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Review of Kecia Ali, *Marriage and Slavery in Early Islam*, Cambridge, Mass: Harvard University Press 2010, 272 pp., ISBN 9780674050594.

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The book under review is definitely NOT just another book on the much debated topic of ‘women’s rights in Islam’. Kecia Ali, associate professor of religion at Boston University, is the author of this highly nuanced work which is important for all those interested in gender and religion, the formative period of Islamic thought in general and in early Islamic law in particular. The central aim of this book is to shed light on the nature of ninth-century Islamic juristic discourses pertaining to marriage and slavery with the emphasis on how the sociocultural prevalence of the latter affected the jurists’ conceptualization of the nature of marriage and divorce and the related gender-differentiated roles.

This intelligently written book consists of a very informative yet somewhat lengthy introduction, five chapters and a conclusion. The book also has an extensive index but no separate bibliography.

Apart from outlining the main arguments of the book, the introduction beautifully situates the contemporary relevance of the book and clearly delineates its subject matter and aims. Furthermore, it contains a very useful discussion on the diverse and divergent nature of Islamic Law (*shari’ah*) and jurisprudence as well as a comparison with other legal systems (such as Roman and Jewish laws), with special emphasis on the

legal arguments pertaining to the main subject matter of the book, the conceptual linking of marriage and slavery in early Islam. In addition to this, the introduction outlines a brief history and some characteristics of the early Islamic legal texts from the three major Islamic legal schools (Hanafi, Maliki and Shafi'i), which were the author's primary sources for the book. Lastly, a succinct yet informative picture enlightening the reader about the relationship between the Islamic legal-discursive tradition and Islamic social norms is painted.

The first part of the first chapter, 'Transacting Marriage', outlines jurists' views and the normative gender constructions of maleness and femaleness underpinning them. It discusses the question of women's capacity to contract marriage highlighting the parallels in the examined legal texts between the authority of the bride's male kin in transacting marriage and that of a slave owner in purchasing a slave. The second section centres on jurists' discussions on the function of the dowry paid by the groom in legitimizing sexual intercourse between the husband and his future wife and justifying the husband's dominion over his wife. The second chapter, 'Maintaining Relations', discusses in detail the interdependent but gender-differentiated claims and duties of the spouses. The basic point Ali makes in this context is that because of the husband's obligation to provide material support for his wife, he literally becomes an owner and acquires dominion (*milk*) over his wife's sexual organ (*bud*) and mobility (since, in principle, the wife must be sexually available to the husband at any time or place he chooses). She brings the interdependent claims between the spouses into sharper focus by comparing them with those of the owner's relationship with his female slave.

The third chapter, entitled 'Claiming Companionship', presents the juristic discussions on the wife's right to sexual enjoyment and companionship through the prism of time allocations which husbands are obliged to uphold in cases of polygynous marriages. Ali explains the gender differences, namely the wives' enforceable right to time allocations and support and the husband's unilaterally enforceable right to sex. Ali delicately demonstrates how jurists' efforts in making the marriage a more gender egalitarian affair were impeded by their adoption of these strongly gendered models of interdependent spousal rights and duties.

The fourth chapter, named 'Untying the Knot', examines different types of divorce and their regulations and underscores the crucial importance of the practical and symbolic parallels between the husband's unrestricted right to unilateral divorce (*talaq*) and the act of manumission (*itq*) of a slave by his/her owner. The chapter also discusses *khul* divorce,

which is a juridical mechanism available to the wife to divorce her husband (and regain ownership over her sexual organ and mobility) in return for compensation such as the return of the dowry and reimbursement for her maintenance during marriage. Extending her conceptual comparison between marriage and slavery in early Islam, Ali again highlights the common symbolism and parallels evident in juristic discourses between the acts of *khula* and *kitaba*, the transaction according to which a slave buys back her freedom. In the context of a divorce between the enslaved husband and wife Ali notices three important considerations. First, that the talaq principle in the context of enslaved spouses simultaneously reinforces the centrality of unrestricted, unilateral male privilege of divorce. Secondly, as a consequence of this, the understanding of talaq as a sole male prerogative trumps any other considerations such as the condition of enslavement. And thirdly, it also limits the usefulness of conceptual parallels between marriage and slavery since the husband, despite his status of being enslaved, still retains the unilateral right to divorce his spouse by virtue of his maleness.

‘Marriage and Dominion’, the fifth chapter, revisits some themes discussed in the first chapter, using the concept of dominion (*milk*) as the interpretive lens through which to compare the institutions of marriage and slavery in early Islam. Here particular reference is to how the marriages of enslaved spouses in addition to the institution of slave concubinage can help us understand conceptually the jurists’ views on the rights and duties of husbands and wives. The concept of the husband’s unrestricted dominion over his wife’s sexuality (and hence mobility) is underlined as the foundation for engaging in sexual intercourse illicitly in both the context of slavery and marriage.

There is no doubt that this book is a major contribution to our understanding of premodern Islamic law as it relates to marriage, divorce and slavery. The book is written lucidly and is highly readable despite its complex subject matter. It is one of very few books which treat the issues of Islamic family law and slavery in all complexity without undue reductionism or ahistoricism and without any apologetic tendencies. In addition, its methodology is rigorous and its aims are clear.

However, I would like the author to have included a chapter of a prescriptive rather than a descriptive nature. The chapter might have been based on the insights from the main subject matter of the book, in which the author would have expounded systematically her case for reform in Muslim family law highlighting the fundamental incommensurability between premodern and modern (Muslim) sensibilities with respect to the

question of marriage law. This is most evident in neo-traditionalist Muslim apologetic discourses which basically do not question the most fundamental patriarchal assumptions concerning Muslim marriage law and which, on a basis of eclectic, disjointed and one-dimensional hermeneutics, end up defending this edifice by referring to some, for women's emancipation, largely insignificant mechanisms in the premodern Muslim marriage law. These mechanisms appeal more to their modern sensitivities such as the allowance to insert into a marriage contract a clause which stipulates the wife's automatic right to divorce in the case of her husband's marriage to another woman. By defending these practices, however, they reinforce the unmistakably androcentric if not outright patriarchal nature of the premodern Muslim family law. I am aware that the author did not see discussing this as a task of the current book, a decision which I find unfortunate. I hope that Ali will turn to this task in a separate book in the near future.