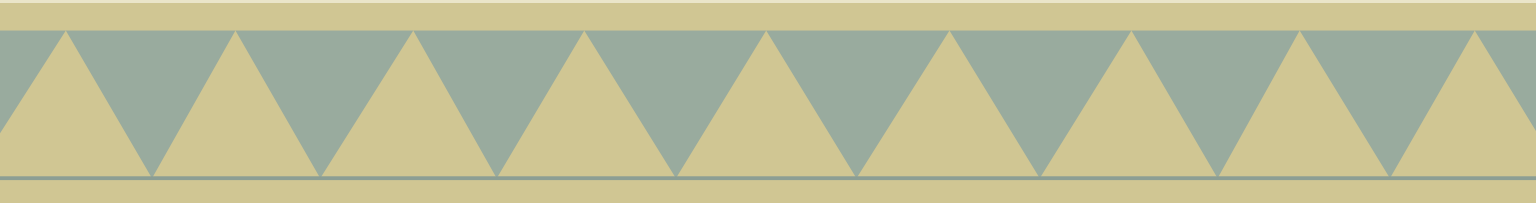
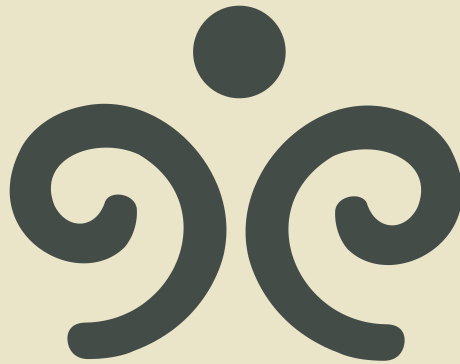




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THE LEGACY AND LESSONS OF THE KURUKANFUGA

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ABSTRACT

Kurukanfuga or Manden Charter after the battle of Kirina (1235 CE, Mali Empire) was attributed to the King Sundiata Keita. It is typically considered one of the largest examples of pre-colonial written constitutional law and had a profound influence on pre-colonial African political thought, including its understanding of how to govern. UNESCO has declared it as an intangible cultural heritage in 2009. This document is now regarded as an inspirational document in regard to social justice, environmental protection and inclusive governance. Nevertheless, a few of the Charter articles concerning the place and authority of women are worthy of extensive discussion. This research uses historical-textual analysis and historical ethnography to undertake a critical assessment of the Charter's ambiguous legacy for women. On the one hand, the Kurukanfuga Charter created a legal framework that safeguards women against some types of violence. On the other hand, it has also defined a legal and social framework defining the role of women and their direct access to political power. At the same time, it enshrined a patriarchal structure in which the role of women was presumed to be limited to the family and domestic spheres. In order to place the Kurukanfuga Charter in its broader socio-cultural context, this study also describes the interaction of these official documents with the experiences of women within the Mande Empire. Women wielded considerable power in this empire, as mothers, queens, traders, and guardians of culture, in addition to the rights and privileges explicitly derived from the Kurukanfuga Charter.

Keywords: Kurukanfuga, women, charter, legacy, governance, human rights, Manden.

INTRODUCTION

The Kurukanfuga Charter or Manden Charter, declared in 1236 A.D., after Sundiata Keita's paramountcy victory at Kirina, is one of the world's earliest and finest constitutional experiments. Its name itself, *Kurukanfuga* or *kurukan fuga*," literally meaning "the clearing where power was shared" (Kesteloot & Dieng, 1997), is etymologically based on the Mandé, Manding or Manden language: by putting together "*kurukan*" which refers to a clearing place and/or open meeting ground with "*fuga*" that means divide and apportion. It was not only a place on the map, but also where we could point to as the birthplace of an agreement among men. This Manden constitution, listed by UNESCO as an intangible cultural heritage of humanity (UNESCO, 2009), is admired for its early expressions of social justice and environmental ethics, and its participatory model of governance values which have influenced contemporary legal studies (Kantowicz Bruno S. L., The Sha People of Zambia: An Ethnohistory Incorporating Traditional Knowledge Systems in Solving

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Management Problems). But there is also, under its much-praised humanist features, a darker, more elusive reality which has not been readily captured: its calculative and strategic attitude to women. Kurukanfuga is a historical site in Kaba or Kangaba, Mali.

