean that these actors and institutions are situated in the same field, yet represent different social institutions and at times different sets of norms? What are their interrelations?

The legal anthropologists von Benda-Beckmann (1981) and Collier (1973) explore similar issues, although in radically different contexts. Von Benda-Beckmann speaks of customary leaders and local administrative authorities as ‘shopping’ for disputes: they select disputes they expect their involvement in will bring political advantage, and they fend off disputes they fear may compromise their interests (von Benda-Beckmann 1981, 117). Her work reveals the competition between different authorities involved in one and the same dispute, whom she portrays as voicing criticism of the other’s ways of doing. In Zinacantan, Mexico, competition in dispute handling sets up indigenous authorities against the encroaching Mexican state. Collier suggests that indigenous authorities have taken on a number of state legal norms to maintain their popularity and authority vis-à-vis the nearest state court: ‘the set of relevant norms at the local levels has shifted to include what Zinacantecos know of the Mexican law as litigants become more willing to appeal to San Cristobal [location of the state court]’ (Collier 1973, 72).

Somewhat in contrast to Collier and von Benda-Beckmann, in this chapter I do not explain the configuration of ‘competing’ dispute handling authorities by highlighting their interests and strategies only, but also note a shared concern with harmony and the multiple and overlapping attachments of these authorities. This approach builds on the political work by Villalón and Hill. While they did not study the local involvement of religious and state authorities and their interrelations in matters of the family in Senegal, both studied the political relations between the local Senegalese state and religious authorities (Hill 2013; Villalón 1995). Villalón’s monograph examines in detail the political relations between Sufi leadership and state officials

in the town of Fatick. He argues that Sufi orders are a source of stability and function as religiously-based civil society that transmits the voice of the people. Perhaps most crucial, his analysis insists on the rivalry *and* cooperation between the Senegalese state and Sufi orders. By contrast, Hill focuses squarely on religious governance. Yet he too shows that there is both competition and collaboration between Sufi leaders and the state. Taalibe Baay (followers of the Sufi leader Shaykh Ibrahim Niasse) communities in villages and towns near Kaolack are both sovereign, ‘yet simultaneously participate in Senegal’s formally secular nation-state’, and the cases Hill presents reflect a ‘pragmatic pluralism’ – a negotiated co-existence where multiple and conflicting claims to authority are not subordinated to one another, but rather accommodated (Hill 2013, 116).

This chapter then considers how semi-state, religious, and state authorities at the local level position themselves vis-à-vis one another when they deal with marital dispute and divorce and how this may be explained.¹ I show that, despite contention at the national level, at the local level of Tivaouane, semi-state, religious, and state authorities acknowledge each other’s roles in the management of marital disputes and divorce. At times, they also refer cases to each other or cooperate, even if they work on the basis of competing claims to authority. Consequently – building on the work of Hill – I suggest that their configuration is best described as a ‘pragmatic pluralism’ of negotiated co-existence and cooperation.² This arrangement results both from a principal concern for harmony and social peace and from the overlapping and shared attachments of local authorities and their constituents, who are all Muslims, Senegalese citizens, and inhabitants of Tivaouane. This also means that authorities who can negotiate different norms, or even cooperate with other authorities, are attractive options to women and men in the midst of divorce processes, as we shall see later in this chapter.

First, I introduce the *chef de quartier*, imam, religious scholar, and judge. Second, I discuss my ethnographic material on the attitudes these local authorities in Tivaouane hold vis-à-vis one another, as well as their practices. Following this, I reflect on the circumstances that explain their

