For scholars of religious studies and law, the interaction between Western secular law and Islamic shari‘a offers a lens through which we can view an ongoing negotiation of legal and cultural norms. Two recently published books that address patriarchal family practices in contemporary Islamic communities shed light on how modern Muslims negotiate adherence to religious teachings and traditional kin structures in relation to secular legal systems. Honour, Violence, Women and Islam is an anthology that treats the thorny topic of honor killings and other practices of violence against women, mostly among Great Britain’s Muslim immigrant communities, but also in places like Turkey, Sweden, and Sub-Saharan Africa. Women, Islam and Everyday Life, a single-authored text that uses ethnographic research, examines the practice of polygamy in Indonesia in the post-Soeharto era.

Both books attend to questions of social marginalization and vulnerability that affect women and children disproportionately, and offer a sensitive but equally critical perspective on how Muslims deal with such practices. These forays into controversial areas of family life add to a growing body of literature that seeks to elaborate on how interpretations of Islamic law and ethics impact women in various parts of the world. They complement significant contributions made by Abdullahi An-Na‘im, Lynn Welchman, and Amira Sonbol toward understanding Islamic family law in a global context.

The essays included in Honour, Violence, Women and Islam bring into focus the relationship between male domination and violence against women. While there are few attempts to explicitly define patriarchy or the role of patriarchy in the perpetration of violent acts like honor killing, there is general agreement among the authors that patriarchy—understood simply as the rule of men over women—is virtually ubiquitous among contemporary cultures, even as it has roots in older religious and legal traditions. Importantly, the authors examine
how specific local contexts of patriarchal domination provide a basis for violence against women.

Several essays engage in close readings of justificatory arguments for gender-based violence. Some authors note that historically, non-religious cultural justifications have been offered for violence against women. In her examination of English law and gender violence, Anna Carline highlights the problematic nature of the provocation defense. Carline explains that the law since the seventeenth century has considered a wife’s adultery to be sufficiently provocative to be a reason for a husband’s violence. The provocation defense serves as legal recognition that extenuating circumstances that cause a man to become very angry should not lead to an overly harsh punishment. Carline persuasively argues that the provocation defense reflects a conception of male honor, since killing a wife was understood as an act carried out to restore a man’s honor. Originally reflecting a worldview in which women, as wives, were understood to be the property of men, the provocation defense has evolved in contemporary law to focus on loss of self-control in the murders of girlfriends and wives. Carline’s essay directly challenges the Orientalist argument that English culture is historically superior in its treatment of women and the corresponding idea that non-European cultures are “backwards” in their failure to grant women autonomy and rights.

Other essays in the volume that examine practices of gender violence in Islamic communities offer interesting comparisons to the kinds of justifications that Carline reconstructs. Some contemporary Muslims employ religious practices and beliefs particular to the Islamic tradition, e.g., Qur’an 4:34 or the so-called “beating” verse, to justify violence against women. The verse, here translated by Abdullah Yusuf Ali, reads:

Men are the protectors and maintainers [qawammun] of women, because God has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband’s) absence what God would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly); but if they return to obedience, seek not against them means (of annoyance): for God is Most High, Great (above you all).1

---

As Sadia Kausar, Sjaad Hussain, and Mohammad Mazher Idriss argue in their essay on the Qur’an and wife-beating, there are multiple ways to interpret this verse. Despite the existence of this verse as authoritative sacred scripture, they argue against wife-beating because it is an act that leads to harm—and doing no harm is a principle upheld by other parts of the Islamic tradition.

Nevertheless, many Muslim communities continue to read 4:34 as endorsing violence against women. Such an interpretation is frequently bolstered by a doctrine of gender complementarity that grants men disproportionate power over women. In an ethnographic study of British Pakistani immigrant (Mipuri) women in domestic violence situations, Zahira Latif notes that women who are victims of domestic violence adhere to the belief that they are “guardians” of the family honor, which includes the duty of preserving sexual purity. Latif found that husbands would justify abuse by claiming that their likeness to God (some calling themselves “temporary gods”) required female submission. As historian Kecia Ali explains, the classical Islamic legal tradition accorded women few sexual rights in contrast with men. In her book, *Sexual Ethics and Islam*, Ali cites *hadith* from Bukhari and Muslim in which “women’s sexual duties to their husbands are a matter of divine concern and divine approval is contingent on a husband’s approval.”2 Another *hadith* that might be used to justify the likeness of males to God is from Tirmidhi, who relates that the Prophet told Abu Hurairah, “[h]ad I ordained that a person should prostrate himself before another, I would have commanded that a wife should prostrate herself before her husband.”3

