



CHAPTER 5

Radio, Women, and Inheritance

Inheritance is part of how our society controls women.
—Woman respondent

INTRODUCTION

On the death of their husband, depending on the type of their marriage, many women have no entitlement to an inheritance. Instead, according to certain cultures, they are considered part of the estate themselves and are married to the deceased's younger brothers through the levirate system, and the inheritance returns to the man's family or goes to the (male) children. The woman can be left disempowered or can experience a significant downward shift in her socio-economic status. This chapter examines representations of women and inheritance in Mali by radio on one hand, and by its audiences on the other, and the extent to which, and how, the broadcasts raise awareness and promote women's human rights and empowerment, not only among the women who are only too aware of the difficulties they face but also among men and extended family members who hold power over the women. It uses a framework that repositions itself from the neo-liberal development approach we have considered thus far and that highlights the importance of the individual and emphasises the man/woman binary to that of African thought, where the emphasis is on woman as an inextricable part of the community. It returns to the *ubuntu* understanding that 'a self that does not exist in exclusion of the

other, but *through* the other' (Coetzee, 2018: 9). The chapter does not essentialise the discussion by developing a development versus African thought binary. Rather, it looks at the complex tensions between social norms and change, donor dependency within Mali, the role of religion and culture within households, and international issues and agreements on women's rights. It first explores general understandings of the topic among FGD respondents and what content they feel could be broadcast and places this in opposition to content broadcast on this theme by Studio Tamani. Various aspects covered by radio are explored, such as awareness of legal texts, types of marriage, civil status, and self-awareness and promotion of self-esteem among women. It highlights key information that is side-lined or omitted from the radio broadcasts, such as widowhood and orphans, which are mentioned as being necessary by listeners, representing misalignments between audience and editorial priorities.

WOMEN AS INDIVIDUALS OR WITHIN A 'WEB OF RELATIONS'

Women's rights and empowerment underpin much of the development approach discussed here. They draw on universal human rights and the associated transformational agenda and are often cited for 'their emancipatory capacities and potential to empower vulnerable members of society' (Ngira, 2022: 1). However, they have also been widely labelled as an imperial imposition based on an individualised neo-liberal approach that is to be perceived as 'universal' but fails to consider socio-cultural particularities. This failure to consider cultural specificities was raised by Mali in 2018 in the case brought against it¹ before the African Court on Human and People's Rights challenging its 2011 Family Code² and stating it violated human rights law. As one of its arguments, Mali used cultural relativism to claim that it would be futile to bring in legislation such as the Maputo Protocol and CEDAW, as they would be difficult or impossible to implement because of the social, cultural, and religious realities of life in Mali (Kombo, 2019). These protocols are used as a tool to force governments to uphold their responsibilities with regard to citizens' rights. However, by locating responsibility for change at a state or public

¹In July 2016, the Malian APDF and a pan-African IHRDA jointly submitted an application to the African Court challenging provisions of the 2011 Malian Family Code' (Kombo, 2019) APDF & IHRDA v Mali, (11 May 2018), Application 46/2016, para 67.

²Loi 2011-087 du 30 décembre 2011 Portant Code des Personnes et de la Famille.

sphere level, the private sphere where women's rights, such as female genital mutilation (FGM) or gender-based violence, are violated by communities or individuals can be overlooked and instead considered under the jurisdiction of 'culture' (Fox & Hasci, 1999; Tamale, 2008).

It is this latter point regarding cultural considerations and universality of rights that is problematic here and results not only in international declarations being viewed as foreign impositions (Kombo, 2019) but also deepens the divide between the 'imposers' (the Global North) and the 'imposees' (the Global South). This is no less the case with communication. Indeed, Dutta (2006: 222) confirms this contending that 'international development communication practice is in fact an uneven field with information and communication from the core actors to the actors in the periphery' and that information and communication organisations decide from a position of power what the recipient public's need is for information, how it is presented, and what the goal of that information should be (Abdulla, 2020). Dutta (2006) further emphasises that this is part of the discourse surrounding development work in which the Global North is advanced or developed and the Global South should strive to replicate their practices for their own better outcome. He suggests that the audience thus becomes 'marginal discursive spaces in the peripheries [...] and act as targets of campaigns manufactured in the center' (Dutta, 2006: 222). International development communication discourse, therefore, determines what empowerment should be, and 'audiences require some sort of aid or help to achieve this "empowerment" in order to achieve the liberation of certain marginalized populations' (Kamlongera, 2022: 318).

Of interest here is whether Studio Tamani—the radio studio discussed in this chapter—promotes this 'top down' international development discourse. Does it impose cultural considerations from the Global North without considering local contexts, and does its journalism act as a loud-speaker for top-down messaging, deciding what the audience's information needs are?³ As we know, Studio Tamani is run by Fondation Hirondelle, a Western development-oriented organisation, like its funders, and states that its activities 'contribute to the achievement of a number of Goals under UN Agenda 2030' (Fondation Hirondelle, 2021), including SDG5 on gender equality. Fondation Hirondelle's mission and values reflect a number of fundamental principles anchored in the legal

³For further discussion on radio's responses to the information needs of audiences, see Heywood and Yaméogo (2023).

instruments of international law and human rights, which could suggest that it does indeed adopt a top-down approach to its radio output, imposing predetermined solutions to situations labelled problems according to universal definitions. However, Studio Tamani itself, like all other Fondation Hirondelle radio studios, is run by locally based (not Western) journalists and editors based in Bamako, the capital, and a network of over 45 correspondents throughout the country, all of whom are also part of the local cultural framework. This aligns with the organisation's mission statement to 'produce its programmes entirely within the country, and broadcast them from within the country when they are broadcast over the air, with only local journalists appearing on air or in productions' (Fondation Hirondelle, 2016: 8). As such, they broadcast, via partner radio stations, to local and rural communities and aim to provide the link between Western development messages broadcast as stipulated by donors, in this case regarding women's empowerment and gender equity, on one hand, and local discourses on the other, and therefore between individualism and the tightly knit networks of people, performing multiple roles in accordance with entrenched cultural norms.

