The Politics of Faith and the Limits of Scientific Reason
Tracking the Anthropology of Human Rights and Religion

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■ **ABSTRACT:** This article explores the reality of translating or vernacularizing practices in relation to the politics of religion and the realities of faith. Taking violence as endemic to the processes of vernacularization and translation, the article articulates an analytic theory of religious faith—the way it is violated, often in the interest of making it legible within neo-liberal universalizing trends. Thinking about these realities involves understanding translations both as productive of cultural change and as manifestations of struggles over power. Many of these struggles are in the interstices among particular principles of individualism, secularism, legal rationality, and evidence. This article seeks to review the assumptions that emerge with these concepts and show their limits.

■ **KEYWORDS:** human rights, Islamic revitalization, limits of reason and rationality, religion, rights-endowed subjectivity, secularism, truth, violence of cultural change

It has been extensively documented that the globalization of human rights and the spread of new and emergent religious practices have transformed the spaces within which new practices are taking shape (Clarke 2009; Comaroff and Comaroff 2009; Marshall 2009; Robbins 2004). At the heart of these transformations are questions concerning which expressions are to be taken as representative of 'core' cultural beliefs, which expressions are to be seen as cultural impositions and thus rejected, and which are to be vernacularized or strategically adopted in whole or in part. The historical trend among various anthropologists of social change of the 1950s and the decades that followed was to understand the emergence of new human rights imperatives in terms of the hegemony of the Universal Declaration of Human Rights as a cultural imposition on local 'cultures' (Barnett 1948; Bennett 1949; Berreman 1980; Herskovits 1948; Steward 1948). Today debates are more nuanced and highlight the changing notion of the *social,* especially in relation to the contradictions of culture and hegemony, circulation and innovation.

Once celebrated notions of universality, democracy and secularism are being challenged at the root of their philosophies of freedom and rights. Realities of difference and deep questions about the nature of the social order, capitalist failure, and the possibility of the rule of law to establish peace is, in the Global South, being superseded by the increasing encroachment of a profoundly robust religious economy in which new regimes of faith are remobilizing capitalist logics. These new mobilizations are uncovering the limits of reason and secularism, rule of law and universality as the basis for the social order. Rather, it is becoming

clear that to understand the retraction of rights or its vernacularization within new social spaces we need to understand the contemporary significance of faith in these new epochs of capitalism. Human rights interventions have become key sites for the expression of contemporary capitalism within which the paradoxes of liberalism are playing out. As a result, the globalization of religious revitalization movements, including the popular spread of various neo-conservative Christian agendas throughout the Global South, has led to some of the most controversial expressions of religious faith in our time—beliefs that call into question presumptions about the rights-bearing subject. Challenges have emerged when such expressions have foregrounded the centrality of God (at times over the state) as the basis of worldly authority and minimized the significance of territorial authenticity, individuality, physical evidence, and liberal rationality.

One such formation has involved the growth of Pentecostalism and the popularization of culturally ethnic characteristics within Pentecostal formats (Marshall 2009; Robbins 2004). Another has dealt with the spread of New Age or 'back-to-the-land' occult expressions (many African voodoo, Asian totem, and European wicca practices) taken to be alternatives to the more established religious traditions (Clarke 2009; Leve 2007). And the third, around which the case studies in this article are centered, addresses new Islamicization agendas in Africa as an expression of the global resurgence in Islamic revivalism. These three religious domains have led to a range of questions concerning the legitimacy of certain religious norms over others and the basis upon which we determine which knowledge practices reflect principles more in line with the pursuit of human rights, and which appear to be contrary to the so-called universality of human rights.

The work of Ruth Marshall (2009: 2) on the rise of the Pentecostal revolution in Nigeria is instructive in its attempt to highlight the relevance of Christian practice in contributing to profound political cleavages and violence along religious lines. But most profound is its role in elaborating "new modes of government of the self and of others, in which practices of faith are fostered by specific disciplines of the body and mind, emphasizing purity, rectitude, righteousness, and interiority" (ibid.: 3). As Marshall highlights, and as I explore through the rise of Islamic revitalization in West Africa, the recent history of liberal rationality and human rights standards as the basis for measuring the rational management of the self have its limits for understanding the politics of faith emergent within these religious resurgences. The politics of faith must be understood analytically so that we are able to make sense of forms of decision making that are unrecognizable within secular human rights vocabularies. This involves resisting the separation of the religious from the political, or the opposition between faith and reason (ibid.). The new religious formations are also bringing the realities of new transnational linkages to bear on old forms of nationalisms and territorialities. Thus they not only require us to reckon with the ways that people are reconceptualizing the social order in the contemporary present, but also force us to rethink rights through the pragmatics of the everyday. That is, the ways people develop philosophies of living that reflect new articulations of social life and—through the power of performative testimony and prayer—produce actions by which they understand themselves as doing critical work in the world.

Among those engaged in reclaiming occult movements in the Global North (see Clarke 2006), what we are seeing is a parallel phenomenon—the recognition of the failure of the civilizing mission, the deconstruction of the myth of universal humanity through a reinscription of race, and the rejection of the promises of modernity. One such formation is that of the global re-Africanization of African religions in which there is a move toward the reclamation of African occult practices lost as a result of the enslavement of West Africans across the Atlantic to the Americas. Another is that of Santeria.

Like the re-Africanization movements, Santeria emerged as a product of the transnational trade of African captives that occurred in early days of the religion. Among other groups, Yoruba natives were abducted from Yorubaland in West Africa and transported to the Caribbean countries of Cuba, Haiti and Brazil, Trinidad, Puerto Rico and the Dominican Republic. Ritual animal sacrifice is a principal form of devotion to an Orisa, or spiritual being or presence that is a manifestation of God (Olofi), and has been practiced as part of the Santeria religion for over a millennium.[1] However, these practices were transformed in the Americas over the centuries as a result of plantation slavery and overtime led to the reconfiguration of the ways that the orisa religion was practiced. The result was a range of variation. Throughout many parts of Brazil, various spaces of interpretive production led to the development of a voodoo variation that was referred to as Candomblé. In Cuba, orisa-voodoo was known as Santería, in regions in Trinidad and Tobago it was known as sàngó, and among related practitioners in the United States many described their orisa practices as a form of Santeria or òrìsà voodoo. These shifts in terminology and cultural expression are reflective of the encounters between the Global South and North in the making of the modern world. Moreover, increasing numbers of the òrìsà adherents are, through the transformation of religious sociality, contribute to radical reinterpretations (Brandon 1993; Capone 2010; Clarke 2006; Olupona 2010; Olupona and Rey 2008) and call on scholars to rethink the ways that we understand the questions of faith that are radicalizing twenty-first century religious practices in the Americas. This rethinking is especially the case in relation to interrogating the limits of the secular state, its accommodation of difference, and the intersection between religion and law.

