

Photo by *H. R. Ferger*

WOMEN WEARING THE *BURQA*, LAHORE

WOMAN IN ISLĀM

A Manual with Special Reference to Conditions in India

BY

V. R. AND L. BEVAN JONES

Of THE HENRY MARTYN SCHOOL OF ISLAMIC STUDIES

'The golden rule . . . is to have an untiring and genuine interest in the religion, the ideas, the sentiments, the institutions—in short, in the whole range of life of the people among whom one works, *for Christ's sake and for the sake of those people.* Whoever disobeys this rule does not find any real point of contact. Whoever obeys it becomes one with his environment, and has and finds contacts. . . . Man everywhere intuitively knows that, only when his actual being is the object of humane interest and love, is he looked upon in actual fact, and not theoretically, as a fellow-man.'

—H. KRAEMER.

THE LUCKNOW PUBLISHING HOUSE
LUCKNOW
1941

TO the Memory of our friend, Hilda McLean of Pabna, Bengal.

PRINTED IN INDIA
AT THE WESLEY PRESS AND PUBLISHING HOUSE
MYSORE CITY

PREFACE

THIS work was first undertaken about seven years ago in response to the request of a group of young women missionaries from the West, who rightly considered that it was due to them that they should be put in possession of such facts as those here assembled, early in their career, and not be left to pick them up haphazard any time later.

That, then, is the primary purpose of the book—it is a manual of information for the women of the Church of Christ in India, prepared with the hope that the reading of it will quicken in them an intelligent interest in, and genuine sympathy for, the Muslim women of this country.[1]

The compilation has taken a long time, but that should be counted a point in its favour, for we have made it a rule to use such Islamic sources as were available to us and to check closely each of our citations. It was, therefore, inevitable that we should revert to the sources of Islām and lay the Qur'ān, the Traditions, and Islamic Law under contribution; that, indeed, is what most Muslims would themselves desire us to do. Yet we did not expect, nor in fact always find in them support for things as they are today. On the contrary, since Islām is a living religion we have taken pains to supplement that part of our study with a fairly thorough survey of the Muslim press and publications, issued more especially since the time we began our work.

It is in the press that one finds evidence of the changes that are gradually taking place in the life and thought of Indian Muslims. There we see exhibited not only the concern of the orthodox party to stand by the traditional

[1] A special supplement for Christian women is issued separately, entitled *The Approach to Muslim Women.*

interpretation of the Qur'ān and Traditions at all costs, but the attempts of the more liberal-minded to re-interpret those sources in order to bring Islām into line with the life of today, as well as the revolt of a minority against the hampering restrictions of a code outworn. Even the women, as the manual repeatedly shows, are taking a keen interest in such matters.

It is hoped that the plan followed in the arrangement of the material will enable the reader to get a true perspective of the whole subject. Section I furnishes the background from which early Islamic society emerged. Similarly the opening chapter of Section II gives a bird's eye view of the life of Indian Muslim women today and prepares the reader for the subsequent chapters on their home and social life. Section III deals more directly with their religious faith and practice. In a bibliography mention is made of a number of books which most missionaries should be able to consult.

It remains to add that we are under obligation to a large circle of correspondents throughout the country, who have willingly co-operated in supplying us with a mass of detail from their personal observations and in checking matters submitted to them for local investigation. Of these we should like to make special mention of the late Miss Hilda McLean, to whose memory we dedicate this book. We also owe a debt of gratitude to the Rev. John Subhan who has read through the entire manuscript and helped us to make it more accurate. This, however, does not mean that we consider the work free from error or wrong emphases; we have done our best, and will welcome any suggestions for its improvement, should another edition be called for. Our thanks are due to the Wesley Press, Mysore, and the Lucknow Publishing House for their kind co-operation.

ALIGARH, V.R. & L.B.J.
3 February, 1941

CORRIGENDA

PAGE					
42, l. 23	*for*	'houses'	read	'house'
47, l. 29	,,	'or'	,,	'and'
63, l. 22	,,	'women'	,,	'woman'
107, l. 16	,,	'Muslim'	,,	'Muslima'
200, l. 12	,,	'things'	,,	'thing'
211, n. 2	,,	71, 48	,,	lxxi, xlviii
242, l. 10	,,	'too'	,,	'two'
248, l. 1	*delete*	'he'		
314, n. 2	*for*	369	,,	403
407, l. 4	,,	tried	,,	tied

CONTENTS

PREFACE vii

NOTES xii

SECTION I

BEFORE ISLĀM

CHAP. PAGE

I. ARAB WOMEN BEFORE ISLĀM (i) 3

Mode of Life in the *Jāhilīyya*—*Ṣadīqa* Marriage—Marriage by Capture—Female Infanticide and its Causes—Marriage by Contract—Polyandry—*Mut'a* Marriage.

II. ARAB WOMEN BEFORE ISLĀM (ii) 22

Consent to Marriage—Polygamy—Divorce—*Khul'a*, *Ṭalāq*—Prohibited Degrees—Women's Rights.

SECTION II

SOCIAL LIFE TODAY

I. HOME AND SOCIAL LIFE 35

Joint-family system—Village Women—The Town-dweller—*Parda*—Divorce—Educated Women's Dilemma—Education—Social Reform—Politics.

II. MARRIAGE 70

In the Qur'ān, and Traditions—Publicity—Preparatory Ceremonies—The *Barāt*—*Nikāḥ* Rites—Customs within the Zanana—*Rukhṣatī*.

III. AGE OF MARRIAGE 91

Child-marriage—Puberty—Age of Discretion—Actual Practice—Report of Age of Consent Committee—The Sarda Act.

IV. BETROTHAL 103

Selecting the Bride—Prohibited Degrees—Restricted Choice for Women—'Equality'—Personal Choice—The Intermediary—*Maṇgnī*.

CHAP. PAGE

V. CONSENT 119
The *Thayyiba*—Legal Schools—Mode of Consent—Option of Puberty—Present Practice.

VI. MAHR 130
In the Qur'ān—In Law—Two Kinds of *Mahr*—Amount—Prevalent Practice—Payment—'Dowry'.

VII. DIVORCE 143
In the Qur'ān—Traditions—Law—Modes of Expression—Types of Divorce—*Ḥalāla*—*Īlā*—*Li'ān*—*Khul'a*—The New Act of 1939—*'Iddat*—Prevalence of Divorce.

VIII. POLYGAMY 177
In the Qur'ān—Traditions—Law—Muḥammad's Example—Reasons for Polygamy—Public Opinion Today—Monogamy Claimed as the Law of Islām—Effects in the Home.

IX. MUT'A, SLAVERY, CONCUBINAGE 194
The Qur'ān—Traditions—Shī'a Allegations—Law—Female Slaves—Modern Views—Concubinage—Opinions and Practice Today.

X. PARDA 211
The Qur'ān—Traditions—Views Today—Reasoned Defence—More Liberal Views—Attitude of Women—Advocates of Reform—Effects of *Parda*—Prevalence of Practice.

XI. RIGHTS AND STATUS 233
Women's Rights—A Mother's Right—Loss of Right—The Qur'ān—Law—Shares for Women—How the Law Works—Equality of Sexes—The Dutiful Wife.

SECTION III

THE RELIGIOUS LIFE

I. THE RELIGIOUS LIFE OF A MUSLIM WOMAN 253
Educated Women—The Orthodox and Illiterate—Religious Teaching at Home—Women and the Mosque—Meetings Elsewhere—Hindu Influence.

II. KNOWLEDGE OF THE FAITH 264
Ideas of God—Angels—Inspired Books—Prophets—Day of Judgment—Heaven and Hell—Salvation—Predestination.

CHAP. PAGE

III. PRACTICE OF RELIGIOUS DUTIES 281
Kalima-i-shahādat—*Namāz*—Ablutions—The Five Prayers—*Durūd*—*Du'ā*—*Munājāt*—Women's Conception of Prayer—*Zakāt*—*Ṣadaqa*—*Roza*—*Ḥajj*.

IV. ṢŪFISM AND SAINTS 300
Pīr-murīd—Initiation—A Form of Covenant—*Dhikr*—Saints—*Gyārahwīṇ sharīf*—Women Saints—*Karāmāt*—*Ziyārat*—Women Suppliants—Zuhra Bībī Practice Condemned.

V. VOWS AND OFFERINGS 318
Nīyat—Examples of Vows—*Niyāz*—*Kundā*—Sannyāsī Bābā—*Nadhr*—*Mujrā*—*Rat Jagā*—*Baiṭhak*

VI. SPIRITS AND EXORCISM 330
In the Qur'ān—Traditions—Fear of *Jinn*—Shapes and Habitations—*Parī*—*Ghūl*—*Churel*—Prevalence of Belief—Exorcism—Two Kinds—Uses of *'Amalyāt*—Incantation—How it Works—Instances—Blowing on Knots—*Kālā Jādū*.

VII. CHARMS AND DIVINATION 358
The Evil-eye—Protective Measures—*Ta'wīdh*—Prevalent Use—Traffic in Charms—Magical Use of the Qur'ān—In Relation to Disease—Omens and Taboos—*Istikhāra*—Divination—*Ḥaḍrat*.

VIII. RELIGIOUS FESTIVALS AND CEREMONIES 377
Baqr 'Id—*'Īdu'l-Fiṭr*—*Bāra Wafāt*—*Milād*—*Shab-i-Barāt*—*Muḥarram*—Death Ceremonies—Lamentation—Following the Bier—*Janāza*—Prayers for the Dead.

IX. SEMI-RELIGIOUS CEREMONIES 400
Puberty—Pregnancy—Birth—After Birth—*'Aqīqa*—Reasons for the Rite—Prevalence in India—Naming Ceremony—*Chhaṭī*—*Chillā*—*Bismillāh*.

X. APOSTASY 421
In the Qur'ān—Traditions—Law—The Woman Apostate—Effect on Marriage—The New Act—A New Principle—An Important Innovation—The Convert to Christianity—Effect on Right to Property and *Mahr*—Guardianship of Children.

APPENDICES 441

BIBLIOGRAPHY 445

INDEX 451

NOTES

Islamic terms are printed in italics; the scheme of diacritical marking adopted being as follows:

th	for	ث	ṭ	for	ط
ḥ	,,	ح	ẓ	,,	ظ
kh	,,	خ	‘	,,	ع
dh	,,	ذ	gh	,,	غ
z	,,	ز	q	,,	ق
ṣ	,,	ص	’	,,	ء
ḍ	,,	ض			

The short vowels in these terms are sounded, in India, approximately thus:

a	like	a	in Eng.	woman.
e	,,	a	,,	mate.
i	,,	i	,,	hit.
o	,,	o	,,	hole.
u	,,	u	,,	put.

The long vowels represented by ā, ī, ū, have approximately the sound of the following italicized letters: *f*ather, fat*i*gue, r*u*le.

References to a *sura* and *āyat* of the Qur'ān shown thus, 2: 100, follow the enumeration of the verses in Rodwell's translation, *The Koran* ('Everyman's Library').

* * * * *

For key to abbreviations of works cited see the Bibliography on p. 445.

SECTION I

BEFORE ISLĀM

I

ARAB WOMEN BEFORE ISLĀM

WHEN depicting the state of things existing in Arabia before the advent of Islām, Muslim writers frequently quote a reply alleged[1] to have been given by the fugitive Muslims from Mecca to the Negus[2] of Abyssinia in A.D. 615, the fifth year of Muḥammad's mission. When asked why they had abandoned their former religion, Ja'far, son of Abu Ṭālib and brother of the famous 'Alī, made answer as follows:

> O King, we were a nation of ignorant people; we worshipped idols, ate dead bodies and lived in unchastity. We disregarded the bonds of kinship and the duties of hospitality and neighbourhood; we knew no law but that of the strong when God raised among us a man of whose birth, truthfulness, honesty and purity we were aware. He called us to God and to His Unity and to His worship, and bade us abandon what we and our parents used to worship instead of Him, that is, stones and idols.
>
> Moreover, he enjoined us to speak the truth, to be faithful to our trusts, to be merciful, to regard the rights of neighbours, and to abstain from shedding blood. He forbade us to live in unchastity and to speak lies, or to eat the substance of orphans, or to bring false charges of unchastity against women. He ordered us to worship God only and not to associate anything with Him; to offer prayers, to render alms, and observe the fast.
>
> We have accepted him and believed in him and obeyed him in the matters that have come to him from God, and therefore we worship God and do not associate anything with Him;

---

[1] By Umm Salma, widow of Abu Salma, one of the *muhājirīn-i-Ḥabsh* (refugees to Abyssinia). She afterwards was taken to wife by Muḥammad.

[2] Negush or *Nijāshī*.

and we consider forbidden the things which are forbidden and lawful the things permitted.

For this reason our people have risen up against us and have persecuted us in order to make us forego the worship of God and to return to the worship of idols and to consider lawful the things which are abominable.

They have tyrannized over us and reduced us to extremity and have come between us and our religion, so that finding no safety among them we have come to thy country and have chosen thee rather than others, and have turned to thy protection and we hope that we will not be persecuted under thee, O King.[1]

So uncouth, indeed, were the early Arabs supposed to have been that those times are commonly referred to in Muslim writings as *Jāhilīyya*, the 'Period of Ignorance', or more precisely, 'Barbarism'.[2] And yet it is strange that Ja'far makes no direct reference to an inhuman practice of those days which is repeatedly mentioned in the Qur'ān and in the works of Muslim writers, namely, female infanticide.

JĀHILĪYYA

The birth of a daughter was usually looked upon by the Arabs, as by others of the ancients, as a calamity.[3] The Qur'ān, speaking of the *Jāhilīyya*, says that on hearing such news a father's face grew black and he choked with rage, 16: 60; 43: 16. In keeping with this spirit was the barbarous custom of burying alive

INFANTICIDE

[1] Translated from the Arabic of Ibn Hishām, *Sīratu'n-Nabī*, I, p. 304 f.; quoted by S. Khuda Bukhsh, *History of Islamic Civilization*, p. 154 f; Shiblī Na'mānī, *Sīratu'n-Nabī* (Urdu) I, p. 221; Ameer Ali, *The Spirit of Islam*, p. 29 f.; Muhammad Ali, *Muhammad the Prophet*, p. 84; E. G. Browne, *Literary History of Persia*, I, pp. 186–8.

[2] So Goldziher; cp. Nicholson, *A Literary History of the Arabs*, p. 30. The term is used four times in the Qur'ān: 3: 148; 33: 33; 48: 26; 5: 55.

[3] Thus, Hilarion writing to his expectant wife, Alis, says: 'If perchance you bear offspring and it is a male, let it live; if it is a female, put it on the midden.'—P. Oxy. 744 (c. A.D. 1).

female offspring.[1] If we may believe the report, it is related that the only occasion on which 'Uthmān shed a tear was when, in the days of old, his little daughter, whom he was burying alive, wiped the dust of the grave-earth from his beard.[2] When a girl was allowed to live she would normally be married at the early age of seven or eight, the parents fearing that otherwise she and they would be dishonoured.[3]

Granted that such things were practised, yet it would be a mistake to conclude that the social life of the early Arabs in general was one of unmitigated barbarism. For this reason we need to receive with caution the extravagant assertions of certain Muslim apologists for Islām, who in their very natural desire to enhance the achievements of Muḥammad and the glory of Islām are given to painting too dark a picture of those days. This observation holds good even of the position of Arab women, notwithstanding the fact that it was in the amelioration of their lot that Muḥammad introduced some of his more notable reforms.[4]

UNRELIEVED DARKNESS

We are told, for instance, that 'utter darkness and barbarism at this time prevailed over the whole of Arabia. No social laws were observed. Rapine and incest raged supreme and not infrequently mothers were taken for wives.'[5] Another declares, 'Barring the love-songs in praise of the

[1] The practice seems to have been common; cp. Robertson Smith, *Kinship and Marriage in Early Arabia*, p. 75.

[2] Quoted by Rodwell, *Koran*, 16: 61, n. 2; also Hughes, *Dictionary of Islam*, art. Women, p. 677. For a similar pathetic incident cp. the remark of his daughter whom Qais b. Āṣim was burying alive, 'O my father, why are you leaving me in the dust?'—*Aghānī*, XII, 150.

[3] cp. Margoliouth, *Mohammed*, p. 29 f.

[4] cp. Levy, *The Sociology of Islam*, I, pp. 138, 144.

[5] Ghulam Ahmad, *The Teachings of Islam*, p. 20; Shibli, op. cit. IV, 231.

beloved, which were the outcome of carnal lust, woman was accorded no better treatment than lower animals'.[1] Still another says, 'It is really begging the question to ask whether these Pre-Islamic Arabs had any noble characters left at all'.[2]

But European scholars, having scrutinized the same meagre sources[3] for our information of that period, while not unmindful of the wild nature of much of the life of those times, yet maintain that in several respects the lot of Arab women was a happy one. 'The place of women in the society of pagan Arabia was appreciably higher than that which they hold under al-Islām. No doubt in the chances of war they frequently incurred the risk of ill-treatment: but this risk they shared with all that was physically weak and helpless in those stormy times. They had much liberty which was afterwards denied them. . . . They were much freer in their movements than they became after the ordinance of the veil had been prescribed. They entered general society, and showed hospitality to their husband's friends.[4] In many cases they selected their mates for themselves, instead of having to accept the choice made for them by their guardians. It is especially in this respect that the poetry of the Ignorance is distinguished from that of after years.'[5]

ARAB CHIVALRY

Professor Nicholson, another recognized authority on the subject, writing of the life of the women of those days, says: 'On the whole, their position was high and their influence

[1] Muhammad Ali, *Md.* p. 26.

[2] Sirdar Ikbal Ali Shah, *Mohamed the Prophet*, p. 35.

[3] viz: Poems and fragments of verse, proverbs, traditions and legends; cp. Nicholson, *LHA.* p. 30 f.

[4] cp. Hell, *The Arab Civilization*, p. 54.

[5] C. J. Lyall, *Ancient Arabian Poetry*, Introd. xxxi. cp. 'It is certain that in the desert woman was regarded as she has never since been viewed among Muslims.'—S. Lane-Poole, *Studies in a Mosque*, p. 23. Abdur Rahim, *Muhammadan Jurisprudence*, p. 9, denies this.

great. . . . They were regarded not as slaves and chattels, but as equals and companions. They inspired the poet to sing and the warrior to fight. The chivalry of the Middle Ages is, perhaps, ultimately traceable to heathen Arabia.' After citing recorded instances, he goes on: 'I have illustrated their keen sense of honour and loyalty, but I might equally well have chosen examples of gracious dignity and quick intelligence and passionate affection. Many among them had the gift of poetry, which they bestowed especially on the dead; it is a final proof of the high character and position of women in Pre-Islamic Arabia that the hero's mother and sisters were deemed most worthy to mourn and praise him.' He then quotes from a well-known Pre-Islamic poem which presents 'the most lovely picture of womanhood which heathen Arabia has left us':

No breath of blame up to her tent is borne
While many a neighbour's is the house of scorn.
Her husband fears no gossip fraught with shame,
For pure and holy is Umayma's name.[1]

Further, a Muslim literary critic, himself well acquainted with the Arabic sources and the opinions of the scholars quoted above, states quite frankly: 'During the highest bloom of Arab nationality, woman was not only man's equal, but was not infrequently the object of a chivalrous devotion.'[2]

Moreover, it would serve as a check on their too extravagant claims were Muslim writers, of the type we have cited, to bear in mind that, with the exception of his reforms affecting sex-relationships, Muḥammad interfered but little with the

ISLĀM'S INDEBTEDNESS

[1] R. A. Nicholson, *LHA.* pp. 87–90; cp. C. Huart, *A History of Arabic Literature*, p. 28; E. G. Browne, *LHP.* p. 190; Pringle Kennedy, *Arabian Society*, p. 148; Badruddin Alavi, *Arabian Poetry*, p. 36.

[2] S. Khuda Bukhsh, *Studies: Indian and Islamic*, p. 79. cp. the same author's essay on 'The Arabs before Islam', *HIC.* p. 156.

principles of the existing social system. Certainly he did not repeal the customary law of the Arabs, but used much of it as the groundwork for his system. His code, as a living authority on Islamic law has rightly said, 'includes many rules of pre-Islamic customary law which have been embodied in it by express or implied recognition'.[1]

If, then, we would appraise at their true value the changes which, as all admit, Muḥammad introduced into the lot of women we need, first, to acquaint ourselves more closely with their mode of life in that so-called Dark Age. This has to be done by way of an enquiry into the relationship subsisting between the sexes.[2]

RELATION OF THE SEXES

At the outset it is well to remember that the bulk of the Arab race were, as they still are, nomads of the desert, dwelling in tents. In the very nature of the case, therefore, their womenfolk enjoyed a measure of freedom denied to their sisters living in the seclusion of towns.[3] The veil and seclusion were, by these, unknown and unneeded. To this must be added the fact that, as has been convincingly demonstrated, the Arabs from very early times stressed the priority of female kinship and, accordingly, afforded their womenfolk special protection by retaining them, though married, within their respective tribal circles.[4]

FREEDOM OF ARAB WOMEN

Some conception of this earlier freedom of women may be gathered from a statement recorded in *Kitābu'l-Aghānī*, which Ibn Khaldūn rates highly as 'the Register of the

[1] Abdur Rahim, *MJ.* pp. 1-12; cp. Cheragh Ali, *Reforms Under Moslem Rule*, p. xxi; E. G. Browne, *LHP.* I, 186; Levy, *SI.* II, 143 f. and S. Khuda Bukhsh, *HIC.* 'The Arabs before Islam,' pp. 146, 148.

[2] S. Khuda Bukhsh, *SII.* p. 79.

[3] R. Smith, *KM.* p. 121 f.

[4] R. Smith, *KM.* passim.

Arabs.'.[1] Abu'l-Faraj, the compiler, says: 'The women in the *Jāhilīyya*, or some of them, used to divorce their husbands, and the form of their dismissal was this—if the women lived in a tent (lit. 'a house made of hair') they turned it round, so that if the door had faced east it now faced west, and if it had faced Yaman it now faced Syria; and when the man saw this he knew that she had divorced him and did not enter.'[2]

There we have a view of what frequently took place at a time when it was still customary for a married woman to remain among her own tribespeople. We can estimate the degree of her independence from the fact, already noted, that she was free to choose her husband.[3] He might, and often did, belong to another tribe, nevertheless—and this would be true of a man of her own tribe also—she received him into her own tent and dismissed him when it pleased her to do so.[4]

Given this freedom the alliances so formed were of the simplest nature, involving, as we should judge, no very high moral standard. No witnesses were required, nor was there any contract with the woman's kinsmen. The prospective husband presented himself with the remark, *khiṭb* (I am) 'suitor', and the woman on accepting him replied, *nikḥ*, (I) 'wed'. A woman so visited was called *ṣadīqa* 'friend', and the man her *ṣadīq*.[5] He gave her, as the

ṢADĪQA MARRIAGE

[1] i.e. *The Book of Songs*, by Abu'l-Faraju'l-Isfahānī: a collection of biographies and valuable sources for our knowledge of ancient Arabian society.

[2] op. cit. XVI, 160.

[3] Levy, however, thinks this independence was limited to 'exceptional people', though most of the cases he cites are from Muslim times: *SI.* I, 134.

[4] R. Smith, *KM.* pp. 81, 83. cp. early Hebrew custom, e.g. Gen. 2: 24; 30: 27. Margoliouth, *Md.* p. 28.

[5] Though Goldziher thought that a man's *ṣadīqa* 'was very often another man's wife (*zauj*)'; see Smith, *KM.* p. 93, n. 1.

price of her consent, a present, *ṣadāq*; and the fact that she received this gift prevented her from dismissing him before the expiry of the time specified. But should the parties desire it, the period could be extended.[1] The alliance itself was termed *ṣadīqa*.

It is to be observed that this form of 'marriage' involved no subjection on the part of the wife, and for her independence she was indebted to her own kin on whose support she could count.[2] As the potential mother of fighting men she was still of too great value to her own tribe for them to relinquish their claim upon her. It is in this sense that we should agree that their women were a tribe's most sacred trust. And though her husband, when a 'stranger', might leave her and return to his people, the children she bore him did not. They remained with her and belonged to her tribe.

A Loose Tie

There was, of course, another side to all this. Since the marriage tie was so loose and 'divorce' so frequent such alliances must have had a degrading effect upon the women. For the purpose for which the tribe countenanced such connections, a woman might entertain several 'husbands' in turn, so that any idea of 'chastity' simply did not exist. Moreover, we are speaking of a time when hostility was widespread and women were in constant and grave danger of being captured and carried away into forced marriage.[3]

As a matter of fact Abu'l-Faraj, in quoting the custom described above, is referring to the generation immediately preceding Islām, because 'Adī, son of the Ḥātim and Māwīyā of whom he writes, himself lived to become a Muslim. Robertson Smith reasons that the kind of alliance represented

[1] cp. R. Smith, *KM.* pp. 83, 86 f.

[2] cp. R. Smith, *KM.* pp. 94, 125.

[3] cp .S. Lane-Poole, *SM.* p. 21f.; S. Khuda Bukhsh, *HIC.* p. 156; E. G. Browne, *LHP.* p. 193.

by Abu'l-Faraj was in reality a late survival of the *ṣadīqa* form of marriage.[1] But as a late survival it tended more than ever to degenerate into a loose connection similar to *mut'a* marriage, which Islām denounced as 'the sister of harlotry'.[2]

It remains to be said that back of the earlier Arabs' jealous regard for their women lay a principle that had far-reaching consequences. This was the blood-bond;

The Blood-Bond

and it is in keeping with all we have just said that from very early times it was the mother's blood, not the father's, that counted with the tribesmen. In the circumstances in which the *ṣadīqa* wife received visitors, any certainty about parentage could not go beyond the mother.[3] She was the head of the family. The paternity of the child was of little or no concern to her tribe. It was only anxious to know that children of its own blood were being born and brought up in its midst. Moreover, by thus retaining its own women within its circle the tribe was enabled to maintain its strength and stability.

