

UNDERSTANDING SHARIA PROCESSES: WOMEN'S EXPERIENCES OF FAMILY DISPUTES BY FARRAH AHMED AND GHENA KRAYEM (HART PUBLISHING, 2019) PAGES 1-184. PRICE \$62.99 (HARDCOVER). ISBN: 978-1-50992-073-0.

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Sharia law has been predominately viewed through a negative lens in Western society in spheres such as the media and politics, with a particular emphasis on the negative impact of Sharia law on women's rights.¹ This criticising narrative has also been broadcasted nationally throughout Australia.² Nevertheless, the above rhetoric is challenged in Ahmed and Krayem's book, *Understanding Sharia Processes: Women's Experiences of Family Disputes*.³

In their work, Ahmed and Krayem seek to provide a more holistic understanding of Islamic family processes in Australia in an attempt to identify and extrapolate the reasons why women continue to support Sharia law despite the challenges they face. It examines four primary concerns involving complex reasons for opposition to Sharia practices. These four concerns are whether women freely choose to engage with Sharia processes, how Sharia processes respond to situations of family violence, the outcomes of Sharia processes relating to harm and discrimination against women, and the fairness of Sharia processes. This analysis is centred through the lens of equality for women who engage in Sharia law practices, in addition to the experiences of the professionals who provide legal and family services in this sphere.

The book began by illustrating the major disparity between Australia and other Western countries in terms of the quantity and volume of scholarly studies of Sharia law. This absence of knowledge has resulted in a lack of evidence to 'assess claims made in the media about contemporary Australian sharia processes'⁴ which further fuels incorrect and damaging narratives about Sharia law in Australian society. The book explores realistic perspectives and experiences of Sharia law through conducting interviews with women who have practiced or continue to practice Sharia. This personal, female-led approach to retrieving information in this

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¹ Ghena Krayem and Farrah Ahmed, 'Islamic Community Processes in Australia: An Introduction' in Samia Bano (eds), *Gender and Justice in Family Law Disputes: Women, Mediation, and Religious Arbitration* (Brandeis University Press, 2017) 1.

² Ibid.

³ Farrah Ahmed and Ghena Krayem, *Understanding Sharia Processes: Women's Experiences of Family Disputes* (Hart Publishing, 2021).

⁴ Ibid.

area contrasts significantly with the popular narrative consumed in Australia, ie that Muslim women do not have the right to speak their truth and are silenced by their religion.⁵

An example that illustrates a woman's autonomy is when women choose Sharia processes to seek a religious divorce. Religious divorces are distinct from civil/legal divorces in Sharia, as they involve a Sharia council to definitively recognise the separation and ensure it is enforced, whereas civil divorces in practice will not always be recognised by spouses, particularly where it has been initiated by the woman. In situations of 'limping marriages' where women have undergone a civil divorce and the husband refuses to grant a religious divorce, the woman must explain her reasons for divorce to the *imam* (ie a Sharia religious leader). In the event that the *imam* finds the reasons satisfactory, he will request the husband to *talaq* (ie to repudiate the marriage under Islamic law) as a means of divorce. Should the husband decline, the wife has the option to present her justifications for seeking a divorce before two male witnesses or one male and two female witnesses. Subsequently, the *imam* will formally declare that the religious divorce has occurred. The religious divorce serves the important purpose of recognising that the communal and spiritual ties of the *marriage* have been officially dissolved and that both the husband and wife can remarry. Motivations to undergo a religious divorce included 'the need to end emotional manipulation; a desire for closure; and a desire to avoid stigma within their community'.⁶

Nonetheless, while the above enunciates the freedom of choice that women are entitled to under Islamic law – thus challenging the perception of a lack of women's rights in Sharia processes – and following the ongoing themes of female-centric resilience throughout the book, the process of divorce is also an integral example of gender inequality in Sharia processes which the text also deftly explores. The authors' research revealed a number of challenges faced by women who have undergone a religious divorce through *imams*, including 'inadequate gender representation in the divorce process, a lack of transparency, their unmet need for injustice to be acknowledged and inadequate responses to domestic violence'.⁷ This view corroborates with similar findings in Hajjar's work where themes of gender inequality and subsequent injustice for women through the Sharia legal system are expounded.⁸

Interestingly, Ahmed and Krayem went on to highlight how Sharia processes do not primarily handle financial issues within the family. Many who practice Sharia believe this should be handled through mediation and state processes rather than Sharia law.⁹ This reveals an endorsed division between matters that should be handled under religious law and state-law, and challenges the general misconception that Sharia law restricts its followers from using state-law when the matter relates to family or marriage issues.¹⁰

In conclusion, the qualitative research gained through the interviews extrapolated in the book serves a wider purpose; providing much-needed scholarly data to negate frivolous media claims which continue to fuel

⁵ Scott Poynting and Linda Briskman, 'Islamophobia in Australia: From Far-Right Deplorables to Respectable Liberals' (2018) 7(11) *Journal of Social Sciences* 213, 214.

⁶ Ahmed and Krayem (n 3) 127.

⁷ Ibid 142.

⁸ Lisa Hajjar, 'Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis' (2004) 29(1) *Law & Social Inquiry* 1, 3.

⁹ Ibid.

¹⁰ Ann Black and Kerrie Sadiq, 'Good and Bad Sharia: Australia's Mixed response to Islamic Law' (2011) 34(1) *UNSW Law Journal* 383, 396-7.

incorrect and damaging narratives about Sharia law in Australian society. The data provided by the text also illuminates areas of Sharia law that have been widely misunderstood in Western society, and proactively invites audiences to alter their perspectives on the challenges that are faced by women who practice Sharia law. The text also postulates insightful questions for future research with regard to underlying gender discrimination in Muslim communities and further implications for collisions between Commonwealth law and Sharia.