Photo 1: The Site of Kurukanfuga in Kangaba, Mali



Source: DNPC, Mali 2008

The Charter incorporated, on more formal and explicit level, levels of protection of women as the constituent of the social order- insulating them against violence, confirming their roles in the society- but at the same time laid down in stone, a political institution that legally deprived them of having full sovereign powers (Cissé, 2012; CELHTO, 2008). This paradox calls for a reconsideration: How could a document so progressive in its spirit also enshrine patriarchal rule? This article hypothesizes that the Kurukanfuga Charter established the constitutional patriarchal bargain that assumed the form of a negotiated settlement where the socioeconomic power of women was recognized and sheltered under the condition that they were not allowed to enter into official high politics (Kandiyoti, 1988).

Comparing textual provisions of the Charter with historical reports on women lived experiences, as queen-mothers, matriarchs, long-distance traders and custodians of culture for example, this inquiry attempts to complicate a one-take reading about oppression or liberation (Amadiume 1987; Oyewùní 1997). Rather, it illuminates the complex aspect of gendered power relations in one of the greatest empires in Africa. By so doing, the study not only adds to our comprehension of the pre-colonial African political thought and provides a critical history to the long-standing global debate about gender, law and the delicate interplay between authority and persuasion.

LITERATURE REVIEW

Historical and Cultural Context: The Manden Worldview

Scholars argue that in order to understand the Kurukanfuga one must locate it within the Mande cosmovision. Scientists such as Seydou Camara and Youssouf Tata Cissé have focused on the oral tradition as the charter's medium, with *Jeliw* (griots) passing it down for centuries until its UNESCO-recognized transcription in 1998 (Cissé & Kamissoko, 2000). The social classes were hierarchical but interdependent, with the *horon* (nobles or free people), *nyamakalaw* (artisan

castes and specially Jeliw) and *jonw* (slaves, or captives). Women's social locations were at the cross-roads of these categories; the noblewoman (*horon muso*) differed from an artisan woman (*nyamakala muso*), and their social experiences and privileges, as a consequence varied (Grosz-Ngaté & Kokole, 1997).

As Niane's (1965) classic *Sundiata: An epic of old Mali* demonstrates, the epic tale of the charter's formation is gendered in its own right. *Sundiata's* power is prophesied and induced by women: the buffalo woman of Do, his mother Sogolon Kedjou called the "*Buffalo Woman*", and his half-sister Nana Triban. This founding mythology, as Clement Conrad (2016) and Michael Gomez Belcher (1999) have explicated, centers on the vital importance of female spiritual power, wisdom, and lineage to Manding authority and legitimacy issues that would eventually be worked through in the social laws of Kurukanfuga.

The Charter's Direct Provisions: Protection and Prescription

Among the fundamental streams of the literature is devoted to the immediate statements of the charter on women. Most common article read quotes: You do not cause offence to womenfolk because a woman is your mother. The other one warns: Do not insult women, our mothers (UNESCO 2009 p.3). Djiré, (2008) comprehend these injunctions as not only sentimental but also as legal and ethical commands. It develops a sense of inviolability based on the sacred social position of the so-called mother. Being placed as the mothers gave women some sort of social capital and protection as far as the communitarian or community vision is concerned so that they could be defended not to be the target of violence or abuse.

But this shield is a frame also, and prescriptive at that. As Sidikou (2001) points out, the discourse of the charter primarily represents women in relational roles as mothers, spouses and daughters to sustain a patrilineal and at times polygynous kin structure. Institutional control of female sexuality and marital destiny is noted in articles on marriage, such as those that state that the husband must support his wife(ves) and the statement that young girls should be married as soon as they have attained the age of puberty (UNESCO, 2009). This literature, exemplified by the works of feminist historians like (Robertson in Grosz-Ngaté and Kokole 1997) argues that the charter further entrenched a patriarchal order whereby the rights of women were mediated through men and, this, closely followed more general Sahelian Islamic influences that solidified later on in history.

Reading Between the Lines: Spaces for Agency and Authority

A more evocative literature reads not so much between the literal clauses as it analyses the extent of spaces that can be opened up to female action by the broader principles of the charter. Here the emphasis by the Kurukanfuga on *Sinankunya* and *Badenya* as opposed to *Fadenya* is critical here. *Sinankunya* was, as the analyst Almamy Maliki Yattara put it (cited in Djiré, 2008), a regulated form of mutual assistance and critique which was obligatory across ethnic and social divides. This networking was actively carried on by women using the licensed outworkings of the joking relationship to sort out conflicts, to contain dissent and exert social leverage through the channels that circumnavigated official patriarchal authority.

