Shari'ah and the Secular State:
Popular Support for and Opposition to Islamic Family Law in Senegal

by

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To my parents,
Phyllis and David Konold,
With love and gratitude

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Chapter 1

Introduction

"I'm a Muslim so of course I prefer Shari'ah. Shari'ah is the best of all possible laws. It's divine law." 21 -year-old woman, Dakar

 "Shari'ah comes from God and as Muslims we have to live by it. But above all we're a secular country." 21 -year-old man, Dakar

According to these two young men and women interviewed in 2005, citizens disagree about whether Senegal's state family law should be based on Islamic law, or Shari'ah. For both, deciding whether legislation should be based on Shari'ah entails political *and* religious judgments as they deliberate about the sources of authority that legitimize state law. For this young woman, the divine authority of the Shari'ah makes it preferable to all other sources of law, and so she supports the idea of a state law that would conform to Shari'ah principles. For this young man, the fact that Shari'ah comes from God gives it religious authority. However he also values the fact that Senegal is a secular country and views a state law based on Shari'ah as incompatible with the state's secular authority. In this dissertation, I ask how and why citizens disagree about the role of Shari'ah as a source of state law. I evaluate the ways that ordinary men and women make sense of competing and complementary religious and political values in Senegal, a secular, democratic, and predominantly Muslim country in West Africa.

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As the response from the young man in Dakar above suggests, some men and women believe that the laws of a secular state cannot or should not be based on Islamic law. Some scholars advance this position as well. Abdullahi An-Na'im (2008), a prominent legal scholar who advocates for a secular state, argues that Islamic law simply becomes the political will of the state and no longer carries the same religious authority once it becomes state law. By this reading, a secular state is precisely a state which does not claim to enforce laws based on Shari'ah. From a legal perspective, Sherman Jackson (1996, xiv) defines an Islamic state as "…a nation-state ruled by Islamic law." Popular debates about the relationship between Islamic law and the state, then, often conjure images of two idealized states in a binary opposition—the Islamic state that enacts Islamic law as state law and the secular state that does not. The other main objective of this dissertation, therefore, is to evaluate how citizens themselves understand the relationship between Islamic law and the state. Do ordinary Muslims in a secular state believe that Shari'ah can and should be a source of legislation? Do they see such preferences as mutually exclusive? To address this question, I ask if Muslims who support a secular state are indeed less likely to support state legislation based on Shari'ah.[1]

Understanding how ordinary Muslims view the relationship between secularism and Shari'ah is important because it provides insight into the extent to which they hold the kind of popular political ideologies described in today's public debates about Islam. For example, some scholars identify preferences for Shari'ah as state law as an indicator of an Islamist political ideology (e.g., Feldman 2008). Moreover, they often describe Islamists as existing on an ideological continuum from "liberal" to "conservative" to

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[1] The idea of the secular state is discussed in Chapter 2.

"radical." For example, "liberal Islamists accept many of the goals of establishing

Islamic law but advocate more liberal interpretations of the Shari'ah than do mainstream

Islamists" (Feldman 2008, see Note 2 on 155-156).[2] In contrast, advocates for a secular

state who oppose enacting Shari'ah as state law are described ideologically as secularists.

As family law has been debated in Senegal, journalists and advocates have labeled their

opponents in ideological terms as well. But if scholars and pundits delineate between

Islamist and secularist political ideologies as they debate the role of Shari'ah as state law,

do citizens themselves actually view preferences for a secular state and for Islamic law as

interconnected and mutually exclusive?

In this dissertation, I argue that whether and how states incorporate Shari'ah

principles in legislation represents an important site of contestation over the proper

relationship between religion and state. I focus on popular views toward family law

because of its historical and contemporary relevance in comparative context. Moreover,

citizens' views of the appropriate and authoritative sources of law are an important

component of legitimate governance (Diamond and Morlino 2005). My research seeks to

contribute to interdisciplinary debates by examining how citizens in Senegal made sense

of a major public debate about Shari'ah as a source of state family law and how they

reconciled strongly held political and religious values. Recent public opinion surveys

completed in nearly every country in the Muslim world confirm that a majority of men

and women desire some role for Shari'ah as a source of state law, yet levels of popular

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[2] Islamist ideological orientations are thought to have important implications for democratic political attitudes and preferences (Tibi 2008; Masoud 2008; Hamzawy and Brown 2008). For example, radical Islamists are said to advocate for non-democratic systems, while liberal Islamists for democratic political systems (Feldman 2008). Others have found that ordinary Muslims who hold more liberal interpretations of Islam may hold more democratic political orientations (Tessler 2005).

support differ dramatically across national borders (Esposito and Mogahed 2007, 66).[3]

My dissertation also contributes to the larger question of why ordinary Muslims in some countries are more likely than Muslims in other countries to desire legislation that conforms to Shari'ah principles.

To address the question of how and why men and women disagree about whether Shari'ah should be a source of state law, I turn to scholarship on public opinion formation and the formation of belief systems. This analysis offers an empirical investigation of the ways that men and women make connections between their views on Shari'ah as state law and their views about the secularism of the state. I turn to research on framing to argue that how elites frame debates over state family law and Shari'ah as a source of state law will shape citizens' preferences (Gamson and Modigliani 1989; Gamson 1992; Gamson and Modigliani 1987). I also turn to theories of public opinion formation that highlight the important role of predispositions, especially values, *as well as* awareness of elite discourse in shaping citizens' preferences (Zaller 1992; Zaller and Feldman 1992; Alvarez and Brehm 2002). I argue that awareness of elite discourse plays an important role in shaping what citizens come to see as important as they form preferences for state family law. In particular, most citizens hold multiple complex, interacting predispositions, and elite framing helps to activate certain predispositions as citizens' form their preferences. Men and women with the most information about the family law debate—in which Shari'ah and secularism were framed as competing preferences—tend to adopt this secular interpretive package and view a state family law based on Shari'ah

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[3] I use the term Shari'ah and Islamic law interchangeably in this dissertation rather than Islamic jurisprudence, or *fiqh*, because I focus on popular understandings of Islamic law and popular media debates. Ordinary men and women, as well as journalists, tend to use the term Shari'ah when discussing Islamic law.

as incompatible with a secular state. Despite the widespread use of ideological labels to characterize competing visions of the legitimate source of state law (e.g., secularists versus Islamists, extremists versus moderates), I argue for a more cautious approach to ascribing elite ideological labels to ordinary Muslims' belief systems (Converse 1964). To begin to address these questions, I analyze original public opinion data I collected with 800 men and women in 2005 in Dakar, Senegal.

Popular Support and Opposition to Shari'ah as a Source of State Family Law

Some describe family law is the "heart of the Shari'ah and the basis for a strong, Islamically-oriented family structure and society" (Esposito and Mogahed 2007, 23). In his comparative study of family laws, An-Na'im (2002, xi) writes that many Muslims view family law as akin to religious identity with a sort of precolonial authenticity:

> Islamic family law has become for most Muslims the symbol of their Islamic identity, the hard irreducible core of what it means to be a Muslim today. This is precisely because [it] is the main aspect of Shari'ah that is believed to have successfully resisted displacement by European codes during the colonial period, and survived various degrees or forms of secularization of the state and its institutions in many Islamic countries.

An-Na'im argues against binding family law to Shari'ah simply because of its religious authority. Specifically, family law—including marriage, divorce, inheritance, and child custody—is still state policy and its enforcement rests on the political will of the state (3).

Anthropologist Talal Asad (2003, 227) describes how during the period of colonial rule, Shari'ah was restricted to matters of personal status and family law. However, he challenges the view that because it is *family* law, it deals with core religious beliefs and practices and is essentially part of the *private* sphere.

When the Shari'ah is structured essentially as a set of legal rules to define personal status, it is radically transformed. This is not because the Shari'ah, by being confined to the private domain, is thereby deprived of political authority. ...On the contrary, …it is rendered into a subdivision of legal norms (*fiqh*) that are authorized and maintained by a centralizing state.

As "Islamic family law," state family law became a subject of *public policy* in the modern state. Moreover, as a category of state law, centralized governments claimed the right to legislate behavior within this so-called private sphere of the family (227).

In this dissertation, I demonstrate that some ordinary citizens understand family law to be the heart of the Shari'ah and believe that that state must simply enforce clearly identifiable Shari'ah principles. Others view family law as the primary space where states must guarantee equal citizenship rights. As state policy, the state must enact legislation that grants legal equality to all its citizens as guaranteed in many constitutions.

Debates about family law often center on discourses of rights, including the meaning of legal equality for all citizens, regardless of religion and gender. Across the Muslim world, citizen activists as well as religious and political leaders have hotly debated the extent to which family law should be based on Shari'ah as well as which interpretations of Shari'ah are authoritative. For example, in August 2009 Mali's parliament debated a new family law that purportedly sought to grant women greater equality in marriage. In response, Muslim religious leaders and large numbers of citizens staged public protests, claiming that the law violated Islamic principles (Vogl 2009). In Morocco in 2004 and Algeria in 2005, parliaments passed reformed family laws.

Advocates for and against the reforms offered competing arguments and interpretations of Islamic jurisprudence to justify their positions.[4]

Family law reform has been a contentious issue in Senegal as well. After political independence from France, Senegal took steps to establish a unified judicial system and to abolish separate customary courts. Part of these legal reforms included the 1972 family law, the *Code de la Famille* or Family Code, which applied to all Senegalese citizens rather than continuing the French colonial policy of applying French, customary, and Islamic laws depending on the personal status of the individual. Though it included different customary regimes and some aspects of Islamic law (primarily inheritance laws) legal reformers sought to draft a single code that would unify as many aspects of the law as possible, following the principle of one nation/one law (Camara 2007a). Through these reforms, Senegal attempted to unify its legal system, strengthen the secular character of society, acknowledge the principles of individual rights, and guarantee the equality of all citizens under the law (Loimeier 1996). The Family Code acknowledges religious difference but is seen by many as a secular law (Dieye 2008). It attempted to grant women greater rights and has been described as a part of a process of "democratizing and modernizing" the law (Kane 1972; Sow Sidibé 1993-1994).[5] As a predominantly Muslim country—estimated at 90-95%—and a secular democracy, Senegal is widely praised by scholars for its model of secularism that allows for a friendly accommodation between state and religion (Stepan 2008; An-Na'im 2006). The

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[4] Interviews with activists in the Moroccan family law reform debates, December 2007, at international conference organized by The Esprit de Fès Foundation & The Protection Project, "Family Laws in the Muslim World: Comparative Perspectives" in Fez, Morocco. Interviews with drafters of the Algerian Family Code, February and March 2008

[5] Note that some Senegalese scholars point to the patriarchal and discriminatory bases of the law, arguing that the Family Code sought to privilege male rights over female rights (Camara 2007b, 458, 469).

Family Code is often described as an example of that successful balance which respects religious faith and diversity yet seeks to treat all citizens equally before the law (Mbaye 2007).

However, Muslim religious leaders and activists have challenged the secular character of the state since independence and have focused much of their opposition on the Family Code (Creevey 1996; Villalón 2004; Augis 2002; Dieye 2008; Loimeier 1996). Most recently in 2003, the Islamic Committee for the Reform of Family Law in Senegal *(Comité Islamique pour la Réforme du Code de la Famille au Sénégal*, hereafter known as CIRCOFS), a diverse coalition of religious activists, leaders, and associations, called for the National Assembly to adopt a Muslim personal status law in place of the Family Code. They unveiled a draft law that would apply Shari'ah to Muslims and said that Christians and other non-Muslims should be governed by their own personal laws. CIRCOFS justified their demand for a Muslim personal law by arguing that the Family Code violated the principles of the Shari'ah, and as such, the religious beliefs of Muslims. They invoked the religious authority of the Shari'ah, the freedom to practice religion freely, and the principle of legal pluralism that would allow each religious community to be governed by its own laws.[6] Through the act of drafting an alternative family law, CIRCOFS also claimed the authority to interpret Islamic law.

CIRCOFS claimed to speak for "public opinion," arguing that Muslims rejected the Family Code because it contradicted their religious convictions and only represented

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[6] "Il serait donc faux et dangereux de se contenter de simples modifications de tels ou tels articles de l'actuel Code de la famille. Il s'impose en vérité d'adopter un autre Code totalement différent dans sa substance de l'actuel Code de la famille. Pour se faire, il convient de respecter la liberté de conscience de chacun inscrite dans notre Constitution en substituent au code de la famille un code de statut personnel qui soumet chacun à sa loi personnelle, c'est-à-dire qui soumet les musulmans à la charia, les chrétiens et le non-musulmans à leur loi personnelle. Ce ne serait d'ailleurs qu'un retour à ce qui, à peu de choses, se pratiquait sous le régime colonial" (CIRCOFS 2002).

the will of a small, French-educated elite.[7] CIRCOFS also invoked the principle of the

will of the majority in a democracy and argued that the Muslim majority had the right to

a family law that reflected its preferences.[8] Finally, CIRCOFS critiqued the secular state

and argued that the *laïcité de l'Etat* did not exist in most of the democratic states in

Europe. Senegal was secular simply because it imitated the French state model.[9]

For many observers within and outside of Senegal—scholars, journalists, citizen

activists, and religious and political elites—the issue of a Muslim personal law inspired

by Shari'ah raised questions about the meaning of secularism in Senegal. For example, a

group of civil society organizations formed the Collective for the Defense of Secularism

and National Unity (*Collectif pour la Défense de la Laïcité et de l'Unité Nationale au*

Sénégal, hereafter known as the Collective) and openly denounced CIRCOFS' rejection

of the Family Code (Bop 2003).[10] They claimed that a Muslim personal law would

violate the secularism of the state, the guarantees of equality before the law for all

citizens, and national unity. Opposition to a personal status law did not come solely from

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[7] "Critiqué et rejeté par nos éminents chefs religieux musulmans, le Code de la famille est, pour l'essentiel, ignoré par les populations… Cette situation est la conséquence du fait que des élites politiques, administratives ou autres, formées à l'école française, subissant des influences extérieures, prennent leurs désirs pour des réalités et se croient investies du droit de faire des lois conformes à leurs vues et leurs aspirations personnelles en contradiction avec les points de vue et les aspirations de la grande masse de la population qui demeure profondément attachée à ses convictions religieuses musulmanes. De cette dualité, découle une situation grave et on ne peut plus déplorable car elle sape les fondements de l'Etat et elle est source d'anarchie : une loi votée que les citoyens rejettent et n'appliquent pas, qu'on s'évertue à leur imposer sans d'ailleurs y parvenir. C'est très grave."

[8] "La communauté musulmane forme l'immense majorité de la population et les règles les plus élémentaires de la démocratie exigent que, contrairement à ce qui se passe actuellement, le droit musulman de la famille auquel obéissent 95% des Sénégalaise et des Sénégalaises soit érigé en cette matière, en droit commun au Sénégal" (CIRCOFS 2002) .

[9] "Que la "laïcité de l'Etat" est un concept qui ne possède aucune définition légale, de sorte que ceux qui s'en prévalent lui donnent le contenu que chacun veut bien lui donner. C'est par pur mimétisme que l'on a inscrit dans notre Constitution, en l'important de France, le concept de laïcité qui ne figure pas dans la plupart des constitutions des pays d'Europe. C'est par pure ignorance que l'on croit que "la laïcité à la française" est un modèle, alors qu'elle n'est en réalité que l'exception en Europe."

[10] According to one activist in the Collective, this group included trade unions, Senegalese NGOs, human rights associations, university professors, individual activists, Catholic groups, and "democratic" 'ulama.

non-governmental organizations. President Abdoulaye Wade immediately stated that he would never revise the Family Code while President (Sarr Diakhate 2003).

Advocates on either side of the family law debate publicized their positions through the mass media and acknowledged the need to mobilize public support behind their positions. CIRCOFS aimed to persuade the public through an organized lobbying effort—"*un programme de popularisation et de sensibilisation des populations,*" which recognized the importance of public opinion (Seck 2003).[11] Throughout the heated debate, journalists represented diverse voices in news analyses and citizens themselves wrote opinion pieces and letters to the editor to weigh in on the issue. The family law debate became, I argue, a debate about the general principle of Shari'ah as a source of law and of the secularism of the state. The debate was framed as a competition between competing Islamist versus secularist political ideologies, and opinion leaders competed to define the meaning of secularism in Senegal.

To date, Senegal's Family Code remains unchanged, but this debate is only the most recent in a broader history of debate about family law and Muslim personal status.[12] Leaders of Senegal's Sufi orders criticized the Family Code in 1972 (Villalón 1995, 227) and reformist and Islamist groups have led more recent calls for family law reform (Loimeier 1996). CIRCOFS' 2003 draft was the most organized challenge because it drafted an alternative law and launched an organized lobbying effort (Dieye 2008).[13]

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[11] Even prior to CIRCOFS' proposal, others have mentioned the importance of understanding what citizens themselves want in state family law. For example, a legal scholar who had participated in prior family law reforms, and who was a critic of CIRCOFS' draft project, had also called for further study of population: "Let's consult the population before going farther. Let's see if the people are ready for these new changes" (Diatta 2002b).

[12] See Diouf (1998) for an analysis of calls for Muslim personal status in the French colonial state.

[13] CIRCOFS wrote: "…D'ores et déjà nous convions toutes les Associations islamiques du Sénégal, tous ceux et toutes celles qui, individuellement ou collectivement, militent pour un Sénégal nouveau, respectueux des valeurs religieuses du peuple profondément religieux de ce pays, à se mobiliser et à

Since 2003, many scholars have discussed the larger theoretical issues related to the debate over family law and Senegalese secularism (Brossier 2004b; Dieye 2008; Brossier 2004a), but this study asks how ordinary citizens themselves understood this debate and why they took sides for and against a Muslim personal law that claimed to conform to Shari'ah. My study seeks to understand how elite actors attempted to persuade the public about the legitimacy of their legal claims through the media, and how citizens themselves understood such debates about secularism and Shari'ah in a local context.

Public debates about family law reform require elites and the public to negotiate between religious and political authority. In Senegal, as in the neighboring cases of Algeria, Mali, and Morocco, recent family law debates raise similar questions of the role of Shari'ah as a source of state law and who has the authority to interpret Shari'ah. Family law reform has immediate implications for individuals and families as states decide how to guarantee legal equality for all citizens while also respecting freedom of religion and protecting citizens' right to mobilize for laws that reflect their values in a democracy.

Outline of the Dissertation

In this dissertation, I argue that how debates over Shari'ah as a source of law play out in any society depends quite strongly on how these issues are framed by opinion leaders, including civil society activists, journalists, and religious and political elites. The mass media is a space for visible, public elite discourse where opinion leaders construct frames to highlight what is at stake in each public policy debate. Elite discourse offers citizens interpretive packages that shape what citizens come to see as important (Gamson

intervenir activement pour que le gouvernement et le parlement de l'alternance adoptent une loi consacrant le projet définitif du Code du statut personnel. "

and Modigliani 1989, 1987). To construct frames that resonate with the public, however,

elites also mobilize values that already exist in popular culture. Elite discourse, then,

shapes but also reflects broader cultural values and principles. Of the relationship

between elite discourse and public opinion, Gamson and Modigliani (1989, 2) write:

> Each system interacts with the other: media discourse is part of the process by
> which individuals construct meaning, and public opinion is part of the process by
> which journalists and other cultural entrepreneurs develop and crystallize
> meaning in public discourse.

In this study, I examine how the issue of family law reform was debated in Senegalese

elite discourse as found in print media. I also examine how ordinary women and men

made sense of the debate, and how key media frames made their way into popular

discourse.

In Senegal, as in other comparative contexts, opinion leaders offer competing

ways to interpret the issue of family law reform and Muslim personal status. Advocates

for laws that conform to Shari'ah principles often invoke the religious authority of the

Shari'ah in order to push for strict observance of what they argue are clearly identifiable

and immutable principles. Shari'ah is thus framed as a simple question of religious belief

and practice. I argue that many ordinary citizens do view family law in such terms. As

such, religious predispositions should push them to support such a law. However,

citizens' preferences are not simply a question of religiosity. I will show evidence that

there is a widely diffused discourse of secularism that has broad support in the general

public. There is also broad popular support for the principle of legal equality,

conceptualized as applying one law to each citizen. Defenders of the current Family

Code framed support for the current law as a question of secularism and legal equality.

As current state law, the Family Code reflects a mainstream elite consensus that the

current law is not only compatible with Senegal's secular constitution, but that it is necessary for Senegal's national unity and for its constitutional protection of legal equality for all citizens. Opinion leaders who defended the Family Code constructed a secular interpretive package that attempted to activate predispositions toward secularism and equality. According to this framing, predispositions toward secularism and legal equality should push citizens to oppose a Muslim personal law.

Relying on public opinion research that highlights the important role of elite discourse in shaping citizens' preferences, as well as the common existence of multiple predispositions among most citizens, I argue that most citizens hold each of these predispositions toward religious authority, secularism, and legal equality (Hochschild 1981; Zaller and Feldman 1992; Alvarez and Brehm 2002). The critical argument in this dissertation is that most men and women profess commitment to *the same values*—they support a secular state and legal equality for all citizens *and* believe in the religious authority of the Shari'ah. Religiosity seems to push them to support the law, but they are also strongly committed to Senegal's political and cultural discourse of secularism that emphasizes mutual respect for all religions and the principle of equality before the law. Why do citizens who share the same values differ in their preferences for a state law based on Shari'ah? One explanation is that they actively reject framing secularism and Shari'ah as state law as incompatible preferences. I argue, however, that many citizens are simply less aware of elite discourse that frames these as opposing preferences.

I will show evidence that while print media tended to frame the issue as one of secularism versus Shari'ah, only some citizens see these preferences as mutually exclusive. Citizens who view these preferences as mutually exclusive do so, in part,

because they pay more attention to media debates where this mainstream secular interpretive package is widespread. Education and media exposure, which I suggest indicates a broader awareness of and information about mainstream elite discourse in Senegal, plays a critical role in shaping preferences for family law. I argue that citizens with higher levels of education—who were most exposed to the media debate—should be more likely to discuss family law in the terms of elite discourse as found in the mass media, whether or not they support or oppose an Islamic family law. I also argue that among individuals who support Senegalese secularism, more educated citizens are most likely to connect the issues of Shari'ah as a source of state law, the secular state, and the principle legal equality into a broader package of secular preferences. These most educated and informed citizens, then, should be most likely to view Shari'ah and secularism as mutually exclusive preferences.

This argument does not assume an inverse relationship between religiosity and education. I suggest, though, that many individuals with high levels of education *and* high religiosity will be more aware of potential tensions between their preferences and values if they are commonly framed as competing values in elite discourse.

I employ multiple methods to evaluate these questions in the dissertation. First, I describe and interpret how elites framed the issue of family law and Shari'ah as a source of state law. By analyzing a sample of newspaper articles, letters to the editor, and opinion pieces written in 2003-2004, I seek to uncover how ideas and values were "packaged" together for the public. Second, I interpret the ways that citizens themselves understood the question of family law reform through coded short-answer narratives gathered from an original public opinion survey of 800 ordinary men and women in

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Senegal. I evaluate how ordinary men and women understood the family law debate and

justified their positions. Third, I interpret several multivariate statistical models that

evaluate whether there are significant differences between citizens as to why they support

or oppose an Islamic family law. I evaluate differences between men and women,

between Christians and Muslims, and differences across levels of self-reported religiosity

and education. I also evaluate if citizens' preferences for a secular state are inversely

related to their preferences for a state law that conforms to Shari'ah. Finally, I address

the question of which citizens view these preferences as incompatible.

The structure of the dissertation is as follows. In Chapter Two, I reference

scholarship on secularism and Islamic law and place Senegal in the context of the

diversity of institutional relationships between religion and state within predominantly

Muslim countries. In Chapter Three, I outline the main theories of public opinion I draw

upon to explain how citizens form preferences for legislation based on Shari'ah,

including literature on public opinion formation and media framing. I highlight the

important role of elite discourse in shaping how citizens form connections between their

multiple core values. I argue that we should pay more attention to the competing

interpretive packages opinion leaders create and disseminate in order to persuade citizens

whether state laws should conform to Shari'ah.

In Chapter Four, I introduce the major ways elite actors in Senegal—journalists,

religious and political leaders, and influential members of civil society—framed debates

about Islamic family law in print media. I carried out a content analysis of available print

media debates from sources such as *Wal Fadjri, Le Soleil,* and *Sud Quotidien,* among

others, from 2003-2004. In Chapter Five, I introduce and describe the original survey of

public opinion used in this study, which yielded a probability sample of 800 face-to-face interviews in Dakar. I describe the distribution of preferences for and against a personal status law inspired by Shari'ah across gender, levels of religious engagement, media exposure, and education.

In Chapter Six, I analyze the 800 open-ended narratives gathered from men and women to examine how citizens themselves explain their preferences for a Muslim personal law based on Shari'ah. Coding and analyzing citizens own words offers evidence of the considerations they judge to be most important as they contemplate family law reform. Interpreting coded narratives provides evidence that citizens are aware of and mobilize many of the key frames from media discourse. I also show that Muslims do not speak with one voice, and that citizens mobilize and articulate complex, multifaceted arguments justifying their preferences for and against a state family law based on Shari'ah. Value judgments, including a commitment to secularism and to religious values, play an important role in helping citizens to make sense of family law reform.

In Chapter Seven, I interpret an ordinal logit model that evaluates the role of demographic variables, predispositions, and awareness of elite discourse in explaining support for and opposition to a Muslim personal law. Finally, I show in Chapter Eight that many citizens do not view family law reform in the stark terms of elite discourse. For these citizens, secularism and support for Shari'ah are not necessarily inversely related. By comparing measures of opinion consistency across measures of education, media exposure, political knowledge and religious engagement, I find that the most educated and media-exposed, rather than the most "religious," seem to connect the larger

frames of the family law debate into an interconnected set of preferences about religion, law, and state. This finding is particularly important because many citizens who oppose an Islamic family law are as religiously engaged as those who support the law.

Chapter Nine concludes with a summary of findings and discusses how results in Senegal may inform expectations for other comparative cases. In particular, while debates about family law should entail discourses of rights and appeals to religious values and authority, elite framing should differ depending on historical and contemporary variations between countries in their respective institutional relationships between religion and state, the presence of multiple religions in the country, and differences and divisions between elites in the cultural and political discourses in each local context.

Chapter 2

Islam and the Secular State: Senegal in Context

Samuel Huntington argued in *The Third Wave* (1991) that secularism and democracy are inextricably linked:

> To the extent that governmental legitimacy and policy flow from religious doctrine and religious expertise, Islamic concepts of politics differ from and contradict the premises of democratic politics. …With one exception, no Islamic country has sustained a fully democratic political system for any length of time. The exception is Turkey, where Mustafa Kemal Ataturk explicitly rejected Islamic concepts of society and politics and vigorously attempted to create a secular, modern, Western nation-state.
>
> (307-8)

Huntington's statement reflects a broadly held view that democratic politics requires a secular state. Recently, however, scholars of contemporary politics have attempted to move beyond debates that frame democracy and Islam as competing systems resting on incompatible sources of authority.[14] Political scientist Alfred Stepan (2001, 162) has played an important role in challenging scholars to disassociate secularism and democracy and writes: "secularism and the separation of church and state have no inherent affinity with democracy."[15] In his more recent work, he explains variations in

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[14] Scholars also discuss the actual forms of differentiation between political and religious authority that existed in medieval Muslim states (Crone 2004; Jackson 1996).

[15] He argues that a democracy does not require a secular state, as the example of many European democracies with established churches demonstrates. Rather, he advocates for the "twin-tolerations." Upholding the twin-tolerations means freedom of action for political institutions vis-à-vis religious authorities, and for religious individuals and groups vis-à-vis political institutions. Stepan asserts that a democracy must give religions complete freedom to worship privately. Furthermore, religious individuals and groups must have the right to organize political movements and parties. To reinforce his point that there is no inherent relationship between a secular and a democratic state, Stepan turns to Robert Dahl's

religion-state relations and "the multiple secularisms of modern democracies" (Stepan 2007).[16] This study begins from this premise and argues that it is as important to study how citizens understand and negotiate the appropriate relationship between religion and state as it is to understand their attitudes toward democracy as a system of government. I examine how citizens negotiate religious and political authority in a secular state by studying how ordinary men and women understand and formulate preferences for the legitimate sources of state laws.[17]

Secularism and the Secular State

Table 2.1 hints at the diversity of possible religion-state relations: *religious states* in which the legal and judicial processes are in the hands of religious authorities, and in which church and state are unified; *states with established religions,* which have at least one official or privileged religion, and therefore form an alliance between church and state; *secular states* which have no official religion, as in France, Turkey, India, the United States, and Senegal; and finally states that are *antireligious*, which are hostile to one or more religions.

(1971) famous definition of democracy. Nowhere in Dahl's definition, or in Linz and Stepan's modified definition, is secularism or a separation of church and state a necessary or sufficient condition for a state to be democratic.

[16] Note that scholars of public opinion find that citizens tend to overwhelmingly support democracy, but are more evenly divided on the role of religion and state. Some prefer "secular" democracy and others prefer "Islamic democracy" (Jamal and Tessler 2008; Tessler and Gao 2005).

[17] It is important to note that secularism in this context does not refer to individuals who report lower levels of personal religiosity (Norris and Inglehart 2004). See Casanova (1994, 2006)for different uses of the terms.

Table 2.1 Varieties of religion-state relationships

	Religious States / Theocratic States	State with an Established Religion	Secular State	Antireligious State
Legislation and judiciary	Religion-based	Secular	Secular	Secular
State's attitude toward religions	Officially favors one	Officially favors one	Officially favors none	Officially hostile to all or many
Examples	Vatican Iran Saudi Arabia	Greece Denmark England	US France Turkey Senegal India	China North Korea Cuba
Total	10	100	95	22

Modified from (Kuru 2007)

Despite the common usage of the term "secular state" and "secularism" to describe a unitary concept, Table 2.1 suggests is that there is great diversity *within* the category of "secular state" itself. The diversity of institutional relationships between religion and state also exists within the category of predominantly Muslim countries that scholars and pundits refer to as the "Muslim world." Table 2.2 shows that in 22 predominantly Muslim countries, Islam is not the official religion of the state. Eleven states make no constitutional declaration concerning the Islamic or secular nature of the state, while an additional eleven countries have constitutions that proclaim the state to be secular. Combined with the roughly 300 million Muslims that do not live in predominantly Muslim countries, "the majority of the world's Muslim population currently lives in countries that either proclaim the state to be secular, or that make no pronouncements concerning Islam to be the official religion of the state" (Stahnke and Blitt 2005, 951). Moreover, only 15 constitutions of the forty-four predominantly Muslim countries provide for "Islamic law, principles, or jurisprudence as a source of, or limitation on, general legislation." Like many predominantly Christian countries with established

churches, states in which Islam is the established religion tend to have institutional

differentiation between religion and state as well.

Table 2.2 Variations in role for Islam in Muslim-majority states

States that have Islam as Official Religion (total 22)		States that do not have Islam as Official Religion (total 22)	
Declared Islamic States	States with Islam as Established Religion	No Constitutional Declaration	Declared Secular State (in Constitution)
10	12	11	11
28% (285.5 million)	30% (317 million)	28.5% (287.5 million)	13.5% (140 million)
Afghanistan Iran Pakistan	Algeria Malaysia Egypt	Syria Indonesia The Gambia	Senegal Turkey Azerbaijan

Source: (Stahnke and Blitt 2005)

Political theorist Rajeev Bhargava (2006b, 5) clarifies three components

underlying the relationship between religion and state that helps to distinguish secular

from theocratic states and states with establish religions. At the first level, non-secular

states have formed an alliance between state and religion and share a *common end* that is

defined by a common religion. At a second level, there may or may not be an

institutional differentiation or disconnection between religion and state. The third level

is *policy and law*. Non-secular states may be connected to religion through policies and

laws that are justified by religion. The critical difference between states with an

established church and theocracies is at the second level—their institutional

disconnection of church and state.[18] Secular states are often similar to states with

established churches at the second level of differentiation between the institutions of state

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[18] There is variation within theocracies and established states as well. In a theocracy, there is no institutional separation and religious leaders are also political leaders. States with established churches can actually have no established church (if the religion has no church, such as the desires of some Hindu nationalists in India); can establish of a single church; or can establish multiple churches or multiple religions.

and religion, but secular states tend to have a more complete disconnection by disestablishing churches or refusing to grant any official status to any religion. The key area of difference stems from the first area—*not sharing a common end*—and the third area—*the level of law and public policy.* Secular states differ most in how their doctrines of political secularism treat religion at the level of law and public policy.

Bhargava (2006b, 10) argues that many secular states are "value-based secular states, i.e., states guided by values such as peace, liberty, or/and equality." As such, they justify their constitutional secularism in the name of guaranteeing values such as religious liberty or equal citizenship rights regardless of religion. However, secular states may be guided by the same values but differ in how they treat religion in the realm of law and public policy. In the Turkish model of secularism and earlier forms of French secularism, the state aggressively excludes religion from law and policy in order to control it, and may do so in the name of equality for all citizens. The US model or the later French model, often called a model of strict neutrality or "liberal-democratic secularism," attempts to be "respectfully indifferent" to all religions. The US model has attempted to create a "wall of separation" between religion and state law and policy, also in the name equality in the law for all citizens, individual liberty, and freedom of religion, but aims to exclude rather than to control religion. In the US model, public policy and state law must be religiously neutral so that all citizens can submit to state law even if they do not accept the religious belief or value upon which it rests.[19] Other scholars who discuss variation between secularisms tend to focus on this third level of law and public policy as well. Stepan (2001) uses the terms "hostile" versus "friendly" secularisms to distinguish

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[19] Note that this "neutrality" is contested by many who point out that state law inevitably privileges some religions over others, and the courts do venture into the terrain of defining what constitutes legitimate "religious" practice (Sullivan 2005).

between states that assert more versus less control over religions. Moreover, states may become more hostile or friendlier to religion over time. Political scientist Ahmet Kuru (2007) also focuses his definition of a secular state in the area of a state's legal and judicial processes. He uses the terms "passive" and "assertive" secularism to explain different models of political secularism in Turkey, the United States, and France.

Many political scientists critique the model of "liberal-democratic secularism" found in the US that attempts to keep religion out of the legislature and out of public debate. Some argue that citizens must be able to publicly argue morality in the realm of law and policy if laws are to be deemed legitimate by citizens (Gutmann and Thompson 1996). Others argue that much of religion and politics is emotional, and that US secularism places too much emphasis on rational, "neutral" justifications for law and policy. By keeping religion out of political and policy debates, secularism in the US endangers pluralism within democratic politics (Connolly 1999). Liberal-democratic secularism can be intolerant of believers because it "does not understand the believer's life as it is lived from the inside. …A religious life is not just a life of personal and whimsical attachment to a personal God but one in which one submits to his commands and lives obediently by them" (Bhargava 2006b, 14). Charles Taylor (1998) argues against older secular models that aimed to keep religion out of the public debate and advocates for a newer version in which citizens still must accept certain political principles as morally binding, such as equality, even if they disagree on the moral or religious basis for these principles or legislation. However, religious and moral disagreement should take place publicly and often. According to these authors, religion is not easily privatized for many citizens and cannot be kept out of political discourse and

policy debates. The very secularism that aims to guarantee religious liberty and equal

citizenship may violate these rights for citizens of faith if secularism does not allow a

larger public role for religious discourse and debate.

As historical models of Western secularism are critiqued by their own citizens,

scholars are paying increasing attention to other "non-Western" versions of secularism

that do not follow the liberal-democratic model or the "assertive" secularism of the

Turkish model. Bhargava describes Indian secularism as a model of "principled

distance" wherein states may intervene in religious affairs as long as the intervention

promotes the multiple values of "freedom, equality, or any other value integral to

secularism" (Bhargava 2006b, 18-19). Indian secularism is a "multi-value secularism,"

then, that differentiates itself from the US or French versions by more actively engaging

with religion in the realm of law and policy. Because of its religious diversity and deeply

religious citizenry, this model values peace between religious communities and interprets

the values of liberty and equality in terms of individuals *and* communities. In this model,

a state may enact a law grounded purely on religious doctrine as long as it is compatible

with the values the secular state prioritizes—such as equality or freedom. For example,

the state may enact different laws for citizens of different religions if this promotes

equality for religious groups even if it differentiates between them. In this view,

secularism is more contextual (Bhargava 1998). There may be value-conflict in this

model of political secularism, however: "to accept that secularism is a multi-value

doctrine is to acknowledge that its constitutive values may come into conflict with one

another." The model encourages accommodation between the state and religion "to make

each work without changing the basic content of apparently incompatible concepts and values," such as equality through differentiation (Bhargava 2006b, 22).

Other advocates for a secular state in the Muslim world advance alternative models that allow a larger role for religion in public discourse and legislative deliberation. For example, legal scholar Abdullahi An-Na'im (2008) argues for a separation between religion and the state, but not a separation between religion and politics. Citizens in a secular state must be able to publicly express and advance their desires, values, and beliefs in politics, even if they stem from religious sources. His vision of a secular state also rests on values of religious freedom and equality, but it differs in that a state should not be able to enact Shari'ah as state law, even in the realm of state family law, because to do so violates religious freedom: "compliance with Shari'ah cannot be coerced by fear of state institutions or faked to appease their officials. This is what I mean by secularism,…namely a secular state that facilitates the possibility of religious piety out of honest conviction." A key area of debate and disagreement within secular states, then, takes place within this area of law and policy and centers on the extent to which a secular state may enact laws that claim to conform to religious law.

In this dissertation, I focus on a key debate within the area of law and public policy in Senegal. Senegal has been considered "the leading democracy in the Islamic world since 2000" (Stepan 2008; Gellar 2005) and also declares itself secular in its constitution. Article One, for example, states that "the Republic of Senegal is secular, democratic, and social. It ensures equality before the law for all citizens, without distinction of origin, race, gender or religion. It respects all beliefs."[20] Senegal meets the

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[20]Article One states : "La République du Sénégal est laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens, sans distinction d'origine, de race, de sexe, de religion. Elle respecte

simple definition of a secular state in that it has no official religion, there is an

institutional differentiation between religion and state, and the legal and judicial

processes are out of institutional religious control. Senegal has garnered recent attention

for its "friendly" model of secularism in which the state offers support to all religions

rather than being indifferent to them (Dieye 2008). Stepan (2007) currently classifies

Senegal and India as models of "respect all, support all" secularism.[21] With a highly

religious population and a history of diverse membership in Sufi orders and an important,

if small, Christian population, Senegal—both during the period of French colonial rule

and during the postcolonial period—has a well-documented relationship of

accommodation between religion and state (Robinson 2000; Cruise O'Brien 1971;

Villalón 1995). [22] A critical component of Senegalese secularism is its culture of "mutual

toutes les croyances." Senegal's constitution also protects freedom of religion. Article Five states: Any act of racial, ethnic or religious discrimination, as well as regionalist propaganda that may affect the internal safety of the state or territorial integrity of the Republic shall be punished by law. Article 24 states: Freedom of conscience, freedom of religious practice or worship, and the profession of religious education is guaranteed to all, subject to public order. Religious institutions and communities have the right to develop without hindrance. They shall not be subject to the supervision of the State. They shall regulate and manage their affairs in an autonomous manner.

[21] He also cites Senegal's high global rankings for religious freedom (Fox 2006). He also includes Indonesia in this comparison.

[22] The Tijaniyya is the largest Sufi order, or tariqa, but most scholarship has focused on the Murid order. Others adhere to the Qadiriyya and Layene orders. Many have written of the historical relationship of mutual exchange or exchange of services between political and religious elites that characterizes Senegal's stability (Cruise O'Brien 1992; Coulon 1981). David Robinson (2000) argued that the relationship or "paths of accommodation" between religious and political authority helped the French to gain legitimacy as they managed colonial affairs through extensive connections with Sufi religious leaders. The system of mutual benefit is loosely described as one in which the state managed its affairs, collected taxes, recruited soldiers, and expanded agricultural production through their association with religious leaders. Religious leaders received assistance from the French and by association, reinforced their own power in the eyes of their followers through their connections to the state. Political scientist Leonardo Villalón (1995) notes that these patterns of interaction continued during the postcolonial period. However, this state-religion relationship was also characterized by ambiguity and divergent long-term interests. Thus, while the relationship between mainstream religious leaders in the Sufi orders and the state is a friendly one, and many have emphasized its stability, the interests of state leaders and Sufi religious leaders often have not converged. Others observers acknowledge that changing political realities—especially since the 2000 presidential elections in which an opposition party was elected for the first time—are leading to new alliances within the system of state-religion cooperation. According to Villalon, all candidates in the 2000 election openly sought the support of religious figures, yet the major marabouts did not take sides and did not endorse any candidate (Villalón 2004, 66).

respect" between the Sufi orders and between the Christian and Muslim populations.

This emphasis on mutual respect for all religions and religion-state cooperation typifies a

popular political and cultural discourse on the meaning of Senegalese secularism. In the

words of former President Abdou Diouf, secularism, or

> "*Laïcité* in itself is a manifestation of respect of others. It acts in this way if it is *laïcité* well understood and properly practiced. Such *laïcité* cannot be anti-religious, but neither if it is true *laïcité* can it become a state religion. I would say further that such a *laïc* state cannot ignore religious institutions. From the fact that citizens embrace religion flows the obligation for the state to facilitate the practice of that religion, as it does for other vital activities of citizens... Respect of religion does not only mean tolerance, it does not mean only to allow or to ignore, but to respect the beliefs and practices of the other. *Laïcité* is the consequence of this respect for the other, and the condition of our harmony"

(cited in Stepan 2008, 28)

Senegalese secularism is, according to this discourse, critical to Senegal's national unity

in a highly religious and religiously diverse society. Stepan's term of "respect all,

support all secularism" describes this secular discourse. A recent newspaper article in

Sud Quotidien entitled "*Pour la République Laïque*" (Fall 2009) provides an additional

example of the secular consensus in Senegal. In short, Senegalese secularism ensures

equal rights and legal equality for all citizens of the republic, while at the same time

permitting religious pluralism and the pursuit of common values.[23]   Another scholar

writes:

> Secularism is freedom, but also equality, equality among all citizens regardless of their beliefs. In the Senegalese conception of secularism it is the State's duty to ensure that all religious communities enjoy freedom of expression. It is up to the State to see to it that no group, no segment of society, dominate by reason of religion or brotherhood affiliation. …What means other than secularism can create the conditions allowing all Senegalese to live together with respect for the

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[23] "La laïcité, assurant l'égalité en droit des citoyens dans le respect des lois de la République, permet à la fois l'expression du pluralisme des convictions et la recherché de valeurs communes pour construire une communauté de destin. Ce creuset de notre commun vouloir de vivre en commun."

cultural, spiritual, and religious differences and a common commitment to a certain number of values?

