



KİTAP DEĞERLENDİRMESİ / BOOK REVIEW

Maha A. Z. Yamani. *Polygamy and Law in Contemporary Saudi Arabia*. Reading, UK: Ithaca Press, 2008, 275 pages.

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Maha A. Z. Yamani has written an erudite book titled *Polygamy and Law in Contemporary Saudi Arabia* that offers the theoretical and practical knowledge of Saudi marriage culture by analyzing the application of polygamy and its main contributing factors. The book consists of seven main chapters and aims to develop a combined framework which includes Islamic law and social practice, the influence of Saudi history and the impact of the political system on current local marriage matters in general and polygamy in particular. The goal of the book is to contextualize the legal marriage contracts in Saudi Arabia by emphasizing the increasing number of contemporary polygamous relationships involving one male and two or more females rather than monogamous and traditional marriage styles. As an inside observer, Yamani takes advantage of being of Saudi origin by showing in-depth integration with local members of both gender for individual examples and commentaries that makes the study valuable and unique amongst the polygamy literature.

The writer claims that data is generally gained from Saudi citizens interviewed for the purpose of research, who came from various social and economic backgrounds and having different level of education (p. 46). She narrows down the quantity of observed groups by saying: "...the social groups studied in this research initially appeared exclusively amongst the class consisting of Hijāzī technocrats who worked closely with the Najdī ruling class" (p. 46). However, she usually does not describe the demographics of her sample in any detail such as their ages, social status, and education through the chapters of the book due to the promised anonymity of the interviewees (p. 237). Hence, the absence of knowledge about participants creates methodological problems for the analysis of the data. Indeed, how many researchers were interviewed during this survey is another unclear element because she generalizes her limited data for all Saudi Arabia's marriage status that could create prejudices about general Saudi situation (She sometimes gives the statistical number of the interviewees: 15 polygamous husbands, 20 first wives, 12 second/subsequent wives [p. 51, 178, 179, 182, 230]).

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The influence of personal experience with polygamy (p. ix) and coming from Hijāzī origin can be easily seen in the negative portrayal of explanations and criticisms about polygamous husbands and second or subsequent wives. Yamani argues that since the ruling class generally is of Najdī origin, the social situation and status of women in Nejd have resulted in the notion of dependence to male guardians (*walī*) for women in Saudi Arabia. In other words, the religious interpretation of Najdīs or Wahhābī discourse is applied throughout the Kingdom and does not give enough freedom to women in social areas with strict restrictions and leads the mistreatment of male guardian. From Yamani's perspective, male autonomy within the Saudi Kingdom finds its roots in the misinterpretation of religious sources and traditional materials by using cultural influences that do not give women freedom in social areas (p. 143). She also adds that husbands seeking to adhere to tribal values or looking for political alliances and long-term advantage contribute to increase of polygamy, and this happens with the assistance of Najdī women who approve polygamous union willingly (p. 44-6). Yamani claims that the tribal restriction on women marrying outside their tribe in some parts of Saudi Arabia and the prohibition against the marriage of a Muslim woman to non-Muslim man find its root in pre-Islamic culture of Saudi Arabia (p. 92). In other words, the Qur'an imposes the tribal culture of Saudis throughout the world according to the writer. However, taking into consideration ancient laws from pre-Islamic period that did not give any proportion to women, and contrasting these to *sharī'a* law, Yamani Argues Islam tries to give women increased rights. Hence, the writer's correlation does not work in this circumstance because there is not enough evidence in the Qur'an and *Sunna* to impose Saudi tribal culture on Muslim believers.

In the fifth chapter of the book, "The Muslim Marriage Contract, its Terms and Conditions and Modern Variations", she clearly categorizes modern day marriage types as either standard or non-standard marriage contracts (*'urfī* marriages in Egypt, *mut'a* marriages amongst *Shī'ī* Muslims, travel marriages, *misyār* marriage in the Gulf region, *zawāj al-badal* –marriage by exchange, *misyāf* marriages in Saudi Arabia, secret marriages, *hibā* marriage) (p. 100-115). Thus, this section offers useful information with a new perspective or evaluation style for the readers who need to understand legal differences and results between marriage types.

Last three chapters of the book, "The Legal Framework and Legal Changes", "The Character of the Polygamous Relationships", and "The Reasons for Polygamy" highlight the religious promotion and government encouragement of polygamous marriages and legal restrictions of women by depending on the concept of *maslaha 'amma* (public good) and *sad al-dharā'i'* (blocking the means leading to evil) (p. 137). Yamani writes: "...the acceptance of polygamy is portrayed by the media as an Islamic duty to be accepted by Muslim women. Men, on the other hand, are encouraged to seek polygamy as a means of immunizing themselves against sin (*taḥsīn*). Polygamy is therefore viewed as a sign of piety" (p. 225). She refuses this interpretation because polygamy is just a religious permission such that people are

free to follow or not, and it is not a religious duty or obligation. Therefore, according to the writer, the main causes for the increased practice for polygamous marriages are the financial and social aspirations of both partners rather than religious duty. The religious permission for four wives is used as a justification for the polygamous husbands or wives. However, financial, physical or psychological disparities within polygamous marriages damage women's situation that contradicts with Islamic discipline (p. 233). Whilst making negative comments on the government's legal policies that cause an increase of polygamy and the problematic marital situations within the society, Yamani does not put an emphasis on the ethical dimension of polygamous relationships or moral behavior of partners. In other words, she does not criticize the moral collapse of polygamous members within the Saudi community who ignore other religious obligations such as equality or justice. As she claims, even if polygamy is permitted by Islam under the light of protection from sin, it creates a social difficulty/problem within the Saudi Kingdom by increasing the number of divorces.

The writer also examines the disadvantaged position of spinsters, widows and divorced women within Saudi society because of the legal restrictions and the requirement for male guardian. Although a woman theoretically has the ability to divorce upon discovery of the polygamy, this right is not applied practically owing to custody of children, family pressure, financial maintenance and legal dependence. An application by a wife for a divorce in court is accompanied by an imposed conciliation period in polygamous marriages. The court decision generally creates dissatisfaction because the woman is put under pressure to renounce her right of *mahr* (dowry) in order to obtain divorce in contrast to men's unquestioned right for repudiation. As a result, the standard Islamic divorce in court available to women is replaced with the concept of *khul'* divorces that are imposed by the judges according to Yamani (p. 99). At the same time, oppressive situations and the difficulties of divorce for women are significant factors for wives that keep them within the monogamous marriages.

Polygamy and Law in Contemporary Saudi Arabia is a well-written academic contribution and social commentary on gender relations and Saudi marriage culture for researchers. However, the prevalence of polygamy and the inequality of women's position in Saudi Government could mislead readers without proper contextualization from other sources. I recommend this book to all who wish to gain greater insight into either polygamy or the ethnography of Saudi Arabia.