In orisa communities in the United States, significant controversies have involved challenges to religious pluralism and interrogations into the appropriate protections and restrictions of religious expression. At the base of this trend are questions about how practices conducted outside of "homelands" become embodiments of other traditions and how those "traditions" are being revived in legal proceedings in order to protect the rights of individual claimants. Related to these questions and central to this article are the problematic tensions between international human rights requirements and more circumscribed cultural practices that are sometimes at odds with the emergent rights-endowed agendas of state and international institutions. Santeria-orisa controversies have ranged from those involving the permissibility of ritual scarification of marks on the bodies of minors,[2] to claims of cruel and unusual punishment to animals,[3] to claims of grave robbery,[4] and child sacrifice in the exercise of spirituality.[5]

Yet scholars of the anthropology and sociology of religion and those interested in human rights have been slow to take on these questions of spiritual action as a way to make sense of the folding together of faith and belief into political forms of spiritual practice that encourage a rethinking of the myth of modernity and complicate assumptions about reason and rights-endowed action. Instead, central to the history of such theories of religion and anthropological studies of human rights is presumption of the modernity of the rights-bearing subject whose goal is the maintenance of life at all costs. The domestication of modernity or the making of modernity as something domestically understandable (see, e.g., Geschiere and Rowlands 1996; McGovern 2004; Warnier, 1993, 2003) has led to the articulation of anthropological studies of religion through the prism of symbolic functions in which ritual practices become fundamentally about other forms of social expression (Comaroff and Comaroff 1993; Lambek 2008). Seen in this way, the orisa re-Africanization religious movement would really be about the politics of ancestry, race, ethnicity, and identity politics, the trajectories of which need to be rethought as a way to understand the underlying conditions shaping the rationality of these practices (Comaroff and Comaroff 1993; also see Apter 1992; Capone

2010; Palmié 2002, 2007). This approach to religion and faith as symbolic of something else misses the reality that processes of domestication exist but that central to that process of making religion is the role of belief and its mobilizing power in relation to the ways that modes of faith produce political subjectivation, shaping discursive practices and techniques of self-making.

Using faith and self-making as a point of departure, we can make sense of the ways that agents challenge long held conceptions of authenticity, rationality, and reason (Marshall 2009: 5; Peel 2003). By "faith" I am referring to those structures of belief that are productive of religious knowledge formations but that serve as domains of meaning and power. Faith in this sense is what enables the way that people deal with hope, fear, frustration, and unmet desires. It marks particular sites of power from which appropriate forms of subjectification are shaped. In this regard, what is needed is attention to what Marshall (2009) refers to as the realms of experience and modes of cognition within which belief operates (see also Mbembe 1992). Through foregrounding practices of faith, we see how beliefs serve to reinforce social meanings and create the mechanisms for producing reality. These forms of self-fashioning allow us to make sense of the ways that political subjects are made not as the goal but as the result of faith practices. In this light, the relevance of occult ritual cuttings, public testimony, claims of demonic forces, possession by spirits or the Holy Spirit, all produce signs of super-natural power—the power that fuels belief and shapes action. An example of this is that of Islamic fundamentalists engaged in constructing subjectivities—identities that, in contrast to the neo-liberal, secular, rights-bearing subject, seem submissive and apolitical but should be differently read as politically performative and engaged in the fervent crafting of particular spiritual actors (see, e.g., Asad 2007).

In Nigeria, a tumultuous controversy has emerged concerning the revival of the criminal sharia in twelve out of thirty-six Nigerian states and the consequent criminal sentence of death by stoning rendered by a judge who had also sentenced six persons to limb amputations as punishment for the Sharia crime of *sariqah* (theft). Between 2002 and 2005 hundreds of persons under Sharia jurisdiction in northern states were sentenced to public caning for varied minor offences such as petty theft, consumption of alcohol, and prostitution. Of special interest to me were those cases in Nigeria's Zamfara State under the lordship of Judge Ghauri, who believed that Sharia "was ordained by God."[6] Also in Zamfara State, the judiciary ordered the amputation of the hand of a young boy convicted of stealing a bicycle in January 2000.[7] This youngster, an indigent from a local village, voluntarily submitted to the Sharia proceeding, including the amputation, choosing not to appeal on the grounds that submission to Allah was necessary to gain redemption for his sins.

In another case, a nineteen-year-old awaited his hearing after being accused of theft. The judge—someone known to have had the most stoning and amputation sentences since Sharia's implementation—claimed that the boy accused of theft said that "as a Muslim, he would submit to the sharia and whatever sentence that was prescribed." The judge later added: "When I watched the procedure I remembered what thieves do. The way they break into people's houses. Attack them. Kill them sometimes. I felt this is exactly what they [the convicted] deserve." Now, because of the amputation, the young man, "when he dies, can go to paradise, but not with the hand: the hand will go to hell" (Finkel 2002).

This pronouncement of the hand as symbolic of sin, and of the punishment as a means of atonement, is not atypical of the contemporary zeal toward Sharia-ization in the region. Echoing other popular narratives, the judge explained that "redemption was possible through submission to Allah. The Sharia courts, through their sentencing, serve to facilitate this spiritual sequence."

In September 2000, a Sokoto Sharia court sentenced another villager to amputation for the theft of a goat, and in early July 2001 the punishment was carried out relatively quickly.[8] In that case, the thief's personal narrative about the possibility of amputation as redemption existed alongside a critique of the motives of institutionalized Sharia. This defendant used the popular label 'political Sharia' to question the court's targeting of the poor, girls, women, and the disenfranchised—the politically powerless. Such language highlights a performative rhetoric of disavowal set in tension with that of faith in God's judgment (Clarke 2009: 182–83). Here we can see a more complicated range of reactions among those convicted under Sharia than we might have anticipated. Moreover, apparent acquiescence may in some circumstances actually represent enactments of agency. In the midst of uneven power relations and various types of violence, changes in the reach of criminal law have brought to the fore various trajectories through which different persons assign guilt and responsibility according to a range of cultural logics. In this regard, it is essential to consider how best to understand the ways in which particular people create norms and standards of behavior and, in so doing, to examine not simply what they articulate as the basis for freedom or rights but also how they cultivate practices that allow them to engage in political contestation, sometimes through acquiescence.

Performing 'Piety' and the Production of Truth(s)

What are the cultural and political conditions in northern Nigeria, a region where the relationship between human rights and religion has proved much more complex than perhaps it first seemed to the international community?