(Dieye 2008, 48)

Senegalese secularism is an example of a multi-value secularism that values religious diversity, peace between religious communities, religious freedom, individual liberty, and a republican ideal of the legal equality of all citizens.

Despite the ubiquity of this elite discourse on Senegalese secularism, which is well-represented in scholarly literature, and as I will show in later chapters, is broadly diffused in the population, the meaning of *laïcité* and the appropriateness of Senegalese secularism is also contested. The most intense and sustained opposition to the secular state in Senegal has generally come from what scholars call Islamist and reformist groups that tend to function outside the Sufi orders. These groups have challenged the orthodoxy of the Islam practiced by Sufi religious leaders and citizens, argue for the implementation of Islamic law, and advocate a greater role for Islam in social and political life (Loimeier 2000, 1996).[24] The secularism of the state was also at the center of public debate in 2001 when the new government drafted a reformed constitution. The principle of secularism was removed from the draft constitution but was reinserted after loud public outcry. According to one observer, "the legitimate preoccupation with

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[24] Among the most important reformist groups is the *Jama'at 'Ibad ar-Rahman* (JIR, Society of the Servants of the Merciful, also known as the *Ibadou Rahmane*), founded in 1978. The JIR developed organizations throughout the country and established schools and a network of mosques. In 1991, the JIR publicly presented a program that sought to reorient society towards the Qur'an and Sunnah. The JIR aimed to establish a more Islamic society in Senegal and to challenge the secular nature of the state. While recent challenges to the established social, political, and religious order are important, some scholars have emphasized the historical antecedents to these contemporary reformists. Loimeier notes that about 50 such groups had been founded by 1936. The most important of these was the Muslim Cultural Union (*Union Culturelle Musulmane,* UCM*)* founded in 1953, which offered a broad program of reform. The UCM focused on the larger struggle against the colonial system and the Sufi leaders who had collaborated with the French. The UCM verbally attacked marabouts as being the "chief perpetrators of the backward development of Senegalese society" (2000, 173). However, these reformers were also willing to work with the state to reform certain "obsolete social and religious customs" (Loimeier 2009, 241). See also Bathily, Diouf, and Mbodj (1995).

preserving peace in the nation was perhaps what finally led the authorities to once again include secularism among the attributes of the Republic, a positive move that put an end to the debate that was beginning to divide the Senegalese citizens" (Dieye 2008, 46).

Perhaps the most contentious space where Senegal is negotiating this model of mutual respect is in the area family law. [25] The key tension exists between the multiple values the secular state claims to protect, including religious freedom and legal equality, and the extent to which the state's family law is thought to protect or violate these rights. The debate about family law becomes one of how to conceptualize and implement equality before the law for all citizens regardless of religion and gender, while at the same time allowing individuals to fully and freely practice their religion without state interference. Does the state envision an ideal form of impersonal, uniform legal equality in which each individual citizen is subject to the same law, with no individual or group having special rights or privileges, and wherein religious freedom means that the state does not impose one religious interpretation on its citizens? Or does the state envision a group-centered version of equality that privileges legal pluralism over uniformity in laws, that conceives of legal equality as "equality in difference," and that defines religious freedom as the right to be governed by laws that conform to one's religious beliefs? I argue that family law entails fundamental competition between the principles of legal pluralism and legal uniformity as a means to achieve legal equality.

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[25] Villalon (1995) describes the early opposition of Sufi religious leaders to the state's Family Code as it was drafted and enacted. While important Sufi religious leaders did sign on to CIRCOFS' proposal, the ultimate heads of the Sufi orders, or *khalifes généraux,* did not directly take sides on this latest challenge to the Family Code launched by CIRCOFS (Brossier 2004b). Others note that Islamic reformist groups in Senegal have opposed the Family Code since it was enacted (Augis 2002).

Family Law in a Secular State: Legal Uniformity versus Pluralism

What makes newer models of secularism attractive in much of the world, according to Bhargava, is that they are more flexible in how they incorporate religion in public discourse as well as in law and policy in multireligious societies. As An-Na'im's (2008) argument demonstrates, however, other advocates for a secular state want religion to play a public role but do not want state laws to be explicitly based on Shari'ah. In many comparative contexts, and not only in secular states, family law is also an increasingly important area where citizens are demanding legal equality for women (Widner 2001-362; Sow 2003). In states as diverse as India, Algeria, Morocco, and Malaysia legal reformers and advocates for women's rights have argued that there is a fundamental contradiction between the equality in law guaranteed in the constitution and the rights of women in family laws that claim Shari'ah as the source of law.[26] These debates takes place directly in that critical space for law and public policy that defines the relationship between religion and state, and entail competition over alternative visions of legal equality.

Legal scholar Sherman Jackson (2004, 101-103) highlights that one of the key issues in all modern applications of state law, not just Islamic law, is the tension between legal uniformity and legal pluralism. Islamic law developed in "conscious opposition" to the early Islamic state and jurists sought to "guard their interpretive authority from any and all encroachments from the state." Legal authority rested with jurists, primarily, and

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[26] Claims about women's rights and the relationship to Islamic family law takes place at least at the level of elite discourse and scholarship. The most contentious legal battles over particular articles in state family laws do tend to focus on issues of gender, including marriage, divorce, maintenance after divorce, paternal guardianship, and inheritance. Scholars discuss these issues in cases as diverse as Senegal (Camara 2007b; Sieveking 2007; Creevey 1996), Mali and Benin (Wing 2009; Soares 2009), Morocco, Algeria, and Malaysia (Salime 2008; Mihalache ; Archer 2007), and in India (Baird 2001).

therefore outside the institutions of the state. As such, diverse legal interpretations could

be considered authoritative, which suggested greater legal pluralism.[27] In contrast, the

modern state has an "absolute monopoly over lawmaking that results in a uniform set of

rules equally applied." The trend in today's centralized legal systems is toward

uniformity in interpretation and enforcement of state law within fixed territorial

boundaries. Modern states—whether Islamic or secular—have "the ability to impose a

uniform code of behavior on the entire society"(106). Thus, states applying Islamic or

secular laws tend to seek to apply one version of law to all citizens, envisioning equality

before the law as uniformity in law. Legal pluralism is often associated with

differentiation in rights, but Jackson notes that uniformity often disrespects citizens'

beliefs and differences. A key interpretive issue surrounding the principle of legal

equality, then, is the tension between legal uniformity and legal pluralism.

A critical challenge to any state family law which seeks to respect religious

difference while upholding the principle of equality before the law is to balance legal

pluralism and universalism. In India, following the colonial practice of applying different

personal laws to different religious groups, the postcolonial state enforced separate

personal laws for the Hindu majority and Muslim minority. Donald Smith famously

critiqued this practice as a clear violation of the principle of secularism:

> A major problem is the position of religious personal law in the legal structure of
> present-day India. That a Hindu, a Muslim, and a Christian, all citizens of the
> same country, should be governed by different inheritance laws is an anachronism
> indeed in modern India and diametrically opposed to the fundamental principles
> of secularism. …The conception of the secular state both presupposes a uniform

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[27] In a separate study, Jackson (1996) discusses the decentralized authority to interpret and adjudicate law.
Even so, political rulers often privileged one school of law, which could result in one interpretation being
privileged over all others. However, jurists fought against this trend and remained independent from the
state bureaucracy.

civil law, and requires that the religious beliefs of a minority be respected. Probably 90 percent of the Indian Muslims feel that their law is the very essence of Islam. This is the dilemma which must one day be faced.

(Quoted in Larson 2001, 2)

In this view, secularism guarantees legal equality through an ideal of impersonal, individual citizenship rights that rests on the principle of one nation/one law. The application of different personal laws for citizens of different religions prompted many to call for a uniform civil code that would apply to all citizens in order to guarantee equality before the law to previously marginalized groups—including women (Rudolph and Rudolph 2001, 55). Bhargava (2006b) praised India's flexible approach toward religion in the realm of law and policy, but this is also among its most contentious characteristics.[28] Some view the system of different personal laws as discriminatory, while others interpret it as a means of treating each religion equitably by respecting religious differences and identities. As one author argues, a uniform law "does not necessarily mean a common law but different personal laws based on uniform principles of equality of sexes and liberty for the individual" (Sathe 1995). Within secular states, family law entails competition over alternative visions of legal equality that rest on competing principles of legal uniformity versus legal pluralism.

...Legal universalism has been associated with liberal and nationalist ideas about equal, uniform citizenship. Speaking analytically, legal pluralism posits corporate groups as the basic units, the building blocks, of a multi-cultural society and state. …Legal universalism treats individuals as the basic unit of society and the state and imagines homogenous citizens with uniform legal rights and obligations.

(Rudolph and Rudolph 2001, 36-38)

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[28] Bhargava (2006a) explores the issue of personal laws elsewhere.

Through debates over family law reform, citizens negotiate the boundaries of religious and political authority, and the meaning of secularism, equality in law, and religious freedom.

Similar to Jackson, scholars note that "universality is the strategy of centralizing modern states" (Rudolph and Rudolph 2001, 38). As the example of India again suggests, the actual process of codifying one personal law for Hindus and another for Muslims was itself an example of the modern trend toward uniformity in law. These codifications tended to reduce the variety of religious interpretations and practices that actually existed within diverse religious communities, including religious minorities within Islam (Chatterjee 1994, 365). "To assert legally that there is one undifferentiated "Hindu" and "Muslim" personal law was itself a significant act of homogenization" (Rudolph and Rudolph 2001, 52). The unification of each personal law aimed to reform religious practices that were deemed undesirable by modernists who used legal reform to define the legitimate practice of religion. An even stronger push for legal uniformity came from those who advocated for a uniform civil code, but advocates of legal pluralism still embodied the drive toward uniformity in law.

The Senegalese example also shows this movement toward unification in the law as a means to achieving legal equality in a secular state. After Senegal became a sovereign state in 1960, policy makers pursued significant legal reform aimed to unify the judicial system. [29] The secular state of Senegal abolished Muslim courts in this judicial unification. It further reformed its personal laws by drafting and enacting a single legal

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[29]This tension between legal uniformity and legal pluralism also existed in the French colonial state. Sarr and Robert (1991) show that the drive for unification in the law and the idea of uniform rights was an ongoing issue in the French colonial state. Muslims fought to be judged under a different personal status through Muslim tribunals.

code applicable to all citizens in the form of the 1972 Family Code. These reforms

attempted to unify the legal system, strengthen the secular character of society,

acknowledge the principles of individual rights, and guarantee the equality of all citizens

under the law (Loimeier 1996).

Senegal's Family Code exhibits the underlying tensions that existed between the

principles of legal pluralism, on one hand, and uniformity in laws and rights within a

single nation, on the other. Sovereign African states were seen to have two options:

"either abolish the customary laws and enact a modern family law in order to build a

homogenous nation or choose to reconcile with African culture in codifying the customs

and so reject the 'modern law'" (Mbaye 2007, 194). Senegal's Family Code offered a

hybrid example because it included "modern" law and customary and Islamic law and

served to both "preserve the unity of the family and respect the social diversity" of the

nation (2007, 195). The Family Code attempted to apply a uniform family law to all

citizens within a unified court system. However, it also attempted to respect religious

and cultural diversity by granting citizens certain customary and Islamic options within

the code, most notably for Islamic inheritance law.[30] One legal scholar described this

successful balance of legal unification while preserving basic diversity: "…it is essential

to remember that the earnest wish of the public authorities has been to create a uniform

code applicable to all. Yet, by reason of the social heterogeneity of its population,

Senegal could not adjust to a total unification of family legislation" (Sow Sidibé 1993-

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[30] See Article 571, law no. 72-61, 1972, which grants Muslims the right, not the obligation, to use Islamic inheritance law: "Those persons who, while living, have explicitly or by their behavior indisputably demonstrated their desire to see their succession devolved upon according to the Muslim laws of succession."

1994, 422).[31] Senegal's family law retains some elements of legal pluralism but tends toward uniformity in law, and is generally viewed as a secular law: "there is absolutely no doubt that the Family Code adopted in 1972 is secular in nature" (Dieye 2008, 43).[32]

Through the process of drafting this law, legal reformers in Senegal sought to identity and preserve what was essential to "religion" but also aimed to reform religious practices deemed undesirable, such as divorce by repudiation.[33] Writing in 1972, Maimouna Kane exemplified the view that the law sought to modernize family law and to enhance women's rights:

> The proposed code, which seeks to accord the wife rights that should be hers, would not permit the husband to dissolve the marriage by unilateral decision. Through the elaboration of this code, Senegal is in the process of modernizing its law and looking toward the emancipation of women. The boldness of the project, and the many instances in which the proposed provisions contradict customary law, lead one to wonder whether adoption and effectuation will be long delayed. …For the Senegalese woman, as conscious of her rights as of her duties and

[31] Sow Sidibé (1993-1994, 425-426) also notes that the state wished to modernize the law and used the technique of "producing a unified family law in spite of certain situations in which legal pluralism is retained. This unification is an aim of legal policy and appears from the abrogation of the status rules in operation before the advent of the Family Code. Unification is also seen in the creation of a single rule for each of the questions relating to personal status. The rules regarding betrothal, divorce, filiation, incapacities, gifts and wills have all been completely unified."

[32] El Hadj Moustapha Guèye, the President of the Association of Imams and Ulema in Senegal noted in *Le Matin,* the actual Family Code is secular and belongs to no religion (Diarra 2003). In critiquing CIRCOFS' proposal, he noted a risk of a proliferation of religious laws if each community demands its own laws, and that the current law already contains elements of Islamic law. "Maintenant, je crois qu'il faudrait aussi réfléchir à la faisabilité et à l'opportunité des choses. Si les musulmans exigent leur code, les autres communautés religieuses doivent faire de m6eme, car le code actuellement en vigueur est un code laïc; il n'appartient à aucune confession religieuses. …Si chacun demande un code inspiré de ses croyances, combien de codes allons-nous avoir ? …J'ajoute que le code actuel contient des dispositions, destinées en principe aux musulmans, comme dans le domaine de la succession par exemple. "

[33] To draft the law, the state studied 68 officially-recorded customs throughout the country in 1961. In 1965, an Options Committee was set up to process the information gathered through questionnaires. The Options Committee included judges, deputies in the National Assembly, lawyers, law professors, *qadis*, and presidents of the former indigenous courts of justice. This committee was charged with: elaborating one law for the nation; adding rare exceptions to a uniform rule when absolutely necessary; including and modernizing the rules common to all customs; finding a compromise with religious law by identifying what is a truly religious rule versus what is wrongly thought to be a religious rule; and in the case of Islamic law, only including what is obligatory and prescribed in the Qur'an. This committee worked in 1966 and submitted a text that formed the basis for a state family law, which was written in April 1967 and comprised 854 articles, and was passed by the National Assembly on June 12, 1972.. All prior family laws were considered null and void except for traditional marriage ceremonies (Camara 2007b). See also Brossier (2004b).

proud to assume them, the proposed family code opens a new route through which she may liberate herself from constraints that make her an inferior being. She is still in the throes of a slow and painful evolution, but the future is opening before her and its promise is unlimited.

Overall, there is a consensus that the Family Code was a necessary compromise that respected religious diversity while also strengthening individual rights, but this dominant interpretation is contested. Writing in 2007, legal scholar Fatou Camara (2007c) notes that the law codified patriarchal French and Islamic principles and reduced women's rights compared to African indigenous laws. In this sense, the *content* of the law matters more for legal equality than the principle of legal uniformity.[34]

Others complained that the "secular" law violated the core religious beliefs of the majority Muslim population. As Chapter 1 described, a vigorous public debate began in 2003 in response to a draft Muslim personal law put forward by the Islamic Committee to Reform the Family Code in Senegal (CIRCOFS). CIRCOFS advocated a return to the colonial-era system of personal laws and sought to make personal law conform to Shari'ah for Muslim citizens. Legal pluralism, conceptualized as applying different family laws to different citizens, was the only means to respect Senegal's religious diversity. Faced with such arguments, many who typically critique the Family Code for failing to grant women equal rights defended it and argued that it already respects religious diversity.

Whereas the rights of women are central to family law reform in Senegal (Sieveking 2007), I will show in Chapter 4 that this most recent debate in Senegal

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[34] This author notes that most citizens outside of urban areas are unaware of the contents of the code (Camara 2007b). Another notes that literate and urbanized women "do not hesitate to apply to the courts" regarding certain areas of family law, and that knowledge of the code outside urban areas has been growing (Sow Sidibé 1993-1994).

emphasized the principles of uniformity versus pluralism in laws and rights for all citizens. Moreover, in response to CIRCOFS' demand to apply different laws to the Muslim and Christian populations, this most recent debate also highlighted the relationship between Christians and Muslims. Christians, as a religious minority, tended to defend the Family Code. Muslims who defended the Family Code also argued that it was critical to Senegal's national unity and highlighted the inter-religious conflict faced by other multireligious states such as India, where citizens' are subject to different laws based on their religious identity. In Senegal, the religious minority preferred legal uniformity. In India, in contrast, the Muslim religious minority has fought to protect their separate personal law and saw a uniform law as a threat to their cultural and religious identity.

What is similar in these debates over family law that have taken place in these multireligious, secular states, is that family law entails a struggle over the relationship between religion and state. These multi-value secular states claim to respect equality before the law for all citizens, religious freedom, and peace between religious communities. Yet in both cases, these secular states have intervened in legislation that decides what is essential to religion Both have sought to reform certain religious practices through family law that were deemed undesirable. Each system has components of uniformity and pluralism, even if public debates frame the question as a zero-sum competition between legal uniformity versus pluralism. As a result, these debates exhibit "a process in which legal uniformity and legal pluralism jockey for dominance, not for the whole" (Rudolph and Rudolph 2001, 56). I suggest that the key issue at stake in family law reform is competition over the meaning of the multiple values

each secular state prioritizes and the best legal means to achieve these values. Within multireligious secular states, there is constant negotiation over the meaning of religious freedom and legal equality, as well as over the appropriate balance between legal uniformity versus pluralism.

Shari'ah, State Law, and Popular Sovereignty

In addition to the question of who has interpretive authority over the content of Islamic law, the desires and demands of the public also play a role in debates over family law. Those arguing for a Muslim personal law in Senegal claimed to speak for the majority of Muslims whose religious beliefs were violated. Part of their claim to authority, then, rests on the notion of popular sovereignty. Are calls to enforce the Shari'ah as state law nothing more than desires to have legislation conform to the values, aspirations, and will of the people?

In his discussion of the "twin tolerations," Stepan (2001) notes that all religious individuals and groups must be able to participate in the political process and advocate for legislation that reflects their desires and values. In his discussion of the "multiple secularism of modern democracies," however, he also writes that "… officially implemented systems of Shari'ah law would necessarily have a strong element of 'state Shari'ah' because one side of the multi-vocality would be state privileged and have the coercive powers of the state behind it" (Stepan 2007, 17). Discussing the example of Indonesian secularism, he argues that "an Islamic state … would lead to the non-consensual imposition of a single group's vision of 'state Shari'ah.'" An-Na'im (2008, 2002) claims that even in the realm of family law, Shari'ah becomes the coercive

political will of the state when enacted and enforced as state law. There is a clear tension

between simultaneously desiring a secularism that allows citizens to advocate for

legislation that reflects their values, while at the same time denying citizens' demands for

laws that they believe represent their values in order to avoid "state Shari'ah."

Legal scholars are grappling with ideas of popular sovereignty and contemporary

calls for Islamic law as state law. For example, Noah Feldman (2008) advocates for a

new theory of Islamic constitutionalism simply because citizens already claim to want

Shari'ah as state law in many countries. Because the "meaning of the Shari'ah is

explicitly being made the province of the legislature and the courts of the state" rather

than the exclusive terrain of jurists, the greatest challenge is "identifying who is in charge

of specifying the meaning of the Shari'ah and by what authority" (13). Feldman

proposes that Shari'ah become "democratized," so that popularly elected legislatures may

hold the authority to interpret Islamic law as they pass legislation that claims to conform

to Shari'ah. He also proposes that Shari'ah become "constitutionalized," so that a state

court may hold the authority of judicial review over such legislation. He gives citizens a

role as interpreters of Islamic law as well:

> A democratically elected legislature responsible for enacting provisions in
> accordance with—or at least not repugnant to—the Shari'ah represents a unique
> step in the history of Islamic law: the democratization of the law so that the
> ordinary citizen might, through his elected representatives, shape the content of
> laws that govern him.

(Feldman 2008)

Feldman bases his claim of the popularity of Shari'ah based on public opinion

survey data from the Gallup World Poll (Esposito and Mogahed 2007). What do

ordinary citizens mean when they say they want a law, including a personal law, to

conform to Shari'ah? As it is important to clarify what is meant by the secularism of the

state, it is important to discuss what is meant by the term "Shari'ah." In legal terms,

Shari'ah is divine, revealed law, as compared to Islamic jurisprudence, or *fiqh,* which is

the human effort to understand and interpret Shari'ah (Balz 2008). In popular discourse,

Shari'ah may mean the divine ideal as well as the methodology of jurisprudence to

determine its content.[35]

Writing about Egypt, Nathan Brown (1997b) notes that public understandings of

Shari'ah have changed along with colonial and postcolonial legal reforms, Specifically,

Shari'ah transformed from a set of *practices and institutions* to a *set of legal rules.*[36]

Legal reforms in 19th century Egypt, and elsewhere in the Ottoman Empire, were based

on the French legal system.[37] Eventually centralized governments asserted control of the

legal system by bureaucratizing courts and codifying laws (364).[38] As these legal

reforms took hold in the 20th century and most states unified their legal systems, the

meaning of Shari'ah also changed to mean law in a narrower sense, as a set of clearly

identifiable legal rules.

> The Islamic Shari'ah, understood no longer as connected to specific institutions
> and practices, but instead as a set of identifiable rules, has become the most

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[35] An-Na'im distinguishes between Shari'ah as a concept and as the particular methodology for determining its normative content. As a concept, Shari'ah is the religious law of Islam "which is derived from human interpretations of the Qur'an and Sunnah of the Prophet." As a methodology, the content of Shari'ah is "what comes to be accepted as authoritative formulations of Shari'ah in a particular time and place." The content of Shari'ah can change over time as alternative methodologies come to be accepted and applied by Muslims (An-Na'im 2008, 3).

[36] Brown describes these processes and practices as including methods for deriving law, legal instruction, and adjudicating disputes. Jurists wrote commentaries on practices, and wrote commentaries on those commentaries. Courts operated without lawyers, and litigants paid for courts and judges.

[37] Again, this trend is noted in Senegal in the mid-19th century to the 20th century (Sarr and Robert 1991).

[38] Brown notes that bureaucratization integrated the courts into the fiscal apparatus of the state rather than relying on court fees. It also established administrative offices, built modern court buildings, law schools, and created clear processes of appeals and legal hierarchies. Reforms also changed how Islamic law was taught. For example, al-Azhar introduced modern education methods such as lectures, and students could study Shari'ah as a subject of law as they would study other areas, like torts or constitutional law (369).

widely accepted indicator of the degree to which a society and political system are Islamic. Departures from clear Shari'ah-based law are often held to render a social or political system both illegitimate and immoral.

(371)

With this change in meaning, the *idea* of Shari'ah grew in political potency (369).[39]

When citizens call for Shari'ah as state law, then, they are advocating for a relatively new kind of Shari'ah. As the example of Senegal's family law shows, these calls often mean codifying a set of legal rules into one "personal law" to be applied to all Muslims within a state. If Shari'ah is seen as a set of legal rules, they may also desire one law to be uniformly applied to all citizens. When asked whether or not they prefer a law to conform to Shari'ah, many citizens are likely to conjure images of a divine ideal and will make direct references to the Qur'an and Sunnah rather than to *fiqh* or to any specific method of legal interpretation.

Conclusion

I end this chapter by turning again to the great diversity of institutional relationships between religion and state, as well as diversity within predominantly Muslim states as to their incorporation of Islamic law. By situating family law reform in the context of the religion-state relationship, this dissertation is a study of the politics of Islamic law and the politics of secularism within one secular and predominantly Muslim state. Accompanying this institutional diversity, I expect that there will be as much variation within ordinary citizens' understandings of secularism and Shari'ah. A goal of

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[39]Brown (1997b, 373) notes: "In its current form, as a set of rules, it is sometimes not implemented, but it forces itself onto the political agenda throughout the region." Similarly, Brinkley Messick writes about Yemen: "As a Shari'ah politics grounded in madhhab affiliations gave way to a nation-state politics anchored in the new notion of a citizenry, so the old manual texts …would be replaced by a new type of authoritative text, the legislated code" (Messick 1993, 53).

this study is to identify how citizens themselves discuss Shari'ah and their desire to have

state laws conform to it, as well as how citizens discuss secularism and their reasons for

supporting it. In this chapter, I have also emphasized the important role that the

principles of legal uniformity and pluralism play in debates over family law reform. As

some note: "the opposition between legal pluralism and legal uniformity is not likely to

yield a smooth progressive historical narrative in which society moves inexorably from

the first to the second" (Rudolph and Rudolph 2001, 56). If state family law entails

negotiation of the religion-state relationship and of the principles of legal uniformity

versus pluralism, to what extent do ordinary men and women discuss family law in terms

of secularism and legal uniformity? How broadly do citizens support the principles of

secularism and equality through legal uniformity? Finally, how do citizens view the

relationship between Shari'ah and secularism? In Chapter 3, I address the question of

how to study public preferences for Shari'ah as a source of state law.

Chapter 3

Elite Frames and Values: Public Responses to Political Debate

Every policy issue has a culture with an "ongoing discourse that evolves and changes over time, providing interpretations and meanings for relevant events" (Gamson and Modigliani 1989, 1-2). Family law is no exception and the Family Code and has been publicly debated in Senegal since the National Assembly passed the law in 1972.[40] In this study, I argue that citizens' preferences for Shari'ah as a source of law are strongly influenced by how these issues are framed by opinion leaders, including civil society activists and religious and political elites. Elite discourse plays an important role in shaping the kinds of values and considerations that citizens mobilize as they form their preferences. However, citizens differ in their exposure to elite discourse, and awareness of and information about family law debates should also play a key role in shaping the direction of citizens' preferences as well as the connections they form between their values and preferences.

In Chapter 1, I raised several questions to be addressed in this dissertation. How do citizens form preferences for Shari'ah as a source of state family law, and why do citizens disagree about the role of Shari'ah as a source of state law? Are ordinary Muslims' preferences for a secular state and for Shari'ah as state law related? Do men

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[40] This issue has been widely covered in the print media, and many newspapers articles discussing the Family Code appeared in 1972. Subsequent reforms have been discussed in the media in the 1980s and 1990s as well. (see, for example, Gomis 1972h, 1972b, 1972d, 1972g, 1972f, 1972c, 1972a, 1972e; Bart 1983; Samb 1987).

and women view preferences for Shari'ah and for a secular state as mutually exclusive? To address these questions, I emphasize the role of values and of information about elite discourse in shaping how citizens understand debates over family law and how they form preferences. Accordingly, this study makes a contribution by incorporating broader theories of public opinion into the study of Muslim public opinion (Moaddel 2007).

Explaining Popular Preferences for Family Law

Elite discourse offers citizens interpretive packages that shape what citizens will see as important (Gamson 1992). In Chapter 2, I suggested that in a comparative sense, family law reform entails debates about larger values—secularism, religious identity and practice, legal equality for men and women and citizens of diverse religious affiliation, religious freedom, and legal uniformity versus pluralism. In Chapter 4, I analyze how the print media debate in Senegal framed the issue of family law in terms of these commonly held values. For value frames to impact public opinion, however, these values also need to resonate with the public. They need to have broad popular support, or cultural resonance (Gamson and Modigliani 1987). If values are so important to debates about family law, what are values?

Values help individuals to form ideas about how to live in the best way possible (Rohan and Zanna 2001, 467-468). Values help individuals to "describe the world as it should or ought to be" and provide a "vision of an ideal world" (Suhay 2008, 3). For example, valuing equality as one law for all citizens describes an ideal of how the world should be, even if the empirical reality is more complex. Laura Stoker's (2001, 433-434) notion of *value judgments* suggests how citizens might articulate their preferences for or

against a law that claims to conform to Shari'ah. Value judgments are "judgments made in politics about what is *valuable* or *of value*—to anyone or to us," and often entail the "language of morality." As citizens make value judgments, they talk about what is good or bad, what is right or wrong. Men and women often talk about what is morally relevant as they make sense of policy choices. In the public policy debate over family law reform, then, it should come as no surprise that elites frame issues in terms of broader societal values. Moreover, we should also expect ordinary men and women to articulate value judgments—what they believe to be good, right, wrong, or bad—about the idea of a family law based on Shari'ah. Values are a particularly important form of predisposition that should shape the direction of citizens' policy preferences (Alvarez and Brehm 2002).

Advocates for a Muslim personal law attempted to frame the issue as a question of the religious authority of the Shari'ah and of the core religious beliefs and values of Muslims. Muslims have the right to be governed by a family law that respects their religion. As a result, religious values should play a role in shaping the preferences of some men and women. Moreover, a survey question that specifically asks men and women whether a state law should be based on Shari'ah is likely to activate religious predispositions. To evaluate the importance of religious predispositions on family law preferences, I analyze narrative data in Chapter 6 that gives citizens the opportunity to discuss religious values, if they are salient to their preferences. In Chapter 7, I evaluate closed-ended survey data measuring religious predispositions through the frequency of participation in a broad range of religious activities. I expect religious predispositions to push individuals to support a law based on Shari'ah.

However, while some scholars have interpreted survey items asking if Shari'ah should be the source of state law as an indicator of Islamic orthodoxy (Davis and Robinson 2007), I argue that preferences for a state law based on Shari'ah are not simply a question of religious commitment or interpretation. These survey items do not simply indicate religious predispositions. Rather, other values emphasized in elite discourse should also play a role in shaping citizens' preferences for state law based on Shari'ah. Elite discourse may activate other complementary or competing core values. Similar to Bhargava's (2006b, 10) notion of "value-based secular states, i.e., states guided by values such as peace, liberty, or/and equality" and multi-value secularism, Senegalese discourse on secularism is a clear example of this multi-value secularism that emphasizes mutual respect between religious affiliations, equality for all citizens, and peace between religious communities (Stepan 2008). Given the dominant discourse of secularism in Senegal described in Chapter 2 as it has been widely articulated by journalists, civil society activists, public intellectuals, political elites, as well as mainstream religious elites who cooperate with the secular state, a majority of men and women in Senegal are likely to profess commitment to many of these secular values—commitment to a secularism based on mutual respect, to the principle of legal equality within a republic, and to idea of peaceful coexistence of all religions. I will show in Chapter 4 that the most recent family law debate framed the issue family law as a question of the secularism of the state and the principle of equality before the law for all citizens. Defenders of the Family Code claimed these values that have broad cultural resonance in order to create associations between popular secular values and the current Family Code. Because the current law is the official law of the state, opinion leaders who defended the Family Code articulated a

current elite consensus on the family law issue. They put forward a secular interpretive

package by framing support for the current law in terms of support for secularism, legal

equality, national unity, and peace, which was covered extensively in the media.[41] For

some citizens, then, predispositions toward secularism and legal equality should also

shape their preferences. According to this framing, citizens who favor these secular

principles should oppose a Muslim personal law. I evaluate the importance of these

predispositions by analyzing citizens' narrative responses in Chapter 6. I also evaluate

closed-ended survey items measuring support for secularism and for the principle of one

law for all citizens.

Given the multiple values emphasized in media debates about family law, I argue

that multiple predispositions should shape preferences for family law, including religious

values, secularism, and legal equality. In framing the issue, placing a high value on the

religious authority of the Shari'ah should push individuals to support a Muslim personal

law. Framing the issue as a question of secularism and legal equality should push

individuals to oppose a Muslim personal law. How do citizens holding each of these

predispositions reconcile these values if media discourse frames them as in conflict?

Furthermore, why do citizens who might share the same values of secularism *and* legal

equality nevertheless disagree in their preferences for a state law based on Shari'ah? One

explanation is that those who support the law *and* secularism actively reject frames that

pit secularism and an Islamic family law as mutually incompatible. Instead, I turn to

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[41] Note that by "secular elites" I simply mean elites that defended the idea of the secularism of the state and the Family Code, rather than making any assumption about their religious orientations or credentials. Defenders of the Family Code and secularism included religious elites and scholars of Islamic law. Elites who challenged the Family Code and advocated for a personal law based on Shari'ah for Muslims would not be considered "secular elites."

literature on public opinion formation to argue that it is more likely that these citizens are unaware that elite debate frames them as opposing preferences.

Contemporary models of opinion formation posit that individuals form attitudes on the basis of "considerations" and "predispositions" (Zaller 1992; Zaller and Feldman 1992; Alvarez and Brehm 2002). Considerations are the reasons we favor one side of an issue over another, and include the general idea of information as well as affective judgments about an issue . Information may come from many sources, including social interactions and personal experience, but in this study I focus on opinion leaders as a primary source of information about family law policy. Opinion leaders and the elite discourses they produce are particularly important given their power to construct interpretive packages and to disseminate alternative versions of "what goes with what" in this debate over family law (Converse 1964; Gamson and Modigliani 1989).

Predispositions include our core beliefs and values.[42] According to Zaller (1992, 22-23), predispositions "regulate the acceptance or nonacceptance of the political communications the person receives." Individuals who have higher levels of information about elite discourse are thought to have more considerations at their disposal as they form opinions. They are also thought to internalize a more consistent set of considerations about current debates than less informed citizens (Zaller and Feldman 1992). Information plays a key role in shaping opinions because, as Zaller (1992, 25) notes:

> The impact of people's value predispositions always depends on whether citizens possess the contextual information needed to translate their values into support for

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[42] I focus on values in this study, but predispositions can also include group attachments (e.g., identifying primarily as a Muslim or a Christian in this debate), affective judgments, and expectations (Alvarez and Brehm 2002).

particular policies….and the possession of such information can…never be taken for granted"

Information helps individuals to identity which values are relevant as they contemplate a policy preference. As Zaller (1992, 6) notes, then, "every opinion is a marriage of information and predisposition."

As I have argued, value predispositions should play an important role in shaping preferences for and against a state family law based on Shari'ah, but information about elite discourse has a key role to play as well. Moreover, I expect that men and women will hold a wide range of predispositions that could lead them to take either side of the family law debate—Senegal is widely noted for its highly religious population and for its cultural discourse and practices of secularism. Using Alvarez and Brehm's (2002) terminology, information from elite discourse on what is relevant to the family law debate should "activate" their predispositions as they contemplate family law. Through in-depth interviews and coded open-ended narratives, scholars have shown that ordinary citizens tend to hold multiple, contradictory values and preferences. If made aware of potential contradictions between their values and specific policy preferences, they often respond with frustration (Hochschild 1981, 1993; Zaller and Feldman 1992).[43]

Drawing on these theories, I argue that even on an issue as important to citizens as family law and the role of Shari'ah as a source of law, predispositions *as well as* information about elite discourse will play a critical role in shaping preferences.

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[43] Until these studies, there was much disagreement about Converse's (1964) findings that most individuals respond inconsistently to interrelated questions within a single survey interview, and that few hold meaningful attitudes or constrained belief systems. Critics of this view suggested that citizens do hold "true attitudes," but surveys simply cannot accurately measure them (Achen 1975; Ansolabehere et al. 2008). Those who emphasized core values argued that individuals hold meaningful preferences because they hold strong, stable values (Feldman 1988). Zaller and Feldman (1992) made an important contribution by pointing out that even those individuals with deeply held values need enough information to recognize when their values are at stake in a given public policy debate.

Predispositions will play a key role because religious and secular values may be activated in these debates. However, individuals will also vary in their awareness of elite discourse and their knowledge of the interpretive packages offered to make sense of this debate. As a result, then, men and women should vary in their likelihood of mentioning the key frames used in media debates. I expect, first, that men and women with higher levels of information about elite discourse will be most exposed to the mass media, and as such, will be more likely to discuss family law in the terms of elite discourse, whether they supported or opposed a Muslim personal law. In their open-ended responses, men and women who have more information about the family law debate should be more likely to mention the values that were discussed in the media, such as secularism and its corollary values of legal equality and mutual respect between religions. Men and women with more information about elite debates should also be more likely to mention the frames used to support the Muslim personal law in their open-ended narratives, such as popular sovereignty or legal pluralism. Information about elite discourse should shape the kinds of values and considerations that are salient to citizens as they form their preferences for family law.

I have also argued, though, that most citizens should hold multiple values that may all have been emphasized in elite discourse. A key to making sense of citizens' preferences, then, is to understand how men and women form connections between values that were framed as competing in this debate over family law. Senegal has a long historical discourse of secularism, and I will show in Chapter 5 that a majority of citizens in this study support the principle of secularism and one law for all citizens. However, only some citizens who support these principles also oppose an Islamic family law. In

other words, only some citizens connect these values to their family law preferences in a way that mirrors the secular interpretive package promoted by a broad array of elites, including both religious and political elites, as well as civil society activists and journalists. I suggest that information about elite discourse plays a key role in explaining why these citizens form connections between their values and policy preferences. We should expect those who are most informed to not only be more aware of elite discourse, but also to form stronger connections between their preferences in a way that reflects such an elite consensus. I will show evidence that citizens who supported secularism and the principle of one law for all citizens *and* opposed the law also tended to be more educated and media exposed. These more educated and media exposed individuals are most likely to adopt the secular interpretive package that received broad media coverage, and are therefore most likely to view Shari'ah and secularism as mutually exclusive preferences. Those who are less informed about the family law debate also support secularism and the principle of one law for all citizens, but support a Muslim personal law based on Shari'ah. They are less likely to be aware that these secular values were framed as reasons to oppose such a law. I suggest that their lower levels of media exposure and information suggests not that they actively rejected this framing, but rather that they were unaware that their preferences might be in tension. By emphasizing the important role of values and information in shaping preferences for state laws based on Shari'ah, this study makes an important contribution to literature on public opinion. First, I argue that survey questions measuring support for state laws that conform to Shari'ah are not simply indicators of Islamic orthodoxy nor are they simply a question of religiosity. Most citizens hold a complex array of values that could lead them to

understand the question of Shari'ah as a source of law in a number of ways. Moreover, information plays an important role in shaping the direction and interconnectedness of preferences even on highly charged, relevant issues as family law and Shari'ah as a source of law.

Many studies in the US use education to measure information or awareness of elite discourse (Sniderman et al. 1991; Alvarez and Brehm 2002; Judd et al. 1981; Judd and Milburn 1980). Some argue that education primarily indicates cognitive ability (Bobo and Licari 1989), but others argue that education imparts knowledge of larger political and cultural values found in the society. In postcolonial states, political leaders have often embraced national education to promote national identity (Meyer et al. 1979; Bleich 1999). I rely on education and media exposure to measure awareness of elite discourse. I suggest that education does not simply indicate socialization into the secular elite discourse, as there is broad support for the values of secularism, religious diversity, and legal equality across the lowest levels of formal education in Senegal. My evidence from open-ended and close-ended survey responses suggests that these are popular and culturally relevant values for citizens across all levels of education. Therefore supporting secularism is not simply the result of socialization through formal instruction in state schools. I employ an additional measure of media exposure, which is highly correlated with education. Nonetheless, I rely most heavily on education because I believe it captures the greatest variation in levels of information about a broad array of issues and policies in the population. Moreover, I clarify in Chapter 5 that there is no linear relationship between education and religiosity, and individuals are as likely to be engaged in religious activities across all education levels.

By focusing on the role of predispositions *and* information in shaping ordinary preferences on issues that entail religious and political value judgments, this study also contributes to literature on the structure of belief systems. In his article *The Nature of Belief Systems in Mass Publics*, Philip Converse (1964) defined a "belief system" as a configuration of ideas and attitudes which are bound together by some form of constraint. Constraint, in the simplest sense, means that certain attitudes should "go together" in the minds of citizens. Regarding political ideology, Converse noted that holding a conservative belief system means that an individual who holds a "conservative" opinion on one item should be more likely to hold other "conservative" ideas. However, only the most educated citizens seemed hold what could be described as ideological belief systems.

Converse (1964, 229) hypothesized that constraint was a general construct that should structure any belief system: "A set of questions on matters of religious controversy should show the same pattern between an elite population like the clergy and the church members who form their mass 'public.'"[44] Constraint could form around political values or religious values, for example. Contemporary public and media discourse about Islam tends to describe Muslims in a way that suggests a kind of ideological constraint—as moderate, conservative, and extremist Muslims (Khan 2008; Pipes 2004; Slackman and el-Naggar 2008; Drame 2003).

I conclude the study with an empirical investigation of the interconnectedness of citizen attitudes about key frames in the family law debate—support for Islamic family law, support for a secular state, and support for uniformity in law. I also examine the

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[44] In an empirical analysis in the US, Ted Jelen (1990) also found little evidence of constrained belief systems between various Christian denominations in the United States.

connections between citizens' attitudes on a series of survey items measuring

interpretations of Islam. In Chapter 8, I ask if religiosity distinguishes between

individuals with "liberal" versus "conservative" interpretations of Islam, or rather, does

information differentiate citizens who connect their views in such consistent directions? I

evaluate the existence of consistent Islamic belief systems across different measures of

information—political information, education, and media exposure—and personal

religiosity. In so doing, I problematize the plausibility of whether ordinary citizens can

be described as ideologically liberal or conservative in their Islamic interpretations given

available survey measures. I suspect that information, rather than religiosity, will play

the key role in differentiating the strength of the connections individuals form between

their responses. However, the direction of consistent responses—in a liberal or

conservative direction, or a secular or anti-secular direction—should also depend on their

predispositions.

