Abdullah Saeed and Helen McCue (eds.)


*Family Law and Australian Muslim Women* is a collaborative work that explores the legal pluralisms that exist for Muslim women living in Western countries. Areas specifically addressed include how Muslim women deal with marriage, divorce, property settlement and inheritance within the constraints of Islamic and Western laws. The book is intended as an undergraduate or postgraduate text for courses on Islamic studies, law, comparative religions, sociology and gender studies. Abdullah Saeed and Helen McCue go a long way towards achieving this goal by creating a progressive seven-chapter narrative that leads the reader through a baseline knowledge of Islamic family law and principles in order to gain an understanding of some of the challenges that face Muslim women in the U.K., Canada, U.S. and Australia.

In Chapter 1, there is a thorough discussion of the sources of Islamic law, as well as a helpful introduction to relevant terminology and main concepts. Chapter 2 gives an overview of the applicable concerns for Muslim women when it comes to marriage, divorce and inheritance. Chapter 3 provides country case studies and looks at the different methods of reform within Islamic law, especially as influenced by Muslim women themselves, while Chapter 4 brings the discussion to focus on the current situation of how Australian and Islamic family law interact in Australia. Chapter 5 goes into depth on alternative dispute resolution, with further case studies looking into other forms of religious arbitration, and Chapter 6 hones in on the specific challenges for Muslim women seeking divorce in Australia. Finally, Chapter 7 attempts to disentangle the complicated issues that arise for Muslim women regarding inheritance.

Saeed begins the collaboration wonderfully with Chapter 1, *Ijtihad and Approaches to Renewal of Islamic Law Today: Some Reflections.* He provides a clear baseline knowledge of Islamic law and how it develops. The focus here is on the process of deriving law from the primary sources of Islamic law (*ijtihad*), and the text breaks down the primary (Qur’an and Sunnah) and the secondary (*ijma*—unanimous consensus and *qiyas*—analogical reasoning) sources of law. Though the terms may be foreign to those unfamiliar with Islamic law, the conceptual similarity to many other legal systems is revealed in the text, such as jurisprudence (*fiqh*), the probable (*zanni*), and especially public interest (*maslahah*). The discussion on the three different forms of *ijtihad* explains in
In Chapter 2, *Marriage, Divorce and Inheritance in Islamic Law as Presented in Ibn Rushd’s The Distinguished Jurist’s Primer: A Summary*, Saeed provides further background on the creation and interpretation of Islamic law by introducing the four schools: Maliki, Hanbali, Hanafi and Shafi’i. He sets the stage for the subsequent chapters, which outline how the various schools have altered the interpretation of key points of Islamic family law. There is an extensive outlining of the processes of marriage and divorce under Islamic law, which gives the reader an idea of the particular issues that may be in conflict with Australian law (e.g., issues of what qualifies as consent and the limitations on when women may initiate a divorce). Saeed then gives an introduction to the complicated rules of Islamic inheritance procedure. This section is not as easy to read, which may be due to the complex nature of the subject. This would also explain the less than clear articulation in Chapter 7, where inheritance is discussed in depth.

McCue’s Chapter 3, *Some Aspects of Reform in Islamic Family Law Today: Lessons from Three Countries*, follows nicely by expanding on the schools of thought with respect to reform of Islamic law and presenting country case studies from Morocco, Malaysia and Pakistan. This chapter in particular shows the power of Muslim women organising in civil society, while also juxtaposing what can be the unyielding nature of conservative political parties. It is refreshing and inspiring to see the success of Muslim women advocating for rights within the guidelines of what is oftentimes a misunderstood religious rule of law.

The examples in Chapter 3 set a background for the Australian context that is introduced in Chapter 4, *Australian Muslim Women: Skilful Legal Negotiators in a Plural Legal World*, by Ghena Krayem. Krayem gives a historical view of a political climate that makes it difficult for Islamic law to be followed within Australia and militates against its acceptance by white Australians. The discussion begins with the apt observation that religious law will endure despite staunch government opposition and quickly transitions to an assessment of the need for official recognition and formalisation of Muslim community processes. Though it is a persuasive argument that there must be some kind of harmonisation, this jump leaves the reader wondering how exactly this would lead to more inclusion and social cohesion versus fragmentation in practice (A specialised commission? A panel of experts? Direct incorporation into the legal system/courts?). Fortunately, questions as to the feasibility and practicalities

a systematic way the varying interpretations of Islamic law based on the same primary and secondary sources.