The 2002 case of defendants Fatima Usman (then 28, divorced, with 4 children) and Ahmadu Ibrahim (32, with 3 children) illustrates how the performance of piety may be understood alongside the political corruption of the post-colonial state. In this case, the initial sentence of adultery against the two was overturned and converted to death by stoning in a Lower Sharia Court in Lambata, which was further upheld in the Sharia Court of Appeal in Minna.[9]

Even after the death penalty conviction, the two maintained their guilt in having had unlawful intercourse. Yet during a series of interviews that I conducted with the defendants over the course of their trial, they spoke bitterly about the corruption of various villagers and court officials responsible for implementing the Sharia. They argued that they were being prosecuted so that others could become the financial benefactors of their ill fate. However, it was not until human rights workers intervened and counseled Fatima and Ahmadu that they became willing to challenge their convictions and change their testimony from a declaration of guilt to one of innocence.

What are we to make of such forms of intervention and translation of the women's admission of guilt? At microsites of justice making, it becomes clear that even those whom we might see as victims of the Sharia connect their own suffering to substantive notions of transgression that must be redeemed. And contrary to the rights-endowed subject whose guilt is not required for display—who instead performs the role of innocent victim until proven guilty—the culturally acceptable Islamic subject must demonstrate submission before divine law. Repentance and obeisance help to make possible life after the death of the body, as well as social redemption—the making of a proper Muslim.[10]

In examining the various local, national, and translocal contexts in which people give consent, form alternative alliances, or reject the basis of authority in given domains of power,

my intention is neither to flatten differences in authority among state officials, jurists, or the accused, nor to flatten the differences in social equality between Fatima and Ahmadu. Rather, it is to suggest that there are notable differences in social standing and equality between Fatima and Ahmadu and to highlight the acute recognition, flagged by such expressions as 'political Sharia', that injustice and suffering underlie such cases. Indeed, Sharia revivalism is accompanied by an explicit anger with the political ambitions of agents of the Islamic state, or—as in Fatima's case—with families seeking economic compensation. The ways in which vulnerable agents negotiate the interplay between religious politics and the politics of faith merit closer attention.

The targets of the revived Sharia machinery in the regions from which I offer this case study were not Muslims engaged in corporate theft or office sex in the industrial sectors. Those sentenced were typically the economically underprivileged, who stood accused of sexual crimes for babies born out of wedlock, or of animal or tool theft in villages where poverty levels are such that accused persons cannot afford shoes to wear or food to feed their families. Those in prisons awaiting sentences are indigent boys and girls, young men and women. The accusers, themselves from poor villages, are often interested in remuneration of some kind. For example, in some of the reports of fornication cases throughout northern Nigeria, the fathers of accused women were offering their daughter's sexual services to secure the support of other men. Other cases involved women interested in pursuing vendettas against their husbands' mistresses.[11] In the case of Fatima and Ahmadu, Fatima and her father's attempt to secure a marriage with Ahmadu or to secure money from him might be seen as filling the punitive space of Ahmadu's neglect to offer a dowry to the parents in exchange for their daughter. Herein lies the source of Ahmadu's anger. He felt he was being coerced into taking another wife for marriage—a wife whom he could not afford. According to him, had he the money to pay the earlier charge, "the case would not have ever become a case about my disappearance."[12]

Instead, Ahmadu interpreted sexual provocations from Fatima and the follow-up demands for money as reflective of a larger plan to extract financial and moral responsibilities from him. As detailed in his testimony,[13] Ahmadu agreed that he acted without the intention of marrying, but he attributes his behavior to 'Satan' (*junn or jin* in Arabic)—spiritual agencies of very ambivalent nature that can be satanized as a form of temptation:

> I committed sin; yes, it is true. I was the person that impregnated her without marrying her … I told her that if I marry her my wife will divorce me, we have trust between me and my wife so I cannot divorce her. Your worship, you know, it is 'Satan' that brought this. (Interview 15 July 2005)

For her part, although Fatima concurred that she was guilty of the crime—"True, we have committed this offense with Ahmadu Ibrahim"— she claims that she committed adultery with the intention of marrying him.

A reading of the defendants' confessions makes explicit the exercise of their faith through their submission of will in a way that reflects the crafting of spiritual subjectivity through an understanding of actions in the world—those seen, as well as those spiritually shaped imaginaries not always easily 'provable' in a court of law. In these terms, we see that Ahmadu's responses to the prosecutor's questions continued to highlight the work of 'Satan' in his adulterous action—that he succumbed to such temptation having lost the protection of his good spirits:

> One day she came and there was rain falling and we entered the shop so that to hide for the rain falling. Your Worship, it was here Satan tempted me and sexed her true. I will say

since Allah has said that: [*he utters prayer in Arabic with eyes closed*]. Then I told her you know anyone who sex a woman without marriage, there is no marriage, until if she has done period and seek for leniency. But she still did not stop coming. (Interview 15 July 2005)

In Ahmadu's testimony, Satan is a code word for the Islamic belief in *jinne* (from the Arabic *junn*), which refers to both good and bad forces, spiritual beings believed to inhabit the world alongside humans and to interact with them. Seen in this context, his admission of wrongdoing was not a misrecognition of his experiences. Although confession and submission as forms of negotiation did not absolve him of guilt before the law, admission qualified by an insistence that he lacked protection from negative forces locates Ahmadu as a spiritually elevated being within a spectrum of negotiable spheres of redemption.

From this vantage point, Ahmadu is able to shift focus by comparing the quality of his own guilty act with the position of Fatima's father, so possessed by the thought of receiving a substitute for a dowry that he was willing to sacrifice his own kin in pursuit of monetary gain. As Ahmadu explained to me, "Yes, I acted wrongly and the penalty for my actions are death. But I still don't think that I should be punished for it. I have willfully submitted for my wrongdoing. But, those looking for money from me should also submit." Through such complex posturing, outer-worldly spirits who influence personal behavior can be described as culpable—demons from the secular world who manifest in the material actions of otherwise 'good' Muslims. The quote also speaks to Ahmadu's feeling that *others* (i.e., Fatima's father) should be punished as well. At the heart of the problem was the fact that despite an "agreement between Fatima's family and Ahmadu that he would marry Fatima after she had weaned her daughter … [he] reneged on the agreement, claiming that he did not have the kind of money that Fatima's father was asking for. In a bid to make him pay up, Fatima's father took the case to court demanding the sum of one hundred and fifty thousand naira (N150,000) as damages."[14]

A range of Sharia prosecutions have taken place in Nigeria since 1999, and in most cases submission to the punishment was the initial response. It is important to recognize how particular sacred truths are made and legitimized in particular places, and why an accused person can maintain belief in the law despite competing and contradictory claims. What we see on the part of Ahmadu is an acceptance of multiple interpretations of truth, where truth reflects an interplay of the human and the sacred embedded simultaneously within political and divine spheres. This manifests within Islam as a distinction between the Sharia and the *fiqh* (school of Islamic jurisprudence). Via interpretation and adjudication, the divinity manifests through, and draws power from, the human subject under construction. Here the subject is not only crafted through a sacred divinity but competing truths are also articulated.