In summary, my findings offer support for the argument that predispositions and

information play an important role in shaping preferences on issues as relevant and

important to ordinary citizens as family law and the role for Shari'ah. Values tell us

something about what individuals find important, about what they believe to be good in

the world. Individuals who oppose a secular state and support a Muslim personal law

may do so based on deeply held religious values and desires. But individuals who oppose

such a law are not necessarily less religiously committed. I argue that those who are

most educated are also, generally, more likely to be aware of elite framing that a Muslim

personal status law is incompatible with a secular state and with the principle of legal

equality. How do highly educated *and* highly religious individuals reconcile their values

as they form preferences on the issue of family law? I show evidence in Chapter 7 that more educated *and* highly religiously engaged citizens who also support secularism still tend to oppose the law. However, their religiosity means that they are indeed less likely to do so than those who are highly educated, committed to secularism, but less religiously engaged. Thus, information *and* multiple predispositions plays an important role in shaping preferences.

Conclusion

In this dissertation, I argue that most citizens in Senegal will hold religious and secular predispositions, especially given Senegal's historical discourse on secularism that not only respects but supports and accommodates all religions. Information about the family law debate pushes men and women to oppose a Muslim personal law in Senegal, in part, because their attention to elite discourse activates their predispositions for legal equality and secularism. They are more likely to adopt the secular interpretive package that associated the Family Code with these popular values. Because Senegal has a dominant discourse of secularism and legal equality that is also supported by most citizens, framing the issue of a Muslim personal law in terms of these values should be most successful among those who are most aware of these frames. Information helps these citizens to connect their values to their preferences. Many ordinary men and women in this study also hold the same secular values but support a Muslim personal law. Religious predispositions help to explain why they support a Muslim personal law. I argue, though, that their lower levels of information suggest that they were less aware that other strongly held values of secularism and legal equality were at stake. In the

remaining chapters, I will present evidence that this educated segment of the public tends to connect their values and preferences in a way that mirrors the dominant secular interpretive secular package found in print media. They also hold more consistent preferences regarding Islamic interpretations, suggesting that they form broader connections across a diverse range of issues.

I cannot address the issue of stability in preferences over time, but I speculate that citizens' views about a state family law based on Shari'ah might differ if they became aware that other core values besides religious values were at stake, such as peace between religious communities. In other words, I suggest that preferences for state law based on Shari'ah are not simply religious questions that can be explained by variations in religious predispositions. Rather, they depend on how the issues are framed by opinion leaders.

In the Chapters that follow, I analyze how elites constructed the issue of family law reform in Senegal. In the remaining chapters, I offer survey and narrative evidence that citizens differ in their religious and secular predispositions, but also in their levels of education and exposure to media discourse. Accordingly, more educated citizens are more likely to discuss family law in the terms of elite discourse. My emphasis on the important role of information as well as predispositions does not imply that education will always push individuals to oppose state laws based on Shari'ah, either in Senegal or elsewhere. What is important is how the issues are framed in public discourse. If elites construct an interpretive package that invokes broadly held cultural values, then those who are more aware of this discourse should be more likely to form preferences according to this consensus. If there is no broad-based elite consensus, or elites

themselves are deemed illegitimate by the most informed and educated citizens, then

information may play an entirely different role. More educated and aware citizens might

be more likely to oppose the elite interpretive package. Or, if elites themselves are more

divided—if Senegal's secular discourse was anti-religious or unpopular—more informed

citizens may divide their preferences according to the competing available interpretive

packages. However, information allows these individuals to form stronger connections

between their values and preferences on issues that are as important as the issue of

Shari'ah as a source of state law.

In short, then, I argue in this dissertation that men and women form preferences

about Shari'ah as a source of state law as they would form other attitudes about state

policy. While citizen's values—such as religious commitment and a commitment to

secularism—do shape their preferences, men and women also actively construct

preferences as they pay attention to opinion leaders who shape and construct the issues at

stake, and as they respond to an interviewer's questions about Shari'ah as a source of

state law. Discourse surrounding family law and the role for Shari'ah will no doubt

continue to change over time, which will in turn shape how ordinary men and women

make sense of this policy debate.

<center>**Chapter 4**</center>

<center>**Framing Shari'ah and the Family Code**</center>

As CIRCOFS unveiled its draft personal status law, a vigorous debate took place between defenders and critics of Senegal's current Family Code. Journalists wrote news analyses and quoted influential opinion leaders, and citizens wrote opinion pieces to weigh in on the debate. As the debate played out in the mass media, opinion leaders and communication sources constructed frames that defined the important issues surrounding family law and Shari'ah as a source of state law. The debate over family law represents what Chong and Druckman (2007) refer to as a "competitive framing environment" in which citizens are exposed to multiple frames offering alternative ways of making sense of the debate. In this chapter, I describe and analyze the ways that opinion leaders framed the family law debate for the public within Senegalese print media. I discuss the major frames that emerged from both supporters and opponents of CIRCOFS' proposed personal status law in a sample of 35 articles that appeared in diverse print and online media sources in 2003-2004, including *Wal Fadjri, Le Soleil, Le Quotidien, Sud Quotidien,* and *Jeune Afrique.*

Gamson and Modigliani (1989, 2) write that each policy issue has a culture with a related discourse that includes "metaphors, catchphrases, visual images, moral appeals, and other symbolic devices." Media discourse constructs and contains interpretive packages that give meaning to issues being debated. Policy debates are in a sense "a

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symbolic contest over which interpretation will prevail" (2).   I argue in this chapter that the debate about state family law became a debate about the merits and meaning of the secularism of the state. The dominant secular interpretative package debated the meaning of equal citizenship and whether legal equality was best achieved through uniformity in law for citizens of all religions versus different laws for citizens of different religions. The issue of state family law was also framed as an ideological debate between "secularists" and "Islamists."

Shari'ah, Family Law, and the Secularism of the State

This chapter analyzes media discourse in 2003-2004. It is important to note, however, that state family law has been a subject of intense debate since the Family Code was enacted in 1972. The Family Code has been criticized both for abandoning Islamic principles and for its failure to go far enough in granting women equal rights. Indeed, prior to the debate surrounding CIRCOFS draft law, newspapers reported on a conference in which legal practitioners criticized the Family Code because it did not comply with international conventions guaranteeing equal rights for all citizens, including women. Newspaper articles in February 2002 wrote that the current law privileged men's authority in the household (Diatta 2002a; Arab 2002b).[45] In this framing, state family law is precisely a place where equality in law and equal citizenship rights are guaranteed and protected by the state. Media coverage also emphasized the importance of giving the general public a larger role in expressing their views on family law (Diatta 2002b; Arab 2002a). Similarly, an opinion piece in *Wal Fadjri* (Ndiaye 2002) criticized the current

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[45] Lawyers debated reforming Articles 152 and 153. Article 152 states that the husband is the head of the family: "Le mari est le chef de famille. Il exerce cette qualité (et non plus ce pouvoir) dans l'intérêt du ménage et des enfants. "   Furthermore, other articles in the law privileged "puissance paternelle" over "autorité parentale."

Family Code for weakening the Senegalese family. The current law was said to minimize paternal authority at the expense of the rights of women and children.[46] This opinion piece hinted at the frustration felt by Muslims who felt that the current law was the product of elites who are "intellectuals, Westernized, and those who are detached from the people."[47] Using the rhetoric of "Muslim public opinion," this author claimed to speak for ordinary Muslims who feel that the current law attacks their faith.[48]

As CIRCOFS unveiled its alternative law in 2003, debate over family law reached a new urgency. Whereas legal reformers had critiqued the Family Code for falling short on Senegal's constitutional promise of legal equality for all citizens, these reformers now defended the law as an important pillar of Senegal's secular republic.

Religious and Secular Authority: Competing Political Ideologies

In 2003, media discourse surrounding CIRCOFS' draft personal status law and the current Family Code constructed an interpretive package that emphasized the relationship between the secularism of the state, family law, and the principle of one nation/one law underlying the legal equality of all Senegalese citizens. Implicit within this secular frame, however, was the creation of a dualism between a secular family law and an Islamic family law. Before I discuss the dominant frame of secularism and its interconnected element of legal equality, I describe how the debate framed the current

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[46] "…la cellule familiale est menacée de destruction. Les femmes et les enfants mineurs sont manipulés pour réclamer des droits exorbitants. Le rôle du père dans une famille est minimisé et tend à disparaître. Son rôle de stabilisateur de la vie familiale fait place à la liberté sans borne qui prostitue les enfants. Les conflits sociaux actuels se passent de tout commentaire."

[47] "Ce qui est regrettable, c'est qu'il y a toujours une poignée d'intellectuels, snobs, détachés du peuple, occidentalisés, assimilés ou neutralisés par une idéologie corruptrice des sociétés secrètes qui enveniment les problèmes touchant le statut familial."

[48] "Il suffit de prêter attention aux prêches de vendredi dans les mosquées pour se rendre compte de la réalité de l'opinion publique musulmane qui s'indigne de ce qui se passé. Ils se sentent agressés dans leur foi et appellent à la raison."

family law as a secular law that served the goals of the secular republic. I also describe

how the debate framed CIRCOFS's draft law as an Islamic family law, and therefore a

law that rested on the religious authority of the Shari'ah. Supporting a state law based on

Shari'ah was framed as a question of religious conviction for practicing Muslims. For

some, then, the debate became one of competition between secularists—who supported

the secular state and opposed state laws based on Shari'ah—versus Islamists—who

opposed the secularism of the state and favored Shari'ah as state law.

In the text of their draft law, CIRCOFS argued that the current law so completely

violated Islamic principles, and therefore the religious beliefs of most Muslims, that a

new law must subject Muslim families to the complete body of family law provided by

the Shari'ah.[49] CIRCOFS played an important role in framing the current law as a

secular law. Through the act of drafting an alternative legal code that made reference to

the Shari'ah, CIRCOFS attempted to associate their draft law with the religious authority

of the Shari'ah.[50] To oppose their law, then, would be to oppose Islamic family law and

the principles of the Shari'ah in favor of a secular state law. By invoking the religious

authority of the Shari'ah, CIRCOFS framed the issue as question of religious conviction

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[49] "Il serait donc faux et dangereux de se contenter de simples modifications de tels ou tels articles de l'actuel Code de la famille. Il s'impose en vérité d'adopter un autre Code totalement différent dans sa substance de l'actuel Code de la famille. Pour se faire, il convient de respecter la liberté de conscience de chacun inscrite dans notre Constitution en substituent au code de la famille un code de statut personnel qui soumet chacun à sa loi personnelle, c'est-à-dire qui soumet les musulmans à la charia, les chrétiens et le non-musulmans à leur loi personnelle. Ce ne serait d'ailleurs qu'un retour à ce qui, à peu de choses, se pratiquait sous le régime colonial" (CIRCOFS 2002).

[50] Many articles throughout the draft code make reference to the "conditions" or "limits" of the Shari'ah, which implies that the law conforms to the dictates of Islamic law. For example, Article 37 of their draft law makes reference to the Shari'ah by saying that a wife must obey her husband under the conditions given by the Shari'ah. "La femme doit obéissance à son mari dans les conditions fixées par la Charia." Similarly, Article 277 suggests that Shari'ah is the primary source of the law: "Les dispositions du présent code sont d'ordre public et il ne peut y être dérogé que dans les limites permises par la Charia."

and belief for practicing Muslims.[51] CIRCOFS also critiqued Senegal's status as a

secular state (the *laïcité de l'Etat*). Specifically, Senegal simply imitated the French state

model by declaring itself a secular state in its constitution.[52]

Many journalists and opinion leaders who opposed CIRCOFS proposal

contributed to framing the current Family Code as a secular law and the draft personal

status law as an Islamic family law that conformed to the principles of the Shari'ah. For

example, one of the first articles published on April 9, 2003 in *Wal Fadjri* labeled

CIRCOFS' proposal a "personal status law in conformity with Islamic Shari'ah. It would

apply only to Senegalese Muslims instead of the actual Family Code, which would

continue to apply to Christians"[53] (Seck 2003). In a May 2003 article in *Le Soleil,* a

journalist called CIRCOFS' draft a "new Family Code inspired by the Shari'ah" (Sarr

Diakhate 2003).[54] Communication sources on multiple sides of issue helped to associate

CIRCOFS' proposed law with the religious authority of the Shari'ah, as compared to the

current secular law.

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[51] The current law was said to be a product of French-educated elites and was criticized Senegal's eminent religious leaders. Moreover, the law contradicted the fundamental religious beliefs of Muslims : "Critiqué et rejeté par nos éminents chefs religieux musulmans, le Code de la famille est, pour l'essentiel, ignoré par les populations… Cette situation est la conséquence du fait que des élites politiques, administratives ou autres, formées à l'école française, subissant des influences extérieures, prennent leurs désirs pour des réalités et se croient investies du droit de faire des lois conformes à leurs vues et leurs aspirations personnelles en contradiction avec les points de vue et les aspirations de la grande masse de la population qui demeure profondément attachée à ses convictions religieuses musulmanes.."

[52] "Que la "laïcité de l'Etat" est un concept qui ne possède aucune définition légale, de sorte que ceux qui s'en prévalent lui donnent le contenu que chacun veut bien lui donner. C'est par pur mimétisme que l'on a inscrit dans notre Constitution, en l'important de France, le concept de laïcité qui ne figure pas dans la plupart des constitutions des pays d'Europe. C'est par pure ignorance que l'on croit que "la laïcité à la française" est un modèle, alors qu'elle n'est en réalité que l'exception en Europe. … Il va de soi que dans ces différents pays, le droit de la famille tient compte des traditions religieuses et culturelles des peuples concernés."

[53] "Un code de statut personnel en conformité avec la charia islamique pour régir les musulmans sénégalais à la place du Code de la famille qui devrait continuer à être appliqué aux chrétiens."

[54] This journalist described the law as proposed by a religious group in favor of a new Family Code inspired by the Shari'ah: "…une groupe religieux qui milite en faveur d'un nouveau Code de la famille inspiré par la charia."

Because CIRCOFS' personal status law was said to conform to or be inspired by Shari'ah, another element in the larger discourse surrounding family law was the idea that the Shari'ah itself can be easily reduced to and codified as a set of legal rules For example, a journalist discussed President Wade's opposition to the personal status law but nevertheless equated it to the "application of Shari'ah" (Sarr Diakhate 2003).[55] Such statements created associations between the draft personal status law and the religious authority of the Shari'ah. The President was said to argue against a Muslim personal law by arguing that Muslims do not practice everything that is found in the Qur'an, but such arguments did not challenge the idea that a state law could claim the religious authority of the Shari'ah itself.[56] Some legal scholars did address this notion by discussing divergent interpretations within Islamic legal schools. For example, in a May 2003 opinion piece in *Le Soleil*, Abdoullah Cissé (2003) argued that it was difficult to privilege a single conception of Islamic law without rendering other authoritative interpretations less-authoritative.[57] Likewise, Saliou Kandji, a noted scholar of Islamic law argued against reforming the Family Code on the basis of Islamic jurisprudence in an interview in a 2004 article in *Wal Fadjri* (Gaye and Dramé 2004). Specifically, Islamic law recognizes multiple interpretations from multiple schools of jurisprudence, contrary to this draft law project. It would be difficult to impose a law for a society marked by such

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[55] "Le Président de la République a invité Me Niang à attendre les prochaines élections pour présenter la sanction des Sénégalais sa proposition d'application de la Charia s'il le voulait."

[56] "Il a précisé qu'il y a dans le Coran beaucoup de choses qui ne sont pas pratiquées. Il a cité le cas de la flagellation des femmes adultères, de la mutilation des mains des voleurs, autant de pratiques qu'on laisse de côté pour se lever un beau matin pour demander l'application de la charia. " The examples given are criminal punishments, including the flagellation of adulterous women and amputating the hands thieves.

[57] "Dans ce contexte, il peut dès lors devenir difficile au nom de l'Islam, de privilégier une conception moniste du droit en disqualifiant d'autre interprétations qui en font partie intégrante. Il pourrait résulter d'une telle attitude, une réduction de l'Islam à l'une seule de ses expressions, peut-être moins éloquent, très préjudiciable à la fois à l'esprit de l'Islam et aux musulmans eux-mêmes ouverts, par tradition au partage des valeurs. "

diversity.[58] Nevertheless, the dominant media discourse tended to discuss family law

reform as if two choices existed—a law that conformed to Shari'ah and a secular law.

Because CIRCOFS' draft personal status law was commonly framed as a law that

conformed to Shari'ah—even by its opponents—much of the debate centered on whether

a state law could or should be based on Shari'ah in a secular state.   As such, family law

reform could be understood as a larger ideological debate about the secularism of the

state. In an April article entitled "Islamists assault secularism,"[59] a journalist described

the CIRCOFS proposal as part of a larger Islamist agenda (Ndiaye 2003). Specifically,

while Islamists have challenged the secular republic for some time, this was their most

comprehensive undertaking to date, including a media and lobbying campaign.[60] This

journalist invoked the popular will of the people at the end of the article and claimed that

Senegalese Muslims reject Islamic extremism. Furthermore, the draft law had little

chance of success because adopting such a law would require amending the secular

constitution." [61] There are several elements that comprise this secular frame. First,

individuals who advocate for Islamic family law are deemed "Islamists" and charged

with an ideologically "extremist" agenda. Second, a personal status law based on

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[58] Among other statements : "L'islam n'est pas un seul avis. C'est une somme d'avis. Il y a plusieurs écoles et les courants sont aussi valable les uns que les autres. Si vous savez ça, vous mesurez la difficulté de faire une loi pour une société fortement marquée par la diversité. …Pour moi, la modification du Code de la famille ne s'impose pas parce que c'est difficile à imposer. Je viens d'indiquer que les Sénégalais ne pensent pas de la même manière. Les musulmans n'adhérent pas à un seul type de droit, contrairement à ce que les gens croient."

[59] "Les islamistes à l`assaut de la laïcité."

[60] The first line begins: "Ce n'est pas le premier assaut que les islamistes sénégalais, si divisés et aux intérêts opposés soient ils, lancent contre la République laïque au Sénégal sur cette question comme sur d'autres. Mais c'est la première fois qu'ils soumettent un projet aussi achevé avec à la clé un important lobbying et une puissant campagne de communication."

[61] The article ends: "Mais dans un pays dont les populations à majorité musulmane récusent tout corset intégriste, le projet des extrémistes sénégalais a peu de chance d'être adopté, car cela impliquerait la réforme de la constitution laïque adoptée il y a moins de deux ans."

Shari'ah would violate the secular constitution. Thus framed, debate over family law becomes a competition between competing secular versus Islamist political ideologies.

Other authors also suggested that the debate was not a simple question of family law. Indeed, a May 19 article in *Le Soleil* argued that the call for a personal status law formed part of a larger Islamist plan to push for the broader application of Shari'ah in the future (Djouf 2003).[62] CIRCOFS was not simply asking for Islamic family law; it was in fact testing the resolve of the secular state. Likewise, a journalist and defender of the current Family Code "warned the Islamists that we will mobilize to defend secularism and democratic gains in our country. We are aware that they are still very determined to achieve their objective of getting Shari'ah implemented in Senegal" (Bop 2003).[63]

While some critics of a personal status law labeled their opponents as Islamists or extremists who opposed secular state and who favored a broader application of Shari'ah, some supporters of the law retorted with ideological labels of their own. A June 2003 letter to the editor published in *Wal Fadjri* (Dieye 2003) charged that many opponents of the personal status law were intolerant secularists, or secular fundamentalists, who panic at the mere mention of the term Shari'ah.[64] These secularists include, among others, hypocritical politicians who use religious devotion to win votes, as well as Muslims who

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[62] "…l'islamisme rampant ne passera pas. … Car il sait que ce qui se joue aujourd'hui sur la question d'un statut personnel à caractère islamique avec comme argument que l'écrasante majorité de la population est musulmane, et que par conséquent il faut se référer à la religion pour organiser la vie de la plupart des familles du pays est un faux argument. C'est en réalité un test lancé contre l'Etat pour voir si la puissance publique acceptera de se plier à des groupes drapés du manteau de la religion pour faire passer leurs idées. On commence par le statut personnel, si l'Etat ferme les yeux ou lâche du lest, demain on va revendiquer que les voleurs aient la main tranchée. Et après-demain que l'on flagelle des gens coupables d'adultère en public. Et de spirale en spirale, jusqu'où ira-t-on ?"

[63] Codou Bop is also Coordinator of the *Groupe de Recherche sur les Femmes et les Lois au Sénégal* (GREFELS).

[64] "Mais pour peu qu'on s'évertue à étudier la personnalité de ce musulman intégriste laïc et intolérant qui se dresse résolument contre le nouveau projet, on ne sera pas surprise de cette levée de bouclier. En effet, le personnage qui se cache derrière ce laïc intolérant, c'est d'abord le voleur potentiel – à col blanc – qui craint pour ses mains crochues, et qui est envahi de frissons dès que le mot charia est prononcé…"

believe the full and complete practice of Islam is incompatible with modernity.[65] For this

author, supporting an Islamic family law is a question of religious piety. Those who

prefer the current Family Code are Muslims who limit their religious lives to daily

prayer, when it is convenient, and fasting during Ramadan.[66] Similarly, in a May 2003

opinion piece in *Le Soleil,* another advocate for an Islamic family law critiqued a noted

Senegalese public intellectual and professor who spoke out in favor of the Family Code

(Kébé 2003). Such supporters of the Family Code, he argued, promoted only an

"intolerant and dogmatic" version of secularism.[67] Both critics and defenders of the

Family Code, therefore, contributed to framing the issue of family law reform as a larger

debate over the religious and secular authority of state laws, and between competing

secular and Islamist ideologies.

The Family Code and the Secularism of the State: Legal Uniformity (and Equality) versus Legal Pluralism (and Differentiation)

The dominant interpretive package surrounding family law reform framed the

issue in terms of Senegal's identity as and commitment to being a secular state. This

helps to explain why some defenders of the Family Code labeled advocates for a personal

stats law as Islamists who oppose the secular state. Thus, as journalists and elites debated

state family law, they also debated the meaning of the secularism of the state itself. An

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[65] "… c'est encore le politicien hypocrite, soi-disant *taalibe* qui, pour engranger des suffrages, n'hésite pas à s'accroupir avec une feinte humilité devant " son " marabout pour solliciter des prières, tirées du Coran. Cet intégriste laïc, c'est aussi celui que quelqu'un a qualifié de "musulman honteux," à qui les ennemis de l'Islam ont fait croire que la pratique totale de cette religion est une chose du passé, qu'elle est incompatible avec la modernité."

[66] "Ceux-là qui veulent confiner leur univers religieux à la prière quotidienne, quand ils en ont le temps—et à l'abstention de manger et de boire durant le Ramadan—savent qu'il leur est loisible de continuer avec leur ancien code… "

[67] "Notre professeur de se livrer à une apologie systématique de la laïcité qui trahit son laïcisme dogmatique et intolérant."

integral element of this secular frame was the idea that secularism ensures equality in law

for all citizens, no matter one's race, origin, sex, and most importantly in this debate,

one's religion. For example, as Article One of the Constitution states, the "Republic of

Senegal is secular, democratic, and social. It shall ensure equality before the law of all

citizens, without distinction of origin, race, gender or religion; it shall respect all

beliefs."[68] Legal scholars also note that a key justification for the Family Code has been

the principle of unifying the law so that one law applies to all citizens to the greatest

extent possible (Camara 2007b; Sow Sidibé 1993-1994).

Because media discourse tended to frame the personal status law as a law that

conformed to Shari'ah principles—thus resting on religious authority—the current

Family Code was framed as an integral part of the secularism of the state in which all

citizens must be treated equally under the law. To obtain legal equality, state law and

state courts should be impersonal and impartial and should not distinguish between the

religious affiliations and beliefs of its citizens. In contrast, the proposed personal status

law would apply Shari'ah to Muslims, which would by definition differentiate between

citizens of different religions. As such, the dominant interpretive package framed

secularism and the current family law as intricately connected to the principle of

uniformity in law and rights for all Senegalese citizens. More precisely, equal citizenship

rested on the principle of one nation/one law, and the impersonality of the courts, rather

than subjecting each individual to different laws and courts depending on their religion.

For example, in April 2003, the group of civil society organizations calling

themselves the Collective for the Defense of Secularism and for National Unity openly

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[68] "La République du Sénégal est laïque, démocratique et sociale. Elle assure l'égalité devant la loi de tous les citoyens, sans distinction d'origine, de race, de sexe, de religion. Elle respecte toutes les croyances."

denounced CIRCOFS' proposed personal status law. The Collective drafted a letter to

President Wade and sent a public declaration to the media in which they stated that

"secularism is the first principle of articulated in the Senegalese Constitution and all

Senegalese are equal no matter what their religion, gender, ethnic group, etc." (Bop

2003). To oppose the personal status law, the Collective defended secularism and the

principle of legal equality for all citizens. Similarly, a journalist writes in the *Bulletin

d'Information Africaine* (Quenum 2003):

> If this plan to change family law were adopted, then Islamic Courts would be set
> up and what is worse, there would be a two-tier justice system, one for Muslims
> and another for non-Muslims. Likewise, if this project is successful, then a non-
> Muslim would not be able to marry a Muslim woman.[69]

The notion of a "two-tiered" system of justice with different rights and laws for citizens

of different religions would violate the principle and constitutional guarantee of equality

for all citizens. Another journalist in *Wal Fadjri* (Guisse 2003) framed the personal

status law as creating frustrations on the part of minorities, including religious groups and

women, suggesting that legal equality also entailed women's rights.[70]

On May 19 in *Le Soleil* (Djouf 2003), a journalist described the President's

categorical opposition to any family law reform that would undermine the republican and

secular foundations of the state. This journalist further argued that all citizens—Muslims,

Christians, animists, and atheists—enjoyed the same rights, obeyed the same laws, and

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[69] "Car ce projet de code de la famille, s'il venait à être adopté, va instaurer des tribunaux musulmans et
pis, une justice à double facette: une pour les musulmans et une autre pour les non-musulmans. De même,
si ce projet aboutissait, un non-musulman ne pourrait pas épouser une musulmane… "
[70] "…la mise en œuvre d'un code de statut personnel islamique peut occasionner des sentiments de
frustration de la part des groupes et des minorités. C'est dans ce cadre que ce réseau dit rester vigilant à
l'encontre de 'toutes tentatives de remise en cause des acquis démocratiques (comme la laïcité) visant à
protéger les droits de groupes les plus vulnérables et en particulier les femmes.'"

were protected by the state.[71] As such, this journalist framed the "merits of the Family

Code" as a defense of secularism and legal equality; it permits Muslims, Christians, and

all other Senegalese—as simply citizens—to present themselves to an "impersonal

tribunal" to regulate their disputes.[72]

Legal Pluralism and Freedom of Religion

Some supporters of a personal status law contested this dominant packaging of

secularism, the current family law, and legal uniformity and equality into a coherent

interpretive package. Instead, they argued that greater legal pluralism, rather than

uniformity, allowed citizens the right to practice their religion freely. Freedom of

religion was itself a constitutionally protected right. I have described how CIRCOFS

itself framed their draft law as a means to respect freedom of conscience by allowing

Muslims the right to live according to Shari'ah.[73] Moreover, the French colonial legal

system was framed as a time when Muslim beliefs and practices were better respected as

compared to the current secular state and family law. These frames appeared throughout

the media debate about family law reform and critiqued the dominant interpretive

package of secularism.

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[71] "Cette fois si, le Président n'a fait ni dans la nuance ni dans la dentelle pour oppose un niet catégorique à
tout ce lobbying déclenché pour saper les fondements de l'Etat républicain et laïque, et que le Sénégal
entend conserver aussi longtemps qu'il sera à la tête de l'Etat, où musulmans, chrétiens, animistes, voire
athées ou libres penseurs, ont les mêmes droits, obéissent aux mêmes lois et sont protégés par l'Etat."
[72] "C'est le mérite du code de la Famille actuel qui, en son temps, à associer toutes les obédiences
religieuses, qu'elles soient musulmanes, chrétiennes, les spécialistes du droit, les autorités coutumières…
…C'est ce même code qui permet aux couples musulmans et chrétiens de se marier ensemble si ça leur
chante en tout légalité, et en cas de divorce, de se présenter librement devant des tribunaux impersonnels,
pour régler leurs problèmes, avec toutes les voies de recours possibles et prévues par la loi" (Djouf 2003).
[73] Again quoting CIRCOFS : "Pour se faire, il convient de respecter la liberté de conscience de chacun
inscrite dans notre Constitution en substituent au code de la famille un code de statut personnel qui soumet
chacun à sa loi personnelle, c'est-à-dire qui soumet les musulmans à la charia, les chrétiens et le non-
musulmans à leur loi personnelle. Ce ne serait d'ailleurs qu'un retour à ce qui, à peu de choses, se
pratiquait sous le régime colonial." (CIRCOFS 2002).

For example, a full page opinion piece written in *Le Soleil* (Kébé 2003) critiqued the dominant interpretive package that linked secularism, legal uniformity and equality, and the current law.[74] Instead, Senegal should break from the French model of secularism and move toward a model that rests on legal pluralism, such that each citizen should refer their own law, be it Canon law, Shari'ah, or positive law.[75] According to this advocate for an Islamic family law, a system of personal status laws rather than a uniform legal system offers a more attractive model of Senegalese secularism. This author does not overtly challenge the secularism of the state, but rather contests the meaning of secularism as providing legal equality by applying one law to all citizens.

Similarly, in a front page article in June 2003 (Saada 2003), a journalist summarized the arguments offered by an association of young religious leaders, the *Collectif des Jeunes Chefs Religieux du Senegal*, in favor of the personal status law. These religious leaders framed the issue as an attempt to protect religious freedom through legal pluralism. Rather than protecting citizens' rights through an impersonal and uniform law, everyone should be judged according to his or her own religious convictions.[76]

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[74] " …On prétend que ces statuts varies ne militant pas en faveur de l'unité nationale, n'assure pas l'égalité juridique des citoyens, constitue une entrave à l'intégration dans la modernité et une menace à la laïcité de la constitution et de l'état "

[75] " … Il s'agit dans le cas du Sénégal de redéfinir notre système juridique, et partant notre conception de la laïcité qui n'a été au moment de notre indépendance qu'une copie conforme du modèle français. …En optant pour un pluralisme juridique à plusieurs statuts, le Sénégal romprait avec la laïcisme et élaborerait une laïcité souple, ouverte et dynamique, qui prendrait en compte la spécificité de l'islam qui dès le VIIe siècle a fondé et codifié un système juridique auquel tout musulman conséquent doit se référer. Cette laïcité doit également mettre des garde-fous pour empêcher toute dérive communautaire et garantir à chacun le droit de se référer au système qui lui convient, qu'il soit le droit canon, la sharia ou le droit positif. "

[76] " Ils se veulent des positivistes pour qui la laïcité signifie que chacun soit jugé selon ses convictions religieuses."

Others critiqued the secular republic by harkening back to the period of French colonization as a time when Muslims had greater rights and lived under Islamic laws (Dieye 2003). If Muslim tribunals coexisted with secular ones under French colonization, why should they not coexist today when Senegal is a sovereign and democratic republic?[77]

Legal scholar Abdoullah Cissé's opinion piece in *Le Soleil* (2003) disputed framing personal status laws—and the French colonial legal system—as a time when Muslims had greater rights.[78] Rather, personal status laws prevailed in colonial legal contexts and under apartheid *because* the legal system operated on a discriminatory logic. Colonial rulers simply found it advantageous to subject indigenous people to an inferior legal status.[79] Cissé framed the issue as one of competing legal visions: differentiation in law based on religious affiliation versus a conception of law that seeks to secure equality for all citizens. Secularism—and by extension the current family law—is itself a means to manage diversity and pluralism.[80]

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[77] "Si des tribunaux musulmans ont pu coexister avec des tribunaux laïcs pendant de longues années sous la colonisation, on ne voit pas ce qui empêcherait de revivre l'expérience. Doit-on penser que la tolérance et la démocratie s'accommodaient mieux à la colonie du Sénégal qu'à la République du Sénégal? Les explications qu'on a tenté d'en donner ne convainquent même pas leurs auteurs."

[78] He contends that Islamic law does conceive of law as applying to persons rather than to territories, and that the community of faith transcends national borders, but he challenges any claim of authority to legally define a Muslim's status.

[79] The legal of concept of personal status: "a été consacré dans certains pays pour designer les divers aspects de la situation personnel et de famille des individus vivant en société. Il s'agit en fait d'une technique juridique importée pour désigner certains aspects du droit de la famille dans les sociétés qui traitent les citoyens selon une logique discriminatoire : chaque individu est soumis à un statut personnel et correspond un régime juridique particulier. C'est ce concept qui a prévalu notamment dans le système juridique colonial ou celui de l'apartheid et dans certains Etats qui en on repris la lettre sans l'esprit. Il peu paraître surprenant de vouloir chercher à le consacrer à nouveau dans un Sénégal indépendant et souverain en semblant regretter un passé colonial (sic) où l'Islam et les musulmans étaient mieux respectés. Or, l'intention du législateur colonial était tout simplement de maintenir les indigènes dans un statut inférieur en feignant les assujettir à leurs propres lois et coutumes, ce qui était, pour lui, doublement avantageux."

[80] "Il ne serait pas superflu de rappeler que la laïcité dans l'Etat moderne n'est rien d'autre qu'une technique opérationnelle d'ordonnancement et de gestion du pluralisme sous toutes ses formes."

While supporters of a personal status law framed the issue as a question of religious freedom and legal pluralism, opponents also attempted to tie freedom of conscience into their dominant secular interpretive package. In an opinion piece in *Le Soleil*, prominent legal scholar Amsatou Sow Sidibé explained the state's justifications for the Family Code as pursuing national unity and the legal equality of all citizens by minimizing the diversity of statutes that were legally binding (2003).[81] Though the Family Code sought legal equality, it also incorporates legal pluralism through the options it gives citizens regarding marriage and inheritance. This author defended secularism because it rests on the principle of religious freedom, and Islam itself protects liberty of conscience.[82] Writing for the Collective for the Defense of Secularism and National Unity, Codou Bop (2003) argued:

> even though 94% of Senegalese are Muslim, the large majority of them are not in favor of an Islamic Family Law, because our Family Code is drafted in such a way that it gives options to Muslims as well as to Catholics to choose according to their religious beliefs as far as family matters are concerned.

Because it already included specific legal options for Muslims and Christians in inheritance and marriage, the current law already respected freedom of religion. An April 2003 *Wal Fadjri* article (Idrac 2003) labels opponents of CIRCOFS' personal status law as "those who invoke secularism, the neutrality of the state, and freedom of

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[81] "Telle est l'économie générale du Code sénégalaise de la famille. En élaborant cet instrument juridique, les pouvoirs publics sénégalais étaient guidés par un certain nombre d'objectifs tous d'actualité. Il s'agissait de renforcer l'unité nationale en consolidant la conscience nationale. Il était en outre question d'assurer l'égalité juridique des citoyens en évitant au maximum la diversité des statuts et la hiérarchie entre les individus à cables. Il fallait faciliter l'intégration de la République du Sénégal dans le concert des Nations modernes. "

[82] "Le pluralisme juridique du droit sénégalais de la famille a un fondement laïc. …Dès lors, toutes les institutions se rattachant à l'Etat, y compris la famille, sont censées être empreintes du sceau de la laïcité. Dans le contexte sénégalais, la laïcité ne signifie pas ignorance ou hostilité vis-à-vis des religions. Elle repose sur deux principes également affirmé par la Constitution : la non-confessionnalité de l'Etat et la liberté de Conscience. …La laïcité est d'autant plus défendable au Sénégal que l'Islam prône la liberté de conscience. Ainsi, en témoigne ce verset du Saint Coran: "La vérité émane de notre Seigneur. Croit qui veut ! que soit mécréant qui veut "" (Sourate XVIII, la Caverne, Verset 29).

conscience," which offers additional evidence that defenders of the Family Code also claimed the value of freedom of religion.[83] In short, advocates for the current family law and for the draft Islamic family law both claimed that their laws protected the freedom of conscience guaranteed in Senegal's constitution.

Religious Diversity, National Unity, Peace, and Tolerance

Part of the interpretive package of secularism offered in the family law debate was that the secularism of the state allowed Senegal's multireligious population to peacefully coexist within a unified nation. By dividing people on the basis of their religion, an Islamic family law could create conflict between Christians and Muslims. For example, the Collective for the Defense of Secularism and National Unity framed movement toward a law based on Shari'ah as creating the potential for the kinds of religious conflicts and national divisions experienced in Nigeria, Bangladesh, Sudan, and India (wluml.org 2003).[84] As a political ideology and a cultural practice, then, secularism formed the foundation of the peaceful cohabitation between religions that Senegal has historically enjoyed.

Similarly, a journalist's front page article highlighted the risk of religious divisions in the title: "*Projet de Reforme du Code de la Famille: Les Risques de Divisions Religieuses?* "(Guisse 2003). This article connected Senegalese secularism to the currently peaceful relations between Senegal's religious communities, and the proposed

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[83] "Les réticents à cette idée, eux, invoquent la laïcité, la non-confessionnalité de l'Etat et la liberté de conscience."

[84] "Un tel projet s'avère dangereux, car il annihile les quelques progrès contenus dans l'actuel Code de la famille et renferme les germes d'une division de la nation et pourrait être à l'origine d'un conflit religieux grave au Sénégal, comme en ont connu le Nigeria, le Soudan, le Bangladesh ou l'Inde."

Islamic family law could threaten this balance.[85] A journalist in *Sud Quotidien* (Konte 2003) began by suggesting that an Islamic personal status code could create conflict and intolerance.[86]

Senegalese secularism was, therefore, intimately connected to popular discourses of national unity, peace, and religious respect and tolerance. The President himself highlighted this frame of peace and religious conflict as he discussed family law, noting that Senegal is a country known for peace and the very proposal troubled "our Christian brothers"[87] (Djouf 2003). Throughout the debate, journalists highlighted Christians, as religious minorities, as benefitting from the secularism of the state. In one article, the Archbishop of Dakar was quoted calling on young Catholics to fight to maintain the type of positive secularism that has guaranteed peace (Ndiaye 2003).[88] In a different article entitled "President Wade on extremism: 'Senegal is a model of religious tolerance to be preserved,'" the President articulated the elite discourse on tolerance and its culture of mutual respect between citizens of different religions (Djouf 2003).[89] National unity meant that citizens are Senegalese first, not Christian or Muslim.[90]

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[85] "Mais la mise en œuvre d'un projet de code de statut personnel islamique ne risque-t-elle pas de créer une scission dans la communauté religieuse sénégalaises qui s'est longtemps vantée de sa laïcité? "

[86] "La proposition d'un Code de statut personnel pour les musulmans est de ces actions qui ouvrent des perspectives de conflit et d'intolérance"

[87] "Le chef de l'Etat pense que ce genre de déclaration est 'très grave' pour l'image de notre pays. '…Alors que le Sénégal a la paix et que tout le monde nous apprécie, c'est incompréhensible qu'on soulève ce genre de problème pour susciter l'inquiétude chez nos frères chrétiens."

[88] The Archbishop of Dakar Théodore Adrien Sarr was quoted: "parfois, nous percevons des signes qui sont sources d'inquiétude, et nous nous demandons si cette laïcité qui, jusqu'à présent est la gloire du Sénégal, une garantie de la paix, ne va pas entre rognée de plus en plus. …Alors veillez à lutter pour le maintient de la laïcité positive. Veuillez à lutter pour que l'égalité, le droit et le devoir de tous se maintiennent le plus longtemps possible."

[89] "[Le Sénégal] s'efforce de consolider cet acquis ainsi que le respect mutuel entre citoyen sénégalais de religions différentes."

[90] "Au Sénégal, on ne se perçoit pas en Chrétien ou en Musulman, mais 'tout simplement' en Sénégalais, et cela veut dire que 'l'évolution vers la nation et a la citoyenneté a pour conséquence le recul de tous les intégrismes au profit d'un humanisme qui commence d'abord par les communautés nationale."

In *Wal Fadjri,* a journalist linked the Family Code to the secularism of the state and Senegal's social stability, which has made Senegal a great nation (Dieng 2003).[91] Another journalist connected secularism with civil peace: "All Senegalese who care about civil and social peace agree with the President, and refuse to make any concessions to these ideas that will lead the country toward the unknown. …Senegal is a secular republic and a democracy, and will remain so. The Family Code will continue to organize Senegalese personal status (Djouf 2003)."[92] A prominent legal scholar wrote that only secularism permits the consolidation of the Senegalese nation, including a peaceful cohabitation of religions (Sow Sidibé 2003).[93] Similarly, a prominent scholar of Islamic law noted in *Wal Fadjri* that Islam did not require the adoption of an Islamic family law. Instead, he defended secularism as a system of liberty that protects each belief and ensures mutual respect between diverse communities (Gaye and Dramé 2004).[94]

Journalists who wrote more favorably toward CIRCOFS' draft emphasized the difficulty of the proposal given Senegal's reputation for secularism, peace, and tolerance. In *Le Quotidien*, for example, the draft proposal was framed as a delicate question given

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[91] " Aussi, soutiennent-elles le maintient du Code de la famille en vigueur au Sénégal depuis 1972, pour sauvegarder la laïcité de l'Etat, mais aussi l'équilibre qui fait du Sénégal une grande nation"

[92] " Tous les Sénégalais soucieux de paix civile, de paix sociale sont d'accord avec le Président pour refuser de faire toute concession à ces idées qui risquent d'installer le pays vers des dérives, vers l'inconnu voire les incertitudes dans nos vies individuelles et collectives. Le Président l'a réaffirmé avec force et tout le monde est d'accord avec lui : le Sénégal est une République laïque et démocratique et le restera. Le code de la famille va continuer à organiser le statut personnel des Sénégalais. Et le Code pénal, les crimes et délits. C'est tout et c'est tant mieux comme cela pour la paix de l'âme de tout le monde."