And the Manden is a family and underlining focus on collective interest, which opened opportunities to women in economic and social terms (UNESCO, 2009). One sector where there are high levels of economic influence over the production, distribution and child rearing of food is household management (*du*) and *bangumuso* control, usually by the senior wife *Musokoro* (Sidikou 2001). But artisan women, especially potters and weavers, enjoyed important respected economic

positions. The strength of old women, post-menopausal mothers who often overstepped gender boundaries to sit on councils and be involved in decision making is cited by researchers such as Frank (in Grosz-Ngaté and Kokole 1997), and others. The call of the charter to social tranquility was considered to be critical and reliant on their wisdom.

The Legacy of Queens and Court Women: Historical Exemplars

Malian historical and oral sources provide us with particular, examples of women acting within - or even outside of Kurukanfuga. Even the figure of the mother of *Mansa Musa*, who is often not named, but widely mentioned in the Arabic histories as strong co-ruler / queen mother makes a case of some formal political role of royal women (Mwamzandi 2017).

The strongest case in point is likely Kassi, an obscure but influential character within the Kurukanfuga oral narratives, who has been attributed with mediating a key clause (CELHTO, 2008). These historical and legendary women, referred to by Triaud and Austen (cited in Belcher, 1999), suggest that if the charter did not explicitly spell out female political office, the sociopolitical system within which its provisions operated conducive for exceptional women who hold direct power to emerge into positions of authority and governance hen directly so doing especially through matrilineal decision advisory functions and spiritual offices.

Contemporary Lessons and Decolonial Reinterpretations

Finally, some scholars have examined the contemporary significance and reinterpretation of the gendered legacy of the Kurukanfuga. For today's feminists in Mali and West Africa, the charter is their contested inheritance. Some, such as activist Fanta Diamanka cited in Koroye (2021), view it as an African foundational document that had misogynist tones but enshrined respect and protection and provided an indigenous antidote to some of the imported – sometimes conflicting – gender norms. They take lessons from its communitarian ethos in calling for social policies that uphold women as community pillars.

Quite to the contrary, scholars, such as Oyewumi (1997), sound the warning against the romanticizing of pre-coloniality. Their claim is that the progressive gender lessons excavation must be read critically, in a decolonial fashion that considers the spaces of agency and the structures of constraint simultaneously. One potential lesson, as Diaw (in CELHTO, 2008) has pointed out, may not be the details of these 13th-century provisions but rather what Kurukanfuga itself is: a willful and communal effort of a society to film text in their desire to obtain peace and justice. This process is by necessity revisable and open to expansion and inclusion, she suggests, welcoming today's society to carry forward that conversation in order explicitly to extend gender justice.

The women and Kurukanfuga literature are a fluid terrain that has produced valuable studies that track the field from early celebration of protective clauses to nuanced analysis of covert agency and political power. It is generally agreed that the constitution did not institute gender equality in modern terms, but instead it underpinned a male centered and lineage-based structure of kinship (ibid). But it also incorporated concepts of honour and inviolability; mutual obligations binding socially dependent members together in a spiritual contract that legitimized female power – economic, social, spiritual and occasionally political (Sidikou, 2001). In sum, the Kurukanfuga legacy for women is that of complex positioning – of women whose institutional identity was relational even while they were critical agents and personalities - mothers, elders, artisans and queens who had recognized authority and leverages in the grand Manden social order. Its final moral, then, might be that interest in social harmony is a call to action: Without the continued critical attention to the status of and protections given women, there could never be any kind

of reflection for the formation of a group identity. Further interdisciplinary work on linguistics analysis of the Mande words in the charter's oral form and archaeological and historical data about women's lives across different strata of Malian society would be fruitful.

OBJECTIVES

This study aims:

- To examine the Charter's texts that both protected women and restricted their official political power;
- To assess how the Charter established a formal patriarchal structure;
- To compare the Charter's rules with the historical reality of women's significant influence;
- To explain the contradiction between women's limited legal status and their real socio-cultural power.