Whilst traditional or cultural practices such as FGM, polygamy, or other practices, and media representations of them, may well contribute to discourses keeping women in their subordinated position, Tamale states 'there are many cultural norms and values that are rights-supportive, egalitarian and uplifting; many aspects of 'African culture' promote and reinforce women's rights' (2008: 49). She challenges the opposition of culture and rights and the resultant culture/universality binary, instead recognising that solutions to women's oppression can be found in the 'careful and creative deployment of the more familiar cultural norms and values' (Tamale, 2008: 64). In other words, imposing top-down alien human rights laws may have limited impact on African women's rights, and bottom-up approaches embedded in local cultures and traditions will no doubt work better than those that exclude them and draw solely on top-down legal frameworks (Butegwa, 2002; Tamale, 2008). Culture/universality binaries also ignore the fact that (a) cultures are not static but evolve through their interactions with other cultures, thus creating new versions, and that (b) 'universal rights', as contained in declarations such as UDHR, are derived from an ethnocentric stance that reinforces a culture—that of the white privileged and the male and heterosexual North.

The dominant men/subservient women binary created in this neo-liberal approach is important, as women, first as individuals and then as a

mobilised collective group seeking empowerment, are systematically placed in opposition to men. Terms and concepts such as power *with*, which we discuss in other chapters, are used in development policies and strategies ‘to effect transformative social changes in “structures of subordination” so as to free [women] from subjugation’ (Biewener & Bacqué, 2015: 61). In other words, women as individuals, autonomous immutable entities, come together and relate to one another to become empowered, but only within the existing patriarchy. Women are, therefore, categorised using this label, and this is their primary identifier in their fight for liberation (empowerment). This binary, established as a legacy of colonialism that was raised in Chap. 2 on women’s political empowerment when women mobilised in opposition to men, emerges again here. Women are rarely perceived as independent individuals but rather as a group or collective.

In this chapter’s discussions of radio broadcasts about, and audience perceptions of, inheritance we contrast this to an African relational perspective according to which the community, or *la grande famille* [extended family], dominates and members cannot be considered as autonomous individuals, as in the Western (colonial) understanding. People cannot be extracted from their community or relations with others because the common good prevails. However, they do not remain immutable entities that remain constant regardless of their activities (such as ‘man’ or ‘woman’ (Tamale, 2008)). Instead, individuals are fluid, and their identity is in constant flux depending on their interactions with others and their differing roles. Their identity is ‘not constituted in opposition to that which is the other, but in relation to otherness’ (Coetzee, 2018: 10). They are, therefore, part of a web of relations (Heywood & Ivey, 2021; Kabeer, 2012), in which, as Senghor stated, ‘the group has priority over the individual without crushing the individual, but allowing the individual to blossom as a person’ (1966: 5).

A woman in a community, for example, may be a mother, an entrepreneur, a wife, a daughter-in-law, and so on, shifting between different positions in society, each with different expectations, obligations, and pressures and cannot, as Oyěwùmí states, be considered in isolation or as unitary constructs (Heywood & Ivey, 2021; Kabeer, 2012). Women are not isolated individuals; they are embedded in social relationships. This is especially relevant in more collectivist cultures where social relations exert a significant influence on people’s lives and well-being (Huis et al., 2020). However, because relational roles are insufficiently considered in Western

thinking, women in African or other Global South contexts, for example, are reduced to being mothers or carers, beholden to men as the main providers and to being in a subject/victim relationship (Chilisa & Ntseane, 2010). Thus, existing ‘webs of relations’ are conditioned by the prevailing patriarchy in which man is standard or centralised, and woman therefore becomes ‘the other’ or inferior. Women remain positioned in the ‘ideological domestic site of the family—a gendered space closely associated with women (albeit headed by men)’ (Tamale, 2008: 55),—and despite their undisputed central role in the family and community, their voice is side-lined in decision-making, exacerbating their positions of marginality (Lelei, 2005).

Inheritance, as a topic, allows us to discuss the tensions between the various thinking about (by audiences) and representations of (by radio) women’s rights, especially given women’s own inextricable and unenviable position within the process. We consider concepts such as those in the UN’s four-year Gender Action Plan from 2007 (UN, 2005) seeking to empower women by ‘increasing women’s access to land, labor force participation, agriculture, infrastructure, and finance’ (Biewener & Bacqué, 2015: 62) and more recently in SDG 5.5a (UN, 2022), which aims to ‘undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws’. We examine the audience’s own perception of women and inheritance and that represented by Studio Tamani’s radio broadcasts.

MALI CONTEXT

Mali’s legal framework, inherited from French colonisation, is built around a constitution that enshrines the secular nature of the state and prohibits confessional political parties and, more generally, any interference between religion and politics (Crisis Group, 2017). However, Islam, practised by 90% of the population, occupies a dominant role in domestic life (Koné & Calvès, 2021). Divergencies in laws render inheritance rules complex to understand and even harder to challenge, resulting in discrimination, particularly amongst poorer, rural, and less-educated widows. The topic of inheritance simultaneously brings to the fore many aspects of life, such as polygamy, finance, land ownership, education, widowhood, and others, where women’s actions are closely intertwined with those of other community and family members and from which they cannot be extracted to

act as autonomous individuals. However, when one part of that community construction breaks or disappears (death of a husband, in this case), the whole structure is threatened, particularly women, unless all involved agree to carry out pre-assigned and long-established roles. Discussing these complexities will make it easier to understand why it is important to consider women in relation to others rather than as individuals, particularly when broadcasting information or awareness raising programmes on this topic.