[93] "La laïcité présente des avantages indéniables. Elle est un instrument d'organisation et d'administration des sociétés humaines notamment des sociétés qui, comme le Sénégal, sont caractérisées par la pluralité religieuse dont le corollaire est le pluralisme juridique. Elle seule peut alors permettre une cohabitation pacifique. …La laïcité est une solution aux problèmes que l'existence de minorités religieuses pose à l'Etat. …Seule la laïcité peut permettre la consolidation de la Nation Sénégalaise dans le respect des différences."

[94] "La laïcité est un système de liberté. Chacun doit s'organiser dans le respect des autres. Dans une diversité ethnique, culturelle et linguistique comme la notre, seul le système laïc maintient la convivialité et la commune volonté de vie commune. "

Senegal's secularism and tolerant Islam (Gaye 2003).[95] As this frame suggests, any

proposal to reform family law has to contend with the dominant discourse on secularism

and must argue why such a law will not threaten Senegal's national unity, peace, and

culture of tolerance.[96]

The Will of the Majority: Senegal as Muslim Country

Finally, the issue of state family law raised fundamental questions of national

identity and the meaning of democracy. For some, as a predominantly Muslim

democracy, the values and views of the majority should be reflected in state law. For

others, not all of Senegal's citizens are Muslim and democracy must protect the minority

over the will of the majority. Advocates for both laws competed to frame their arguments

as compatible with the logic of democracy.

The Collective for the Defense of Secularism proclaimed, for example, that

Islamic associations had been trying to weaken the democratic foundations of the state,

including secularism (wluml.org 2003). "We must mobilize to preserve national unity,

secularism, and the democratic gains we've achieved."[97] In this framing, secularism is

inextricably connected to democracy. Of the Collective, another journalist writes:

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[95] "Les représentants des familles religieuses et des associations ont exprimé, le 10 avril, leur souhait de voir le rétablissement des tribunaux musulmans. Un vœu d'une délicatesse inouïe dans un pays à la laïcité consommée [l'islam sénégalais est réputé pour sa tolérance], qui semble pourtant avoir fait l'unanimité au sein de la communauté musulmane sénégalaise, tant la demande est revenue à maintes reprises."

[96] The dominance of this discourse may also explain why some advocates of the law attempted to flip the discourse of tolerance on its head, arguing instead against the "intolerant secularists."

[97] "Mobilisons-nous pour préserver l'unité nationale, la laïcité et les acquis démocratiques. Depuis plusieurs années, un groupe d'associations islamiques tente de saper les fondements démocratiques de l'Etat sénégalais, en remettant régulièrement en cause sa laïcité et les acquis juridiques régissant la famille. Avec un projet de Code remis au Chef de l'État, que la presse a largement commenté, ces associations exigent l'adoption d'une loi portant code de statut personnel applicable aux seuls Musulmans.

Regarding secularism, it's not a question of an innovation or a new aspiration, since this principle is clearly established in Senegal's Constitution. It's up to the State to see that this secularism is not subject to human whims. The [Collective for the Defense of Secularism and for National Unity's] aim is to warn public opinion about the risk of "undermining Senegal's democratic foundations."[98]

(Quenum 2003)

As discussed, the President Wade also appealed to the will of the people as he explained his opposition to an Islamic family law. In particular, he critiqued the leader of CIRCOFS and invited him to compete in the next elections to present the "application of Shari'ah" to the people rather than pushing for the direct adoption of a new law (Djouf 2003).[99]

In contrast, CIRCOFS framed its actions as a simple expression of the democratic will of the majority of citizens, who are themselves Muslim.[100] As such, CIRCOFS framed family law both as a question of the religious authority of the Shari'ah *and* as a question of the democratic will of the majority. This frame reappeared in media discourse. For example, a *Le Quotidien* journalist summarized CIRCOFS' argument that laws should reflect the will of the majority: because 90% of the population is Muslim, the beliefs and desires of the people must be reflected in legislation (Gaye 2003).[101] This democratic frame is based on the principle of majority rule in a democracy. Similarly,

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[98] "En fait de laïcité, il ne s'agit point d'une innovation ou d'une aspiration nouvelle, puisqu'elle est clairement consacrée par la Constitution sénégalaise. A l'Etat de faire en sorte que cette laïcité ne soit pas sujette aux caprices des hommes. Tel est le sens du combat de ce Collectif, qui met toute l'opinion publique en garde contre les risques de «saper les fondements démocratiques de l'Etat sénégalais. "

[99] "Me Wade a dit sa désolation de voir Me Babacar Niang prendre ce genre d'initiative et qu'il aurait dû mettre sa proposition dans son programme de champagne électorale. Le président de la République a invité Me Niang à attendre les prochaines élections pour présenter à la sanction des Sénégalais sa proposition d'application de la Charia s'il voulait. "

[100] "La communauté musulmane forme l'immense majorité de la population et les règles les plus élémentaires de la démocratie exigent que, contrairement à ce qui se passe actuellement, le droit musulman de la famille auquel obéissent 95% des Sénégalaise et des Sénégalaises soit érigé en cette matière, en droit commun au Sénégal" (CIRCOFS 2002) .

[101] "Une opposition à cette requitte ne serait pas démocratique dans la mesure où les musulmans sont largement majoritaires [l'islam est pratiqué par 90% de la population]. En plus de cet argument, il estime qu'il ne peut y avoir de développement si l'on ne tient pas compte des croyances des populations."

another journalist summarized the views of some religious leaders, who argued that it was antidemocratic for President Wade to categorically reject the proposed law (Saada 2003).[102]

Critics of a personal status law also admitted that it was important to study the views of the people prior to enacting future reforms, but argued against the wisdom of relying on majority rule. Relying on the logic of public opinion and the will of the people, for example, some argued that each citizen had a legitimate right to form an opinion on the issue (Cisse 2003).[103] The problematic area, however, was defining the relevant majority. The same logic could be used to enact laws that applied to other majorities such as ethnic groups.[104]

Others did not challenge the idea of Senegal as a Muslim-majority country, but rather challenged the empirical validity of CIRCOFS' claim that the majority of Muslims favored an Islamic family law.[105] As a noted professor of Islamic law argued in an interview in *Wal Fadjri* in January 2004, there is no single subject about which 95% of Senegalese believe the same thing (Gaye and Dramé 2004).[106] As mentioned, some argued that CIRCOFS itself only reflected the will of a small group of Islamists (Djouf

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[102] "Le niet catégorique du chef de l'Etat à toute réforme du Code de la famille a servi de détonateur et on juge inacceptable que Me Wade veuille demander aux députés de voter contre tout projet de code de statut personnel islamique. Selon le collectif, c'est antidémocratique même."

[103] "Il est du droit légitime de chaque citoyen d'être mis à même de se constituer son propre jugement sur l'adéquation de projet aux aspirations des familles sénégalaises."

[104] "Ne risquerait-on pas, en suivant cette logique de la majorité, de légitimer, par le droit, notre exclusion de nombre d'instances régionales out internationales ou bien de voir émerger au sein de société sénégalaise d'autres projets de codes ayant vocation à ne s'appliquer qu'à des entités ethniques ou religieuses spécifiques."

[105] CIRCOFS wrote : "Cette situation est la conséquence du fait que des élites politiques, administratives ou autres, formées à l'école française, subissant des influences extérieures, prennent leurs désirs pour des réalités et se croient investies du droit de faire des lois conformes à leurs vues et leurs aspirations personnelles en contradiction avec les points de vue et les aspirations de la grande masse de la population qui demeure profondément attachée à ses convictions religieuses musulmanes."

[106] "Il n'y a pas 95% de Sénégalais pensant la même chose. Or, on ne peut donner de code qu'à des gens qui pensent la même chose. Moi, je suis musulman, mais je ne me retrouve pas dans ce code-là. »

2003),[107] while others argued that the Senegalese people rejected Islamic extremism (Ndiaye 2003).[108]

Throughout these debates, then, the issue of family law was also framed as a question of democracy and the will of the people. For some, as a Muslim-majority country, the beliefs of the people should be taken seriously and should be reflected in law. The assumption was that most Muslims would support a state family law based on Shari'ah and opposed the current Family Code. Such a law had both religious and democratic legitimacy. For others, the will of the people was also a source of legitimacy for state laws, but the issue should be taken up directly with the people. The assumption was that though Senegalese Muslims are devout, the people would ultimately reject such a law because they favored other values such a secularism and legal equality for all citizens.

Conclusion

As this chapter demonstrates, media discourse surrounding the issue of family law constructed interpretive packages for the public and offered alternative ways to make sense of this debate. The central interpretive package was that of the secularism of the state. Opponents of a Muslim personal law defended the current Family Code by invoking secularism, the principle of one nation/one law, and the legal equality of all citizens. As they critiqued a family law based on Shari'ah, they conjured images of other

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[107] "…l'islamisme rampant ne passera pas. … Car il sait que ce qui se joue aujourd'hui sur la question d'un statut personnel à caractère islamique avec comme argument que l'écrasante majorité de la population est musulmane, et que par conséquent il faut se référer à la religion pour organiser la vie de la plupart des familles du pays est un faux argument. C'est en réalité un test lancé contre l'Etat pour voir si la puissance publique acceptera de se plier à des groupes drapés du manteau de la religion pour faire passer leurs idées."

[108] "Mais dans un pays dont les populations à majorité musulmane récusent tout corset intégriste, le projet des extrémistes sénégalais a peu de chance d'être adopté, car cela impliquerait la réforme de la constitution laïque adoptée il y a moins de deux ans."

multireligious states with religious conflict and suggested that the peaceful coexistence of Senegal's religious population rested on the secular foundations of the state. For some, Senegal's democratic gains and secularism were intimately connected.

Supporters of a Muslim personal law also contributed to this secular frame. CIRCOFS made a moral appeal to the religious authority of the Shari'ah and critiqued the state's current secular law. In particular, they argued that the current law violated fundamental religious beliefs of Muslims. By making reference to the Shari'ah, the issue was framed as a question of religious belief and practice. These critics of the status quo opposed what they saw as the dominant version of secularism that was "intolerant," and they advocated for legal differentiation so that Muslims could freely practice their religion. Moreover, as a Muslim country and democracy, they claimed that the majority of the people themselves supported this law. As such, a state family law based on Shari'ah had both democratic and religious legitimacy.

What is clear from this discussion is that journalists and opinion leaders on both sides claimed to speak for "public opinion," but they disagreed about the extent to which popular sentiments supported their own position. In the next chapters, I take up this question of public opinion about family law reform and examine how ordinary men and women themselves understood this debate. I examine and analyze how the values invoked in elite discourse made their way into ordinary citizens' views. I also evaluate the role of gender, religious engagement, and education in shaping popular support for and opposition to a state family law that claims to conform to Shari'ah.

Chapter 5

A Survey of Senegalese Opinion: Bringing Citizens' Voices into Focus

Chapter 4 described and analyzed the major ways journalists and opinion leaders framed the issue of family law reform. This chapter presents the results of opinion data about family law reform collected directly from an urban sample of Senegalese citizens living in Dakar in 2004-2005. I asked citizens directly if they supported or opposed reforming the current Family Code and instead adopting a state family law based on Shari'ah. The rest of this study analyses citizens' own voices and addresses the question of who supports and who opposes a state family law based on Shari'ah. In this chapter, I show bivariate patterns in this original opinion data and evaluate possible demographic differences that may explain variations in citizens' preferences. Chapter 6 evaluates men's and women's own narratives as they describe their preferences, and Chapter 7 evaluates the significance of the demographic categories discussed in this chapter in a multivariate analysis.

Data and Study Design

The data for the remaining chapters in this study come from an original public opinion survey carried out in Dakar, Senegal in 2004-2005. The study population is

urban and lives in 15 neighborhoods across Dakar,[109] the political and economic center of

Senegal, and its largest city. According to government figures, Senegal had an estimated

2005 population of 10.8 million, with about 50% of the population living in urban

contexts. Of these urban residents, more than half live in the larger metropolitan region

of Dakar. The city of Dakar contained approximately 1.03 million inhabitants.[110]

Figure 5.1 shows a graphic approximation of the city of Dakar, though the precise

location of neighborhoods is not accurately represented given limitations in available

maps. Our sample includes one neighborhood in zone marked Yoff, two neighborhoods

in Grand Yoff, two neighborhoods in the area marked Fass/Guele-Tapée/Colobane, one

neighborhood in Fann/Point E, three neighborhoods in the Liberté area, one

neighborhood in Grand Dakar, one in Ouakam, three in HLM, and one in Pikine, which is

located in the area labeled Cape Verde Peninsula.[111]

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[109] Neighborhoods are popularly known as *quartiers*, and administratively are known as *Communes d'Arrondissement*.

[110] République du Sénégal, Département de la Prévision et de la Statistique.

[111] Large areas of the zone marked Yoff include unpopulated areas, including the international airport. The large area marked Hann-Bel Air includes the port and a large industrial zone.

Figure 5.1 Neighborhood Map of Dakar
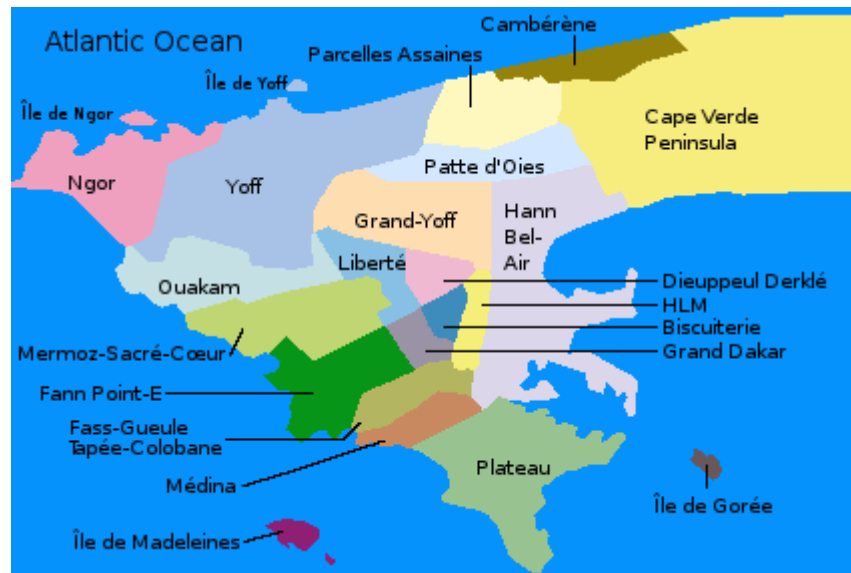
Source: http://mapsof.net/uploads/static-maps/dakar_map.png

The neighborhoods included in the study broadly represent the socioeconomic diversity of the capital city and were selected through careful qualitative interviews with census statisticians, neighborhood leaders *(chefs de quartiers)*, NGOs, and academics. Neighborhoods have meaningful geographic boundaries that citizens themselves use when describing where they live. However, the government collects data in smaller administratively defined census districts within each neighborhood, and as such each neighborhood contains more than one census district. To create the sampling frame for each neighborhood, two census districts were selected at random from each neighborhood using preliminary figures from the latest government census.

To select households, and finally individuals to be interviewed, a team of trained researchers conducted a door-to-door enumeration of households in each selected district

in order to create a comprehensive list of households.[112] This allowed a more accurate sampling frame because many lower income neighborhoods in urban contexts, known locally as popular neighborhoods (*quartiers populaires),* have densely populated housing blocks in which one building or address may contain many different households.

Using these comprehensive household lists, households were selected at random to be included in the study. Finally, upon arriving at the household and receiving permission to interview a randomly selected individual from the household, interviewers selected the final respondent using Kish selection tables. This extensive sampling procedure was used to ensure that the survey population reflected the basic generational, gender, socioeconomic, religious, and ethnic diversity that broadly exists across Dakar. All interviews were conducted in person with trained interviewers, and respondents were given the option of conducting the interview in either Wolof or French. Interviews took place from late December 2004 to May 2005.

The sample population includes 800 respondents comprising 52% men and 48% women. This gender division approximates the final government census percentages for Dakar, which enumerated 50.1% men and 49.9% in Dakar (Démographie 2008).[113] The religious affiliation of the sample population is 86% Muslim and 14% Christian. Of the Senegalese Muslims in the sample, 12% report having no affiliation with a Sufi tariqa and the remaining 88% identify with one of the Sufi orders. Of these, 28% report affiliation with the Tariqa Murid, 52% with the tariqa Tijaniyya, 3.5% with the Qadiriyya, and 4.3% with the Layene.

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[112] The design of the sampling frame was developed with experts at the University of Michigan's Survey Research Center.
[113] The 2003 Afrobarometer survey in Senegal sampled a similar 51.6% men and 48.4% women in their sample of Dakar.

This urban sample includes a larger percentage of Christians than national estimates, which range between four and twelve percent.[114] Given the historical focus on the role of the tariqa Murid in many studies of Senegalese history and politics (Babou 2007; Cruise O'Brien 1971; Coulon 1981; Buggenhagen 2001; Babou 2003), it is important to note the diversity within the Senegalese Muslim community. Though scholars have also focused heavily on the Sufi orders, there is actually a substantial number of Muslims in this urban sample who claim no affiliation with a Sufi order. Men are more likely to fall into this category, with 62% men compared to 38% women reporting no affiliation with a Sufi order. There is also no significant age difference between these individuals. Muslims who claim to belong to a Sufi order are roughly evenly split between men (52%) and women (48%).

Individuals identifying as Wolof comprise the largest ethnic group (27%), followed by Pulaar (18%), Sereer (13%), Diola (12%), Lebou (10%), Malinke (3%), and Soninké (2%). Sixteen percent identity with more than one of these ethnicities or mention some other category.

The sample is also socioeconomically diverse, as measured by household wealth and education. To capture the economic status of each individual, the survey asked respondents whether or not their household owned a total of 13 consumer goods.[115] The

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[114] The CIA Factbook (United States. Central Intelligence Agency.) suggests that 94% of the population is Muslim and 5% Christian, while other sources, including media sources, suggest a range of between 88%-94% Muslim, and 4-12% Christian. Most studies do not cite a source as they discuss religious affiliation or identify the CIA Factbook as their source. It is likely that urban areas such as Dakar have a higher concentration of Christians, even if national estimates give lower percentages of 5%. Over-representing Christians in this urban sample compared to national samples allows me to make inferences about differences in preferences for the Senegalese Christian population.

[115] The items included a farm, animals, bicycle, motorcycle or scooter, car, a boat or fishing boat, telephone, watch or clock, refrigerator, radio, television, house or dwelling, stove or oven, air conditioner, computer, satellite. In a pretest, the item asking for income led to a high rate of refusal or respondents

mean number of items each household owns is 6.4, with 25% of the population reporting

five or fewer items and 90% owning 10 or fewer out of a total of 13. Roughly 34% of

respondents have not completed a primary school education, while 25.7% report having a

high school diploma or higher. The median age is 35 years, with 44.9% of the sample

between ages 18 to 33 years and 34.8% between ages 34 and 49. The remainder of this

chapter discusses citizens' preferences for a state family law based on Shari'ah and

presents bivariate relationships between citizen preferences and key demographic

characteristics.

Popular support for and opposition to a family law based on Shari'ah

After a few brief demographic questions to begin the survey interview,

interviewers briefly described the debate about Senegal's family law and asked

respondents their views on the issue:

> Now I'd like to ask you some questions about a debate taking place in Senegal.
> Recently, some people and certain religious leaders have said that we should reform
> the Family Code (*le Code de la Famille*) so that some laws would apply only to
> Muslim and their families. The Islamic Committee to Reform the Family Code in
> Senegal (*le Comité Islamique pour la Réforme du Code de la Famille au Sénégal, or
> CIRCOFS*) has proposed an Islamic personal status law (*projet de code de statut
> personnel islamique*) that would enforce parts of the Shari'ah for Muslims. The
> President of the Republic and certain other groups have opposed this.

> Can you tell me if you support the proposal by some Muslim religious leaders to
> enforce Shari'ah or if you oppose the proposal to enforce Shari'ah in the Family
> Code?

> Why do you feel this way?[116]

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indicating that they did not know their household income. This item measuring household wealth instead
of income has been used in similar studies, including the Afrobarometer Surveys.
[116] All survey items and indexes are also described in Appendix. Please contact the author for additional
information.

The question briefly introduced key aspects of the debate—that CIRCOFS had proposed reforming the Family Code and had proposed an Islamic personal status law that would be based on Shari'ah, that it would apply to Muslims and their families, and that there was some disagreement about the issue, with some individuals and religious leaders supporting the proposal and the President and other groups opposing the proposal. Survey interviewers first recorded binary responses of support or opposition. Then, they asked a simple retrospective, open-ended probe that asked respondents why they supported or opposed this proposal. Interviewers recorded word-for-word the narrative short-answer responses each respondent offered. Interviewers continued to probe for answers until respondents indicated that they had sufficiently communicated their preferences.[117] Next, we asked respondents the intensity of their response, ranging from strongly support to strongly oppose. Finally, we asked respondents if they felt any emotions about the possibility that Senegal might enforce Shari'ah in its state family law, ranging from fear, anger, and shame, to pride and hope.

The general framing of this question sought to capture ordinary men's and women's views about the principle of whether or not a state family law should conform to Shari'ah principles. The questionnaire intentionally avoided specific frames in media discourse because a major goal of this study is to gather the *range of considerations* respondents themselves offer as they discuss their views on family law and Shari'ah as a source of state law. The study aimed to capture the most salient desires, concerns, associations, and values as citizens themselves articulated them, rather than pushing the respondent to consider specific issues such as the secularism of the state, legal equality,

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[117] A team of independent coders coded the 800 narrative responses, which are summarized and analyzed in Chapter 6.

religious authority, or any other consideration. Chapter 6 analyzes the extent to which the major frames in media discourse about Senegalese family law actually appear in citizens' own narratives.

The survey question wording avoided an even more general framing found in surveys that ask men and women if they want Shari'ah as *a* form of legislation, *the only source* of legislation, or *not a source* of legislation at all (see Esposito 2002). This was intentional because actual debates taking place in each country vary considerably. The debate may focus on criminal law, as in Nigeria (Harnischfeger 2008), or debates about family laws, as in India, Algeria, Morocco, Mali, or Senegal. My survey question attempts to capture views on a more context-specific debate because it asks specifically about Shari'ah as a source of state family law. The remainder of this chapter summarizes the bivariate relationships between support and opposition to an Islamic family law and pays particular attention to the relationship between education, gender, and religious engagement.

Education, Religious Engagement, and Gender

Table 5.1 shows that that ordinary citizens do disagree about family law. Of the 761 respondents, a clear majority of the population—56.4%— supports a family law based on Shari'ah, but a substantial 43.6% opposes this proposal.[118] Citizens also feel differently about the intensity of their preferences: 41.7% strongly support the law and 14.7% offer support, while 16.3% oppose and 27.3% say they strongly oppose the law. Table 5.1 also displays support and opposition by gender. Male respondents are almost

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[118] Of the 800 citizens in the sample, 95% responded to the question and 5% (39 of 800) said they did not know or refused to answer. The analysis presented here focuses on the 95% of respondents who expressed either support or opposition.

equally divided over the question, with roughly 52% of men supporting and 48%

opposing. Women are much more likely to say they support a family law based on

Shari'ah: 62% express support and 38% express opposition. The strength of women's

support for reforming the Family Code in favor of a law based on Shari'ah is notable

given that opponents of the Family Code have historically argued that it grants women

greater rights and have called it "the Women's law" (Augis 2002, 66).

Table 5.1 Preferences for a state family law based on Shari'ah, by gender

	Oppose an Islamic Family Law	Support an Islamic Family Law	Total
Men	48.4%	51.6%	403
Women	38.3%	61.7%	358
Total	43.6%	56.5%	761

N=761. Cells show the percentages of men and women who express support and opposition to a state family law based on Shari'ah. The bivariate relationship between gender and family law preferences is significant (p=.005).

       Table 5.2 shows a strong bivariate relationship between education and preferences

for family law. Individuals with higher levels of formal education are significantly more

likely to oppose a family law based on Shari'ah.

Table 5.2 Education, by preferences for a family law based on Shari'ah

	No Formal Education	Primary School	Complete Middle	Complete High School	University Diploma and above
Oppose Islamic Family Law	20. 7%	32.4%	55.4%	63.5%	69.9%
Support Islamic Family Law	79.3%	67.6%	44.6%	36.5%	30.1%
Total	150	253	159	126	73

N=761. Cells show the percentage of respondents within each education category who express support or opposition. This table recodes a 13 category education variable for presentation purposes. The bivariate relationship between education and preferences for family law is significant (p=.000).

Men are also more likely than women to have obtained higher levels of education, as shown in Table 5.3. While there is a strong bivariate relationship between family law preferences and education, as well as between family law preferences and gender, there is no significant difference between men's and women's preferences *within* each education category. For example, men and women with a primary school education are equally likely to say they oppose the law. The large gender gap in levels of formal education, therefore, may help to account for women's significantly higher levels of support for a family law based on Shari'ah. In other words, education may mediate the impact of gender on family law preferences.

Table 5.3 Education, by gender

	No Formal Education	Primary School	Complete Middle	Complete High School	University Diploma and above
Men	13. 7%	29.3%	24.3%	20.0%	12.7%
Women	27.3%	37.8%	16.7%	12.2%	6.0%
Total	162	267	165	130	76

N=800. Cells show the distribution of education levels by gender. This table recodes a 13 category education variable for presentation purposes. The bivariate relationship between education and gender is significant at the p<0.001 level.

Chapter 4 analyzed print media debates, and citizens also report substantial variation in their levels of exposure to the mass media. Media exposure is index variable averaging self-reported consumption of news on television, local and foreign radio stations, and newspapers.[119] Chapter 3 suggested that education, media exposure, and political knowledge have each been used to measure information and exposure to elite discourse. Indeed, education and exposure to the mass media are relatively highly

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[119] People find out about foreign and local events from many sources: from talking to other people, from radio, from television, and from newspapers. Thinking about this past week, how often did you learn about foreign and local events from (1) television; (2) foreign radio stations; (3) local radio stations; (4) newspapers? The Cronbach's alpha for this index meets a minimum threshold of reliability with an alpha of .64.

correlated (r=.46). Like education, men also report higher mean levels of media

exposure, but the substantive difference in men's and women's mass media consumption

is smaller than the educational gender gap. Like education, there is also a positive

relationship between higher levels of media exposure and opposing a family law based on

Shari'ah (p=.000). Education is also highly and positively correlated with political

knowledge, which is measured by a six-item index of knowledge questions (r= .59).[120]

Like education and media exposure, women also have significantly lower levels of

political knowledge than men. Media exposure and political knowledge are also

significantly correlated (r=.50). Like education and media exposure, there is a positive

relationship between higher levels of political knowledge and opposing a family law

based on Shari'ah (p=.000).

There is some evidence that individuals with higher household wealth are more

likely to oppose the law as shown in Table 5.4. However, it is important to note that

there is substantial opposition across all three categories of household wealth. Household

wealth is also positively correlated with education (r=.45), media exposure (r=.46), and

political knowledge (r=.59).

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[120] Political knowledge is measured as the total number of correct responses out of a total of six questions.
Individuals had to correctly identify three political figures (the UN Secretary General, the president of the
Assemblée Nationale, and the Prime Minister). They also had to provide the correct answer to the
following three questions: how many terms the President of the Republic may be elected, the length of the
term of a deputy in *Assemblée Nationale*, and whether an ethnic or religious group can legally create a
political party and run candidates for political office. The alpha for this index is .73.

In this study, I rely on education as my primary measure of overall information of and exposure to public
discourse. There is more variation in education than in measures of media exposure and political
knowledge. Studies that prefer political knowledge as a measure have taken place in the US, where there
are fewer differences between most citizens in levels of education, and where education levels are skewed
toward the upper levels (Zaller 1992, 1990). Moreover, my measure of political knowledge is skewed
toward higher levels of knowledge (with a mean is 3.6 out of a total of 6), suggesting that these questions
may have lacked sufficient difficulty to be able to distinguish between moderate and high levels of
knowledge.

Table 5.4 Household wealth, by preferences for a family law based on Shari'ah

	Lowest wealth	Middle wealth	Highest wealth
Oppose an Islamic Family Law	39.0%	46.5%	49.4%
Support an Islamic Family Law	61.0%	53.5%	50.6%
	354	241	166

N=761. Cells show the percentage of support and opposition for individuals who fall into three categories of household wealth, which has been recoded into thirds for presentation purposes from the original 13 category variable. The relationship is significant at the p<.01 level. The lowest category (N=354) reports owning between zero to six items; the middle category (N=241) between seven and eight items; and the highest wealth category (N=166) owns between nine and thirteen items.

In contrast to education and wealth, age does not appear to be associated with family law preferences. Table 5.5 shows that there are no significant differences in the percentage of citizens who support or oppose an Islamic family law across age categories.

Table 5.5 Age, by preferences for a family law based on Shari'ah

	18-33	34-49	50+
Oppose an Islamic Family Law	44.9%	35.8%	19.2%
Support an Islamic Family Law	45.2%	34.3%	20.5%
Total	343	266	152

N=761. Cells show the distribution of support and opposition by age. Age is recoded into three categories for presentation purpose. There is no significant relationship between age and family law preferences (p=.86).

However, Table 5.6 shows that religious affiliation has an important and complex bivariate relationship with family law preferences. Christians overwhelmingly expressed their opposition to a state family law based on Shari'ah even though it would be applied only to Muslims and their families. Eighty-nine percent of Christians opposed and only 11% said they supported such a law. Most of the support for a family law based on Shari'ah comes from Senegalese Muslims, unsurprisingly. Almost 63% said they supported an Islamic family law and 37% opposed. There appear to be important

differences *within* the Muslim community, however. Sixty five percent of those who

identify with a Sufi order express support for the law, as compared to only 47% of those

who do not identify with a Sufi order. There appears to be no difference between the Sufi

orders and supporting the law at the bivariate level.

Table 5.6 Religious identity, by preferences for a family law based on Shari'ah

	Membership in a Sufi tariqa	No Membership in Sufi tariqa	Christians
Oppose	35.2%	52.6%	89.1%
Support	64.9%	47.4%	10.9%
Total	586	76	92

N=754. Cells show the percentage of Christians who support and oppose (N=92), of Muslims who do not identify with a Sufi order (N=76), and the percentage of Muslims who do identify with one of the Sufi orders (N=586). The relationship between religious affiliation and family law preferences is significant at the p<.001 level.

Christians and Muslims also appear to differ in their emotional responses and

intensity of feelings about a family law based on Shari'ah. Christians are substantially

more likely to feel strongly about their opposition than are Muslims. Of those who

oppose the law, 74.4% of Christians strongly oppose the law and 25.6% simply oppose

the law. Of Muslims who oppose, 58.8% say they strongly oppose the law and 41.2%

simply oppose the law. Christians were also significantly more likely to report feeling

negative emotions about the possibility that Senegal might enforce Shari'ah in its family

law. For example, 73% of Christians who opposed the law reported feeling anger about

this possibility compared to 27% of Muslims who opposed the law (p=.000). Seventy-

four percent of Christians also reported feeling fear compared to 57% of Muslims who

opposed (p=.008). Finally, 62% of Christians reported feeling ashamed about this

possibility, as compared to 34% of Muslims who opposed the law (p=.000).   It would

appear that Christians oppose the law more intensely and feel a greater threat as they

consider the possibility that Senegal could enact a family law that conformed to Shari'ah. Most Muslims who supported the law reported positive emotions: 96% reported feeling pride about the possibility that Senegal might enforce Shari'ah in state family law and 82% reported feeling hopeful.

Family size and marital status might also shape family law preference. In particular, individuals who have either chosen polygamous marriages or who have prior experience with family law through a divorce, or those with children, may have significantly different preferences from other citizens or may feel more strongly about the law. Five percent of Senegalese citizens in this urban sample reports being divorced, while approximately 39% are single, 42% are in marriages with one other spouse, and 14% are in marriages that they describe as polygamous. The mean number of children is two, but the range is broad. Twenty percent of the sample reports having four or more children, while 39% of the sample reports no children.[121] There are significant positive bivariate relationships between supporting an Islamic family law and being in a polygamous marriage ($p<.001$). The average number of children is also higher for supporters of an Islamic family law ($p<.01$). Finally, support for an Islamic family law and being single or divorced are negatively related ($p<.05$).

This brief descriptive look at the distribution of preferences shows that gender, religious affiliation, marital status, education, and household wealth each have a significant bivariate relationship with preferences for family law. Higher levels of education correlate with opposing the law, and men are also more likely than women to

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[121] Education is moderately negatively correlated with having higher numbers of children ($r=-.23$) and being in a polygamous marriage ($r=-.10$), and there is a small but positive correlation between education and being single ($r=.11$) or divorced ($r=.09$). There is no significant correlation between education and being in a monogamous marriage.

oppose the law. I have suggested that in a multivariate setting, the gender gap in formal education may explain why women are more likely to support an Islamic family law. As a religious minority in Senegal, Christians differ substantially from Muslims, but there are also significant differences between Muslims themselves. Members of Sufi orders appear more likely to support the law compared to those who identify simply as Muslims. There appear to be no significant age differences at the bivariate level, but those with lower levels of household wealth are more likely to say they support the law.

I have discussed the distribution of preferences for men and women, across levels of education, and for basic religious affiliation, but to what extent do individuals differ in terms of religious engagement, and how do preferences for family law correlate with levels of religious engagement? Advocates for a personal status law attempted to associate their draft project with the religious authority of the Shari'ah and framed the law as a question of religious belief and commitment. Moreover, they argued that the Family Code violated the religious beliefs of the majority of Senegalese Muslims. There is, therefore, reason to believe that preferences for family law may vary to some extent by religious engagement.

To measure religiosity, or what I call religious engagement in this study, I created an index variable of individuals' self-reported participation in religious activities. I argue here that simple participatory measures cannot capture the complex range and depth of religious experience and commitment, but they can capture basic differences between individuals and offer a rough approximation of religious commitment and

participation.[122] The index of religious engagement used in this study includes seven

items that ask respondents how often they perform activities such as socializing with

friends at religious associations as well as mosque and church contexts, how often they

participate in the activities of religious associations—including Sufi orders as well as

religious associations such as *Dahiras*[123] and Christian choral groups—and how often

they participate in the general activities and prayer services of mosques and churches. A

final measure included respondent's frequency of reading the Qur'an or Bible. These

items have a Cronbach's alpha of .73, offering evidence that these measures are highly

interrelated. I recoded this index into a five category variable of quintiles of religious

engagement, ranging from the lowest (20.3% have the lowest value of one) to the highest

level of religious engagement (19.6% have the highest value of five).

When discussing and evaluating the relationship between religious engagement

and preferences for state family law, it is important to discuss the ways that religious

engagement may map differently for Muslim men versus women, as well as for

Christians and Muslims. Indeed, the mean score of religious engagement is a value of

three on a scale of one to five. However, men score approximately one point higher on

the five category religiosity variable: overall mean religious engagement for women is

just below average (2.4) compared to slightly above average (3.5) for men (p=.000). This

gender difference stems from Senegalese Muslims rather than Christians. The average

level of religious engagement for Muslim men is 3.5 on a scale of one to five as

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[122] For example, individuals who participate more in Sufi orders, in mosques, who read religious texts, and who socialize with members of their religious associations and orders may be more exposed to diverse religious messages, religious elites, and the views of other coreligionists.

[123] Creevey (1996) defines a Dahira as "associations set up to rally the followers of a brotherhood and perhaps raise money for a marabout. These *dahira* organize religious song sessions as much as once a week and collect contributions from disciples after the singing."

compared to 2.3 for Muslim women. [124] Table 5.7 shows the distribution of religious

engagement by gender.

Table 5.7 Quintiles of religious engagement, by gender

	Lowest Religious Engagement 1	2	3	4	Highest Religious Engagement 5
Men	6.0%	16.4%	26.2%	23.3%	28.1%
Women	35.9%	23.2%	13.3%	17.2%	10.4%
Total	163	157	160	163	157

N=800, comprising men (416) and women (384). Cells show the distribution of religious engagement by gender. Religious engagement divides respondents into quintiles based on their responses to seven items. The bivariate relationship between gender and religious engagement is significant at the p<0.001 level. The percentages are similar when we only look at Muslim women: (Lowest=41.9%, 2=22.8%, 3=10.6%, 4=15.6%, 5=9.1%).

What accounts for these gender differences between Muslim men and women in

religious engagement? Previous studies have argued that Muslim men played a larger

role in the Sufi orders than women, or more dramatically, that women were excluded

from membership in the Sufi orders (Cruise O'Brien 1971; Creevey 1991). However,

others have revised these conclusions by arguing that Muslim men's religious practice

simply differs in visibility from that of women (Creevey 1996; Coulon 1988;

Buggenhagen 2001, 2009). "Women are active Muslims, even if their practices are

informal, hidden, parallel, or heterodox; hence it is wrong to relegate the female Muslim

universe to this twilight zone where it only appears to belong because of our inability to

study it" (Coulon 1988, 115). According to this view, women's participation takes place

quite vigorously in the Sufi orders but is "essentially outside conventional places of

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[124] The mean level of religious engagement for Christian men is 3.4—statistically indistinguishable from mean level for Muslim men, which is 3.5. Christian women's mean level of religious engagement is 3.2, not significantly different from Muslim or Christian men.   Substantively, both Christians and Muslims have an average a score of three on this categorical measure of religious engagement. The overall difference in means for men and women stems from Muslim women's lower than average scores.

worship (such as mosques)."[125] Recent scholarship has explored the various ways that women do participate in religious activities. For example, Beth Buggenhagen (2009, 191), has argued that women play a much larger role in the life of the Sufi orders than previously acknowledge:

> My female interlocutors disagree, however, not only do they contribute to the tariqa, they further emphasize the centrality of Islam to their lives through their search for religious merit, or *tuyaaba,* which is often achieved through offerings of cooked food on ritual and religious occasions including pilgrimage, Tabaski (Eid al-Adha), Ramadan, birth, matrimonial and mortuary rituals, acts of charity and hospitality and *ndawtal*, or gifts given during the life cycle rituals. The degree to which women participate in the tariqa and how their ritual practices during life cycle ceremonies are central to their articulation of what it is to be a *good Muslim* are under debate by Muslims in West Africa, and they are little reflected in the scholarly literature.

Coulon focuses on participation in the Sufi orders and notes that "fundamentalist Islam" "recruits hardly any black African women." However, other studies focus on the importance of women in reformist Sunnite movements in urban Dakar (Augis 2002). Indeed, my survey evidence shows no significant difference between men and women in their self-reported levels of engagement in the activities of Sufi orders.[126] However, men *are* significantly more likely to report praying at and socializing with friends at mosques, as well as reading the Qur'an. In interviews with Senegalese women, many explained to

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[125] "The Islam of the brotherhoods and the *marabouts* has become primarily the religion of the women" (118). Coulon describes women's participation as including participation in chanting and religious associations such as *Dahiras,* visits to religious leaders (sheikhs) and shrines, religious pilgrimages to holy places, and the worship of female saints. These activities amount to the search for *baraka*—blessing or grace—which "allows a break from that dichotomy of the public and private spheres" (1988, 116). These are all "public" activities.

[126] To compare gender differences in Sufi orders, I averaged the three survey items pertaining to participating in the activities in one's tariqa, Dahira, and socializing with friends in religious associations such as a Dahira. Taking Sufi Muslims as a whole, there are no significant gender differences. Looking within each brotherhood, there are also no significant gender differences for members of the Tijaniyya. The sample sizes of the Layene and Qadiriyya orders make gender comparisons difficult. However, Murid men do report slightly higher participation levels than Murid women, which is significant at the $p<.05$ level.

me that frequent mosque attendance is not a norm for women.[127] My data actually

suggest that many women report at least some participation in the activities of mosques

rather than no participation at all. Women are simply less likely to appear in the highest

level of religious engagement because men participate across a broader range of visible

and measurable religious activities. These differences stem from different norms

regarding certain types of religious practices—namely mosque attendance and reading

the Qur'an—for Muslim men and women (Bop 2005),[128] as well as from difficulties

measuring Muslim women's religious engagement, which has historically led to

conclusions that women play a less central or active role in Islam.

As a result, I argue in this study that though women score lower than men in

religious engagement, they should not be viewed as less "religious" than Muslim men.

Moreover, measurement difficulties as well as gendered norms of religious practice in

certain areas of worship may impact men's and women's preferences for laws based on

Shari'ah in different ways. I evaluate this argument more carefully in Chapter 6, where I

analyze men's and women's narrative responses explaining their support and opposition

to a family law based on Shari'ah, and in Chapter 7, where I evaluate the importance of

religious engagement in explaining variation in family law preferences in a multivariate

setting. I expect that gendered norms and difficulties in measuring Muslim women's

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[127] Note that though some women suggested in interviews that gender norms against praying at the mosque mainly applied to younger women, I find no significant age differences for women's reported levels of participation in mosques.

[128] The major gender difference between Christians and Muslims appears to exist for mosque attendance rather than for reading religious texts. Christian men and women report statistically identical mean levels of church attendance. However, like Muslim women, Christian women report lower levels of reading the Bible than Christian men. Within this sample of urban citizens, then, the main difference between Christians and Muslims appears to stem from gendered norms of participation at churches versus mosques, as opposed to religious associations and reading religious texts.

religiosity will shape the magnitude of the impact of religiosity, not the direction, because standard measures inadequately include women in the highest levels of religiosity.[129]

For example, Table 5.8 shows levels of religious engagement by the percentage of men and women who say they support a family law based on Shari'ah. The percentage of men who report supporting the law increases substantially as men report higher levels of religious engagement. However, the relationship is less dramatic for women, most likely because standard measures of religious engagement capture variation in men's religious engagement more accurately than women's. In Chapter 7, I take up this question of the role of religious engagement in shaping men's and women's family law preferences in a multivariate setting.

Table 5.8 Religious engagement, by Muslims' support for a family law based on Shari'ah

	Lowest Religious Engagement 1	2	3	4	Highest Religious Engagement 5
Men	30.0%	33.9%	56.8%	63.4%	69.4%
Women	62.9%	66.7%	75.0%	77.6%	86.2%
Total	147	134	120	131	137

N=761. Cells show the percentage of men and women within each category of religious engagement who express support for a state family law based on Shari'ah.