THEORETICAL FRAMEWORK

This study employs an interdisciplinary theoretical framework combining critical gender theory with historical and legal analysis to interrogate the position of women in relation to the Kurukanfuga Charter. The core argument is structured through three complementary lenses:

African Feminist/Womanist Critique

As such, this study seeks to contest the imposition of Western feminist dichotomies onto pre-colonial African settings by borrowing from Oyewumi's (1997) classic thesis regarding how gender was not everything in some society of Africa where hierarchy and roles were more fundamental than relations of gender. This examination of women as having a complementary, but limited power, echoes with Amadiume (1987) concept of male daughters and female husbands, which underscores the leeway in gender systems where so-called biological sex was not always a clear determinant of social or political roles. This lens will assist in examining the Charter not only as oppressive but codifying a specific gender logic that is unique to Mande word.

Legal Pluralism and the Gender Patriarchal Bargain

The Charter is read as one among many sources of authority in a legally pluralistic field (Merry 1988). Its text is complemented with the reading of traditional (and, later, Islamic) law. In order to account for women's submission to particular formal constraints, the study incorporates Kandiyoti's (1988) "patriarchal bargain". This model contends that women act in an environment of constraints and they negotiate their subordination for specific protections and privileges (like those explicitly defined in the Kurukanfuga on marriage or protection against violence).

Subaltern Agency and Social History

In order to move beyond the textual prescriptions of Charter and access women's lived stories, the study deploys a subaltern studies frame (Guha, 1982) inflected through gender. It attempts, where possible (some sources are silent), to pinpoint what Scott calls the "hidden transcripts" and quotidian forms of resistance and agency mobilized by women in different social milieus—merchants trading on a small scale; culture carriers; religious functionaries to foreground the distance between normative law and life-world.

Synthesized Application

Taken together, these theories do not depict the Kurukanfuga as a monolithic record of oppression or liberation but rather as a constitutional patriarchal bargain. It officially established

an androcratic (male-centred) political order, while providing women with negotiated spaces of refuge, economic independence and sociocultural authority, as it is typical of a Mande system of gendered complementary power (Oyewumí 1997). This framework makes possible a critique that is historically specific and sensitive to women's multiple forms of agency.

METHODOLOGY

To analyze critically the position of women as expressed in and hinted at in the Kurukanfuga Charter or Manden Charter, this study is qualitative, interdisciplinary, and multi-methodical. Owing to the character of its sources, the majority of which are oral tradition and historical chronicle, and the presence among them of scholarly interpretations, the methodology is intended to underscore a subtle textual and contextual analysis. The aim is to make sense of pre-existing knowledge to establish discursive frameworks and how the implicit social framework underpinning gender relations was understood in the pre-colonial Mali Empire. This research is implemented in three interrelated stages. This paper is based on an analytical and descriptive literature review that adopts a decolonial historiography as the main process of design. The non-summative nature of this review works like a critical interpretive synthesis (CIS) which enables the mixing together of multiple genres comprising oral epics, historical writings, and anthropological recordings in producing new understanding around women's historical agency and constraint.

Sources are limited to secondary materials and the selection of these is made systematically. We conducted a systematic search of academic databases (JSTOR, Project MUSE, Google Scholar) with the keywords/phrases: "Kurukanfuga," "Manden Charter," "women Mali Empire," "pre-colonial West Africa gender," "Sundiata women," "Mande social structure," and "oral tradition gender. However, the Sources were chosen for their connection to the charter's content, their concentration on women's roles (as appropriate), their academic legitimacy, and what they added to a multi-faceted argument. The selection was based on academic peer-reviewed publications and key sources in the area. The analysis develops itself in several levels and uses different analytical devices for the collection of texts. Content & Textual Analysis of the Charter, Contextual & Discourse Analysis, Thematic Synthesis Across Scholarship and Decolonial & Contemporary Relevance Analysis.

FINDINGS

Examination of the Charter's Text: Protection and Political Restriction Of Women

The Kurukanfuga Charter introduces a dualist system of women, integrating both explicit social protections and a systematic exclusion of women, formally, to a formal political authority (Cissé, 2012; Sarró & Sanogo, 2018). This discussion looks at the important provisions of the text which established this gendered civic order.

Protective Provisions

In the Charter, there are provisions that protect the social dignity and security of women.

Article 16 (Inclusion Principle): One of the articles that have been frequently cited states, women, in addition to their daily duties, should be associated with all our managements (Cissé, 2012). This is broadly construed to imply that women must be consulted in the governance, but normally in advisory and not decision-making capacities (CELHTO, 2008).