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- 1 The distinction between national and local has an important analytical function, but of course in practice these levels overlap. On the whole, the office of local-level authorities is best characterized by their frequent interaction with the Senegalese population. The messages and actions of national-level authorities usually have a countrywide reach and are often mediatized. They interact with each other but, as authorities, they do not usually stand in direct contact with the population (see Burrill 2015, 5; Villalón 1995, 5).
 - 2 Hill (2013) uses the term to describe a situation where Taalibe Bay ‘creatively draw on religious discourses’ about the opposition between the visible (*zâhir*) and the hidden (*bâtîn*), ‘to accommodate multiple imperatives, competing interests, and authoritative institutions and discourses’ (116). He also draws on the term to argue that monistic assumptions that Muslims are either in the first place citizens (liberal pluralism) or ‘engage in projects to Islamize the nation-state’ are incorrect (116).

configuration. In the conclusion, I reflect on the differences between the social processes that take place at the local level and national contention on the topic of family law.

LOCAL-LEVEL AUTHORITIES IN TIVAOUANE: A SKETCH

In Tivaouane the resolution of marriage and divorce disputes takes place in a heterogeneous field. In Chapter 4 we saw how family members play a central role. In some disputes, neighbourhood notables, religious authorities, the House of Justice, and the court may also become involved.

In this chapter I focus mainly on three types of authorities: neighbourhood chiefs, as the most prominent neighbourhood notables; neighbourhood imams; and judges. Family members and the House of Justice also feature in the ethnographic material of this chapter, and I return to them in the conclusion. I concentrate primarily on neighbourhood chiefs, imams, religious scholars, and judges – and the way they understand and play their roles in marital dispute and divorce – for several reasons. First, this allows for an analysis of the role of different neighbourhood notables to whom so far I have paid only limited attention. Perhaps more important, this selection enables me to analyse local state-Islam relations. Arguably, neighbourhood chiefs, imams and religious scholars, and the court represent, respectively, the semi-state, religion, and the state in resolving marriage and divorce disputes locally. They all lay claim to competence in marital problem solving.

Neighbourhood chiefs may be characterized as semi-state or intermediary; this is how they see themselves and how they are seen by their constituents. The function of neighbourhood chief dates back to the colonial period and was originally created by the French to both short-circuit customary authorities and create a counterweight to them. Currently, a neighbourhood chief stands between the community or neighbourhood and the municipality, between society and the state, and between informal and formal – even if, officially, they are supposed to function as an auxiliary to the mayor. Neighbourhood chiefs are appointed by and – at least in theory – receive a regular salary from the municipality (Décret N° 1986-761; Fedior 2018),³ but they also derive legitimacy and power in their neighbourhoods from their proximity to their constituents. Neighbourhood chiefs come from and are part of the community they serve. They present themselves as distinct from the state, which they portray as distant, removed, but in control, echoing observations by Lund on what he terms ‘twilight institutions’ (Lund 2006,

3 Décret N° 1986-761 du juin 1986 Fixant Le Statut Des Délégués De Quartier Dans Les Communes Du Sénégal.

688). At the same time, they are part of that very same state – although in Tivaouane there are also a large number of neighbourhood chiefs who have not (yet) been officially appointed because their neighbourhoods are not (yet) officially recognized.⁴

While appointed by the municipality, the neighbourhood chief, who tends to be male, is selected by the population. Neighbourhood notables in particular have an important role in this process (Tall 1998); the municipality may also push particular candidates. Voting is rare, and, if it does happen, votes are generally limited to the heads of households (Tall 1998, 6). Local standing and network are important criteria; lineage may also be a factor in the selection process. The tasks of the neighbourhood chief are wide-ranging and, in practice, include the administration of land sales, the issuance of certificates of residence, and the distribution of goods provided by state institutions and non-governmental organizations, such as seeds and mosquito nets. They are the principal point of contact for telephone companies, water companies, and the police; they ensure the sanitation of the neighbourhood; and they play an important role in dispute resolution (see also Fedior 2018).⁵ Although their title was officially changed to neighbourhood delegate (*délégué de quartier*) in 1986 (Décret N° 1986-761; Tall 1998),⁶ they are commonly referred to as neighbourhood chief (*chef de quartier*).