Of women in such circumstances it may be claimed, in general, that their position was one of freedom and respect,

Woman's 'Honour'

and as the tribe's most cherished possession they were jealously guarded. Any infringement of a wife's 'honour' touched her tribespeople closely, and usually ensured for women fair treatment from such husbands as came to their tents from other tribes. It also added a certain dignity and sense of security to the position of a wife to know that she could appeal for help to her kinsmen in case of need. They were as much her protectors after marriage as before it.[4] And though

[1] R. Smith, *KM.* pp. 80-85.

[2] cp. *Aghānī*, VII, 21, *ukhtu'z-zinā*.

[3] cp. R. Smith, *KM.* p. 174.

[4] cp. R. Smith, *KM.* pp. 122, 125; Levy, *SI.* I, 135; S. Lane-Poole, *SM.* p. 23.

the idea of fidelity associated with marriage at a later date was often absent in the society of those days, no stigma attached to a woman for alliances of this kind which she might make in her own name and according to her own wish. Certainly her 'honour' was never called in question by her own folk. Situations thus arose of a most intriguing nature and these often form the theme of pre-Islamic poets;[1] but clandestine meetings in the absence of the husband brought no blame or punishment to the wife. It was considered the husband's business to see that his wife's honour was not violated.[2]

At this point mention must be made of another type of marriage, existing side by side with this friendly alliance, with which indeed it clashed yet finally superseded—namely, marriage by capture. This practice also belongs to primitive Arabia and was of constant occurrence, even down to the time of Muḥammad. It meant that women of 'strange' tribes were exposed to peril, and there can be little doubt that the experience of frequent capture and change of domicile contributed to laxity among Arab women.[3]

MARRIAGE BY CAPTURE

There appear to have been four main causes leading to this practice:

Captured women were often held to ransom. The great value set by tribes on their womenfolk used to show itself in their eagerness to recover them, even at a high price.

Enemy tribes were just as anxious to bring more women

[1] cp. Nicholson, *LHA.* p. 31, where he quotes the well-known saying *al-shi'ru dīwānu'l-'Arab*, 'poetry is the public register of the Arabs'.

[2] cp. Chas. Lyall, *AAP.* p. 81 f.; R. Smith, *KM.* p. 87; Nicholson, *Eastern Poetry*, p. 5 f. especially the poems of Imra'u'l-Qais in the *Mu'allaqāt*; Levy, *SI.* I, 137.

[3] R. Smith, *KM.* pp. 74, 91, 127, 167.

into their group as kinsmen were to retain them, and for the same reason, that is, that they might become the mothers of fighting men. An old saying put the matter tersely: 'The best and stoutest sons are those born of reluctant wives.'[1] In consequence, the capture of females was a primary objective in raiding expeditions.[2]

The purchase-price of wives was often too high for the indigent Beduin, so if other means failed they resorted to possession by capture.

Lastly, a shortage of women would seem to have resulted from the practice of female infanticide.[3]

It can hardly be doubted that this last-named custom was generally practised in ancient Arabia before and, to some extent, after the days of Muḥammad, so that it probably was a contributory cause in the practice of capturing women.[4] It will be convenient to consider it here in some detail, but after what has been said above we may not conclude, as some have done, that its adoption indicated a contempt among Arabs for females as such.

FEMALE INFANTICIDE

The Qur'ān not only records the practice,[5] but gives reasons for its adoption.[6] Muḥammad's denunciation and prohibition caused it to cease under Islām.

No blood was shed in the process, because the infants were buried alive. That the father, as a rule, induced the mother to dispose of the child seems implied by the fact that Muḥammad, at the conquest of Mecca, appealed to the

[1] *Aghānī*, XIII, 13.

[2] R. Smith, *KM.* p. 89 f.

[3] R. Smith, *KM.* p. 123; cp. Levy, *SI.* I, 131.

[4] Robertson Smith claims that it was 'an extensive practice'.—*KM.* pp. 75 and 154 f.; though Lane-Poole contends that *in the desert* it was 'exceedingly rare'.—*SM.* p. 24.

[5] cp. 16: 138; 81: 8. [6] cp. 16: 60; 6: 152; 17: 33.

women of the place to discontinue the practice and secured from them a promise to that effect.[1]

Among the causes mentioned by the Qur'ān as leading to this practice is the suggestion that it was felt by some to be humiliating to beget a daughter.[2] As we have seen, this certainly was the view of others in ancient times. But elsewhere, and with more cogency, poverty is stated to be the cause, coupled with the anxiety of parents lest they should not be able to feed all their children.[3]

CAUSES

There was, indeed, a proverb to the effect that to bury a daughter was not only a meritorious but a generous deed, since there would be one less mouth to feed.[4] Apart from the feeling of pride peculiar to families of noble lineage, there was the fear lest their daughters should be captured to become the wives, perhaps concubines, of their enemies; or else the dread lest they might be finally obliged to give their daughters in marriage to strangers of 'unequal' status.[5]

But it is when we give due weight to the fact that the Beduin suffer constantly from hunger for a great part of the year, that it seems reasonable to conclude that the pressure of famine was the main

HUNGER

[1] cp. R. Smith, *KM.* p. 293 f.; Zamakhsharī, commenting on 81: 8, says that parents sometimes spared their daughters to the age of six, when, bedecked in finery, the father led them away and cast them into a pit in the desert; but Levy thinks that this may have reference to a primitive form of sacrifice practised by Arabs; *SI.* I, 132.

[2] 6: 152; cp. 16: 60; also R. Smith, *KM.* p. 75, n. 2; Shibli, op. cit. IV, 231.

[3] 6: 152; 17: 33.

[4] Freytag, *Arabium Proverbia*, I, 229, *sepelire filias est quædam actio generosa*; cp. Ikbal Ali Shah, *Md.* p. 32.

[5] R. Smith, *KM.* p. 291. This 'fear of dishonour' quite possibly had to do with the prevalent practice of child-marriage, girls becoming wives at seven or eight years of age. cp. Margoliouth, *Md.* p. 29 f.

cause for the prevalence of this practice.[1] The author of the *Kāmil*, seeking to account for its continuation among some tribes in the time of Muḥammad, states that it was directly due to a seven years' drought and consequent famine.[2] We are also told of one Sa'sa'a who, in his endeavours to check the practice, saved as many as 180 daughters by 'purchasing their lives' from their indigent fathers.[3]

In other words, pride and the fear of disgrace were only pretexts, and as such we should receive the explanation given by Qais b. 'Āṣim to Muḥammad. Resenting, he said, the retention of his niece by raiders he forthwith buried all his daughters. In this connection Robertson Smith quotes from the *Aghānī* the pathetic story of how Qais himself disposed of yet another daughter, of whose birth he had not been informed until some years later.[4]

We have discussed the subject of female infanticide in its relation to marriage by capture. This type of marriage wrought an inevitable and fundamental change in the status of woman, the effects of which may be summarized as follows:

RESULTS OF MARRIAGE BY CAPTURE

Whatever her physical condition the captured woman at once became the wife, or mistress, of her captor.[5] Moreover, she lost what right she had had to dispose of herself in

[1] Doughty, in *Arabia Deserta*, speaks of how the Beduin are often 'waterless and foodless'; cp. also L. E. Browne, *Eclipse of Christianity in Asia*, p. 88: 'They were accustomed to eating lizards and chameleons; men of poverty and misery and wretched sustenance.'

[2] Ibnu'l-Athīr, *Tārīkhu'l-Kāmil*; quoted by R. Smith, *KM.* p. 292.

[3] *Aghānī*, XIX, 2 f.

[4] R. Smith, *KM.* p. 291, n. C.; cp. *Aghānī*, XII, 149 f.

[5] Freytag, *Arab. Prov.* I, 321; Shiblī, op. cit. IV, 231 says, *'auraten 'ain-i-maidān-i-jang men fātiḥīn ke taṣarruf men ā jātīn.* cp. *Aghānī*, XIII, 3, where the story is told of Sakhra, one of the captured women of the Banī Āmir, who committed suicide by flinging herself to the ground from the back of a camel.

marriage, and to 'divorce' her husband; henceforth it is the husband only who exercises that right. She is led away to her captor's tent and her children belong to him and to his tribe and are accounted as of his blood, not hers.[1]

Kinship thus passed to the male line. The husband became the 'lord', or owner of the woman. This domination was destined to prevail, though in a modified form, even in 'marriage by contract', of which we shall speak next.

'Marriage by capture' tended to reduce the position of women to that of chattels,[2] a fate from which the kinsmen of captured women made strenuous efforts to save them. For instance, Ibn Hishām reports from Ibn Isḥāq how Muḥammad, at the earnest request of the Hawāzin whom he had defeated in battle, agreed to restore the women captured from them. The Prophet was only able to effect this by promising to compensate his followers, from the next lot of booty, with six camels for each woman they gave back.[3] In time the kinsmen's hold weakened and so the women's position worsened.

MARRIAGE BY CONTRACT

We pass on to consider marriage 'by contract', or 'by purchase'; a modified form of union that slowly won recognition.[4] The following principles appear to have governed this type of marriage:

Men of one tribe were at times prevailed upon to sell their women to other tribes, though the price they stipulated was often a very high one. In other words, suitors resorted to

[1] R. Smith, *KM.* p. 91 f.; cp. Ibn 'Abd Rabbih, *'Iqdu'l-Farīd*, III, 224.

[2] Levy, *SI.* I, 133.

[3] *Sīrat*, III, p. 308 f.

[4] R. Smith, *KM.* p. 97; cp. Levy, *SI.* I, 137.

the method of buying their brides. The *mahr*,[1] or purchase-price, was paid to the woman's kinsmen. In such circumstances his neighbours would congratulate a father on the birth of a daughter, since she would bring him additional wealth.[2]

It was a point of honour with a tribe not to give away their women in an 'unequal' match. There was a saying: 'If you cannot find an equal match, the best marriage for them is the grave.'[3]

In such a marriage the woman's kinsmen would stipulate that any children she might bear to the husband were, in due course, to be returned to them and reckoned as belonging to their tribe, not his. But suitors would contest this claim and demand that it be agreed in the 'contract' that any children by the marriage should be reckoned as the husband's, or rather as belonging to his tribe.[4]

In this way a law came into vogue which was to have far-reaching influence even in Islām, namely: *al-walad li'l-firāsh*, 'the son' (is reckoned) 'to the bed' (on which he happens to be born). In view of a later modification introduced into this law when adopted by Muḥammad, it should be explained that its significance for the Arabs before his time is to be seen in the fact that a captured woman, though pregnant, could be married at once to her captor and the child when born would be reckoned to him; yet not so much to him as to his

[1] Heb. *mohar*; cp. Gen. 34: 12; also Deut. 22: 29; R. Smith, *KM.* pp. 96, 111, 151; Abdur Rahim, *MJ.* p. 8, who is of the opinion that in the marriage contract *mahr* was for the benefit of the wife, but it is usually considered to have been paid to her parents as a 'price' for the bride. vide R. Smith, op. cit. p. 111 f. and Levy, *SI.* I, 137. The confusion is probably due to the failure to distinguish between *mahr*, and *ṣadāq*; the latter was paid to the bride.

[2] cp. R. Smith, *KM.* p. 96; Margoliouth, *Md.* p. 29.

[3] *'Iqd.* III, 224; R. Smith, *KM.* p. 97; Margoliouth, *Md.* p. 29.

[4] R. Smith, *KM.* pp. 79, 128, 184 ff.

kindred.[1] What counted was not paternity—that only came to be valued later—but the claim of the tribe to all children born on the 'father's' bed.

Arising out of this law was an abominable practice, known as *nikāḥu'l-istibḍā'*,[2] according to which a husband, untroubled about thoughts of her fidelity, would send his wife out to cohabit with another man until she became pregnant by him, so that she might raise up to her rightful husband 'a goodly seed'. Alternatively, he might lend her to a guest, or going on a journey might find a friend to take his place, or even enter into a partnership of conjugal rights with a neighbour for services rendered.[3]

Another form of marriage recognized in pre-Islamic times was called *shighār*, whereby interested parties evaded payment of *mahr*. A man would contract to give his daughter, sister, or other ward in exchange for taking in marriage another man's ward, neither party paying any *mahr*. Muḥammad expressly forbade this on the ground that it deprived the wife of her *mahr*.[4]

SHIGHĀR

There was also a form of polyandrous marriage. A group of kinsmen—it might be several brothers—would unite to procure a woman of another tribe, either by capture or by purchase, and bring her to their home to be 'wife' to them all.[5] The high price of the *mahr* fixed by the woman's kinsfolk had, of course, something

POLYANDRY

[1] R. Smith, *KM.* p. 133.

[2] *istibḍā'*, lit. 'carrying on a trade'; cp. R. Smith, *KM.* p. 132; Khuda Bukhsh, *HIC.* 'Arabs before Islam,' p. 161; Abdur Rahim, *MJ.* p. 7; Muhammad Ali, *The Religion of Islam*, p. 606 f. who likens it to the Hindu practice of *niyoga* (cp. Al Beruni's *India*, trans. Sachau, ch. x, p. 107).

[3] cp. J. L. Burckhardt, *Travels in Arabia*, p. 378; it was 'most commonly the host's own wife'.

[4] cp. Abdur Rahim, *MJ.* p. 8 f. Md. Ali, *RI.* p. 625; Levy, *SI.* I, 150.

[5] cp. R. Smith, *KM.* p. 149 f.

to do with this practice, but it was occasioned also by a shortage of the number of women captured in battle. When the demand exceeded the supply the Arab law of 'booty' came into operation, ensuring a fair distribution of the spoils of war.

It is clear that in such a state of society there was as yet in many groups no great concern to establish the paternity of the child, and in any case in a polyandrous group the precise father could not be known.[1] It was enough that the co-husbands should be of one blood, for their object, like that of their tribe, was to build up 'stocks' or kindred groups, of male descent. But to maintain such a system as the fundamental principle of society it was necessary to ensure kindred in one line only.[2]

This the Arabs failed to do, partly because of the strong influence, down to a late date, of the mother's ties. This is to be noted in the relationship called *jiwār*, or 'guest-friendship'. According to this even after a woman became a man's by contract, there was still this bond between his people and hers. The wife was her husband's *jāra* and her father was his *jār*.

But apart from this, in Arabia the relationship between a man and his maternal uncle and aunts has always been regarded as a very close one. It would therefore sometimes happen that a wife of 'a proud house' would prefer that her children should attach themselves to their maternal uncles rather than to their father's people. It followed from this that men were the more anxious to marry within their paternal kin and so ensure the retention of their sons.[3]

It will be convenient here to mention a curious ceremony in vogue in ancient Arabia, called *'aqīqa*, because of its bearing

[1] cp. Abdur Rahim, *MJ.* p. 7. [2] cp. R. Smith, *KM.* p. 188.

[3] cp. R. Smith, *KM.* pp. 77 (n.) and 186 f.

on the building up of 'stocks' of tribal blood. The root

'Aqīqa

'aqqa, according to Lane, means to 'split', 'cut' (of a garment, or amulet), and *'aqīqa* is the ceremony of cutting the foreskin in circumcision, or the hair of one recently born, or the throat of a victim for sacrifice. For this sacrifice a sheep or a goat was usually chosen. The child's head was shaved and daubed with the blood of the victim. The hair, or its equivalent weight of silver, was offered to the deity of some shrine, the idea being to avert evil from the child by shedding blood on its behalf.[1] But, as Robertson Smith has well argued, it is evident that the ceremony in some way facilitated the change of the kin of a child born to individual fathers or to a group of kinsmen, by a woman of another tribe. This could be effected by dedicating it to the father's, instead of the mother's, god. And this, in fact, is the significance of the verb itself: thus, *'aqqa'l-raḥima*, 'he severed the tie of relationship'.[2] It is to be noted also that this ceremony was performed only on boys, not on girls.

The practice of polyandrous marriage prepared the way for more honourable marriage in that it came about that one of the co-husbands would claim to be head of the house. From that it was a natural step for a man to desire to keep a wife to himself. In time the family system replaced the tribal one and an advance was made towards the idea of conjugal fidelity.[3]

The form of alliance called *mut 'a*,[4] a late survival of the

[1] cp. R. Smith, *KM.* pp. 179 ff. [2] so Lane, in loc. cit.

[3] cp. R. Smith, *KM.* p. 166; Abdur Rahim, *MJ.* p. 7, who shows how the wife to all would bring the child and single out one of them as the 'father'; 'he was not then allowed to disclaim paternity'.

[4] lit. 'enjoyment', or 'reward for enjoyment'; a term that covered all forms of marriage alliance with a woman in her own home, which did not involve loss of standing with her tribe; cp. R. Smith, *KM.* p. 88. That it existed in the *Jāhilīyya*, cp. *Aghānī*, XVI, 63.

ṣadīqa type, came to be viewed in these circumstances as little better than prostitution.[1] Yet as a form of

Mut'a

'temporary marriage', it continued well into Muḥammad's time, and as we shall have reason to see, was abolished by orthodox Islām only with great difficulty.[2]

The main features of *mut'a* were much the same as those we found to be associated with *ṣadīqa* alliances; namely, the woman remained among her own folk and received and dismissed her husband at will. In fact, we see in it the debased relic of those earlier unions which stressed kinship through the mother. It supplied the facility whereby a man could procure a wife when away from home on business or military service. He took the woman 'on hire' for a time, the duration of which was specified in a contract.

Muḥammad found this kind of alliance particularly objectionable for a number of reasons. The woman did not leave her home; her people did not relinquish their hold on her; children of the marriage did not belong to the husband. In short, the husband's position was not that of 'lord'.[3]

[1] Shibli, op. cit. II, p. 130 f. goes so far as to say that all forms of marriage in those days, save one, resembled prostitution; so too Md. Alī, *RI.* p. 607.

[2] cp. Levy, *SI.* I, p. 164.

[3] cp. R. Smith, *KM.* pp. 82–94; Margoliouth, *Md.* p. 30; Khuda Bukhsh, *HIC. Arabia Before Islam*, p. 146; *The Encyclopaedia o Islam*, III, 774, art. *Mut'a*.

II

ARAB WOMEN BEFORE ISLĀM (*Contd.*)

In the enjoyment of such freedom as pre-Islamic Arab society gave to them, Arab women possessing the requisite courage and intelligence not infrequently rose to positions of eminence and fame. Thus we read of some being chosen to be queens and others, judges. So Māwīya was queen of the Ghassān; and of Samsi, queen in the northern desert, it is recorded that she sent a gift to Sargon of Assyria. Two other queens are mentioned on inscriptions of Tiglath-Pileser III. A well-known woman judge was the daughter of 'Āmir b. az-Zarib, and assisted her father, when old, in his legal practice. Others were famed as poetesses.[1]

But with the gradual adoption of marriage of dominion, in which the husband was 'lord', woman's freedom was seriously curtailed. In this situation the wife, even when acquired 'by contract', was as definitely under subjection to her husband as she was when he obtained possession of her by capture.[2] That this kind of marriage was felt by wives to be a form of bondage, not unlike slavery, is revealed in lines preserved in the *Kāmil*; they are spoken by a woman of another tribe who had been married into the Ṭayyi clan:

BONDAGE

Never let sister praise brother of hers;
Never let daughter bewail a father's death;
For they have brought her where she is no longer a free woman,
And they have banished her to the farthest ends of the earth.

[1] cp. *Aghānī*, IV, 134; R. Smith, *KM.* pp. 125, 295 (n.); Margoliouth, *Md.* p. 30; O'Leary, *Arabia Before Muhammad*, p. 51.

[2] cp. R. Smith, *KM.* p. 94.

The author of *'Iqdu'l-Farīd* quotes an illuminating statement attributed to 'Ā'isha, namely, 'marriage is nothing but bondage; so a man should consider who it is that receives his *karīma* (darling) as his bond-servant.'[1] The author of the *Kāmil* also quotes Muḥammad as having said: 'I charge you with your women, for they are with you as *'awānī* (captives).'[2]

Turning next to the question of the woman's consent to a proposal of marriage, we find in the Qur'ān a statement which reveals, quite incidentally, what little say Arab women used to have in this matter when once marriage of dominion was established: 'It is not lawful for you to inherit women against their will.'—4: 23. As Sir Abdur Rahim says, 'It was the right of her father, brother, cousin or any other male guardian to give her in marriage, whether she was old or young, widow, or virgin, to whomsoever he chose. Her consent was of no moment.'[3] This 'right' went further, as the language cited from the Qur'ān implies; for Ṭabarī at this place says: 'In the *Jāhilīyya*, when a man's father, or brother, or son died and left a widow, the dead man's heir, if he came at once and threw his cloak over her,[4] had the right to marry her under the *mahr* of her deceased husband, or, alternatively, to give her in marriage, and take her *mahr*. But if she anticipated

CONSENT

[1] op. cit. III, 223.

[2] quoted by R. Smith, *KM.* p. 94f.; cp. p. 102. It was this 'marriage of dominion' which Muḥammad favoured and adopted for Islām; but while he undoubtedly eliminated its harshest features, his legislation has left woman in a position of subjection. Speaking of Islām as a system, Lane-Poole declares that it has 'misunderstood the relation of the sexes.'—*SM.* p. 101.

[3] *MJ.* p. 9.

[4] cp. Ruth 3: 9; and Malachi, 2: 16, where 'garment' is synonymous with 'wife'; vide Qur'ān, 2: 183, *hunna libāsun lakum*, 'they are your garment'; Shibli, op. cit. IV, 232.

him and went off to her own people, then the disposal of her hand belonged to herself.'[1]

On the other hand, the *Aghānī* mentions the case of a daughter who manifested some independence in the matter.

BINT 'AMM

When asked by her father if she would accept a certain suitor of a distant alien tribe, she replied: 'I am not his *bint 'amm* (daughter of paternal uncle) that he should respect my consanguinity with him; nor does he dwell in thy country so that he should have regard for thee. I fear then that he may not care for me and may divorce me and so shall I be in evil case.'[2]

The same source cites a case where a father rebukes his daughter for refusing consent to marriage with her first cousin: 'He is your uncle's son and of all men has the first right to marry you.'[3] Obviously this 'prior claim' might be felt sometimes as a hardship; yet though a man might marry other wives, the *bint 'amm* remained mistress of the home.

SLAVERY

The position of a wife in a marriage of dominion has been likened to a form of slavery, yet in reality her position was very much better than that of an actual slave-woman. In the *Jāhilīyya*, and in a modified form in Islām also, 'property' in slaves could be acquired by sale, by gift, by inheritance, or by capture. A regular slave-trade was carried on in Mecca, the supply

[1] Ṭabari, ed. Cairo, 1321, p. 193, ll. 5–7; the Arabic text is quoted by R. Smith, p. 104 f.; cp. p. 161. The custom is referred to by Shahrastānī, in *Al Milal wan-Niḥal*, p. 440 (Cureton's text).

[2] *Aghānī*, IX. 149 f.; C. J. Lyall, *AAP.* p. 107 f. reproduces the context.

[3] op. cit. XIV, 161; Levy, *SI.* I, 147; even today in Arabia no father would give his daughter to another if his brother's son were to ask for her; she is *bint 'amm*, and 'cheaper' than any other; cp. R. Smith, *KM.* p. 163 f. also E. W. Lane, *Manners and Customs of Modern Egyptians*, ch. vi.

coming from women captured in raids by neighbouring tribes. Such women had no kinsmen to take their part, and their offspring were themselves slaves.[1]

When then Muḥammad sought to give a new social status to children born to Muslim fathers by slave-girls, the Arabs refused to admit that such children had any claims to nobility,[2] maintaining that a person whose genealogy had any 'taint', for instance an ancestor of negro origin, could not be regarded as of noble standing. Needless to say, no slave was permitted to inherit property.

In the matter of the number of wives an Arab might keep, there appear to have been no laws and no conventions. To

POLYGAMY

quote Abdur Rahim: 'The only limit was that imposed by his (an Arab's) means, opportunity and inclinations. Unrestricted polygamy which was sanctioned by usage was universally prevalent. This was exclusive of the number of slave-girls which a man might possess.'[3]

We have already observed that in the earlier and looser forms of marriage alliance questions affecting the fidelity of the wife, or the legitimacy of her offspring, did not arise. She was but following the conventional custom. But in the intermediate stage, when polyandry was practised, co-husbands who were anxious to secure children of their own tribal blood became concerned that their wife should not have illicit intercourse with a man of other blood. And this

[1] R. Smith, *KM.* pp. 89 and 129 f.

[2] cp. Nöldeke, *Sketches from Eastern History*, p. 13; Levy, *S.I.* I, 88, 91.

[3] *MJ.* p. 9 'Those men who did most for the community, married many women.'—Margoliouth, *Md.* p. 28; cp. Levy, *SI.* I, 144. Shibli, op. cit. IV, 231, mentions by name two polygamists who, when they embraced Islām, had eight and ten wives respectively.

concern became acute when one of the co-husbands claimed sole possession of her.[1]

But the reaction of the wife herself to this new position definitely influenced her ideas of her own fidelity and chastity. The irksome restraint of her husband as 'lord' came to be accepted by her as consistent with the dignity and honour of herself and her children. Moreover, so long as she proved herself faithful to her husband she would know that her own father, in the relation of a *jār*, could count on her husband's support in time of need.[2]

FIDELITY

As such ideas of fidelity and chastity gained ground women who still adhered to the practice of loose alliances with several men were looked upon as little better than prostitutes and, in Mecca and Ta'if, convention demanded that they should hang out a flag over their doors.[3] Further, Bukhārī, on the authority of 'Ā'isha, states that as the importance of establishing the paternity of a child came to be realized, men who visited such women employed a *qā'if*, 'one who recognizes,' or professed to be able to determine by certain marks on its body, who the father was of a child born in such circumstances.[4] This practice Islām rightly condemned.