Abuse Protection: A number of articles implicitly or explicitly prohibit violence against women. Articles denouncing the abuse of women and underlining the security of the weak, such as widows, subject women to the general protection of the community (Niane, 1965/2006).

Marital and Familial Security: The Charter deters the indiscriminate repudiation of wives, and it frames the stability of the family, as a public good (Sarró & Sanogo, 2018). This protection is reinforced by the institutionalized system of joking kinship called *Sanankunya* in Bambara, which provided women with external kinship alliances for protection and redress beyond their immediate family (Bird & Kendall, 1980). However, from the period of great empire in Mande to contemporary in Mali, the *Sinankunya* continuous its traditional roots to stay one significant cultural identities of Mali.

PROVISIONS RESTRICTING OFFICIAL POLITICAL POWER

Simultaneously, the Charter freezes a patriarchal regime of power.

Article of Succession: Leadership Empire *Mansa* (King, or Emperor) and the military command is exclusively male; inheritance rule is based on patrilineal descent lineancestral (Cissé, 2012). In Prefectures of the Empire of Kurukanfuga, women are excluded from standing for party supreme executive leader. Men in the kingdom have been bastion defenders of this position.

The Complementarity Paradigm: “Protection” is frequently associated with domestic and reproductive duties. While women are esteemed and valued as mothers and wives this reinforces their status within the home rather than granting authority in the public political assembly (Amadiume 1987). Their political power is consequently structurally transmitted by their male relatives.

Implied Restriction in Article 16: The expression ought to be “auxiliary”(emphasis supplied). The language of “our managements” puts the existing (male) leadership at centre stage and thus considers women’s inclusion less as than requiring in the direction of that authority (CELHTO, 2008).

Analysis of the Contradiction: This dualism coincides with the Charter’s gender order logic, which is interpretable by means of the idea of the patriarchal pact (Kandiyoti, 1988).

- **The Bargain Codified :**

The charter provides a formal trade: women get security of social protection, the sanctity of familial roles, and economic rights within certain spaces. In exchange they are excluded from directly controlling the armed forces, judiciary and executive (Sarró & Sanogo, 2018). This is consistent with Kandiyoti’s (1988) argument that women manoeuvre in and negotiate within the patriarchal confinements so as to ensure certain forms of protection.

- **Power versus Authority**

Social Power (power based on kinship, culture, and economics) is differentiated in the text from formal political authority. The Charter sustains and ennoble the first but reserves the second for men. A queen mother, then, might exercise power: Her power was not derived from a position of sovereignty but from her centrality as the mother of the Mansa rather than his wife (Oyewùní 1997).

- **The “Woman as Pillar” Logic**

Women are institutionally constituted as the essential support for social reproduction and ethical order. From within their spheres (not directly the government), they must ensure that the social order prevails; to do so, they must enforce both their protection as fundamental societal goods and also their political distortion: they are expected not to govern formally but merely maintain rule from inside, simply because of this glorious myth (CELHTO, 2008).

The fact is that the charter does not juxtapose rights and limitations but systematically builds up a gendered civil order. It allows women certain rights as protected subjects and power as cultural-mothers, resisting rights to autonomy of political agents (Bird & Kendall, 1980; Oyewùmí, 1997). This is the legal reality behind the powerful but politically constrained women of Mali.

Evaluating The Charter's Legalization of a Patriarchal Framework

The Charter of Kurukanfuga established a formal gendered hierarchy with the overt distribution of political and military power, encoding the contrast between complementary genders as well as situating women largely inside the domestic and kinship boundaries.

1. Formal Monopoly of Maximum Political and Military Power

Patriarchy is the Charter's structural foundation; for it explicitly remits supreme executive, judicial and military power to men. The *Mansa* (emperor) and the command of the army is considered solely male domains (Cissé, 2012). Although succession rules were complex and entailed council consensus, they were premised on patrilineal clans, meaning that sovereignty in its form remained a deal between male lineages (Niane 1965/2006). A clause was not included allowing for a woman to be elected *Mansa*, supreme military commander, thereby placing a constitutional bar on women holding the highest political position.

2. Codification of Complementary but Hierarchical Gender Spheres

Patriarchy is not populated only by worthless women; it is legitimized because women have their place, as women in a separate sphere from men that work outside the home. This is encapsulated in the often-cited Article 16, which states, "*Women, in addition to their daily occupations, should be associated with all our managements*" (Cissé, 2012). The phrasing is critical: "*our managements*" suggests a pre-existent male body of governance; and "*associated with*" signifies an auxiliary, advisory function rather than one carrying decision-making power (CELHTO, 2008).