The neighbourhood imam leads the five daily prayers in the neighbourhood mosque and has a key ceremonial function during baptisms, marriages, and funerals. His spatial proximity, religious expertise, and involvement in key life events also means that he acts as an adviser and mediator when problems or conflicts arise, notably conflicts within the family. For marital disputes, the imam who officiated at the marriage is, moreover, felt to have a special responsibility. Religious scholars who head a religious school in the neighbourhood may play a similar role, and I here look both

4 Officially, Tivaouane counts 25 neighbourhoods; however, due to expansion of the municipality and the informal subdivision of neighbourhoods, there are another 46 unofficial neighbourhoods. Thus, there is a total of 71 neighbourhood chiefs. The number of imams is of the same order.

5 Article 21 of the Code of Civil Procedure permits village chiefs and neighbourhood delegates (*délégués de quartier*) to reconcile parties in matters concerning family, marriage, filiation, inheritance, donations, and wills. It also stipulates that the agreement has to be recorded by a judge. It is not stipulated which norms should guide such reconciliations. The requirement to record agreements seems to have no significance in practice.

6 The change in title accompanied a reform of their role that attempted to curb the chiefs' power and put an end to hereditary succession. It was this reform that stipulated for the first time that the neighbourhood chief was to represent the local administration and assist the mayor. In practice, the reform also politicized the position of the neighbourhood chief. Mayors gained in influence over the selection and supervision of chiefs and were able to use their power to try and promote political allies.

at imams and such scholars. There is no formal or standard procedure for the appointment of an imam. Generally, he is selected by notables of the neighbourhood. The desired qualities of an imam relate to his knowledge of religion as well as his character and social standing. Often, imams are retired professionals, workers, or merchants. They may receive some support from the population as well as from the leadership of Sufi orders or from the state (Seck 2013, 535). In contrast to the leadership of Sufi orders, whose lineage is key to their legitimacy, imams do not generally hold any historical legitimacy in the religious field (Seck 2013, 534). The neighbourhood imam's authority is based not only on his religious role but also on the role he plays in the organization and functioning of the neighbourhood. In many neighbourhoods, moreover, the imam holds a seat on the neighbourhood council (*conseil de quartier*), which advises the neighbourhood chief. A neighbourhood chief related: 'It's just that the imam has an important position in the neighbourhood that God gave him. That's why people solicit him. It has nothing to do with beliefs, which is why people who are not even Muslim can solicit him, because they are from the neighbourhood.'

The judge also has an important role in the local field of the resolution of marriage and divorce conflicts, but, in contrast to the neighbourhood chief and the imam, he generally does not have his origins in Tivaouane. Judges are rotated every few years, and while judges tend to live in Tivaouane most of the week, their families do not always join them (Chapter 5). The two judges on the Tivaouane court sit in a *tribunal d'instance*, which constitutes the lowest rung in the judicial system and, besides family law cases, handles a gamut of minor civil law cases as well as minor criminal infractions. Tivaouane's judges generally hold hearings in the mornings. In the afternoons, they receive visitors, whom they advise on the different legal procedures available and how to initiate them. If judges feel it to be appropriate, they also hold mediation sessions.

LINKS IN A CHAIN

When it comes to marital dispute and divorce, local religious authorities and judges at the level of Tivaouane draw on different and, at important points, conflicting norms. These divergences echo divergences between, on the one hand, the sets of norms that women, husbands, and their family members draw on (Chapter 4) and, on the other hand, the legal norms we saw applied in court (Chapter 5). Nonetheless, imams and religious scholars tend to assume a degree of expertise in the juristic repertoire I refer to as *diine*. This sets them somewhat apart from the couple and their family members.