Adoption was only in vogue among the ancient Arabs as a legitimate mode of affiliation. It was generally effected by a contract with the parents of the boy. The 'son' so adopted passed into the adopter's family and took his name. 'His rights and disabilities were the same as those of a natural born son.'[5]

[1] cp. R. Smith, *KM.* pp. 128 and 165 f.
[2] cp. R. Smith, *KM.* p. 168; Nicholson, *LHA.* p. 88.
[3] cp. R. Smith, *KM.* p. 169 f.; Levy, *SI.* I, 168.
[4] Ṣaḥīḥ Bukhārī, Ar. II, 769 (Urdu ed. III, 27); cp, R. Smith, *KM.* p. 169; Levy, *SI.* I, 194; Md. Ali, *RI.* p. 607; Abdur Rahim, *MJ.* p. 8.
[5] cp. Abdur Rahim, *MJ.* p. 11 f.

There seems to be no very clear evidence that the veil was in use in pre-Islamic times. We have seen that in the desert, certainly, the life of women was unconventional and free. The exception, if any, was to be found among city-dwellers. Levy quotes the historian Fākihī to the effect that the citizens of Mecca had a custom of dressing up their unmarried daughters and their female slaves, and parading them in the space round the Ka'ba, with faces unveiled, in the hope of attracting suitors or purchasers. If the venture succeeded and certain were selected, these resumed their veils once and for all.[1]

THE VEIL

It is possible that we have a reference to this custom in the Qur'ān, 33: 33, where Muḥammad, addressing his wives, says: 'Stay in your houses and go not about decked (in public) as in the *Jāhilīyya*.'[2]

We next consider the practice regarding divorce. A man could effect this in two ways; by *khul'a*, 'divestiture', or by *ṭalāq*, 'dismissal'.[3]

DIVORCE

Before the time of Muḥammad *khul'a* was a friendly arrangement between the husband and the wife's father, according to which the latter repaid the *mahr* to the husband and received back his daughter.[4] In this way the husband 'divested' himself of his wife and the contract was absolutely cancelled. On the other hand, should the husband decide that he would no longer live with his wife and yet not take back the *mahr*, the woman was not free because the contract stood, and she was still his 'property' by right of purchase.[5]

KHUL'A

[1] *SI.* I, 176.
[2] cp. Baiḍāwī's comment; he assumes that such is the reference.
[3] cp. Abdur Rahim, *MJ.* p. 10 f.
[4] Freytag, *Arab Prov.* I, p. 78.
[5] cp. R. Smith, *KM.* p. 113.

But the more usual and direct mode of divorce was *ṭalāq*. Having purchased his wife a man's power of divorce was absolute and he could discharge his total obligation to her by paying up any remaining portion of the *mahr*, due on her, to her father or guardian. This done he would dismiss her by pronouncing the formula, *anti ṭāliq*, 'thou art dismissed'. He was not required or expected to furnish any reason for his action.[1] He might show his determination to get rid of her by repeating this formula three times, either at one and the same time, or with an interval between each pronouncement.[2] Until the third pronouncement the woman was still the husband's property, and he had more right to her than any one else had.

TALĀQ

Yet, if a man chose, he could revoke the divorce and resume marital connexion. Sometimes a man would pronounce the formula over his wife ten times and yet take her back, and again divorce her and again take her.[3]

Another form of divorce was *īlā*, in which the husband vowed he would have nothing to do with his wife. Opinions differ as to whether this was instant separation, or merely a suspensory divorce.[4]

ĪLĀ

But the most solemn form of divorce was that characterized by the use of a formula mentioned in the Qur'ān, 'Thou art to me as the *ẓahr*, back, of my mother', 33: 4. After such a pronouncement it was as unlawful for the former husband to touch the divorced

ẒIHĀR

[1] cp. Abdur Rahim, *MJ*. p. 10. [2] cp. *Aghānī*, VII, 131.

[3] cp. Abdur Rahim, *MJ*. p. 10, quoting *Tafsīr-i-Aḥmadī*, p. 130. As a further illustration of the proneness of Muslim writers to exaggerate the 'barbarity' of ancient Arabia we may note that Maulana Md. Ali says that a man could divorce his wife 'a thousand times' and take her back again.—*Md*. p. 27. Sirdar Ikbal Ali Shah, who quotes Md. Ali, contents himself by saying 'a hundred times'. —*Md*. p. 42. [4] cp. Abdur Rahim, *MJ*. p. 10.

woman as if she had been his real mother. Such divorce was called *ẓihār*.[1] Robertson Smith makes the interesting suggestion that this form of divorce, though final, was meant kindly, inasmuch as the divorced wife would be dependent on the former husband for support and could not now fall as 'property' to his heirs.[2] Apart from some such protection, and since marital rights were the absolute property of the husband, the divorced woman might be taken at once by another man who had entered into an agreement to do so with the former husband. This Islām expressly forbade, stipulating that she should first be 'delivered of her burden'.[3] But Arab custom usually required that the divorced woman should not remarry until the lapse of a period of time, called *'iddat*, thus enabling it to be seen whether she was with child or not.[4]

The list of prohibited degrees was not extensive, and, because of the law of kinship through women, was almost entirely restricted to the female line.[5] There was practically no bar to marriage in the male line, though presumably a man would not marry his own daughter, grand-daughter or his sister's daughters.[6] He could marry his half-sister, as Abraham did Sarah; and he could 'inherit' and marry his father's widow—not, of course, his own mother, but his step-mother; also his own son's widow.[7]

PROHIBITED DEGREES

[1] Muḥammad had a good deal to say about this, cp. 33: 4 and 37; and 58: 1-4. [2] *KM*. p. 193, n. 2.

[3] cp. Qur'ān, 65: 6. [4] cp. Abdur Rahim, *MJ*. p. 11.

[5] cp. Abdur Rahim, *MJ*. pp. 9 ff; Levy, *SI*. I, p. 148 f.

[6] cp. R. Smith, *KM*. p. 192.

[7] cp. R. Smith, *KM*. pp. 104–10; Shibli, op. cit. IV, 231. The practice of marrying the father's widow was general at one time among the Semitic races, cp. 2 Sam. 16: 22; Ezek. 22: 10; but was prohibited among the Hebrews in the 7th cent. B.C., vide Deut. 22: 30. It is forbidden also by the Qur'ān, 4: 26, 'except what has passed'.

But on the mother's side there were definite prohibitions. It was out of the question that a man should ever marry his own mother—that relationship was sacrosanct.[1] Nor could he marry his uterine sister, for a woman looked to her own brother to be her natural protector in a way that excluded any thought of marriage.[2] Likewise, a nephew was debarred from marrying his maternal aunt, and an uncle his niece.

As against this pronounced differentiation Muḥammad put the father's and mother's lines on the same footing, and prohibited marriage between relatives nearer than cousins on either side. Among cousins, of course, marriage was, and is, quite general.[3]

Finally, though it was deemed lawful for a man to marry two sisters, he was forbidden to court a prospective mother-in-law along with her daughter. Muḥammad quite definitely forbids the former, and introduced an interesting modification regarding the latter.[4]

PROPERTY

In regard to women's rights to hold property in pre-Islamic days we do well to receive with caution the oft-repeated assertion of Muslim writers that Arab women had none. A distinction needs to be made between women whose marriage was of the *ṣadīqa* type and those who were wives by capture or purchase. There is

[1] In stating that among pagan Arabs 'not infrequently mothers were taken for wives', Mirza Ghulam Ahmad misrepresents the fact; cp. *TI.* p. 20.

[2] cp. R. Smith, *KM.* pp. 194 ff. Yet Sirdar Ikbal Ali Shah declares, on the authority of Shibli, that 'real sisters were given in marriage to brothers'.—*Md.* p. 18.

[3] cp. Qur'ān, 4: 27; R. Smith, *KM.* p. 195 f.

[4] cp. Qur'ān, in loc. cit. He forbids marriage with the daughter first and then the mother, but permits a man to marry the mother first and then the daughter, provided that prior to the daughter being taken to wife, he has not consummated marriage with the mother; vide R. Smith, *KM.* p. 196 f.

evidence that the former type of wife, remaining among her kinsfolk, did hold property in her own right; for Māwīya, who married Ḥātim in her own tent, had much wealth in herds.[1] On the other hand, the position of women in marriages of dominion was definitely unfavourable, since they themselves were looked upon as 'property' and were little better than chattels to be bargained for;[2] even so, the situation was probably not as bad as Muslim writers often state.[3] We might, for instance, cite the case of the lot of married women in Mecca, where, as the result of contacts with superior civilizations, the laws in such matters were more liberal. It was here that Khadījah, the rich widow and trader, lived a life of comparative independence. It is certain that she owned real property, since she presented a house to her daughter, Zainab. Though she be viewed as an exceptional case, we know that the women of Mecca had shares in the sale and profits of merchandise conveyed by caravans, and from this we may assume that they held property.[4]

INHERITANCE

In the matter of inheritance things were different. Baiḍāwī commenting on 4: 8 and 126, alludes to a law prevailing in Madina that 'none can be heirs who do not take part in battle, drive booty and protect property'.[5] It may be assumed that this law, which excluded

[1] cp. R. Smith, *KM.* p. 116; *'Iqd*, III, 224.

[2] cp. R. Smith, *KM.* pp. 102, 117.

[3] cp. R. Smith, *KM.* p. 313 f.; Levy, *SI.* I, 138; Margoliouth, *Md.* p. 30.

[4] Abdur Rahim, *MJ.* p. 12. 'Though a woman was debarred from inheriting, she was under no disability in the matter of owning property;' cp. R. Smith, *KM.* p. 120; *Aghānī* XVI, 160, speaks of a man who, on marrying a certain woman, confiscated all her possessions.

[5] Shibli, op. cit. IV, 230, quotes an Arab saying, 'inheritance is the right of those who can wield the sword'.

women from inheritance, was not peculiar to Madina, but was more or less co-extensive with marriage of dominion.[1]

Interesting light is thrown on the whole situation by a tradition which represents Muḥammad at the death of Khadījah as reduced to poverty, because, despite her wealth, she had not the right to dispose of her property as she liked. By the old Arab law it had to go to her nearest male kin.[2]

---

[1] cp. R. Smith, *KM.* pp. 65 ff; Levy, *SI.* I, 138; Md. Ali, *The Holy Quran*, 4: 8, n. 544; Rodwell, in loc. cit. p. 411, n. 2.

[2] cp. Levy, *SI.* I, 139.

SECTION II

SOCIAL LIFE TODAY

I

HOME AND SOCIAL LIFE

If it is difficult for a European to give an Indian an adequate idea of the life of women in the West, it goes without saying that the Westerner who sets out to describe the general life of Muslim women in the sub-continent of India is attempting an almost impossible task. One reason for this will be obvious. As in the West so in India, the new situation and conflicting ideals are affecting women in widely varying degree according to the social status and education of the families concerned.[1] Even so, it is hoped that the description here given will be found to be accurate in the main.

Muslim Women Today

The student of Islām is repeatedly reminded in the course of his enquiries that its origins are to be traced back to seventh-century Arabia; therein lies the importance for our present purpose of the old-world background presented in the preceding pages. Moreover, the life and literature of people throughout the Islamic world today bear witness to the fact that this indebtedness to the past is still present to thought and still potent as an influence.

And yet the Muslim world is no longer what once it was, a world apart. Age-old conceptions and convictions are being

---

[1] A Muslim lady recently 'drew a picture of the extreme types that Muslim women presented in India. On the one hand there was the modern, half-clad and indecently dressed painted doll' (this type fortunately is very seldom met with!) 'and on the other, the illiterate and the thickly-hidden type, "a veritable moving tent."'—*The Statesman*, 31 August, 1940.

challenged and changed by new factors in the social, economic and political spheres; indeed, these influences are beginning to affect the very bases of the faith itself. There is, for instance, a growing feeling in some quarters that what was good enough for the primitive society of Arabia, thirteen centuries ago, is not good enough for the life of today.

These ideas inevitably affect the life of the women, though it is not to be supposed that the great majority of them are conscious of any special urge for reform. It is rather among the small minority of educated women that we hear criticism of long-standing custom and claims for improved conditions for women.

New contacts inevitably bring in new ideas and with them the possibility of change. One has only to think of the greatly improved communications in modern India, through the railway with its crowded third-class carriages, and the motor bus linking up remote villages, to realize what all this must mean for Muslim women. Travellers and the radio are everywhere new sources of information about the outside world.

Then, female education is definitely on the increase. Village girls are attending schools in larger numbers, while in the towns more young women are seeking a college education with a view to taking their place in public service for their community and country. Women in *burqas* now visit the cinema and see pictures in which men and women of other lands meet on equal terms, though by this means they are apt to form quite wrong impressions. A few do their own shopping, but in most cases this is still done by male members of the family. Some are allowed by their menfolk to join *parda* clubs for recreation, such as tennis, badminton and occasional lectures.

Yet it must be confessed that, on the whole, Muslim women react but slowly to these new influences; because of

long seclusion and a life of submission most of them dislike and even dread the very thought of change.

A further deterrent to progress is the fact that the majority of Muslims still live in patriarchal fashion with its joint-family system; so that when a man takes to himself a wife he remains on in the common family dwelling, still an integral part of it. The new wife, accordingly, becomes not merely dependent on her husband, but is absorbed into his people's home, a small part of a considerable group. It requires little imagination to see that such conditions offer scant encouragement to new ideas of domestic and social emancipation.

JOINT-FAMILY SYSTEM

It will be seen that it is to the young bride that marriage brings the greater change. Uprooted from her own folk she finds herself in a very different environment, where she must adjust herself to new relationships. There is of course, the mother-in-law, to whom she is naturally subservient, and various sisters-in-law, their daughters and perhaps other relatives—anything from five to thirty women in one and the same household.[1] Moreover, there will be but one small room which she can call her own, unless she be fortunate to have a suite in a considerably larger house.

Even in such surroundings the separation of the men from the women is almost complete, for the women reside in zanana quarters at the back of the house, while men occupy rooms in the front.[2] The restrictions of *parda* make it necessary for the men and women to dine separately and to entertain

[1] The position of a second wife is still more complicated.

[2] Entrance into inner apartments without permission is forbidden by the Qur'ān, 24: 27–29, 57 (cp. 33: 53); consequently, individual male members of the household call out when entering the zanana so that those of the women who may not be seen by them can cover their faces or hide themselves.

their friends separately, so that opportunity for real intimacy between husband and wife is very limited. By this is not meant that no affection exists between the two, but that there is little of what we understand by 'companionship'. Granted that there is a capacity for comradeship yet, except in cases where the man is of enlightened views, this is something that is neither expected nor demanded.

It is part of the system that the husband on going out leaves his wife at home; she herself would not dream of accompanying him. Indeed, every conceivable safeguard appears to be taken to leave the impression that their lives are disconnected! In some homes the young wife covers her face in the daytime in her husband's presence and will continue the custom for years, it may be until two or three children are born, or the mother-in-law has died. Normally she would not think of addressing her husband in the presence of her elders, but is rather over self-conscious when he enters the room.

Among the institutions now being affected by the new age is this very system. In educated circles the joint-family tends to split up into a number of small groups, all of which may continue to contribute towards the maintenance of the parent family and to meet on ceremonial occasions as an expression of their essential unity, but they no longer live together as one whole.

BREAK-UP OF THE SYSTEM

These are days when many men are compelled to go far afield in search of work and they set up establishments of their own in the places of their employment. They find it both difficult and distasteful to pool their earnings, as formerly, by way of contribution to the joint-family. Nor is it merely a question of means, but of new ideas also. The better-educated Muslim, though coming from an illiterate *parda* household, may lead a more or less independent life among friends of equal standing. But such independence is

not possible for a wife as a member of an orthodox joint-family, and so, where the wife is herself educated, a separate establishment is more congenial since she and the mother-in-law cannot see eye to eye in a number of matters, such as equality between husband and wife, *parda*, sanitation, even the method of feeding her baby.

But these things must not blind us to the advantages to be had from the older system. Here are some of them. Unquestioned loyalty to the head of the joint-family can be a substitute for 'life-insurance'. Each and every member of it, those of mediocre ability as well as widows and non-earning members, can be sure of ungrudging assistance. With many women in the home the strain of nursing, in time of sickness, is not borne by one alone; besides, there is always help for the child-wife and always female companionship. In so large a household the mother-in-law or eldest sister has opportunities to display her powers of organization and her skill in maintaining and managing six or seven families. The well-being of the others depends in fact largely upon her. Granted that sometimes the younger women find her rule irksome, yet for the most part as head of the house she is held in high regard.

Conditions in the home vary, of course, according to the wealth and education of the people concerned and as to whether they reside in town or village.

VILLAGE WOMEN

Village women are simple and friendly folk; industrious and careless, wise and naïve, frugal and shrewd, yet withal downtrodden, though at times defiant and with little idea of self-control. They are slow to take in new ideas or accept suggestions regarding hygiene or child-welfare. Though their children are their 'treasures', yet they repeatedly lose them because of ignorance, carelessness or sheer fatalism. But that is not the whole truth; child-marriage, incessant pregnancies, dire poverty and dirt, not to speak of lack of

skilled medical aid—all contribute to take dread toll. Besides all this, theirs is a life of toil. The village woman is a hard worker—she has to be—and the harder she works the greater the benefit derived by the rest of the household. Her home-life thus becomes a monotonous round of drudgery, enlivened by an occasional festival—in which her share will probably be the cooking—a wedding feast or a visit to her father's house.

Pleading the cause of the Indian village woman a well-known Muslim lady writes:

> We cannot, unless we are heartless and cruel, impose more burden of labour upon her. It is not right that a woman who is married and a mother by the age of sixteen, and has, as a rule, between 10 or 12 pregnancies to survive at the hands of a wholly untrained *dai*, should be made to undertake more physical labour than she does at present. A woman with a child at her breast and a toddler hanging on to her *sārī*, with two or three more children between the ages of 4 and 12, gets up at 3 o'clock in the morning to grind corn. Then she fetches the water in heavy jars, from the well or river-bed. She looks after and cleans the cowsheds, feeds the animals, cooks the food for the men and children, washes and cares for the children, takes the food out to the fields, washes the clothes, again prepares for the coming home, and feeding of the husband and children. She also nurses and cares for the sick children at night, occasionally getting a good night's rest, but as a rule not sleeping more than 3 to 4 hours at night. Is this a human being or a beast of burden? No wonder she ages quickly and dies young.[1]

Village houses are usually built according to need and therefore differ from province to province. Some have mud walls and are dark and ill-ventilated, there being but one solitary opening or entrance. Some have flat roofs on which grain is dried; others are thatched or covered with corrugated iron. In Bengal the walls

THEIR HOUSES

[1] Shareefah Hamid Ali, in *Our Cause* (A Symposium), p. 177. In North India and Bengal certain classes of Muslim women take part also in field work, such as weeding, transplanting rice, and harvesting.

are frequently constructed of plaited bamboo plastered with mud, and the floors of beaten earth, the surface of which is made smooth with a mixture of cowdung and mud—far from damp-proof in the rainy season.

The main article of furniture is a wooden bed of generous dimensions, the space beneath it serving as a general store-room and a place for boxes containing extra garments and jewellery. The rafters and corners of the house are made to do duty as supplementary cupboards. All too many of these homes leave an impression of dinginess and dirt; and yet there are women who take real pride in keeping their houses clean, and if they cannot afford to buy tables or cupboards (and few can) they make low stands or shelves of earth or clay, which serve the same purpose. Bottles and earthern vessels containing oil and other commodities are suspended from rafters in string nets which the women themselves make. Outside in the courtyard are fowls, ducks, goats, cows and a number of children.

> Added to this are heaps of rubbish all round, fields strewn with human excreta and other filth anywhere and everywhere, filthy water soaking in front of every humble dwelling, and *katcha*, topless (without coping) wells, contaminated by indiscriminate use and bathing over it, and above all polluted by the filthy water flowing from the excreta-ridden fields to the land around the well and soaking in it.[1]

It is no wonder that the women are few who fight a battle for cleanliness in such surroundings; the majority give up in despair.

While it is true that women residing in towns and cities may not have to work so hard, yet they miss the open life of the countryside and are apt to be more cooped-up in their houses. These vary greatly, and range from palace-like resi-

THE TOWN-DWELLER

[1] Kishwar Rahman, in *Our Cause*, p. 59f.

dences surrounded by gardens, to mud hovels. In the larger houses, as already noted, the men's and women's quarters are quite distinct, and it is common to have two separate entrances. Many a Muslim dwelling is built round a court-yard, with the living rooms arranged on the four sides. The outer walls of the women's apartments may have small windows placed high up for light and air, but they afford no view. These rooms give on to verandahs overlooking the inner courtyard.

In large cities the women's quarters are not infrequently situated at the top of a two- or three-storeyed building and are approached by a narrow and dark staircase which leads on up to a flat roof.

As a rule no rooms are set apart as bedrooms. The bedding consists of mattresses, bolsters and wadded quilts; these are laid out at night and rolled up in the morning and left at one end of the bedstead or stowed away in a recess. Men and women receive their visitors in their respective apartments, and in all but the poorest homes there will be a separate reception room for menfolk. This is readily accessible from the road, and may be fitted out with brightly-coloured cushions and table-cloths, the work of the ladies of the houses.

In better class homes ladies will make use of the sleeping rooms and verandahs during the day-time, sitting on the bedsteads or on low stools. In some of the houses of the well-to-do a Bukhara rug may be placed on the floor and here the ladies will seat themselves with their needlework. In most rooms there are shelves let into the thick walls to hold brass vessels; these recesses vary in size and shape but are usually arched at the top. The poorer Muslims—and people of other communities also—make do with one or two rooms. These are sometimes unfit for human use.

There are exceptions but generally the sanitation of most

homes leaves much to be desired. Refuse is allowed to stay in corners, and flies abound. Latrines are not sanitary; the women are *pān* eaters and expectorate anywhere. Pigeons add greatly to the dirty conditions of courtyards and verandahs.

SANITATION

Before the rules of cleanliness and healthy living can be practised, those who have money (and these may not be the most progressive in this respect) must have not only a knowledge of hygiene[1] but also the desire to put it into practice; and the poor must have decent houses and adequate nutrition. The advantages of hygiene may be taught in schools and welfare centres, but as yet the great majority of the women have never heard of it, and, in cities, they are condemned to live in closed-in houses built near together in narrow alleys. Open street drains may make the houses damp, kitchens have no chimneys, and living rooms are frequently ill-ventilated. No wonder that living in such surroundings, sometimes in dire poverty, with a temperature that may range up to 116°, the women cannot, and do not, trouble about rules of hygiene. The fact that the sufferers are too poor or too ignorant to protest against these things does not lessen for them the serious results of such bad conditions.

Muslim ladies of the zanana have attractive manners and are vivacious and ready talkers. In spite of the limitations and restrictions inseparable from their mode of life they have cultivated a certain poise and a considerable degree of patience. Many of them are shrewd and thrifty and readily win the admiration of such

THE ZANĀNA

[1] 'In the first place they generally remained ignorant, and in the second place if they knew the rules of good and healthy living, they either did not care to practise them or were denied the opportunities to follow them.'—*Our Cause*, p. 59.

Western women as really get to know them; for, notwithstanding their ignorance of letters, some of these ladies add to natural intelligence a high degree of culture.

They create a place for themselves in the seclusion of their own homes and, as we have said, the elders exercise very considerable power.[1] A mother of sons is, in all good families, respected and loved by them—her children are her chief joy. She and other women in the zanāna have more to do with the moulding of their character than have the men.[2]

A visitor is most graciously received and in the animated conversation that follows the women show themselves eager to gain news of the outside world. For many of them the local 'newspaper' is an old woman who shops for them and, peeping through the *burqa*, sees much and brings them reports of bazar gossip.

The horizon of the women is being widened through the spread of education and the new thoughts brought home from college by girl-students. The sewing machine now saves many days of hand work. Books are read. Some homes have introduced a radio. Occasionally political and other meetings are attended. Educated young mothers are striving to put into practice new ideas they have learned about hygiene and baby-feeding. But these are by way of being pioneers—the majority either do not know or do not care for such innovations, and have little or no acquaintance with the modern world.

[1] 'It is often said that behind the *parda* the power of woman is supreme. But this, in so far as it is true, applies chiefly to women who happen to be heads of households. In any large family house these will be few in number, and there will always be several others who have never had, and may never have, any real power at all. . . . Thus it frequently happens that a woman never, even in her old age, enjoys any recognized authority, since her husband may never become head of the house.'—Margaret Urquhart, *Women of Bengal*, p. 42 f.

[2] cp. Pennell, *Wild Tribes of the Afghan Frontier*, p. 200.

The dress worn by women within the zanana varies not only according to their means and position in society, but also according to the custom of the province in which they live. In Bengal, for instance, the *sārī* is worn by rich and poor alike. It may be made of brocade, stiff with gold, or crêpe de chine, Dacca muslin or coarse home-spun. It is usually about 5½ yards in length and from 36″ to 40″ wide, and is very gracefully draped about the body.