It establishes a legal segregation of roles according to which the realm of women is the house (everyday occupations), culture and economy, while men's world includes civil society, army and state. This analogical model is by necessity hierarchical, with the male sphere dominating at coercive and legislative levels (Oyewùmí, 1997).

3. Framing Women Victims as 'Protected subjects', rather than Autonomous

The Charter's protections for women from violence, arbitrary divorce and hunger are articulated within a framework of patriarchal guardianship. Women are positioned as potentially vulnerable passives that depend on (male) protection (from fathers, husbands, brothers and the clan...) to keep a society stable (Sarró & Sanogo, 2018). This protective logic is advantageous, but it also legally binds women to dependence and constructs their central value as potential householders rather than as autonomous civil or political actors (Amadiume, 1987). The social safety net of Sanankunya Although effective, the safety net works through a kinship system that in turn is based on patriarchal clan structures (Bird & Kendall, 1980).

4. Establishment of a Patriarchal Bargain

It seems that the Charter enshrines what Kandiyoti (1988) refers to as 'a classical patriarchal deal'. It provides women an unambiguous social and economic quid, a modicum of dignity, security, and influence within a particular sphere, in exchange for their explicit consent to the fact of male monopoly over formal political sovereignty and legitimate violence. This deal offered security and certain rights, but it rested on the acceptance of a basic gender hierarchy.

In stipulating who could rule and command armies, and who was merely to be “associated” with governance rather than conduct it, the Charter established a legal state structure in which authority was inherently gendered. It created a system in which women’s power, however real as a matter of social and economic fact, took place within the confines established and controlled by male political authority.

Comparing The Charter’s Rules with The Historical Reality of Women’s Influence in Mali

A critical analysis of the Kurukanfuga Charter that introduced a patriarchal political system and the factual realities we know about the power of women in the Mali Empire, demonstrates discrepancies. This contrast focuses the difference on the political validity of authority that is laid down in black and white and actual socio-political power.

1. Political Authority vs. Political Influence

Charter’s rule: The Charter explicitly stated that the highest office of *Mansa* and formal military command would be exclusively held by males, instituting a constitutional prohibition for female sovereign power (Cissé 2003).

Historical reality: Despite the omission, women, particularly queen mothers titled *Mansa Muso* play a dominant king-making role. As many oral and written traditions describe, figures like Sogolon Kondé, the mother of Sundiata, played significant roles in royal legitimacy and political strategy (Niane 1965, 2006). Their influence operated in advisory councils, control over royal succession among matrilineal sections of society and as trusted mediators who determined policy from behind the throne (Conrad, 2009).

2. Economic Restrictions vs. Economic Dominance

Charter’s Rule: The text constructs women’s economic activities as “daily occupations”, meaning that it has a taste of domesticity (Cissé, 2012, p. 45).

Historical Reality: Women were the backbone of the empire’s local and regional economics. They dominated in key areas such as food products, ceramics and most importantly domestic market trade of fabrics and foodstuffs (Insoll, 2003). Observers such as **Ibn Battuta** reported that women in Malian cities conducted their independent commercial activities and appeared uncovered among the mass of townsfolk, which indicating a degree of economic self-sufficiency much greater than what was outlined in Kurukanfuga Charter (Hamdun & King, 1975).

3. Social Roles: Required Domesticity and Cultural Autonomy

Charter’s Rule: In this case, women were described and portrayed as vulnerable incumbents in home and family life (Sarró & Sanogo, 2018).

Historical Reality: Women were esteemed positions as Cultural and Spiritual custodians. As griottes named *jeli musolu*, they preserved and wielded history, laws and genealogies – essential components of social unity and genealogies as individual identity (Diawara: 1997). Furthermore, women served as priestesses and diviners in traditional religious practices, held significant moral and spiritual authority (Amadiume, 1987).

4. Analysis: Navigating the Patriarchal Bargain

This imbalance can best be explained by the notion of a patriarchal bargain (Kandiyoti, 1988). The Charter prescribed the rule of the men in a formal, lawful terms of male dominated governance, a grand bargain that helped women gain social protections in exchange of their complete exclusion by the highest offices. But in actuality, women tactfully worked their way through this structure and,

by exploiting their invaluable roles in the kinship system, the economy, and the cultural systems, create parallel spheres of influence. It did not oppose, but contrasted with and complemented by another type of power that can be informal but is systemic and accepted.