Overall, these bivariate results are informative because they show great diversity between Senegalese men and women in their frequency of participating in religious activities. They are also informative because they highlight the importance of cautiously evaluating the relationship between religious commitment and preferences for Muslim men and women depending on local norms of religious practice. I use the term religious

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[129] Note that some religiosity survey items attempt to capture religious beliefs, such as belief in God, religion, and in heaven, as in the World Values Survey which attempts to compare cross-nationally. However, these items show little variation within Muslim contexts and they are less useful indicators of differences in religious engagement between Muslims.

engagement interchangeably with religiosity to make a subtle point that measures of religiosity also capture norms of participation—rather than simply religious commitment and piety—which may vary by demographic groups and across national and religious contexts. Individuals who score lower on religiosity measures may indeed be less committed to certain type of religious practice, but societal norms and measurement strategies that privilege some types of practices over others also explain some of the individual variation in religiosity.

How is religious engagement related to the other demographic variables previously discussed? The most notable significant negative correlations are between being female (r=-.38) and being divorced (r=-.07). Religious engagement is significantly and positively correlated with media exposure (r=.14), political knowledge (r=.07) and being single (r=.09). Religious engagement is not significantly correlated with education, household wealth, age, or having higher numbers of children. This suggests that Senegalese citizens across levels of education are similarly religiously engaged.

Frames in Media Discourse

In addition to framing family law as a question of religious authority and belief, Chapter 4 argued that the issue of family law reform was framed as a question of secularism. Moreover, opponents of an Islamic family law argued that secularism was associated with legal equality, while advocates argued for greater pluralism so that different laws might apply to citizens of different religions. In Chapter 2, I also discussed the important discourse of secularism, equality, and mutual respect for all religions and suggested that I suggested were broadly held across the population. In the final section of

this paper, I briefly discuss the distribution of preferences for secularism and principle of

legal equality through uniformity in law. To measure support for a secular state,

individuals were provided with a minimal definition and asked the following question:

Do you believe that Senegal should be a secular country, where there is no legal or

official relationship between religion and the state?[130] Christians overwhelmingly said

they strongly supported the secular state (80.9%), while just over half of Muslims

strongly support a secular state (53.7%). Support for a secular state and for an Islamic

family law are also significantly and negatively correlated (r=-.24). At a bivariate level,

individuals with higher levels of religious engagement appear more likely to oppose a

secular state, while individuals will higher levels of education are more likely to support

secularism. Table 5.9 shows the distribution of religious engagement for Muslim citizens

by a recoded binary variable of support for or opposition to a secular state. Indeed, while

the differences are not large at lower levels of religious engagement, individuals with

higher levels of religious engagement are more likely to oppose the secular state

(p=.000). Sixty-six percent of those with the highest level of religious engagement

support a secular state, compared to 83% of those in the lowest level of religious

engagement. Despite this relationship between opposing secularism at higher levels of

religiosity, it is critical to note the strong levels of support for political secularism across

all levels of religious engagement. There is clearly widespread support for the principle

of political secularism in Senegal.

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[130] Respondents replied to a four category response option ranging from strongly agree to strongly disagree.

Table 5.9 Religious engagement for Muslims, by opposition to and support for a secular state

	Lowest Religious Engagement 1	2	3	4	Highest Religious Engagement 5
Oppose Secular State	16.9%	16.3%	14.8%	22.6%	34.1%
Support Secular State	83.1%	83.7%	85.3%	77.4%	65.9%
Total	154	135	122	133	138

N=682. Cells show the percentage of individuals within each category of religious engagement who express support and opposition to a secular state. This relationship is significant at the p<.001 level (p=.000)

Table 5.10 shows the relationship that exists between education and support for a secular state. Again, though individuals who oppose secularism are more likely to have lower levels of education, it is clear that support for a secular state is widespread from the least to the most educated urban Senegalese citizens. Ninety percent of those with the highest level of education support a secular state, compared to 68% of those with no formal education.

Table 5.10 Education for Muslims, by opposition to and support for a secular state

	No Formal Education	Primary School	Complete Middle	Complete High School	University Diploma and above
Oppose Secular State	32.4%	24.6%	14.9%	12.4%	9.7%
Support Secular State	67.6%	75.4%	85.1%	87.6%	90.3%
Total	145	228	134	113	62

N=682. Cells show the percentage of individuals within each category of education who express support and opposition to a secular state. The bivariate relationship is significant at the p<0.001 level (p=.000).

A similar relationship exists between preferences for Islamic family law and support for the principles of uniformity in laws and rights for all citizens, which are

negatively correlated (r=-.38).[131] Recoding this eight category variable into a binary

variable of support for uniform versus different laws for citizens of different religions,

Christians overwhelmingly said they preferred one set of laws and rights (93.6%). The

majority of Muslims also preferred the principle of uniform laws and rights for all

citizens (69.4%), though Senegalese Muslims seem to disagree more on this question.

Like support for a secular state, individuals with higher levels of religious engagement

and lower levels of education appear more likely to prefer pluralism in laws and rights

than uniform laws and rights. Table 5.11 shows the distribution of religious engagement

for Muslim citizens by a recoded binary variable of support for the principle of having

one set of laws and rights for all citizens. Again, higher levels of religious engagement

are associated preferring different laws and rights for different citizens (p=.02).

However, there is clearly strong support for the principle of legal uniformity across all

levels of religiosity, suggesting that more citizens may support the idea of legal equality

through uniform laws and rights.

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[131] Respondents were asked: Now, I'm going to read you two opposing statements, and imagine a series of
numbers from 1 to 8. Position 1 says that Senegal should have the same laws and rights for all its citizens
no matter what their religious beliefs and practices. Position 8 says that Senegal should have different laws
and rights for citizens of different religions, so that some laws would apply only to Muslims and other laws
would apply only to Christians. On a scale from 1 to 8, please tell me your view on this question, or you
can pick a position in between.

Table 5.11 Religious engagement, by support for uniformity in laws and rights for all citizens

	Lowest Religious Engagement 1	2	3	4	Highest Religious Engagement 5
Different laws and rights	23.2%	27.9%	26.2%	37.0%	38.0%
Same laws and rights	76.8%	72.1%	73.8%	63.0%	62.0%
Total	155	136	122	135	137

N=685. Cells show the percentage of individuals within each category of religious engagement who express support for uniform versus different laws and rights for all citizens. This relationship is significant at the p<.05 level (p=.02)

Similarly, there is a strong and positive association between having higher levels of education and preferring the principle of legal uniformity for all citizens. Eighty percent of those with a university education support the principle of legal uniformity compared to 53% of those with no formal education. However, a majority from the lowest to the highest levels of education support the principle of legal equality through uniformity.

Table 5.12 Education for Muslims, by support for uniformity in laws and rights for all citizens

	No Formal Education	Primary School	Complete Middle	Complete High School	University Diploma and above
Different laws and rights	46.6%	33.2%	23.7%	17.7%	19.4%
Same laws and rights	53.4%	66.8%	76.3%	82.3%	80.6%
Total	146	229	135	113	62

N=685. Cells show the percentage of individuals within each category of education who express support for uniform versus different laws and rights for all citizens. The bivariate relationship is significant at the p<0.001 level (p=.000).

These distributions suggest several relationships. First, support for a secular state and for the principle of legal uniformity are both correlated with opposing an Islamic family law. Moreover, higher levels of religious engagement appear to correlate with opposition to the secular state *and* with a preference for different laws for citizens of different

religions. Education, on the other hand, is positively correlated with preferences for a secular state and for the principle of one set of laws and rights for all citizens. However, there is widespread support for secularism and the principle of legal uniformity across all levels of religious engagement and education. This suggests that many citizens who support Islamic family law also support secularism and legal equality through uniformity in laws and rights.

Conclusion: Who supports and opposes an Islamic family law?

This Chapter described the opinion data used in this study as well as the bivariate relationships between key demographic variables and preferences for a state family law based on Shari'ah. So far, Senegalese women express higher levels of support for an Islamic family law than men. Muslims who report higher levels of religious engagement are also significantly more likely to support the law, while individuals with higher levels of education are more likely to oppose the law. Education and religious engagement appear to push individuals in opposite directions.

Gender plays a complex but important role along with education and religiosity. Women are more likely to be less educated *and* to report lower levels of religious engagement than men. I argued that gender differences in religious engagement stem from well-known difficulties in capturing Muslim women's religious participation, but also from gendered norms of practice at mosques. This combination of lower religious engagement and education means that though education may push citizens to oppose the law, and religious engagement pushes citizens to support it, women's preferences and high levels of support may be harder to explain given their underrepresentation in the ranks of the highly educated and the highly religiously engaged.

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Family law preferences do not appear to be related to generational differences, but are correlated with exposure to the mass media, political knowledge, and household wealth at the bivariate level. Most Senegalese Christians express opposition, and Muslims who do not identify with a Sufi order are also more likely to say they oppose such a law than are members of Sufi orders. Finally, being single or divorced correlates negatively with support for an Islamic family law, whereas being in a polygamous marriage or having more children correlates positively with support for the law.

In the next chapter, I analyze the extent to which the major frames in elite discourse about Senegalese family law make their way into citizens' own narratives. In Chapter 7, I evaluate the key demographic differences to address the question of who supports and who opposes a state family law based on Shari'ah in a multivariate setting, while focusing on the key relationships between gender, education, and religious engagement, as well as support for secularism.

Chapter 6

Popular Frames: How Citizens Make Sense of the Islamic Family Law Debate

As opinion leaders debated Senegal's family law in the mass media, the debate

focused on the appropriateness of a law based on Shari'ah that would apply only to

Muslims in a secular state. Advocates on both sides of the debate constructed competing

frames in efforts to persuade the public to take sides for or against a state family law

based on Shari'ah. In this Chapter, I analyze the short-answer narratives that citizens

themselves articulated as they justified and explained their preferences for and against a

family law that would conform to Shari'ah. By coding citizen narratives, I am able to

explore the ways that citizens make sense of debates over the role of Shari'ah as a source

of state family law in a secular state. From this data, I am then able to record and

quantify the range of salient considerations and values that men and women see as

important as they form their preferences. I am also able to capture the complicated and

diverse ways that ordinary men and women negotiate and construct meaning from the

various frames they may be exposed to throughout these public debates. Gamson (1992)

noted that in addition to media discourse, individuals rely on personal experience and

popular culture as they form opinions. However, media discourse is an important source

of meaning on public issues, and this discourse also reflects popular values found in the

culture.

My aim in this chapter, then, is twofold. First, I show the ways that citizens made sense of this question about family law and the most important considerations they mentioned as they discussed family law.[132] Second, I show that many of the complicated messages that opinion leaders constructed and disseminated in media discourse do indeed appear in popular narratives. Media discourse on family law does shape popular opinion as many individuals grapple with the ideas and values found in this elite discourse. However, it also shows that elites mobilized ideas that are broadly held across urban Dakar, such as secularism, legal equality, and religious predispositions.

By extensively coding and analyzing citizens' own voices, I find that debates about family law appear to be about the larger principle of enacting a state law that claims to conform to Shari'ah. For many, the religious authority of the Shari'ah is the primary reason to support any law that claims to faithfully apply Shari'ah. Some believe that applying Shari'ah will have greater positive benefits for society and for the nation. For others, this debate is precisely about the meaning and appropriateness of Senegalese secularism and the proper relationship between religion and state. My evidence challenges the assumption that most Muslims see family law as merely a personal and private matter of religious belief. In fact, this issue also represents a political space where citizens demand rights. Others view family law as the foundation of national unity and peace between religious communities.

I also find that as men and women contemplate Shari'ah as a source of law, they articulate their views in terms of what Laura Stoker calls value judgments. They use the "language of morality," or what they consider good or right, versus what is bad or wrong

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[132] Chong and Druckman (2007, 101) describe such considerations as individual "frames in thought," or what an individual "believes to be the most salient aspect of an issue.

(2001, 433-434). As individuals make value judgments, they often emphasize "the morally relevant characteristics of the policy, actor or action being judged." The question of Shari'ah as a source of state law, as well as the question of the secularism of the state, both entail value judgments about the best way to organize society. In Chapter 4, I argued that elites framed family law as competition over broad values like religious authority, secularism, and equality. In this chapter, I analyze some of the ways that ordinary men and women themselves make value judgments. I conclude the chapter by arguing that though many citizens emphasize religious arguments and values or secular arguments or values, a substantial number of citizens' preferences about Shari'ah and secularism are not mutually exclusive.

Explaining Support and Opposition: The Importance of Value Frames and Judgments in Citizen Narratives

What justifications do citizens themselves offer for supporting or opposing a state family law based on Shari'ah? After offering a binary response of support or opposition to the question of reforming the Family Code and enacting a family law based on Shari'ah, interviewers asked respondents why they felt this way. As men and women discussed their preferences, interviewers wrote their responses word-for-word and encouraged them to offer as many explanations and ideas as they could. These responses were then entered into a database and independent coders applied a detailed coding scheme capture each idea or statement that the respondent mentioned.[133]

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[133] Please contact the author for additional details on the coding framework used to create these results. This coding scheme was created by first reading through each response in order to capture the complete range of themes and individual statements respondents offered. Coders then categorized statements under the major themes. Then, independent coders read each response individually and checked as many codes

Table 6.1 shows the number of items mentioned by respondents. The mean
number of considerations individuals expressed was 2.3. There is no significant
difference between supporters and opponents of an Islamic family law in the mean
number of reasons offered.

Table 6.1 Number of considerations mentioned by respondents in open-ended narratives

Response Counts	Oppose family law based on Shari'ah	Support family law based on Shari'ah	TOTAL
One direction	91.3%	94.4%	708 (93%)
Both directions	8.7%	5.6%	53 (7%)
0	.9%	.7%	.8%
1	30.4%	32.8%	31.8%
2	26.5%	34.0%	30.7%
3	22.9%	16.2%	19.1%
4	8.7%	8.4%	8.6%
5+	10.5%	8.0%	9.1%
Mean	2.4	2.2	2.3
N	332	427	759

However, quite a few respondents give more than three justifications as they discuss their
preferences: almost 37%. A substantial number of men and women have much to say as
they think about the issues at stake in family law reform. More educated and more
religiously engaged citizens tend to offer more responses. Though the difference is
substantively small, men offer significantly more responses than women (2.5 versus 2.1).
Christians also offer fewer responses than Muslims, on average (1.9 versus 2.3). As
Table 6.1 also shows, most citizens offer considerations that directly support their
preference rather than mentioning reasons why they might also support the other side.
For example, if they say they oppose a family law based on Shari'ah, they only offer
reasons why they oppose such a law. However, while we only asked respondents to
explain their preferences, almost 9% of those who oppose and 6% of those who support

as applied to each statement. The results shown here show the major themes that capture each respondent's
multifaceted explanation.

mention mixed considerations, meaning that they articulate reasons to support the other side as well. Individuals who offer mixed responses tend to have higher levels of education than those who respond in only one direction. This evidence indicates that at least some citizens are aware of and weigh considerations on both sides of the issue as they think about Shari'ah as a source of state law.

Table 6.2 shows the most common explanations men and women offer to justify their support for and opposition to a state family law based on Shari'ah. For men and women who support the law, the most frequently expressed reasons include the notion that as a Muslim, or as an observant Muslim, they feel a religious obligation to support such a law (36.5%). Many men and women also offer additional religious interpretations and arguments to express their support (29.2%). Others express a desire to improve Islamic education for Senegalese Muslims or want to simply develop or advance Islam in the country (21.7%). Some articulate a more general notion that it would be good for the country to enact a law based on Shari'ah (18.7%), while others noted that social ills (e.g., crime and theft) would be reduced were this law enforced (13.5%). About 10% of respondents mention concerns about legal pluralism, while another 7% mention concerns over moral and Islamic values. A modest 7% of respondents mention the idea of the will of the majority. I discuss these responses in greater detail in the next section.

Table 6.2 Why citizens say they support or oppose a family law based on Shari'ah

Support a state family law based on Shari'ah	% of respondents who mention	Oppose a state family law based on Shari'ah	% of respondents who mention
1. **Religious obligation, Identity**	36.5%	1. **Secularism:** Senegal has a secular state, this contradicts secularism	30.7%
2. **Religious arguments:** Shari'ah is divine law, Divine will, & others	29.2%	2. **Peace & Stability:** Leave things as they are, Will cause problems, threaten peace	29.2%
3. **Advance Islam & Education:** Improve education about and knowledge of Islam	21.7%	3. **Respect All Religions, Tolerance:** more than one religion, Senegal not a Muslim country	28.0%
4. **Good for the Country:** Will bring good , positive things	18.7%	4. **Legal System, Uniformity & Equality:** one law for all citizens, equality, republican, prefer the current code	20.8%
5. **Crime and Punishment**: Will reduce crime, theft, violence	13.5%	5. **Shari'ah Too Severe, Bad for the Country**	18.4%
6. **Legal System, Equality and Justice:** Muslims should have different laws	9.8%	6. **Culture & Modernity:** not possible in Senegal, Senegalese culture, modernity	16.6%
7. **Morality and Culture:** Protect our moral values, Islamic and/or African values	8.9%	7. **Religious Freedom:** cannot impose Shari'ah on people, religion is a private affair	12.4%
8. **Muslim Country:** Muslims are the majority	7.0%	8. **Religious Arguments:** let God have the final judgment, & others	8.7%
9. **Peace & Stability**: will maintain peace, reduce problems	6.1%	9. **Women's Rights**	4.5%
10. **Women's Behavior, Dress, and Rights**	5.1%	10. **Democracy**	3.0%
11. **Family, Marriage, Divorce**	4.9%	11. **Family, Marriage, Divorce**	2.4%

N=429 for Support, N=332 for Oppose. Most men and women offered at least one reason for their support and opposition, so these percentages exceed 100%.

Men and women who oppose the law also offer a diverse array of considerations as well. The most frequent responses include support for the secular state (30.7%), a concern over national unity and peace (29.2%), and religious tolerance (28%). Others articulate a desire to treat all citizens equally under the same laws (20.8%). Finally, some express concern or dislike over the content of Shari'ah and feel that a law based on Shari'ah would not be good for the country (18.4%). Others believe that Senegalese culture and modernity render the application of a law based on Shari'ah impossible (17%). Twelve percent argue against such a law on the grounds of religious freedom, while almost 9% offer specific religious arguments against a Muslim personal law.

Support for a state family law based on Shari'ah

Statements of religious identity or obligation are the most frequent considerations men and women offer as they discuss why they support a family law based on Shari'ah. These types of statements range from proclaiming their support because they are Muslim or statements of devotion to Islam. Others note that it is the duty or obligation of all Muslims to support such a law and articulate a desire to "observe Islam." For these individuals, supporting such a law *is* a question of religious belief and identity. For example, a young 23-year-old male with average religious engagement[134] and a complete primary school education expressed: "All good Muslims have to support the Shari'ah because it's the root of our faith." CIRCOFS argued that the Family Code violated the very religious beliefs of Senegalese Muslims because it did not conform to Shari'ah

[134] Throughout this analysis, I use my measure of quintiles of religious engagement discussed in Chapter 5, which averages individuals' frequency of participation in religious associations, Sufi orders, mosques, reading religious texts, and socializing at religious associations and mosque contexts. "Average" religious engagement means respondents score a 3, or the middle quintile, on the scale from 1 to 5. The "lowest" religious engagement means respondents fall in the bottom 20%. "Below average" means a scale of 2 out of 5, and "above average" means 4 out of 5. The "highest religious engagement" means they fall in the top 20% of religious engagement.

principles. Many ordinary men and women also seem to view such a law as a question of religious belief and practice, as suggested by these expressions of religious identity and obligation. For example, this young 22-year-old university educated woman who reports the lowest levels of religious engagement specifically views the issue as one of religious beliefs: "It's a great idea to enforce Shari'ah in the family law, especially considering our religious beliefs." For some, then, ensuring that a state law conforms to Shari'ah is a simple question of observing Islam.

Despite men's and women's differences in religious engagement discussed in Chapter 5—using standard measures of participation—there are no such gender differences when we look at citizens' own voices. Men and women are equally likely to discuss their preferences in terms of religious identity and obligation. Among those who support the law, individuals across the levels of religious engagement and education are as likely to mention identity and obligation as a salient consideration. Notions of religious identity and obligation appear to be widely held and articulated across gender, education, and religious engagement. As one 28-year-old, women with a high school education noted: "Muslims must refer to the Shari'ah, so we must support the Shari'ah in the Family Code. People have to think of Islam, we have to remember God to be pious and to follow his path." This woman reported the lowest levels of religious engagement, with a score of one out of five; yet clearly, her response suggests that religious considerations are critical to her support of a state family law based on Shari'ah.

CIRCOFS emphasized the religious authority of the Shari'ah as they explained why the current Family Code violated Muslims' core beliefs. In so doing, they attempted to legitimize their law by invoking this authority. My data shows evidence that citizens

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who support such a law do so, in large part, because of this claim to religious authority. Though the debate in Senegal and the survey question itself asks about family law, most citizens' respond with broad religious justifications for why laws, generally, should conform to Shari'ah. For example, as men and women discussed their support, 29% offered detailed religious arguments that highlighted the religious authority of the Shari'ah and the primacy of divine law. These religious arguments capture a broader range of detailed religious considerations besides simple statements of identity and obligation.[135]

Table 6.3 shows the range of religious arguments individuals invoke as they explain their support. The most frequent religious argument included a direct reference to Shari'ah being the will of God, or divine law or truth. Forty respondents made direct reference to the Qur'an as a source of authority, the Prophet, the Sunnah of the Prophet, or the idea that Islam provides clear laws and comprehensive guidance. Finally, a small percentage express allegiance to their religious leaders and say that they will follow their guidance.

Table 6.3 Religious arguments offered by supporters of an Islamic family law

	Frequency
Refers to Shari'ah as God's Will, Divine Law, Divine Truth	85 (68%)
Other religious arguments: sources of authority	40 (32%)
Refers to Qur'an as the source of law / authority	37.5%
Refers to the Prophet as the direct source of authority & laws	32.5%
Refers to Islam as providing laws and guidance	17.5%
Refers to Sunnah of the Prophet	10.0%
I'll support what my religious leader says	2.5%
	N=125

N=125. Cells show the distribution of coded narrative responses for men and women who supported a family law based on Shari'ah and made a religious argument justifying their support.

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[135] Thirty percent of those who make religious arguments also reference identity or obligation, but 70% of those who make religious arguments articulate a separate religious argument.

Women are no less likely than men to offer religious arguments to explain why they support the law. There is also no significant difference in religious engagement for individuals who offer religious arguments as compared to those who do not. This finding is important because women tend to score lower than men on standard measures of religious engagement. Yet when we look at women's own voices, they appear no less likely than men to articulate strong religious beliefs and preferences. For example, a 32-year-old woman with less than average religious engagement and no formal education expressed: "Shari'ah is written in the Qur'an and I approve of everything that God has commanded us to do in the Qur'an." Another woman with no education, who was 51-year-old and had above average religious engagement explains her support "because I'm Muslim and God recommended everything in the Holy Qur'an. I have to support this." Similarly, a 40-year-old male with a high school diploma who reports above average religious engagement argues for a more comprehensive turning to Shari'ah: "The Qur'an is the word of God, it's the truth. It regulates everything and we should decide everything according to its rules." These responses not only refer to the Qur'an as a source of law and religious authority, but express a general inclination to turn to the Shari'ah as a source of law. These individuals express a larger desire for laws to conform to Shari'ah rather than limiting their views solely to family law. Individuals who offer religious arguments have lower average levels of education, however, compared to those who offer other reasons justifying their support (p=.009).

Others express their support for any law as long as it conforms to the Shari'ah. For example, a 36-year-old woman who has attended some primary school and reports the lowest level of religious engagement expresses that she would support the law "as

long as it's good and it agrees with the Qur'an." Similarly, a 29-year-old man with a

high school diploma and average religious engagement also stated conditional support for

any law that is based on the appropriate religious sources: "I support it if it's based on

Islamic principles and the Sunnah of the Prophet, peace be upon him." A 39-year-old

man with a college diploma, who reports the highest level of religious engagement,

makes a similar, if more detailed, argument: "God created the Shari'ah, and the Shari'ah

is found in the Qur'an and the Sunnah. It's Islamic law, a Muslim's law. It will provide

for mutual solidarity between people." There is broad support for the general idea of

state laws conforming to Shari'ah among many of these urban citizens.

The frequency of these kinds of religious arguments suggests that many view

Islamic law as a clearly identifiable source of state law that could be codified into

legislation. As this 39-year-old women with a high school diploma and slightly below

average religious engagement expresses: "Shari'ah is already written and outlined in the

Qur'an. It's a violation of Islamic law not to follow it." This type of response supports

Brown's (1997a, 371) discussion of the transformation of popular notions of the Shari'ah

through colonial legal reforms:

> The Islamic Shari'ah, understood no longer as connected to specific institutions and
> practices, but instead as a set of identifiable rules, has become the most widely
> accepted indicator of the degree to which a society and political system are Islamic.
> Departures from clear Shari'ah-based law are often held to render a social or political
> system both illegitimate and immoral. …Once Shari'ah has been recast as a set of
> identifiable rules, it becomes difficult to argue that those rules can be violated without
> abandoning Islam. Thus, there is little direct challenge to the idea that positive
> legislation must be brought into accordance with Shari'ah rules.

For many men and women across education levels and religious engagement, support for

an Islamic family law stems from a larger idea of religious obligation, identity, and the

religious authority of the Shari'ah. By referring to the Qur'an and Sunnah, as well as to

God's will, many appear to view the Shari'ah as a set of identifiable rules that should be enforced as state law. These responses show the broad support base for the principle of Shari'ah as state law as well as the likely success that framing any law as conforming to Shari'ah will have among certain citizens. If a law such as the Family Code is said to violate Islamic principles, it would be difficult for some citizens to abandon the religious authority of the Shari'ah and its clearly articulated guidance. Indeed, much of the media debate did not delve into details on family law and CIRCOFS' draft law, but instead debated general principles behind different laws, including framing the Muslim personal law as "the application of Shari'ah." Many ordinary citizens' responses reflect this general desire for Shari'ah as the source of law rather than specific arguments for any one interpretation.

Another type of response—offered by almost 22%—tends to view such a law as part of a larger goal of advancing Islam and further developing Islamic education and knowledge in the country. These responses include ideas that through further development of Islam and improving knowledge of Islam, Muslims will achieve a better practice of their religion. A 57-year-old woman with less than average religious engagement and a middle school education argues: "This would be better for the country. It would help people to be fair with one another, and it would develop Islam here in Senegal." A 48-year-old woman who has completed high school and reports above average religious engagement argues: "There will be more morality if we will apply the Shari'ah. If we apply the Shari'ah, children will better understand what they should and shouldn't do. Shari'ah is the heart of every Muslim's education. We need to immerse ourselves in the Shari'ah so we can educate our kids." One 31-year-old man with the

highest level of religious engagement and some high school argues: "Our punishments aren't sufficient in this country, we need to turn to Islamic law. We have to put religion first so that we can practice Islam more completely." Another 19% mention more general notions that enacting such a law in Senegal would be good for the nation and would results in positive benefits for society. For these latter types of responses, citizens tend to articulate a simple value judgment that this is a good thing to do, or is the right thing for the country. There are no significant differences in education or religious engagement for individuals who express such considerations. Women are, again, as likely as men to want to develop and advance Islam and improve knowledge of Islam.

In the eyes of some men and women—roughly 9%—a law based on Shari'ah will help to protect Senegal's cultural values and will encourage morality. For example, a young 19-year-old male who attended Qur'anic school and reports average religious engagement remarks: "Islam is a religion of peace and Senegal is a peaceful country. And if people would turn more toward religion, all of this bad behavior in society these days would stop. I think a lot of these negative things would stop if we turn to our religion more." A 25-year-old man with average religious engagement and some high school focuses on specific ideas of moral behavior: "This would help regulate our social lives and would reduce things like violence, homosexuality, and a lot of sexual promiscuity."

Despite clear arguments for legal pluralism by advocates for an Islamic family law, few citizens who support such a law mention considerations of having different laws for different religions as compared to religious arguments. Almost 10% of respondents do discuss this precise argument and mention ideas of equality and justice through a

system of personal laws rather than a unified law. Men and women are as likely to mention considerations about the legal system, but a key finding is that citizens who mention specific considerations about the legal system have higher mean levels of education than those supporters who do not (p=.02). Moreover, they have higher mean levels of religious engagement than those supporters who do not mention such considerations (p=.02). I argue that this difference in education suggests a greater awareness of elite debates about the personal status law. These individuals demonstrate awareness that the debate entailed issues of legal pluralism versus uniformity. Their higher religious engagement may explain why they support different laws for different religions, but their higher education explains why they are aware of this aspect of the debate.

For example, one 44-year-old man with a university diploma and who reports the highest levels of religious engagement explains his support as follows: "Above all, I'm a Muslim. We have to support what's in the Quran and Sunnah of the Prophet. The state is secular, but we should let people practice Islamic traditions like marriage, death, all the personal status issues. Each religious community—both Christians and Muslims—should apply its own religious law." Similarly a 32-year-old woman with some high school education and the highest religious engagement mentions simply that "Each individual should be judged according to his or her religion." More educated individuals are most likely to mention this idea of legal pluralism as linked to religious freedom and different laws for different religions.

CIRCOFS also attempted to frame the debate as a question of the will of the Muslim majority. Indeed, a small percentage of citizens mention Senegal's status as a

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majority-Muslim country. Men and women are equally likely to mention the idea of majority rule or of Senegal as a Muslim country. As with the specific frame of legal pluralism, these individuals have significantly higher mean levels of education (p=.000). As this 62-year-old man with a primary school education and above average religious engagement explains: "Muslims are the majority, we make up 95% of this country. We depend on what the Qur'an says and we must apply Shari'ah if we are truly good Muslims. To do otherwise is to violate God's law." A 27-year-old woman with a high school diploma and below average religious engagement notes: "I support it because we're the majority. The judgment of the Shari'ah is more certain—Islam is our religion and our reference. I support anything that helps us to know Islam better. I completely agree." Similarly, a young 21-year-old man with average religious engagement and some high school education argues: "because Senegal is a Muslim country, the majority is Muslim. I think this law will reduce a lot of bad things. It would improve our lives as Muslims."

Finally, while media debates mention the rights of women, I argue that this issue was less salient to this most recent debate on family law. Most individuals discuss their support for the law as a question of the larger principle of whether Senegal's state law should conform to Shari'ah principles, rather than mention women. However, a small proportion of individuals do specifically discuss issues of women and the family. Like the frame of legal pluralism and the principle of majority rule, men and women for whom specific issues of women's rights and the family are salient tend to have higher average levels of education (p=.000). I suggest that their higher levels of education indicate greater awareness that family and women's rights are specifically implicated in this

debate. Note that there is no significant difference in levels of religious engagement or gender for individuals who mention women's issues.

Many such responses tend to focus on women's dress and behavior as well as ideas of family structure, marriage, and divorce. One young 22-year-old woman with above average religious engagement and an incomplete university education explains: "It would be good for us to apply Shari'ah. This would help girls to dress more modestly and to stop copying European styles. If we enforce Shari'ah, women will be better educated and will have closer relationships with God." A 36-year-old woman with less than average religious engagement a university degree argues: "Because of what we see today with women's dress. Girls are adopting European dress and behavior, which isn't right." Some specifically discuss women wearing a head covering.

Others focus on Islamic education for women and within families. According to a 37-year-old woman with some college education and the lowest religious engagement: "I support this because it will help us to apply Shari'ah in Muslim families, especially as we raise our children." Another 38-year-old woman with a high school diploma and less than average religious engagement expresses her support in terms of women's education: "Enforcing Shari'ah will help us provide a better education for girls. Also, it will help to avoid pre-marital pregnancies, prostitution, and juvenile delinquency." Other women express a desire to simply improve their knowledge of Islam. A 38-year-old with a primary school education and less than average religious engagement argues: "this will allow women to know their religion better."

Men are also concerned with women's dress and education. A 26-year-old man with some primary school education and the highest religious engagement states: "If the

Shari'ah is enforced, women will dress more modestly and will be more interested in religion, especially reading the Qur'an and getting close to God." Men who mention family issues tend to be more concerned about their marital situation, however. A 47-year-old man with a high school diploma and above average religious engagement explains: "Our laws used to agree with the Shari'ah. If we could go back, we could resolve a lot of problems. With the Shari'ah there would be fewer divorces." A 31-year-old man with above average religious engagement and a university diploma argues: "Since colonization, the base of the family has been dislocated, and religion helps us to redevelop family relations. I think that hierarchy within the family, respect, and proper behavior holds up society. Enforcing Shari'ah doesn't mean ending individual liberties." Knowing details about the family code is not the exclusive terrain of the highly educated, however. A 66-year-old man who completed primary school and reports the highest religious engagement says: "I support it because there are a lot of things we need to revisit in the Family Code. For example in Senegal there are so many rights—rights of children and rights of women. And there are a lot of divorces. All of this is because of the Family Code. I hope it's better with Shari'ah."

As these responses from a broad cross-section of urban Muslims shows, men and women contemplate a wide variety of considerations as they think about whether or not state family law should conform to Shari'ah. As I described in Chapter 5, the survey question wording intentionally avoided highlighting any of the major frames in the debate over family law. Yet many of the key themes of the elite debate appear in citizens' statements of support: the religious authority of the Shari'ah, the importance of religious belief, as well as the principle of legal pluralism, Senegal as a Muslim country, and issues

of women and family structure. Other desires include widely held ideas of religious identity and obligation, and a desire to advance and develop Islam and Islamic education. Most of these reasons are broadly distributed across levels of education and religious engagement. However, those with higher average levels of education more frequently mention the key issues found in media debates—namely legal pluralism, the principle of majority rule, and specific ideas of women and the family. I have suggested that citizens who mention these types of frames are more likely to do so elite discourse framed which issues are at stake. I now turn to a deeper investigation of the reasons ordinary men and women oppose a state family law based on Shari'ah.

Opposition to a state family law based on Shari'ah

Table 6.2 shows that almost 31% of respondents who opposed the law explicitly mentioned the secular state or the principles of secularism (*état laïc* or *laïcité*), as among their primary reasons for opposing the law. These narratives offer evidence that framing family law as a question of the secularism of the state resonates with many citizens and has shaped popular preferences. In what ways do citizens understand secularism to be at odds with a state family law based on Shari'ah? In Table 6.4, I delve deeper into how ordinary men and women discuss secularism by further coding each response that mentions the construct.

Table 6.4 Meanings of secularism for opponents of an Islamic family law

	Frequency
Institutional separation: A secular state can't enforce religious laws and can't privilege any religion	25.1%
Religious diversity: Secularism manages religious diversity and toleration in Senegal	21.6%
Secular culture: Secularism is part of our culture, values secularism in and of itself	18.0%
Freedom of religion: Secularism associated with freedom of religion, not imposing one interpretation on Muslims or members of any other religion	16.8%
Legal equality: Secularism means the same laws for all citizen, it means equality in the law for all	13.2%
Democracy: Secularism is associated with being a democracy	3.6%
Women's rights: Secularism is better for women	1.8%
	100%

Men and women are most likely to focus on the institutional relationship between state and religion, namely that a secular state cannot enforce religious laws or privilege any particular religion. Enacting a state law based on Shari'ah would be a clear violation of the secularism of the state. For example, a 56-year-old Muslim man with a university diploma and the highest religious engagement argues: "I oppose this because we live in a secular country, so we can't privilege one religious group or one kind of religious belief or practice." A 46-year-old woman with a graduate degree and the lowest religious engagement notes: "We're in a secular country, the constitution has nothing to do with religion. I'm against mixing religion in our political institutions." Another 57-year-old man with a university diploma and the lowest level of religious engagement expresses: "We must separate religion and the state. I'm for secularism." A 30-year-old woman with below average religious engagement and a high school degree suggests that such a law would violate the secular constitution: "We're in a secular country and we have to respect the constitution." Others clearly believe that such a law is simply incompatible

with secularism. A 38-year-old woman who attended vocational high school and reports average religiosity notes: "because we shouldn't apply the Shari'ah in a secular country." For many ordinary Muslims, being a secular state means an institutional separation of religion and state and this law violates Senegal's secular constitution.

Others place a high value on religious diversity and tolerance in Senegal and view secularism as vital to managing and respecting this diversity. For example, a 24-year-old Muslim male with below average religious engagement and a middle school education opposes the law "because we're in a secular country. Also, we're all Senegalese. Whether we're Muslim or Catholic, we have to try to live together peacefully." A 32-year-old Muslim woman with below average religious engagement and some vocational high school expresses concern about the relationship between religions: "This law will create religious divisions in a secular country. We will have problems like in Nigeria."

Almost eighteen percent simply discuss secularism as a good thing in and of itself. These responses tend to view secularism itself as a value and as a culture.   Almost as many associate secularism with religious freedom—a state family law based on Shari'ah would impose on Muslims a particular interpretation of Islam.

Finally, some argue that secularism means that all citizens should be subject to the same law. As such, they view secularism as necessary for the protection of legal equality, which they articulate as uniformity in law. A 45-year-old Muslim man with average religious engagement and a university degree expresses: "This is a secular country, I prefer secularism. I'm against the kind of discrimination that would apply some laws to one group and other laws to another group. I think this would create problems for the Senegalese nation, for our national unity." A 26-year-old woman with

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an incomplete high school education and below average religious engagement invokes the idea of the secular state and connects this with protecting minority rights: "Because we're in a democratic and a secular country, and even religious minorities have their rights." For some, secularism means legal equality and one law for all citizens.

Among these opponents of a Muslim personal law, Christians and Muslims are as likely to mention secularism as a consideration. Individuals who mention secularism are also no different in their level of religious engagement from those who do not. Women are, however, less likely to mention secularism (p=.01). As noted in Chapter 5, individuals who oppose a law based on Shari'ah have higher mean levels of education compared to those who support the law. It is equally important to note, though, that *within* this group of more educated citizens who oppose the law, individuals who specifically mention secularism as a salient consideration have higher mean levels of education that those who do not (p=.000). This suggests that those who are aware of and mobilize the secular frame—without any prompting in the question wording—tend to have higher levels of education. They also report higher mean levels of media exposure (p=.000). These higher mean levels of media exposure and education suggest indicate a greater awareness of elite discourse surrounding the issue of family law reform. They are more likely to connect their support for the principle of secularism to their views on family law.

In addition to directly discussing the secularism of the state, Table 6.2 shows that men and women frequently mention considerations of peace and stability in the country (29%) and believe that enacting a law based on Shari'ah could create new problems in the country. Among these responses, some prefer the status quo and argue that Senegal

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already enjoys peace and stability, so why change something that seems to work relatively well? Others mention religious diversity and tolerance (28%), often mentioning that Senegal has more than one religion in the country or is *not* a Muslim country.[136] For example, a 49-year-old Muslim man of average religious engagement and a university diploma expresses: "For me, this kind of family law reform is impossible in our country. Senegal is a country of dialogue, of tolerance, of solidarity. We're better off without these reforms, without Shari'ah." A 36-year-old Muslim man with above average religious engagement explains his opposition "for peace between Muslims and Christians. The situation that we're in right now doesn't harm anyone. We live in perfect harmony." A 19-year-old woman with a primary school education and above average religious engagement notes: "We're Muslims, but there are other people who aren't. There will be more peace this way." A 21-year-old man with a middle school education and the highest religious engagement argues: "I oppose it because it will create a lot of problems. I think it's best to leave things as they are."

Some men and women focus specifically on problems between Muslims and Christians. A 34-year-old Muslim woman with a high school degree and the lowest religious engagement opposes the law "to protect our social peace, so that there aren't problems between Muslims and Christians in Senegal." Others, like this 33-year-old Muslim woman with the highest religious engagement and some middle school, worries about creating problems between Muslims themselves if such a law were enacted. This law "risks creating problems within the Muslim community." Similarly, a 23-year-old male with an incomplete middle school and below average religious engagement

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[136] Almost 37% of those who mentioned religious diversity or the existence of more than one religion in the country also mentioned concerns over peace and stability. The majority, though, mentioned these as separate constructs.

expresses his desire to leave well-enough alone: "because with modernization, I think we should leave things alone. It's going to create a lot of problems between people. I want to avoid problems between Senegalese."

As mentioned, individuals who oppose the law because they value religious diversity are more likely to have higher levels of education than those who support a Muslim personal law. However, within this group of more educated and aware citizens, the frame of religious diversity appears more easily accessible across education groups. There are no differences in education or religiosity for men and women who mention this frame.

Legal equality is also a popular reason to oppose the law, and most citizens discuss legal equality in terms of legal uniformity. About 21% of explanations include some reference to preferring one law for all citizens in a republic, rather than having different laws for different religions. For example, a 35-year-old woman with some college and the lowest religious engagement argues: "I oppose this because we shouldn't have differences in our laws. Having a single law for everyone is better." A young 20-year-old Muslim woman with some high school and the lowest religious engagement notes: "This isn't right, we're all equal and we should be judged by one law, by the same law." A 46-year-old man with a graduate degree and average religiosity explains: "We're in a Republic, so the laws can't be applied to only one part of the population. The law is for everyone. We shouldn't even be having this debate, unless we were talking about applying Shari'ah completely and to all people." A 28-year-old male with a middle school education expresses: "We have to have the same laws for everyone and judge people in the same way. If we had different laws for different religions we'd have to start

regulating religion. There are a lot of religions in the country and I think this would create problems between them." Individuals who mention the principle of one law for all citizens of the nation have higher average levels of education than those who do not mention this consideration (p=.002). Women are also less likely to mention such concerns than men, but there are no significant differences in religious engagement. As with secularism, opponents of the law with the highest levels of education appear more likely to mention this critical frame of legal equality through uniformity in law.