A first difference in norms relates to the role of the court. For the imams I interviewed, as for most people in Tivaouane (Chapter 4), the dissolution of

marriage is principally an out-of-court affair. The judges, on the other hand, recognize that spouses may agree on a divorce before coming to court, but the judges operate from the norm that out-of-court divorces are illegal. A second difference in norms relates to whether or not the decision to divorce is the prerogative of the husband only. For imams, the divorce is ultimately dependent on the husband: either he initiates divorce, or he agrees to a divorce request from his wife. If the husband initiates the divorce, he should follow a set procedure. They state that repudiation needs to take place in the presence of witnesses and only becomes final after three months, during which the husband should continue to feed, clothe, and house the woman – even if imams pointed out that many men do not respect this requirement, instantly ending the marriage instead. By contrast, in court, the request to divorce may be introduced by the husband, the wife, or both. Since a judge may pronounce a divorce, the refusal of a husband can never stand in the way of the dissolution of the marital union. A third difference in norms relates to the payment of child maintenance. Although interviewed religious scholars and judges agreed on the norm that women have a right to maintenance payments for the children, they strongly differed on the importance they accorded to this norm. In practice, imams and religious scholars do little to safeguard this right. In court, on the other hand, husbands can be obliged to pay child maintenance.

Whereas local Islamic and state authorities have some fundamentally different views, each accepts that the other has a role to play in divorce processes. One religious scholar stated: '[...] if a husband refuses to agree to a divorce, and the parents refuse to dissolve the union, she [the wife] will have little choice but to go to court'. An imam related that the court may play a role in divorce processes, yet took care to point out to me that '[...] all I can talk about [to me] are religious stipulations' and that people should consult an imam first.

It is clear that both the religious scholar and imam recognize the court's role as a last resort only. This holds true for all imams and religious scholars I spoke with. Disapproving of the adversarial nature of court procedure, they argue that it is better to avoid the court and dissolve the marriage in an amicable way. One imam expressed it as follows:

We must choose the right formula: that it is God who has decided that the union must stop here, that it is God who has decided so. It is better when you divorce and can remain friends, because you shared good moments. It leaves fewer after-effects – unlike the court, where it is more contentious. Islam recommends to break the union in an amicable way. With the Muslim religion the parents intervene; they discuss about the union of their children, so if there is a problem they must intervene together with the imam. The marriage must not break up brutally, and the court is the last link of the chain. However, if there is no favourable outcome, the spouses will end up going to court.

For imams and religious scholars there is a certain order to follow in the management of marital disputes, which begins with the involvement of family members and is followed by the involvement of an imam, who is frequently likened to kin. People should solicit the court only if matters remain unresolved. In other words, in their statements, the role of the judge is accepted but also limited.

Vice versa, judges in the Tivaouane court recognize a role for local religious authorities while also restricting it. For them, imams and religious scholars can play a part in trying to reconcile the couple and prevent divorce – however, not in the divorce process, even if they do not challenge litigants’ statements about out-of-court divorce (Chapter 5). One stated: ‘Here in Senegal there is a system of mediation. The family will get involved, the neighbours – sometimes imams.’ This role may also extend to the mandatory mediation that is part of the court-divorce procedure. The attempt at reconciliation can take place over the course of several court sessions, and judges in Tivaouane regularly ask spouses to try and find a solution with the involvement of others, adjourning the session for some weeks. Generally, they encourage couples to consult family members, but they may also encourage a couple to revisit local religious authorities who had been involved previously.

Imams, religious authorities, and judges accommodate the different norms each represents. Imams recognize court-divorces to be valid even if, in their opinion, court-divorces may be arrived at in ways that conflict with religious norms. Judges frequently accommodate references to Islamic norms that are not part of the Family Code. As we saw in Chapter 5, in their eyes the job demands a certain flexibility when it comes to parallel norms.