The rules of the Charter dictated what the state was to be like but the historical influence of women proved that they were able to occupy and to animate the social space within and around that architecture. This makes it clear that reading of legal texts alongside social history are necessary in an attempt to understand gendered patterns and modalities of power relations in pre-colonial Africa.

Explaining the Discrepancy Between Women's Juridical Dependence and Socio-Cultural Influence

The seeming contradiction between the Kurukanfuga Charter as a formal impediment to the legal status of women and their considerable established socio-cultural status in medieval Mali might then be resolved by considering it not as a structural flaw, but as some sort of functional mechanism. Three framed exercises, which are the logic of complementary domains, the politics of a negotiated patriarchal contract and the differentiation between authority and influence, best explain this relation.

1. The Rationality of Gendered Complementarity

The Charter was not intended to disempower women but rather to re-distribute more evenly the different sources of authority by gender. This created separate but interdependent spheres of responsibility and authority (Oyewùmí, 1997). The masculine sphere had egal-juridical authority the authorized power to command, adjudicate and govern. The female domain (market, home, cultural practices) had the socio-cultural power such as the power to establish communal values, regulate economic systems and influence social outcomes (Amadiume, 1987). The conflict resolves upon acknowledging that the Charter primarily aimed to codify the state's framework, which it designated to males, while the societal substructure, where women thrived, continued to be regulated by tradition and practice.

2. A Codified Patriarchal Bargain

The principal analytical framework developed here is Kandiyoti's (1988) patriarchal bargain. The Charter may be understood as the terms of this deal being made official: there is the acceptance of an inferior legal status and disqualification from ultimate political leadership, in return for considerable social and economic rights (e.g., against mistreatment, access to markets, protection in marriage) and cultural respect (Sarró & Sanogo, 2018). Their socio-cultural power was not a coincidence, but one of the side effects of the deal. This afforded women a predictable sphere of autonomous activity, in trade, kinship and the production of culture, that they so successfully exploited it that their real-world power weighed against their lack of legal rights.

3. Authority vs Influence: Formal and Informal Power

The contradiction usually involves a confusion between authority and power. The Charter limited women's *de jure* authority, the one that is formal and publicly recognized, the right to rule. But it was unable to dissolve their *de facto* power - the facility with which they could make things happen without recourse to formal channels (Bird & Kendall 1980). Here, we can obtain two points as follows:

- Legal Status was concerned with the administrative mechanism of empire.
- Socio-Cultural Power was exercised within the informal connections of society kin, market and ritual privileges.

A queen mother, *Mansa Muso* exercised influence within the royal household (socio-cultural role) to manipulate state policy, and it was power based on her cultural importance as a member of an elder branch of the dynasty, not any legal recognition (Conrad 2009). This non-formal power was legitimate and effective, kept in parallel conformation and symbiotic connection with formal male authority.

Hence, the paradox is really a duality of function. Indeed, the stability of the Mali Empire depended on this double system: a male-dominated legal-political superstructure oriented towards defense and adjudication (as well as imperial administration) and a female -dominated socio-cultural infrastructure focused on economic productivity, cultural reproduction and social cohesion. The Charter managed to crystalize the former, which thrived elsewhere on its own terms not entirely in cosmos with legalese as such. Women's position vis-à-vis the state was determined by their "restricted legal status", in whilst their actual socio-cultural power determined dominance within the community. They collectively constituted two halves of a single, integrated social structure.

DISCUSSION

The interpretation of the Kurukanfuga Charter shows that there was a complex and deliberate form of gendered power in the pre-colonial Mali Empire. Instead of reflecting mere oppression or liberation, the results indicate a structured duality that is constitutional, balancing protection and restriction, and formal exclusion and informal influence. It is possible to speak about this in three fundamental understandings.

1. The Charter as a Constitutional Patriarchy, Not Mere Custom

The most significant implication is that the Charter was not documenting already existing customs, but rather itself was building a state-like patriarchal legal order. By reserving the terms *Mansa* and military commander to the use of men (Cissé, 2012), and by framing Article 16 in associative, as opposed to leadership, language (CELHTO, 2008) it created a constitutional barrier to the women taking over of the territory. This was a deliberate political act to focus and sanction male power over the machinery of government. It was the genius of the Charter to introduce this order of things not as tyranny, but as one of the terms of a sociable negotiation--and therefore less forcibly obtain the general approval.