Another 18% of respondents critique the content of Shari'ah itself and oppose the basic principle of a law based on Shari'ah. Included in these responses are those who say that enacting Shari'ah will be bad for society and the country. An example of such a response comes from this 34-year-old Muslim woman of average religious engagement, who has completed primary school: "I oppose this because the laws of the Shari'ah are too rigorous and applying them to Muslims would be very difficult." A 72-year-old male with above average religious engagement and some primary school notes: "No, because it would be difficult to apply the Shari'ah in Senegal. The Senegalese would not be able to handle the rigor of the Shari'ah." Similarly, a 29-year-old male with some primary school and above average religious engagement expresses: "even the religious leaders can't fully live according to Shari'ah. The Shari'ah is too heavy handed and no one is without sin." There are no significant differences in education, gender, or religious engagement for individuals who mention this type of response.

Some responses believe that Senegalese culture and modern life are incompatible with enforcing Shari'ah. According to some, society and norms have changed too much since the time of the Prophet, while others note differences between African and Middle

Eastern Islam. This 55-year-old Muslim woman with the lowest religious engagement and a high school diploma argues against the law because "the Shari'ah is too difficult, it doesn't fit with our cultural values." A 44-year-old man with above average religious engagement and some high school argues: "The Shari'ah is difficult to uphold because people's mentalities have changed so much over time." A 35-year-old woman with a graduate degree and the lowest religiosity expresses: "We live in a complicated and modern world. The Shari'ah isn't compatible with modern realities. Times have changed."

Finally, Table 6.2 notes other considerations in addition to those discussed here, such as concerns over freedom of religion (12.4%) and religious arguments why a state cannot enact a law based on Shari'ah (8.7%). Some individuals argue against the state imposing Shari'ah on people, like this 20-year-old male with average religious engagement and some middle school: "It's not worth enforcing Shari'ah. We have to find people who can talk to us, convince us to change our behavior voluntarily. We need to discuss these things, not enforce it through a law." Others have clear religious reasons for opposing the law, such as this 55-year-old woman with the lowest religious engagement who argues on religious grounds: "Let's let God be the judge of humans, let's leave all judgment to God." A 42-year-old male with some primary school argues similarly: "We should let God decide, because He can change everything if He wills it. We all sow what we reap. We shouldn't force people to apply laws that they don't want to apply." A 50-year-old man with above average religious engagement and a high school diploma articulates: "It's not up to religious leaders to decide how people live.

Religious leaders shouldn't get involved in every detail of our lives, they should rethink how they lead the faithful. God belongs to all of us."

As with supporters of the law, a small percentage of individuals also highlight concerns about women's rights and the family. These individuals tend to have higher average levels of education. For example, this 19-year-old woman with less than average religious engagement and a high school diploma says simply that: "The current Family Code is better for women." Others focus more explicitly on the concept of women's rights, like this 42 -year-old woman with a university degree who believes that a law based on Shari'ah "would reduce women's rights in society and the family." A 66 -year-old Muslim man with a university diploma and above average religious engagement argues that "All human beings, man and woman, enjoy the same rights and have to submit to the same laws. Same rights, same obligations, same status."

Senegalese Christians

So far, I have only discussed the preferences of Senegalese Muslims, but Christians express overwhelming opposition to a state family law based on Shari'ah. The sample size of Christians is relatively modest given their status as religious minorities, yet Table 6.5 recalculates the frequency of considerations offered by Christians and Muslims who opposed the law for the sake of comparison. For the most part, Muslims and Christians do not differ in their likelihood of mentioning each type of consideration. The major exception is that Muslims are more likely to make cultural arguments that Shari'ah principles would be difficult to apply in modern times and that Senegalese culture is different from other countries where Shari'ah is applied. However, general considerations about the secularism of the state, religious diversity, and peace and

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stability, for example, are mentioned as often by Christians and Muslims who oppose the law. The ways that Christians and Muslims articulate their responses is also quite similar. This suggests that the values Christians and Muslims invoke—such as secularism, religious tolerance, and peace—belong to a larger, broadly held cultural discourse. For example, a 21-year-old Christian woman with some primary school and the lowest religiosity expresses her concern for religious diversity and peace in a similar way: "I oppose it because the country belongs to everyone. Nobody has more rights than anyone else. We should leave things as they are because right now we live in peace." Another 26-year-old Christian man expresses his concern for the religious freedom of Muslims and his desire for peace: "This is a way to impose Islam on Muslims. It doesn't bode well for everyone else either. We always have to take everyone's views into account to live as a community in peace."

Table 6.5 Frequency of considerations for Christians and Muslims who oppose an Islamic family law

Senegalese Muslims	% of respondents who mention	Senegalese Christians	% of respondents who mention
1. **Secularism:** Senegal has a secular state, this contradicts secularism	32.4%	1. **Respect All Religions, Tolerance:** more than one religion, Senegal not a Muslim country	32.9%
2. **Peace & Stability:** Leave things as they are, Will cause problems, threaten peace	29.2%	2. **Peace & Stability:** Leave things as they are, Will cause problems, threaten peace	29.3%
3. **Respect All Religions, Tolerance:** more than one religion, Senegal not a Muslim country	26.4%	3. **Secularism:** Senegal has a secular state, this contradicts secularism	25.6%
4. **Shari'ah Too Severe, Bad for the Country**	19.6%	4. **Legal System, Uniformity & Equality:** one law for all citizens, equality, prefer the current code	17.1%
5. **Culture & Modernity:** not possible in Senegal, Senegalese culture, modernity	18.8%	5. **Shari'ah Too Severe, Bad for the Country**	14.6%
6. **Legal System, Uniformity & Equality:** one law for all citizens, equality, prefer the current code	16.8%	6. **Religious Freedom:** cannot impose Shari'ah on people, religion is a private affair	12.2%
7. **Religious Freedom:** cannot impose Shari'ah on people, religion is a private affair	12.4%	7. **Culture & Modernity:** not possible in Senegal, Senegalese culture, modernity	9.8%
8. **Religious Arguments:** let God have the final judgment	9.6%	8. **Religious Arguments:** let God have the final judgment	6.1%
9. **Republic and/or Democracy**	8.0%	9. **Women's issues and rights**	4.9%
10. **Women's issues and rights**	4.4%	10. **Republic and/or Democracy**	2.4%
11. **Family, Marriage, Divorce**	2.4%	11. **Family, Marriage, Divorce**	2.4%

N=250 for Muslim who oppose, N=82 for Christians who oppose. Cells show the percentage of men and women who offered responses that were coded into these response categories.

Similarly, Christians discuss secularism and legal equality in similar ways to Senegalese Muslims. A 44-year-old Christian man with a high school diploma and average religiosity notes: "I want to guarantee a certain equality between people. I think secularism is the only thing that will guarantee the unity of the nation. Religion is a personal and private affair. The law has to be the same for everyone. Even if we apply Shari'ah to Muslims it will still discriminate against some people." Another 45-year-old Christian man with some college says: "If we do this, it will have repercussions for the minority and we shouldn't marginalize minority groups." A 22-year-old Muslim male with some high school and the highest religious engagement expresses a similar concern over the rights of the minority: "It's a problem because we're not all Muslims. We have to respect the decision of the minority. If we were all Muslims, I would probably support the reforms."

Elite Discourse and Value Frames

My discussion of media frames in Chapter 4 suggests that elites discussed family law in terms of relatively abstract, general values rather than highlighting specific details about family law or Islamic law. Citizens, for their part, also discuss their preferences in terms of more general value judgments. In debates over family law reform, then, general values, desires, and expectations were mobilized by both sides to describe competing visions what was good or right in society. Not all frames are mentioned as frequently as others, though. To differentiate between the types of considerations and values individuals mention, I return to Zaller's (1992) important emphasis on the role of contextual information about elite discourse. Taking education as an indicator of

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information and awareness of elite discourse, Table 6.6 shows that the major frames of

media discourse about family law—secularism, preferences for having one versus

different laws for citizens of different religions, valuing the principle of majority rule

versus highlighting Senegal's religious diversity, as well as concerns about peace and

stability, all tend to be mentioned by individuals with higher mean levels of education.

Education, rather than gender or religious engagement, differentiates between citizens

who are aware of and mobilize the value frames emphasized by elites as they discuss

their own preferences for state family law.

Table 6.6 Mean education for individuals who mention frames in media discourse

	Full Sample (N=761)	Support (N=429)	Oppose (N=332)
Secularism			
Mentioned	9.0***		9.0***
Not Mentioned	5.5		6.7
N	104		102
Legal Frames: Uniformity in Laws versus Pluralism			
Mentioned	7.6***	6.0*	8.6**
Not Mentioned	5.7	4.8	7.1
N	114	42	69
Muslim Majority Country vs. More Than One Religion in the Country			
Mentioned	7.4***	6.9***	7.6
Not Mentioned	5.7	4.8	7.4
N	131	30	93
Family or Women's Rights			
Mentioned	7.6***	6.8***	9.3**
Not Mentioned	5.9	4.7	7.3
N	65	39	22
Religious Arguments For or Against			
Mentioned	4.9***	4.3**	7.4
Not Mentioned	6.3	5.2	7.4
N	158	125	32
Concern for Peace & Stability			
Mentioned	6.8**	4.9	7.2
Not Mentioned	5.8	4.9	7.5
N	132	26	97

Cells show mean education for individuals who mentioned and did not mention these themes in their narrative responses. Education is a 13 category variable. * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Table 6.6 offers evidence that elite discourse shapes how citizens come to understand what is at stake in debates about family law. Certainly, personal experience, predispositions, and other venues for information besides media discourse (such as social influence) play a role. However, individuals with higher levels of education are the most likely to mention the key frames of media discourse—secularism, legal uniformity versus pluralism, peace and stability, religious diversity, and concerns about women's rights or issues about the family, for example. Table 6.6 also suggests that while awareness of elite discourse helps individuals to mobilize these key media frames in support of their arguments, some frames may be more accessible to citizens than others. Those with higher levels of education regularly mention frames such as peace and stability and religious diversity. Yet when comparing levels of education *within* supporters of a Muslim personal law, individuals for whom peace and stability are salient considerations are no more nor less likely to differ in terms of education. This is true for opponents of a Muslim personal law as well. When comparing the education levels of opponents of a Muslim personal law, individuals with the lowest levels of education mentioned religious diversity as often those with the highest education.

In summary, analyzing citizens own voices sheds light on the kinds of considerations and values that are important to ordinary men and women as they make sense of debates over family law and Shari'ah as a source of law. This chapter shows evidence that ideas in media discourse do make their way into popular discourse. Elite discourse seems to play an important role in shaping what citizens come to see as important about family law. At the same time, it also reflects popular culture as

journalists and activists attempt to mobilize popular cultural principles as they construct frames aimed at persuading the public.

Mutually Exclusive Preferences?

As these narrative responses suggest, men and women who oppose a Muslim personal law often do so because of secular predispositions, and men and women who support a personal law do so based on religious predispositions. To what extent does this suggest that citizens' preferences for secularism and Shari'ah as state law are mutually exclusive? Table 6.7 shows the distribution of preferences for and against a state family law based on Shari'ah by citizens' preferences for and against the secularism of the state. As described in Chapter 5, support for secularism was measured with a closed-ended survey item that provided a simple definition for respondents who might not understand the term secular.[137] Recoding this into a binary variable of support and opposition, the results of this closed ended survey item indicates a significant bivariate relationship between supporting a secular state and opposing a family law based on Shari'ah (p<.001). Of those who oppose a secular state, 77% say they support a state family law based on Shari'ah.

Table 6.7 Support and opposition to a secular state, by views on Islamic Family Law

	Support Islamic family law	Oppose Islamic family law	Total
Oppose Secular State	76.6%	23.5%	145
Support Secular State	51.5%	48.5%	610

N=755. The results are similar when excluding Christians from the sample. Of those who oppose a secular state, 22.1% oppose an Islamic family law and 77.9% support it. Of those who support the secular state, 58.3% support Islamic family law and 41.7% oppose it. This relationship is significant at the p<.001 level.

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[137] "Do you think that Senegal should be a secular country, where there is no legal or official relationship between religion and the state?" Responses ranged from strongly disagree to strongly agree.

Combined with the coded narratives from citizens themselves, this simple cross-tabulation provides additional evidence that framing family law as a question of secularism resonates with popular preferences on this issue. However, a closer reading of Table 6.7 also shows more complexity in public opinion. Though there is clearly a strong relationship between views on secularism and for Shari'ah as state law, support for a secular state is widespread in Senegal. Among Senegalese Muslims, 54% strongly support a secular state and 25% somewhat support such a state. Christians overwhelmingly offer support for a secular state: 81% strongly agree and 15% somewhat agree. The most interesting observation in Table 6.7 is that citizens who support the secular state are almost evenly divided on the issue of Shari'ah as a source of state law. Indeed, among supporters of a secular state, 51.5% support an Islamic family law while the remaining 49.5% oppose such a law.

In Chapter 3, I argue that the main reason that some citizens view secularism and a state law based on Shari'ah as incompatible is that they are more aware of elite discourse that frames these debates in oppositional terms. This helps to explain why education is so strongly correlated with opposition to a Muslim personal law. It also helps to explain why individuals who mention secularism as a reason to oppose the law tend to have higher levels of education, even though most Senegalese citizens support a secular state. Awareness of elite discourse helps to explain why so many citizens say they support a secular state *and* a state family law based on Shari'ah. When asked about Shari'ah, their religious predispositions are activated and they support the law. When asked about a secular state, their secular predispositions are activated and they support political secularism. Connecting the issues of state family law, Shari'ah, and secularism

requires citizens to make connections between their predispositions on their own, or to

know something about the elite debate surrounding the issue. To illustrate this point,

Table 6.8 shows the results of coded narrative responses for men and women who

actually mentioned "secularism" or "secular state" as a reason for opposing an Islamic

family law for Muslim citizens. As stated, these individuals are disproportionately from

the highest education levels.

Table 6.8 Education levels for respondents who mention secularism

	No formal education	Primary School	Complete Middle School	High School diploma	College diploma and up
Does not mention secularism	0%	78%	73%	58%	49%
Mentions secularism	0%	22%	27%	43%	51%

N=332, Cells show the percentage of men and women who mention *laïcité* or *état laic* in their open-ended narratives as among the reasons they oppose a personal status law based on Shari'ah. Cells show column percentage for each level of education. When excluding Christians in the sample, which results in a sample size of 250, the results are roughly similar: No respondents mention secularism who have no formal education, 21% mention secularism with a primary school education, 29% with middle school level, 47% with a high school diploma, and 53% of those with at least a college degree.

Moreover, Table 6.1 noted that individuals who offer mixed responses that

support both sides of the debate tend to have higher levels of education. Those who

oppose a Muslim personal law but state mixed feelings in their narrative responses tend

to express that they believe Shari'ah has ultimate religious authority, but they defer to the

principle of secularism. Likewise, those who support a Muslim personal law but offer

mixed feelings tend to be aware that secularism is an issue, but they opt for a family law

based on Shari'ah and explain why they do so. Men and women who have higher levels

of education also tend to more aware of the multiple values at stake in the issue.

Table shows 6.9 shows a similar pattern in preferences for the principle of one law for all citizens, or legal uniformity. Of those who support the principle of different laws for different religions, 87.5% also say they also support an Islamic family law that would apply only to Muslims. In contrast, men and women who support the principle of one law for all citizens are much more divided on the question of Islamic family law. Of those who support a family law that would apply only to Muslims, over half (57%) also want all citizens to be subject to the same laws regardless of religion *at the same time.*

Table 6.9 Support for legal uniformity, by support for an Islamic family law

	Oppose Islamic family law	Support Islamic family law	Total
Different Laws for Different Religions	12.5%	87.5%	208
Same Laws for All Religions	55.6%	44.4%	550

N=758. Cells show attitudes toward Islamic family law by support for uniformity and equality in law. The results are nearly identical when excluding Christians from the sample. 49% of those who want the same laws for all citizens oppose the law, while 51% support the law.

The cross-tabulation of closed ended survey items suggests that some men and women view the secularism of the state, the idea of legal uniformity, and opposition to an Islamic family law as part of a package of connected preferences. These citizens may respond to each of the questions in the direction of the secular interpretive package about the Family Code. Others respond consistently in the other direction—they oppose a secular state, want different laws for different citizens, and as such favor a law based on Shari'ah. However, many citizens, in principle, support the idea uniform laws for all citizens, a secular state, and a family law that would apply Shari'ah to some citizens and not others.

Conclusion

In this chapter, I attempted to capture and record the range of considerations that were salient to respondents as they discussed their views on family law and Shari'ah as a source of law. By recording and coding respondents' own words, the narrative open-ended format of the question allows citizens to articulate their preferences in a way that closed-ended survey responses and measures of intensity do not.[138] Though in-depth, unstructured interviews would provide even more detail, the open-ended format of these responses offers the benefit of large sample size and random selection that allows for greater comparisons across the key demographic groups of interest, namely, gender, education, and religiosity.

By detailing the incredible diversity and range of responses ordinary citizens articulate as they negotiate this question of law, religion, and state, I highlight the complex ways that men and women discuss their preferences. I also highlight the important role that value judgments play as men and women articulate their preferences for family law. Men and women across levels of religious engagement and education have multifaceted desires, values, and hopes. Though this debate focused on family law, media discourse and citizens' own narratives suggest that the issue is a larger deliberation about values and the best way to live and organize society, including the proper relationship between religion and state. Many men and women who support a Muslim personal law justify their position by referring to a vision of a world which is governed according to a moral order which will help individuals to live uprightly, and will advance Islamic education and develop Islam in the country. Others who oppose the law

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[138] As others have noted, individuals may give different answers to open-ended questions than to questions with pre-specified options (Schuman and Scott 1987).

emphasize secular values in which citizens are equal before the law, law is impersonal, and in which citizens of different religions live in peace and tolerance. Both kinds of responses emphasize what individuals believe to be good and right. Others articulate their preferences by emphasizing what is or might be bad or harmful and argue that a law based on Shari'ah would have harmful effects for the country or for the relations between citizens.

This chapter also finds evidence that citizens who invoke many of the major frames in elite debate tend to have higher average levels of education. Education, rather than religious engagement, appears to identify individuals who are most likely to discuss family law in the terms of elite discourse. I conclude the chapter by arguing that *not mentioning* a particular value or frame does not mean that one opposes that value or rejects that frame. In fact, the vast majority of all citizens hold similar values in closed-ended responses. However, those with higher levels of education were more likely to directly mention the specific frames of media discourse than those with lower levels of education. This suggests that education indicates greater awareness that these issues are at stake in the debate about family law. This analysis, then, raises the question of why some individuals who support secular principles oppose the law, but others who support the same principles oppose it. To address this question, I evaluate the importance of gender, education, and religious and secular predispositions in a multivariate setting in chapter 8. In Chapter 8, I take up the final question of why some citizens view Shari'ah and secularism as incompatible, mutually exclusive preferences while others do not.

Chapter 7

Taking Sides on Shari'ah: The Roots of Popular Support and Opposition

By citizen's own accounts, preferences for a secular state play an important role in explaining opposition to a family law based on Shari'ah. Sincere religious commitments and beliefs also explain why many men and women prefer a law based on Shari'ah. In this chapter, I explore the roots of popular support and opposition to a state family law based on Shari'ah in an ordered logit model that estimates the impact of gender, education, and religious differences on the intensity of one's support or opposition after controlling for important demographic differences in the population. Finally, I evaluate if one's preference for a secular state does indeed impact preferences for family law reform. I demonstrate that ordinary men's and women's levels of education, as well as religious and secular predispositions, do strongly shape preferences for state laws based on Shari'ah.

Who Supports and Opposes an Islamic Family Law?

As discussed in Chapter 5, simple bivariate analyses show that Senegalese women are more likely to support an Islamic family law than men. Likewise, Muslims who report higher levels of religious engagement are also significantly more likely to support the law. Individuals who are more educated, more exposed to the mass media, and who live in wealthier households may also be more likely to say they oppose a law based on

Shari'ah. Senegalese Christians overwhelmingly oppose the law, however at a bivariate level there are no differences between members of the Murid, Tijani, Layene or Qadiriyya Sufi orders. Muslims who do not identify with any Sufi tariqa also report higher levels of opposition. Finally, marital status and family size appear significantly related to family law preferences.

In this chapter, I estimate the impact of each of these important demographic categories in a multivariate ordered logit model predicting the intensity of support and opposition to a family law based on Shari'ah. I am most interested in evaluating and estimating the impact of gender, religious engagement, and education. Chapter 5 suggested that education is positively correlated with opposition to the law, and religious engagement is positively correlated with support for the law. There is also a significant gender gap between men's and women's support, as women are significantly more likely than men to support a family law based on Shari'ah. In a multivariate setting, then, how do education, religious engagement, and gender predict preferences for family law?

Women's higher levels of support may be due in part to the significant gender gap in educational achievement. There is no significant difference in the percentage of men and women who oppose the law *within* each level of educational achievement, for example, which suggests that there is a similarly strong relationship between education and family law preferences for both men and women. I suggest that in a multivariate model, education may mediate the impact of gender on family law preferences.[139]

Importantly, however, there is no bivariate relationship between education and religious engagement; individuals with a university diploma, for example, are roughly

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[139] If there is mediation, we should no longer see any significant gender effects once we take one's level of formal education into account. If there is partial mediation, the effect of gender will be significant but reduced.

equally distributed across the quintiles of religious engagement. Will education predict opposition to the law when we control for religious engagement? Similarly, are individuals who report higher levels of engagement in religious activities—including reading religious texts, as well as socializing at and participating in the activities of religious associations, Sufi orders, and mosques—more likely to support an Islamic family law when we control for education and other demographic traits? Sincerely held religious convictions and commitments may lead many Muslims to support state legislation based on Shari'ah, as Chapter 6 suggested, but it is not clear from these statements alone that citizens who oppose such legislation are any less religiously committed. Indeed, some opinion leaders who expressed opposition to CIRCOFS' personal status law grounded their arguments in the principles of Islamic jurisprudence and argued on religious grounds (Gaye and Dramé 2004). Accordingly, I evaluate if levels of religious engagement do indeed predict an individual's preferences after controlling for education and other demographic covariates.

Gender may also play a role in estimating the impact of religiosity. Citizen narratives in Chapter 6 showed that women are as likely as men to express their support by sharing deeply held religious convictions and a desire for laws that conform to divine law. Chapter 5, however, showed that individuals with high levels of religious engagement appear more likely to support the law, yet women score lower on religious engagement due to measurement difficulty and norms of practice.[140] As a result, I argue that when using standard measures of religious engagement, the magnitude of its impact

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[140] In particular, though men and women report similar levels of engagement in the activities of the Sufi orders, women's participation at mosques and frequency of reading the Qur'an are slightly lower than men's levels. As the distribution of self-reported religious engagement showed, women do report attending mosque and reading the Qur'an and there are no significant age differences in these reported levels. On average, though, women report performing these activities less frequently.

may differ for Muslim men and women. Though women are less frequent participants in certain religious activities, they should not be viewed as less "religious" than Muslim men. Rather, I expect that the *direction* of the effect of men's and women's religious engagement will be the same, but the *magnitude* of the effect may differ to reflect gender differences in religious norms of engagement. To estimate these potential differences, I include an interaction term that will more accurately estimate the effect of religious engagement for Muslim men as compared to women.

Does religious affiliation predict preferences for state laws based on Shari'ah? Chapter 5 showed that 89% of Senegalese Christians in the sample oppose or strongly oppose a state family law based on Shari'ah, even though advocates for the law sought to apply Shari'ah to Muslims. I suggest here that the overwhelming opposition of Senegalese Christians can be explained as a group identity effect—not as the effect of being Christian per se, but as the effect of living as religious minorities. Christians may fear that any legislation that appears to weaken the secularism of the state—according to the dominant interpretive package offered by elite discourse—could impact their status as equal citizens. As Chapter 5 also showed, Christians who oppose the law report feeling significantly more fear and anger over the possibility that Senegal might enact a family law based on Shari'ah than do Muslims who oppose the law. This negative emotional response offers additional support that Christians view the law as a greater threat given their status as religious minorities. In the model, I include an indicator variable for the effect of being Christian on the intensity of one's support or opposition. I also include an indicator variable for Muslim members of the tariqa Murid as compared to any other Sufi tariqa, as well as for Muslims who do not identify with any of the Sufi orders, to estimate

if there are significant differences between Muslims based on religious affiliation when we control for other covariates.

Finally, I include control variables measuring age, household wealth, frequency of exposure to the mass media, and marital status and number of children. Media exposure captures an average level of exposure to mass media through television, radio, and print media, which may indicate how likely individuals were to be exposed to the media discourse discussed in Chapter 4.[141] Marital status may play a role in shaping individuals' preferences for family law.

After evaluating the impact of gender, education, and religious engagement, including the interactive effects of gender and religious engagement, on preferences for a state law based on Shari'ah, the second half of this chapter evaluates the impact of individual orientations toward the secularism of the state on individual's preferences. Media discourse about family law reform framed the issue as threatening the secularism of the state. However, does an individual's preference for or against the secularism of the state indeed shape preferences for state laws based on Shari'ah when controlling for religious engagement and education? I argue that support for a secular state will have a direct effect on one's preferences. Finally, I end the chapter by evaluating the impact of other orientations that were discussed in media discourse about family law reform,

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[141] Note that I do not include political knowledge in this analysis. Education and political knowledge are very highly correlated (r=.59), and this makes it difficult to accurately estimate the impact of political knowledge. In analyses I do not show here, I did also include political knowledge, but education is uniformly the strongest predictor of all of the knowledge variables. I include media exposure over political knowledge because of my focus on the importance of media discourse in shaping how the public understands the issue of family law reform. Moreover, as noted in Chapter 5, studies that prefer political knowledge as a measure of information have taken place in the US, where there are fewer differences between most citizens in levels of education, and where education levels are skewed toward the upper levels (Zaller 1992, 1990). My measure of political knowledge is also skewed toward higher levels of knowledge (the mean is 3.6 out of a total of 6), suggesting that these questions lacked may have lacked sufficient difficulty to be able to distinguish between those at moderate and high levels of information.

including preferences for the principle of uniform laws and rights for all citizens. This chapter sets the stage for Chapter 8, where I address the question of whether or not, as well as which, citizens view Shari'ah as a source of state family law and secularism as mutually exclusive preferences.

Table 7.1 shows the results of two ordered logit models predicting the intensity of support or opposition to a state family law based on Shari'ah. On the left, the model estimates the impact of each of the demographic variables discussed for the full sample of Muslims and Christians. As the estimated coefficients in the left hand column of Table 7.1 show, Christians are significantly and substantially more likely to respond in the direction of strongly opposing a family law based on Shari'ah. The right hand column of Table 7.1 shows a reestimated model for the sample population of Senegalese Muslims. The size of each estimated coefficient and its standard error are almost identical to the model that included Christians.

Table 7.1 Popular support and opposition to Islamic family law

Ordinal Logit Results 1=Strongly Support, 4=Strongly Oppose	Full Sample	Reduced Sample, Muslim Citizens Only
Age	.009	.008
	(.008)	(.008)
Household wealth	.037	.037
	(.035)	(.038)
Education	.151***	.155***
	(.027)	(.029)
Divorced	.317	.438
	(.359)	(.371)
Single	.276	.266
	(.221)	(.232)
Polygamous marriage	-.588*	-.574*
	(.261)	(.267)
Number of children	.037	.035
	(.049)	(.053)
Female (1=female)	-.862**	-.916**
	(.281)	(.289)
Female X Religious Engagement	.252*	.288*
	(.118)	(.1240
Religious Engagement	-.451***	-.485***
	(.090)	(.093)
Christian	2.073***	—
	(.274)	
Member of Tariqa Murid	.062	.076
	(.176)	(.177)
Muslims without Sufi tariqa	.187	.159
	(.275)	(.274)
Media exposure	.184	.199*
	(.088)	(.093)
Observations	**691**	**614**

Robust standard errors in parentheses, * p<0.05; ** p<0.01; *** p<0.001

To demonstrate the substantial effect of living as a religious minority on individual preferences, Table 7.2 calculates the predicted probabilities of support and opposition for Christians and Muslims. For Senegalese men of average religious engagement, average education, and holding all other variables at their means, an average Christian male's predicated probability of strongly opposing the law is .69 on a scale of zero to one, as compared to .22 for an average Muslim man—a substantial difference of .47. An average Christian woman's predicted probability of strongly opposing the law is .60 on a scale of zero to one, as compared to 0.16 for an average Muslim woman—a

substantial difference of 0.44. As Table 7.2 shows, Christians have a very low probability of supporting the law compared to Muslims. I argue that it is the simple fact of living as a religious minority that differentiates Senegalese Christians from Muslims and explains why Senegalese Christians overwhelmingly oppose such a family law. As a religious minority, Christians appear to feel threatened by a law that claims to enforce Shari'ah and that differentiates between citizens based on religious affiliation. Clearly, most of the variation in responses comes from Senegalese Muslims, and the remaining analysis in this chapter focuses on this reduced sample so that I may more precisely address the question of who supports and opposes a state family law based on Shari'ah. The rest of this chapter focuses on addressing the question of why Senegalese Muslims disagree about the place of Shari'ah in state family law.

Table 7.2 Predicted probabilities of supporting and opposing an Islamic family law

	Strongly Support	Support	Oppose	Support Oppose
Men				
Christian	.07	.07	.17	.69
Muslim	.39	.19	.21	.22
Difference	-.32	-.12	-.04	.47
Women				
Christian	.10	.09	.20	.60
Muslim	.48	.19	.18	.16
Difference	-.37	-.09	.02	.44

Cells show the predicted probabilities of responses for Christian and Muslim men and women using the estimated coefficients from the full sample model of Table 7.1, and holding all other variables at their mean levels.

Returning to the original question of who supports and who opposes a state family law based on Shari'ah, what role do gender, religious engagement, and education play in shaping preferences? Table 7.1 demonstrates that levels of education and religious engagement do significantly shape individual preferences. After controlling for other covariates, higher levels of formal education appear to push men and women to oppose the law. I have suggested that because women are significantly less likely to obtain

higher levels of formal education in Senegal, education may mediate the effect of gender. In a separate analysis of mediation, the size of the coefficient estimating the impact of gender is reduced when education is included in the model, but it remains substantial and significant.[142] These results suggest that education partially mediates gender effects.[143]

Higher engagement in religious activities also pushes individuals to support such a law and to do so more intensely. I have also discussed how the magnitude of the effect of religiosity on the intensity of men's and women's preferences may differ for Muslim men versus women. Indeed, the right hand column of Table 7.1 suggests that religious engagement is significant for both men and women and pushes individuals to support the law. The size of the coefficients, however, indicate that the impact of religious engagement is more substantial for men than women. This provides additional evidence that it is more difficult to identify and measure Muslim women's religious engagement than Muslim men's religiosity.

Finally, the right hand column of Table 7.1 shows that several other covariates significantly impact preferences. Being in a polygamous marriage as opposed to a monogamous marriage pushes respondents to support the law. Of particular note, there appear to be no significant differences between members of the different Sufi orders. More precisely, members of the Murid Sufi order respond similarly when compared to members of the Tijaniyya, Layene, or Qadiriyya orders. Moreover, Muslims who claim

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[142] Were perfect mediation to occur, the estimated coefficient for gender would approximate zero after taking education into account

[143] Were I to ignore the potential interactive effects for men's and women's religiosity and only include a main effect for gender, then the impact of gender is substantially reduced and only moderately statistically significant (p=.045) after taking education into account. However, I attempt to more precisely estimate the impact of religiosity for men and women through an interaction term. When modeling the interactive effects of gender and religiosity, the coefficient on gender is substantially larger and statistically significant as compared to an identical model that does not include an interaction effect. This is likely to occur because the variable measuring religious engagement is not able to adequately capture variation in women's religiosity.

no affiliation with any of Sufi order no longer appear significantly different after controlling for other covariates. Finally, more frequent exposure to the mass media does increase one's likelihood of opposing the law.

If gender, education, and religious engagement all shape preferences, how do more educated men and women who are also highly religiously engaged respond when the effects of education and religiosity work in opposition directions? How do these individuals differ from those who are highly religiously engaged but less educated, or highly educated but less religiously engaged? Coefficients from an ordered logit model are not easily interpreted. To more clearly discuss the ways that Senegalese men and women differ, I calculate the predicted probability of strongly supporting and strongly opposing the law across various levels of education and religious engagement. Table 7.3 estimates predicted probabilities for men and women across various levels of education and religiosity to paint a clearer picture of who supports and who opposes a state family law based on Shari'ah, while holding other variables at their mean level. As Table 7.3 shows, men and women who report the lowest levels of religious engagement are substantially less likely to say they strongly support the law than are men and women who report higher levels of religious engagement. For example, holding all other variables at their means, a woman without any education and who reports the lowest level of religious activity has a predicted probability of strongly supporting the law of .57. As her religious engagement increases to the mean level, her probability of strong support increases to .66, and again to .75 were she to report the highest level of religious engagement. Moving from the lowest to the highest level of religious engagement increases her estimated probability of strongly supporting the law almost 32%. Across

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each level of education, increasing religiosity increases men's *and* women's probability of expressing strong support and reduces their probability of expressing strong opposition.

As Table 7.3 also shows, the impact of increasing levels of education also substantially shapes preferences, and does so across levels of religiosity. An average woman with the lowest religious engagement and with no formal education has a probability of saying she strongly supports the law of .57, as compared to .19 for an identical woman yet with a college education. Her probability of saying she strongly supports the law decreases almost 67% as she moves from no education to a college degree. The impact of education is similar for men. An average man with the lowest religious engagement and no education has a probability of saying he strongly supports the law of .35. This decreases 74%, to .09, as he moves to a college level education. Across each level of reported religiosity, an individual's probability of expressing strong opposition increases as education increases, and her probability of expressing strong support substantially decreases.

Table 7.3 Predicted probabilities of responding with strong support and strong opposition to an Islamic family law across levels of religious engagement and education

	Lowest religious engagement (1)		Mean religious engagement (3)		Highest religious engagement (5)	
	Strongly Support	**Strongly Oppose**	**Strongly Support**	**Strongly Oppose**	**Strongly Support**	**Strongly Oppose**
No education						
Women	.57	.12	.66	.09	.75	.06
Men	.35	.26	.58	.12	.79	.05
Difference	**.22**	**-.14**	**.08**	**-.03**	**-.04**	**.01**
Primary School						
Women	.46	.18	.55	.13	.65	.09
Men	.25	.36	.47	.17	.70	.07
Difference	**.21**	**-.18**	**.08**	**-.04**	**-.05**	**.02**
Mean Education (Middle School)						
Women	.38	.23	.48	.17	.58	.12
Men	.20	.43	.39	.22	.63	.10
Difference	**.18**	**-.20**	**.09**	**-.05**	**-.05**	**.02**
High School						
Women	.25	.36	.33	.27	.42	.20
Men	.12	.58	.26	.35	.48	.17
Difference	**.13**	**-.22**	**.07**	**-.08**	**-.06**	**.03**
College Education						
Women	.19	.43	.26	.34	.34	.26
Men	.09	.66	.20	.42	.40	.22
Difference	**.10**	**-.23**	**.06**	**-.08**	**-.06**	**.04**

Cells show the predicted probabilities of strongly supporting and strongly opposing the law for Muslim for men and women, using the estimated coefficients for Muslims in the right hand column of Table 7.1, while varying levels of religious engagement and education. All other variables are held at their means.

These predicted probabilities in Table 7.3 also show that the effect of increasing levels of religious engagement works in the same direction for men and women, but the magnitude is larger for men than women. Whereas women are more likely than men to report supporting the law at lower levels of religiosity, women are now slightly *more likely to oppose* the law when we compare citizens who report the highest level of religious activities. This is true across all education levels. For example, a man who has average levels on all variables and no education increases his predicted probability of

saying he strongly supports the law almost 126% as he moves from lowest to highest

religious engagement (from a probability of .35 to .79). An average woman with no

education increases her probability of strong support almost 32% as she moves from the

lowest to the highest religiosity (from a probability of .57 to .75).

The difference in predicted probabilities between men and women is largest for

individuals who report the lowest levels of religious engagement rather than the highest

levels. This may reflect the difficulty of measuring Muslim women's religiosity, which

is why Muslim women are most likely to fall into this category of lowest religiosity. For

example, holding education and other demographic traits at their mean levels, an

"average" Muslim woman who reports the lowest level of religiosity has a predicted

probability of strong support of 0.38, compared to 0.20 for a similarly situated "average

man," or a difference of .18. However, the absolute estimated difference between men

and women in their predicted probability of expressing strong support shrinks to .09 if

they both report average religious engagement, and to .05 if they report the highest

religious engagement.

Figures 7.1 and 7.2 graph the predicted probabilities of strong support and strong

opposition for men and women with average levels of all covariates, including education,

while allowing religiosity to increase from the lowest to the highest level. The impact of

religiosity on preferences is indeed more dramatic for men than women. As Figure 7.1

shows, men at the lowest level of religious engagement are substantially less likely than

women to strongly support the law, whereas men who are most engaged in religious

activities become more likely than women to report strong support. The difference

between men and women also shrinks at the highest levels of religiosity.

Figure 7.1 Impact of changing religious engagement on probability of strong support for an Islamic family law
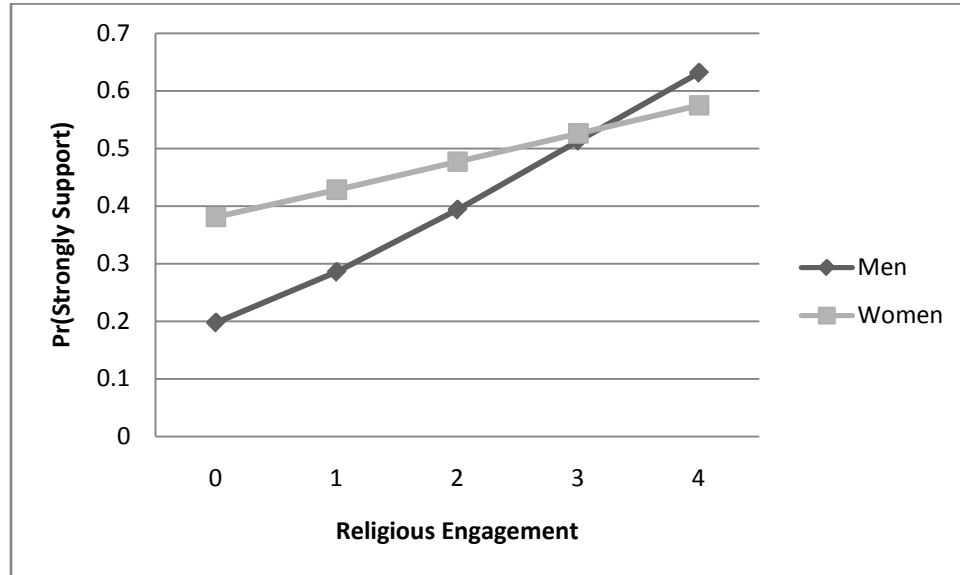
Similarly, Figure 7.2 shows that at the same low level of religiosity and mean education, men are much more likely to respond with strong opposition than women. Their probability of strong opposition, however, decreases substantially as they become more engaged in religious activities. At the highest level of religiosity women become more likely to report strong opposition, and the difference between men and women is substantially reduced.

Figure 7.2 Impact of changing religious engagement on probability of strong opposition to an Islamic family law
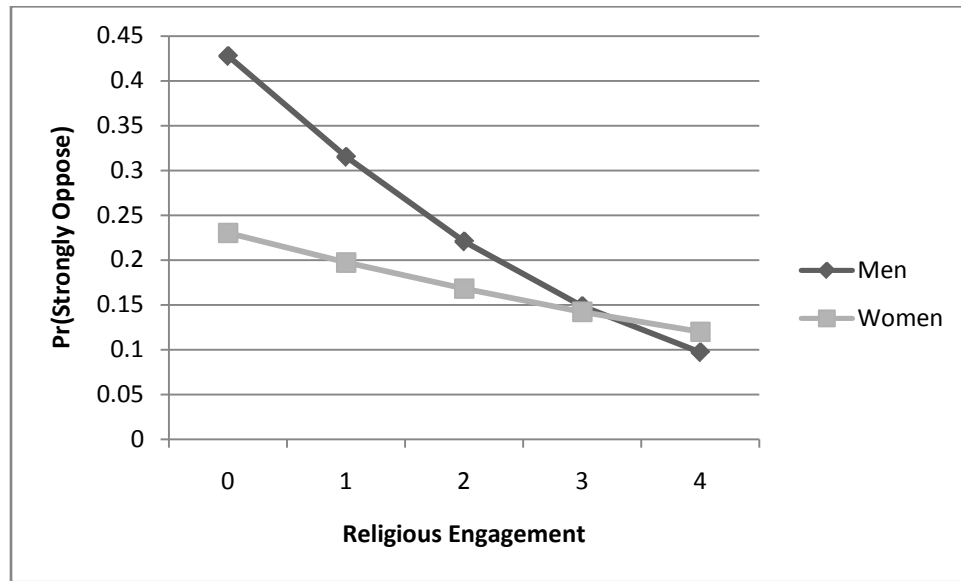
Table 7.4 shows the percentage change in the probability of strong support as religiosity increases for men and women across various education levels. For men and women at all levels of education, the magnitude of the impact of moving from lowest to highest religiosity is higher for men than women.

Table 7.4 Percentage change in predicted probabilities of strongly supporting an Islamic family law moving from lowest to highest religious engagement, across levels of education

	Percentage Increase in Probability of Strong Support
	Moving from Lowest to Highest Religious Engagement
No education	
Women	31.6%
Men	125.7%
Mean Education (Middle School)	
Women	52.6%
Men	173.9%
College Education	
Women	78.9%
Men	344.4%

Cells show the percentage change in the predicted probabilities of strongly supporting an Islamic family law for Muslim for men and women who move from lowest to highest religious engagement, across levels of education. This table uses the estimated coefficients for Muslims in the right hand column of Table 7.1 and holds all other variables at their means.