On the whole, relations between religious authorities and judges in Tivaouane are thus tolerant and manifest a certain pragmatism. They are pragmatic in the sense that these authorities know that they have to get along together even if they have competing claims for authority, and pragmatic in that they recognize that the court may offer something that imams are unable to offer – and vice versa. Such pragmatism can be perceived especially in the practices of a third actor, the neighbourhood chief, who occupies a position originally designed to be intermediate and who may easily switch between different repertoires of norms. Whereas neighbourhood chiefs formally are part of the municipality, they do not, in practice, bear the office of a particular institution, nor do they represent a single normative order. Here, as a case to further unpack this pragmatism, I draw on a detailed ethnography of one of these chiefs, and a marital dispute he dealt with.

NEIGHBOURHOOD CHIEF, DIVORCE, AND A MOTHER-IN-LAW

Oumar Ba is the neighbourhood chief of one of the older neighbourhoods of Tivaouane. His manner is calm and friendly. He has been the chief of his neighbourhood for more than ten years now and has been filling in for his father, who is old and bedridden. The first time I interviewed Oumar we met at the house of a family where he spends much of his time. They occupy a large compound, and Oumar received us in a luxuriously decorated room. His own home is more modest; he shares a simple compound with several bedrooms with his extended family, the Senegalese flag indicating that this is the home of the neighbourhood chief. He has written his name and mobile phone number on the wall of one of the buildings, for those who come to look for him but find him absent.

Islam is an important point of reference for Oumar. Like other older men in the neighbourhood, he prays his five prayers daily near his house in the local mosque, for which he has been asked to oversee major construction work. He and the builders wear a specially produced safety vest bearing the image of the mosque, under which the name of the neighbourhood is written. Oumar is a particularly active neighbourhood chief and feels far-reaching responsibility towards the inhabitants of his neighbourhood. In the resolution of family disputes, he does not wait to be solicited, but passes by the household to inquire about the problem. As he tells me, he wants his neighbourhood to be calm and peaceful.

Several other neighbourhood chiefs I spoke to were more hesitant to get involved; however, all frequently mediate in family conflicts and, in doing so, many cooperate with other authorities. The following case concerns a marital dispute Oumar referred to the House of Justice.⁷

Talk of Divorce and a Mother-in-Law

At the House of Justice, I meet Modou and Awa, who are married and have one child, a girl of six years. They have come for a mediation session because Awa wants a divorce, and they are accompanied by Oumar and an uncle of Awa who was involved in the negotiations and arrangements for the marriage. The mediation session is unsuccessful: Awa explains that Modou insulted her mother and claims that Modou does not provide for her; Modou, in turn, denies that he fails to ensure financial support.

When the mediator tries to negotiate a solution with Awa, asking her what she wants, she defers to the neighbourhood chief, saying that she will agree with everything he says. She mentions that it is Oumar who took them

7 Not all neighbourhood chiefs refer cases to the House of Justice.

to the House of Justice, to which the mediator responds that this is only normal. He explains that the failure to provide is one of the ten recognized grounds for divorce in court and fixes an appointment for a second mediation, telling them to come back a week later. A few days later, Awa's father stops by the House of Justice to cancel this follow-up meeting, explaining that both Awa and Modou are busy and that they will wait until after the holiday of Eid Al-Adha (*Tabaski*).

When discussing the case with the neighbourhood chief, I ask him why he took the couple to the House of Justice. He tells me that Awa asked Modou for a divorce, and Modou called him to be a witness to the repudiation – 'because I am neighbourhood chief,' Oumar adds. But he did not want to be a witness, he continues, and advised the couple to go to the House of Justice.

He explains that he will never be the witness to a divorce and that he felt it was very abnormal to want to dissolve a marriage of ten years. He says that even though in the Qur'an God allowed for divorce, God does not like it. His referral to the House of Justice should thus be understood as an attempt to prevent divorce. He approves of the House's work and mentions that they resolve conflicts in the traditional way.

The neighbourhood chief and the House of Justice are not the only (semi-) state authorities involved in this conflict; the police had been involved as well. Not long before Awa asked for a divorce, Modou had publicly insulted her mother, who was reportedly critical of Modou's modest financial means – which were, in her opinion, insufficient to maintain her daughter.

