CHAPTER SEVEN

THE NEW PROTECTION: INDIGENOUS WOMEN AND THE CONTEMPORARY AUSTRALIAN STATE

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Thursday 21 June 2007 is a date indelibly etched in my mind. It had not been a good week for Indigenous Australians. Two days earlier a Townsville jury acquitted the police officer charged with the manslaughter of a young Aboriginal man, Mulrunji. Mulrunji had lived on Palm Island, an Aboriginal community in north Queensland with a tragic history. In 1918, the Queensland Government turned Palm Island into a penal settlement for Indigenous people who dared to question their oppression (Waters 2008: 28). In the years to follow, Palm Island would become notorious for superintendents who administered sadistic punishments and enforced apartheid (Watson 1995: 149). As recently as 1986, workers on Palm Island took action against the State of Queensland to recover compensation for its consistent denial of award wages (McDougall 2002: 11). This history of State-sanctioned repression provided the backdrop to Mulrunji's untimely death.

On 19 November 2004, Mulrunji was arrested for apparently swearing at a police officer, Chris Hurley. A brief time after his arrest, the 36-year-old father was dead. The Deputy State Coroner found that Hurley struck Mulrunji a number of times, causing his death. The jury determined otherwise, leaving no one accountable for this meaningless loss of life.

Following the not guilty verdict, I walked under a cloud of disbelief. On Thursday afternoon, however, my anger at the Queensland justice system momentarily subsided when I learnt of news from Canberra. At a hastily convened press conference, the then Prime Minister and his Minister for Indigenous Affairs, Mal Brough, announced a series of

interventions designed to address the national emergency in relation to the abuse of Indigenous children in the Northern Territory. Among them was the quarantining of welfare payments and compulsory medical checks of children.

The announcement was made in response to the report, *Little Children are Sacred,* which revealed allegations of widespread child sexual abuse in Indigenous communities in the Northern Territory (Anderson and Wild 2007). However, the draconian elements of the Intervention were at odds with the tenor of the report, which emphasised the need for a meaningful dialogue between Indigenous communities and governments.

As I sat in front of the television that evening, surfing channels to discover the latest developments, I experienced a range of emotions. At the most basic level, I wondered when our right to be Aboriginal people would finally receive universal respect. The parallels between the Intervention and protectionist legislation of the early twentieth century struck me.

The desire to control and transform Indigenous people has been one of the constants of Australian history. The social sciences provide numerous explanations for this endeavour. In particular, the Foucauldian concept of the Panopticon has relevance to the State's pre-occupation with effecting behavioural change in Indigenous communities. Originally conceived by Jeremy Bentham, the Panopticon was a prison comprised of individual cells. The window of each cell would enable a surveillant to observe prisoners, but prisoners would never be able to ascertain whether they were being observed. The constant possibility of being watched led to self-surveillance, thereby enabling the power of the observer without any need for coercion. The Panopticon was a metaphor for power relations in society.

The Panopticon finds resonance in both the protectionist regime and contemporary Indigenous welfare reforms. Like protectionism, contemporary reforms have been all encompassing and, to a degree, rely upon surveillance with the ultimate goal of producing compliant societies. This chapter will examine the legislative apparatus of the Panopticon, as it has affected upon Indigenous women. This chapter will be divided into three parts. Part one will discuss the history of protectionism. Part 2 will analyse key aspects of the Northern Territory National Emergency Intervention. Finally, part three will discuss the *Family Responsibilities Commission Act 2008* (Qld).

One: The Protectionist Regime

In essence, protectionism revolved around a form of wardship applicable only to Indigenous Australians throughout the twentieth century. Various forces gave rise to protectionism, including the need to stem settler violence against Indigenous people, a popular desire to curb miscegenation and the widespread belief that Indigenous people were doomed to extinction.

The first jurisdiction to introduce protectionist legislation was Victoria in 1869 (Chesterman and Galligan 1997: 16). However, an influential model was the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* (Qld), which would endure in various guises until the closing decades of the twentieth century. It is beyond the scope of this chapter to analyse the history of Australian protectionist legislation. Therefore, it will only identify key aspects of the Queensland system.