Ahmadu's confession should be seen as a form of divine obeisance, through which he is engaged in performing the 'proper' way of being in this particular world context. His Arabic utterances further engage a form of propitiation used to demonstrate adherence to godliness with the goal of undermining the secular evil of the non-Muslim world. Ahmadu recognized that, by confessing, he was acknowledging his identity as a Muslim and his willingness to submit to higher forces: the court. To understand such a willful confession in the midst of Ahmadu's insistence that he was being used by others for financial gain, one must review the rules of conduct that have reinforced this particular domain of behavior, in which submission to God requires particular types of display.[15] Islam is based on both behavior and belief. Pledging one's daily life to God's rules of conduct is revered, if it is a manifestation of genuine spiritual commitment. The maintenance of belief in Allah in the face of adversity is meritori-

ous. Thus, it is important for the believer to exhibit his or her morality through devout, pious, and upright behavior. These practices are seen to constitute the submission of the soul to the will of Allah, and it is this that will be considered on Judgment Day when the soul is rendered either suitable or unsuitable for entrance to Paradise. Ahmadu felt that it was Allah's will that he be held publicly accountable for his relationship with Fatima.

The demands of faith are often represented as straightforward, thereby requiring only that morality and ethics of submission be maintained; that is, the performance of piety. As a religious doctrine, Islam as popularly practiced in Nigeria is oriented toward praxis, and language is critical, because utterances are central to the theater of submission. In prioritizing the purity of redemption, Ahmadu's submission of a guilty plea suggests a desire to overcome the presumptions of modern reason and, instead, to betray the modern rationality of the rights-bearing citizen through an admission of faith. Insisting that his transgression reflected the overwhelming and irrational power of Satan, Ahmadu creates the possibility of both spiritual and social redemption. Through the nature of his confession, he performs his faith in an infinite future made possible through the logic of religious practice.

Thus, confession of guilt is not really the claiming of guilt. My discussions with Ahmadu suggest that he did not see himself alone as being responsible for his 'crime'. Rather, he pointed to complicity in his weakness and the desire to prevent secular and other evil forces from colluding in his demise. Submission, then, is an attempt to recognize the failure not of the self but of the good forces to protect oneself from the evils of secular public life. It is an embodied, spiritual chorus of complex inter-relatedness. As such, faith represents the realm of the knowable; it holds the power to transform sin and reformulate a human life into what is necessary for everlasting life. Faith becomes the knowable, the possible. It is the rationality of such revelations that shapes the basis for praxis. This type of purposive action is in itself an expression of the triumph over irrationality, over the Christian secular that is seen as hegemonic in the Nigerian south. It represents the type of piety that Islamic practice expects of its faithful. Thus, the admission of guilt, the expression of morals, and the submission to Allah all offer paths to virtuousness and redemption. In this context, Ahmadu viewed his submission as a triumph of rationality and his faith as a religious technique for ensuring salvation, in both social and spiritual contexts.

Thus, if we acknowledge that the separation between the public and the private is indistinguishable where religion and faith are inter-related, it becomes clear that the moral and the legal are co-constitutive. This recognition enables a further step, moving Islam to another level of expression in which the political is that which allows for subjugation—the political as the eternal. The triumph of the Sharia lies in the ability of religion as politics to produce a perpetual will of submission toward the purification of sinful acts. This mechanism clears the way for the broadening of faith both to compete with politics and, indeed, to become politics writ large.

In reflecting now on the plight of Fatima and Ahmadu—as of March 2010 still a stalled case formally unresolved in Nigerian courts—it is important to acknowledge the complexities of the self and its relationship to various cosmologies and social realities. To understand the struggles of those who resist Sharia punishment in the name of obedience to Allah, we must consider their participation in co-constructing culturally acceptable subjectivities, culturally acceptable truths. Unregulated individual freedoms, sexual promiscuity, the effects of alcohol, neo-liberal restructuring, 'political' Sharia, and many more forces are seen as encroaching on the divinity of Islam as it manifests in particular cases of crime and punishment. Recognizing the ramifications of these material forces, individuals negotiate the demands of several interlinked yet competing hegemonies, located at international, national, regional,

municipal, and village sites. By understanding how to navigate such complex terrain, defendants such as Ahmadu practice submission in ways that link their personal circumstances to larger power plays in Nigeria, where much is at stake for the future political, economic, and religious autonomy of Muslim states.

Ultimately, it is not surprising that the micro-practices at the heart of the theater of self-making—whether it be international, national, or village-based—is a function of power and the will to craft subjects in particular ways, and not always in terms of the rights-bearing subject or vernacularized in an attempt to be aligned with human rights discourses. When human rights are understood in relation to the power to perform particular forms of subjectivity, of utmost importance are the interactions and contestations of capacities of authority.

To activists outside Nigeria, a nation already deeply embedded in national and international controversy regarding the classification of particular forms of crime and punishment, the prospect of the female body sentenced to die for a (non-violent) sexual crime has come to stand for a larger specter of violence against 'victims' of an 'unjust' law. The making of vernacular subjectivities and alternate rationalities has provided a useful way to highlight the limits of translation and its universalist engine. This is the case when the vernacular logics are not neatly transmitted in terms of other rationalities that presume clear-cut dichotomies between guilt and innocence and the goal of preserving life, but instead are more complexly situated in a different domain of power through the performance of the pious Muslim.

The literature on performativity and piety as progressive politics has played a profound role in highlighting the limits of the rights-bound subject as the only subjectivity that counts as liberatory. Popularized in anthropology by the writings of Saba Mahmood (2005), Talal Asad (1993, 2003; Asad et al. 1986), Charles Hirschkind (2006), Clarke (2009), and Ruth Marshall (2009) in the expression of veridiction (*veridiction*), prophecy, dreams or seeing in the spirit as articulations of faith and piety, these works have demonstrated the need to question the extent to which secularism should not be seen as the only way to live a meaningful life. They have not only highlighted the epistemic violence of secularism when it is seen as a superior form of democratic pluralism in securing equality for all, but have also argued for a way to write the pious subject into agentive domains so as to speak back to normative liberal challenges. These challenges call on us to rethink the way we understand new religious and human rights formations in which we interrogate the limits of secular rationalities as the only modality for measuring the place of the political. For even in those spaces of political-religious restructuring of the democratic order—Nigeria, Iran, Iran, Pakistan, Uganda—the projects of Pentecostal conversions and Islamic revitalization of religious practices are providing an increasing number of answers to the uncertainty of the changing present.