During a funeral ceremony in the neighbourhood, Modou accused his mother-in-law of trying to break up his marriage by preventing her daughter from returning to her marital home after a stay in Dakar to receive medical treatment, and he had made abusive and insulting remarks. The mother went to the police to report the incident. This prompted the involvement of different local authorities and other inhabitants of the neighbourhood, who all tried to persuade the mother to withdraw her complaint: the savings groups of which she was a member, the religious association (*daayira*) of which her husband was a member, the imam, and the neighbourhood chief. The neighbourhood chief recounts that people of the *daayira*, he himself, some other notables, and the imam went to visit the woman and that the imam preached to her. Eventually the mother withdrew her complaint. When I ask the neighbourhood chief how they convinced the mother, he says:

She is a Muslim; she is a pious woman. We worked on her by appealing to her religious beliefs. Everyone put in their two cents. Everyone said what it is that is good and what it is that is bad. Afterwards we said: "It is up to you to decide."

At a later stage, different authorities again cooperated to resolve the conflict, this time at the initiative of Oumar. When, not long after the mediation session at the House of Justice, Awa changed her mind and called Modou to say she wanted to move back in with him, Modou, in turn, immediately called the neighbourhood chief. Oumar assembled the imam, neighbourhood notables who had been involved in concluding this marriage, and the families and asked Modou to publicly apologize to his mother-in-law once more, thus facilitating the return of Awa. It is important to highlight here that while the imam and the neighbourhood chief cooperate frequently in disputes, according to Oumar there are some differences in approach, also in cases of marriage and divorce conflicts: 'The imam will do his preaching: God said this and that. The chief says the law says this and that.'

When I ask him whether at times there are differences between what God says and what the law says, he tells me that it is almost the same thing. 'And even when they differ, they have the same goal.' He also tells me that the preaching of the imam is more effective. Yet, on a previous occasion, when I inquired how he resolves marital disputes, he had told me he reminds both husband and wife of their respective rights and duties in Islam. For Oumar, in matters of marriage and divorce, he and the imam situate themselves between the family, where people try to resolve the conflict first, and the justice system, of which the House of Justice is the first and the court the second rung.

Oumar prefers to avoid the police and the court in the resolution of conflicts. This illustrates a common perception among neighbourhood chiefs; they see it as their role to prevent marital dispute and to prevent people from going to court and the police. In cases when a divorce is unavoidable, many neighbourhood chiefs, including Oumar, still prefer to settle matters out of court. Only when the husband severely mistreats his wife or fails to agree to a divorce, even after being pressured to do so by third parties, do they consider it an option for women to resort to the court. Similar to religious authorities, for neighbourhood chiefs too, the judge is a last resort.

PRAGMATIC PLURALISM

At the national level, despite overwhelmingly harmonious relations between religious authorities and the state, the regulation of marriage and family is a point of strong contention (Chapter 3). Religious authorities have repeatedly voiced criticism of the Family Code. Yet it is clear that when it comes to handling cases of marital dispute and divorce in Tivaouane, relations are rather tolerant among imams and religious scholars on the one hand, and neighbourhood chiefs and judges on the other.

Local neighbourhood chiefs, religious authorities, and judges all conceive of the field of the resolution of marriage and divorce conflicts as graduated. Rather than seeing each authority as a separate 'route', for them there appears to be a logical sequence as to whom parties should solicit in cases of conflict. The authorities are not 'alternatives to one another'; rather, they are 'tiered steps' in the management of marital disputes and divorce (cf. Stiles 2018, 297; see also Cooper 1997). In identifying this order, each authority thus acknowledges the role of the others. In some circumstances, this extends to an active referral to another authority. However, these authorities also frequently limit one another's roles. Imams and judges both recognize that there is an order for whom should be consulted, but the relative importance of the authorities in this 'chain' is perceived differently by each of them. For imams as well as local religious scholars, Islam and its office-bearers present the most important authority, though the state, in the form of the court, can pronounce divorce and *adjudicate* dispute and thus presents a site of resources (cf. Hill 2013, 105). Judges see this differently: in their view, they may be the last link in the chain, but they are the only competent authority when it comes to divorce.