On one hand, this understanding of gendered sexual duties within Muslim family life presents nothing particularly new. On the other hand, however, the assertion of traditional Islamic gender norms in the context of multiculturalism and secular law introduces novel challenges. One major challenge the state faces is how to permit Muslims the freedom to interpret sacred scripture and tradition and translate them into practices that are acceptable under state law. How does the state enforce laws of gender non-discrimination among religious communities that practice forms of gender inequality? This raises the question of what limits the liberal state may impose in terms of group autonomy, and ultimately the question of how the state regulates the affairs of

2. KECIA ALI, SEXUAL ETHICS AND ISLAM: REFLECTIONS ON QUR’AN, HADITH, AND JURISPRUDENCE 11 (Oneworld 2006).
minority groups.

From the liberal political perspective of ethics and law, it is reasonable for a state to intervene in group practices when individuals incur harm from such practices, and acts of honor killing and wife beating constitute great harm to individuals. However, many authors in Honour, Violence, Women and Islam criticize multiculturalist politics in the UK and in other parts of Europe for encouraging complacency toward practices of gender violence within minority Muslim communities. In their respective essays, Tahir Abbas, Veena Meetoo and Heidi Safia Mirza draw attention to post-colonial policies aimed ostensibly at “toleration.” They show that a conservative reading of gender-discriminatory texts and traditions in the social context of discrimination against Muslims only escalates the problem of gender violence. For example, British policies of multiculturalism have created a disturbing level of tolerance for gender violence within immigrant Muslim groups. Meetoo and Mirza explain that Muslim women who are victims of cultural-religious violence are doubly at risk of being underserved by police and other state agencies who out of “respect for multiculturalism” do not aid victims. Such practices illustrate a dangerous kind of exceptionalism and perpetuate gender injustice.

In addition, state lawmakers and law enforcement officials encounter difficulty categorizing forms of gender violence and prosecuting them accordingly. As several of the essays in the volume note, there remain conceptual problems associated with honor killing. Some define honor killing as a distinct phenomenon involving the killing of a female by her male (and in some cases, female) relatives in order to protect a concept of honor, or sharaf. Joanne Payton argues that honor killings are premeditated and planned by the family and then performed for an audience to rectify male honor. In this respect, such acts resemble lynching more than domestic violence, as they increase solidarity and power among men. Similarly, Leyla Pervizat defines honor crimes as part of a control system regulating women’s sexuality. In her examination of Turkish law and culture, she explains that such killings maintain the order of male authority and power: the man is viewed as the victim of the woman’s sexual transgression, as well as the agent who can correct the transgression by killing the woman. When the state remains complicit in such crimes (when refusing to penalize the killer), the state in effect becomes an enforcer of this “honor” system.

Aisha Gill, while noting the distinguishing features of honor killings, argues that honor violence should be defined under the wider umbrella of violence against women. When the focus is strictly on
honor killings, she argues, attention is diverted from other practices of violent male domination in the home such as verbal abuse, intimidation, and other measures of control. Female victims can be helped by a definition of honor killing as a type of gender-based violence, which removes the stigma of personal shame. Gill also maintains that it is more legally advantageous to treat these crimes as forms of gender-based persecution.

Most, if not all, of the essays contained in this volume point to an urgent need to address the problem of violence against women in concrete form, whether through advocacy or law enforcement. Immigrant women form a particularly vulnerable group. The overall tenor of the book is that regardless of one’s view of state power, the state has a moral obligation to protect its citizens that trumps cultural and/or religious justifications of violence. How this intervention is theorized or legitimized, from the perspective of many contributing authors, is significantly less important than that government and law enforcement agencies act swiftly and humanely to protect victims of violence. Tolerance for religious practices and freedoms should not include tolerance of gender violence and tyranny.

More attention, however, could be devoted to the work of grassroots groups working toward change that are mentioned in several essays, such as the Southall Black Sisters, the Kurdish Women’s Action Against Honor Killings, and Sharaf (a group that educates Islamic men against gender violence). Moreover, incorporating more research on local programs for addressing injustice within Muslim communities, such as religious arbitration panels, would be helpful. The discourse of violence against women takes place on several levels of society: within the home and/or extended family network, within the local culture or religious community, and at the level of law enforcement and legal decision-making. In order to effectively address and prevent such violence, consideration is owed to how these interlocking networks relate to one another.