DRESS

When out visiting the women of course don the *burqa*. It is a long outer garment covering the body from head to foot, with two holes in the veil over the face, which are usually filled in with fine netting through which the wearer can see everything. In North India those of the better class may wear the *sārī* for social occasions, but the customary garment is pyjamas, made very full at the waist and over the thighs, and narrow at the ankles. Others wear pyjamas that fit the leg closely from the knee downwards. Over this is worn a long shirt that reaches to the knees; a *chaddar* thrown over the head and shoulders completes the dress. Bohra ladies wear a long-sleeved jacket and a very wide skirt made of yards of material. Other up-country ladies dress in like fashion. Within the house women go barefooted, but out-of-doors all but the very poorest wear sandals.

From the poorest who wear glass bangles to the *nawābzādī* who favours gold inlaid with precious stones, a love of jewellery is to be found. It is a commodity that constitutes an appreciable factor in

JEWELLERY[1]

[1] In India jewellery has for long been the average person's 'bank', though yielding no 'interest'. A woman's social standing is in fact largely determined by her jewels. cp. M. L. Darling, *The Punjab Peasant in Prosperity and Debt*, p. 64.

one's *mahr*, and though a source of perpetual anxiety is much treasured.

In addition to the universal bangle, women wear ear-rings of various designs; they may be small or very long or round. Frequently a small stud is worn in the left nostril, but less than formerly by the better educated. Women of some castes wear nose-rings, not one but four or five, which may measure an inch or more in diameter. Necklaces of gold, and many charms are worn and, on special occasions, a head-dress of gold and jewels.

DAILY ROUTINE

In the zanāna there is generally something happening to quicken interest and excitement, namely, a new bride, the arrival of a new baby and the accompanying ceremonies; giving it a name and the performance of the *'aqīqa* sacrifice; also the *bismillāh* ceremony, when the child is four years old. Custom requires a special ceremony when it has its first lesson in reading the Qur'ān and another to mark the completion of the task.[1]

At the time of annual festivals the women cook special dishes, and all share the excitement of visits to shrines and the tombs of saints, where they often make poignant requests to be granted a child or recovery of health for some dear one.[2] On occasion they visit their parents' home or are permitted to attend some *parda* party in the city.

The time comes when one of the young girls is to be married and then the women of the home expend much labour and love in preparing the trousseau of the bride-to-be. But some days bring dark shadows and foreboding, as when a daughter is believed to be 'possessed' by an evil spirit, and the exorcist must be summoned; moreover, one never knows when the evil eye may fall on one of the little children, so

[1] See ch. on Religious Festivals and Ceremonies.

[2] See ch. on Sufism and Saints.

new charms must be procured to ward off calamity;[1] and no zanana can for ever evade the visit of the angel of death.

But the ordinary day of a zanana woman does not contain much excitement. Rising early in the morning, if she is religiously-minded she performs her ablution and recites *namāz*,[2] after which the regular work of the house begins. The husband or a servant brings from the bazar the food needed and the older women prepare a meal for the men and children before they go out to work and school. Only after the menfolk and bigger boys have eaten do the women themselves eat. It is the custom and they find it no hardship, because the Prophet is believed to have declared that food eaten by women before the men is unblessed.

Leaving for later consideration the religious side of their life, very naturally perhaps food and children, clothing and jewellery form the chief interests of most of the women. The less educated of them spend much of their time talking of such things, gossiping about brides, co-wives, dowries and divorce, and recounting stories of saints, prophets, fairies and jinn, as recorded in popular literature. At times gentle, generous and affectionate; at others, swept by a gust of passion into bitter quarrelling and abuse—perhaps more raucously but not more frequently than some Western women would be if they found they could rarely get rid of each other! The long strain consequent on early marriage and motherhood, frequent pregnancies, and the close restrictions of the zanana are themselves reason enough for these extreme moods of the *pardanishīn*. Escape is found in work, unless the temperature or enervating climate act as deterrents—by the elder women in the management of the household, and by younger girls of the educated class in all manner of needle

[1] See ch. on Belief in Charms.

[2] See ch. on Practice of Religious Duties.

work and embroidery. The poor industriously make up bed-quilts from old white *sārīs*, which are arranged two or three-ply thick and then sewn together with the coloured threads drawn from the borders of the *sārīs*, making the while pleasant designs. These form part of a baby's layette.

Small wicker baskets are made for household use and a few of the older women engage in spinning. All, save the poor, make sweets, chutneys and pickles; also tiny *dāl* cakes which are dried in the sun and come into constant use as an ingredient in curry. Poorer women help their families by working from morning till night on *chikkan* embroidery, obtaining for their labours a few pice. Others cut up hundreds of match-sticks for a single anna, or embroider a long *pagrī* in old gold silk—a task that consumes all the spare time of one month and then only brings in eight annas! Yet others embroider velvet shoe-uppers in gold and silver braid, sew button-holes, cut up betel-nut for shop-keepers, cook food for restaurants, bind books, or make cheap toys and fireworks.

Frequently, though not always, these crafts are plied in ill-lit and ill-ventilated rooms with, may be, the babies drugged with opium so that the work should not be interrupted.[1]

Callers are apt to interrupt the women in these occupations—perhaps it is an old woman who has come to cause the young girls to read the Arabic Qur'ān, or women vendors of cloth, bangles, vegetables; or one who is prepared to tell their fortunes for a trifle.

At midday the women may bathe, recite *namāz*, do some work and rest awhile. But all too soon comes round the

[1] In India 'it is estimated that ninety-eight per cent. of the children of industrial workers are constantly drugged whether at home or in the factory.'—Quoted by Woodsmall, *Moslem Women enter a New World*, p. 268.

time to prepare the evening meal; spices are pounded, bread baked or rice cooked, and then when the last late meal has been served those who wish to retire open up the roll of bedding and go to sleep.

Uneventful days of simple duties—but mention must be made of certain Islamic institutions which closely affect Muslim women and, at times, upset the even tenor of their lives.[1] They belong to the legacy of Islām and are accepted by most women as part of their lot. Sanction is found for them either in the injunctions of the Qur'ān or in the *sunna* of the Prophet, though voices are now being raised in protest against these outworn restrictions. Mention will be made here of three of these—*parda*, polygamy and divorce.

PARDA[2]

It is probably true to say that approximately ninety-five per cent. of the Muslim women of India are *pardanishīn*, which means that they live in seclusion. They may be seen by no man with whom they may be legally married, thus restricting the privilege to a very few of their nearest relatives. This seclusion is aided in public places by the compulsory use of a *burqa* such as has been described above.

That simple statement may seem at first empty of content, but consider how the rule operates. Here is a university student, newly married, who insists that he is going to take his bride out for a drive. What a thrill! but as the elder women dress the girl for the occasion they murmur disapproval of these new ways. The bridegroom goes eagerly to take his bride out and finds in the carriage the girl's mother, three little girls, and a small brother—all crowded in, with the windows closed and curtained. And yet even that was a step forward.

[1] These are discussed in more detail in subsequent chapters.

[2] see ch. on Parda.

When mention was once made to women of the house that their roof gave one a good view of the river, the reply was made, 'Yes, but we have never seen it. We are not permitted to go up in the day-time, nor on moonlit nights, because our neighbours would see us.' In one home an elderly lady prided herself on the fact that her husband would never let another man see her, and declared that she had been carried in as a bride and would be carried out as a corpse.

The pitiable thing is that the great majority accept the seclusion with a kind of fatal resignation, explaining anything and everything to their own satisfaction with such remarks as, 'It is our custom'—'it is our fate'—'it is our religion'. Only a fraction of the women have entirely discarded *parda*; the majority of educated women are still not in favour of unrestricted liberty in this respect, affirming that it is contrary to the teaching of Islām.[1] Certainly they wish for more freedom to visit their friends, and so forth, but they are definitely against the free association of the sexes characteristic of Western countries; though some college girls hold other views.

The quiet seclusion of the zanana may be disturbed by preparations to receive a man's second wife, perhaps a third or a fourth. But if the women resign themselves to seclusion they frequently object to polygamy.[3] Nowadays men of education are becoming ashamed of the practice and are careful to explain that Islām permits, but does not enjoin it. The orthodox, however, defend their action by claiming to be faithful to the *sunna* of the Prophet.

POLYGAMY[2]

In India it is less practised than formerly; even so it is

[1] See ch. on Parda. [2] see ch. on Polygamy.

[3] The subject has been discussed in recent years at Women's Conferences.

quite generally admitted that Islām allows it, and there is plenty of evidence to show that where it is indulged in, the home, the wife and the children all suffer.

Notwithstanding the Quranic injunctions about impartial treatment,[1] the new wife frequently takes first place in the husband's favour and the senior one must needs do his bidding and swallow her pride. It works in other ways; a group of three farmer brothers in a Bengal village had four, three and two wives respectively—more labour for the farm, and unpaid at that! Some women do not appear to object to the new arrival; good wives will quietly make all necessary arrangements in a spirit of resignation—'It is the will of Allāh; He must have ordained it; it is my fate'. But others burn with resentment.[2]

Seclusion may be appreciated and polygamy tolerated but the practice of divorce is resented by women. No judicial enquiry is needed, in fact any reason may be advanced—a bad temper, a petty quarrel —or no reason at all. Little wonder, then, that women in conference have denounced 'the prevalent custom'.

DIVORCE[3]

Such a fate for the inmate of the zanana is an ever-present possibility, making for anxiety and tension. A case occurred, similar to many, where poor parents had scraped together enough money for the marriage expenses of their daughter who was married at the age of fourteen. Within three months she was divorced. No further money being available she was remarried to an old man. It is girls like this, repeatedly divorced and remarried, who sink under the fate of the oft-discarded woman.

[1] cp. 4: 3.

[2] Muslim women are serving life-sentences in Indian jails for murdering husbands who dared to bring in a second wife. Yet a stipendiary magistrate is known to be keeping the full complement!

[3] See ch. on Divorce.

A group of women were once overheard offering their sympathy to a woman of 35 who had just been divorced, 'Aye! it was written in your forehead . . . it was your fate . . . the will of Allāh.' But the woman could not take it so complacently and gave vent to her feelings with, 'May Allāh curse her! May she be smitten with illness and none have mercy on her!'—herself too blinded by rage and grief to recollect that it was not that other woman's fault, but her own 'fate'.[1]

From this it must not be concluded that all Muslim women are so treated. The seclusion and uncertainty is, to them, the normal life of a woman and these customs are accepted as ordained by Allāh. This is borne out by a remark in a well-known Muslim weekly of North India:

> No reasonable Muslim will intentionally do injustice to his womenfolk. . . . Muslim men are not aware of doing any injustice, because they do it in obedience to a number of misunderstood traditions. . . . They do it in obedience to traditions which are now respected by men and women alike.[2]

Granted that in the majority of cases there is no intention to oppress the women and that in many homes there is genuine affection, yet, inevitably, body, soul and spirit suffer under the cramping effects of these well-intentioned but ancient religious sanctions.

It is a hopeful sign that the better educated and more liberal Muslims, both men and women, are realizing this and working strenuously to effect some reform. Much was done in the matter of educational reform by Her Highness the late Nawab Shahjahan, Begam of Bhopal, G.C.S.I.[1] An influential advocate of the woman's cause today is Begam Shah Nawaz, a frequent speaker at women's conferences. In a recent convocation address at Ludhiana she drew a dark picture of the average Indian home:

ADVOCATES OF REFORM

> Picture to yourself (she said) the dark pools of ignorance and superstition in which the lives of the majority of them (women) are being spent. Steeped in rusty old customs, drowned in a sea of ignorance, chained to centuries-old inhibitions, living in an atmosphere of constant fear—fear of nature and fear of man.[2]

Here is a man's outburst on the subject of the right to divorce:

> But perhaps nowhere is that degradation more disgraceful than in the fate inflicted on woman in an average Muslim home. No education, no individuality, no right of inheritance, no freedom of will, she is denied the very free air and sunshine of God which are enjoyed even by birds and beasts! A virtual slave unto man, his sweet will must be hell to her or heaven to her just as the whim may be. A mere word of *ṭalāq* uttered by him is enough to render her homeless and throw her, along with the children that he has given her, on the public street to beg, borrow or steal.[3]

The late Mr. Khuda Bukhsh has left on record his own thoughts on the present situation. Writing from intimate knowledge of the facts he has stated:

> The true emancipation of womankind must indefinitely be put off so long as the system of polygamy flourishes, drawing its sanctionf rom religion. . . . The Eastern wife may at any moment be dislodged by another, and relegated to everlasting sorrow and perpetual gloom. This idea colours the whole

[1] A woman so discarded, if she has means, may prefer to stay as she is in her father's house; but as a rule they lack independence and expect to be remarried, which Islām of course allows.

[2] *The Light*, Lahore, 6 December, 1936.

[1] She left on record her thoughts on such questions in a series of books, such as *Muslim Home*, *The Story of a Pilgrimage to Hijaz*, etc.

[2] *The Statesman*, 17 March, 1940.

[3] *The Light*, 24 August, 1933.

life of our women. They are meek and submissive, humble and accommodating, patient and painstaking; but this, in most instances, not by choice, but by compulsion. There is not that relation which is founded upon the equality of rights . . . (he goes on) Polygamy and divorce generally go hand in hand. . . . Is a high regard and reverence for womankind conceivable under a system such as this?[1]

It is in these very matters of social reform, when the times call for advance and religious custom forbids, that modern educated Muslim women find themselves beset with difficulty. Consider their position. On the one hand, the orthodox claim that to walk in accordance with traditional interpretations of the Qur'ān and in keeping with the example of the Prophet is the duty of all pious Muslims. They will point to the fact that all down the centuries orthodox exponents of Islām have preached, and practised, polygamy, divorce and the veiling of women. Their modern counterpart, the *mulla*, does so still.

WOMEN'S DILEMMA

On the other hand, the more enlightened of Muslim ladies are now meeting emancipated women of other communities in open conference where just such matters are frankly debated and as frankly condemned. For them the issue is this—can they insist that these old customs must end? Can

[1] *Essays*: *Indian and Islamic*, pp. 256–8. Quite recently Syed Ghulam Bhik Nairang declared in the Central Legislative Assembly, 'For a long time those anxious to effect social reforms among Muslims have been noticing one most lamentable feature of Muslim social life, that in many many cases married Muslim women are not properly treated by their husbands: they are neglected; they are maltreated in many ways; they are kept practically in marital bondage without any attempt being made to fulfil the marital duties which devolve on the husband. The state of society at the present time is such that women for the most part find themselves helpless.' —*L. A. Debates*, Vol. V, No. 1, p. 1,123 (1938).

they break *parda*? Can they take part in these conferences which denounce polygamy, facile divorce and the restrictions of the veil and yet, at the same time, remain true to their faith and their Prophet? That is the question. The orthodox masses unhesitatingly reply, No! but the more advanced women are saying, Yes! While professing their unswerving loyalty to Islām and Muḥammad, they make use of rationalistic interpretations of the Qur'ān, declaring that it supports their more liberal views. One may disagree with the conclusions they draw, but there can be nothing but admiration for their spirit and aims.[1]

In their attempts to solve these problems the women have been helped from time to time by liberalizing movements among the men. Just as the Aligarh movement under Sir Syed Ahmad Khan brought about an educational awakening, so the writings of such social reformers as the late Mr. Khuda Bukhsh and the late Professor A. M. Maulvi have undoubtedly advanced the cause of women; and at the present time leaders of the Ahmadiyya movement are re-interpreting Quranic passages affecting women.[2]

The stern fact, however, is that orthodox Muslim opinion is still the dominant force in modern India. This has in recent times become accentuated through communal disturbance which almost always results in putting the minority community on the defensive. As we have indicated, the

[1] It is evident, in this connection, that such rationalizing of the Qur'ān is resorted to because modern Muslim exponents realize that women in this twentieth century cannot be kept in the status that was considered adequate, even an improvement, in seventh-century Arabia. cp. Dr. Arthur Jeffery's article in *The Moslem World*, January 1940. Some Muslim rationalists appear to go still further, for while they retain a personal belief in Islām as a religious system they set bounds to its authority in matters social.

[2] See Appendix on the Ahmadis.

mullas adhere to the traditional interpretation of the Qur'ān as handed down by the fathers, and would-be women reformers have to reckon with their determined opposition.

Instances of such clashes of opinion are sometimes reported in the public press. For instance, a few years ago a lady of the Bohra community declared in the course of a public address that 'Muslim women should look forward to the day when *parda* would be discarded and they would take their proper share in the social life of the country'. At her wedding a few months later it was stated that the officiating *mulla* asked her to retract the declaration she had made as a preliminary to his sanctioning her marriage and performing the ceremony. She, however, firmly declined to do so and the *nikāḥ* was performed by her own brother.[1]

More recently the Sahib Mullaji, or spiritual head of the Dā'ūdī sect of the Bohras, was sued by a Muslim lady and her husband for having declared their marriage to be null and void. He had previously refused to perform the ceremony himself because the bridegroom declined to grow a beard as ordered by the Mullaji. The couple had, therefore, secured the services of someone else. The case was finally settled in the High Court. On the declaration by the man and woman that they were both good Muslims and owed no allegiance to the Mullaji, the latter 'exercised his special powers' and declared their marriage valid.[2]

But women-reformers meet with opposition not only from men but from reactionaries in the zanana, where women of all classes accept the old orthodox interpretation of the Qur'ān. The will of Allāh regarding the status of women has, they say, been made known there with unmistakable clearness and it is for them to obey uncomplainingly. Nothing

[1] *Civil and Military Gazette*, January, 1937.
[2] *The Statesman*, March, 1940.

can now be altered—'it is written'—such is their fate and they are resigned to it.

It comes to this, therefore, that, on the reading of the old school, any attempt to change the status of Muslim women is bound to appear as a challenge to the long-accepted precepts of Islām. It remains to be seen whether, now that the women are entering the arena of social reform along with men, 'the present spirit of religious liberalism in the Moslem world will mean the disintegration of Islām or the beginning of a new era of more vital faith'.[1]

As yet it cannot be claimed that the mass of Muslim women are so much as aware of these currents of thought, but it is certain that as education spreads these liberalizing ideas will reach them, especially since an increasing number of educated leaders are devoting themselves to the cause of education for women.

Schemes for the education of Muslim women are of recent growth. Fifty years ago among the upper classes it was considered sufficient that a woman should study literature and theology so that she might become a better 'ornament' in her husband's household. Even Sir Syed Ahmad Khan made it quite clear that his plans did not envisage women. In his day anyone daring to advocate education for women was likely to be branded 'heretic'.[2] Writing of that time he said:

EDUCATION

> The present state of education among Mohammedan females is, in my opinion, enough for domestic happiness, considering the present social and economical condition of the life of the Mohammedans in India . . . (anything more) will probably produce mischievous results, and may be a waste of money and energy.[3]

[1] Woodsmall, op. cit. p. 408.
[2] cp. *Our Cause*, p. 22.
[3] *The Life and Work of Sir Syed Ahmad Khan*, p. 324 f.

Yet even he indirectly helped on the women's cause, because enlightened Muslims, benefitting from the educational reforms he himself introduced, began to demand that their wives also should be educated, and so within twenty years a movement was started for the establishment of girls' schools to be run on modern lines.[1]

Very naturally there was, at first, the strongest opposition to such proposals from conservative sections of the community; even today protests can be heard. For instance, a few years ago, the teachers and students of the Dāru'l-'Ulūm, Deoband, passed

> an indignant resolution protesting against the decision of the United Provinces Legislative Council that in the areas where education for boys was compulsory, education for girls must also be made compulsory. Compulsory education, it was declared, was tantamount to destroying the time-honoured moral traditions of Islām among the Muslim girls.[2]

Such conservatism, together with the practice of *parda* and early marriage, still opposes advance; yet slowly the advantages of education are being recognized even by conservative mothers, who see that it is an aid to a good match for their daughters; while an increasing number of women study at home, and more and more girls are eager to avail themselves of the new opportunities. Educated men also are now desiring education for their women, recognizing it to be a national need and a political asset.

While it is a fact that illitéracy may at times be found in combination with a high degree of general culture, yet its prevalence among Muslim women definitely retards social reform. Analysing the facts a recent writer observes:

PRESENT DEGREE OF LITERACY

[1] Even before that time Christian women were teaching zanana ladies to read.

[2] *The Light*, 24 August, 1933.

> The Census for 1931 shows the percentage of literacy for men was 11·7, for women 1·9 per cent, and for Moslem women 1·2 per cent. This means that less than twenty women in general out of every thousand and only about twelve Moslem women in a thousand, can read and write.[1]

When, however, we compare the figures for girls' education over a longer period it is noticeable that there has been a steady if slow advance. Not only are there today many more schools for girls than formerly, but the annual reports show a most promising increase in the number of pupils attending them. A glance at the most recent figures available from the decidedly Muslim areas of Bengal and the Panjab confirms this:

The number of Muslim girl scholars in Government recognized schools is as follows:[2]

	BENGAL		PANJAB	
	1930-31	*1938-39*	*1930-31*	*1938-39*
University ...	5	86	49	220
High Classes (9, 10) ...	62	504	201	590
Middle Classes (6, 7, 8)	171	763	1,186	3,663
Primary Classes (1-5) ...	280,903	403,825	40,533	56,587

The number of scholars in the primary classes appears promising but it has to be remembered that about two-thirds of them go to school for only one year, and therefore do not attain to literacy. For instance, from Bengal it is reported that,

> Only 12 per cent. of the boys and 2·5 per cent. of the girls who enter Primary Schools complete the course; 75 per cent. of the girls cease attending before the end of their first year. Nearly all the girls fail to derive any material value from their attending school.

[1] Quoted by Woodsmall, op. cit. p. 160, from figures published in the *Statistical Abstract for British India* for the decade 1923–33.

[2] Figures supplied by the courtesy of the respective Departments of Public Instruction.

CO-EDUCATION

The Panjab Primary Education Bill of 1940 provided for co-education. It is to be regretted that even educated reformers have agitated against this. One wrote only recently,

> Co-education goes against the very grain of Islamic conception of society. The plea that, up to primary stage, such education is perfectly harmless cannot hold much water. . . . Islamic idea of education would insist on bringing up the youth of the community in an atmosphere of segregation from the very start.[1]

Moreover, the Muslim Educational Conference recently resolved that 'separate provision should be made for the education of boys and girls'.[2]

A Muslim student, however, writing to the press upholds the system of co-education but declares that as at present conducted in some colleges it is 'scoffable and condemnable'.

> Are we (he asks) so morally degraded that girl-students cannot be entrusted to us as friends? . . . We are not so hopeless . . . the trouble lies with bigoted people who dominate the social life . . . and religiously-minded diehards wishing to see us divided, torn up and segregated.[3]

Apart from these girls reading in Government schools and colleges, there are a number studying in private unrecognized schools; and, in the zanana, girls and young wives learn to read and write. A few with a commendable thirst for knowledge continue regular study at home, passing examinations privately, even up to degree standards.[4]

---

[1] *The Light*, 24 January, 1940.

[2] *The Statesman*, 29 September, 1939.

[3] *The Statesman*, 10 December, 1938.

[4] Writing of the accomplishments of such women a Muslim author states, 'Their academical qualifications, religious education, and disciplinary and virtuous attainments are a standing challenge to those who, through wisdom or unwisdom, aver that University qualifications and cultural accomplishments can be achieved by women only when the barriers of purdah and seclusion are removed from their way.'—Syed M. H. Zaidi, *Position of Woman under Islam*, p. 142.

It has to be admitted that many of these girls still retain the characteristic stamp of their home environment and are careful to see that any attempt at social advancement is kept in strict harmony with Islamic teaching. So, too, with the primary school girl who leaves the confines of the zanana daily for a year or two's schooling—it is not likely that she will lose the traditional outlook of her home. But with the High School pupil and University student it is different. Modern education is bringing them a quite new outlook on life and the world, and new conceptions of the possibilities open to women.

There is an encouraging increase also in the number of Muslim women teachers. In the Panjab, for instance, in the Subordinate Educational Services, the number employed in 1930 was 107, and in 1939, 237.[1] In the Provincial Service itself the number of Muslim women employed by the Department for the same period rose from 1 to 4.[2]

PROFESSIONS

Teaching is considered by Muslims to be a respectable profession for their women as they can still remain *pardanishīn* and it does not necessarily involve a break with social tradition. But while the opportunities in the spheres of both teaching and medical work are almost limitless there are as yet only a few Muslim women qualified as medical practitioners,[3] and as for the

---

[1] or 33 per cent. of the total number of teachers.

[2] Many of these teachers, of course, still observe *parda*; of the four superior grade officers, two do. All four are highly educated ladies.

[3] 'Probably today there are not more than forty to fifty Moslem women doctors in India'—Woodsmall, op. cit. p. 248.

nursing profession it is still looked upon in India generally as a not very reputable calling, nor do existing social conditions help to change that point of view.

Public opinion on the subject of professional careers for Muslim women is definitely conservative. The view is held that women who come from the kind of homes we have described engage in public service at considerable risk to themselves and their reputation. They are likely to be subjected to temptations for which their earlier life of seclusion has in no way prepared them. If such work must be undertaken let it be by married women and widows, and comparatively late in life.[1] Despite these drawbacks, however, some women have courageously pursued a professional career and put up with a good deal of adverse criticism and even malice.

The field has been largely restricted to the professions already mentioned—teaching, medicine, nursing, and midwifery. Here and there individual pioneers have ventured on some other career, such as law. At least one Muslim lady has secured an 'A' licence for flying. A number pursue a literary career, writing novels or contributing articles and essays to magazines and the daily papers, in English, Urdu and Bengali. One such publishes a weekly paper devoted to the cause of women; another assists her husband in the publication of one of the best Urdu monthlies; some write poetry of a high order, in both English and Urdu.