In addition, Table 7.3 showed that because religiosity and education push in opposite directions, individuals with low education and high religiosity have the highest probability of strong support; likewise, individuals with high education and low religiosity have the highest probability of strong opposition. However, how do individuals with high education and high religiosity respond? As Table 7.3 and 7.4 show, a college educated man with the lowest religious engagement has a probability of expressing strong support of .09 and a probability of expressing strong opposition of .66. His probability of strong support increases to .40 if he instead reports the highest religious engagement (an increase of 344%) and his probability of strong opposition decreases to .22 (a decrease of 67%). Having a college level education *and* high religious engagement still results in a substantially lower probability of expressing strong support (.40) than a man with high religiosity and no education—who has a probability of strong support of .79. However, it would appear that the impact of increasing religiosity is greater for individuals when their education levels strongly predict a response in the opposition direction. In other words, the impact of increasing religiosity on the probability of support is largest for the college educated, even if they are still less likely to say they support the law than those with lower levels of education.

Similarly, the magnitude of the impact of increasing levels of higher education appears largest for individuals whose religious engagement pushes them in the opposite direction than education. Table 7.5 shows the percentage change for men and women moving from no formal education to a college diploma, across the lowest, mean and highest levels of religious engagement. A woman with no education and the highest religiosity has a probability of strongly opposing the law of .06, which increases to .26 if

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she reports having a college education, or a percentage increase in the probability of strong opposition of 333%. This high education, high religiosity woman has a substantially lower probability of strong support than a high education, low religiosity woman (with a probability of strong opposition of .43), but education appears to have a larger impact on this high religiosity woman. The impact of education on the probability of strong opposition appears largest for individuals at the highest level of religiosity.

Table 7.5 Percentage change in predicted probabilities of strongly opposing an Islamic family law moving from lowest to highest education, across levels of religious engagement

	Percentage Increase in Probability of Strong Opposition
	Moving from no education to college diploma
Lowest religiosity	
Women	258.3%
Men	153.8%
Mean religiosity	
Women	277.8%
Men	250.0%
Highest religiosity	
Women	333.3%
Men	340.3%

Cells show the percentage change in the predicted probabilities of strongly opposing an Islamic family law for Muslim for men and women who move from lowest to highest education, across levels of religious engagement. This table uses the estimated coefficients for Muslims in the right hand column of Table 7.1 and holds all other variables at their means.

Education, religious engagement, and gender account for differences between citizens in their likelihood of supporting or opposing a state family law based on Shari'ah. However, media debates about family law reform framed the issue as a question of secularism and the secularism of the state. In the second half of this chapter, I ask if an individual's preference for or against the secularism of the state does indeed shape preferences for state laws based on Shari'ah, controlling for other covariates. Moreover, do other elements of the media discourse shape preferences, such as tolerance, legal uniformity versus pluralism, and attitudes toward women?

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Shari'ah as a Source of Law in a Secular State

At the bivariate level, citizens who support a secular state in Senegal appear more likely to oppose a personal status law for Muslims. Similarly, Chapter 6 showed that men and women themselves discuss their opposition to a state law that claims to conform to Shari'ah as a question of secularism. However, not mentioning secularism as a salient consideration does not indicate opposition to a secular state. Some individuals who want Shari'ah as a source of state law may oppose the secular state. However, other citizens may simply be unaware that the issue of family law was framed as a question of secularism, and thus the construct of secularism was not salient for them as they thought about and responded to the survey question.

In the remaining analysis, I evaluate three additional models. Table 7.6 shows the results of each of the multivariate ordered logit models. Model 1 reprints the model from Table 1 that estimates the impact of key demographic variables on intensity of support and opposition for Senegalese Muslims. Model 2 estimates the impact of support for a secular state on family law preferences in a multivariate setting. In Model 3, I evaluate if preferences for the principle of uniformity in laws and rights—which I argue was central to the secular interpretive package constructed in Senegalese media discourse in Chapter 4—also predicts family law preferences. Finally, Model 4 estimates the impact of citizens' views on other elements of the debate mentioned in media discourse—namely measures that capture citizens' views on equal political rights for non-Muslims in Islam, the legitimacy of democratic laws based on the will of the people, attitudes toward women in Islam, and tolerance—shape preferences for Shari'ah as a

source of state family law.[144]   In each of these models, I also include a variable measuring citizens' views on the level of corruption in society, particularly because so many citizens who supported Shari'ah in their narratives discussed the ills of society and viewed Shari'ah as a means to reduce these problems.[145]

Of particular note is that in each of the models in Table 7.6, the key demographic variables of interest remain significant—gender, religious engagement, and education— and work in the same direction. Model 2 shows that views on the secularism of the state do impact preferences for state family law based on Shari'ah. As Chapter 4 argued, family law reform was debated as a question of Senegalese secularism. Indeed, as citizens increase the intensity of their support for a secular state, they are more likely to strongly oppose a personal status law for Muslims.

Using the estimated coefficients in Model 2, a Muslim woman who has average levels of each variable in the model but who *strongly opposes* a secular state has a predicted probability of strongly supporting an Islamic family law of .66. A similar woman who *strongly supports* a secular state has a substantially lower probability of strongly supporting the law of .40, or a reduction of .26. A similar man who is "average" on all other variables reduces his probability of strong support by .25, moving from a probability of strong support of .59 to a probability of .34.

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[144]Measures are discussed in the Appendix.

[145]Respondents were asked: A lot of people also talk about corruption today in Senegal. When you think about society today compared to five years ago, do you think there is much more corruption today, a little more corruption, about the same amount of corruption, a little less corruption, or much less corruption? Note that in an additional analysis, I also included two measures of evaluations for the performance of religious and political leaders, as well as the performance of the President, given that his opposition was often cited in media reports. Evaluations of religious and political leaders are not significant in any analyses, but the direction of causation is not necessarily clear if they were significant. It is possible that individuals might disapprove more of the President upon hearing that he opposed this law, for example. I also include a measure of one's standard of living today versus five years ago, which was not a significant predictor of preferences for state family law.

Model 3 estimates the impact of citizen's orientations toward the secular state and adds an additional survey item measuring preferences for legal uniformity versus pluralism, which was discussed in Chapter 5. In media debates, the interpretive frame of the secularism connected secularism to the principle of one nation/one law. An Islamic personal status law would subject citizens to a "two-tiered" system of justice.[146] Model 2 shows that both variables are substantively strong predictors of preferences for family law. Supporting a secular state and one set of laws for all citizens pushes respondents to oppose a family law based on Shari'ah, while opposing a secular state and wanting different laws for citizens of different religions pushes toward support for an Islamic family law. An average woman who moves from the extreme "anti-secular" to the extreme "pro-secular" position on both variables increases her estimated probability of strongly opposing the law from .03 to .28, or an increase in .25. An average man increases his probability from .04 to .31, or .28. The substantive and statistical significance of both survey items suggests that these secular predispositions strongly shape preferences for family law, and that values of secularism and legal uniformity have strongly resonate with the general public. Men and women who prefer one set of laws and rights for citizens of all religions and support a secular state are significantly more likely to report strongly opposing a family law based on Shari'ah. Citizens who say they want different laws for citizens of different religions and oppose a secular state are significantly more likely to say they support a family law based on Shari'ah.

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[146] Views on the secularism of the state and legal uniformity have a bivariate correlation of .26.

Table 7.6 Popular support for and opposition to Islamic family law for Senegalese Muslims

Ordinal Logit Results 1=Strongly Support, 4=Strongly Oppose	Model 1, Demographics	Model 2, Secular State	Model 3, Secular State and Legal Uniformity	Model 4, Other Elements of the Debate
Age	.008	.007	.008	.008
	(.008)	(.009)	(.010)	(.010)
Household wealth	.037	.034	.012	.009
	(.038)	(.038)	(.039)	(.040)
Education	.155***	.145***	.134***	.123***
	(.029)	(.029)	(.030)	(.031)
Divorced	.438	.387	.516	.367
	(.371)	(.383)	(.395)	(.391)
Single	.266	.270	.348	.301
	(.232)	(.232)	(.249)	(.254)
Polygamous marriage	-.574*	-.553*	-.675*	-.692*
	(.267)	(.269)	(.271)	(.278)
Number of children	.035	.047	.041	.027
	(.053)	(.053)	(.057)	(.058)
Female (1=female)	-.916**	-.824**	-.668*	-.624*
	(.289)	(.287)	(.292)	(.294)
Female X Religious Engagement	.288*	.265*	.267*	.239
	(.1240	(.125)	(.130)	(.132)
Religious Engagement	-.485***	-.431***	-.375***	-.363***
	(.093)	(.094)	(.097)	(.096)
Tariqa Murid	.076	.110	.056	.079
	(.177)	(.177)	(.186)	(.191)
No Sufi tariqa	.159	.193	.273	.237
	(.274)	(.271)	(.273)	(.275)
Media exposure	.199*	.167	.158	.139
	.093	(.096)	(.095)	(.095)
Levels of Corruption		.078	.082	.067
		(.063)	(.067)	(.069)
Support for a secular state		.340***	.228*	.202*
		(.093)	(.096)	(.095)
Uniformity in laws and rights		—	.265***	.261***
			(.032)	(.033)
Democratic legitimacy of laws		—	—	.240***
				(.063)
Political tolerance		—	—	.072
				(.073)
Permissive interpretations toward women in Islam		—	—	.101
				(.076)
Inferior political rights for non-Muslims in Islam		—	—	.161*
				(.072)
	614	**614**	**614**	**614**

Robust standard errors in parentheses, * p<0.05; ** p<0.01; *** p<0.001. Note that these analyses only include Senegalese Muslims. The results of each model are nearly identical when Senegalese Christians are included, however.

The results of Model 4 add additional survey items tapping a broader range of themes mentioned in the family law debates—namely measures that capture citizens' views on equal political rights for non-Muslims in Islam, the legitimacy of democratic laws based on the will of the people, attitudes toward women in Islam, and tolerance. I add these items to evaluate the larger argument that ways elites discuss Shari'ah as a source of state law plays a role in shaping what citizens see as important to the debate. I have argued that the key frame was the secularism of the state and the related idea that secularism, ideally, promoted uniformity in the legal system and laws in order to guarantee equality for all citizens. However, I include these other variables to offer evidence that these are not the only variables that are important in this debate. Moreover, I attempt to show that we should not expect these items to be seen as part of a coherent whole by citizens, who may not see these preferences as related at all.

I argue that each of the additional variables in Model 4 taps into a separate issue and that there are theoretical and empirical reasons why these survey items are not tapping the same construct of secularism. For example, Models 3 and 4 estimate the impact of preferring legal uniformity versus pluralism on individuals' preferences for family law—a major element of the most recent media debates about family law in Senegal. However, Model 4 includes an additional item that asks respondents whether or not they agree with the interpretation that in Islam, non-Muslims in a Muslim country have inferior political rights to Muslims.[147] Media discourse did highlight equality in

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[147] This survey item comes from a series of religious interpretation questions that has been included in the World Values Surveys. Respondents were asked: Today as in the past, Muslim scholars and jurists sometimes disagree about the proper interpretation of Islam in response to present-day issues. For each of the statements listed below, would you please indicate whether you agree strongly, agree, are neutral, disagree, or disagree strongly with the interpretation of Islam that is presented? "Islam requires that in a Muslim country, the political rights of non-Muslims should be inferior to those of Muslims."

laws and rights, but there were no strong voices emphasizing that Muslims in Senegal should have inferior political rights. Likewise, preferring the principle of pluralism in laws and rights versus uniformity for all religions does not imply that one believes the rights of Muslims to be superior to those of Christians in a Muslim country. Indeed, by applying Shari'ah principles only to Muslims, CIRCOFS argued that it did not seek to impose Islamic principles on Christians. Legal scholars also debate the merits of legal pluralism versus uniformity as a means to protecting equal rights for all citizens (Jackson 2006; Rudolph and Rudolph 2001). Therefore, the principles of legal uniformity versus pluralism do not indicate views about the inferiority or superiority of Muslims and non-Muslims. I include this additional item to estimate if, for some citizens, holding this more conservative interpretation of Islam does lead them toward one side of the family law debate.

Women's rights did not play a major role in this most recent debate about family law, but historically elites have discussed family law in terms of the rights of women. The few citizens in Chapter 6 who did discuss family law in terms of women often mentioned issues of women's dress and morality. As a result, I include an index measuring preferences for more versus less permissive interpretations toward women in Islam.[148]

One frame that did play a larger role in the family law debate was democracy, though there was competition over its meaning. CIRCOFS argued that the current law violated the religious beliefs of the majority and relied on the idea of majority rule; they

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[148] These two survey items come from the same series about interpretations of Islam:
(1) "Islam requires that a women dress modestly, but does not require that she cover her head with a veil," and (2) "By requiring a man to treat all of his wives equally, the true intent of Islam is to discourage a man from taking more than one wife."

argued further that Muslims rejected the current law. Their argument rested, therefore, on both democratic and Islamic legitimacy. However, advocates for the current Family Code also argued that secularism was tied to Senegal's democratic gains, and furthermore, that the majority of the people rejected Islamic extremism. Others argued against the idea of the will of the majority by emphasizing the legal equality of all citizens, including minorities. I include a survey item asking citizens whether or not the only legitimate laws represent the will of the people and are enacted by elected representatives. [149]

Finally, as elites debated family law, the value of tolerance was often included as a reason to oppose the personal status law. Which side was more "tolerant," however, was also contested. Opponents of CIRCOFS often asserted that Senegal is a tolerant country. Some advocates of CIRCOFS argued that their opponents were "intolerant" secularists. As such, I evaluate if citizens score higher on measures of political tolerance are indeed more or less likely to support or oppose the proposed law. There is good reason to think that tolerance will not necessarily go hand-in-hand with supporting secularism. One might support a secular state and favor equality for all religious groups, yet grant very few rights to groups one dislikes, especially if these disliked groups are not mainstream religious groups. [150]

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[149] Now I would like to know your views about the legitimacy of laws. In your opinion, do you strongly agree, approve, disagree, or strongly disagree with the following three principles as a guide for making the legitimate laws of our country? Only laws that are written by representatives elected by the people, and that represent the will of the people, are legitimate and should be obeyed.

[150] This study measures tolerance using the Sullivan, Piereson and Marcus (1982, 23) "content-controlled" or "least-liked group" approach, because tolerance "implies a willingness to permit the expression of those ideas or interests that one opposes; it thus presumes opposition." First, I asked respondents to name the group that they liked the least out of a list of groups. Then, I asked a series of four of questions in which respondents could grant or deny civil liberties to members of their least-liked group. The questions measured whether the respondent would grant the right to be elected President of the Republic of Senegal, to teach in the public schools, to demonstrate in public, and to give a speech in the city. Using this

I argue that each of these survey items taps an important and unique construct and that we should not expect citizens view these items as interconnected. To support this empirically, as well, each of these items—support for a secular state, legal uniformity, inferiority of non-Muslim political rights in Islam, the democratic legitimacy of laws, permissive attitudes toward women in Islam, and tolerance have a low Cronbach's alpha score of .31.

As Table 7.6 shows, the estimated coefficients in Model 4 do not change the significant of either the importance of the secular state or of the principle of legal uniformity for all citizens. However, several additional variables also impact preferences for family law. Citizens who disagree with the statement that only laws that represent the will of the people are legitimate are more likely the support a law based on Shari'ah, and vice versa. Those who interpret Islam as granting non-Muslims inferior political rights are also more likely to support a law based on Shari'ah, and vice versa. Interpretations toward women in Islam and political tolerance are not significant predictors of preferences for family law.[151] These results offer additional evidence that both items tapping the major frame in the debate—secularism and the principle of uniformity in laws and rights—do help to explain family law preferences. Moreover, views about the will of the people as the only legitimate source of laws appears important as well. The effect of this variable works in the opposite direction of the CIRCOFS frame, however. Citizens who agree that *only* laws from the people are legitimate are more likely to oppose a

measure, levels of intolerance are high, as they are in other countries, despite the discourse on tolerance: about 54% of respondents grant no rights to their least-liked group.

[151] Of particular interest is that political tolerance is not significantly related to preferences for family law. The measure of tolerance used in this study requires individuals to grant rights to groups they dislike. Thus, while there is a strong discourse of religious toleration in Senegal, this discourse tends to focus on the rights of all religions to coexist and practice their religion freely. This discourse does not necessarily translate into tolerating disliked groups such as atheists and those who support abortion rights, the two most disliked groups in the sample.

family law based on Shari'ah. This suggests that though CIRCOFS attempted to frame

their demands in terms of democratic and religious authority, the primary justification of

the CIRCOFS proposal was that Shari'ah had religious authority as divine law.

Even after taking these other views into account, views toward the secular state

are significantly associated with preferences for family law.   Table 7.7 shows the

predicted probabilities for Senegalese Muslims who have average values on all variables

in Model 4, but who vary in education, religious engagement, and orientations toward the

secular state. In Table 7.7.A, education and religiosity work in the same direction, but

orientations toward the secular state also matter. For example, men and women who

report the lowest levels of education and religious engagement *and* who strongly oppose

a secular state are predicted to strongly support an Islamic family law with a probability

of .65. This is substantially higher than those who prefer a secular state, who are

predicted to strongly support such a law with a probability of .50 (a difference of .15).

Table 7.7.B shows predicted probabilities for individuals who report the highest

level of religiosity. For high religious engagement men and women with average levels

on all other variables, and across each level of education, moving from an anti- to a pro-

secular state orientation substantially reduces one's predicted probability of strongly

supporting a state family law based on Shari'ah.

Table 7.7 Predicted probabilities of strong support and strong opposition for individuals who oppose and who support a secular state, across education and religious engagement

A. Lowest religious engagement

	Probability of Strongly Supporting an Islamic family law			Probability of Strongly Opposing an Islamic family law		
	Oppose Secular State	Support Secular State	Difference	Oppose Secular State	Support Secular State	Difference
No education						
Women	.65	.50	-.15	.07	.12	.05
Men	.50	.35	-.15	.13	.21	.08
Mean Education						
Women	.51	.35	-.15	.13	.21	.08
Men	.35	.23	-.12	.21	.33	.12
College Education						
Women	.32	.21	-.12	.23	.36	.13
Men	.20	.12	-.08	.36	.51	.15

B. Highest religious engagement

	Oppose Secular State	Support Secular State	Difference	Oppose Secular State	Support Secular State	Difference
No education						
Women	.75	.62	-.13	.05	.08	.04
Men	.81	.70	-.11	.03	.06	.03
Mean Education						
Women	.62	.47	-.15	.08	.14	.06
Men	.70	.56	-.14	.06	.10	.04
College Education						
Women	.44	.30	-.14	.16	.25	.09
Men	.52	.37	-.15	.12	.19	.08

Cells show the predicted probabilities of strongly supporting and strongly opposing the law for Muslim men and women, using the estimated coefficients for Muslims in Model 4, while varying levels of religious engagement and education. All other variables are held at their means.

The second half of this chapter finds strong evidence that views on the secularism of the state do shape preferences for family law in the ways suggested by elites who opposed CIRCOFS' proposal. In particular, individuals who support the secular state are more likely to oppose a family law based on Shari'ah. Also among citizens' primary concerns is that Senegalese law is applied equally and uniformly to all citizens regardless of religious affiliation. Views on the democratic legitimacy of laws are also important.

Citizens who agree that *only* such laws are legitimate are more likely to oppose a law based on Shari'ah, despite the fact that CIRCOFS argued that their proposal had popular legitimacy. Of note, political tolerance and permissive interpretations of Islam regarding women do not seem to be related to family law preferences. Furthermore, tolerance may not be important because the stricter measure of tolerance requires citizens to grant rights not just to other religious individuals that they respect, but to groups they dislike.

In short, my findings in Chapter 6 and 7 suggest that when measured by citizens' own coded narratives, or through closed-ended survey questions, measures of religious and secular predispositions do shape family law preferences when controlling for other variables. The secular interpretive package offered by opinion leaders in the media does shape men's and women's family law preferences.

Conclusion

In this chapter, I find evidence that education increases the likelihood that men and women will oppose a family law based on Shari'ah. Women are also more likely to say they support a family law based on Shari'ah, and education partially mediates the impact of gender. In general, men and women who are most religiosity engaged are also most likely to support a family law based on Shari'ah. However, the magnitude of religiosity is larger for men than women, in part because norms of religious practice differ for Muslim men and women. Gender may not play a significant role on its own were measures of religious engagement better able to capture Muslim women's religious participation. New scholarship on religion and gender has focused on women's religious participation in other important, but less measurable, ways.

These ordered logit results provide strong evidence that closed-ended survey items measuring religious engagement, support for a secular state, and support for the principle of uniformity in laws versus pluralism, each plays a strong role in shaping preferences for and against a family law that claims to conform to Shari'ah. Many citizens do view support for laws based on Shari'ah as a question of religious belief and commitment. Moreover, valuing secularism and legal uniformity does push citizens to take sides on the issue of Shari'ah as a source of family law and predicts opposition to such a law. The direction of these results supports the dominant framing of the secular interpretive package offered by opinion leaders throughout media discourse. Chapter 6, however, suggested that a substantial number of citizens do not view secularism and Shari'ah as incompatible preferences. While secular predispositions are substantively and significantly important predictors of family law preferences, I set the stage for my analysis in Chapter 8, in which I argue that support for secularism and for Shari'ah as state law are not mutually exclusive for many citizens. Ordinary men and women hold divergent views about whether Islamic law should be a source of law in a secular state, and these views can be explained in part by differences in education and religious engagement.

Chapter 8

Belief Systems about Religion and State

"The impact of people's value predispositions always depends on whether citizens possess the contextual information needed to translate their values into support for particular policies....and the possession of such information can...never be taken for granted"

(Zaller 1992, 25)

As we saw in Chapter Four, activists on both sides of the family law debate used emphatic language and often spoke in absolutes in order to convey the urgency of the debate and the potentially dire consequences for families and the country depending on the direction family law reform might take. While media discourse represented both sides, the state's current Family Code and its defenders clearly represent the dominant elite consensus surrounding the issue of family law.[152] The current Family Code and uniform system of justice, if flawed, is a critical pillar of the secularism of the state that attempts to respect individual rights and treat all citizens equally under the law. As such, some defenders of the current law labeled opponents of an Islamic family law as "Islamists" who opposed to the secular state and who sought a greater Islamization of the country through a broader application of Shari'ah (Djouf 2003; Bop 2003). Others saw this as a project of "extremists" (Ndiaye 2003). Advocates for a personal status law that

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[152] For example, some critique the law and acknowledge that it may not reflect the values of the people or critique its privileging of patriarchy in the family (Camara 2007b), but most defend it as a critical, if flawed, balance between "modern" law and certain elements of Islamic law, which serves to "preserve the unity of the family and respect the social diversity" in the nation (Mbaye 2007, 195).

would apply Shari'ah to Muslims and that would reinstate Muslim tribunals attempted to contest this dominant interpretive package that linked the secularism of the state and legal equality to the family code—this was, instead, an intolerant secularism (Kébé 2003).[153]

Similarly, broader scholarship and punditry about politics in the Muslim world tends to describe competition between secular and Islamic political ideologies—between secularists and Islamists. In the course of such heated public debates, individual Muslims are often labeled as "secular" or "Islamist," or as "moderate," "extremist," or even "liberal" in their interpretations of Islam. Labeling someone a "secularist" implies that they hold a broader set of consistently secular preferences; an "Islamist" or even an "extremist" that they have a consistent set of interpretations of Islam, politics, and in many cases, that they want Shari'ah as state law. Labeling Muslims in ideological terms—as a moderate, conservative, extremist, or liberal—for example, also implies that individuals who are moderate on one interpretation of Islam will be moderate across a broader range of interpretations.

So far in this dissertation, I have shown that religious interpretations and engagement do appear to explain why some Muslims favor Shari'ah as a source of state law. Many citizens also seem to view family law according to the dominant elite consensus found throughout print media discourse—that family law raises questions about the secularism of the state as well as the legal equality of all citizens. However, only some citizens seem to view preferences for Shari'ah as a source of state law and for the secular state as mutually exclusive preferences. As Table 8.1 shows, of those who oppose the secular state, almost 77% support an Islamic family law. However, citizens

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[153] " …On prétend que ces statuts varies ne militant pas en faveur de l'unité nationale, n'assure pas l'égalité juridique des citoyens, constitue une entrave à l'intégration dans la modernité et une menace à la laïcité de la constitution et de l'état "

who support a secular state are almost equally divided on the question of Islamic family law. There is broad support for the principle of secularism in Senegal *and* there is broad support for the principle of uniform laws and rights for all citizens. Why do some citizens connect their views about secularism and legal uniformity to their views on family law and others do not? Why do some citizens view a state family law based on Shari'ah as a threat to the secularism and legal equality, while others do not?

Table 8.1 Support and opposition to an Islamic family law, by preferences for a secular state

	Support Islamic family law	Oppose Islamic family law	
Oppose Secular State	76.6%	23.5%	145
Support Secular State	51.5%	48.5%	610

N=755. The results are similar when excluding Christians from the sample. Of those who oppose a secular state, 22.1% oppose an Islamic family law and 77.9% support it. Of those who support the secular state, 58.3% support an Islamic family law and 41.7% oppose it. This relationship is significant at the p<.001 level.

This chapter addresses this final question and analyzes the existence and structure of ordinary Muslims' belief systems about religion, law, and state. By addressing these questions, I also ask whether it makes sense to label citizens themselves as "secular" or "Islamist" based on their support for a state family law based on Shari'ah. Finally, in a related analysis, I take up the question of the existence and measurement of broader liberal or conservative Islamic belief system. More specifically, to what extent we can identify individuals who hold consistently liberal versus conservative interpretations of Islam? My analysis adds to large body of research on belief systems and opinion consistency in public opinion, which Converse (1964) described as attitude constraint. By investigating rather than assuming the extent to which individuals make connections between their attitudes concerning secularism and Shari'ah, I argue that we cannot

assume that the majority of ordinary Muslims view support for a secular state and for Shari'ah as state law as necessarily mutually exclusive. Many citizens' views are likely to be malleable and will depend on how each issue—secularism and Shari'ah—is framed through popular and elite discourse.

Consistency and Belief Systems

As noted in Chapter 3, contemporary models of public opinion posit that individuals highlight the important role of predispositions *and* information as citizens form preferences and respond to public opinion surveys (Zaller 1992; Zaller and Feldman 1992; Alvarez and Brehm 2002; Tourangeau et al. 2000). Zaller and Feldman (1992) show that individuals who are more informed about politics tend to have more information at their disposal as they form opinions. They are also better able to resist new information that conflicts with their predispositions. In contrast, less informed individuals internalize more contradictory considerations because they may not recognize contradictions between new information and other values and preferences that they may hold. Therefore, more informed citizens tend to respond to survey items in ways that mirror the packages of preferences that are said to "go together" in elite discourse; their responses appear more consistent.

Research on opinion consistency has uncovered an important relationship between increasing information, or political awareness, and increasing attitude consistency. Using Converse's (1964) terminology, more informed men and women should hold more "constrained" attitudes compared to the less informed. Converse (1964, 229) hypothesized that constraint was a general construct that should structure any

belief system: "A set of questions on matters of religious controversy should show the same pattern between an elite population like the clergy and the church members who form their mass 'public.'" However, Zaller (1992, 68) argued that less aware citizens respond to surveys in seemingly inconsistent ways because most political issues are removed from their daily lives and experiences. Information is thought to play an especially large role in structuring opinions and belief systems when the issues are not "close to home" Similarly, Sniderman and Theriault (2004) write: "The world of public affairs is…remote, complex, recondite, and of secondary interest compared to the real and pressing concerns of family, work, and religion." We might expect, therefore, that questions about Shari'ah as a source of state law are more relevant to citizens' everyday lives compared to other abstract questions about state policy. As a result, information may not play such a large role in connecting values and preferences on issues that entail religious predispositions or that are extremely important to men and women.

As the intensity of responses from this sample shows—as well as the overwhelming number of supporters who report feeling "pride" or "hopeful" when they think about Senegal enacting a state law based on Shari'ah—most Senegalese citizens care deeply about the role of Shari'ah as a source of law. Because so many ordinary men and women offered detailed religious arguments explaining why they wanted a law based on Shari'ah, and because many interpreted this question as a matter of religious identity and obligation as much as a question of state policy, we might expect individuals with higher levels of religiosity to draw stronger connections between survey items that are related to the issue of family law. A highly religious engaged individual might feel strongly that Shari'ah should be a source of state law and might strongly oppose a secular

state, believing this to be contrary to his or her beliefs. In this sense, religiosity could structure such attitudes in a similar way to information or awareness.

Others have suggested a similar expectation. An-Na'im (2002, xi), for example, posits that most Muslims view family law as akin to religious identity.

> Islamic family law has become for most Muslims the symbol of their Islamic identity, the hard irreducible core of what it means to be a Muslim today. This is precisely because [it] is the main aspect of Shari'ah that is believed to have successfully resisted displacement by European codes during the colonial period, and survived various degrees or forms of secularization of the state and its institutions in many Islamic countries.

My analysis has also reinforced the empirical reality that Senegalese Muslims do not speak with one voice, however. I find substantial evidence that many ordinary citizens also view family law as inherently political. For these citizens, an Islamic family law violates the secularism of the Senegalese state, and family law is the first space where equal citizenship rights are enforced in society. Some critique the content of Shari'ah as too difficult to enforce or too harsh, while others are not opposed to the Shari'ah per se, but simply believe that the state should not enforce it. Either way, the issue of family law and Shari'ah as a source of law appears to be extremely relevant and "close to home" for most citizens.

In this chapter, I undertake an empirical investigation of the interconnectedness of opinions about the family law debate—namely, support for Islamic family law, support for a secular state, and support for the principle of uniformity in law for citizens of all religions. I evaluate if individuals with higher levels of information appear to make stronger connections between these preferences. I also evaluate if individuals with higher levels of religious engagement are as likely, if not more likely, to do so than individuals

which higher levels of information. In so doing, I discuss the plausibility that citizens

hold broad secular and Islamic belief systems. I also address the question of who it is

that responds in a consistently pro- versus anti-secular direction.

Recent studies of opinion consistently continue to measure inter-item correlations

to evaluate if individuals who are more politically aware hold more consistent sets of

foreign policy preferences (Sinnott 2000), political ideology (Bartle 2000), and

preferences for economic policy, immigration, and crime (Sturgis et al. 2005). According

to Converse (2000), item inter-correlations indicate "how tightly structured or

'constrained'" a set of potentially related items are. Individuals who exhibit higher inter-

item correlations between items that are thought to "go together" have more constrained

opinions or belief systems.

I continue this tradition of comparing reliability coefficients across

subpopulations using my cross-sectional data in order to evaluate if Senegalese men and

women hold interconnected attitudes about the family law debate. I also evaluate if

constraint varies in predictable ways as either education or religious engagement

increases. I am primarily interested in the relationship between education—as my main

measure of information and awareness of elite discourse—and citizens' preferences for

family law. However, I compare education to other measures of media exposure and

political knowledge because they are available for use.[154] Following Sturgis et al.

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[154] I have suggested that education is the best measure of overall information and exposure to public discourse and is best able to capture gradients in constraint as information increases. Education has the most variation compared to my measures of media exposure and political knowledge. Many studies that prefer political knowledge as a measure have taken place in the US, where there are fewer differences between most citizens in levels of education, and where education levels are skewed toward the upper levels (Zaller 1992, 1990). As discussed in Chapter 5, education has a very high correlation with political knowledge (r=.59) and a moderately high correlation with media exposure (r=.46). Media exposure and political knowledge are also correlated (.50). My measure of political knowledge is skewed toward higher levels of knowledge (the mean is 3.6 out of a total of 6), suggesting that these questions may have lacked

(2005), I use standardized Cronbach's alpha as my measure of reliably/constraint across these items.

Because many debates about the application of Islamic law often center on "correct" or authoritative interpretations using complicated legal methodologies, it would in theory be useful to compare constraint across general measures of education and information and across measures of religious education and information. However, given the vast variations in the norms and content of religious beliefs and practices between individuals within religious traditions, across countries, and as others have noted, within and between the different Sufi orders in Senegal, it seems particularly implausible to create measures of religious knowledge or awareness.[155] Furthermore, Senegal has historically placed great value on respecting religious difference in its public discourse, so measuring religious knowledge is problematic for insisting that some knowledge is may be more valid. Therefore, I continue to use my measure of religious engagement, which I use interchangeably with religiosity, to differentiate between individuals who connect their preferences for Shari'ah as state family law and for the secular state.

Religion, Law and State

The dominant interpretive package in Senegal's family law debate discussed preferences for a state family law based on Shari'ah as a question of support for the secular state, as well for the principle of uniformity in laws and rights versus pluralism. To what extent do men and women themselves see these attitudes as part of an

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sufficient difficulty in order to distinguish between individuals at moderate and high levels of information. Others have speculated that media exposure may overstate an individual's true level of exposure. Nevertheless, I compare all measures simply because they are available.

[155] Even within Islamic jurisprudence, different schools offer diverse but equally authoritative interpretations, and schools differ in the extent to which they take local customs into account.

interconnected package of attitudes and respond in direction of the dominant discourse?

Moreover, are citizens as likely to make these connections across different levels of

education, religiosity, media consumption, and political information? Table 8.2 shows

standardized Cronbach's alpha scores for this package of preferences.

Table 8.2 Consistency toward Islamic family law, a secular state, and legal uniformity for all citizens

I. Education		II. Media Exposure		III. Political Knowledge		III. Religiosity	
None	.421	**Low**	.505	**Low**	.552	**Low**	.560
Primary	.481	**2**	.513	**Medium-Low**	.453	**2**	.613
Complete Middle	.533	**3**	.573	**Medium-High**	.607	**3**	.527
High School Diploma	.564	**4**	.566	**High**	.504	**4**	.571
College Diploma +	.764	**High**	.653			**High**	.563

N=751, Cells show standardized Cronbach's alpha scores across preferences for Islamic family law, a secular state, and uniformity in laws and rights for citizens or all religion versus different laws and rights, across various levels of education, political knowledge, media exposure, and religious engagement.[156]

The results in Table 8.2 suggest that individuals do vary in the extent to which they view

connections between an Islamic family law, a secular state, and the principle of

uniformity and equality in law. For those with no formal education, alpha scores are a

low .421. However, men and women with the highest levels of education respond more

consistently across these items and have an alpha score of .764. Constraint increases

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[156] All measures are discussed in the Appendix and in Chapter 5. Each variable has been recoded here for presentation purposes. Education is recoded from its original 13 category variable into this 5 category measure. The sample size for education categories is as follows: None (146), Primary (254), Middle (155), High School (124), College (72). Media exposure has been recoded into 5 quintiles. The Sample size is as follows: Lowest (163), 2 (156), 3 (126), 4 (164), Highest (141). Political knowledge has been recoded from 7 categories into four categories. The sample size is as follows: Low (112), Low-Medium (207), Medium-High (270), High (162). Religious Engagement is the same quintile variable discussed earlier. The sample size is as follows: Lowest (148), 2 (147), Average—3 (148), 4 (155), Highest 153).

linearly as individuals have increasingly higher levels of formal education; specifically, alpha increases almost 82% moving from no formal education and to those with a college degree or higher. A similar pattern emerges when we compare constraint across media exposure, but the percentage increase from the lowest to the highest level is a more moderate 29%, still a substantial increase. This measure of political knowledge, on the other hand, does not show a linearly increasing relationship. However, other studies suggest that we should not always expect constraint to increase linearly across all information groups over all issue groupings (Sturgis et al. 2005).[157] In short, individuals who respond in the same direction and make the strongest connection between these issues seem to have the highest levels of information, measured most precisely by education, followed by media exposure.

An equally important finding is that there is no relationship between increasing levels of religiosity and consistency. Constraint remains nearly constant as we move from lowest to highest religiosity. This lack of relationship suggests that information, and not religiosity, differentiates between individuals who make broader consistent connections between items tapping the relationship between religion, law, and state. Individuals who believe that the issue of a state family law based on Shari'ah, a secular state, and having one set of laws for citizens of all religions are part of an interrelated package tend have the highest levels of formal education and exposure to the media.

Table 8.3 repeats this analysis but focuses exclusively on Senegalese Muslims in the event that these trends in constraint are driven in part by the strength of the Christian

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[157] As noted, I suspect that this measure of political knowledge may not adequately capture variations between citizens in terms of broad knowledge and awareness, especially between moderate and high levels of information. The mean number of correct responses is relatively high (3.6 out of 6). Citizens seem to vary more by education, as I have argued, which may result in a more precise measurement of differences in information and awareness.

population's opposition to a personal status law for Muslims. The trend of increasing

alpha scores as education increases is even more dramatic when we look only at Muslim

citizens. In fact, alpha increases 107% when moving from the lowest to the highest

education group. Constraint also increases 49% moving from low to high media

exposure, as compared to almost no change moving from low to high political

knowledge.

Table 8.3 Consistency toward Islamic family law, a secular state, and legal uniformity for all citizens

I. Education		II. Media Exposure		III. Political Knowledge		III. Religiosity	
None	.364	Low	.465	Low	.493	Low	.556
Primary	.420	2	.466	Medium-Low	.329	2	.588
Complete Middle	.558	3	.526	Medium-High	.599	3	.535
High School Diploma	.540	4	.524	High	.507	4	.485
College Diploma +	.753	High	.678			High	.531

N=657, Cells show standardized Cronbach's alpha for Senegalese Muslims across preferences for Islamic family law, a secular state, and uniformity in laws and rights for citizens or all religion versus different laws and rights, across various levels of education, political knowledge, media exposure, and religious engagement. [158]

The survey question measuring citizen support for and opposition to reforming

the current Family Code and instead enacting an Islamic family law did not mention

anything about secularism or the secular state, but did mention that the law would apply

only to Muslims and would be based on Shari'ah. As mentioned, the survey question

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[158] The sample size for education categories is as follows: None (138), Primary (222), Middle (129), High School (109), College (59). The sample size for media exposure is as follows: Lowest (146), 2 (139), 3 (108), 4 (140), Highest (123). The sample size for political knowledge is: Low (98), Low-Medium (179), Medium-High (237), High (143). Religious Engagement is the same quintile variable discussed earlier. The sample size is as follows: Lowest (144), 2 (129), Average—3 (118), 4 (130), Highest 136).

intended to provide enough detail to respondents to ground the debate in context, but

avoided a specific question framing so that we could gather the range of considerations

that were most salient to respondents as they thought about the principle of a state law

that conformed to Shari'ah. As a result, citizens who connected the issue of Shari'ah and

family law to the issue of secularism had to make this connection on their own and had to

know something about the elite debate surrounding the issue. Moreover, citizens who

were aware of and made connections between the issues of family law reform, one's

support for the secular state, and the issue of legal equality of citizens and the principle of

one law for all citizens appear more likely to be educated/informed, rather than

necessarily more or less religiously engaged than those who did not make these

connections. To illustrate this point, Table 8.4 shows the results of coded narrative

responses for men and women who actually mentioned "secularism" or a "secular state"

as they discussed their reasons for opposing a personal status law that would conform to

Shari'ah. Citizens who opposed the law already have a higher mean level of formal

education compared to those who supported the law.[159] Moreover, looking *within* this

group of more educated citizens who opposed the law, citizens' own narratives show that

those for whom secularism is a salient consideration are disproportionately from the

highest education levels. No individuals without formal schooling mentioned the

concept, while about 22% of individuals who only had a primary school education

spontaneously thought of secularism or the secular state when they were asked to think

about Shari'ah. At the other extreme, 51% of those with a college education mentioned

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[159] Citizens who opposed an Islamic family law have a mean education level of 3.1—or completed middle school—on this recoded scale of education from 1 (no formal education) to 5 (college and above). This compares to a mean education of 2.3, or complete primary school, on this recoded scale. This mean difference is significant (p=.000).

secularism when explaining why they opposed a state family law based on Shari'ah. This clear linear relationship offers additional evidence that more educated individuals were simply more aware that the issue of family law reform was framed as a question of secularism. These more educated individuals also show higher constraint across the three attitude items in Tables 8.2 and 8.3.

Table 8.4 Education levels for respondents who mention secularism

	No formal education	Primary School	Complete Middle School	High School diploma	College diploma and up
Does not mention secularism	100%	78%	73%	58%	49%
Mentions secularism	0%	22%	27%	42%	51%

N=332, Cells show the percentage of men and women within each education category who mention *laïcité* or *état laïc* in their open-ended narratives as among the reasons they oppose a personal status law based on Shari'ah. The relationship is significant at the p<.001 level. When excluding Christians in the sample, which results in a sample size of 250, the results are roughly similar: No respondents mention secularism who have no formal education, 21% mention secularism with a primary school education, 29% with middle school level, 47% with a high school diploma, and 53% of those with at least a college degree.

Over 20% of those with a primary school education mentioned secularism, which does show that one does not need to be highly educated to be aware of and deeply attached to the concept, or even to connect the issue of family law reform and the secular state. This suggests that secularism is a broadly diffused cultural concept that is not exclusively the product of socialization through university or high school education. However, the disproportionately high numbers of more educated individuals who do mention this principle in an open-ended response supports the argument that these individuals may simply be more aware of elite discourse on the issue. As such, they are better able to connect their preference for a secular state with their views on family law reform.

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Drawing connections between secularism and Islamic family law seems more likely when individuals are aware that these issues have been packaged together as part of a larger whole—either through media or education or both. The results in Table 8.5 show the percentage of individuals in each level of media exposure who mention secularism as a reason to oppose the law. Eleven percent of respondents with the lowest level of media exposure do not do so, while 40% of those with the highest levels of exposure do mention the concept.

Table 8.5 Average media exposure for respondents who mention secularism

	Lowest Media Exposure	2	3	4	Highest Media Exposure
Does not mention secularism	89%	73%	72%	62%	60%
Mentions secularism	11%	27%	28%	38%	40%

N=331, Cells show the percentage of men and women for each quintile of media exposure who mention *laïcité* or *état laic* in their open-ended narratives as among the reasons they oppose a personal status law based on Shari'ah. The relationship is significant at the p<.01 level. When excluding Christians in the sample, which results in a sample size of 249, the results are roughly similar: Of those with the least media exposure, 13% mention secularism, followed by increasing percentages for each category of higher media exposure: 26%, 29%, 41% and 41%.