Considering these matters raises substantive questions not only about the analytic absences in the literature but also about the realities of inequality in the production of meanings. In that regard, it is important to understand the ways that 'universality' is produced out of various micro-practices—the way that new truths are produced through the repetitive utterances of and counterpoints to local logic, thereby committing a particular violence of translation and disregard that should also be part of our understanding of the play of power in the process of vernacular change. The key is in understanding the arena of the socio-political as a space of unequal contests within materially unequal spheres of power. Because of this inherent unevenness, it has taken somewhat longer to grasp many of the phenomenal corollaries. Political predicaments long identified, often exclusively, with post-colonial states from the Global South (e.g., their diminished capacity to regulate successfully their own economies, the constraining dictates of international financial institutions) have now played out more visibly across the globe (Clarke 2009: 7). These transformations are not unrelated to

the willingness or unwillingness of religious practitioners to engage in human rights-driven changes. What we see is that people are adopting pragmatic philosophies of the everyday in which new forms of social collectivities are being deployed to solve problems and to inspire hope, belief, and maintain familiarity with the socialities familiar to them.

Religious Faith and Human Rights at the Crossroads

Of particular import to contemporary work on human rights has been the post-colonial intervention into the uses of vernacular cultural forms to produce new forms of practice (Bhabha 1994; Breckenridge et al. 2002; Chakrabarty 2000; Comaroff and Comaroff 1997; Fabian 1986; Pollack 2000). Its popularization in the anthropology of human rights has been instructive in thinking about the ways that people strategically vernacularize cultural meanings for local gain (Cowan et al. 2001; Ezeilo 2006; Goodale 2009a, 2009b; Goodale and Merry 2007; Niezen 2003; Merry 2006a, 2006b; Speed and Collier 2000; Tate 2007; Wilson 1996). Following this trend, there has been a range of debates over vernacularization and cultural contexualizations of human rights. Some discuss the role of NGOs as brokers in the vernacularization process (An-Na'im 2002; Berry 2003; Karim 2001; Leve 2007; Leve and Karim 2001; Pigg 1996; Rosga 2005; Samson 2001). Others examine the making relevant of rights language for strategic gain (Benhabib 2009; Ezeilo 2006; Goodale 2006; Merry 2005, 2006b; Speed and Collier 2000; Taringa 2007). Another set of scholars have examined the framing of human rights in relation to power and regimes of control (Allen 2009; Asad 2000; Englund 2006; James 2010; Speed and Collier 2000). Still others have looked at matters of scale dealing with collective versus individual human rights and religion versus the politics of faith (Adrian 2009; Boyle 2004; Taringa 2007). A related set of conversations have involved the rethinking of the relationship between religion and secularism, arguing that the two are not necessarily incommensurate (Ahdar 2007; Asad 2003; Bush 2007; Edge 2006; Ezeilo 2006; Griffin 2010; Osanloo 2006; Snajdr 2005; Taylor 2007; Vakulenko 2007) or are incommensurate insofar as the making of different domains of truth are concerned (Clarke 2009). Finally, the convergence between human rights and conditions of secularism is yet another discourse that calls into question presumptions of the universality of human rights and its related limits.

The seemingly discrepant domains of human rights and religious belief are not as unrelated as they might appear. Both represent a set of local practices—one embedded in the rubric of religion and the other in the modernity of human rights practices that have traveled and taken root as 'universal'. Human rights principles, like the circulation of religious practices, are as shaped by culture as they are by power. Understanding how they are made real and vernacularized is as important as making sense of the ways that they are resisted and rendered problematic within other spaces of logic. Religious faith is one such space of contestable logic that has its absences in the literature.

In *Human Rights and Gender Violence,* Sally Merry (2006b) argues that gender violence provides an ideal terrain for the examination of the ways that global law is translated into the vernacular. By focusing on violence toward women, she both celebrates the adoption of human rights language by subordinated peoples and details the ways that grassroots movements are currently adopting new languages in order to translate human rights. As she states, "[i]f human rights ideas are to have an impact, they need to become part of the consciousness of ordinary people around the world" (2006b: 3). Merry's fascinating examination highlights the way that law is shaped by social practices and demonstrates how transnational reformers engage in the appropriation, translation, and remaking of local knowledge in order to frame

them according to human rights language and concepts. However, because Merry is committed to anti-gender violence scholarship, she focuses on illustrating in detail how women in various cultural contexts come to see themselves in these human rights terms. What remains unaddressed are the ways that the very act of appropriation and cultural remaking involve another form of violence. This form represents the conceptual violence of translation through a prism of rationality and evidence, and it is known for reframing cultural norms in universalist secular terms, as well as in terms that articulate rights through presumptions of rights-bearing individualism. According to Merry:

> [H]uman rights create a political space for reform using a language legitimated by a global consensus on standards. But this political space comes with a price. Human rights promote ideas of individual autonomy, equality, choice, and secularism even when these ideas differ from prevailing cultural norms and practices. Human rights ideas displace alternative visions of social justice that are less individualistic and more focused on communities and responsibilities, possibly contributing to the cultural homogenization of local communities. The localization of human rights is part of the vastly unequal global distribution of power and resources that channels how ideas develop in global settings and are picked up or rejected in local places. (2006b: 4)

Merry highlights the processes of negotiating the adaptation of universal standards as clearly fraught with paradoxes concerning the construction of universality, cultural contestations, and the politics of power and persuasion. However, the goal of her analysis is to understand the ways that texts of human rights law are formed and articulate particular aspirations of universality, as well as to examine those discourses that are appropriated in a variety of national contexts. She calls this process of conceptual appropriation of human rights, 'vernacularization' or 'vernacular human rights' and defines it in terms of the interpretation of particular cultural grievances that are reconceptualized as human rights violations. As such, the vernacularization process reflects cultural change in an age of globalization in which culture is not immutable. Merry argues, "[s]eeing culture as open to change emphasizes struggles over cultural values within local communities and encourages attention to local cultural practices as resources for change" (ibid.: 9). She continues:

> There is a critical need for conceptual clarification of culture in human rights practice. Insofar as human rights relies on an essentialized model of culture, it does not take advantage of the potential of local cultural practices for change. Practices labeled harmful and traditional are rarely viewed as part of wider systems of kinship and community, yet they are deeply embedded in patterns of family and religion. A more dynamic understanding of culture foregrounds the importance of translators to the human rights process and the possibilities for change in local cultural practices. (ibid.: 10)

Understanding the dynamism of 'culture' in an increasingly porous world provides a wonderfully clear articulation of the myth of culture as static and traditions as unchangeable, but the larger questions at play address the limits of understanding cultural change through the language of culture as if it were void of power. What is often missed when approaching interventions in this way is that though we get a quite convincing articulation of the nature of transnational change, we get very little beyond the moment of strategic interpretation on those practices that fail to be vernacularized. Rather, human rights, their image of freedom for all of humanity, and their discourses of non-partisan and secular sensibilities, are used to represent an ontology that reflects rationalities that are commensurate and translatable in and of themselves. However, not only is it impossible to understand vernacular translation absent of power but some encounters are also incompatible with various tenets of liberalist personhood.