The lynchpin of the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* (Qld) was section 9:

> It shall be lawful for the Minister to cause every aboriginal within any District, not being an aboriginal excepted from the provisions of this section, to be removed to, and kept within the limits of, any reserve situated within such District, in such manner, and subject to such conditions, as may be prescribed. The Minister may, subject to the said conditions, cause any aboriginal to be removed from one reserve to another.

Once detained, Indigenous people were deprived of the ability to make independent decisions concerning matters such as marriage, employment and the practice of tradition.

While the protectionist regime dehumanised all, its impacts were gendered. One of the enduring features of the protectionist regime was the regulation of Indigenous women's sexuality, to stem the growth of the "mixed race" population and to prevent the sexual abuse of Indigenous women and girls. Those goals were to be achieved by provisions that focussed almost exclusively on asserting control over Indigenous women. For example, Indigenous women could not marry non-Indigenous men without the consent of a protector (*Aboriginals Protection Act 1901* (Qld) s 9).

Just as the State was attempting to regulate black female sexuality, it was transforming Indigenous women into mirror images of their European counterparts. As the home was the "index of civilisation", it was incumbent upon the State to monitor the domestic prowess of Indigenous

women (Lydon 2005: 212). Hence, agents such as protectors tightly regulated Indigenous family life.

Indigenous women paid a huge price for "protection", as they were deprived of autonomy over the care of their families and exposed to sexual violence. The ability of mothers to nurture their children was compromised by a policy that compelled children to live in dormitories. While some children were able to maintain regular contact with their parents, others were transported far away from their families (Kidd 2000: 10-11). The writer Ruth Hegarty has written about her own mother's anguish when she was placed into a dormitory at four years of age. Thereafter, the only regular contact between the two comprised silent glimpses across a communal dining room (Hegarty 1999: 28).

The exploitation of Indigenous labour was one of the enduring features of the protectionist system. For Indigenous women, this often meant leaving the reserves to work in non-Indigenous households. Domestic service not only strained family ties, it exposed Indigenous women to various degradations. Domestics frequently worked 15-hour days, lived in substandard conditions and endured sexual harassment from their white employers (Blake 2001: 132). Their vulnerability was exacerbated by official reluctance to prosecute non-Indigenous men for perpetrating sexual assaults on Indigenous women (Cunneen 2001: 159).

It is difficult to imagine what it would have been like to have been separated from one's children and then removed to a place where one was entirely at the mercy of one's employers. Even worse was the reality that many domestic workers were either under paid or denied remuneration altogether. Akin to other aspects of protectionism, the State's management of the wages of Indigenous workers was ostensibly benevolent, but in practice, it entrenched their poverty.

It is sadly ironic that while the State was managing the wages of Indigenous workers, the relatives of those workers were often living in squalor. The Queensland Government consistently under-funded Indigenous settlements, resulting in overcrowding and unsanitary conditions that in turn gave rise to disease. Kidd has described the decrepit conditions of one reserve in the 1920s:

> Called to report on the punitive death rate, visiting medical officer Dr Junk described conditions as "most conducive to sickness". Uncovered latrines invited typhoid. The "hospital" was grossly overcrowded, with a tiny badly smoking kitchen: it was so tainted with death that people feared to go near it. No beds were provided for ailing venereal disease patients at the "lock hospital", and infectious patients were confined in an open-sided shed. Even children in the dormitory had to sleep on the ground, their single

> blanket, meagre clothing, and scant and inferior diet contributing directly to endemic skin diseases (Kidd 1997: 81).

The State's response was not to improve basic amenities on the settlements, but to reinforce its control over the Indigenous domestic sphere, which once again placed Indigenous women under the microscope. The *Aboriginals Regulations of 1945* (Qld) contain numerous examples of intense surveillance of Indigenous family life. For example, s 53(2) made it an offence to fail to report cases of disease or injury to a protector. Likewise, s 54 compelled Aboriginal occupiers to keep their homes, "clean and tidy to the satisfaction of the protector". The State expanded its powers over Indigenous children. Subsection 18(1) of the *Aboriginals Preservation and Protection Acts 1939–1946* (Qld) vested guardianship of every Aboriginal child in Queensland in the State, "notwithstanding that any parent or relative of such child is still living".