According to Mali's Family Code of 2011, 'religious and customary law is the default applicable law in matters of inheritance and the Family Code's inheritance provisions that provide for women's and men's equal share in inheritance would only apply in the event that one could not establish the cultural or religious practice'. Islamic law provides that women receive half of what men receive and that children born out of wedlock do not have the right to inheritance unless confirmed by the parents⁴ (Budoo, 2018; Davi, 2018; Kombo, 2019). The Family Code (2011) also provides that female and male surviving spouses have equal rights to inherit assets⁵ and that sons and daughters have equal rights to inherit assets from their parents.⁶ However, men, as we have seen previously, are the sole owners of family property, and women's right to land use, typically lost when the husband dies, is contingent on marital status. Inheritance rights are also closely bound to marital status.

Inheritance is generally understood to cover the goods of the deceased person, but differences exist depending on cultural understandings (religious, customary, traditional) between *succession des biens* [succession of property] and *succession des femmes* [or widow inheritance or levirate]. Rights to the legacy, however defined, just like women's right to land use, depend on the type of marriage entered into. These are (a) civil marriage, generally among more educated, richer communities; (b) religious marriage, now covered by law in the Family Code 2011; and (c) traditional marriage conducted without any legal paperwork placing widows in

⁴As mentioned above, a challenge was brought by two organisations before the African Court against Mali and its implementation of the 2011 Family Code. They contested, and this was upheld, amongst others, that Mali had contravened international agreements on protecting the right to inheritance of women and natural children. Mali was ordered to amend its Family Code to align with international human rights standards (Budoo, 2018; Davi, 2018; Kombo, 2019).

⁵Loi No. 2011-087 Portant Code des Personnes et de la Famille, Arts. 770, 798 et 800.

⁶Loi No. 2011-087 Portant Code des Personnes et de la Famille, Arts. 753 et 773.

positions of extreme vulnerability. In the last case, the deceased's estate goes back to the '*grande famille*' (parents, brothers, sons), and the widow can remain within her deceased husband's family household with her children, often being married to the deceased's younger brother through the levirate process, or if she refuses, she must return to her own family with nothing and often relinquishing rights to her children.

When discussing inheritance, family organisations must not be examined from the perspective of a Western nuclear family where 'conjugal pairs' dominate (husband-wife). Instead, in this context, extended families are organised in co-residential forms built around lineages. A woman has multiple co-relational identities (mothers, daughters, sisters, and not just wives or co-wives), and affinal relationships to, and obligations with, all members of the husband's *grande famille* are as important as conjugal relations. Whilst women might defer to husbands, their social position can alter depending on their role (mother-in-law, elder sister, senior female family member, etc.) and over time as they gain seniority. Deference is then offered to them, and they exert significant influence over junior male and female family members (Sudarkasa, 2005). Therefore, the man/woman gender binary found in many Western rights declarations must be contextualised here because "woman" as a unitary construct fails to take account of women's interests as members of generations, families of economic groups [...] women's relationships with other women may in themselves be exploitative and hierarchical' (Cornwall, 2005: 4).

International human rights agreements regarding the inheritance rights of women, for example, Article 21(2) of the Maputo Protocol, which provides that women and men shall 'have the right to inherit their parents' property in equitable shares' (Davi, 2018: 2) and that countries are obliged to 'eliminate traditions and customs that are harmful towards women and children (also in 5(a) CEDAW and 1(3) ACRWC)' (Davi, 2018: 2), do not, according to Mali, consider Mali's cultural complexities (Kombo, 2019). Instead, if viewed from the Western perspective of women being a unitary construct within a conjugal pair, they can misrepresent the realities of co-relational extended families in many African societies. Polygamous families and their complex internal hierarchies of women (mothers, wives, co-wives, sisters-in-law) are not fully considered. However, many cultural specificities can lead to further discrimination against women, including widows, their use of land, their place in the community and community responses to them, finances, the possibility of losing their children,

levirate, polygamy, position as mother,⁷ shame, accusations from the community of witchery or of triggering the husband's early death, all of which were raised by focus group respondents.

Land Laws

When discussing representations of a topic within an international human rights framework, we must also refer to the strategy and mission documents of the organisation producing those representations, Fondation Hirondelle in this case. Their strategic aims and vision were discussed in the Introduction, but as a reminder, Fondation Hirondelle aims to provide 'independent, credible and impartial information that is close to its audience and contributes to ending conflict and building more peaceful societies'.⁸ It refers to Article 19 of the Universal Declaration of Human Rights, which states, 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'. Its strategy also states that its 'mission and the values which guide it reflect a number of fundamental principles which are anchored in the legal instruments of international law and human rights. Fondation Hirondelle operates where journalistic activity intersects the humanitarian-development-peace nexus,⁹ and its activities contribute to the achievement of a number of Goals under UN Agenda 2030, in particular 16 (peaceful, just societies), 5 (gender equality) and 10 (reduced inequalities)'.

The chapter discusses Fondation Hirondelle's journalistic activities, via Studio Tamani, and the extent to which it draws on contextual particularities 'presented without commentary', enabling its representations of universal rights, in various topics areas, to remain relevant to the corresponding audiences without giving in to discriminatory social norms. Drawing on responses from FGD participants and a content analysis of Studio Tamani's broadcasts on inheritance, we examine the extent to which inheritance

⁷ Malian women's status is largely derived from their roles as mothers: childbearing and rearing (Madhavan, 2001) and links 'Motherism' and the centrality of the mother in African thought. Conversely, single or infertile women and widows can be severely disadvantaged (Van de Walle, 2013).

⁸ <https://www.hirondelle.org/en/who-we-are>

⁹ The policy term used to outline stronger collaboration and coordination among the humanitarian, development, and peace sectors (Nguya & Siddiqui, 2020).

affects women, families, and communities, both rural and urban, how it is represented on the radio, and, if any advice is given, whether it aligns with ‘imposed’ international laws while remaining culturally relevant. We also look at how the radio’s approach is perceived by listeners.