So far the movement towards economic independence among women has chiefly affected the educated upper middle

[1] The majority of experienced workers still think it impossible for an unmarried woman or widow to live alone in a village. Caton, *The Key of Progress* (a survey of the status and conditions of women in India) p. 16. Others will say that 'in no case should she be allowed to live alone in the city'.

classes, not those of little education. As compared with Hindu women few Muslim women work in factories, but where their numbers are large *parda* arrangements are made.

It cannot be said that social work has been taken up so far as a profession by Muslim women in India. Here and there individual Muslims, men and women, are so engaged but few if any have received special training for such welfare work. Ordinarily, a sense of obligation to one's family and the need to adhere strictly to the customs of the faith occupy the minds of the women to the exclusion of any thought of social responsibility. And yet a Muslim lady, writing of the masses of women overburdened by toil, by the cruelty and selfishness of man, by ignorance, poverty and disease, declares,

Social Reform

> There is no doubt that if the educated Indian woman chooses this path (sc. of uplifting these 'millions of women') she will be face to face with enormous difficulties—specially if she happens to be a Muslim woman. Privation and want, social opprobrium and calumny will pursue her with a mercilessness like that of fate. But if she can go through all this without breaking, she should have given to the Indian women a personality and soul of her own.[1]

But, as has been said, something is being done in this direction. Muslim ladies are acting as honorary magistrates, serving on municipal boards and women's vigilance committtees, as Commissioners in the Girl Guides and on committees for village-uplift, child-welfare, *parda* clubs, girls' schools, children's orphanages, etc. True, the numbers of those so engaged may be few, but it shows what can be done and what will be done when the claims of the unprivileged masses are taken to heart.

[1] Sakinatul Fatima Wazir Hasan, in *Our Cause*, p. 26.

A few Muslim women join non-communal organizations, such as the All-India Women's Conference, but fewer still assume therein a position of leadership. On the other hand, there is growing enthusiasm among them for purely Muslim organizations of a religious and social nature, and these are fairly numerous. One such is the All-India Muslim Women's Association, which does not meet annually but held its fourth session last year, when nearly 1,500 women were present. This league, which has branches in most of the provinces, represents the united efforts of Muslim women to promote the educational and social interests of the women of their community. At its last meeting it passed a resolution 'urging members to encourage literacy, so that no Muslim woman should remain illiterate'.[1]

ORGANIZATIONS

The aims of the Panjab Muslim Women's Conference are declared to be:

> To organize the Muslim women of India, to infuse the true Islamic spirit in them, to educate them in Koranic and . . . other literature, to bring about social family reforms, to achieve their legitimate rights and to have the present man-made laws amended.[2]

Some of the smaller Muslim sects have their separate organizations for such purposes. The Qadianis have one called *Lajnato Amaillah*, or the Association of the Maid-Servants of God, founded in December, 1922, by the present head of the movement. Its aims are said to be:

> To promote the pursuit and diffusion of knowledge among women; to make women alive to their duties as guardians of the future; to teach them how to help the poor and to contribute their share to the public welfare.

[1] Reported in the *C. & M. Gazette*, 3 May, 1939.
[2] *C. & M. Gazette*, 8 February, 1936.

Branches have been opened in a few towns, but the headquarters of the Association are at Qadian, where lectures are delivered and exhibitions made of women's handwork, the proceeds of which, when sold, go to support the missionary work of the Association. Its members have undertaken various forms of voluntary work, such as to teach reading and writing, the Qur'ān and *namāz*, to women who have not had the benefit of education; the aim being to remove illiteracy among their community.[1]

The Lahore section of the Ahmadis likewise have a Women's Organization, as well as the Ahmadiyya Girls' Association, founded for the religious instruction of girls of their community. Its secretary recently stated that 'The Association aspired to acquaint the educated girls with religion and infuse in them a national spirit.'

The Tellicherry Ladies' Association, an organization among Moplah women, opened in 1936, aims:

> To eradicate superstition in which the Moplah women were steeped, and to spread modern education among them according to Muslim ideals.

Its President reported that

> There is hardly any Muslim above the age of ten who is unable to read and write in Arabic. But we do not take proper interest in the study of our mother tongue.[2]

The Ismā'īlīs, followers of the Agha Khan, in common with the Bohras and Khojas, have their Ladies' Volunteer Corps and Girl Guides, as well as a number of social and religious organizations for women.

The changes brought about by the inauguration of Provincial Assemblies, under the new Government of India Act, are already having effect. Out of some 35 million persons

[1] cp. an art. in *The Review of Religions*, June, 1939.
[2] *The Light*, 1937.

entitled to the franchise, about 6 million are women, drawn from all communities. Of these approximately two million become eligible for the 'property' vote, three and a half million for the 'wifehood' vote,[1] and barely 300,000 are registered on the score of 'educational qualification'.

THE POLITICAL SPHERE

Altogether 41 seats have been reserved for women in the Provincial Assemblies, special constituencies being framed for women's seats in the provinces. In support of candidates for these reserved seats both men and women vote in all Provinces except the Panjab and Bengal, where the voting is restricted to Muslim women. In the N-W. Frontier Provincial Assembly no representation has, so far, been given to women.

These seats for women have in all the legislatures been awarded on a communal basis and the elections are made through their respective communal electorates.

It is further enacted that the 41 women members of the Provincial Assemblies shall elect 9 women to the Federal Assembly, one from each of the Presidencies and major provinces.[2] No representation in the Federal Assembly has yet been given to women of the provinces of Sind, N-W. Frontier Province, and Orissa. Moreover, the legislatures of the provinces of Bengal, Madras, Bombay, the United Provinces, the Panjab and Bihar, will each elect one woman representative to the Council of State.

Thus it will be seen that a few outstanding Muslim ladies are, in a very real sense, acting as representatives of the inarticulate millions of their sex who scarcely know the meaning of 'politics;' yet even these have no common out-

[1] It is laid down that only the first wife of a polygamous husband will be entitled to vote on the strength of her husband's property.

[2] Of the nine seats, two have been reserved for Muslim women and one for a Christian.

look on life. For instance, of the two ladies elected to the Panjab Assembly, one, Begam Shah Nawaz (Unionist), came out of *parda* in 1920, was a delegate to the Round Table Conference in 1930, has held many important posts, and is now Secretary to the Minister of Public Health and Education in that province. The other, Mrs. Qashid Latif Bazi (Independent) is a social worker but still observes *parda*. On taking the oath of allegiance in the Legislative Assembly in 1937, she pleaded her inability to accept the President's offer of the customary handshake as she was a *Muslima*; accordingly, she subsequently took her seat in a chair apart from the members' benches, draped in a black *burqa*.

In preparation for the first elections canvassing parties, in *burqas*, visited the electorate and held meetings in *parda*. At these gatherings Muslim women showed their mettle both in speech and tenacity! Rules of debate were not always observed, but they would be considered remarkably orderly for meetings the first of their kind. Women found it difficult to listen patiently to a candidate who criticised her rival, their own favourite, and in some cases a disturbance took place and veils were lost. Elsewhere veiled women had need of the assistance of boy scouts.[1] Sympathetic onlookers perceived how much the Muslim community has missed in the past through lack of an educational programme for their women, but realized that they are destined to take a full share in all reforms for their sex and will certainly not be left behind by women of other communities.

ELECTIONS

On the occasion of this quite new experience for women, tongas, motor lorries and private cars brought carefully-veiled voters to the polling booths. For many it was the first time they had left the seclusion of home to take part in civic

[1] Reported in *C. and M. Gazette*, 3 November, 1934.

activities. They displayed a keen spirit of partisanship. No 'agents' had a chance with these women who had made up their minds, for they walked in a quite determined manner to the booth of their choice. Within a homogeneous group from the same zanana ladies had a difference of opinion about the candidates. There were some amusing incidents. A group of women on being kept waiting for their ballot papers by a woman officer, concluded that the said official was showing some partiality, and so decided to take forcible possession. The official summoned the police. But what can two policemen do when surrounded by hundreds of veiled women, all gesticulating and vociferous, and not to be handled, and, withal, annoyed that male policemen had dared to enter their *parda* booth!

THE BURQA AT THE POLLS

The Khoja Muslim women of Karachi established what is perhaps a record in that all of them recorded their votes. In Lahore and some other cities the voting was keen, but as yet the majority of women show little interest in the matter, and many would not be allowed to leave their homes for the purpose.[1]

The great majority of Muslim women who possess facilities

[1] 'Purdah has been the greatest hindrance to the political development of Indian women. Under the new constitution they have been given a greater degree of political rights than they enjoy at present. Those rights can be of no value while conditions exist which have divorced women from politics and left them with little knowledge of their rights and duties as citizens. Moreover merely having the right to vote does not constitute the sum and substance of political rights. The value of the vote lies in the power to use it as an unhindered expression of free and independent thought. Democracy demands political education which purdah women are denied. It is chiefly purdah which has prevented all but a few pioneers among women from representing their interests and taking their place in legislatures and other political organisations.'—Attia Habibullah, in *Our Cause*, p. 206 f.

for taking any part in politics align themselves with the All-India Muslim League. A small minority favour the Congress; others join the Shī'a political movement; a few are 'independents'.

ALL-INDIA MUSLIM LEAGUE

Mr. Jinnah, President of the League, has welcomed the assistance given by the women, though Muslims in general realize that the franchise granted will remain a negligible factor unless and until women are educated to use their vote intelligently. That end should be served by the new Central Women's Committee of the All-India Muslim League, appointed in 1938. This Committee has asked for at least 15 per cent. representation for women on the various committees of the League. In 1939 it passed resolutions urging Muslim women to participate in the struggle for freedom and real democracy and to make all necessary sacrifices for the protection of the political and cultural rights of Muslims, their language and traditions, and requesting Muslim political thinkers to place a definite ideal before the Muslims, so that the younger generation might grow up in the true Islamic traditions of sacrifice and love of freedom. . . . Another resolution urged Muslim women to join the League, 'the sole and only authoritative Muslim political organization', and endeavour to make it a stronger and more influential body.

In connection with this Central Committee various provincial Muslim women's sub-committees have been formed with the object of

> enlisting a large number of women to membership of the Muslim League, to carry on intensive propaganda amongst Muslim women throughout India in order to create in them a sense of greater political consciousness and to advise and guide them in matters relating to the uplift of Muslim society.[1]

[1] *The Statesman*, 19 August, 1939.

II

MARRIAGE

THE essential features of Muslim marriage laws today may be traced back to the customary law of the Arabs as it existed prior to the rise of Islām. Muḥammad did not formulate new laws on the subject but radically reformed those he found, and certainly improved the lot of woman.[1] His reforms have been thus summarized: 'According to the special needs of his time and country, the Prophet was a very earnest champion of women's rights; the form which his advocacy took resulted in stamping out female infanticide, laying down definite restrictions to the earlier Arab licence about marriage, and enabling free-born women to pursue, under more tolerable conditions, the only vocation open to them, that of child-bearers and child-sucklers; with some measure of freedom in choosing their employers, some protection against gross tyranny, some reasonable notice before dismissal, and above all with a substantial pecuniary equivalent for the sacrifice demanded of them.'[2]

The Qur'ān and Traditions have much to say on this subject of *nikāḥ*.[3]

[1] cp. *Ency. Islam*, art. *Nikāḥ*, III, 912; Abdur Rahim, *MJ*. p. 1.

[2] Wilson, *Anglo-Muhammadan Law* (revised by A. Yusuf Ali), p. 50; cp. Cheragh Ali, *RMR*. p. xvii.

[3] Ar. *nakaḥa, inivit feminam, coitus* (Lane). The *Hedāya*, I, 302, giving this meaning for the verb as used in Qur'ān at 2: 230, proceeds to say that the substantive *nikāḥ* implies the same thing, though it also signifies 'the legal union of sexes'. In the Qur'ān, however, it generally denotes the act of giving a woman in marriage. This is

THE QUR'ĀN

Marriage is repeatedly represented in the Qur'ān as a divine institution legalizing sexual intercourse, for the purpose of procreation:

> Your wives are your field: go in, therefore, to your field as ye will: but do first some act for your souls' good: and fear ye God, and know that ye must meet Him; and bear these good tidings to the faithful.—2: 223; cp. also 25: 56; and 30: 20.

And while the conclusion may fairly be drawn from its various references to the subject that all Muslims are expected to marry, yet poverty may be advanced as a legitimate reason for not doing so:

> And let those who (on account of poverty) cannot find a match, live in continence till God of His bounty shall enrich them.—24: 33.[1]

The Traditions amply confirm the Quranic injunctions:

the proper term in Arabic for a regular marriage, but it has a debased use also, as in Bengal, where it is commonly used for 'a sort of left-handed marriage, considered disreputable; as one contracted with a widow, or only for a given time'.—Wilson, *AML*. p. 94. For other terms used to denote marriage, see below, p. 75, n. 3.

[1] Muhammad Ali, in his comment (note 1754) on this verse, goes so far as to say that marriage is 'an obligatory institution in Islam'; cp. also his *RI*. p. 602; see further *Our Cause*, p. 230; Hughes, *DI*. p. 313.

An Ahmadi advocate for the necessity of marriage recently expressed himself as follows: 'Man is endowed with various faculties. The proper use of these is essential for the perfection of man . . . sexual appetite is one of these faculties. Its proper use is therefore necessary for human perfection. In other words, without a married life no one can be a perfect man. . . . In order to prove that man is perfect it is necessary that he should have all sorts of worldly connections and especially the greatest obstacle in the way of God, viz. wife and children.'—cp. *Review of Religions*, 1935, p. 191.

> O assembly of youths! whoever among you is able to have connection he should marry; for it (marriage) is a restraint to the looks and better for the secret parts; and he who is not able let him keep fast, for this will be like unto castration.[1]

Muḥammad is also reported to have said: 'When a man marries verily he perfects half his religion.'[2] Again, 'There is no other act of worship except marriage and faith, which has continued from the days of Adam and which will continue in paradise as well'.[3]

Again, reprimanding such as spoke of fasting in the daytime, and keeping awake at night, praying to God and abstaining from marriage, Muḥammad is reported to have said:

> I keep a fast and break it: I pray and I sleep, and I am married; so whoever inclines to any other way than my *sunna*, he is not of me.[4]

In keeping with this there are traditions that definitely condemn celibacy. For instance, Sa'd ibn Abu Waqqās said:

> The Prophet forbade 'Uthmān bin Maẓ'un from *tabattul*,[5] and if he had permitted that to him verily we should have become eunuchs.[6]

Also,

> *Nikāh* is our precept. Those of you who are unmarried are the unworthy amongst you, and those who die unmarried are the most unworthy of the dead.[7]

---

[1] Bukhārī, Ar. II, 758 (Urdu, III, 12); *Mishkātu'l-Maṣābīḥ*, Ar. 267 (Matthews, II. 76); Goldsack, *Selections from Muhammadan Traditions*, p. 163.

[2] *Mishkāt*, Ar. 268 (Matthews, II. 79); Goldsack, *SMT.* p. 163.

[3] Quoted by Klein, *The Religion of Islam*, p. 183; cp. *Report of Age of Consent Committee*, p. 279.

[4] Bukhārī, Ar. II, 757 (Urdu, III, 11); Md. Ali, *RI.* p. 602; cp. *A.C. Report*, p. 279.

[5] lit. abstention from sexual intercourse (Lane).

[6] Bukhārī, Ar. II, 759 (Urdu, III, 14); *Mishkāt*, Ar. 267; (Matthews, II. 76); cp. Md. Ali, *RI.* p. 603.

[7] cp. *A.C. Report*, p. 279.

The Qur'ān lays down certain principles regarding marriage, the chief of which are the following:

Muslims are permitted to have, at any one time, up to four wives, 4: 3; they may marry women who belong to 'the People of the Book', 5: 7; but are prohibited from marrying certain women who stand in intimate relationship, 4: 26–28;[1] also infidel women, 2: 220; and immoral women, 24: 3, 26. The rich are permitted to seek out wives by means of their wealth, 4: 28: while those not rich enough to marry 'free believing women', may marry such of their believing maidens as have fallen into their hands *as slaves*, 4: 29.[2] Moreover, believers are counselled to marry single women (virgins)—free women as well as handmaidens, 24: 32.

The Traditions particularly stress this last point; thus Muḥammad is reported to have said to one Jābir, who confessed that he had not married a virgin,

> Why did you not marry a virgin? for she would have had more affection for you; contrary to the other, for her heart will sometimes incline towards her first husband, if she does not find her second like him.

Muḥammad is further reported to have said,

> May it be yours to marry vigins, *bikār*, because their mouths are sweet, their wombs prolific, and they are more easily satisfied with little.—*Ibn Mājah*.[3]

Another tradition records that Muḥammad said,

> A woman may be married for four qualifications: on account of her money; on account of her noble pedigree; on account of her beauty; and on account of her faith; but if you do it from any other consideration, may your hands be rubbed in dirt.[4]

---

[1] see ch. on Betrothal (Prohibited Degrees).

[2] *Ency. Islam*, III, 912, art. *Nikāḥ*; cp. Klein, *RI.* p. 184 f.

[3] *Mishkāt*, Ar. 267-8 (Matthews, II. 77, 78); cp. Herklots, *Islam in India* (Crooke's), p 57.

[4] cp. *Mishkāt*, Ar. 267 (Matthews, II. 76); Goldsack, *SMT.* p. 163; Hughes, *DI.* p. 314; Guillaume, *The Traditions of Islam*, p. 124.

Two forms of marriage are practised:

1. The legal *nikāḥ*, or regular marriage; by which means a man may possess as many as four wives at one time, in accordance with the sanction of the Qur'ān. Along with this permission the husband has the right to dissolve such marriage at his discretion.[1]

2. *Mut'a*, or temporary marriage; practised by the Shī'as, but repudiated by the Sunnis.[2]

Notwithstanding the tradition quoted above which refers to it as an 'act of worship', marriage according to Islamic law is strictly speaking a civil contract; nor is it dependent for its due execution upon any religious ceremony.[3] 'It is founded on proposal on one side and acceptance on the other.' Even witnesses to the contract are not always deemed essential, for while Sunni law requires them, Shī'a law does not.[4]

One stipulation, however, seems to be fairly generally recognized, that is, the marriage must be given publicity;[5]

PUBLICITY OF MARRIAGE

For instance, it is related that at the marriage of Fāṭima, Muḥammad said to Ḥaḍrat Anas, 'Go and bring Abu Bakr, 'Umar, 'Uthmān, Ṭalḥa and Zabīr and a few of the Anṣār'; from which fact it is concluded that for the due performance of marriage the presence of a few people, ten or twelve, *majlis-i-nikāḥ*, is necessary.[6] The publication is often effected by

[1] cp. Abdur Rahim, *MJ*. p. 333; yet Md. Ali represents it as a permanent bond.—*RI*. p. 630. [2] See ch. on Mut'a.

[3] cp. Ameer Ali, *SI*. p. 257; Abdur Rahim, *MJ*. p. 328; Hughes, *DI*. 318; *Our Cause*, p. 230. 'In so far as Muslim law of marriage is concerned, it is purely a contractual relationship. It has no sacrament about it.'—M. Asaf Ali, *L.A. Debates*, Vol. V, No. I, p. 1,113 f. (1938).

[4] cp. Ameer Ali, *The Student's Handbook of Mahommedan Law*, p. 69; Hughes, *DI*. p. 314.

[5] Even this does not seem to be legally necessary.

[6] Mirza Md. Naḍīr, *Ta'līm-i-Nisā*, Book VI, p. 52.

beat of drum and is sometimes accompanied by singing, both of which receive sanction from the Traditions. Muḥammad is reported on the authority of 'Ā'isha to have said, 'Publish the marriage and perform it in the mosques and beat drums for it'.—*Tirmidhī*. Also, 'The difference between the lawful (*ḥalāl*) and unlawful (*ḥarām*), that is between marriage and fornication, is proclamation and the beating of drums'.—*Aḥmad*, *Tirmidhī*, *Nasā'ī*, and *Ibn Mājah*. And so with singing: when 'Ā'isha had given a woman relative in marriage to one of the Anṣār, Muḥammad asked, 'Have you sent with her any singers?' On receiving a reply in the negative, he said: 'Verily, the Anṣār are a people who love singing (*ghazl*), and it would have been better if you had sent with her someone to sing.'—*Ibn Mājah*.[1]

But today protests are being made by both advanced and conservative writers against the kind of singing commonly indulged in by hired, low-caste women on these occasions; yet others are frankly perplexed that *maulawīs* are now forbidding what Muḥammad expressly enjoined.[2]

CEREMONIES PREPARATORY TO MARRIAGE[3]

Since practice varies according to circumstance and place, it is not possible to attempt more than a general description of the ceremonies that accompany marriage.

[1] *Mishkāt*, Ar. 271-2 (Matthews, II. 87, 89); Goldsack, *SMT*. p. 165; cp. Md. Ali, *RI*. p. 626.

[2] e.g. The editor of *The Light*, replying to one such correspondent, said, 'It depends on what sort of songs they sing. Indecent songs, such as *chhai*, so common in this part, must on no account be sung.' And a vernacular writer declares: 'It is sinful to listen to the lewd songs of these women; moreover, the sin of him who invites them is equal to the sin of those who go to listen.'—*Ta'līm*, Bk. VI, pp. 39 and 45. Such songs are sometimes called *siṭhnī*.

[3] The festive rejoicings are commonly called *shādī*, Pers. lit. 'pleasure', 'delight'. This term is also in common use for marriage itself; another term is the Hindi word, *biyāh*.

As is to be expected in a country where Hindu influence in social matters has always been strong, Muslim communities of Hindu extraction frequently exhibit a curious mixture of Hindu and Muslim rites. The prevalent use of terms of Hindi origin serves to emphasize this fact. Some folk indeed go the length of maintaining the usual Hindu ceremonies, merely exchanging a *qāḍī* for the *paṇḍit*, and Allāh and the Prophet (or a saint) for the family gods.[1]

A Muslim wedding can be, and often is, a very expensive affair. The rich spend money lavishly, sometimes squandering the savings of a lifetime and even mortgaging their property on the occasion of a son's wedding; and a poor man will borrow so heavily as to burden himself with debt for the rest of his life, the debt devolving on his son at his death.[2]

Invitations to the wedding are sent to relatives and friends. In the case of educated Muslims this frequently takes the form of a coloured card, printed in silver or gold. A more common form of invitation is to send the barber who gives to all a piece of thread from a 'bracelet' made of many-coloured threads, or it may be a small packet containing sweets wrapped round with yards and yards of red cotton thread.

A generation ago a week or ten days were given up to these ceremonies, but at the present time three or four days suffice. It would take about a fortnight to complete all the minor traditional ceremonies.

The more noteworthy customs are as follows:

Among the uneducated a custom still obtains whereby ten or fifteen days before the wedding the bride's father sends

[1] E. A. H. Blunt, *The Caste System of Northern India*, p. 201; cp. Levy, *SI.* II, 145.

[2] By way of illustration—a Muslim once borrowed Rs. 100, for the marriage of his daughter. The debt was only cleared after 12 years, during which time he paid the money-lender altogether Rs. 600 and suffered the confiscation of his cow and a horse.

the *gāṇṭh*, or knot. This is a skein of silk or thread which may have been knotted as many times as there are days remaining to the day of the wedding. Sometimes a *kaṇgnā*, or bracelet of silk or coloured thread containing an iron ring, a shell, and a betel nut is made for the bride and bridegroom.[1] One with a lump of sugar and a rupee, is sent to the groom by the hand of a barber. His sister or his father's sister hangs the *gāṇṭh* on a peg.[2]

About a month before the date of marriage the girl is, in some localities, segregated. She is confined to a room in her house and is said to be 'in *māyāṇ*'. In this condition she is not permitted to see or speak to any women except very close relatives. Everything is done to lighten her complexion. She sees little of the light of day and is given plenty of milk and sweets.[3] She is subjected to a long course of beauty treatment. Her face and body are massaged with *baṭnā*, a kind of complexion cream.[4] Her eyes are rendered large and languid and black by repeated applications of *kājal*.[5] Lessons are given her in deportment so that she may prove herself a truly shy and timid bride. Singing

[1] *Kaṇgnās* may be affixed to the wrist of both bride and bridegroom and these are opened with a little ceremony in the zanana the morning after the wedding.

[2] cp. *Glossary of Punjab Tribes and Castes*, I, p. 814; a knot in the *gāṇṭh* may be untied each day.

[3] 'The most pathetic part of it is that she has to live on almost starvation diet for custom regards it as the height of immodesty for the girl to take a full meal—loss of appetite, real or pretended (during the last week at any rate) is the only prescribed and recognized proof of her modesty.'—Fida Ali Khan, art. 'Hindu Customs adopted by Muslims in India,' *The Muslim Review*, Jan. 1927.

[4] A sticky paste made of mustard seed, barley flour and almonds. —*The Statesman*, April, 1940.

[5] i.e. Lamp-black. The 'groom's body is sometimes treated in this way.

and the beating of drums commences from the day of *māyāṇ*.[1]

In some villages, as in the Panjab, the day before the wedding the girl's *māmū*, maternal uncle, brings certain articles for her to wear and with them a number of brass or copper vessels. These garments consist of a suit of clothes of red material (the distinctive colour for a bride), a nose-ring and bracelets, which she wears on the wedding day. In other cases, the wedding clothes of the bride are provided by the bridegroom's parents.