Yet significant studies have argued that human rights are paramount because their calling is derived from a transcendent truth, that they carry with them an ultimate set of principles for humanity, or that the laws enacted for them are founded on fairness and judicial diversity (e.g., Ignatieff 2001). These scholars often argue that human rights secure agency, autonomy, and individual protections from an abusive state or individual power, enabling people to protect themselves from injustice and to gain empowerment to choose their life options. But these liberalist conceptions of individual personhood are shaped by an economy of human rights that draws its power from ritual spectacles funded through donor capitalism and positioned within new bureaucracies comprising governmental and non-governmental organizations. Thus, to enter into a discussion about civil and political rights and freedoms without considering the conditions necessary for cultural and economic security is to locate a starting place for human rights in what Derrida (1992) would call its 'mystical foundations of authority'. Derrida used this notion to disrupt the idea that seemingly 'secular' formations celebrating the absence of religious moralities are themselves mystical constructions. In disrupting the fiction of law as justice, he locates both the religious and the secular as social fictions and then articulates notions of justice not as an answer but as an ongoing process of construction. Applied here, Derrida's concept of 'mystical foundations' calls into question the 'transcendency' of any truth from which human rights and rule of law activism might derive their assumed 'natural' supremacy over, say, Islamic law (Clarke 2009: 7–9).

Following a normative trajectory, Seyla Benhabib argues that transnational law has produced possibilities for a global governance structure that, although imperfect, is "sufficiently thick as to trigger significant relations of justice across borders" (2009: 701). At the heart of Benhabib's argument is the idea of 'jurisgenerativity', a term coined by Robert Cover that describes "law's capacity to create a normative universe of meaning that can often escape the 'provenance of formal lawmaking'" (ibid.: 696). Benhabib argues that, through jurisgenerativity, international human rights norms can equip citizens across borders with "new vocabularies for claim-making" (ibid.: 701). The question that follows is this: "How is the legitimate *range* of rights to be determined across liberal democracies, or how can we transition from general concepts of right to specific conceptions of them ?" (ibid.: 697). For Benhabib, the legitimacy of rights made local in different cultural contexts hinges on self-government. And through self-government arise 'democratic iterations': "complex processes of public argument, deliberation, and exchange through which universalist rights claims are contested and contextualized, invoked and revoked, posited and positioned throughout legal and political institutions as well as in the associations of civil society" (ibid.: 698). Against fears that such 'vernacularization' threatens the integrity of 'cosmopolitan norms', Benhabib maintains that this process does not change the 'normative validity' of human rights. Moreover, the very process of interpretation depends on "the democratic will formation of the demos," and that democratic iterations can be used to judge the legitimacy of the process by which human rights are contextualized (ibid.: 699). She concludes that a range of women's groups achieved new strategies of claims in large part through the spread of cosmopolitan norms.

Both Merry and Benhabib insist that paying attention to the *form* of human rights claims rather than the *content* is key to affecting change (see also Ezeilo 2006; Speed and Collier 2000; Taringa 2007). The problem with such a conclusion is that it erases the distinctions that exist between 'liberal' and 'decent hierarchal' societies, as well as between 'liberal tolerance' and 'liberal interventionism' rights-based grassroots movements, and collapses them in order to articulate the transformative power of particular contemporary human rights norms. What gets to count as relevant, legitimate, and non-offensive is that which is understood as such in the context of liberal democracies. This reality provides us with an opportunity to

reflect on how both sides of these differences might be translated into various religious and legal/human rights frameworks and what the limits of those translations might be.

Legal Certainty and the Limits of Reason: Evidence

An example of the limits of translations can be seen in the work of Didier Fassin and Estelle d'Halluin (2005), which examines the ways that non-governmental organizations deal with the dilemmas posed by the need to prove eligibility for asylum from protocols that examine, measure, and provide evidence for documenting infliction on the body. Drawing from Foucault's work on bio-power, Fassin and d'Halluin argue that, for asylum seekers, the body is now a site upon which to express the "truth about who one really is" (2005: 597). In the context of France, where asylum has been 'delegitimized' over recent decades, individual narratives are dismissed and the state requires 'proof of torture' as evidence (ibid.: 598). This shift can be observed in the dramatic increase of medical certificates issued, from 151 in 1984 to 1,171 in 2001 (ibid.: 599). Fassin and d'Halluin frame this as a new form of 'governmentality'. In addition to the body, the 'mark of power' is now also constituted in the legal, symbolic, and, therefore, political valuation of a written document (ibid.: 597, 606). Fassin and d'Halluin ultimately suggest that, as the refugee was to the twentieth century, the asylum seeker could be the "anthropological figure of the twenty-first century," in that he or she "represents the individual in quest of a legal status and often being denied a citizen's identity" (ibid.: 606). The manifestation of medical certificates as reason-driven, autobiographical accounts and as a form of evidence that is testable, is reflective of the similar manifestations of evidence in our increasingly growing bureaucracies. However, there are also limits to the uses of reason and evidence as the way to measure the viability of claims.

A range of twentieth-century scholars has taken up the paradox of reason and reallocated its analysis in cultural domains: from the work of the Frankfurt School, such as Herbert Marcuse (1941) and Theodor Adorno's ([1959] 2001), to works by Michel Foucault ([1961] 2005) Talal Asad (1993, 1999), and Saba Mahmood (2005). Deborah Posel and Achille Mbembe, attempting to rethink the place of the sacred in our notions of the secular, ask, "What are the limits of reason? And what are the conditions of faith?" (2006: 2). By examining theologies of power, faith in the market, and the politics of revelation in the context of secularism, they investigate the violent spaces of knowledge in which ideas of truth are masked in sacred notions of divine power. What we see is not only an attempt to rethink the potential dogma of scientific rationality, but also that even religiosity—with its unitary truths—has the potential of dogma. The ability to claim "a privileged relationship to absolute truth" (ibid.: 2) establishes a domain in which no one is sheltered from the reality of translation and truthmaking as a form of violence. Instead, the space of translation is the space of the political, and it is here—in the making of secular spheres of individualism and the sphere of divine power—that it is important to make sense of the role of capitalism and the reality of markets. Thus, how we make sense of translation involves the recognition of changing notions of truth as fundamentally embedded in the conditions within which human rights, law, or religious divinities are culturally framed.

New Rationalities and Logics: The Sleeping Embryo Theory

On 22 March 2002, Amina Lawal—an impoverished, divorced, thirty-year-old Muslim woman—was sentenced to be stoned to death by the Sharia Court of Bakori, Katsina State,

in northern Nigeria. During this first hearing, and in the absence of legal representation, she had 'confessed' to committing *zina*; that is, she admitted to having a newborn child and no husband.[16] Yahaya Mohammad, the accused father of Amina Lawal's child, denied having had intercourse with her, and the charge against him was dropped. However, the implementation of her sentence was delayed and the hearing suspended until January 2004, allowing Amina Lawal two years to raise her baby.