AUDIENCE PERCEPTIONS

Responses given during the focus group discussions evidenced the complexities surrounding inheritance in Mali. Each time a consensus about a particular statement or definition was reached, a contradiction or condition impacting that clarity was instantly evoked, suggesting that explanations via radio, for example, might prevent a reliance on discriminatory customs that are maintained because ‘that’s the way it is’. The very definition of inheritance ranged from goods and animals to a broad acceptance that it also included the family name and human inheritance (RMW4Mb). Whatever the definition, there was general agreement that women were disadvantaged on many fronts and that the various laws, religious practices, and customs were both gendered and gendering, depriving women of their inheritance rights and discriminating against them. Throughout the discussions, religious law prevailed consistently over state law, with many blurred lines between religious laws and traditions and customs. The actual practice of apportioning estates according to religious (Islamic) law was understood either from personal experience following the death of a father or husband, and several respondents could provide details of the various calculations. Whilst superficially the outcome is clearly in favour of male and/or family heirs rather than the widow, several of the male FGDs justified it through a community approach that benefits all.

In rural areas especially, property does not belong to any specific person. The property primarily belongs to the family. In other words, the family’s property is not given to the wife just because the husband has died. The property still belongs to the family and not to an individual in rural areas. (RUMW2Mb)

According to participants, sons or the *grande famille* into which the wife has married inherit all the estate, including the wife—an understanding that was challenged in the broadcasts—as this would cover the cost of supporting the inherited wife and her children, offset the bride price, and ensure that the family land and family name are not divided or ultimately

become the property of a new husband outside the family. They explained that sons inherit twice that of daughters and are responsible for taking care of their widowed mothers, sisters, wives, and possibly inherited wives, unlike the daughters who do not have that duty. Added to this is the land law of 2017, which prevents women from inheriting land in any case. The combined outcome serves to entrench discriminatory patriarchal practices that bind women to the *grande famille* with no clear exit route. They are instead forced to abandon their own right to independence, and those of their children, to the benefit of those in their web of relations. We can look at these points and perceptions of them amongst listeners one by one, although it is just as difficult to separate them as it is to extricate women from the resulting web of relations.

Respondents' combined knowledge of religious, customary, and civil laws revealed deep-rooted and gendered discrimination. Civil laws were often considered futile in many contexts or not a valid option, given the widespread conviction that both education and finances were essential to be in a position to apply them. Respondents' understanding of the various laws depended on their levels of education and location (urban or rural), with men understanding the most. The rural married women said, 'We've been told about laws but if you don't have someone who can help you to access these things, it's not easy. If you don't have anything, nobody will listen to you' (RMW4M). Some respondents were specific and were able to explain details of various inheritance laws, particularly the younger unmarried women in urban areas, suggesting that awareness campaigns (radio, associations, schools) were effective in some areas at challenging the more established information among older generations. However, many respondents were not aware of any laws on inheritance or how they could be relevant to them, and they did not recall broadcasts about it. 'We haven't really heard this topic on the radio, it's rare that we talk about it. We don't talk about this subject' (RUMW2Mb). This highlighted the gap that radio, as the declared main source of information, could fill, challenging a situation whereby tradition and customs are accepted because, as one women respondent stated, 'Yes, you could go to the courts, but it's in society that things are really settled, just because this is how it is, it's already established and understood, this method of sharing things out' (RUMW2M). Given the low literacy rate among women caused by educational disadvantages, women are again discriminated against, as they are not in a position to seek justice via the courts, despite this being the main solution suggested by all the FGDs. Women are, therefore, dependent on

others to help them extract themselves from the situation that those same relationships have put them in.

She could go to court to claim her share, but it depends on the mental strength of the woman because some are afraid, others are not. It really depends on their education. (RUMW3Mb)

Discriminatory inheritance practices are also rooted in tradition and rituals that bind women, with traditional practices prevailing over civil laws, particularly in rural areas. However, all respondents knew and/or had experience of widowhood and therefore knew how it worked in practice. Yet, all their information merged, and lines appeared blurred between rules and types of marriage and the associated difficulties, again highlighting the need for clear information. One male respondent explained the main types of marriage—civil, religious, and customary—and the various inheritance outcomes for women. He stated that religious marriages now have the same value as civil marriages, as they both offer marriage certificates, which are important for the registration process for future children. Many councils and mayors, he said, were actively encouraging couples to marry through official routes and thus be in receipt of marriage certificates, giving women rights and changing mentalities (RM2Mb).

In the absence of a legal marriage, be it civil or religious, a widow's family-in-law can claim all the inheritance, leaving her and her children with nothing. 'Here, for example, rural people don't get married at the town hall. Therefore, once the head of the family dies, it's the parents who claim it all for themselves because there wasn't a legal marriage' (RMW4M). The negative role of other female family members on widows was frequently raised during the women's FGDs. They provided multiple examples of women being driven from their deceased husband's home, having their goods and animals taken, or being treated badly in their new home, confirming Acholonu's statement that 'women are part and parcel of, if not the power behind' male dominance (1995: 28).

Younger, educated, unmarried women respondents in urban areas were optimistic about their future rights, suggesting that attitudes were changing and that having a civil marriage could 'save' a woman and give her a rightful inheritance, evoking the concept of independence from the family.