2. The Efficacy and Line of logic of the "Patriarchal Bargain"

The results lend strong support to Deniz Kandiyoti's (1988) notion of patriarchal bargain. The Charter formalized a clear exchange: women were given guaranteed and enforceable social protections (against violence, arbitrary divorce, and hunger) and were accorded high cultural status as mothers and pillars of the community. They, in their turn, agreed not to hold official political office. This was not an off the shelf or a bad deal but a balance that the parties had negotiated. That such systems, such as *Sanankunya* (joking kinship or joking cousins) which provides social security were still in place, is a testament to how the deal embodied tangible gains that made the prohibitions bearable and sustainable throughout time (Bird & Kendall 1980).

The historic accounts of market women working in the economy and as griottes *jeli musuluw* and priestesses (Diawara, 1997; Insoll, 2003) reflects how women capitalized on their end of this deal. They had a gigantic socio-cultural power (influence, money and moral authority) in the realms that they were assigned. This is what accounts for that seeming contradiction: Their power was real, it was systemic, but it got funneled into realms that didn't directly question the male monopoly on political power.

3. The Crucial Difference Between Power and Influence

The analysis helps in clarifying two concepts that are closely related: authority as the formal right of leadership and influence (de facto) as the informal ability to determine outcomes. The former was controlled by the Charter and was only provided to men. It was not, and might not have attempted to, to eradicate the latter.

The case of the *Mansa Muso* is exemplary. She would never be *Mansa* but she could influence the king, wield control through kin, and possess the cultural legitimacy to direct imperial policy, broker successions, and serve as chief diplomat (Conrad 2009; Niane 1965/2006). Her power was great, but also derivative and informal. This distinction exposes the empire's power asymmetry as a dual-polity structure: on one level, there exists a male-dominated political superstructure, and on another level (below), the female-dominated socio-cultural infrastructure. Both were necessary for the empire's operation, and Charter laws kept a boundary between them.

Finally, the lessons are that the Charter's approach to women was not a "contradiction" but rather a working dichotomy. It is this common division of labor and power that ensures stability and longevity of the Mali Empire. The Charter was the law-courts system of a society where:

- Male power furnished military protection, juridical seclusion and centralized government.
- The strength of the women in the society was the assurance of economic productivity, cultural continuity, social solidarity and reproduction of the lineage.

Its system of thought was self-consistent and reasonable in its historical perspective. It accorded women recognized power, protection and access to great power - in ways which in turn helped to prevent the consolidation of that power into competing sovereign authority. The heritage of the Kurukanfuga Charter, then, is a compelling case study of how the pre-colonial African states created complex social orders through law, with an eye to ensuring a higher level of collective cohesion as well as with hierarchical control. It challenges modern day students of the world to think about power as a concept by itself that develops in all its relations beyond a dichotomy of empowerment and subjugation.

CONCLUSION

The Kurukanfuga Charter established a superior two-level status of women in the Mali Empire comprising of both clear legal rights as well as active political marginalization. The Charter institutionalized a patriarchal state, making authority as supreme ruler and military commander exclusive to men and diminishing the political office of a woman to that of an advisory body, an "associate" as she was called. Meanwhile, it provided social honor and protection to the women: against violence by condemning abuse and strengthening protection through cultural institutions such as *Sanankunya* (joking kinship). This arrangement was a sort of formalized patriarchal bargain. Women were offered in exchange some real, but limited, social protection, including respect of familial roles and certain control over the exercise of sovereign power within particular arenas. Traditionally, women have made the most of this deal: they have played powerful socio-cultural roles as *Mansa musow*, traders, *jeliw* and spiritual leaders. This created an acute contradiction between their pretense to a lowered legal status in the world as compared with the actual significant world-wide power that they actually wield. The reason is that they were very adept at walking the fine line between formal authority (which women did not have) and informal influence (something that they had in spades). It was this duality, functioning male to female, that gave stability to empire, the male dominated political-military superstructure, and the female dominated social-cultural underpinning. So, it's a legacy of ambivalent sophistication, this Charter. It still remains

an African precursor in basing human dignity and social justice, shaping it into a safe place of women. But also came to entrench itself in the establishment of a hierarchically ordered system of gender, with the Polo rite, serving as an example in point with which to illustrate the intersecting relationship between law, authority and gender within pre-colonial statecraft.

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