Such oppressive regulation would have been at odds with Indigenous people's access to legal redress. Indigenous people not only lacked the ability to challenge administrative decisions, they were subject to a system of kangaroo courts. The Aboriginal Courts on the settlements invariably enforced the oppressive policies of the State. In *Citizens without Rights*, Chesterman and Galligan reproduced the following record of an Aboriginal Court, as an example of the pernicious role of such bodies:

> 22 February, 1962. Committing an act subversive to the good order and discipline of the Settlement, viz., that on the 21st February, 1962, at Cherbourg Settlement you were required to produce a sample of faeces to the Hygiene Officer, Mr J.H.P., and failed to do so. Further that you wilfully destroyed the bottle provided for that purpose. Plea: guilty. Convicted and sentenced to 14 days imprisonment (Chesterman and Galligan 1997: 171).

Most Australians are unaware of the above history, let alone conscious of Indigenous resistance movements, in which women played a crucial part. In the 1950s, the likes of Oodgeroo Noonuccal campaigned for citizenship rights and would later play a prominent role in the campaign for the "Yes" vote in the 1967 Referendum. Likewise, in New South Wales, women such as Pearl Gibbs were active in the Aborigines Progressive Association throughout the 1930s.

Indigenous women paid an enormous price for policies that were ostensibly in aid of their protection, with poor health, family dysfunction and endemic poverty among protectionism's legacies. Those legacies found resonance in the report of the National Inquiry into the Separation

of Aboriginal and Torres Strait Islander Children from their Families, entitled *Bringing Them Home*. The Inquiry was established in 1995 in response to Indigenous calls for recognition of the devastating impacts of former child removal policies. It received testimony from over 500 Indigenous people concerning their personal experiences of removal, much of which was reproduced in *Bringing Them Home*. The inter-generational effects of child removal policies included difficulties in parenting, self-harm, addiction and mental illness (National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families 1997: 222-231).

The lives of many Indigenous women have improved in recent decades, but such developments are arguably the result of the policies of self-determination, and in particular, improved access to education. However, rather than empower Indigenous women, recent reforms appear to be headed in the opposite direction and may herald a return to the days of protectionism.

Two: The Northern Territory National Emergency Intervention

In recent years, there has been a polarised debate about violence in Indigenous communities, from which Indigenous voices have been largely excluded. A common thread of the debate is the argument that violence is rooted in neither colonisation nor failed policy, but rather, it is inherent to Indigenous cultures. Like the architects of protectionism, the new experts implored Indigenous people to change.

Among them was the playwright, Louis Nowra. In his essay, *Bad Dreaming: Aboriginal Men's Violence against Women and Children*, Nowra argued that violence is condoned by Indigenous cultures, and to prove his point, inundated his readers with horrific imagery of gang rape and child sexual assault (Nowra 2007). Arguably, such pornographic content was superfluous, given that Nowra's entire thesis was encapsulated in his concluding paragraph:

> Indigenous communities have to recognise that they are part of Australian society and integrate into their cultural sensibility the idea of personal and individual responsibility for their actions. Furthermore, they need to accept that certain aspects of their traditional culture and customs—such as promised marriages, polygamy, violence towards women and male aggression—are best forgotten (Nowra 2007: 92).

The new experts were rarely subject to scrutiny by the mainstream press. By way of example, Nowra began his notorious essay with the claim that he had been privy to a conversation with two Aboriginal men who boasted of having sex with a 12-year-old girl (Nowra 2007: 1). While his allegation was widely accepted as evidence of an epidemic of child abuse in Indigenous communities, Nowra was never publicly challenged over his apparent failure to take those allegations to the police.

Just as the protectors deemed Indigenous opinion irrelevant, the new experts failed to acknowledge the chorus of Indigenous voices who have long been calling for government support to address family violence in their communities. Like their predecessors, the new experts were on a crusade to save Indigenous women and children. Another feature of the crusade was the invisibility of crises in urban areas, where the majority of Indigenous Australians actually live. As of 2006, only twenty-four percent of the Indigenous population were located in regional and remote areas (Australian Bureau of Statistics: 2007). Yet, throughout the Howard era, the needs of Indigenous people in urban areas were increasingly ignored. Another glaring omission from the crusade was acknowledgement that dysfunction in many Indigenous communities has been compounded by years of inadequate government funding.

