

BOISI CENTER INTERVIEWS



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HAUWA IBRAHIM is a visiting lecturer on women's studies and Islamic law at Harvard Divinity School and a lawyer known for defending women under sentence by Shariah law courts in northern Nigeria. She spoke with Boisi Center associate director **Erik Owens** after her presentation on the legal and religious status of women in Nigerian society at the Boisi Center.

OWENS: What do you see as the broad challenges that women in Nigeria face today?

IBRAHIM: Electricity. In the north, anyway. To say women may be too broad; you have to put them in categories. In the cities, they will tell you, "Forget it. We have electricity already, so that's not our problem." But the bulk of the women are in the villages. About 80 percent of the population of northern Nigeria lives in villages, and that is my focus; not the 20 percent that is cosmopolitan, living in towns and cities.

And I think they need education. Education itself is freedom. They want to have the basic necessities of life. They want to have a roof over their head, they want to be able to feed their family. This is what I see, and I'm talking to you from a grass-roots perspective—when I was growing up, and even now, this is what I see. They would just want the basic things in life: a roof, food, shelter. They don't want to go anywhere on vacation. That is not what they care about. They don't want cars; there is no road for them to use a car. They are contented with just the basics.

OWENS: To what extent has the religious conflict that's simmered around many of the states in the north affected women in a particular way as opposed to men?

IBRAHIM: Well, in these conflicts usually it is the men that get involved and a lot of them die. That leaves a woman with children, and so the burden of a family that is possibly shared becomes one person's thing. Things are changing a little bit. One of the advantages of Shariah is



the woman's inheritance. In Islamic Shariah, a woman gets a certain percentage of her husband's property, as provided for in the Qu'ran. In the non-Shariah cultures, the brother or some mere relation of the family will come and take the children with him, and also take all the late husband's property. And so you leave her with nothing, and often health issues are at stake as well. I did some work with

the United Nations Development Project. Most of these women that I interviewed in 230 local governments in 19 states of the north, maybe about 80 percent of them had a blood pressure issue. So the greed of a family puts the woman's health on the line. Whereas under Shariah, you must leave some of the husband's property for her, and this is one of the advantages.

But otherwise, generally speaking, my sense of it is that religious challenges have affected women in a negative way, especially when it comes to children. If they have children, it is not easy to raise them. And one of the most important things for a women in the north, when you are of age—and age is 12 years old—is that you cannot be in your parents' home, you have to be in your husband's house. So it's becoming more difficult and so they suffer a lot of internal violence and deprivation, because of those religious issues.

Religious conflict also makes women very timid, which reflects itself in their way of life. So they have come back to sort of a cocoon, and the man still dictates—dictates not only the law, but dictates to control. With the war and the religious challenges, with the coming of Shariah, one thing I've noticed—and this is even in my family—is that the women have now put back on the veil, even much

more than it used to be. And I think they are not only covering their body, they are also covering their heart, which is for me the most dangerous thing. Because then, whatever we have, whatever we are trying to fight for, we are just going one step forward, two steps backward, which is a shame. And this is what I noticed since the introduction of Shariah, about 11 years ago now.

OWENS: I read that President Jonathan promised to give over a third of positions in government ministries, as well as cabinet positions, to women, if he were re-elected. How do you view that statement, and will this only affect the educated urban women that you spoke of, that other 20 percent? Or will this promise have any impact on the bulk of the women that you're dealing with in northern Nigeria?

IBRAHIM: The People's Democratic Party (PDP), the party of Jonathan, had it in its own manifesto a 30 percent affirmative action provision for women, meaning that every position—whether elected, whether it's in the local grassroots or in the presidency, should allocate 30 percent of positions to women. Does it happen in real life? Not really. Now, we are talking about letters on a piece of paper. When you actually try to put it in practice in the north, it may not happen that way, because the women are not even exposed to this idea or they don't even know it exists. And would their husbands allow them to take the position? And when you are not married, you are considered not responsible enough, so it's all a vicious cycle. So in the north it's not so relevant, and those ones that do get the tactical position are likely to be suggested for it because they are capable of being controlled; certain women are handpicked so that a man will really be in control. So that is the issue with the 30 percent rule, although I think Jonathan may have had a good will to do that. During the rule of the former president, Obasanjo, he gave positions to women, but some of the stories that we've heard are that he went after those ones

that were close to him. No man would want to have his wife with the president. That's reckless. It's an open thing. So from the north, the men are not too open to having us participate because they think there is something defective in the system.