After hearing the grounds for appeal and reviewing the evidence, the Katsina State Sharia Court of Appeal overturned the conviction because neither the conviction nor the sentence had legal standing. In building a defense for Amina Lawal, her attorneys first had to dispense with the problem of her earlier confession. During the appellate hearing, they began by arguing that in Islamic law under the Sharia, the accused can withdraw her confession at any time, even at the point of execution. They then represented the state's case as being procedurally flawed. Under the Nigerian constitution, the burden of proof in criminal cases lies with the prosecution and not the accused. In relation to this threshold of proof, the defense argued that the state's case was vague, lacking details to establish her marital status or to indicate the time, date, or place. They then argued the following points:

1. that the word 'adultery' (*zina* in Arabic), had not been explained to the defendant, and her 'confession' was therefore not legitimate;
2. that the appellant had not been allowed to call on witnesses, leaving no basis for her to refute the charges against her; and
3. that because the alleged offense had been committed before 20 June 2002, revival of the Sharia Penal Code of Sokoto State, one of the most basic principles of law—that there is no crime without law—had been disregarded.

Referencing traditional norms derived from the Holy Qur'an, Amina's lawyers cited three additional defenses. First, under Sharia law, an accused should be given a chance to reform (known as *ihizari*); this chance was not offered to the appellant. Second, following procedures of arrest and the application of *zina* in the Qur'an, individuals should turn themselves in voluntarily when they have decided to confess to *zina*. This means that members of the Nigerian police force should not have entered the house of the appellant and arrested her for committing adultery. Finally, and most important as far as evidence is concerned, pregnancy itself does not represent conclusive proof of adultery. Following Islamic law, according to the *mazhab* Maliki,[17] a woman can carry a pregnancy for up to five to seven years from the date of her divorce or of becoming a widow. (This law, popularly known as the 'sleeping embryo' theory, evolved out of the need to establish paternity and to protect women from harsh legal judgment in situations in which a woman's pregnancy might come under scrutiny; for example if she is widowed or divorced (Miller, 2010: 421). Accordingly, if she delivers a child within this extended pregnancy period, the child may still be classified as belonging to her first husband. In this case, it was argued that an embryo within Amina had been dormant for seven years (even though she had been divorced for less than two years). In this case, Amina had been divorced for ten months before she gave birth, which her attorneys argued fell within the allowable timeframe for a sleeping embryo.

Thus, following provisions derived from Islamic cosmologies, Amina's defense attorneys argued against the court's 'modernist' interpretation; instead they used the more vernacular Islamic logic embedded in the sleeping embryo theory to illustrate that there was actually no proof that Amina had had intercourse with Yahaya Mohammad nor that the child that she bore was his. Rather, calling on a non-liberal teleology of science and the body, they insisted

that she may have been impregnated by her first husband—a presumption that it was not incumbent on the defense to prove. In response, the prosecution argued:

> We rely on *fiqh ala Mazahibul Arba'a* vol. V p. 89 … Counsel argued that pursuant to S.36 (1) the prosecution had to prove that the appellant was a *muhsinat*[18] (unmarried [i.e., a divorcée]) and that she was [not] carrying a sleeping embryo. This is not so. She had to plead that she was not a *muhsinat* or that she was carrying a sleeping embryo. Allah SWT in *suratul* [i.e., Sura al-]Qiyama[h] verse 14 stated that "man shall be a clear proof against himself": and the Holy Prophet (SAW) said "he who claims must prove[,] he who denies must take the oath." S.36(5) of the 1999 constitution provides that the accused person shall prove those things which he alone knows.

In other words, even though the court did not recognize the lack of gender equality—an equality promised by the same Nigerian constitution cited by the prosecution[19]—its ultimate response eventually recognized the legitimacy of various forms of Islamic logic, such as taking seriously the possibility of an eight-year embryo lying dormant in a woman's uterus. Key here is the divergent relationship between individual rights and various other forms of faith and belief that shape human possibility.

Beyond Universalism: Claim Making and Agency

Human rights projects cannot possibly guarantee the same rights to everyone everywhere. But as a movement it has clearly spread within spheres of power and produced the performative discourse of universality. However, as we have seen from the case studies above, the transformations of subjects and their predicaments have been possible not because universality is a reality but because people have been able to deploy particular forms of discourse to craft their causes. Individuals respond to their transforming circumstances in vibrant and creative ways. These responses are shaped by locally understood meanings, histories, and interests, which in turn create new sites and vehicles for action and for the re-emergence of older values, including religious ones. But these strategies do not produce new vernacularized practices simply out of cosmological shifts in discourse. Rather, through the development of micro-practices, human rights are produced as universal, through which particular strategies are incorporated.

Jacques Derrida has written that religion's "essential relation … both to faith and to God is anything but self-evident" (2002: 69). When examining human rights through the lens of religious belief (and vice versa), it is useful to conceive of 'religion' and 'belief' as distinct. How and why an amputee or convicted adulterer may dismiss the religiosity of the Sharia as being 'political' yet honor the conviction that inspires submissive action toward Allah is connected to the subjective construction of 'morally appropriate' and 'culturally acceptable' practices. And just as defendants and lawyers participate in the performance of innocence and guilt, so, too, do they engage in explicitly interpreting authorial texts: translating meanings, assessing applicability, and relating texts to personal style, normative practice, and contextual appropriateness. Separating the work that 'religion' does from the work that 'belief' does is a necessary step in understanding the construction of the subjectivity of a good Muslim, good Christian, good person; it involves recognizing practices emanating from spheres that may appear contradictory but are in fact related (Clarke 2009: 204).

In *Genealogies of Religion,* Talal Asad (1993) recounts how the constitution of the modern state required the forcible redefinition of religion as belief, and of belief as a personal matter belonging to the emerging space of private life. In the eyes of those who advocated a strong

centralized state, religion was a threat because it provided what were viewed as uncontrollable impulses contrary to the logic of national citizenship. Contemporary approaches to understanding the relationship among religion, politics, and faith—especially in post-transition, post-colonial states—highlight the futility of disaggregating religion from faith, of dismembering its agency. Through religious coalition-building and faith in the word of Allah, the 'good Muslim' is often crafted both as a citizen and as an appropriate believer. Not only are such religious agents proactive in what I refer to as these "faith-making projects," but they are artfully and politically strategic in the multiple trajectories within which they engage in crafting their lives (Clarke 2009: 187).

In this context, when agents make truth claims, it is important to recognize the ways that these invocations are part of a discursive arsenal of core values in the interest of 'claim-making' (Zeleza 2009). Thus, what is also critical is not simply what is done in the name of life preservation, but what is performed for the purposes of crafting the self, and what this means in relation to particular human concerns regarding, for example, preparation for life after death.