The crusade gained momentum in June 2007, with the release of the report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, entitled *Little Children are Sacred.* The crucial need to consult with Indigenous communities was explicit in the report's first recommendation:

> That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments, and both governments immediately establish a collaborative partnership with a Memorandum of Understanding to specifically address the protection of Aboriginal children from sexual abuse. *It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities* (Anderson and Wild 2007: 22 emphasis added).

The Report's 96 other recommendations evinced a holistic approach by covering a range of areas, including family support services, community education, employment and housing.

The Report prescribed principles for engagement with Aboriginal communities, including the need for ongoing consultation, support for community-owned initiatives and recognition of Aboriginal law (Anderson and Wild 2007: 50-56). However, the principles were entirely

overlooked in Prime Minister Howard's announcement, only a week after the release of the report. In fact, the legislative process that followed rendered community consultation impossible.

The legal machinery for the Intervention spanned almost 500 pages, but in spite of the breadth and complexity of the legislation, there was no genuine attempt to engage with those who would be forced to live under it. Likewise, public scrutiny was muted. On 8 August, the legislation was referred to the Senate Committee on Legal and Constitutional Affairs. However, the deadline for the Committee's report was 13 August, allowing for only one public hearing—in Canberra on 10 August. The Senate subsequently passed the legislation on 17 August. It is beyond the scope of this chapter to cover the legislative package in detail. Therefore, only a few key elements of the legislation will be mentioned.

In his second reading of the *Northern Territory National Emergency Response Bill 2007* (Cth), the Minister described the Government's approach in the following terms:

> When confronted with a failed society where basic standards of law and order and behaviour have broken down and where women and children are unsafe, how should we respond? Do we respond with more of what we have done in the past? Or do we radically change direction with an intervention strategy matched to the magnitude of the problem?
>
> ...With clear evidence that the Northern Territory Government was not able to protect these children adequately, the Howard Government decided that it was now time to intervene and declare an emergency situation and use the territories power available under the Constitution to make laws for the Northern Territory.
>
> We are providing extra police. We will stem the flow of alcohol, drugs and pornography, assess the health situation of children, engage local people in improving living conditions, and offer more employment opportunities and activities for young people. We aim to limit the amount of cash available for alcohol, drugs and gambling during the emergency period and make a strong link between welfare payments and school attendance (Commonwealth Parliament, House of Representatives, 7 August 2007: 10).

In spite of the Minister's sentiments, many of the substantive provisions of the Act have only a tenuous link with the aim of protecting women and children from violence. For example, s 31(1) provides that leases over certain Indigenous lands are granted to the Commonwealth. It is difficult to understand why the Commonwealth had to acquire Indigenous lands to prevent violence against women and children.

Like the protectionist legislation, the Act frequently seeks to rescue its subjects through authoritarian measures, including surveillance reminiscent of the Panopticon. By way of example, Part 3 imposes requirements in relation to the use of publicly funded computers in prescribed areas. Computers owned by individuals or agencies in receipt of public funding must be installed with an internet filter (s. 26(1)). Records must be kept of individuals who use a publicly funded computer (s 27). Those responsible for such computers must develop a policy for acceptable usage. Subsection 28(3) provides that the policy must prohibit use for communications containing material that, among other things, would incite a contravention of a law of the Commonwealth. It is theoretically possible that an email publicising a political demonstration against the Intervention could fall within the ambit of s 28(3).

Likewise, Part 5 provides broad powers to the Minister to intervene in the affairs of "community services entities" in "business management areas". Both terms are defined so broadly in s 3 that it is likely that Part 5 will apply to many of the Indigenous community organisations responsible for delivering services in the areas that fall within the Intervention. Part 5 Division 2 empowers the Minister to direct a community services entity to provide a service in a specified way (s 67), use its assets in a particular way (s 68(2)(a)), or even transfer ownership of its assets (s 68(2)(d)).