Women have a smaller share of the inheritance because when the husband dies, the majority of the shares are given to the parents and then to the fam-

ily. But the woman can be saved if she has been married through the Town Hall. If she has a marriage certificate, she can have a percentage. (RUMW2M)

However, their rural counterparts recounted a different situation involving levirate, the process whereby a widow is ‘given’ to the deceased’s younger brother in marriage. This keeps the estate of the deceased in the family along with his children, yet respondents also reported the many tensions that this imposed system creates. For example, the younger brother is also obliged to accept the widow as a new wife regardless of whether he has the financial means to support her and her children or older children who would prefer to stay in their own home with their mother rather than moving in with their uncle and his family. The web of relations, therefore, extends beyond widows, affecting many. Respondents said that the widows have to agree to levirate but, in reality, have little choice: either they agree and stay with their children in the family household, or they are cast out with no financial support, no children and must return to their own family if they can support her.

It is said that a woman is the inheritance of a man. When the man dies, she has to stay in that family, marry one of the brothers. And they don’t even ask her which brother she wants to marry; they just give her to one of them. (RMW4M)

Many younger unmarried women respondents railed against the injustice of this subjugation and the fact that widows are considered a belonging of the family rather than an individual with agency and rights. They objected to having to prioritise the *grande famille*. Urban respondents amongst them were adamant that ‘it’d be better to give the woman the freedom to decide herself who she wants to marry, or if she wants to remarry’ (RUMW3M).

Inheritance is further complicated in polygamous marriages, which affects almost 40% of women in Mali (Millogo et al., 2022). When up to four unions are legally permitted (for men) at one time, dividing up an inheritance can be problematic, especially if the marriages are formed under different laws, as legally married widows and their children will have greater entitlement than those married according to customary law. However, because hierarchies in families are gender-based, the more sons a widow has, the greater her share of the inheritance:

Even if the head of the family has two or three wives, the woman who has the most boys is the one who will benefit the most compared to the other women. And now there are boys who do not agree to share the inheritance even in the family. (RUMW1M)

However, as one woman said, levirate does provide widows with an element of stability and certainty, despite the reluctance they may have towards the arrangement. She explained the alternative:

You'll have all the problems in the world if you refuse. If you refuse, even to be fed in that household, you will have problems, your children too. Some people will even chase you away. You'll have no means to support your children. You'd have to have a *petit commerce* to support yourself. You're the one who's got manage with your children now. It's not easy, and you have to pay for your children's education, everything, shoes, clothes, health. (UMW2MB)

Nonetheless, widows may also be reluctant to stay in the *grande famille* through levirate because of communicable diseases, and many respondents said that women preferred not to marry their husband's brother to protect themselves (RUMW2M). However, widows who have decided not to stay within the marital household are perceived as a financial burden by their birth family. They are deemed troublemakers because they did not show respect for their marital family and will consequently be unsuitable to be married into another family because 'any woman who tries to claim her rights will be shunned by society. They'll call that woman all sorts of things. They'll say that she is not respectful, they will even banish her' (RMW4M). The perceived significant risk that widows present to family communities if they leave the *grande famille*, thus becoming an 'individual other', escalates to the circulation of serious threats and rumours. Female participants recounted rumours about the part played by young widows in the deaths of their older husbands and of women who are fearful of speaking out as they have been threatened with spells (RMW4M). This has a double-edged effect, as it prevents widows from leaving the family through fear of being shunned by society and prevents society from accepting them into their families. As individuals, particularly in rural traditions, widows are not considered healthy for the community and continue to be entrapped in this societal web. Widows are thus subsumed

quietly into the marital family with older married respondents drawing on ‘tradition’ as a justification:

There are women who struggle, who fight, but it’s rare. The majority of women remain silent. They accept how it is and resign themselves to it. This is our reality; these are our traditions. (RMW4Mb)

When questioned as to whether widows think this is fair and whether they should have the same rights as other members of society, they simply replied: ‘They’ve no choice. Worse still, the inheritance is split without their agreement. But that’s just how it is’ (RMW1Mb). Universal rights do not extend to this group of women.

However, alternatives to the discrimination faced by women and to their inability to pursue steps towards empowerment as proposed by development organisations emerge, particularly amongst younger married women and educated married women. Male respondents are less condemnatory when discussing levirate, inheritance, and women. They describe a seemingly reasonable process that involves consultations between the wider family and the widow with no obligations on the latter to agree. The reality of the choice presented to widows—marrying a younger brother-in-law against their will or losing their children—is minimised and barely proposed as a believable option. The emphasis, instead, is placed on the other members of the family who would be harmed if the widow leaves.

A: If the husband dies right away, the wife is offered to the husband’s brother. But this is not an obligation. But the woman is made to sit down and is made aware that she must be given to the husband’s younger brother. If she accepts, it’s not a problem, she stays there. If she doesn’t accept, then she can go.

Q: Where can she go?

A: As part of our tradition, if the woman doesn’t accept her husband’s younger brother, she will still stay in the family. But now she is told to make her choice in the family among the men who are there. If she finds her choice, she will get married there in the family. If not, if the woman leaves the family right away to be somewhere else, the children will stay behind, not only as orphans, it can also bring frustration in the family. (RM1M)

Solutions proffered by respondents are constructed within the framework of a man/woman binary. Few female participants talk about oppression emanating from the members of the broader patriarchy, for example, their mothers-in-law, sisters-in-law, and senior co-wives. However, concerns regarding finance and the break-up of the extended family and its estate dominate rather than those about women's empowerment versus men's empowerment. Wills are suggested as a viable, but rare, solution to widows losing their inheritance:

If a woman's husband dies, the succession is basically managed in two ways: there is the traditional way that says that the woman is already a family member, and she stays in the family. She can remarry a brother of her deceased husband. And everything that belongs to the deceased husband goes back by right not necessarily to the wife but to the one who inherits the wife and her children. That's the first way, and what is rare, the second way, is that the man before his death made his will in accordance with the law and this will is applied. (RM2Mb)

However, wills are also perceived as a threat to the *grande famille*, as they can result in family estates being divided to the benefit of individual widows. There is a generational and geographic divide regarding wills. Younger unmarried women in urban areas are aware of wills and the need for them as a tool to obtain their rights and stated that they would encourage their future husbands to organise one. Those in, and those talking about those in, rural areas, however, dismiss wills as barely relevant and not aligned with traditions, as most marriages are not legal and little paperwork is completed in any regard. The rights of the community, driven by strong social values, currently prevail over those of the individual, reinforcing Oyèwùmí's (1997) assertion that women cannot be considered in isolation or as unitary constructs.