Many neighbourhood chiefs, in particular, actively cooperate with and involve other authorities. Often, they also draw on multiple and competing normative repertoires (Griffiths 1998), and as intermediaries they are especially well placed to juggle this plurality. This becomes clear from the different comments by Oumar and the way he worked together with, and referred to, several other authorities. First, by involving family members in the resolution of marital disputes, he recognized their primary role as well as their importance to any durable solution. He also cooperated closely with the imam when he deemed this opportune, confirming that both play an important role in the neighbourhood and do not stand in opposition or in a hierarchical relation to one another. In referring the case to the House of Justice, he confirmed the institution's position as 'the next step', but he also drew on the state's authority to eventually settle the conflict within the neighbourhood. Oumar negotiated a plurality of norms and authorities because, as in other pluri-normative settings, spheres overlap.

Taken together, the relation among neighbourhood chiefs, imams, and judges is indeed well described as a 'pragmatic pluralism'. This is not a liberal pluralism, where the state tolerates differences and 'politically neutralizes them' (Hill 2013, 100); rather, it is a negotiated co-existence among different authorities operating on the basis of competing claims. The value of social harmony, and the practice of flexibility and pragmatism, are central to this configuration. Beyond the strongly politicized national debate, pragmatism reigns.

HARMONY AND THE POWER OF NEGOTIATION

The pragmatic co-existence of semi-state, religious, and state authorities at the local level can be explained by several circumstances. In contrast to the national political debate about the Family Code, which accentuates the opposition between Islam and the state and their respective office-bearers on matters of the family, at the local level of Tivaouane the overlapping attachments of these authorities are accentuated. They are all Muslims and Senegalese citizens, and all live in the same city. Here, the religious sphere readily blurs into that of the state and the law, and vice versa (cf. Villalón 1995). As a consequence, sets of norms are also not separate and operating in parallel opposition; rather, they overlap and interpenetrate (de Sousa Santos 2002, 519). Furthermore, each aims to maintain or restore harmony between spouses and among their wider social surroundings as far as possible. They all try, at least initially, to prevent the dissolution of marriage, an institution on which they place great value. The moral value of social peace means that they also try to limit harm to the wider family and community in the process. This can be seen, for example, from the genuine effort judges make at reconciliation and from the way imams try to minimize (further) conflict during the divorce process. It also extends to how each authority acts vis-à-vis the other – they do not voice sharp hostilities against each other – and to the active referrals to other authorities if this is in the interests of a couple and their surroundings. The flexibility in the way judges deal with situations where parties draw on norms that are in conflict with the Family Code is also an example of this moral value of social peace. All of this connects, it is worth stressing, to a broader appreciation of harmony in Wolof society (Kaag 2001, 122-123; Ly 2016; Sylla 1978) (Chapter 1), an appreciation that is also seen to be central to the coherence and continuity of many other communities (Beyer and Girke 2015).

As we saw in previous chapters, much like the authorities that serve them, the women and men that may solicit these authorities have multiple and overlapping attachments. They are all Muslims, Senegalese citizens, members of a neighbourhood, and part of a family. Women, men, and their family members share in multiple normative orders. When deciding to move beyond the domestic sphere *per se*, they choose whom to solicit and do so on the basis of strategic considerations (von Benda-Beckmann 1981), as well as by virtue of cultural preferences and ideas about moral worth (Blokker 2011; Boltanski and Thévenot 1999). Local imams voice criticisms about people who bring marital disputes to court immediately. And, vice versa, Tivaouane's judges express their annoyance with people who ignore the court. Indeed, people do sometimes go to court without having solicited an imam, while others solicit an imam but do not go to court. Sometimes the people of Tivaouane also solicit *multiple* authorities, as can be seen from Ami, who consulted family members, different religious authorities, and the court. Yet most often, disputes are settled without recourse to authorities beyond the family.