Part 5 Division 3 empowers the Minister to appoint an "observer" of a community services entity (s 72(1)). There are no preconditions for the appointment of an observer and hypothetically, one could be appointed for the ulterior motive of intimidating an organisation that publicly criticised the Government. An observer appointed under Part 5 Division 3 would be entitled to attend meetings of the community services entity (s 72(2)) and to receive copies of any papers or documents to be considered at the meeting and the minutes of the previous meeting (s. 73(2)). It is unknown whether the current Minister, Jenny Macklin, will use her coercive powers under the Act. However, given that Indigenous women commonly occupy leadership positions in Indigenous organisations, particularly in the field of health, it is inevitable that they would feel the brunt of such an exercise.

Finally, the *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* (Cth) introduced an income management regime for Indigenous welfare recipients under which, varying amounts of payments are quarantined for expenditure on essentials. Arguably, the income management regime is reminiscent of the protectionist system under which various Governments assumed control over the property of Indigenous people. Furthermore, like the protectionist system, the income management regime will subject the Indigenous

domestic sphere to scrutiny, the impacts of which will be borne primarily by Indigenous women.

Just as protectionism relied upon the denial of fundamental human rights, so too does the Northern Territory National Emergency Intervention. In addition to the abrogation of privacy and property rights, statutory protections against unlawful discrimination were wound back. By way of example, s 132(1) *Northern Territory National Emergency Response Act 2007* (Cth) provides that the provisions of the legislation and acts done under the legislation are "special measures" for the purposes of the *Racial Discrimination Act 1975* (Cth). In essence, a special measure is a form of positive discrimination that has the aim of securing the advancement of a disadvantaged group, and therefore, is permissible under the *Racial Discrimination Act 1975* (Cth).

In addition to the dispensation of protection against unlawful discrimination, Indigenous people were precluded from pursuing conventional avenues for the review of administrative decisions. In particular, those subject to the income management regime will not have recourse to the Social Security Appeals Tribunal (*Social Security (Administration) Act 1999* (Cth) s 144(ka)).

Three: The Family Responsibilities Commission

In March 2008, the Queensland Parliament delivered its own version of the Northern Territory National Emergency Intervention, by way of the *Family Responsibilities Commission Act 2008* (Qld). The objects of the Act are:

> (a) to support the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and
> (b) to help people in welfare reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community (s 4(1)).

The objects are to be achieved through the Family Responsibilities Commission (FRC). The FRC will have the power to enter family responsibilities agreements with welfare recipients and, if considered necessary, subject individuals to income management (s 69(1)(b)(iv)). The legislation will apply to the "welfare reform communities" of Aurukun, Hope Vale, Mossman Gorge and Coen. Although the legislation applies to all welfare recipients, the targeted communities are predominantly Indigenous.

Like the Northern Territory National Emergency Intervention, the FRC will be focussed on the domestic sphere. The Commission's power over welfare recipients will be triggered by notices mandated by events such as the recording of a criminal conviction (s 43), a child safety notification (s 42), the breach of a tenancy agreement (s 44) or unexplained absences from school by a child under one's care (s 40). Once again, it is likely that Indigenous women, who are commonly the primary caregivers of their children, will suffer the brunt of this surveillance.

When the legislation was the subject of debate in the Queensland Parliament, it received bipartisan support. Underscoring this rare bipartisanship was the following comment by the National Party MP, Mr Johnson:

> I think the *Family Responsibilities Commission Bill 2008*, if we can make it work, is going to be the bill that will set the foundation and future for Indigenous people in this state (Queensland Legislative Assembly, 11 March 2008: 677).

Like their counterparts in the Commonwealth Parliament, several members of the Queensland Parliament argued that the reforms were necessary to advance the welfare of women and children in Indigenous communities. As stated by the Queensland Minister for Aboriginal and Torres Strait Islander Partnerships, Lindy Nelson-Carr:

> I believe that a reasonable balance has been struck between the interests of people appearing before the commission and the right of women and children in communities to be safe from violence and abuse, and the right of children to be educated, to have an appropriate and secure family environment and to have adults around them who are positive role models (Queensland Legislative Assembly, 11 March 2008: 654).