OWENS: You mentioned the supremacy of law in your talk, and I know that a lot of people that I've talked with about this question find it very complicated to understand how you can navigate so many

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layers of law and custom in the practice that you do. You mentioned focusing on a particular type of Shariah, but do you also appeal to the range of other tribal customs and federal law and international law? How do you manage that?

IBRAHIM: When we speak about management, we are speaking about a system, a law. When you are charged under a law, we defend you based on that law. When I spoke about needing to have the mind of the people in the public, it's not the law, it's more of the strategy. The law can only be so effective, and its effective-

ness will stop at a point. If you remember, there was a Somali woman that was stoned to death by her village in October 2009, after the court freed her. So what we're trying to do is beyond protecting them in court, it's that we should be able to insure that they get back safely. And to do that, we have to work with the people in the village. I'll give you an example of how we did this in Amina's case.

In the court at Funtua, when we lost the first appeal, I remember that after every single statement the judge would make, everybody would shout praises to Allah, and we really felt threatened in court. That was the day of the judgment. It really felt tragic. If you look at the court footage you will see Amina hanging on to me tight, I'm hanging on to her tight, and thinking that maybe if they will stone her, they will stone me first! But let me tell you two or three things that happened.

One thing to note is that even aside from the gentlemen in Funtua, the people that come to court are mainly men, maybe 99.9 percent are men. There was no single woman among the spectators in the court in the case of Amina. And who are the spectators? They are beggars, they are blind people, they are lepers. They go to beg every day. Do you know they are the most powerful people in society? The most powerful. Why are they powerful? Because they know what is happening in each home. So, I realized that they have power.

One day after the court's session, they were outside on the grass. I removed my gown and I went and knelt down to greet them. They were afraid at first—why am I, a lawyer, coming to kneel down to greet them? So I said, “no, I just want to say hello and to thank you so much for allowing us to come to court.” Of course, they are people against us, we know that, so I just thanked them for allowing us to come, and I said if there was any other advice that they wanted to give us, we are open to it. We don't want to hurt

anybody's feelings, we just want them to know that we just want to help, because these are our family members.

So I spoke to them and they couldn't believe for some time that I had come to them. Before I left they prayed with me because I asked them for their prayer. I personally asked them if they'd come pray, and they asked why they should pray for me. I told them, "The prayer of a good heart always affects someone certain that is doomed"; this is true, but it's also tactical. It's a blessing and they'll feel guilt if anything should happen. So, they prayed with me, and I thanked them and I left. I also gave them a business card—they cannot read, but I said this is my business card, my name is Hauwa.

Now there was the chief of the Hisbah in Kurami, which was Amina's village, who was so difficult to be able to track down. He was one of the people inciting people to violence. It wasn't an organized thing, it was just clusters of young men and boys, ages 15 to 20, who will just kill you. They know where I live. After this, I left for Abuja.

I was in Abuja one day and a motor-taxi came to the office. I was sitting in my office and that business card came back to me. And they say that the people I gave the business card to had asked for me through the taxi driver (because there is no telephone in the village, there's no way to communicate). So they had gone to the motor park where people come into Abuja and they gave them lots of money, to say, this is her, this is her address, go on and phone someone and tell her to come the following day. There's something very important happening. It was a Wednesday, and they wanted me to be there on a Thursday, and it's about six or seven hours away from where I was.

And for them to send for me, to say I need to be there, I knew it must have been very important. I got my driver, Muhammed, we set out very early in the morning and I arrived running. Looked for them. Small village, it's easy to find



them. They are beggars, and they're all out on the road, begging. And they said to me, "The chief of the hisbah's wife just had a baby, and today's the naming ceremony." It's very important, where I come from, the naming ceremony. And for me to show my face—you don't even invite people to it, you know, it's open. They wanted me to be there.

That is how they got me there. I wait, just like any other woman will do, remove my nice clothes, got a traditional dress on, tied it, went into the kitchen, knelt down, started blowing the fire with my mouth. I was just like any other person there. I came down to the rest of the group to talk, and became like all of them. And at one point, I was greeting someone, who said, "who are you?" I said, "Miss Hauwa." And somebody said, "Oh, I have seen you! Yeah, you're the one I saw on the TV." So they were saying how this is the lawyer! Not many people there have TV. The one that had seen me on TV was from a different town. So she mentioned the name Amina Lawal. Now everyone knows her because they all listen to the radio. So I greeted her, and she asked what we were doing in court. She doesn't know anything about it, you know—the wife of the chief. So I told her what we were doing, in the simplest way I could approach it. So she said, maybe I should go to my husband and explain to him.