The *meṇhdī*, or henna, ceremony is performed as a rule the night before the wedding. The wife of the barber comes to the bride's house bringing some *meṇhdī* and singing the *meṇhdī* song. All relatives who are married throw some of the *meṇhdī* into water. Afterwards the women of the village come along and throw more water on the *meṇhdī*.[2] A portion of the concentrated mixture is kept apart and a special relative puts her finger into it and applies it to the bride's finger, toe-nails and palms of her hands. Occasionally the girl's people apply the *meṇhdī* to the boy and the boy's relatives to the girl.[3] A good meal is then served, consisting usually of *pilau*, *kofta ālū*, and *zarda*. Meanwhile the bride is placed in a chair and the woman who is most loved by her own husband puts a *peṛā* (sweet) in the bride's mouth. Her mother to avert all calamities, including the evil eye, then waves two or three rupees round and round her head and this money is afterwards given to the singing-women.

[1] cp. *Glossary*, I, pp. 837–8; *Ta'līm*, Bk. VI, p. 38.

[2] Relatives and friends, if they so wish, put a few pice for the barber into the *meṇhdī* mixture. In a village home the gifts may amount to Rs. 5.

[3] cp. *Glossary*, I, 186, 838; *Ta'līm*, Bk. VI, p. 40. In some districts where the girl is not leaving immediately for her husband's house it is only applied to the feet at *rukhṣatī*; cp. p. 90.

Subsequently the bride is taken to her room where she endeavours to rest; but as the women of the party keep awake all night[1] with songs and music and are busy cooking, the girl has little chance to sleep.

On the last day of the ceremonies the bride's *jahīz*, trousseau, is laid out for inspection in her father's home and later sent to the house of her father-in-law.[2]

Auspicious Days

The day fixed for the *nikāḥ* may be one of the following dates of the moon—4, 5, 7, 11, 14, 17, 21, 24, 25, 26, or 27, though the first ten days of Muḥarram are considered inauspicious, and a wedding celebrated in the remaining days of that month is held to be definitely unlucky.[3]

Friday in one of the above-mentioned dates is especially auspicious, provided the ceremony takes place some time between *maghrib* on Thursday and *fajr* on Friday. After sunrise till midday Friday a wedding is not permissible. Monday is specially auspicious as Muḥammad was born on that day. Likewise the month of Shawwāl, because therein he married 'Ā'isha.[4]

The Barāt

Considerable importance is attached by Muslims to the formalities of the wedding ceremony itself. Here again the rites practised among the various castes and classes differ to a bewildering degree.

On the day of the wedding the bridegroom first bathes and is then arrayed in his wedding clothes. This is a costly suit of satin or velvet of saffron colour, adorned with gold embroidery. On his head is placed a *sihrā*, or chaplet of flowers, a custom borrowed from Hindu practice.[5] Both rich and

[1] See ch. on Semi-Religious Ceremonies (*Rāt Jāgā*).

[2] cp. *Ta'līm*, Bk. VI, p. 45.

[3] *Glossary*, I, p. 820.

[4] *Mishkāt*, Ar. p. 271 (Matthews, II. p. 87); Goldsack, *SMT.* p. 166.

[5] cp. *Ta'līm*, Bk. VI, p. 40; *Glossary*, I, p. 817.

poor wear this *sihrā*, which is fastened to the top of a richly-embroidered turban. It may be made of silver or gold braid, with flowers and pearls added, and is sometimes full enough to hang over the face and part of the chest of the groom.[1]

Thus arrayed he enters the apartments of the women and is made to stand on a low stool, while a sister ties another *sihrā* on his head. His mother, or some woman of the family, then performs the ceremony of *sir wārnā*, that is, waving money round his head. When this is concluded the women-folk, including those unrelated to the family, all unveiled,[2] crowd round to congratulate him and bestow their gifts.

He is now ready for the *barāt*, or wedding procession, which proceeds from the bridegroom's house to the home of the bride. Formerly this took place at night-time, but now it is more commonly conducted during the day, and timed to arrive at its destination after nightfall. In villages it is still the usual thing for the groom to be seated on the back of a mare, but in towns some vehicle is used.

Before starting on the *barāt* some bridegrooms follow the custom of going to the tomb of a saint where they leave some money. Orthodox Muslims deprecate this practice.[3]

The procession is composed of the male members of the family and their friends; it may be small and on foot, or a

[1] The intention seems to be to avert the influence of the evil eye; cp. Mrs. Meer Hassan Ali, *Observations on the Mussalmauns* (Crooke's) p. 204, n. 'Avoiding exposure is the surest defence against the evil eye. In the Karnatak, when the Muslim bridegroom during the marriage ceremony goes to the mosque, he wears a garland of flowers over his face, and his face remains covered till his return home.'—J. Abbott, *Keys of Power*, p. 123; *Glossary* I, p. 817.

[2] 'Because women need not be veiled before a king or a bridegroom, both known as Shāh.'—Herklots, p. 80.

[3] cp. *Ta'līm*, Bk. VI, p. 41.

more elaborate affair headed by several cars, but it is invariably happy and moves forward to the strains of the inevitable fu-fu band. At night it is brilliantly illuminated with acetylene lamps.

When the *barāt* reaches the bride's house, it is met by the members of her family, and the fact is proclaimed by letting off fireworks. The female guests of the bride are entertained as a rule in the house, but should the place be insufficiently large to accommodate the men also, the latter are put up either in a hired house or in one lent by the relatives of the girl.

In the homes of the educated the bride will mix with the women guests, but usually it is expected of her that she keep her eyes closed and her head bent for some days. Even child-brides, bedecked in all their finery, enter with zest into this excessive modesty as though it were a game, though some complain that it gives them 'a pain in the neck'. But an educated girl, as recently as 1937, wrote disappointedly of her graduate-sister that she

> covered herself with a long veil and kept her face concealed with both of her hands, after the manner of the old-fashioned brides, and in spite of my great efforts she stuck to it for nearly two weeks. As a result she gained the favour of the elders of both families, though it annoyed me a great deal. I was not expecting it of her; she ought to be a reformer in these things.

As the wedding ceremonies continue for at least two or three days and sometimes much longer, such brides as can afford it wear different coloured clothes on successive days. On the wedding day the special colour is scarlet and a bride may wear a pair of pyjamas of this colour, bordered with gold; also a loose-fitting jacket made of brocade, and a scarlet wrap of very thin material; others may wear a *sārī*. Sometimes a bride may wear a *sihrā* made of flowers and gold thread, and her hair is decorated with shining patterns cut out of tinsel. The parting in her hair is smeared with sandalwood paste and

her whole body anointed with perfumes. On the day after the wedding she may wear a pair of green pyjamas, or a green *sārī*.[1]

NIKĀḤ CEREMONY

When the bridegroom's party and the invited guests have arrived the *nikāḥ* ceremony is performed. This scarcely ever takes place in a mosque, notwithstanding the tradition quoted above.[2]

According to recognized custom, marriages among all Muslim sects are performed by a person conversant with the requirements of Islamic law, usually a *mulla* who, for the occasion, is called a *qāḍī*.[3] The terms of the contract and the amount of the *mahr* will usually have been settled beforehand in the case of large sums, otherwise it is customary to settle the amount just before the *nikāḥ* ceremony.[4]

In village communities the proceedings are somewhat as follows:

After a chapter of the Qur'ān has been read by the *qāḍī*, an elderly male relative of the bride, acting as her *wakīl*, or proxy, goes within to ask her permission to contract her in marriage to the bridegroom. Sometimes a member or two of the bridegroom's party accompany him as witnesses. These take with them the clothes and jewellery which have been brought as presents for the bride and knock on the door of the women's apartments. An elderly woman opens to them and

[1] cp. *The Statesman*, May, 1940.

[2] cp. J. A. Subhan, *Islam, Beliefs and Practices*, p. 112.

[3] In 1864 the post of *qāḍī* was abolished, but Act XII, 1880, says, 'Wherever it appears to the Provincial Government that any considerable number of the Muhammadans resident in any local area desire that—Kazis shall be appointed . . .' [the Provincial Government may appoint] 'Kazis for such local area'. 'Nothing . . . shall be deemed to confer any judicial . . . powers on any Qazi . . . or to render the presence of a Qazi . . . necessary at the celebration of any marriage . . . or to prevent any person discharging any of the functions of Qazi.'—*L.A. Debates*, Vol. V, No. I, p. 1093 f. (1938).

[4] cp. E. A. H. Blunt, op. cit. p. 199.

receives the presents which she conveys inside, where the bride is decked out in them; after this, the elder woman reappears to announce that all is ready. Thereupon the three men recite loudly the *A'ūḏhu-bi'llāh*, the *Bismillāh*, and the *Kalima*, and the women within repeat the phrases simultaneously, though quietly. The girl is then addressed aloud: 'Listen! So-and-so, the son of So-and-so of a certain village, gives you clothes and jewellery to the value of so-and-so, and offers himself to you in marriage. Are you willing to accept him?' The reply is often whispered by the bride into the ear of an older girl who replies for her.[1]

On receiving the answer the men return to the assembled *majlis* of men and the *qāḍī*, or the *majlis*, may challenge them to swear that the bride has deputed them to give her message of consent.

The *qāḍī* then seats himself opposite the bridegroom and says: 'In the presence of two witnesses So-and-so, the daughter of So-and-so, has given her consent to marry you. Do you agree to the conditions attached to the marriage?' The bridegroom replies in the affirmative.[2] Thereupon the *qāḍī* and the whole audience raise their hands and pray for God's blessing to rest on the newly-married couple, in words such as *Bārak Allāhu laka*, 'God bless thee', concluding with *Āmīn*.[3]

The marriage is now declared to have been contracted, and the bride and neighbours are frequently notified of the fact by the discharge of maroons and fireworks.

The ceremony sometimes takes considerably more time as when, following the practice of Muḥammad, a *khuṭba*, sermon,

[1] See ch. on Consent. The usual form of proposal as given in the *Hedāya* is, 'I have married myself to you'; and of acceptance, 'I have consented'; op. cit. I. 72 (Grady, 26); cp. *Our Cause*, p. 232.

[2] The questions and answers are sometimes thrice repeated.

[3] cp. Muhammad Ali, *RI.* p. 628.

is delivered. This may be given by a member of the party or by the *qāḍī*, and precedes the announcement of marriage. It includes the *tashahhud*, witnessing to the faith in the words of the *kalima*, and the repetition by the *qāḍī* of some verses from the Qur'ān which remind man of his obligations.[1] The bridegroom then repeats after the *qāḍī* a prayer for forgiveness, certain short chapters of the Qur'ān, the *kalima* and the articles of the Muslim creed.[2] After this the *qāḍī* raises his hands and recites a prayer like the following: 'O great God! grant that mutual love may reign between this couple as it existed between Adam and Eve, Abraham and Sarah, Joseph and Zulaykha, Moses and Zipporah, Muḥammad and 'Ā'isha, and 'Ali and Fāṭima'.[3]

The *qāḍī* next asks the bridegroom to repeat after him, in Arabic, the formula of the marriage contract, and explains to him its meaning. The bride's *wakīl* and the bridegroom then clasp hands, the former stating the case for the bride and the latter accepting. The business being concluded, the bridegroom shakes hands with the *qāḍī* and embraces his near relatives. All present congratulate the father, and dates and sweets are distributed to the guests.

DEED OF MARRIAGE

The terms of marriage are occasionally embodied in a deed of marriage, variously called *kābīn-nāma*, *mahr-nāma*, or *nikāḥ-nāma*. This is signed by witnesses, who include the person acting as the *qāḍī*, and the *wakīl* and persons acting on behalf of the contracting parties. But it is not usual for marriages to be registered, though in the province of Bengal there is a system of voluntary registration and increasing use is being made of it, even

[1] e.g. 3: 97; 33: 70; and especially 4: 1 with its reference to man's duties to women. cp. Muhammad Ali, *RI.* pp. 627–9.

[2] cp. *Mishkāt*, Ar. p. 272 (Matthews, II. 88).

[3] cp. Subhan, *Islām*, p. 113.

in the villages.[1] Should the groom be unable to write, the registrar takes his thumb impression. The girl, likewise, from behind a curtain makes her thumb impression in his presence. The preparation of the *nikāḥ-nāma* is an important matter as it contains the amount of the *mahr* and the conditions of payment, etc.[2]

Meanwhile the bride, resplendent in her wedding garments, is seated within. All is bustle and excitement, but she, perforce, must keep her eyes tightly closed. A crowd of children and guests are there to watch the fun, though for a shy groom it can be a severe ordeal.

WITHIN THE ZANANA

As he enters the apartment the bride stands to show her respect for him. Thereupon the women laughingly try to persuade him to be seated, a prevalent belief being that the one who sits down first will yield in influence to the other. This ruse naturally causes much merriment.

When both are at length seated an open Qur'ān is placed reverently in the hands of the bridal pair as a token of blessing, and if the groom can do so he reads out Sura *Ikhlāṣ* and 'blows' over the girl.

Ā'ĪNA MUṢḤAF[3]

[1] 'Among Muslims marriages are in some places optionally registered by Kazis and in Behar and Bengal by persons appointed by the Government for the purpose, and the Kazi's register is generally used to corroborate the factum of marriage and to establish the terms of dower; but the registration of marriages is not declared obligatory by law.'—*A.C. Report*, p. 147. (See above p. 82, n. 3.)

[2] A suggestion for a model *nikāḥ-nāma* was printed in the *Report of the All-India Women's Conference*, 1937, p. 246. In this the bridegroom is asked to agree that if he should marry a second wife, or keep a mistress, his wife should have the right to divorce him, merely by declaring in the presence of three respectable persons that she exercises the power, given to her by him in the *nikāḥ-nāma*, to divorce him.

[3] i.e. the ceremony of the looking-glass, *ā'īna*, or *ārsī*, and the Qur'ān, *muṣḥaf*, or *muṣāḥif*.

She then proceeds to feed him with three spoonfuls of milk, sherbet or boiled rice, and he does the same to her. But as the bride is shy and has her eyes firmly closed, someone guides her hand to avoid accident; the best man, however, is not above encouraging one of the youngsters present to nudge the groom's elbow at the wrong moment!

And now the great occasion has arrived when the two are to have a peep at each other. Custom ordains that this first glimpse shall be gained by side-long glances in a mirror, be it a cheap one whose glass gives a distorted reflection, or something elaborate in a silver frame. A fine silk shawl or net is thrown over the pair and the looking-glass is placed in a position convenient for both.[1]

It would be considered bold and indecorous for the bride to lift her head or to look directly at the bridegroom, so she usually covers her face with her hands, too shy to let him really see her, though she observes much through her fingers. Not infrequently the groom has to implore her repeatedly to open her eyes and let him see her face. At last the bride complies and she may consider herself fortunate if the face she sees reflected in the glass is that of an attractive young man, and not of someone very much her senior in years.[2]

---

[1] cp. *Glossary*, I, pp. 817 and 831-2.

[2] In a village home the young bride of thirteen, arrayed in wedding garments, sat by her nice young husband who was burdened by his unaccustomed finery. The old granny officiated at this particular ceremony and, holding forward a small six-inch mirror, exhorted the bride with much shouting to open her eyes and look in the mirror—'Do you see another face? Do you? Hold it this way. Hold it that way'—until at last the bride very shyly indicated that she had seen another face, and by his smile the bridegroom admitted that he had also. The old woman placed the girl's hand in that of her husband and gave them good advice; after which each put betel nut into the mouth of the other and the ceremony of 'first glimpse' was over.

Usually after the *nikāḥ* ceremony all partake of the *walīma*, or marriage feast.[1] Sanction for this and guidance regarding it are found in the Traditions. For instance, it is related from Anas that when Muḥammad saw upon 'Abdur-Raḥmān bin 'Awf signs of *ṣufra*[2] and was told he had married, he exclaimed,

MARRIAGE FEAST

> *Bārak Allāhu laka!* prepare a feast, though it be but a goat.—*Bukhārī*.

Moreover, it is related from Abu Huraira that Muḥammad said,

> The worst food is that of the *walīma* to which the rich are invited and the poor left out. And the one who refuses an invitation has disobeyed Allāh and His messenger.—*Bukhārī*, *Muslim*.[3]

Final touches are given to the bride preparatory to her departure to her husband's house. The details of these final preparations vary a great deal. Some brides are given a handkerchief containing rice, which is to be scattered on the ground as she arrives at her new home. Others have their toes anointed with a mixture of milk and water—'to keep them cool', it is said. Money, which has been sent by the groom and then sewn in a piece of silk, is bound to the bride's arm; this is to be undone and given to the poor on completing the journey.

FAREWELL

---

[1] Sometimes this is eaten before the ceremony; in any case when the guests are many in number the meal is served in relays. 'Huge numbers have to be fed by the bride's father and in some cases by the bridegroom's also. It requires tact and an inexhaustible fund of patience to get these guests settled with amity and goodwill, for it often proves a prolific source of serious differences and quarrels.'—Fida Ali Khan, in loc. cit.

[2] Pers. *zarda*: a sweet 'pudding', made of rice and saffron.

[3] *Hedāya*, IV, 91; *Mishkāt*, Ar. p. 277–8 (Matthews, II. p. 104 f.); Goldsack, *SMT*. p. 169; Md. Ali, *RI*. 629–30; *Ta'līm*, Bk. VI, p. 54.

And now that the time for parting has come the mother is often affected to a degree impossible to describe. Though as a rule great care has been taken in selecting the bridegroom, yet marriage 'is a lottery, a fate, in the good mother's calculations. Her darling child may be the favoured of Heaven for which she prays; she may be, however, the miserable wife of a licentious pluralist; nothing is certain, but she will strive to trust in God's mercy, that the event prove a happy one to her dearly-beloved girl.'[1]

The girl, too, bursts into paroxysms of weeping, in fact all the women give way to tears. The father may lead his daughter to her father-in-law and placing her hand in his, beg him in God's name to be good to his child. If her's is a village home, she is then placed in a closely-screened dooly that is to convey her to her new home, perhaps with small brothers squeezed in beside her to keep her company; if she is a town-dweller, cars or tongas are used. A procession is formed, headed by a band, plus the wedding presents, beds, bicycle, and so forth; though these things may have been sent ahead.

Further ceremonies are performed on arrival at the bridegroom's house. Oil is sometimes poured in the corners of the lintel posts on the floor. The bride receives *khīr*, curds, in her hand and seven married women lick off a portion of it. Then there is the ceremony of *rū-numā'ī*, or *mūṇh dikhā'ī*, 'showing the face'. The bride remains with face covered and the members of the bridegroom's family pay a fee for being allowed to see her face.[2]

These and many other customs, appropriate to the status and education of the bride, are observed. For some they amount to a joke; others attach religious significance to them,

[1] Mrs. Meer Hassan Ali, op. cit. p. 203.

[2] cp. *Glossary*, I, p. 832.

but they are no part of Islām and are denounced by the learned as *bida't*, innovation.[1]

The day after the marriage some members of the bride's party go to bring her back to her mother's house for *chauthī*, 'fourth', that is to say, the fourth and last day of the wedding ceremonies. Should her parents' home be too far away a friend's house, or one rented for the time being, is reckoned as the bride's home for that one night. On this day the groom ventures into the women's quarters and is subjected to boisterous treatment; for instance, his sister-in-law strikes him with flowers and fruit.[2] Another joke played on the bridegroom at this time is to hide a bracelet in a dish containing sandalwood paste, lemons and vegetables, the bridal couple being urged to see who can get it out first. Should the bride be successful, the groom is made to say, 'I am your husband and your slave'; if he wins she makes a similar declaration. Whereas the bride is usually helped to win, should the bridegroom be successful the bride's friends pelt him with sweetmeats and cakes, and smite him with flower-wands.[3] This practice the *mulla* denounces as *ḥarām*, for has not Allāh declared that men are superior to women.[4]

The girl does not finally leave her parents' home until after *chauthī*. If her home is not too far away she may be allowed to return there for the following four Fridays. Also during the first year she is permitted to visit her home at special seasons, such as Muḥarram, and for the whole of Ramaḍān, but this practice is denounced as 'based on the superstition that Muḥarram is a month of weeping and Ramaḍān a month of hunger'.[5]

[1] *Ta'līm*, Bk. VI, p. 46 f.

[2] *Ta'līm*, Bk. VI, p. 48.

[3] Herklots, p. 83.

[4] *Ta'līm*, Bk. VI, p. 44; *Mard 'awratoṇ ke sardār haiṇ.*

[5] *Ta'līm*, Bk. VI, p. 48.

Elsewhere, as, in the N-W.F. Province, it is the bride's mother who visits her daughter for a few days after the marriage and the bride makes infrequent visits in the first year to her old home. In this way the mother-in-law hopes that the bride's heart 'will be lifted up from her father's home'.

RUKHṢATĪ

The practice is observed in some provinces of keeping the girl with the parents until she is considered fit to go to her husband's house. At the conclusion of that period the ceremony called *rukhṣatī*, departure, takes place. It is then that the girl goes for consummation of the marriage. The present tendency is to abandon this custom, more especially since girls are being married at a later age.[1] In some districts the betrothal and *nikāḥ* ceremonies are performed at the same time, in which event the *rukhṣatī* rejoicings take the place of the *shādī* festivities.

[1] *A.C. Report*, p, 97; also cp. *Mishkāt*, Ar. p. 271 (Matthews, II. p. 87); *Glossary*, I p. 808.

III

AGE OF MARRIAGE

THE consensus of opinion among Muslims seems to be that no age limits have been fixed by Islām for the marriage of girls.[1]

For instance, with regard to the Qur'ān, Muslim theologians giving evidence before the Age of Consent Committee[2] declared that 'there is no express provision in the Qur'ān enjoining the celebration of marriage, or of the bringing about of consummation at any particular age. In short, the Qur'ān is silent on these points'.[3] Similarly with regard to the legal code of Islām, the head of the Lahore Ahmadi group has stated that, 'no particular age has been specified for marriage in the Islamic law'.[4]

CHILD-MARRIAGE

Nevertheless, it is usual for orthodox Muslims to claim that child-marriage, though not enjoined either in the Qur'ān or the Traditions, is part of the very fabric of Islām; and they contend that the custom is sanctioned by the practice of Muḥammad, who himself

[1] cp. 'The Mohammadan law fixes no particular age when discretion should be presumed.'—Ameer Ali, *Personal Law of Muhammadans*, p. 216; Hughes, *DI.* p. 315; Levy, *SI.* I, 153.

[2] This Committee was appointed by the Government of India, in 1928, to examine the state of law relating to the age of consent.

[3] cp. *A. C. Report*, p. 112, para 246. There is a verse in the Qur'ān, however, which is sometimes cited in support of the marriage of minors, viz: 'and such of your women as despair of menstruation—if ye doubt, then their term is three months; and such as have not menstruated, too'.—65: 4.

[4] Muhammad Ali, *RI.* p. 618.

married a child-wife and gave in marriage child-wives. This point of view was doubtless envisaged by one class of evidence placed before the Age of Consent Committee, namely, 'it [early marriage] is permitted by the Muslim Law and is sanctioned by the practice of the Holy Prophet and other eminent personages.'[1]

The 'practice' of the Prophet here referred to, in so far as it concerns his own marriage, has to do with his wife 'Ā'isha, daughter of Abu Bakr. For evidence of her age at the time of her marriage we are dependent on certain traditions. There is, for example, a well-known and well-attested *ḥadīth*, according to which 'Ā'isha herself is related to have said: 'The Prophet married her when she was a girl, *bint*, of seven years. And she was taken to his house when she was a girl of nine years; and her playthings (went) with her. And he died and left her when she was a girl of eighteen years.'—*Muslim*.[2] Bukhārī states, 'The Prophet married 'Ā'isha when she was six years old, and cohabited with her when she was nine.[3] Ibn Sa'd, in the *Ṭabaqāt*, quotes a statement from 'Ā'isha in precisely similar terms.[4] A modern Shī'a apologist for Islām, the late Sayyid Ameer Ali, has recorded that 'the child was only seven years of age' when Abu Bakr gave her in marriage to Muḥammad; but 'the manners of the country recognised such alliances'; he does not, however, state what her age was at consummation of marriage.[5]

[1] *A.C. Report*, p. 6, para 12 (a).

[2] cp. *Mishkāt*, Ar. 270, 280 (Matthews, II. 85, 110); Goldsack, *SMT.* p. 164 f.

[3] Bukhārī, Ar. II. 771 (Urdu, III. 29).

[4] *Kitābu'l-Ṭabaqātu'l-Kabīr*, VIII. p. 40.

[5] Ameer Ali, *SI.* p. 234. On the other hand, Maulana Md. Ali rejects the traditions cited above from Bukhārī and Muslim, and claims that the report that she was nine at the time of her betrothal must be the correct one; and argues from this that she was in her fifteenth year when married.—*The Light*, Lahore, 24 March, 1934. This Ahmadi journal in Oct. 1933, answering a correspondent who had enquired whether Muḥammad had set a good example in marrying 'Ā'isha 'at tender age', replied, 'He married her at the age of 14 and that is no tender age'.

PUBERTY

The following traditions were cited before the Age of Consent Committee to show that Muḥammad, on occasion, expressed himself as in favour of marriages soon after, or before, puberty:

> A man who has a child should give him proper training and should marry him on reaching puberty. If the child was not married on reaching puberty and committed an immoral act, the father was to be blamed.—*Ibn-i-Saied* and *Ibn-i-Abbās*.[1]
>
> Virtuous is one whose daughter does not start menses at her father's house.[2]

On the whole, however, the Committee declared themselves satisfied that the general trend of such traditions as were placed before them favoured post-puberty consummation.[3]

AGE OF DISCRETION

Another principle in the Islamic point of view alleged before the Committee was to the effect that the Qur'ān favours consummation of marriage after the parties have reached the age of discretion. The following passages were quoted as making this point 'abundantly clear'.

> Marry from among women whom you like.—4: 3 .[4]
>
> He created wives from amongst your own species, that ye may find peace and comfort with them, and He engendered love between the couple. —30: 20.

[1] *A.C. Report*, p. 278.