Like the Northern Territory National Emergency Intervention, the debate was underpinned by a belief that attempts to effect behavioural change through punitive sanctions are the only option left to Australian parliaments to address social dysfunction in Indigenous communities. This position is difficult to comprehend given that there is no proof that punitive measures will have any of the desired effects. Furthermore, such an approach flies in the face of reports such as *Little Children Are Sacred* that emphasise the importance of community ownership of solutions to family violence.

Like the Commonwealth, the Queensland Government neglected to conduct widespread community consultation. The lack of community consultation is ironic, given that several members of the Parliament

claimed that one of the strengths of the FRC would be Indigenous involvement. The Premier went as far as describing the FRC as "an independent, community based organisation" (Queensland Legislative Assembly, 11 March 2008: 688).

It is correct to say that the legislation does attempt to involve Indigenous people in the operation of the FRC. For example, there is provision for consultation with community justice groups over the appointment of local commissioners (s 14), and the requirement that local commissioners be Indigenous (s 18). However, the design of the FRC has little regard for Indigenous methods of dispute resolution that tend to be informal, open and commonly incorporate consensus (Behrendt 1995). Indeed, characteristics such as closed hearings, documents akin to pleadings and the offices of registrar and commissioner make the FRC similar to other tribunals.

The Hansard reveals a comprehensive awareness of the history of protectionism on the part of several parliamentarians. For example, the member for Algester, Karen Struthers, quoted from the debates concerning the *Aboriginal Preservation and Protection Act 1939* (Qld) and described such policies as "terribly wrong" (Queensland Legislative Assembly, 11 March 2008, 654-655). However, she went on to concede that the Bill was necessary:

> I am sure we all wish that there was another way to bring dignity and equality to the first peoples of this great nation and for them to bring that into their own lives again—a way forward that was much more self-determining and locally and culturally driven rather than more state intervention (Queensland Legislative Assembly, 11 March 2008, 656).

The references to protectionist legislation in Hansard are ironic given the parallels between the FRC and the protectionist regime. Arguably, the FRC's role in surveillance is analogous to that of former protectors. For example, the registrar is obliged to monitor compliance with family responsibilities orders that compel individuals to attend community support services (s 35(2)(f)). The term, "community support service" is defined in the Schedule to include health and alcohol rehabilitation services. It is foreseeable that those employed by community support services will be requested to provide personal information about their clientele to the FRC, raising difficult ethical questions if clients wish to preserve the confidentiality of such information.

Personal privacy may also be impacted upon by Part 8, which concerns the exchange of "relevant information" between the FRC and prescribed entities. Prescribed entities include the chief executives of departments

relating to child protection services, education, housing, adult corrections services and criminal justice matters (s 90(a)). Should the commissioner request "relevant information" from a prescribed entity, it must comply (s 93), with only a limited number of exceptional circumstances. Relevant information is broadly defined to include opinion (s 91). With the free flow of personal information, it is foreseeable that an erroneous opinion about an individual's parenting could be given to the FRC. The individual who may suffer adverse consequences because of the misinformation would be left in the dark until receiving notification from the FRC.

In common with the administrators of the protectionist era, there is little to stop the FRC from becoming a law unto itself because like the Commonwealth legislation, access to review is circumscribed. Under the legislation, an appeal against a decision of the FRC can be made to a Magistrates Court, but only on a question of law (s 110). Such appeals are within the purview of administrative law, an area that is steeped in complexity.