Importantly, within this group of individuals who oppose the law, there is no clear relationship between religiosity and mentioning the construct of secularism. Thirty two percent of those oppose the law *and* have the highest level of religiosity mention secularism as a reason to oppose the law.   This is slightly higher than the 26% who fall in the lowest category of religiosity and oppose an Islamic family law because of their attachments to secularism. There is also no significant mean difference in religiosity for individuals who do and do not mention secularism as a salient consideration.

While the issue of family law and Shari'ah may be issues that are "close to home" for most people, an attachment to secularism and the secular state seems relatively

abstract and seems to require a level of contextual knowledge and awareness of elite discourse that framed family law as an issue of secularism. This does not mean that those who do not mention secularism therefore oppose it; rather, it means that they may not be aware that the issue of the secularism of the state is even at issue regarding family law. For example, Table 8.6 shows education levels by a binary variable of support and opposition to a minimally defined secular state for the entire sample population. There is a strong relationship between supporting the secular state and being highly educated— 90% of college educated individuals say they support a secular state compared to 67% of those with no education at all. However, what is also clear is that when directly asked about a secular state, support is widespread across each level of education.

Table 8.6 Education for Muslims, by opposition to and support for a secular state

	No Formal Education	Primary School	Complete Middle	Complete High School	University Diploma and above
Oppose Secular State	32.4%	24.6%	14.9%	12.4%	9.7%
Support Secular State	67.6%	75.4%	85.1%	87.6%	90.3%

N=682. Cells show the percentage of individuals within each category of education who express support and opposition to a secular state. The bivariate relationship is significant at the $p<0.001$ level (p=.000).

However, when asked directly about family law and Shari'ah, fewer citizens connect their professed support for the idea of secular state to the issue of family law. I suggest here that information and awareness of elite discourse is the key reason why many individuals view secularism and state laws based on Shari'ah as mutually exclusive preferences and others do not. Those who support both may simply lack the contextual information to connect these issues; they are also less likely to be exposed to the media debate that framed the issues as in conflict.

There is also, I argue, a strong relationship between awareness of elite discourse and connecting the key issue of legal equality and support for the principle of one nation/one law to one's views on family law. Table 8.7 also shows that among individuals who oppose the law, men and women who mention Senegal's legal system and are concerned about having one law for all citizens are also more likely to be from among the highest educated citizens. Support for the broad principle of having one set of laws for all citizens is widespread in the population. However, individuals who recall their commitment to this principle as they discuss their opposition to family law tend to have more education. This suggests, again, that individuals who connect their commitment to the principle of legal equality to their preferences for family law have broader contextual knowledge about the issues at stake in elite discourse about family law.

Table 8.7 Education levels for respondents who mention legal uniformity

	No formal education	Primary School	Complete Middle School	High School diploma	College diploma and up
Does not mention legal uniformity	88%	85%	81%	77%	58%
Mentions legal uniformity	12%	16%	19%	23%	42%

N=250, Cells show the percentage of Muslim men and women within each education category who mention concerns about legal uniformity for all citizens in their open-ended narratives as among the reasons they oppose a personal status law based on Shari'ah. The results are nearly identical when Christians are included. The relationship is significant at the p<.05 level.

I have shown evidence that education and awareness of dominant elite discourse plays a key role in how individuals structure their beliefs and form connections between their beliefs and the major issues in the family law debate. The increasing alpha scores across these three items showed that individuals with higher levels of education respond

in a more consistent direction—either for or against. There is no clear trend toward

responding in one consistent direction for individuals with higher levels of religiosity.

Education, then, rather than religiosity, seems to shape the connections individuals form

between their attitudes and preferences about Shari'ah, family law, secularism, and legal

equality.

Showing that education plays a key role in shaping beliefs does not tell us *which*

direction citizens tend to respond if they respond in consistently one direction. Finally, I

address the key question of who views a state family law that conforms to Shari'ah and a

secular state as mutually exclusive preferences. Who responds in a consistently "secular"

direction versus a consistently "anti-secular" direction, and who responds in a mixed

way? Citizens who respond in a mixed direction may not view these issues as in conflict

at all, but as I have argued, it is more likely that they support each issue separately but are

unaware that elite discourse has framed them as intersecting and competing issues. Table

8.8 and 8.9 shows the results of two multinomial logit models that categorizes citizens

based on their responses. In Table 8.8, I evaluate how citizens who are "secular"—

meaning they oppose an Islamic family law and support a secular state—differ from

citizens who are "mixed"—meaning they support an Islamic family law *and* support a

secular state. I also evaluate how citizens who are "anti-secular"—meaning they support

an Islamic family law and oppose a secular state—differ from "mixed" citizens who

support both. Finally, I compare citizens who "oppose both"—meaning they oppose an

Islamic family law and oppose the secular state to those who are "mixed" or support both.

The base category, then, are "mixed" responses who favor both.

Table 8.8 Multinomial logit results predicting who views Islamic family law and a secular state as mutually exclusive preferences

	Multinomial Logit Results: Views on Shari'ah and Secular State			
Response Categories:	Pro-Secular: Oppose Shari'ah, Support Secular State	Anti-Secular: Support Shari'ah, Oppose Secular State	Oppose both: Oppose Shari'ah, Oppose Secular State	Base Category: Mixed Support Shari'ah, Support Secular
Age	.000	-.006	.018	-
	(.010)	(.011)	(.020)	
Household wealth	-.007	.025	.052	-
	(.046)	(.049)	(.086)	
Education	.210***	-.021	-.012	-
	(.033)	(.050)	(.073)	
Polygamous marriage	-.746*	-.295	-.444	-
	(.339)	(.351)	(.628)	
Number of children	.069	.088	.005	-
	(.065)	(.064)	(.111)	
Female (1=female)	-.907*	.795	.522	-
	(.354)	(.577)	(1.068)	
Female X Religious Engagement	.109	-.347	-.118	-
	(.160)	(.192)	(.367)	
Religious Engagement	-.381***	.489**	.271	-
	(.109)	(.157)	(.324)	
Media exposure	.231*	-.266	-.600*	-
	(.111)	(.138)	(.247)	
Christian	2.781***	-1.002	1.241	-
	(.431)	(1.105)	(.731)	
Constant	-1.235	-1.395	-2.196	-
	(.537)	(.803)	(1.142)	
N=691	**N=273**	**N=105**	**N=29**	**N=284**

Robust standard errors in parentheses, * $p<0.05$; ** $p<0.01$; *** $p<0.001$.

The two columns on the left show estimated coefficients for the consistently pro- versus anti-secular respondents compared to those who offered mixed responses of support for both the secular state and an Islamic family law. Respondents who viewed these issues as mutually exclusive preferences and responded in terms of dominant elite discourse are significantly more likely to have higher levels of education and media exposure compared to those who supported the secular state but also supported an Islamic family law. Christians are also substantially more likely to view these as opposing preferences. Holding other factors constant, individuals who view these preferences as inconsistent

differ in their level of religious engagement as well. Women are also less likely to respond in a consistently secular direction.

Religious engagement is the only variable that differentiates individuals who view these responses as mutually exclusive *but* who oppose the secular state. Those who support an Islamic family law and oppose Senegalese secularism have higher religious engagement than those mixed respondents who support both an Islamic family law and support secularism.

In short, there is clear evidence that education and exposure to media discourse differentiates between individuals who agree that the state should be secular but disagree about the role of Shari'ah in state family law. Those who view these as inconsistent preferences are more likely to be educated and more exposed to media. As I have argued, they more aware of elite discourse on this issue that framed a Muslim personal law as a threat to the secularism of the state. Religious predispositions play a role here as well. Holding other variables constant, these individuals who oppose an Islamic family law also report significantly lower levels of religious engagement compared to individuals who support secularism and Shari'ah as state law. Finally, individuals who support Islamic family law and oppose the secular state are significantly more likely to report higher levels of religious engagement than individuals support a secular state.

Table 8.9 shows an additional model that includes the related preference for the principle of treating all equally under the law by having the same law for all citizens regardless of religion. Again, education differentiates between individuals who respond in a consistently secular direction compared to the majority who give mixed responses. Individuals who respond consistently in an anti-secular direction—opposing a secular

state, preferring a state law based on Shari'ah, and preferring different laws for different

religions—tend to have higher levels of religious engagement compared to those with

mixed responses.

Table 8.9 Multinomial logit results predicting who responds consistently to Islamic family law, a secular state, and legal uniformity

	Multinomial Logit Results: Views on Shari'ah, Secular State, Legal Uniformity		
Response Categories:	All favor secular direction (N=256)	All oppose secular direction (N=64)	Base Category: Mixed responses (N=371)
Age	.000	-.015	-
	(.010)	(.013)	
Household wealth	.030	.047	-
	(.045)	(.057)	
Education	.205***	-.059	-
	(.032)	(.067)	
Polygamous marriage	-.545	-.370	-
	(.338)	(.429)	
Number of children	.032	.118	-
	(.063)	(.075)	
Female (1=female)	-1.141**	.866	-
	(.353)	(.723)	
Female X Religious Engagement	.228	-.345	-
	(.160)	(.234)	
Religious Engagement	-.528***	.429*	-
	(.112)	(.190)	
Media exposure	.272*	-.140	-
	(.106)	(.162)	
Christian	2.565***	-12.934***	-
	(.379)	(.344)	
Constant	-1.580	-2.187	-
	(.520)	(1.093)	-
N=691	**N=256**	**N=64**	**N=371**

Robust standard errors in parentheses, * p<0.05; ** p<0.01; *** p<0.001.

Collectively, I argue that these results support Feldman and Zaller's (1992) notion

that less aware citizens do not always connect their values and attitudes in a way that

reflects elite discourse. Moreover, these results support Alvarez and Brehm's (Alvarez

and Brehm 2002) argument that multiple predispositions are at play in most issues.

When asked if Senegal should enact a state family law based on Shari'ah that would

apply only to Muslims, religious predispositions are activated and many citizens agree in

principle. When asked about the principle of uniformity in laws and rights for all citizens

versus difference in laws and rights for all citizens, predispositions toward equality are activated, and they prefer one set of laws for all citizens. When asked about the secular state, Senegal's secular discourse of religious respect and tolerance is activated, and they support this too. Individuals who are less exposed to media discourse about family law may be unaware that there may be potential conflicts between supporting the idea of a uniform law for all citizens *and* the idea of law that would apply only to Muslims. Their sincere religious commitments push them to support the principle of a state family law based on Shari'ah, even as they also favor one set of laws for all citizens and a secular state.

I have argued that information, as measured by education, plays a critical role in shaping how citizens connect their opinions, values, and preferences into a broader package of beliefs about issues that are as important such as Shari'ah as a source of law and the relationship between religion, law, and state. Religiosity alone does not play the key role in structuring connections between beliefs. However, this does not mean that religiosity plays no role in shaping citizens' preferences. As the results of citizens own narratives in Chapter 6 showed, as well as the ordered and multinomial logit results in Chapters 7 and this chapter, religious engagement does shape the direction of citizens' preferences for family law and Shari'ah as a source of law. Thus, though religiosity may not constrain preferences for religion, law, and state as compared to education, it does shape the direction of citizens' preferences.

The role of information, or awareness of elite discourse, is critical because for the majority of ordinary men and women in this study, citizens hold many values and preferences at the same time that might be framed as incompatible in elite discourse.

Citizens in urban Senegal are likely to be supportive of the secular state and the principle of one law for all citizens because these frames are so ubiquitous in elite and popular discourse. If Shari'ah had been framed in the survey question in terms of other strongly held principles—for uniformity and equality in law, or for religious diversity, peace, or secularism—many men and women with mixed views would be forced to grapple with how their beliefs fit together and which beliefs take precedence. At a minimum, if they did not change their opinions on any one of these survey items, they may at least be consciously conflicted about how their preferences fit together (Zaller and Feldman 1992; Hochschild 1993, 1981).

Liberal and Conservative Interpretations of Islamic Law

The previous discussion focused explicitly on three interconnected attitudes in Senegal's debate over family law. To underscore the argument that information rather than religiosity structures the connections between beliefs and differentiates between citizens who respond in more consistent directions, this final section evaluates if we can identify individuals who respond in a consistently "liberal" versus "conservative" direction on questions of religious interpretation. Within this debate over family law, some journalists and advocates labeled their opponents in ideological terms. Advocates for a state law based on Shari'ah were called "extremists" and "Islamists," for example. Pundits and scholars also tend to describe a type of left-to-right scale of Islamic interpretations. For example, "liberal Islamists accept many of the goals of establishing Islamic law but advocate more liberal interpretations of the Shari'ah than do mainstream Islamists" (Feldman 2008, see Note 2 on 155-156). Other studies have shown that

ordinary Muslims with more liberal interpretations of Islam may hold more democratic political orientations (Tessler 2005). This study did not find any connection between liberal interpretations of Islam toward women and views on family law, but did find that those who interpreted Islam as granting non-Muslims inferior political rights were more likely to support the law.

The prior analysis identified a subset of more educated and informed ordinary men and women who seem to respond according to the secular interpretive package offered by elites. However, many citizens do not respond in one consistent direction on issues of religion, law, and the state. Can we also identify Muslims who hold more consistently liberal or conservative interpretations of Islamic principles? To evaluate this question, I use a subset of questions of interpretations of Islam from my survey in Senegal that has previously been used in the World Values Survey and Arab Barometers.[160] Items have been ordered so that the more "permissive" or "liberal" direction is the same across questions. Table 8.10 compares alpha scores across measures of information and religiosity in order to identify if individuals with higher religiosity also seem to respond more consistently on these interpretations. As before,

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[160] Today as in the past, Muslim scholars and jurists around the world sometimes disagree about the proper interpretation of Islam in response to present-day issues. For each of the statements listed below, please indicate whether you agree strongly, agree, disagree, or disagree strongly with the interpretation of Islam that is presented?
 1) Islam requires that a women dress modestly but does not require that she cover her head with a veil
 2) It is a violation of Islam for male and female university students to attend classes together
 3) By requiring that a man treat all of his wives equally, the true intent of Islam is to discourage a man from having more than one wife
 4) Nationalism is incompatible with Islam because Islam requires Muslims be united in a single political community (l'ummah) rather than be citizens of different states and loyal to different governments
 5) Democracy is a Western form of government that is incompatible with Islam
 6) Islam requires that in a Muslim country the political rights of non-Muslims should be inferior to those of Muslims
 7) If a country pursues policies that are harmful to Muslims, Islam permits the killing of civilians of that country, including women and children

alpha scores increase substantially as we move from low to high education, with an increase of 234%. For this set of items, constraint also increases substantially on the other measures of information as well. However, there is no consistent trend moving from lowest to highest religiosity.

Table 8.10 Consistency across interpretations of Islam for Senegalese Muslims

I. Education		II. Media Exposure		III. Political Knowledge		III. Religiosity	
None	.119	Low	.199	Low	.162	Low	.349
Primary	.370	2	.447	Medium Low	.341	2	.331
Complete Middle	.380	3	.494	Medium High	.428	3	.539
High School Diploma	.453	4	.310	High	.553	4	.381
College Diploma +	.664	High	.581			High	.418

N=688, Cells show standardized Cronbach's alpha for Senegalese Muslims across interpretations of Islam

The evidence from this sample of Senegalese citizens does not support the idea individuals who are more or less religiously engaged will necessarily respond in a consistent direction across these questions of religious interpretation. Rather, those individuals with a university education are more likely to respond in a more consistent direction. The higher reliability scores for more educated and informed citizens suggests stronger connections between these items. These results suggest that ideological lables may describe the views of the most educated and informed. However, they call into question the use of ideological labels to describe broader Muslim publics. For example, how useful are descriptive terms calling Muslims "moderate," "liberal," or "extremist" if it does not necessarily indicate something about a broader Islamic belief system or

interpretations of Islam? The alpha levels at the lower and moderate levels of education, media exposure, and political knowledge suggest that most men and women make little connection between these interpretations.

Conclusion

Religious matters are often thought to be more important to individuals that political matters because they are "close to home." As such, scholars have questioned whether general theories of public opinion that give a large role to information in shaping preferences are relevant when the issues at hand entail religious values and judgments. In this chapter, I find evidence that information continues to play the critical role in shaping beliefs into consistent packages as framed in elite discourse, even on issues that entail clear religious judgments and interpretations. Moreover, though religiosity may push individuals to take one side over another on any one issue—including support for Shari'ah as a source of state family law—it does not appear to structure broadly connected, consistent packages of preferences, even on religious interpretations.

The evidence presented in this chapter suggests that men and women who are more informed and aware of elite discourse, measured principally by education but also by media exposure, tend to connect their views on questions of religion, law, and state according to the dominant secular interpretive package offered through Senegalese print media. They also respond to questions of religious interpretation in more consistent, unidirectional ways. I also find that a substantial number of citizens do not view preferences for a secular state and Shari'ah as a source of state law as mutually exclusive preferences, nor do they necessarily view these debates as a competition between

Islamists and secularists. Applying these ideological terms to a broader public seems empirically unjustifiable unless we are speaking mainly about the subpopulation of the most educated and aware individuals. Because elite discourse produced a broad secular interpretive package in Senegal that connected the Family Code, the principle of legal equality, and the secular state, those with more education—who are more exposed to mass media discourse—were more likely to adopt this particular configuration of preferences. They were most likely to connect their secular predispositions to their family law preferences. This chapter offers strong support that predispositions as well as awareness of elite discourse, including the interpretive packages offered in media, play a key role in shaping citizens' preferences on family law and Shari'ah as a source of state law.

Chapter 9

Conclusion

The relationship between Islam and democracy has captured the attention of scholars, journalists, citizens around the world. In response to these debates, political scientists have highlighted the importance of studying variations in the institutional relationship between religion and state (Stepan 2007, 272; 2001), as well as differences between individuals who prefer secular versus Islamic democracy (Jamal and Tessler 2008). My research makes an important contribution to these debates by taking a citizen-centered approach and asking why citizens disagree about the appropriate and legitimate sources of state law in a secular democracy. In a quality democracy, "citizens themselves have the sovereign power to evaluate whether the government provides liberty and equality according to the rule of law. … They monitor the efficiency and fairness of the application of the laws" (Diamond and Morlino 2005, xii). I have focused on citizens' views on family law reform for its historical and contemporary importance in comparative perspective.[161] For some citizens, family law is so closely tied to cultural and religious identity that it is akin to private religious practice—family law is the "heart of the Shari'ah and the basis for a strong, Islamically-oriented family structure and society" (Esposito and Mogahed 2007, 23). If viewed in this way, religious communities

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[161] Though claims for official and legal recognition of "personal status" have occurred in multiple colonial contexts, my study suggests that the meanings of these claims may shift over time (Newbigin 2009; Diouf 1998).

should be free to determine and apply laws as they see fit. For others, though, family law is the critical space where citizens are demanding that states live up to their constitutional guarantees of equality in the law for all citizens, regardless of religion and gender (Widner 2001 31, 334-362; Sow 2003).

To explain why ordinary men and women form preferences for or against a state family law that would conform to Islamic law and would apply to Muslim citizens, I have turned to public opinion research on framing (Gamson and Modigliani 1989; Gamson 1992; Gamson and Modigliani 1987). I have argued that how elites frame debates over family law reform and Shari'ah as a source of state law will shape citizens' preferences. I have also turned to theories of public opinion formation that highlight the important role of predispositions (especially values) *as well as* awareness of elite discourse in shaping citizens' preferences. Predispositions and awareness of elite discourse shape what citizens come to see as important as they form preferences for family law, as well as the direction of their preferences (Zaller 1992; Zaller and Feldman 1992; Alvarez and Brehm 2002). I find key differences between more and less educated citizens in how they connect their values and preferences into broader belief systems. My research suggests, therefore, that analysts of politics in the Muslim world should use caution when using the terminology of elite political ideology (both secular and Islamist, or liberal and conservative) to describe the views of ordinary Muslims.

I have offered evidence of the complex ways that values and the frames of elite discourse entered into citizens' own narratives. Citizens with higher average levels of education were more likely to discuss family law in the terms found in these print media debates. Individuals with lower levels of education still had much to say, and with equal

conviction, but were less likely to mention ideas such as majority rule, secularism,

religious diversity, or to discuss specific legal issues such as treating all citizens equally

under the law versus applying different laws to different religions.[162] In Chapter 7, I

demonstrated that citizens' predispositions do strongly shape family law preferences.

Holding other factors constant, favoring secularism and one law for all citizens pushed

individuals toward opposing a Muslim personal law, while participating more frequently

in religious activities pushed them to support such a law.

There is also broad support in the general public for the principles of secularism

and legal equality, conceptualized as applying one law to each citizen regardless of his or

her religion. These points of view were represented often in print media debates by

representatives of major civil society organizations, public intellectuals and lawyers,

scholars of Islamic law, journalists, and the President himself. In the case of Senegal,

there is a well-documented historical discourse on secularism, which does not inhere the

exclusion of religion from the public sphere (Stepan 2008). Moreover, mainstream

religious leaders in the Sufi orders have a long history of working with the secular state

(Villalón 1995). It should not be surprising, then, that citizens broadly favor secularism

and ideas of legal equality for all citizens and religions. Although some scholars have

made broad claims that Muslims, in general, are opposed to secularism (An-Na'im 2008),

evidence from this dissertation suggests that it is probably more accurate to say that

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[162] For example, many who supported the law discussed more general desires to apply divine law, to
protect Islamic values, encourage moral behaviors, strengthen Islamic education in the country, and to
provide greater security for individuals. These types of religious reasons for supporting a role for Shari'ah
as state law have also been central to debates about the extent to which Islamic law should be applied in
other contexts such as Nigeria (Weimann 2009), and therefore are not necessarily unique to the Senegalese
case. Writing about Egypt, Brown (1997b) noted that it is quite common for laws to be criticized for being
immoral and illegitimate when not explicitly based on Shari'ah, given its contemporary meaning as a set of
legal rules. One need not pay great attention to elite discourses on rights to feel that societal problems
could be alleviated under the governance of divine law.

popular support for secularism depends to a large extent on how it has been framed in each local context.

While print media tended to frame the issue as one of secularism versus Shari'ah, only some citizens in Senegal see these preferences as mutually exclusive. Many citizens support the values of equality in law and secularism *and* a state law based on Shari'ah. I have argued that this is where Zaller's (1992) important emphasis on awareness to elite discourse comes into play, especially when key values and commitments have been framed as competing or incompatible in public discourse. Education and greater media exposure—two indicators of awareness of elite discourse—differentiated men and women who adopt this oppositional framing from those who do not.   Those who view secularism and a Muslim personal law as incompatible preferences do so, in part, because of their predispositions, and in part because they pay the most attention to elite discourse that frames them as conflicting, oppositional preferences. Using Alvarez and Brehm's (2002) terminology, information about elite discourse "activates" their secular predispositions as they contemplate family law. [163]

A key finding, then, is that citizens who support a state law that conforms to Shari'ah are not necessarily opposed to secularism. When asked a survey question that uses the term Shari'ah and asks whether a state law should conform to it, their religious predispositions are immediately activated as they describe many the positive benefits of being governed by divine law. But, in other questions, they may strongly favor a secular

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[163]Moreover, those who opposed a Muslim personal law but stated mixed feelings in their narrative responses in Chapter 6 tended to state that as a Muslim they believed Shari'ah had ultimate religious authority, but they deferred to the principle of secularism and its benefits in Senegal and therefore opposed the law. Likewise, those who supported the law but offered mixed feelings tended to be *aware* that secularism was at issue, but opted for a family law based on Shari'ah. Awareness of potential conflicts between their values and preferences tended to occur among the most educated.

state, which appeals to notions of mutual respect for all religions in Senegal, as well as the principle of legal equality for all citizens. While one could make the case that a Shari'ah-based family law would not necessarily threaten secularism, it is more difficult to reconcile how citizens could at once favor one law for all citizens *and* a law that would apply only to Muslim citizens, unless these citizens were unaware of the potential contradictions. I suggest that it is more likely that a question emphasizing Shari'ah activated religious predispositions in one question, while a question about legal uniformity versus pluralism activated predispositions toward equality in another, and a question about the secular state activated secular predispositions elsewhere in the interview. Each response is sincere, but the low inter-item correlations between these items for individuals at lower levels of education in Chapter 8 suggest that they form fewer connections between them. The low inter-item correlations across a range of interpretations of Islam offer additional evidence that education, rather than religiosity, plays a critical role in connecting preferences into a broader belief system.

My aim in this dissertation has been to analyze why ordinary citizens disagree over the direction family law reform should take and why some view secularism and Shari'ah as mutually exclusive preferences while others do not. I have relied on scholarship on value conflict and the structure and consistently of public opinion (Feldman and Zaller 1992; Hochschild 1981; Alvarez and Brehm 2002; Zaller 1992) to address these questions. Predispositions help us to choose sides on most issues, but individual differences in awareness of elite discourse plays a key role in explaining whether or not we form connections between our values and preferences (Zaller 1992).

I conclude that, as Zaller (1992, 38) noted, "individuals do not typically possess just one opinion toward issues, but multiple potential opinions."[164] I have not focused on how frames in survey questions themselves may shape individual's responses on questions about Shari'ah as a source of law. However, one implication of my findings is that alternative frames within surveys themselves may shape preferences. So far, most survey items measuring citizen support for Shari'ah rely on general questions that provide neither local context nor any framing of the potential pros and cons related to such laws (Esposito and Mogahed 2007; Davis and Robinson 2007). As such, these questions tend to activate religious predispositions for many citizens. We cannot tell from these responses how ordinary citizens might deliberate about other strongly held values, if forced to think specifically about values such as equality in rights, or notions of inter-religious peace, or intra-religious diversity in Islamic interpretations and practices. Thus, these questions have been used by some as an indicator of Islamic orthodoxy (Davis and Robinson 2007), but it is entirely possible that views on such questions are more malleable and that at least some citizens' responses to such questions do not indicate the existence of a broader Islamic orthodoxy.

To highlight this point about the accessibility of certain frames, I turn back to Chapter 6, which showed that mentioning secularism in one's narrative response tended to occur most often among the most educated and media-exposed. Among those who

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[164] Moreover, "survey questions do not *simply* measure public opinion. They also shape and channel it by the manner in which they frame issues, order the alternatives, and otherwise set the context of the question" (Zaller and Feldman 1992, 582). To support their contention that attitudes are not "true" entities that are simply measured in public opinion surveys, Zaller relied on research in psychology such as Wilson and Hodges (1992), who write that attitudes are "temporary constructs" that are constructed from ideas in our own internally conflicted "data base." Similarly, Tesser (1978, 297-298) writes: "an attitude at a particular point in time is the result of a constructive process…And there is *not a single attitude toward an object* but, rather, any number of attitudes depending on the number of schemas available for thinking about the objects."

also opposed the law, concerns over religious diversity were voiced as frequently among those with no education as among those with post-graduate education. I argued that secularism may be a more abstract, less accessible concept compared to religious diversity or mutual respect between all religions. At a minimum, I suspect that if a survey question highlighted other popular *and accessible* values—such as the idea of equality for all citizens, or values that tapped into this discourse of mutual respect, such as peace between religions or religious diversity—some citizens may become consciously conflicted about how their values and preferences fit together. Alternatively, making issues like women's rights more salient might activate individual's predispositions about women's rights in a more direct way. Even if individuals' preferences remained the same, the underlying reasons they respond as they do should change with alternative framing.

My evidence offers support, then, that on this issue that has been described as the "heart of the Shari'ah" and the foundation of religious identity, citizens hold multiple values that may, in different ways and in different contexts, lead them to think about the question of family law in diverse ways. It is likely that citizens are constantly in a state of holding, and at times consciously reconciling, "multiple values, beliefs, and principles simultaneously present in the political culture" (Feldman and Zaller 1992).

It is important to note several obvious limitations in my analyses. By focusing on how elite discourse shapes opinions on family law, I do not claim to have exhaustively accounted for family law preferences. Moreover, I focus on specific ways that the debate was framed in Senegalese print media, but there are other areas where these issues are debated. The print media is a space for visible elite discourse that leaves a public record.

Radio and television, though, are other important spaces for elite framing, and it is more difficult to capture and analyze this content. Citizens in my sample do report getting more of their news from TV and radio than print media, and my index variable for media exposure averages exposure to radio, TV, and print news. I also relied on education as an indicator of awareness of elite discourse. However, it would be helpful to include other sources of elite discourse, such as radio, to my analysis of interpretive packages in Chapter 4. It would also be helpful to have additional data on the diverse messages citizens receive from their religious leaders on this issue.

I also argued that an elite consensus existed on the Family Code, and that a dominant interpretive package emerged that framed the Family Code in terms of secularism and its packages of values. Those proposing the alternative law were attempting to contest the status quo by turning to another widely held principle, the religious authority of the Shari'ah. Therefore, consensus need not mean there is no disagreement. I suggest that on many issues, including debates over family law, there can exist both a mainstream elite discourse that defends the status quo, as well a conflictual and contested public debate in which critics of the status quo receive media coverage.[165] In Senegal, many diverse factions have participated in constructing a national discourse of unity, individual rights, secularism, democracy, and citizenship in the postcolonial period, including some state officials, opposition political activists, religious leaders, public intellectuals, and civil society activists. The Family Code was enacted by the state with a goal of consolidating the nation and creating a unified, centralized judicial system, as well as strengthening individual rights in the secular state,

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[165] Zaller (1992) hints at this when he briefly mentions "autonomous elites" who exist outside of the mainstream and use the media to "generate public pressure," such as "upwardly mobile politicians."

according to many accounts. The Family Code has been criticized within elite and intellectual circles for failing to go far enough in ensuring equality in rights for all citizens, especially women. Though this criticism of the Family Code has been public, this kind of criticism still reflects a consensus that the Family Code was the best available option, even if flawed (Mbaye 2007). However, there has also been much contentious debate and discussion about its merits from those who opposed it for religious reasons.[166] I suggest, then, that elite consensus and contestation can coexist. Thinking of consensus and contestation in less binary terms helps to explain why those who are more aware of elite discourse, as measured by education and media exposure, tend to prefer a state law and status quo which has been argued to be necessary for Senegal's legal and political development. The finding that Senegal's more educated and media-exposed citizens overwhelmingly adopt the mainstream secular interpretive package about the Family Code indicates something about the legitimacy and popularity of Senegal's multi-value secularism. It suggests that these educated and aware citizens support the principles of equality for all citizens, peace and mutual respect between all religions, and the idea of national unity amidst diversity. If the Senegalese secularism were deemed illegitimate by Senegal's most aware and engaged citizens, then awareness of elite discourse would not push these same individuals to oppose a Muslim personal law.[167]

How might these results translate to other comparative contexts? I show evidence that in urban Senegal, citizens with higher levels of education are more likely to be aware of how elites discuss family law and the major issues at stake. I expect this to be similar

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[166] Villalon wrote about the original objections of the major Sufi leaders in 1972 (Villalón 1995). Others have written about objections from small, relatively marginal Islamist groups (Loimeier 1996).
[167] Indeed, some have written of the small but visible Islamic reformist movements that actively critique the secular family law and this dominant interpretive package. These groups represent educated and aware intellectuals with Islamic predispositions, rather than secular ones, but are small in number (Augis 2002).

across contexts. Debates about Islamic law and family law tend to focus on discourses of rights. Those citizens who are more aware of elite discourses of rights will be more likely to take these discourses into consideration as they contemplate family law. Even if they ultimately support a Shari'ah-based family law, as many educated Islamic feminists do, they are aware of these discourses and provide arguments about why Islamic law does not violate individual equality and human rights (Moghadam 2002; Archer 2007).

Most debates about family law, then, center on the constitutional guarantees of equality in the law for all citizens, regardless of religion or gender. Legal equality may be debated in terms of equal rights for women, equal rights for a minority group, or as equal rights for a religious community to practice its religion freely and autonomously (Wing 2009; Baird 2001; Sow 2003; Rudolph and Rudolph 2001; Bhargava 2006a). In multireligious secular states such as Senegal and India, secularism is an important component of these debates because the secular state is said to guarantee the legal equality of all citizens, while also guaranteeing their right to practice their religion freely. The issues of majority/minority rights and legal uniformity versus pluralism are critical in multireligious states. In Nigeria, debates also focus on the dynamic of rights for religious majorities versus minorities, as well as women's rights (Harnischfeger 2008). In states where religious minorities are minuscule or non-existent, as in Algeria, the Family Code does claim to conform to Shari'ah. Critics of the state law still focus on legal equality and rights in this case as well, but primarily highlight the contradictions between the inferiority of women's rights in the state's family law compared to the equal rights guaranteed in the constitution as opposed to questions of the rights of religious minorities (Mihalache).

Another similarity across contexts is that elite framing should highlight multiple values, which should shape how citizens come to form connections between their preferences. In a discussion of the enactment of the Algerian Family Code in 1984, for example, Boutheina Cheriet (1992, 172) discusses the conflict between competing constitutional principles—national unity, equality of individuals, individual freedoms, and Islam as the religion of the state—which allowed conservatives and secularists to emphasize different core values for opposite political ends. Depending on the coherence of these interpretive packages and who is advancing them, as well as the broad popularity of the values invoked in each one, I would expect citizens' preferences to be shaped, in part, by the content of elite discourses and by their own awareness of these discourses. In each case, I would expect the most educated and aware citizens to be most aware of elite discourses on rights and the alternative interpretive packages offered in media debates. However, I would not always expect an elite consensus to exist. If one existed, it would not necessarily have the same levels of popular support as in Senegal. Cross-national differences should occur, then, in the popularity of discourses on rights, and whether the current state law is seen as conforming to or violating popular sets of rights and values.

Though discourses on rights should be prevalent in each case, the interpretive packages found in elite discourse should differ between national contexts depending on a variety of state-level factors as well. How each state family law was crafted (e.g., a unified law versus a system of personal laws, the original content of the law, and which groups were included and excluded in original processes of codification and subsequent reforms), each state's respective institutional relationship between religion and state (e.g., if the state is secular or declares Islam to be the official religion), and the presence of

multiple religions in the country will all shape how debates over family law will differ, how discourses of rights will be articulated, as well as the content of the packages of values offered in alternative interpretive discourses.

In closing, I note that scholars have discussed the multivocality of religious traditions (Stepan 2001). My evidence shows that individuals, as well, are multi-vocal. Many ordinary citizens' views cannot be easily categorized into the oppositional and mutually exclusive categories often used in elite debates. The broader implications of my analyses suggest that the general survey questions currently used to measure popular support for Shari'ah as a source of state law should result in very strong public support, as recent evidence across the Muslim world suggests (Esposito and Mogahed 2007). However, the survey questions employed in current studies tend to activate religious predispositions for many citizens at the expense of other important values and considerations. Elite discourse about Shari'ah as a source of law is likely to emphasize many broadly held values and interpretations. Moreover, elite frames are likely to change over time, which should influence how citizens make sense of these debates. Men and women who pay attention to these debates are most likely to be aware of and to reconcile their multiple values as they respond to the question. However, men and women who pay less attention to these debates may not easily recall their other strongly held values. They might weigh different factors if surveys framed these questions in a way that invoked other strongly held values. Most citizens hold complex and diverse sets values and preferences, even regarding such important issues as family law and the role of Shari'ah as state law.

Appendix

CODEBOOK

Household Wealth

Does anyone in your household own: a farm, animals, bicycle, motorcycle or scooter, car, a boat or fishing boat, telephone, watch or clock, refrigerator, radio, television, house or dwelling, stove or oven, air conditioner, computer, satellite.

This item ranges from zero to 13 items. The mean number of items is 6.5.

Education

What is the highest educational level that you have attained?

1. No formal education, illiterate
2. Quranic school/Daara
3. Incomplete primary school
4. Complete primary school
5. Incomplete middle school
6. Complete middle school
7. Incomplete secondary: technical/vocational type
8. Incomplete secondary school: university/preparatory type
9. Complete secondary: technical/vocational type
10. Complete secondary school: university/preparatory type
11. Some university-level education, without degree
12. University-level education, with degree
13. Post-university graduate level education, with or without degree

The mean educational attainment is a complete middle school. The mean for men is incomplete secondary school, and for women is incomplete middle school.

For presentation purposes, education has been recoded into a five category variable:
No Formal Education or Quranic School (20.3%) / Some Primary School to some middle school (33.4%) / Complete Middle School and some secondary (20.3%) / High School Diploma (16.3%) / University diploma and above (9.5%).

Media Exposure

People find out about foreign and local events from many sources: from talking to other people, from radio, from television, and from newspapers. Thinking about this past week, how often did you learn about foreign and local events from (1) television; (2) foreign radio stations; (3) local radio stations; (4) newspapers? Never / Once / Several Times / Almost Every Day / Everyday.

The alpha for this index is .64 and the mean is 3.4 on a scale from 1 to 5. Men have a mean of 3.6 and women 3.1.

Political Knowledge

Political knowledge is measured as the total number of correct responses out of a total of six questions. Individuals had to correctly identify three political figures (the UN Secretary General, the president of the *Assemblée Nationale,* and the Prime Minister). They also had to provide the correct answer to the following three questions: how many terms the President of the Republic may be elected, the length of the term of a deputy in *Assemblée Nationale*, and whether an ethnic or religious group can legally create a political party and run candidates for political office.

The alpha for this index is .73. The mean number of correct answers is 3.7 out of six, with men answering 4.3 correct and women 3.1 correct answers.

Religious Engagement

Religious engagement averages seven items and creates a 5 category variable of quintiles:

Now I'm going to ask you how often you socialize with people in various settings. For each setting, would you say you socialize: every week or nearly every week / once or twice a month / only a few times a year / not at all?
   (1) Socialize with people at your mosque or church
   (2) Socialize with people at a Dahira or another religious association

Please tell me if you participate in any of the activities of any of these organizations or associations. Never participate / I'm an inactive participant member / A few times a year / Once or twice a month / Every week
   (3) A Church or Mosque
   (4) A Sufi Order (tariqa)
   (5) A Religious Association, such as a Dahira or Choral Group

   (6) In general, how often do you pray in the mosque (at church)? Five times a day / Once or twice a week / Every week or almost / A few times a year, Only on religious holidays / Rarely or never
   (7) How often do you read the Quran (or Bible)? Everyday / Often / Occasionally / Rarely or Never

The alpha on this index is .73.

Support for and Opposition to an Islamic Family Law

Now I'd like to ask you some questions about a debate taking place in Senegal. Recently, some people and certain religious leaders have said that we should reform the Family Code (le Code de la Famille) so that some laws would apply only to Muslim and their families. The Islamic Committee to Reform the Family Code in Senegal (CIRCOFS) has proposed an Islamic personal status law (projet de code de statut personnel islamique) that would enforce parts of the Shari'ah for Muslims. The President of the Republic and certain other groups have opposed this.

Can you tell me if you support the proposal by some Muslim religious leaders to enforce Shari'ah or if you oppose the proposal to enforce Shari'ah in the Family Code?

Support / Oppose

Why do you think this?

How strongly do you feel about your position? Strongly Support/Support/Neutral/Oppose/Strongly Oppose Only 17 individuals (2.2% of those who responded), offered a response of neutral. These 17 individuals were recoded as weak support or opposition depending on their binary responses, due to the small sample size for this category.

Support for a Secular State

Do you believe that Senegal should be a secular country, where there is no legal or official relationship between religion and the state? Strongly Agree / Agree / Disagree / Strongly Disagree

Support for Uniformity in Laws and Rights versus Pluralism in Laws and Rights

Now, I'm going to read you two opposing statements, and imagine a series of numbers from 1 to 8. Position 1 says that Senegal should have the same laws and rights for all its citizens no matter what their religious beliefs and practices. Position 8 says that Senegal should have different laws and rights for citizens of different religions, so that some laws would apply only to Muslims and other laws would apply only to Christians.

On a scale from 1 to 8, please tell me your view on this question, or you can pick a position in between.

Levels of Corruption

A lot of people also talk about corruption today in Senegal. When you think about society today compared to five years ago, do you think there is much more corruption today, a little more corruption, about the same amount of corruption, a little less corruption, or much less corruption? A lot more / A little more / About the same / A lot less / A little less

Interpretations of Islam

Today as in the past, Muslim scholars and jurists sometimes disagree about the proper interpretation of Islam in response to present-day issues. For each of the statements listed below, would you please indicate whether you agree strongly, agree, are neutral, disagree, or disagree strongly with the interpretation of Islam that is presented?

Inferior Political Rights for Non-Muslims
   (1) Islam requires that in a Muslim country, the political rights of non-Muslims should be inferior to those of Muslims.

Views on Women
   (2) Islam requires that a woman dress modestly but does not require that she cover her head with a veil
   (3) It is a violation of Islam for male and female university students to attend classes together
   (4) By requiring that a man treat all of his wives equally, the true intent of Islam is to discourage a man from taking more than one wife

Other views
   (5) Nationalism is incompatible with Islam because Islam requires that Muslims be united in a single political community (the ummah) rather than be citizens of different states and loyal to different governments
   (6) Democracy is a Western form of government that is not compatible with Islam
   (7) If a country pursues policies that harm Muslims, Islam permits killing civilians of that country, including women and children
   (8) Banks in Muslim countries must be forbidden from charging interest on loans because this is forbidden by Islam

Strongly Agree / Agree / Neutral / Disagree / Strongly Disagree

The Democratic Legitimacy of Laws

Now I would like to know your views about the legitimacy of laws. In your opinion, do you strongly agree, agree, are neutral, disagree, or strongly disagree with the following principles as a guide for making the legitimate laws of our country?   Only laws that are written by representatives elected by the people, and that represent the will of the people, are legitimate and should be obeyed.

Strongly Agree / Agree / Neutral / Disagree / Strongly Disagree

Political Tolerance

I'm going to read you a list of groups in our society. From this list, please tell me which group you like the least, or you can tell me if there is some other group that you like less than any of these groups. Now, which of these groups do you like least: (1) Ibadous, (2) Evangelical Christians, (3) Murids, (4) Tijanis, (5) atheists, (6) communists, (7) socialists, (8) fascists, (9) capitalists, (10) immigrants, (11) those who support legalized abortion, (12) those who oppose legalized abortion, or (13) another group.

Now I'm going to read some statements about the group and tell me if you agree or not.

Members of [   ] should be banned from being President of the Republic
Members of [   ] should be allowed to teach our children in the public schools
Members of [   ] should be allowed to hold public rallies
Members of [   ] should be banned from making a speech in our city

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