Claim-making is clearly performative, sometimes strategic, and reflects the ways that local histories of religious mobilization are undergirded by particular power relations (Osanloo 2008; Snajdr 2005). Thus, the work of Nigerian lawyers involving claims about the appropriateness of a given set of punishments may well be the justification needed to mobilize state violence. Despite this, the conceptions used are based on an unresolved incommensurability with which people live. I offer these narrative examples as ways to explore how particular strategies of evidence do not fit particular liberal renditions of truth and reality. And as such they represent the dialogues and processes, discussions and debates, through which a range of claims is mobilized in uneven relations of power. Seen in this way, the pursuit of human rights is just as illusory as the pursuit of religious doctrine. The contemporary language of human rights is often paraded as that which embodies the international discourses around human entitlements to life. Through its charge to protect human rights, humanitarian-driven justice represents the possibility that victims everywhere, without regard for national citizenship alliances, are entitled to international inclusion and protection. This presumption of rights and protections is materializing alongside the expansion of the post-colonial state. It is enabled by the erosion of state capacities to build a viable economy for citizens, to command and regulate access to resources in the domestic economy (Mbembe 2003), and to build innovative judiciary mechanisms capable of incorporating indigenous cultural traditions through which to direct future polities (Clarke 2009: 110).

Conclusion

How are we to understand the human rights claims of a conviction based on criminalized consensual sex when the defendants, having willingly confessed to the 'crime' and submitted to the punishment of death by stoning, still claim that their prosecution may have been politically motivated? This and other problematics central to this article are best explored both by examining the pragmatics of subjectification and through particular analytic approaches relevant to understanding the place and power of belief in the socio-political whole.

It is important to begin with a theory of victimhood that goes against the discourse of passive victims who must be saved by the human rights apparatus. Rather than representing them as merely powerless, occupying bare life (Agamben 1998), and in need of humanitarian intervention, ethnographic examinations of micro-practices at play allow us to start with a theory of those identified as being 'victims' as, indeed, agentive participants in the ways their

personhood is crafted and defended. Seen in this way, liberal legalism is certainly not the sole model for articulating human rights in the world. In fact, the examples here show how meanings of human rights travel and assume new forms despite the hegemony of liberalist articulations of rights. Mapping out new questions for critically questioning the limits and possibilities for change highlights that "particular concepts and cultural practices are not easily incorporated into human rights standards imported from elsewhere, whereas others are more readily vernacularized. Given the diversity in the ways that social norms gain force through various institutions of knowledge and power, it is important to detail and clearly articulate how particular norms are institutionally systematized, made natural, and produced as 'legitimate'" (Clarke 2009: 238). They involve delineating the cultural contexts operative within particular fields of power and understanding how translation operates across different fields of power, foreclosing or opening up strategies for inclusion (Clarke 2009). They involve recognizing that not everyone everywhere uses the same concepts; there is a difference in the culture of conceptual applications. More expansive are questions that explore how to parse cultural forms in different localities relative to hierarchies of difference.

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■ **NOTES**

 1. Cuban Information Archives Document 0337. Afro-Caribbean Religion http://cuban-exile.com/doc_326-350/doc0337.html.
 2. See Marlene Naanes, "3 Indicted on Child Cruelty Charges," North Jersey.com online news, 6 November 2009, http://www.northjersey.com/news/3_indicted_on_child_cruelty_charges.html.
 3. For example, see the U.S. Supreme Court case *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah,* 508 U.S. 520, 113 S. Ct. 2217, 124 L. Ed. 2d 472 (1993). Also, see *Merced v. City of Euless,* 2008 U.S. Dist. LEXIS 3685 (N.D. Tex., Jan. 17, 2008) and *Merced v. Kasson,* 2009 U.S. App. LEXIS 17027 (5th Cir. Tex., July 31, 2009)
 4. See Kiran Khalid, "Grave Robbery Is Part of Religious Ritual, Connecticut Police Think," CNN.com, 9 July 2009, http://www.cnn.com/2009/CRIME/07/09/connecticut.body.stolen/index.html?iref=allsearch.
 5. See "Thames Torso 'Was Human Sacrifice,'" BBC News Online, 29 January 2002, http://news.bbc.co.uk/2/hi/uk_news/england/1788452.stm.
 6. Author interview. Dan Isaacs, "Nigerian Woman Fights Stoning," 8 July 2002, BBC News, World Edition, http://news.bbc.co.uk/1/hi/world/africa/2115278.stm.
 7. U.S. Department. of State, Bureau of Democracy, Human Rights, and Labor, International Religious

Freedom Report 2001, "Nigeria," 26 October 2001, http://www.state.gov/g/drl/rls/irf/2001/5687 .htm.

8. David Bamford, "Hand Amputation in Nigeria," BBC News, 7 July 2001, http://news.bbc.co.uk/2/ hi/africa/1428159.stm.

9. The following discussion of this case draws extensively on Clarke (2009: 198–203).

10. Contrary to particular secular dismissals of preparing for the conditions of life after death, various forms of Nigerian Islamic reverence for the sacredness of life encompasses this sacredness even in "death" (see Clarke 2009: 158–62). Views on this matter highlight key tenets for which human relationships with God are sustained, and thus justice procured. Therefore, detailing the particular ways that individuals cultivate the self in relation to submission to God are important for making assessments about how to understand various paths to justice.

11. Data on file with author.

12. Author interview with Ahmadu Ibrahim and Fatima Usman, 15 July 2005.

13. See "Court Transcript for the Upper Area Court New Gawu—Judge: Abdulrahaman Alhassan; Plaintiff: Commissioner of Police Niger State; Defendants: (1) Ahmadu Ibrahim; (2) Fatima Usman Lambata; Court Adjourned until May 28, 2002."

14. BAOBAB. 2003. "Sharia Implementation in Nigeria: The Journey So Far". Lagos, Nigeria: BAOBAB. http://www.iknowpolitics.org/files/sharia_nigeria_baobab.pdf

15. See also Clarke (2009: 153–54).

16. "Amina was convicted based on the fact that she had this baby without a husband and that she confessed." "Nigerian Women Speak Out: Hauwa Ibrahim, Amina Lawal's Attorney," *FRONTLINE World,* January 2003, http://www.pbs.org/frontlineworld/stories/nigeria/voice01.htm.

17. The *mazhab* (or *madh'hab*) Maliki, named for the famed eighth-century Imam Malik, is one of several extant schools of Islamic jurisprudence.

18. The word *muhsinat* is an alternative spelling of *muhsanat,* the feminine plural of *muhsan* (a Muslim now or ever married).

19. See "Constitution of the Federal Republic of Nigeria," 1999, esp. sec. 15 (2), "discrimination on the grounds of … sex … shall be prohibited"; and sec. 42 (1), "A citizen of Nigeria of a particular … sex … shall not, by reason only that he is such a person: (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria." http://www.nigeria-law.org/Constitution OfTheFederalRepublicOfNigeria.htm.

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