This is a man we couldn't see for more than one year. Who got me to see him? The beggars. You can see the story? You can see how powerful they are? Often we take people and local society not to be useful in these cases, but they could be the most powerful tools we have. I could continue with stories on and on, but the point I'm making is that in any given society we do have a way to approach issues or to solve problems. We don't need to look too far. We just have to have the insight and the intuition to run with what is there. I have found that on the field to be useful. Use your intuition. Don't bury it. If you feel it, use it.

OWENS: What's the role of outsiders, who might be here at Boston College or across the river at Harvard, who feel an obligation and a sense of responsibility or empathy to the women that you're seeking to protect? What's the role, especially, of non-Africans and Westerners toward these cases, in terms of ideas of human rights or financing or NGOs or movements or anything? I'm interested in what the outsider can bring to this.

IBRAHIM: We benefited immensely from Lawyers Without Borders. This is an international NGO. Their presence in court gave us legitimacy toward what we were doing. It's a huge difference to see people that don't look like you in

court. People say, “ah, if we do something wrong, people are taking note.” So there’s a legitimacy that they give us, and I think it’s helpful that they are there as professionals. They also brought us international legal instruments. Before that I never knew, for example, that Nigeria has signed human rights documentation.

I think on a bigger, broader picture, they brought to us resources from the international community to support local people in the field. Lawyers Without Borders brought to us a new way of thinking. It is a perfect example of thinking global and acting local. So, for example, we take the issue of fair trial. OK, how did they argue a fair trial in the International Court of Justice? We discuss how they argued it, how they supported their arguments, and then we apply it. We have here a certain legal challenge and your constitution. OK, maybe the Nigerian constitution is too big for this court, they cannot read or write in English, so they don’t understand what we are saying about the constitution. So maybe we look to the Qu’ran. Or maybe what we look to is a Hadith. Is there any issue of fair trial in any of the Hadith? We found it. So it’s a process of thinking big and then coming back to the language they understand.

But let me sound a note of caution with respect to finance. I think a lot of this

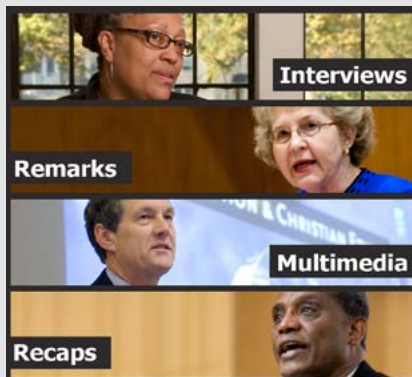
cannot be done without resources, especially financial resources, but this could also be our downfall. A huge downfall, and I can give you an example. In cases across the north, especially in one prison, we had over 200 cases that were awaiting trial on Shariah grounds. An NGO came and got a lawyer. In the meantime, because we don’t have the resources, but we wanted to get the women out of prison—maybe 100 or 150 of them—we get them out of prison with less than a hundred dollars. Usually when we get them, we appeal, we file the papers, we pay for the papers, maybe a dollar or so, we sign the papers and appeal the case. Not more than a dollar. We go argue the case, we don’t need time to prepare it, and the moment the judges set bail, that is the end of the case. But these foreign donors that gave funds for this NGO wanted to use all the money that they gave them. The NGO will also have to prove that they spent the money. So they went and they got a lawyer, and they paid him, for one case, 250,000 naira, equivalent to \$1,000 or thereabout.

Now, the lawyer that we got that was helping us with these other cases, who wasn’t paid a single dime, he’s experienced, he’s from the same region as the prison, he was a former magistrate. And the NGO hired a man that is much his junior, and this younger lawyer went around saying

how he was well paid by the NGO to do that one case. So our lawyer came to us and said, “Hauwa, you came to me and said we have no money. I started this case, I took about 11 or how many cases now? Then you went behind me and got a younger lawyer to come and insult me in court!” And we lost him.

Now the point I’m saying is that international people may not know this, and there may be good will going in. And I do agree with this policy of pumping money into the system because we have so many people who want to get their freedom. But we can’t afford to have just one case! It’s not possible. But they wanted just to use up that resource. Another thing I have discovered is that the overhead of a lot of these NGOs is much more than the real money that’s useful to cases. If you look at a budget, you have an overhead of 80 percent of a budget. It doesn’t make sense that only 20 percent is spent in useful ways. So my sense is the corruption that we speak about, it’s not only in government, it’s all over us, even around us in what we do. I think foreign money could cause us some challenges. We should identify how it can effectively help.

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