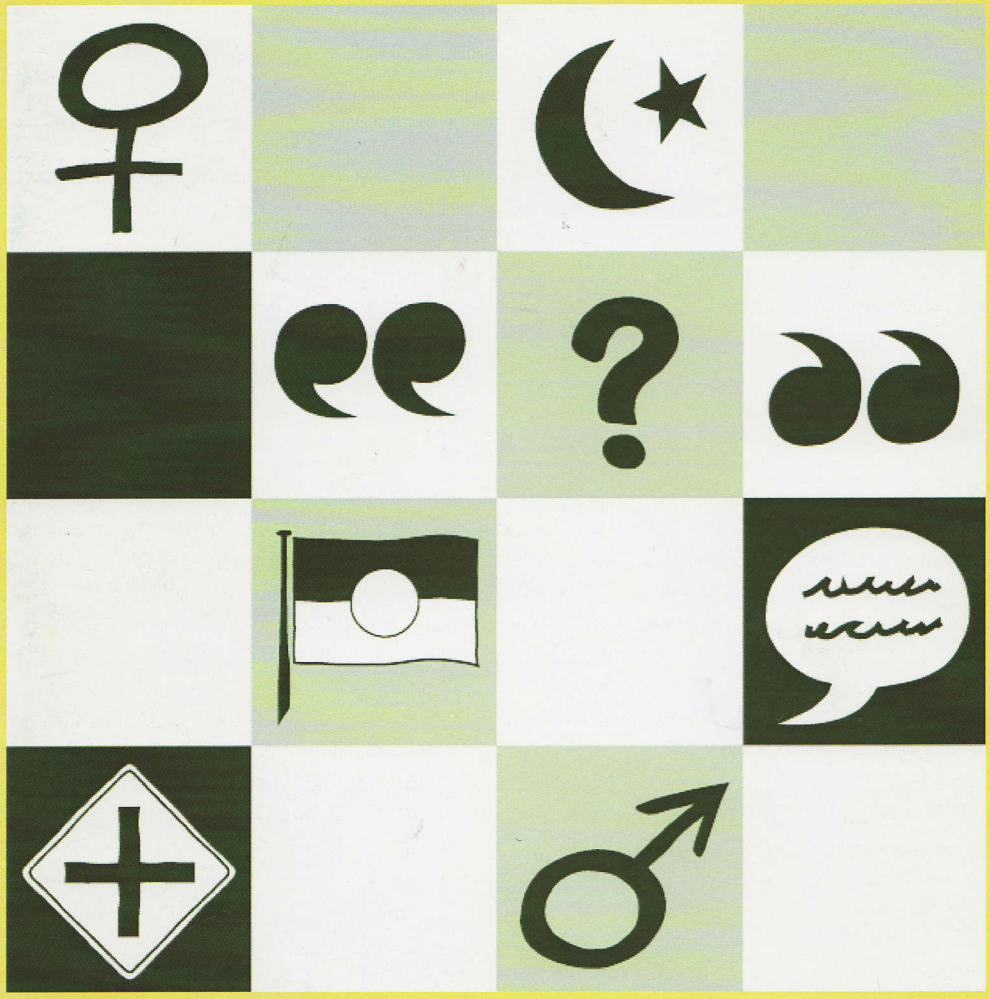
Conclusion

Although protectionism scarred all facets of Indigenous societies, its impacts were gendered. For Indigenous women "protection" often meant the surveillance of family life. Via its protectors, the State ensured that Indigenous females kept their homes clean, surrendered their children to dormitories and became often unpaid domestics.

It is too early to predict the long-term impacts of the Northern Territory National Emergency Intervention and the Family Responsibilities Commission with precision. However, like earlier "protection", both models seek to rescue through authoritarian measures, including surveillance of family life, which will inevitably impact upon Indigenous women as the primary caregivers of their children. The price that Indigenous people are likely to pay for the new "protection" is all the more invidious in light of the absence of proof that such interventions actually work.

BEYOND THE HIJAB DEBATES

NEW CONVERSATIONS ON GENDER, RACE AND RELIGION



EDITED BY

TANJA DREHER AND CHRISTINA HO

Headscarves in schools. Ethnic gang rapists. Domestic violence in Indigenous communities. Polygamy. Sharia law. It seems that in public debates around the world, concerns about marginalised communities often revolve around issues of gender and women's rights. Yet all too often, discussions about complex matters are reduced to simplistic debates such as "hijab: to ban or not to ban?" or "Muslim women: oppressed or liberated?".

This collection provides a space for in-depth analyses on the politics of gender, race and religion. As well as critical reflections on images and experiences of Muslim women, chapters also explore the relationships between gender, violence and protection, and offer innovative possibilities for intellectual and practical understandings at the intersection of gender, race and religion.

Essential reading for scholars and students of gender and women's studies, cultural studies, racial and ethnic studies, religious studies and an educated public interested in understanding the challenges and possibilities of tackling both racism and the oppression of women.

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