



NIGERIAN COURT FREES WOMAN SENTENCED UNDER SHARIA LAW

September 29, 2003

Human rights organizations and women's rights groups are cheering the acquittal of a northern Nigerian woman sentenced to death by stoning under a strict Islamic code of justice known as Sharia law.

On Sept. 25, an Islamic court in the Nigerian state of Katsina cleared Amina Lawal, a 31-year-old mother of three accused of having sex outside of marriage and sentenced in March 2002 to death.

The court overturned Lawal's sentence after four of the five judges hearing her case decided that she had not been given "ample opportunity to defend herself" and that her crime had not been proven beyond a doubt.

"It is a victory for justice, it is a victory for the law, it is a victory for freedom," said Hauwa Ibrahim, one of Lawal's lawyers. "Amina is free today."

Though Lawal was acquitted, human rights groups argue that other cases of cruel and excessive punishments, based on Sharia and other Islamic laws, still exist around the world.

What is Sharia?

The Arabic word Sharia refers to the way of life encouraged by Allah, or God, in the Islamic holy text, the Koran. Though some people call Sharia Koranic law, Sharia is more an interpretation of religious practices outlined in the Koran.

Interpreted by strict, conservative Muslims and fashioned into legal code, Sharia calls for punishments such as the severing of limbs, stoning, hanging and flogging, or beating.

But scholars observe the code is more than just harsh sentences for crimes.

"When people think about Sharia law, they often think about the penalties for certain crimes," Imam Feisal Abdul Rauf of Masjid al-Farah in New York City told Frontline. "They don't think about the sum total of Islamic law and its jurisprudence, which means the underlying structure and philosophy and understanding of how you arrive at what we call the Islamically correct decision. You do not define Sharia law by just a couple of penalties."

Not all Muslim countries practice Sharia. In countries like Jordan in the Middle East and Mauritania and Morocco in North Africa, Islam pervades the culture and way of life of the

citizens in areas such as education and dress, but not the legal codes. Turkey, another majority Muslim country, maintains a strict rule of secularism, or formal separation of government and religion, and turns away from Islamic law.

Countries that do practice Sharia include Saudi Arabia, Pakistan and Malaysia. In Saudi Arabia, perhaps the most well known practitioner of strict Islamic law, moderate Saudis have called for a less extreme form of the law.

In Nigeria, the institution of Sharia in 1999 in 12 of the country's 36 states, led to violent clashes between the country's Christians and Muslims.

Christians and human rights groups accused Nigerian President Olusegun Obasanjo of ignoring the plight of citizens -- both Christian and Muslim -- subjected to Sharia law and called on the president to overrule state laws. To date, only one person has been put to death in Nigeria under Sharia, a man who was hung on murder charges.

Sharia Law and women

Lawal's case drew international attention and led to protests in countries like South Africa, where hundreds of women marched through the streets. Their main argument was that Sharia courts, and the conservative male judges who decide penalties, discriminate against women. Though the father of Lawal's child also faced charges, he denied any wrongdoing and was acquitted earlier in the trial.

"We do not have in modern times any state which has introduced Sharia and has been able to respect women's rights," said Ziba Mir Hosseini, author of the book "Islam and Gender."

According to a BBC report, one human rights report in Pakistan showed that of the 1,800 women in jail in Pakistan, 80 percent of those were there for offenses under Islamic law. Far fewer men are in jail under the same laws.

Western traditions of religion influencing law

While critics of Sharia are calling for the separation of mosque and state in some Islamic countries, critics of Western legal systems also question the separation of church and state in countries including England, which has a state church.

Some critics of America's use of the death penalty, including the United Nations and most European countries, argue that capital punishment is based on the biblical notion of "an eye for an eye."

During a 2002 discussion on religion and the death penalty, Supreme Court Justice Antonin Scalia argued that, historically, people in Western societies believed that governments were empowered by God and therefore had the right to impose harsh penalties.

"The core of [St. Paul's] message is that government, however you want to limit that concept, derives its moral authority from God. It is the minister of God with powers to revenge, to execute wrath, including even wrath by the sword, which is unmistakably a reference to the death penalty," he said.

In arguing for the morality of the death penalty, Scalia said, "In the words of one of the Supreme Court's religion cases in the days when we understood the religion clauses better than I think we now do – 'we are a religious people whose institutions presuppose a supreme being.'"

Scalia added that the emergence of democracy – which heralded the idea of the separation of church and state – challenged traditional ideas of government and its ability to enforce harsh punishment.

One thing is certain, the diversity within both Western and Muslim countries ensures that the debate over the intersection of religion, law and punishment will continue.

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