As with many other topics discussed in this book, respondents stated that women, not just widows who are not portrayed as a discrete group, must trigger change themselves by working together towards a common goal, but this is only possible through increased awareness. Women's organisations are cited as an essential channel to inform women of their rights, particularly those in rural communities with lower education. The laws themselves are not criticised but rather their application (RMW3Mb). They were adamant that only the law could bring change, but it is the responsibility of educated women and women's associations to raise

awareness among other women, thus calling for horizontal and vertical solidarity among them. Nonetheless, they acknowledge that change is coming, albeit extremely slowly,

We have the means for advocacy because even the authorities are doing a lot now. For example, in the community dialogue spaces, the village chiefs, leaders, traditional chiefs, everyone is looking at the issue, to know how to move forward with rights, with laws. But without women, nothing is possible, so we have to give back to women what belongs to them [...]. The road ahead is long, very, very long. But I think that with determination, with a synergy of actions, with the support of the state and partners, we will get there one day. (RMW4M)

Radio was regarded by all as an important and accessible tool for raising awareness. Many respondents attributed changes in knowledge to radio broadcasts.

The wife is part of the husband, so the inheritance should be divided. Before, people used to say that only the men were entitled to the inheritance. But now, because of the radio broadcasts, we've learnt that it's not just the man. Even if there's a woman who is pregnant, whose child hasn't yet been born, the child has the full right to take their share of the inheritance. We found this out through the programmes. (RMW4M)

However, it was felt that more awareness raising was needed, as it would only be by chance that a listener would hear the rare radio broadcasts on inheritance. However, programmes, as we have already seen, would also have to be in an attractive format or the information would have to be disguised using an edutainment approach to win over many listeners. African radio listeners, according to unmarried women in rural areas (RUMW4M), are especially difficult to convince, describing them as stubborn and preferring to do the opposite of what they are advised, thus adding another layer of complexity to the task of broadcasting awareness-raising programmes. 'If they listen to radio, they'll scoff and say, "What are they talking about, they're crazy"'. Others simply change the radio station, so they don't have to listen. They are very stubborn; it is not easy' (RUMW4M). In other words, laws, changes to laws, and the implementation of laws would have to be imposed on communities for change to be brought about, confirming Tamale's (2008) assertion that while it is necessary for local cultures and traditions to be taken into account as part of

bottom-up procedures, constitutional and legal frameworks can act as the foundation touchstone for women's rights.

The complexity of the inheritance process in Mali was clear from the listeners' responses. Not only did listeners not understand the various rules or their application, but very few grasped their relevance and were instead resigned to customs and traditional practices being prioritised. However, there was a sense that the situation may be changing, mainly among younger listeners who spoke of measures being taken by authorities and awareness-raising campaigns led by radio, NGOs, and schools. Both male and female respondents were aware of gender discrimination yet could not see how women could be extracted from their 'webs' without being ostracised; it was an 'either/or' situation. Remaining within the family was perceived as being the preferable option for a woman's and a family's long-term security. This was reinforced by statements that widows are often badly perceived by society in any case, let alone if they are cast out having refused levirate offers. Whilst they welcomed information on the radio on inheritance and considered it an important channel to help improve awareness, if not the actual situation, they stated that the topic of widowhood was rarely addressed, reflecting how widows are subsumed into 'women' rather than being a discrete group worthy of attention. So how did Studio Tamani address these points? Did it consider the gap between the concept of rights, laws in force (religious, civic, or customary), and widows' reality? What did the programmes promote, or did they follow, mission statements to promote awareness, therefore encouraging informed debate and decision-making amongst men and women for women's benefit?

STUDIO TAMANI'S REPRESENTATIONS

Studio Tamani's inheritance series comprised ten programmes: one *Grand Dialogue*, from Kayes in western Mali, with the regular male presenter and one male and three female guests; seven 'portraits' or *magazines* (all of women) also shown in a televised format; one *film documentaire* (a mix of women and men); and one *motion design* (voiced by a woman). The broadcasts aimed to provide a space for dialogue, articulating a range of perspectives through different voices in varying formats that, based on the discussions in Chap. 2, should be attractive to a broad audience. While customary, civic, and religious laws are discussed generally, specific details are not provided, and traditional practices emerge as the dominant social

framework. As one guest stated, ‘The first thing to do is to sit down and talk. Talk about how the estate must be shared according to the customs, traditions, and religions of those concerned’ (Sogodogo Binta Traoré, representative of the Ministry for the Promotion of Women, Children and the Family, *Grand Dialogue*, 14 October 2019). The empowerment message that emerged strongly in many of the other radio series is replaced here by one of cultural norms, and women’s stereotypical entrenched submissive and passive position in many situations is reinforced.

In line with Fondation Hironnelle’s vision to provide ‘independent, credible and impartial information’, there is little judgement on the treatment of women, and when there is, this is voiced directly by a speaker (studio guest, or via a testimonial), avoiding any confusion that they are acting as the mouthpiece of the radio studio. Radio is only heard through the voices it allows to speak, and superficially, there is a balance providing a range of perspectives about inheritance. The programmes portray women in a wide range of relations, including with in-laws, siblings, widows, husbands, men, family, and children, yet the widows are homogenous, contrasting with the range of roles mentioned by the focus group respondents. They describe dominant male heirs in opposition to submissive widows within the extended family. The *Grand Dialogue* presents inheritance from an Islamic, Christian, and legal perspective, all emphasising that the woman should receive her due entitlement. It is explained that, according to Islam and traditional practices, women receive half that of a male heir. The Christian perspective states that the wife and children receive the estate, and the legal representative on the broadcast stated that rules are in place to be observed but a marriage certificate or birth certificate is obligatory.¹⁰ Without a certificate, no legal proceedings can proceed. This places many women at a disadvantage, as they have either lost their official documents during forced displacement or they have never had them. This, guests confirmed, was particularly the case in rural areas.