Honour, Violence, Women and Islam addresses the state’s responsibility to protect individuals from harm through the law, using a conception of human rights. Although equal protection by state law is an important piece of the solution, not all Muslims will turn to the state for protection. One key component in eradicating domestic violence among Muslims in the U.S. is the work of imams and other religious leaders who serve as intermediaries between individuals and the Islamic tradition. The Peaceful Families Project, an American group that involves popular imams as well as trained counselors, teaches the
importance of peace within the home and offers resources for victims of domestic violence. While the liberal secular state should ideally function to protect individuals by exacting penalties on perpetrators, it appears that legislation and court rulings alone may not correct popular attitudes and practices regarding gender violence.

Nina Nurmila’s book can be read as a challenge to essays contained in *Honour, Violence, Women and Islam* that take for granted that change at the level of state legal structures is the single most effective way to eradicate gender violence. Nurmila’s research on polygamy among Indonesian Muslims employs both historical analysis and ethnography in order to show how religious ideology frequently works against legal protections for women. Both *Women, Islam and Everyday Life* and *Honour, Violence, Women and Islam* understand gender injustice as a problem rooted in the justification of male hegemony and the impotency of state law to enforce women’s rights. Nurmila identifies the rise of Islamist ideology, which has managed to circumvent legal protections for women, such as the 1974 Marriage Act that required court intervention for practices like divorce and polygamy, as thwarting practices of gender equality among Muslims in Indonesia.

While multiculturalist discourse is absent from this story, Indonesia as a post-colonial state sets the backdrop for Nurmila’s discussion of polygamy. In the 1930s and 1940s, Dutch colonizers, among other things, attempted to curtail practices of polygamy through law, which led Muslims to resent Dutch regulation and intervention as a form of imperialism. Nurmila demonstrates that polygamy has stood at the intersection of Indonesian colonial and post-colonial ideas about marriage and Islamic identity, and has informed the current Islamist political agenda, which is quite favorable to polygamy. The author notes, “[t]he opposition of Muslim political leaders to the abolition of polygamy seemed to be caused by fear of secularism, which some equated with westernization or Christianization.” (Nurmila 46) Polygamy has been used as a symbol of Muslim identity as distinct from that of the real or imagined colonizer. Furthermore, it carries explanatory power in terms of why Muslim women might be persuaded, sometimes against their sense that the practice is somehow intrinsically wrong or harmful, to agree to polygamous arrangements in their own marriages.

Nurmila’s ethnographic research examines how individual Muslims interpret and understand polygamy in light of this national narrative. In her interviews of polygamous couples, she analyzes the experiences of women and their reasons for consenting to polygamous
arrangements. Acknowledging that women justify their acceptance or rejection of polygamy based on interpretations of Qur’an and *shari’a*, Nurmila identifies three types of readers: textualists, who favor a literal reading of the Qur’an and accept polygamy; semi-textualists, who resist polygamy but do not ask for divorce; and contextualists, who seek divorce from a polygamous marriage. Most Indonesians, she argues, are semi-textualists who tend to regard the *shari’a* as inerrant, and thus women’s organizations are reluctant to organize campaigns against polygamy. Many research participants thought that Islamic law unequivocally supports polygamy; furthermore, “[t]hey were afraid of being seen as rejecting Islam through rejecting polygamy.” (Nurmila 39)

Nurmila demonstrates the dissonance that frequently exists between Muslim women’s perception of the *shari’a*—understood as God’s law—as sanctioning polygamy and their individual sense that the practice is harmful. This generates for some women in polygamous arrangements a sort of “crisis of conscience,” in which their belief that they have a God-given duty to accept their husband’s desire for another wife collides with an awareness that the arrangement is harmful to them and to others, such as children in the home. Nurmila astutely notes that women involved in polygamous marriages are both passive objects of domination and active subjects. She identifies the areas in which women exercise power as subjects, and they range from expressing dissent against polygamy to using polygamous marriage to gain a degree of wealth and independence (a type of patriarchal bargain). As objects of domination, many women feel that they have no choice but to accept a second wife into the marriage. The pressure can be both personal (imposed by husbands) and political (imposed by Islamist groups). As conservative Islamist political trends prevail, many women feel a religious obligation to allow a second wife in the home in order to prevent their husbands from committing the grave sin of *zina*, or adultery.