None of the different authorities thus has a complete hold over their constituents, and authorities who negotiate different norms may be attractive options to solicit in cases of marital dispute. As a consequence, the power of these authorities depends in part on their ability to find a way through the plurality of norms pertaining to marriage and divorce, in order to resolve people's problems – that is to say that, in part, their power lies in negotiation. At times, this may also involve cooperating with other authorities. Authorities such as the neighbourhood chief Oumar Ba, who can draw on the full range of solutions available to resolve problems, have a considerable appeal.

CONCLUSION

There exists a stark contrast between the national debate about the Family Code that accentuates opposition between Islam and the state (Chapter 3), and the relatively tolerant relations between authorities at the local level of Tivaouane. Courts, local religious authorities, and neighbourhood chiefs do not oppose each other, and the practices of religious authorities cannot simply be read as a form of political resistance; rather, a configuration of 'pragmatic pluralism' is observed, to which several factors contribute. One is an overriding socio-cultural concern for harmony and social peace. This configuration also results from the multiple attachments of the authorities that represent the state and Islam at the local level.

Finally, I suggested that the pragmatic pluralism of the different authorities relates to the multiple attachments of their constituents. They exercise a degree of choice in whom they solicit – as I showed throughout the previous chapters. Notably, many of them do not move beyond the restricted domestic sphere at all. This means that none of the different authorities I focused on in this chapter is able to 'isolate' the population from the other authorities, as marabouts have threatened to do (Chapter 3). The different authorities I encountered in Tivaouane are well aware of this reality. This means that for them power lies in negotiation. Authorities who switch between and align different sets of norms and even cooperate are attractive to people who seek the resolution of a marital dispute or dispute over divorce. At the local level, in their day-to-day practice, the co-existence of different authorities handling marital disputes and divorce is continuously being renegotiated.

These relations echo observations by Collier on how indigenous authorities maintain their popularity by incorporating the state legal norms their competitors apply in the handling of disputes (1973). Yet the actions of the authorities I encountered cannot be explained by strategy and self-interest only. It is clear that local authorities in Tivaouane are concerned with their position. However, they are also concerned with maintaining harmony

among themselves and finding a solution to people's marital troubles, preferably by doing everything to ensure the union is not dissolved; moreover, from their vantage point, the spheres they represent readily blend into one another.

As should be clear from previous chapters as well as from the ethnographic material presented here, chiefs, imams, religious scholars, and judges are of course far from alone in conciliating and adjudicating in marital disputes and divorces. Family members play a central role, and at times the House of Justice is also involved. The authorities I have described here may be solicited as an alternative to family members, but when they are asked for help it is often as a 'next step'. In many such cases, they are mobilized by family members themselves, after the latter's interventions have failed. While the mediator of the House of Justice was not central to the analysis presented in this chapter, he does figure in the case of Oumar Ba, Modou, Awa, and her mother. The mediator regularly refers cases to court but does not refer cases to or cooperate with neighbourhood chiefs and imams. Significantly, however, neighbourhood chiefs asked to distribute a mediation request often seize on the opportunity to resolve the conflict themselves, and this is tolerated and even appreciated by the House of Justice personnel.

Focusing on the handling of marital dispute, this chapter has opened a window unto local Islam-state relations. As such, the chapter offers a number of starting points to reconsider Senegalese contestations around family law – and around secularism more broadly. The relation between local realities and national political positions is complex, and it is evident that in the case of Senegal they are neither exact mirror images of one another nor complete opposites. Yet, it should be clear that to look beyond the national level helps us to understand the complexity of the relations among state, religion, and society, while also shedding light on how relations between the religious sphere and the state are handled away from the spotlight.