In our country, the sharing of inheritance has rules; you have to have a marriage certificate, a birth certificate, that’s compulsory. Nowadays, if you don’t have these papers, it’s quite difficult. If you have these papers, we can guide you towards the structures that can solve your problems. (Diaby

¹⁰The Law 2011–087 on the Code of Persons and the Family (30 December 2011) provides the legal framework for birth certificates. This document is essential not only for identification but also to gain access to education, to health services, to be able to vote, for inheritance rights, to travel and for marriage certificates which, in turn, are required to register children.

Kalissi Doucouré, lawyer and director of the Kayes legal clinic, *Grand Dialogue*, 14 October 2019)

The overarching narrative in this series, however, while explaining how the system works, how the apportionment of the inheritance is calculated, and how possible disputes could be resolved, is still situated within deep-seated social norms that, through a development lens, remain discriminatory. Clear definitions are provided throughout the series from various speakers, and many align with listeners' understanding. Nonetheless, there are statements that challenge cultural practices, such as 'widow inheritance' or levirate, and these are addressed from a religious perspective rather than the socio-economic perspective of the focus group respondents:

Before, women were part of the inheritance, but that was a lack of understanding. Qur'anic verses have taught us that women should not even be part of the man's inheritance. She can be given some property. But she should never be part of the inheritance. (Adama Issa Sacko, a traditionalist from Kayes, *Grand Dialogue*, 14 October 2019)

Some direct or implied recommendations from the *Grand Dialogue* guests include warnings about the consequences of going to court and completely severing links with other parties. They suggest instead that all concerned should be convened to divide the estate of the deceased according to the Qur'an. Whilst not deterring widows from going to court, they use the platform of radio to make it very clear that the consequences of pursuing this path may prove to be even more detrimental to women. There are, however, numerous examples and testimonies of when the inheritance process proves prejudicial to women, especially when implemented too zealously in the interests of the deceased's family.

When the deceased dies, the wife encounters many difficulties. Her husband's brothers impose themselves on her. They claim that the property belongs to them, not to the wife. These women suffer as do their children. I have an example. One widow had nine pregnancies with her husband, and among the nine, one child died. And the eighth, is the only boy. He was twelve years old when his father died. After the husband's death, the wife went for the funeral to the extended family. After the funeral, she came back to find that her house had already been occupied by her late husband's relatives, and she was told to take the small hut that was next door. The woman stayed in that hut with her eight children, while one other person occupied

her late husband's house. They forced the woman to stay in that hut. The woman was crying as she explained the situation to me. (Mme Djénéba Sissoko, President of the Tekereni Benso Association in Kayes, *Grand Dialogue*, 14 October 2019)

Guests on the *Grand Dialogue* (14 October 2019) advocate that widows should aim for continuity, 'avoid disruptions and tension', and abide by the law, without clearly stipulating which law they are referring to. The guests promote a widow's place as part of a community or web of relations, suggesting that the social practices of the majority in many listener communities conflict with development discourses that promote women's (individual) empowerment and equality. The broadcast provides no mention of any positive action that widows could take but does give several examples from representatives of women's associations of how women have been 'cheated' out of their inheritance. There is no critique of prevailing structural inequalities or lack of rights to property. Whilst the Christian perspective is provided initially by one guest claiming that, in this framework, sharing the inheritance is not too problematic, the other guests go on to say that they cannot comment further from personal experience: 'We don't know anything about Christian law'. Therefore, they mostly cite Islamic rules, which they speak of as being law. Universal rights are not referred to, nor are cultures outside Africa or Mali; thus, the discussion is situated within a specific context with its structural inequalities.

The two-minute *Motion Design* is the one element in the radio package that promotes ideas found in NGO development campaigns that inheritance in Mali is gender discriminatory but also considers women both within her web of relations and in a context where customary laws prevail. With supporting animations, it counters those who support levirate marriage and claim that it protects widows from destitution, using arguments that widows 'experience it as a double penalty'. This is because they are 'forced to marry the brother of the deceased against their will. Second, she may be abandoned by her new spouse who has only accepted this union in order to gain access to the inheritance'. It also situates inheritance within a broader context referring to women's restricted access to land,¹¹

¹¹ The land law of 2017 can be gender discriminatory. Women have long been forming associations to improve their land tenure security by using the land for collective use. The new law reinforces this by requiring that 15 per cent of public land be allocated to women's associations. <https://www.iisd.org/articles/insight/historic-new-law-secures-land-malian-farmers>

especially widows ‘who have difficulty accessing full ownership or bank loans to buy land’. By providing recommendations for couples to write a will and to keep their documents safe, this short clear animation underlines the fact that discriminatory practices place the onus on women to prove their entitlement to an estate and avoid being ‘expelled from the marital home or having parental authority over her children withdrawn’. However, as previously stated in Chap. 2, the *Motion Designs* are visuals, not audio output, and accessible on YouTube and then via social media, which significantly reduces possible audiences for this constructive information, given lack of accessibility and viewing habits. The power and gendered dynamics at work within social practices remain unchallenged, questioning the effect of this programme’s message.