[2] Imam Jafar-i-Sadiq in *Vasi-us-Shia*; *A.C. Report*, in loc. cit.

[3] cp. *A.C. Report*, p. 112, para. 247.

[4] or as Rodwell and Palmer, 'who seem good to you'. This oft-quoted verse continues, 'two, or three or four; and if ye fear that ye shall not act equitably then only one'.

'Your wives are like your clothes and you are like their clothing.—2: 183.[1]

A variant form of this principle has been advanced by Maulana Md. Ali. He says, 'The Holy Qur'ān does speak of an age of marriage which it identifies with the age of majority,' and he quotes the following verse in confirmation:

MAJORITY

> And test the orphans until they attain the age of marriage, *ablaghu'l-nikāḥ*; then if you find in them maturity of intellect, *rushdan*, make over to them their property, and do not consume it extravagantly and hastily, anticipating their attaining to full age.—4: 5.

His comment is, 'Thus it will be seen that the age of marriage and the age of maturity of intellect are identified with full age, or the age of majority'.[2] But such an interpretation has been rejected by others.[3]

---

[1] This verse begins, 'You are allowed to go into your wives on the night of the fast; they are a garment to you and ye are a garment unto them.'—(so Rodwell and Palmer); cp. *A.C. Report*, pp. 276, 278.

[2] cp. *RI.* p. 618. But this same writer, in his English commentary, has translated *ablaghu'l-nikāḥ* as (until) 'they attain puberty', vide *The Holy Qur'ān*, in loc. cit.

[3] In his evidence before the Age of Consent Committee, Maulvi Md. Yaqub declared emphatically that the verse under discussion 'has no bearing on the question of marriage; it relates only to the age at which orphans are to be entrusted with the management of their property. The conditional clause, viz: "If you find that they are capable of managing their own affairs," certainly indicates that the words "reach the age of marriage" do not signify the age of puberty, but they relate to the age of *rushd*, or capacity to manage one's own affairs.' He continues, 'We find that Hazrat Abbas commenting upon this verse in the Ahkam-ul-Quran pointed out that it was possible (that) a man may have grown his beard and still he may not be considered to be capable of managing his affairs. *Hulum*, and not *Bulugh*, is the word which has been used in the Qur'ān generally to indicate puberty. It is, therefore, clear that no age for marriage can be said to have been fixed or indicated by the verse quoted above.'—*A. C. Report*, p. 277, paras 11, 12.

Among the Ḥanafī Sunnis and the Shī'as majority is assumed, in the case of both males and females, on attaining the age of fifteen, unless it is evident that puberty has been reached at an earlier age.[1]

The actual practice of Muslims regarding this matter is revealed by the state of things to which the figures of the last Census bear witness. Returns for the Muslim female population were given as follows:[2]

ACTUAL PRACTICE OF MUSLIMS

		TOTAL	MARRIED	WIDOWS
Under 5 years	...	6,222,712	217,819	6,305
5—10 „	...	4,942,337	977,464	18,988
10—15 „	...	4,271,030	1,681,578	33,484
15—20 „	...	3,590,506	3,035,044	91,632

It has been observed that 'at the 1921 Census the ratio of Muslim wives under fifteen was only 4 per cent. lower than among Hindus, and has now become slightly higher, the increase being greatest, at least in some provinces, among wives under ten years old.[3]

The chief explanation given for such increase in the United Provinces was that it was due to the desire to forestall the Sarda Act, and doubtless the same state of things obtained in other provinces.[4]

---

[1] cp. Ameer Ali, *PLM.* p. 216; Hughes, *DI.* p. 315; cp. *Hedāya*, III, 483 (Grady, p. 530).

[2] *Government of India Census*, 1931. It should be borne in mind, however, that in this Census divorced women were returned as *widows*.

[3] Eleanor F. Rathbone, *Child Marriage*, pp. 47 and 61; cp. *A. C. Report*, p. 95.

[4] vide *United Provinces Census*, 1931, p. 310. It has been stated in reference to all communities in India that 'From 1881 to 1921 there

Further light on the actual practice of Muslims is to be found in the evidence of Muslim witnesses of Bengal before the Age of Consent Committee. Thus Hajee Ismail Chowdhury, M.L.A., stated that 'Among Muslims puberty is the only test, and consummation takes place irrespective of the age of the girl.' Again, Quazi Zahirul Haq, of Dacca, admitted that 'girls are married at all ages, even at 2 and 3, among the lower class of Muslims; that immediately after puberty, which happens at 11 or 12, the girl is sent to the husband's house; and that he is aware of girls who became mothers at 13 or 14'. He and the preceding witness both declared that they would firmly oppose all legislation in the matter, 'as it interferes with the liberty granted by God's law'. Another witness, Khan Bahadur K. A. Siddiqui, while urging that the present age of consent should be reduced to 11, stated that 'cohabitation is not uncommon in lower classes before puberty and is considered essential by all, including the advanced section, soon after puberty'. He was 'personally aware of four or five girls who had cohabitation at 10 or 11 and became mothers'. Nevertheless, he also was strongly opposed to any legislation that would fix the age of marriage. All these witnesses represented the orthodox section of the community. The Muslim Deputy Magistrate of Mymensingh, himself in favour of progressive reform, stated that 'cultivating and labouring classes marry their girls during childhood to persons who are fit to be their fathers, with the result that abnormal consummation invariably takes place'. Similarly, the Muslim Chairman of the Noakhali Municipality

---

has been a decrease of those married under 15 years. The decrease had become an increase in 1931. The number of males married under 15 has risen by 51 per cent and the females by 26 per cent. since 1921. This is due to marriages which took place during the six months interval between the passing and the coming into operation of the Sarda Act . . . a passing phase.'—*Our Cause*, p. 77.

stated that 'except in cases of husbands who are highly educated and are of advanced ideas generally, a husband would have cohabitation with his married wife since the time of marriage, irrespective of the consideration whether the girl had attained puberty or not'.[1]

In Sind, on the other hand, Muslim child-marriage is very rare, and early marriage not very common. Infant marriages are more prevalent among Muslims who live in Hindu areas, such as the Bombay Presidency, than among the Muslims of Sind.[2] This last observation gives point to the remark of the Census Superintendent: 'It is also probable that through close association with their Hindu neighbours they [the Muslims] are gradually assimilating more and more the social customs of the major community.'[3]

From Census Reports it is clear that the practice of child-marriage is most prevalent in Bengal, and 'least prevalent in the N.-W. Frontier Province'.[4] This statement about Bengal receives confirmation in the 1931 Census for that province:

> It is amongst Muslims that the marriage of girls at early ages is most prevalent. Thus by the time a Muslim girl reaches the age of 5–10, i.e. at the average age of 7½, or rather older, she is already married in 32 out of 100 cases.[5]

---

[1] *A. C. Report*, pp. 68–71.

[2] *Bombay Census*, 1931.

[3] *Govt. India Census*, 1931, Vol. I, Part I, p. 230.

[4] cp. *Census*, 1921, Vol. I, Part I, pp. 179–280; also *A. C. Report*, p. 70.

[5] *Bengal Census*, 1931, p. 219. 'In 1911, 6 out of every 1,000 girls among Hindus were in a married state below the age of 5 as against 8 in 1921. Among Muslims 4 out of every 1,000 were in a married state in 1911 as against 9 in 1921. Taking the age-limit, 5 to 10, it is found that among Hindus, 126 per 1,000 were in a married state in 1911 as against 91 in 1921, and among Muslims 11 were found married in the former year as against 64 in the latter.'—*A. C. Report*, p. 66.

It would appear that until quite recently some educated Muslims have not been acquainted with the actual state of things in their community, for at the All-Asia Women's Conference, in 1930, a Muslim lady stated that 'in Islām . . . there was no child-marriage'.[1] Moreover, an English journal of the more progressive party in India, after commenting on child-marriage in Hindu society, put the rhetorical question, 'Is this evil found in Muslim society?' and made answer, 'Not one per cent Muslim homes can be shown where child-marriage is practised'.[2]

THE SARDA ACT

The Child-Marriage Restraint Act of 1929—commonly referred to as the Sarda Act—was passed by the Central Legislative Assembly in September, 1929, and became law on 1st April, 1930. It represents a legislative attempt to deal with this problem of child-marriage. The chief provisions of the Act are:

1. To make child-marriage, that is, marriage of a male under 18 years of age, or a female under 14 years of age a penal offence punishable with simple imprisonment, or with a fine, or with both.

2. Cognizance of the offence of child-marriage can be taken only upon complaint made within one year of the solemnization of the marriage.

3. The court has power to require the complainant to execute a bond for a sum not exceeding Rs. 100 as security for the payment of any compensation which the complainant may be directed to pay: and if such security is not paid within a reasonable time the complaint may be dismissed.[3]

[1] *All-Asia Women's Conference Report*, 1930, p. 42.

[2] *The Light*, 24 January, 1931.

[3] The Provision of this Act, known as Act No. XIX of 1929, requiring a deposit of Rs. 100 from the complainant, is supposed to be a hindrance to persons intending to put the law into motion against the persons who infringe the law. cp. *Bombay Census*, 1931, Part I, p. 173. (This deposit is not now obligatory.)

MUSLIM REACTION

While the provisions of the Bill were under discussion the Age of Consent Committee were pursuing their enquiries so that the views of Muslim witnesses examined by the Committee indicate the reaction of members of that community to the new proposals. Their evidence may be ranged under three classes.—

> Those who held that early marriage is no evil whatever; that it is permitted by Muslim law and sanctioned by the practice of the Prophet Muḥammad and other eminent personages; and that any legislation fixing a minimum age would be an interference with Islām.
>
> Those who held that though early marriage is to a certain extent an evil, it is not such a great evil as to justify any interference on the part of Government.
>
> Those who held early marriage to be a positive evil, and thought that a bold step by legislation was necessary. These did not agree with the *maulawīs* and *'ulamā* who think that marriage legislation or raising the age of consent would be an interference with the principles and teachings of Islām.[1]

The whole subject is one that vitally concerns women, and the few educated Muslim ladies have already shown that they are strongly averse to early marriage by endorsing the resolutions passed by the All-India Women's Conference concerning the Sarda Act. The intelligentsia generally welcome the measure as one of paramount importance to society. On the other hand the majority of Muslim women have not yet even heard of the Act, but the few poorer Muslim mothers who have been informed of it are heard to speak of the advantages thus lost of marrying off their daughters, and so obtaining relief from the cost of their maintenance. Others speak of the difficulty of keeping young girls at home till the age of 14 — a very serious problem indeed when so many

[1] cp. *A. C. Report*, p. 6 f.

of the mothers have but one or two rooms. Even so, most of those who hear of it do approve of the new age limit.

The reaction to the Act in Bengal is noteworthy. In the report of the last Census it was stated that 'Mass opinion was against the bill in Bengal. . . . Parents apprehended that they would have their daughters longer on their hands and would no longer be able to get them married before there was any chance of them getting into trouble. They would have to be kept out of mischief, and education, as a means of securing this, increased expense. Others feared that the postponement of marriage would accentuate the difficulties in finding matches for their daughters. It was feared that an element of personal attraction would be introduced which would make it increasingly difficult to dispose of unattractive girls. Actually there was a great rush to get children married before the Act came into force.'[1]

The last remark leads to a further consideration, namely, the resultant working of the Act.

THE WORKING OF THE ACT

It is a well-known fact that, particularly among Muslims, the immediate result of the knowledge that an Act was about to be passed prohibiting child-marriage, was the celebration, before it was given effect to, of a very large number of child-marriages which would otherwise have been performed later. For instance, within three days of the passing of the Act, 'a congregation of some 12,000 Muslims were assembled at the Jama Masjid in Delhi, to witness the marriage of a boy of thirteen to a girl of nine, and the District Magistrate was then petitioned to prosecute all concerned. Similar marriages were celebrated by Muslims in Multan.'[2] No prosecution appears to have followed.

[1] *Bengal Census*, 1931, p. 202.
[2] *Govt. India Census*, 1931, Vol. I, Part I, p. 232.

From Bihar and Orissa it was reported that the Act was educative and acted as a check on the more advanced classes, but 'the majority of mofussil people are quite in the dark about the provisions of the Sarda Act'.[1] It was recorded in the Bombay Census that, 'Large sections of the people continue to perform child-marriages, and prosecutions are not lodged unless there is a disagreement between the parties, or an uplift organization takes action'.[2]

At the All-India Women's Conference in Karachi, 1935, it was stated that 'since the Child-Marriage Prevention Act applied only to marriages performed in British India, hundreds of such marriages were performed in foreign or Indian States to escape punishment'. Moreover, the following Resolution was passed;

> (*a*) The All-India Women's Conference urges the members of the Legislative Assembly to amend the Child-Marriage Restraint Act in such a manner as to empower every First Class Stipendiary Magistrate in British India to issue injunctions for stopping child-marriages and also to make provision for the care and custody of the child-bride or bridegroom on the lines of the provisions of the Children's Act.
>
> (*b*) We appeal to all foreign authorities and Indian States, where the Sarda Act does not apply, not to furnish any facilities for child-marriage in their areas.[3]

The demand in the above resolution was met, in part, in April 1938, by an Act further to amend the Child-Marriage Restraint Act, 1939, which was passed by the Indian Legislature. This Act enables an injunction to be issued when a child-marriage is contemplated, with imprisonment for disobedience, and allows courts to proceed on their own motion

AMENDMENT OF THE ACT

[1] Quoted by Rathbone, op. cit. p. 64.
[2] *Bombay Census*, Part I, p. 173.
[3] *All-India Women's Conference Report*, 1934–5, p. 101.

when breaches occur or are about to occur; and gives reformers a little more latitude in other directions. Under this Act the Court is not required to ask for a security of Rs. 100, though it may require the complainant to execute a bond for a sum not exceeding that amount.[1]

One provision in the original form of the amendment, requiring the husband of a child-wife to arrange separate custody and maintenance for her and for the non-consummation of marriage until she reach the legal age, was finally deleted.

It is interesting to note that during the discussion on this amendment some conservative Muslim members took exception to any attempt to interfere, by legislation, with the sanctions of their religion and gave notice that a Bill would be introduced to exempt Muslims from the application of the Act.

But the Central Legislature's ability to stop child-marriages by making laws is, and must be for a considerable time, limited. It is not by legislation alone that deeply-rooted practices of long standing will be eradicated. An Act of this nature must stand or fall by the amount of support it receives from the people. It is just here that a great task awaits women's organizations and social reformers, but in the nature of things it must be an uphill task and a long one.

[1] cp. Act XIX of 1938.

IV

BETROTHAL

CUSTOMS with regard to betrothal show considerable variation in different parts of India, so that it is impossible to generalize. Moreover, rites that had a vogue two or three generations ago, and that are still observed in some localities, are unknown in more progressive circles. Frequently these differences in practice are to be accounted for by the degree of education, wealth and position of families and groups, or to peculiarities of the tribe, means of livelihood, and religious sect of the parents of the bridegroom.

The terms in common use among Indian Muslims for the ceremony of betrothal are, *maṅgnī*, *sagā'ī*, *kuṛmā'ī* and *nisbat*; all but the last, a Persian word common in urban areas, being Hindi terms; a fact affording further interesting proof of the influence of local Hindu customs on Islām in India.[1] In some circles the negotiations which precede the actual betrothal, are called *sawāl*, 'request', or *paighām* (*paiyām*) 'deputation', and may take place a considerable time before the betrothal.[2]

The initiative in this matter almost invariably comes from the boy's side, but in rural areas among Muslims converted from Hinduism the usual Hindu practice is followed, and negotiations are frequently opened by the girl's people.[3]

In selecting a bride certain rulings must be borne in mind because Islamic law, following the precise injunctions of the

[1] cp. *Glossary*, I. p. 803.

[2] *Khiṭba* is also used of a proposal; cp. Md. Ali, *RI.* p. 618.

[3] *Glossary*, I, p. 804.

SELECTING THE BRIDE: MUSLIM LAW

Qur'ān, imposes certain restrictions on the right of a person belonging to one sex to enter into marital relations with a person of the opposite sex.[1]

PROHIBITED DEGREES[2]

The Qur'ān has quite a long list of 'prohibited degrees', namely:

> Do not marry women your fathers married,—except bygones—for it is abominable and hateful, and an evil way; unlawful for you are your mothers, and your daughters, and your sisters, and your paternal aunts and maternal aunts, and your brother's daughters, and your sister's daughters, and your foster mothers, and your foster sisters, and your wives' mothers, and your step daughters who are your wards, born of your wives to whom ye have gone in; but if ye have not gone in unto them, then it is no crime in you; and the lawful spouses of your sons from your own loins, and that ye form a connexion between two sisters—except bygones—verily, God is forgiving, merciful; and married women, save such as your right hands possess—God's Book against you!—but lawful for you is all besides this.—4: 26–27 (trans. Palmer).

These prohibitions have been classified in the main under three heads, as arising from consanguinity, affinity, and fosterage.[3]

'Consanguinity' includes mother, grandmother, sister, etc.[4]

'Affinity' includes mother-in-law, step-grandmother, daughter-in-law, step-granddaughter, etc.

As regards 'fosterage', a man cannot marry his foster mother, nor foster sister, unless the foster brother and sister were nursed by the same mother at intervals widely

[1] Abdur Rahim, *MJ*. p. 329.

[2] Levy, *SI*. I, pp. 148 ff., remarks that 'It was in this matter that Muḥammad's most drastic change in established practice was brought about'.

[3] *Hedāya*, I. 76–80 (Grady, 27–29); Ameer Ali, *SHB*. p. 70.

[4] cp. R. Smith, *KM*. pp. 195 ff., who points out that while the Jews allowed marriage with a niece, Muḥammad forbids it.

separated. But a man may marry the mother of his foster sister, or the foster mother of his sister.

Further, a man may not marry his wife's sister during his wife's lifetime, unless he divorce the latter; nor may a man married to a free-woman marry a slave. But a man wedded to a slave may marry a free-woman.[1]

The Qur'ān forbids unions between Muslims and idolators:

IDOLATORS AND 'POSSESSORS OF SCRIPTURES'

> Wed not with idolatrous women until they believe, for surely a believing handmaid is better than an idolatrous woman, even though she please you.—2: 220.

On the other hand, it permits marriage with women of the 'possessors of scriptures'.

> Lawful for you today are . . . chaste women of those who believe, and chaste women of those to whom the Book has been given before you.—5: 7.

That is to say, a Muslim man can contract a lawful marriage with a woman belonging to any of the 'revealed' faiths, usually interpreted to be Judaism and Christianity.[2] Among the Shī'as, however, there is some difference of opinion; some of the Akhbaris think that only a *mut'a* marriage can be contracted with a non-Muslim woman.[3]

But the Ahmadis seek to give far wider scope to the 'permission' contained in the verse cited, as will be seen from opinions expressed in their press in answer to questions put forward by Muslim readers.

Q. Can a Muslim male marry (*a*) Hindu, (*b*) Buddhist,

[1] *Hedāya*, I. 84, 86 (Grady, 30); cp. Subhan, *Islam*, p. 110.

[2] A marriage between a Muslim and Christian woman must, in British India, be solemnized by a Registrar appointed under the Christian Marriage Act, XV of 1872. See Wilson, *AML*. p. 113; also Ameer Ali, *SHB*. p. 74.

[3] cp. Ameer Ali, *SHB*. p. 72.

(*c*) Parsee, (*d*) Brahmo, (*e*) Arya Samajist girl, without her being converted into Islām?[1]

A. Only such of them who are not polytheists. Among the Hindus, a Muslim may take an Arya Samajist or Brahmo girl in marriage—not a Sanatanist girl; for Sanatanists believe in idol-worship. Among the Christians, a Muslim must not marry a Roman Catholic girl; for in that sect they worship Jesus and Mary as deities.

Q. Please support your suggestion that Muslim young men can marry Hindu and Brahmo girls, by verses from the Koran?

A. 'This day it has been made lawful to you to marry chaste women who belong to the People of the Book before you.'—(Qur'ān 5: 7).

Q. How are Hindus the People of the Book?

A. For this refer to Koranic authority,

'There have not been a people but a warner was sent unto them'.—35: 22.

And

'Every people hath had an apostle.'—10: 48.

In face of this no Muslim can refuse the Hindus the right to have been gifted with divine guidance. And they claim a divine origin for their scriptures, the Vedas. Under the above Quranic ruling they cannot but be regarded as 'People of the Book' and inter-marriage with Hindu girls is therefore not unlawful.[2]

But in the event of a marriage being solemnized in England between a Muslim domiciled in India and a Christian woman, the union cannot be dissolved either in England or in India at the instance of the husband.[3]

[1] *The Light*, March, 1936.

[2] *The Light*, 8 March, 1939.

[3] Wilson, *AML*. p. 113. Some years ago an Indian Muslim in England appealed in the Divisional Court against a Registrar of Marriages who had refused to grant a license enabling him to marry a second wife on the ground that he had divorced his first wife, an English lady, according to Muslim law. The Registrar had refused on the ground that the Muslim Law of divorce was not legal in England. The Solicitor-General pointed out that if the claim of the applicant were allowed he could contract a series of marriages with English girls—marry a girl one day and divorce her the next, and continue the practice without infringing the law.

RESTRICTED CHOICE FOR WOMEN

On the contrary, a Muslim woman may marry no man who does not profess the Muḥammadan faith:

O ye who believe! when there come believing women who have fled, then try them: God knows their faith. If ye know them to be believers do not send them back to misbelievers; they are not lawful to them, nor are the men lawful for these. —60: 10.

Political considerations explain this differentiation between the case of a Muslim man and a Muslim woman.[1] It is feared that if a Muslim woman were allowed to marry a Christian or a Jew she might be converted to the faith of her husband; contrariwise, there would be small likelihood of a husband adopting the faith of his Christian or Jewish wife.[2]

The Ahmadiyya section of the community, in characteristic vein, gives other reasons why a Muslim cannot marry a non-Muslim:

Under Islām, woman enjoys more rights. A Christian girl coming into a Muslim home becomes elevated in her human dignity and rights. A Muslim girl going into a Christian home loses her elevation; for according to Christianity, woman is the cause of all evil and thus impure and unclean, having no individuality of her own and meant only to serve and obey man. (Whereas) In Islām woman is as good as man. A Christian woman merges her identity in that of her husband, losing her very name and adopting that of her husband. In Islām she retains her separate identity. In Christianity woman cannot own or inherit property; in Islām she can. In Christianity, she must pledge at her very wedding that she

[1] cp. Ameer Ali, *SHB*. p. 72.

[2] cp. Abdur Rahim, *MJ*. p. 329.

must 'serve and obey' her husband. This is virtually slavery. [*sic.*][1]

EQUALITY

A further stipulation in regard to the selection of the bride has to do with *kafā'at*, equality, since Muḥammad is reported to have said:

> Take ye care that none contract women in marriage but their proper guardians, and that they be not so contracted but with their equals.[2]

But this condition of equality is only insisted upon with regard to the husband; it need not apply to the wife.[3] The *Hedāya* explaining this principle says:

> The desirable ends of marriage, such as cohabitation, society, and friendship, cannot be completely enjoyed excepting by persons who are each other's equal; (e.g.) a woman of high rank and family would abhor society and cohabitation with a mean man. (And yet) it is not necessary that the wife be the equal of the husband, since men are not degraded by cohabitation with women who are their inferiors.[4]

'Equality' is determined by due consideration of the following points: lineage, character, property, profession, and status (whether free man or slave).[5] It is interesting to note that some modern writers add the further qualification of education.[6]

Muslim Law adds an important caveat:

> If a woman should match herself to a man who is her inferior, her guardians have a right to separate them, so as to remove the dishonour they might otherwise sustain by it.[7]

[1] cp. *The Light*, Feb. 1931; April, 1933; and Jan. 1939.
[2] *Hedāya* I. 110 (Grady, 40).
[3] cp. Abdur Rahim, *MJ*. p. 333.
[4] *Hedāya*, in loc. cit.
[5] cp. *Hedāya*, in loc. cit. pp. 111 ff; Klein, *RI*. p. 188; Subhan, *Islam*, p. 106 f.
[6] cp. Abdur Rahim, *MJ*. p. 333.
[7] *Hedāya*, in loc. cit.

But 'under Shī'a law, social inequality is no ground for cancellation' of such a marriage; indeed, the Privy Council in a certain case ruled that a woman after majority can marry whom she pleases, despite family opposition.[1]

CHOOSING THE BRIDE

The business of arranging a suitable marriage for their daughters often proves a source of real anxiety to Muslim parents, since so much of the future happiness of their girls depends on a right choice. What Mrs. Meer Hassan Ali, an Englishwoman, found to be customary a hundred years ago might well serve as a general description of the present situation:

> The engagement is made by the parents of both parties, the young couple being passive subjects to the parental arrangement, for their benefit as they are assured. The young lady, from her rigid seclusion, has no prior attachment, and she is educated to be 'obedient to her husband'. She is taught from her earliest youth to look forward to such match as her kind parents may think proper to provide for her; and, therefore, can have no objection to accepting the husband selected for her by them. The parents, loving their daughter, and aware of the responsibility resting on them, are cautious in selecting for their girls suitable husbands, according to their particular view of the eligibility of the suitor.[2]

This is still true in many cases and yet a responsible Muslim gentleman stated recently in the public press that

> The conditions obtaining among Indian Muslims regarding the choice in the matter of matrimonial alliances are anything but satisfactory. A choice is made because the person concerned belongs to a particular clan or has a measure of wealth. No regard is paid to his or her physical fitness or other standards of equality. Parents exercise this right without consulting the wishes of their sons and daughters.[3]

[1] cp. Wilson, *AML*. p. 99.
[2] op. cit. p. 180 f.
[3] *C. and M. Gazette*, 3 Jan., 1936.