_Honour, Violence, Women and Islam_ and _Women, Islam and Everyday Life_ articulate a common dilemma in the modern world: despite the existence of widespread legal protections, women continue to fall victim to violence and other social practices that marginalize them for ostensibly “religious” reasons. Under close examination, we see that many Islamic justifications for either gender violence or polygamy rest upon selective readings of texts and traditions, which are disguised as singularly authoritative and touted as definitive of Islamic identity. These books also demonstrate the pervasiveness of patriarchal structures of domination in many parts of the world that are hardly unique to Islam.
The case studies in *Women, Islam and Everyday Life* show that patriarchal ideology is not limited to ruling bodies or political parties but is found in everyday attitudes and beliefs—making them difficult to eradicate through legal ordinances alone.

The increased visibility of polygamous practices and more virulent forms of male domination, such as honor crimes, indicate the need for scholarly attention to the complex issues surrounding secular law, Islamic texts and traditions, and gender. Muslim communities are in the process of negotiating the substantial differences and tensions that exist between the gender norms articulated in the classical body of Islamic law and exegesis and those embraced by many contemporary cultures. Furthermore, this negotiation takes place in a political environment that is often highly polemicized. Female sexuality serves in a symbolic role in the maintenance and definition of the communal body. Shachar observes that family law functions as a boundary marker for communities, and patriarchal practices such as honor crimes and polygamy may be interpreted as practices that attempt to regulate female sexuality and therefore regulate membership. That such practices increase male solidarity and power is not accidental, as men primarily exert control in planning and organizing them.

Beyond the political realm, we confront a deeper philosophical problem in practices of gender violence which pertains to the complexities of human sexuality and love. Nurmila’s ethnography does more work than a strictly analytical piece could do by way of demonstrating the personal *emotional* costs of polygamy. Nurmila highlights a facet of human dignity that is not easily captured by abstract theories of human rights: the need of a person to be loved and respected by her family. We are struck by the particularity of the violence involved in the betrayal felt by women in polygamous arrangements, as well as that which inheres in the grotesque physical and psychological violence displayed by an honor killing. The victims are harmed by people whom they likely trusted and loved, or at the very least with whom they were familiar. We can identify this as a specific harm to human dignity that is manifested in practices of honor killing, domestic violence and polygamy. The state is thus a secondary agent of violence, either through its complacent policies toward multiculturalism or by its representatives who fail to act justly toward all citizens.

---

While it appears that matters of love are beyond the scope of inquiry for scholars of religion and law, Martha Nussbaum—a philosopher of law who has written significant words about love—can challenge this perception. In an essay on the particularity of the beloved, Nussbaum argues that “love is in its essence a relationship with a particular person, and that the particular features of the other person are intrinsic to its being the love that it is.”\(^5\) We experience love through relationships with particular individuals; for Nussbaum, the loss of erotic love is utterly devastating. To experience such a loss is indeed difficult, but violent betrayal in the form of emotional and/or physical abuse by a trusted family or community member constitutes a form of evil which seems inexplicable. The particularity of persons in an abusive relationship, I would argue, is correlated to the great degree of harm experienced by victims.

Analyzing forms of religious and legal justification for abuse—whether in arrangements of polygamy or in honor crimes—can reveal how specific communities deploy violence as a strategy for male control and power, and can offer insight on how to mitigate or eradicate such violence. *Honour, Violence, Women and Islam* tends to focus on the responsibility of the modern state to protect individuals. As I suggested previously, this focus should be expanded to include an examination of the relationships between individuals in a family, the practices of the particular community of which they are a part, and state policies regarding religion and the family. Shachar’s analysis of the relationship between the state and minority religious communities provides one useful model.\(^6\) In addition, *Women, Islam and Everyday Life* intimates that a more genuine and long-lasting solution to eradicating violence against women may require a robust understanding of the social, psychological, and political factors that enable persons to transgress bonds of social trust and mutual affection.

*Shannon Dunn*

---


6. SHACHAR, supra note 4.

* Shannon Dunn is Assistant Professor in the Religious Studies department at Gonzaga University in Spokane, Washington. Her research is primarily in the area of religious ethics.