The seven *magazines* and their televised equivalents broadcast testimonies that are all spoken by women: three widows and four representatives of women’s and legal associations. They provide a variety of opinions from some who have suffered as widows and others who support or advocate professionally for them. The range of voices included in these short broadcasts is one of their key features, yet ensuring that listeners listen to them all given that they are broadcast on different days is somewhat aspirational. This calls into question the ‘plurivocal’ effect of these testimonies and the heterogeneous nature of Malian women who speak in many voices (Heywood & Ivey, 2021). Widows emerge within two scenarios: one within the family web and the other having been cut off from the web with no financial or other support having refused levirate, for example, or having been forced out of the family home. In the former case, women are presented as being passive, subjugated but financially secure, performing a traditional gendered domestic role in a disempowered context. In the latter case, widows become individuals without the support and security of the web. They are no longer empowered by being ‘independent’; instead, they are alone and isolated. Being deprived of all support, they are portrayed as now having to be active, with agency, and needing to rely on their own competencies for their own survival and that of their children: ‘Had I not known how to trade from a young age, things could have been really difficult for me after our husband’s death’ (Ouma Fofana, widow). The same advice as in the *Motion Design* to make a will, keep the correct documents and ensure they have a trade is issued to widows, placing the onus on women to find solutions, rather than broadcasting messages that conflict with the entrenched discriminatory and gendered social norms, which undoubtedly would be rejected or ignored as being irrelevant or

impracticable. The mistreatment of widows is attributed by Mme Djénéba Damba (President of the Association Tékèrèni) to greed and lack of faith in God, suggesting that cultural or social norms are not at fault as they have worked in the past; it is more the fact that people no longer respect religious teachings. As a result, society has to resort to drawing up wills rather than simply following religious law.

Men should make a will because no one knows when death will occur. A will would save their wives and children from suffering after their death. In the past, the division of the inheritance was more equitable and better organised than it is today. I invite each of us to turn to faith. It helps us to keep a good heart and get rid of greed.

Fondation Hironnelle also aspires to be ‘representative of all segments of society’ (Fondation Hironnelle strategy document 2021–2024). Whilst this research has determined that the programmes do indeed represent women, they could go further by identifying sub-segments of women within this marginalised group. Dialogue is at the heart of Fondation Hironnelle’s mission statement and is a prerequisite for the gradual approach needed to soften deep-rooted ideas in society. To achieve this, women’s voices need to be heard at all levels to reflect the complex nature of their multiple relations within their social webs. This would avoid falling into the trap of constructing and reinforcing widow/women and men/women binaries, widely promoted by many donors, and allow the webs in which women are entangled to be revealed as deeply intricate but also impregnable. Although the broadcasts are varied and attractive in form, a more diverse and complex representation of women and women’s voices is needed.

CONCLUSION

This chapter focused on inheritance and the extent to which the allocation of that inheritance affects women, families, and communities, both rural and urban, how this is represented by radio, and, if any advice is given, whether it aligns with ‘imposed’ international development discourse while remaining culturally relevant. It also questioned whether the radio broadcasts presented women as individuals or within their societal web of relations.

Respondents' understanding of the various laws depended on their levels of education and location (urban or rural). Educational barriers encountered by women, resulting in low literacy rates, meant that women were again discriminated against, as they were not able to use legal proceedings—the main solution provided by all the FGDs—to obtain justice and remained dependent on others to help them. A difference in understandings and practices emerged between men and women listeners, married older and unmarried younger women listeners, and urban and rural listeners.

Fondation Hironnelle, via Studio Tamani, adhered to its mission statement by producing broadcasts produced in the country, for the country and by those in the country. In doing so, it scrutinised inheritance from the perspective of local communities within the complex framework of extracting women from family structures and their 'webs of relations'. Women were not individualised in this radio series; rather, there was a tendency to homogenise them. The resultant men/subservient women binary that dominated was important as women, first as individuals, then as a mobilised collective group seeking empowerment, continued to be systematically placed in opposition to men. There are few, if any, programmes on the subgroup of, or within, widows, for example, to the extent that listeners suggested that widows and orphans are absent from the airwaves as a topic but broadcasts focusing on them would be welcome. Individual empowerment, particularly regarding inheritance, was not presented as a viable or attractive option. Decisions are made largely by the *grande famille*, and those taken by widows are barely a choice, more a decision between two negative options.

Unless its core values are compromised, Fondation Hironnelle endeavours to avoid a top-down approach, a criticism widely levelled at NGOs and development organisations. According to Manyozo (referred to in Obregón & Tufte, 2017: 643), this is a development approach or strategy that 'remains embedded in the Western neoliberal development paradigm, which has been criticized for its ethnocentric approach and negative social consequences'. Nonetheless, Fondation Hironnelle's General Director, recognising the organisation's position of power in the countries in which they operate, stated that they aim to 'position ourselves to integrate as an institution so we can make it work for each project and each country' (Vuillemin, 2018).

The information contained in the radio programmes aligned with many of the comments of the FGD respondents, but, in doing so, it tended to confirm embedded gender discrimination rather than suggesting any

avenues to challenge it. Fondation Hironnelle's aim is to stimulate dialogue, but on this topic, alternatives (making wills, keeping documents safe, and not challenging the status quo) were barely suggested, with the possible exception of the *Motion Design*. However, this animated programme itself has drawbacks, as it is a visual rather than audio product, significantly limiting its reach. Similarly, opportunities are not fully seized to promote women's rights as set down in UN SDG 5.5a, the Maputo Protocol, or CEDAW, for example, regarding inheritance and associated land ownership.

Be it because of the complexity of the topic or the time limitations of the broadcasts, details that could clarify misunderstandings and confusions about inheritance are noticeable by their absence in this series; therefore, radio is not optimised in its recognised role as a principal awareness-raising tool. Greater airtime could be dedicated to a clear and digestible overview of these complex laws and their application and provide listeners with accurate and accessible information on an important topic that could be subsequently discussed, with the possibility of changing behaviour and perceptions amongst men and women of all ages. Rather than attempting to accommodate universal declarations of human rights and local contexts, the series risk reinforcing women's subjugation and oppression in this patriarchal society.

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