The search for a suitable match is begun early and even educated people consider it as soon as the girl is fifteen and try to get her married before she is twenty; for if a girl is over twenty and not even betrothed, people imagine that there must be something wrong with her.

Sometimes, however, there is no choice whatever, especially in areas where the custom of *exchange* in marriage prevails, as in parts of the Panjab. In such cases only by giving, by way of exchange, a girl (say, a daughter) in marriage to a man of his prospective bride's family, can a man procure a wife.[1] In special cases, people resort to advertisement in the newspapers.[2]

PERSONAL CHOICE

Nowadays, the educated younger members of the community, when personally concerned in the negotiations, are expressing their desire to have a say in the matter. The opportunity to do so, however, is for most Muslim girls impossible or very limited, since they are in *parda*; nevertheless, in the case of marriages of first cousins—a common occurrence—the girl[3] and her husband have, in many cases, met each other in childhood, before the girl took to *parda*. A progressive Muslim paper says:

[1] *C. and M. Gazette*, 15 Dec., 1937; cp. *A-I. Women's Conference Report*, 1934–5, p. 93.

[2] cp. '*Wanted*: A suitable match for a young, healthy, educated Muslim boy of a very respectable family. Has a wife already, without any male issue. Possesses a lump sum of fortune. The girl must be educated, handsome, refined, well-accomplished in household affairs, and of a Hanafi sect.'—*The Comrade* (Delhi), 1926.

'*Wanted*: Match for a highly educated Muslim girl. Men of respectable family, good social standing, in Government service or otherwise well fixed up in life should correspond with *X*.'—*C. and M. Gazette*, 16 April, 1939.

[3] The *bint 'amm*, see above, p. 24.

> Man and wife are selected by the parents and guardians very often without the consultation of their children and wards. Some people, in spite of their education and religious fervour, think it a shameful deed to ask the opinion of the concerned youngsters; others feel that as parents they are privileged to tie their children as they like best. But we are living in a changing world. The new generations have started taking their affairs in their own hands.[1]

That the customary method of negotiating for marriage, without consulting the parties directly involved, leaves something to be desired is made clear by communications to the press. Thus one writes:

> I am not in favour of frequent mixing of the sexes . . . similarly I am totally against 'love-marriages' . . . but if the intending couples are allowed the opportunity to exchange their views before marriage, either through personal interviews or by correspondence, I think it would help a great deal in making their future pleasant. . . . 'Can anyone solve this mystery?' is the suppressed echo of every young male and female heart; and whoever takes an interest in the matter would certainly be doing a duty to the Muslim society.[2]

The caution expressed in this letter occurs again in an answer published in the same journal to a question put by a correspondent: 'Is it objectionable for a Muslim to fall in love with an unmarried girl?' The editor replied,

> The blind love of the sort in vogue in modern society—more

[1] *The Light*, 8 Dec., 1938.

[2] *The Light*, 16 July, 1934. Writing on 24 Nov., 1939 to *The Statesman* (Delhi) on this subject an educated Muslim declared, 'I have come to the conclusion that only *courtship* can solve the marriage problem in our community'. Commenting on the lack of opportunity given to bride and bridegroom alike to express any opinion in the matter, he says, 'If either wished to interfere in the choice of their life-long companion, society compels them not to utter a word. . . . That is why constant family struggles make the life of both husband and wife a nuisance to them.'

appropriately known as infatuation—has no place in Islām. A Muslim is one who has all his impulses well under control. He may by all means love, but not the sort of love which runs riot and installs the beloved as an object of worship. The Qur'ān has used a most moderate word, *ṭāba*,[1] i.e. a girl must be just 'pleasing' to a man; she must not run away with his heart; for a Muslim's heart is meant to be a tabernacle of God, and not the play-ground of the fleeting beauties of 'butterflies'.

Another correspondent to this journal quoted as follows from *The Islamic Review*, for July, 1935:[2] 'Yet it must not be supposed that the future couple have no say at all in the matter, for Islām allows them to see each other in the presence of relatives before they finally give their respective consents for the union'; and then enquired of the editor, 'Orthodox Muslims to whom the above was quoted as an authority called it entirely un-Islamic. Could you very kindly quote some good authority from the Holy Koran in full justification of the above?' In this case also *Sura* 4: 3 was cited, 'Marry such women as may be to your liking'; the editor adding, 'Liking presupposes seeing. Unless the would-be couple should see each other, how can they like or dislike each other?'[3]

[1] This word is quoted from 4: 3 *mā ṭāba lakum*, i.e. (marry) 'such as seem good to you'.

[2] *The Islamic Review* and *The Light* are both published by the Ahmadiyya Community, Lahore.

[3] *The Light*, 16 September, 1935. cp. *Ques.* 'Can would-be-spouses meet each other in order to see, test and determine their beauty, character, etc.? This question is of universal importance; for the consequences arising out of the folly of not allowing the would-be spouses to meet each other are indeed terrible. For how often have we heard that the wedded-life of so many couples has been wrecked, upon their discovering how they have been deceived, in that decrepit, lame, blind or deaf persons have been married to them.' *Ans.* 'The would-be-spouses are recommended in Islām to see and talk to each other. But this would be done before some of their adult near relations.'

There is both precedent and sanction to be found in the Traditions for this contention that the girl should be seen by the prospective bridegroom himself, before betrothal; for example, it is related from Jābir, and endorsed by Abu Dā'ūd that Muḥammad said:

TRADITIONS

'When one of you makes a proposal of marriage to a woman then, if he can, he should look at what attracts him to marry her, and then act.'[1] In the same section it is related from Abu Huraira and endorsed by Muslim that a man came to Muḥammad and said, 'I intend to marry a woman of the Anṣār'. Muḥammad said, 'Then look at her; because in the eyes of the Anṣār there is a defect'. Again Muḥammad is reported to have said to one Mughaira bin Shu'ba, who had demanded a woman in marriage, 'Did you see her?' On the man's replying 'No', Muḥammad said, 'Then look at her, for that is the best for arousing love between the two of you.'—*Aḥmad, Tirmidhī, Nasā'ī, Ibn Mājah*, and *Dārimī*.[2]

Far from this being considered a condition of marriage, however, both Abu Ḥanīfa and Shāfi'ī declare it to be unlawful, while Mālik holds it lawful only if the woman permits it. And indeed in India generally the satisfaction desired is usually secured through female relatives.[3]

There is no uniformity in the employment of an intermediary for the negotiations. Nowadays among the educated it is usual for the betrothal to be arranged by parents or friends; for instance, the mother and sisters of the prospective bridegroom will visit the bride's family and see and report on the

THE INTERMEDIARY[4]

[1] cp. *Mishkāt*, Ar. 268 (Matthews, II, 81).

[2] *Mishkāt*, Ar. 269 (Matthews, II, 81); Goldsack, *SMT.* p. 164.

[3] cp. Md. Ali, *RI.* p. 617.

[4] *mashshāṭa* (Pers.) or *bichauliya* (Hindi), a match-maker; *Glossary*, I, p. 803.

bride to be. In many Muslim castes it is the custom to seek the bride in the immediate circle, and parents, with much advice from grandparents and relatives, make the choice. Frequently it is a family affair, as when cousins are married, and then an intermediary is not always necessary.

Neverthless, intermediaries are still in much demand and the go-between chosen may be an elderly kinswoman of the boy; or the barber's wife is instructed to find out about the girl. To facilitate access to the inner apartments of her home such women may adopt various disguises, posing for instance as sellers of cloth.[1] Parents are very cautious in receiving these intermediaries as they do not care to have their daughter seen by women-visitors who are not related to the family. The reason for this is lest an adverse report get about, making marriage for their girls difficult.

The age of a girl is often stated to be less than it really is; and if a plain girl has a pretty sister the woman-relative carrying on the negotiations for the boy's people may be introduced to the pretty sister, and when the definite offer of marriage is made the boy will be told that the girl that was seen is engaged but that he may have her sister! Occasionally at the last moment the plain one may be substituted for the pretty girl who has been the object of negotiation, and then of course it is too late to stop the marriage ceremonies.[2] The long-standing custom of employing the barber as an intermediary still obtains, but since as a class barbers have proved unreliable, they are less popular than formerly; even so, by going to the village of the boy or girl this agent can generally glean much information about the family, and this is of more immediate importance to the parents concerned.

[1] *Glossary*, I, p. 805; cp. Mrs. Meer Hassan Ali, op. cit. p. 186 f.

[2] See above, p. 112, n. 3.

Finally, when the intermediary is able to report that a certain family has a daughter who would be a desirable partner, the parents of the boy make further enquiries amongst their own relatives and friends. If the alliance is deemed desirable a proposal of marriage is made, but even when the purpose of the girl's parents is to accept the offer an evasive answer will sometimes be given, until it is advanced four or five times. Meanwhile the boy's kinswomen begin visiting the girl's family taking with them presents, and at length the offer of marriage is accepted. But a refusal is attended by no such ambiguity, and may be abrupt.

Protests, however, are still made by the orthodox against the lengths to which the modern practice in this matter goes; one such records that when Ḥaḍrat 'Alī sought the hand of Fāṭima, Muḥammad, acting on the command of God, accepted his request; 'therefore in *maṇgnī*, verbal request and verbal answer is sufficient. All other rubbish in vogue today is contrary to *sunnat*.'[1]

MAṆGNI CEREMONIES

The *maṇgnī* ceremonies vary not only in provinces, but according to the Muslim castes, of washermen, weavers, etc., and also according to the education and wealth of the families.

In some villages in the Panjab, the *panchāyat* (which usually includes the village *mulla* and the barber) meets together and a few rupees are sent to the bride. In other villages, for example in Bengal, the girl's father enquires what clothes, jewellery, etc., will be given to the girl, and how many people are to be invited to the marriage; similarly the boy's father asks what money, furniture, brass utensils, and so forth, will be provided. When the *mahr* is for a very large sum or the husband is a wealthy old man it is customary for the amount of dower to be agreed upon at the *maṇgnī*.

[1] *Ta'līm*, Bk. VI, p. 52.

In city areas, among the educated, when a betrothal is announced an invitation may be sent to the boy's family. It is not necessary that he himself should come, but he usually accompanies the men and womenfolk of the house. On this occasion the boy must give the bride-elect a ring, a handkerchief, and huge quantities of sweets—anything from two to five *maunds*. Sometimes a necklace, *sārīs* and shoes are brought, but these are considered extras.[1]

There is another custom that sometimes follows the betrothal. The boy's friends and relatives are given milk to drink and his mother, having drunk some, will put a sum of money, varying from Rs. 5 to Rs. 51, in the empty cup as a present for the servants. When the drinking ceremony is over the girl comes into the women's quarters bedecked in new clothes, and then the prospective mother-in-law, or a sister of the boy, will give her the ring and any other presents. All present partake of tea and ice-cream, etc., after which the boy's people return home.

The boy meanwhile receives *nishānī*, or a token, such as an engagement ring, or handkerchief; as well as other presents —a watch, tie-set, perhaps a suit of clothes.[2] Moreover, presents of *sārīs* and so forth, must be given to his mother and sister. Other Muslims send these gifts to the house of the bride and bridegroom respectively by the hand of the barber who receives a *shukrāna*, or present of sugar candy, dates, sweets, cash gifts or a ring, according to the means of the

[1] 'On the day appointed a number of male and female relatives of the bridegroom go in procession to the house of the bride's parents with ornaments. . . . These, after an exchange of compliments in the form of practical jokes, are presented to the bride, the most interesting feature of the ceremony being the putting of a gold or silver ring on the bride's finger.'—Fida Ali Khan, in loc. cit.

[2] cp. Maulana Hafiz Athr Fa'li, *Bihishtī Zewar*, Bk. VI, p. 22.

two families.[1] The gift sent by the girl's people often takes the form of cash, but the boy's father merely takes from it a few rupees which he distributes among his servants and returns the remainder.[2]

Another ceremony has to do with placing some sweets in the lap of the girl. This is done by the future father-in-law of the girl or her legal guardian, who, along with the sweets and fruit, places a rupee, *rūp darshan kā rupaiya*, in her hand.[3] Among the fruit placed in the girl's lap is a coconut. This is taken and broken, and the *qismat* of the girl is declared to be good or bad according to the fresh or stale condition of the fruit.[4]

At these *maṇgnī* ceremonies women are engaged as drum-beaters and singers.[5] But these and numerous other ceremonies are viewed by the orthodox leaders as *bid'at*, and as such are severely condemned.

Until the wedding takes place, on every *'Id* and *Shab-i-Barāt* it is customary for the boy's parents to send the girl some presents—clothes, uncooked food and, if they can afford it, some ornaments also, and presents in return are usually made by the girl's people.[6]

Meanwhile there is no special ceremony between the young people, and should they have had a glimpse of each other in the past, the privilege is not repeated, though in these days very modern couples may correspond through the post. Generally speaking even the progressive Ahmadis observe these restrictions, though their leaders claim that subsequent to betrothal and before marriage the parties are permitted to study each other still further, 'so that if there

[1] *Bihishtī Zewar*, Bk. VI, 22.

[2] *Ta'līm*, Bk. VI, 35.

[3] *Bihishtī Zewar*, Bk. VI, 22. This ceremony usually takes place just after the bride has entered her husband's house.

[4] *Ta'līm*, Bk. VI, 36.

[5] *Ta'līm*, Bk. VI, 35.

[6] *Glossary*, I, p. 806.

be anything undesirable in the union the engagement may be broken off by either party'.[1]

Following *maṇgnī* the ceremony of *nikāḥ* is prompt or deferred according to whether consummation is considered desirable immediately following the *maṇgnī* or not. In accordance with long-standing practice the girl often continues to reside with her parents till she is considered fit to go to her husband's home, or till such time as is convenient to both parties. In many cases the *nikāḥ* ceremony itself is performed but that of the *shādī* or *rukhṣatī* is deferred to a later date. In some districts, such as Western Panjab, there is a tendency to perform the *maṇgnī* and *nikāḥ* ceremonies at the same time; in others, *nikāḥ* may take place two months or even two years after *māṇgnī*. But in cases where the betrothal is made in consideration of a cash payment,[2] as is done among the Pathans, the *nikāḥ* is performed simultaneously with the *maṇgnī*.

[1] cp. Md. Ali, *RI.* p. 618.

[2] The Shī'as of certain districts are said to have resolved to discourage the selling of daughters, or other females in the family, in marriage, and have issued a *fatwa* declaring that persons using money so gained for the expenses of pilgrimage shall be socially and religiously boycotted.

V

CONSENT

PROVIDED that the contracting parties have attained their majority, there is general agreement that the man can consent to marriage without the approval of his father or guardian. In the case of the woman there is some difference of opinion.

This difference, however, does not extend to divorced women or widows, who are termed *thayyiba*;[1] for the Qur'ān says of divorced wives: 'Hinder them not from marrying their husbands when they have agreed among themselves in an honourable way', 2: 232;[2] and of widows it says, 'If they themselves go away, then no blame shall attach to you for any disposition they may make of themselves in a fair way', 2: 241.[3] The inference usually drawn from these verses is that when the *thayyiba* herself is satisfied, there must be no interference on the part of the guardian. A tradition, approved by *Muslim* serves to confirm this; '*Al-ayyim* has greater right to dispose of herself than her *walī*.'[4]

[1] lit. a woman who has become separated from her husband, by death or divorce.—Lane. Any woman not a virgin.

[2] Contrary to the usual interpretation Palmer, in loc. cit. implies that marriage with fresh husbands is intended.

[3] Authorization for the re-marriage of widows is found in this verse. Even so, among some Muslim castes, such as the Jats, Rajputs and Pathans, there are those of superior social status who deprecate the re-marriage of widows. Formerly the Sayyids did so, but now the idea is gaining favour among them.

[4] cp. *Mishkāt*, Ar. 270 (Matthews, II, 85); *al-ayyim*, lit. a woman having no husband, whether a virgin or not, or whether previously married or not.—Lane. Md. Ali takes *al-ayyim* to be 'the widow and the divorced women', cp. *RI.* p. 633.

Another tradition, attributed to Abu Huraira, declares that Muḥammad said, '*Al-ayyim* shall not be married until she be consulted'.[1]

Now the point at which difference of opinion emerges is as to whether this right applies to virgins also. Those who contend that it does not, quote the Quranic injunction, 'And do not give believing women in marriage to idolaters until they believe', 2: 220; arguing that the words are addressed to 'guardians'. But the context does not appear to limit the reference to such.[2] There is a tradition, however, that might seem to support this view; it is attributed to 'Ā'isha and vouched for by *Aḥmad*, *Tirmidhī*, *Abu Dā'ūd*, *Ibn Mājah*, and *Al-Dārimī*.

> Every woman who marries without the consent of her guardian, her marriage is null and void, her marriage is null and void, her marriage is null and void.[3]

The Imāms Mālik and Shāfi'ī both uphold this view, contending that while the marriage of an adult virgin is not strictly valid unless her consent to it is obtained, yet she cannot contract herself in marriage without the intervention of her legally authorized guardian, whom she deputes as her representative.[4] And it has been claimed that Bukhārī himself inclines to this view, for at the heading of one of his chapters are the words: 'Who says that there is no marriage except with the consent of a guardian'; though he states elsewhere: 'The father or any other guardian cannot give in marriage a virgin, or one who has been married before, without her consent.'[5]

LAW

[1] *Mishkāt*, Ar. 270 (Matthews, II, 85); Goldsack, *SMT.* p. 164.

[2] cp. Md. Ali, *RI.* p. 632.

[3] *fanikāḥhā bāṭil, fanikāḥhā bāṭil, fanikāḥhā bāṭil.—Mishkāt*, Ar. 270 (Matthews, II. 86); Goldsack, *SMT.* p. 165; Hughes, *DI.* p. 314.

[4] cp. *Hedāya*, I. 96 (Grady, 34); Hughes, *DI.* p. 316.

[5] Bukhārī, Ar. II. 769 f. (Urdu, III. 28 f); cp. Md. Ali, *RI.* p. 631.

On the other hand the interpretation of the law by the Ḥanafī school—and it is this law that obtains in most parts of India—maintains that the virgin also has this right.

> A woman who is an adult and of sound mind, may be married by virtue of her own consent, although the contract may not have been made or acceded to by her guardian; and this, whether she be a virgin or a *thayyiba*.[1]

The Shī'a ruling is equally explicit, namely, 'In the marriage of a discreet female, *rāshida*, "one who is adult", no guardian is required'.[2]

Generally speaking, however, the view taken is that no marriage contract may be said to be complete unless the contracting parties, male and female, understand its nature and mutually consent to it. If then the two parties agree to bind themselves, and both have the capacity to do so, no doubt remains as to the validity of the marriage. Even so, allowance is made for the 'natural bashfulness' of a virgin and her inexperience of affairs as compared with a widow or a divorced woman; consequently in practice her choice of a husband is subject to the scrutiny of a father or guardian, who usually settles the terms and guards her from being victimized by the unscrupulous.[3] 'But as the contract, after all, depends on her consent and not on the consent of the guardian . . . her will must ultimately prevail, and the opinion of Imām Abu Hanīfa is more in accordance with the essentials of marriage as expressed in the Qur'ān'.[4]

The above reference to the natural modesty of the girl has

[1] *Hedāya*, I. 95 (Grady, 34); cp. Abdur Rahim, *MJ.* p. 330 f. who discusses the matter in the light of such a woman's right to dispose of her property; vide Md. Ali, *RI.* pp. 631, 633; Hughes, *DI.* p. 315.

[2] Md. Ali, *RI.* p. 631; cp. Hughes, *DI.* p. 315.

[3] *Hedāya*, I. p. 95 f. (Grady, 34); Hughes, *DI.* p. 315; Md. Ali, *RI.* p. 633.

[4] Md. Ali, *RI.* p. 633.

its bearing on the mode of consent. It is recorded in the Traditions that when Muḥammad said, 'A virgin shall not be married until her consent be asked', his companions enquired, 'O Apostle of God, how shall her permission (be understood)?' He replied, 'That she keep silence'. Moreover, 'Ā'isha is reported to have queried (If) 'A maiden is too shy to speak', and received from Muḥammad the reply, 'Her silence is her consent'.[1]

MODE OF CONSENT

This mode of consent is enlarged upon in the *Hedāya*: 'If she smile or remain silent, this is a compliance; because the Prophet has said: "If she be silent it signifies assent"; and her assent is rather to be supposed, as she is ashamed to testify her desire; and laughter is a still more certain token of assent than silence'.[2]

But whereas silence is taken to be consent in the case of a virgin whose father or guardian has expressed his permission, silence cannot be accepted as implying consent in the case of a woman not a virgin. Her compliance must be expressed by her in person.[3] The *Hedāya* is explicit,

[1] *Mishkāt*, Ar. p. 270 (Matthews, II, 85); Goldsack, *SMT.* p. 164.

[2] *Hedāya*, I, 97 (Grady, 35); cp. Hughes, *DI.* p. 314 ('a smile or a laugh').

The act of giving her consent during the marriage ceremony may be a great occasion for the happy bride, and many extract from it the maximum amount of fun by simulating excessive modesty. On one occasion, as soon as the *wakīl* arrived for the legal palaver, the bride was so completely covered that no portion of her person was visible. When the old man put to her the customary questions she would do nothing but weep. Unlike others—shameless creatures!—*she* would not give her consent too readily. Only after an interminable period, during which she pretended to faint and was repeatedly prodded by the women, did she emit a bashful monosyllable of assent. It must be admitted, on the other hand, that some brides are morose, sad, tearful and silent.

[3] Wilson, *AML.* p. 101.

> It is necessary that her compliance be particularly expressed in words, such as: 'I consent to it'—not merely because Muḥammad has said that a *thayyiba* must be consulted, but because such a woman 'has not the same pretence to silence or shyness as a virgin, and consequently the silent signs . . . are not sufficient indications of her assent to the proposed alliance'.[1]

Such verbal assent is likewise required of an adult virgin, if a marriage be proposed by any other than her guardians, because 'her silence or laughter are not sufficient, until she shall from her lips pronounce an explicit compliance'.[2]

The repeated reference above to the girl's need, or otherwise, of a guardian's consent in the matter of a marriage contract, calls for the remark that the law has something to say about the propinquity of the relatives authorized to act in this way. Thus, the Ḥanafīs entrust the office to the paternal kindred in order of succession, then of the mother, the sister and the relatives on the mother's side. This in their opinion being the policy of the law. The Shāfi'īs and the Mālikis entirely exclude the female relations from the *wilāyat*, guardianship, and confine the office to men only.[3]

GUARDIANSHIP FOR PURPOSE OF MARRIAGE

Muslim law, moreover, takes cognizance of the marriage of minors, both boys and girls, provided that such marriage is authorized by the legally recognized guardian. Thus we read in the *Hedāya*:

MARRIAGE OF MINORS

> The marriage of a boy or girl under age, by the authority of their paternal kindred, is lawful, whether the girl be a virgin or not, the Prophet having declared, 'marriage is committed to the paternal kindred'.

[1] *Hedāya*, I, 98 (Grady, 35). [2] *Hedāya*, I, 97 (Grady, 35).

[3] *Hedāya*, I, 100 and 107; Abdur Rahim, *MJ.* p. 331 f.; Subhan, *Islam*, p. 102.

This is the view of the Ḥanafī school. But the Mālikis recognize such marriage only when the guardian is a father; while the Shāfi'is, again, permit the grandfather also to exercise the right.[1]

THE OPTION OF PUBERTY[2]

Lest the minor girl be in any way victimized by a marriage thus contracted before she has any right of her own, Muslim law provides her with a safeguard when she reaches puberty.[3] But such marriage is irrevocably fixed, or in other words this option does not exist, in cases where the contracting guardian was the father or father's father, because the law assumes that 'determination of parents in this matter cannot be suspected to originate in sinister motives'.[4] Nevertheless among the Ḥanafis, 'the accepted view seems to be that if the father was not a man of proper judgment and was of reckless character and married his minor daughter to a man of immoral habits it [the marriage] is liable to be set aside'.[5] The contract, however, holds good if the marriage has been arranged with an 'equal', that is with one in all respects 'suitable'.

In all other cases the contract is subject to ratification by the exercise of this option by the boy or girl on attaining puberty. It is further enjoined that 'the option must be exercised by the female immediately on the appearance of the physical signs of puberty, or at least on her being made aware of the contract after reaching puberty; otherwise she

[1] *Hedāya*, I, 100 (Grady, 36). [2] *khiyāru'l-bulūgh*.

[3] *Hedāya*, I, 103 (Grady, 37); cp. Wilson, *AML.* p. 94 f.; Abdur Rahim, *MJ.* p. 331; Ameer Ali, *SHB.* pp. 77 ff.

[4] *Hedāya*, I, 102 (Grady, 37); cp. Abdur Rahim, *MJ.* p. 331. The law presumes 'that they must have acted in the best interests of the minor'.

[5] Abdur Rahim, *MJ.* p. 332; cp. *Muslim Home*, by Her Highness the Begam of Bhopal, p. 13.

loses it altogether. But the male retains his option until he has ratified the contract'.[1]

The above has been the ruling of Muslim law hitherto, but in 1939 an Act was passed by the Indian Legislature[2] entitling a Muslim woman to obtain a decree for the dissolution of her marriage on the ground that

> she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years: provided that the marriage has not been consummated.[3]

PRESENT-DAY PRACTICE

When we turn to a consideration of the actual practice in vogue today we find, notwithstanding the theory of Islamic law, that in different families and grades of society there is a great divergence in modes of procedure.

For instance, in Delhi and other towns there is a custom of pre-natal betrothal, called *ṭhikrī kī māṇg*, according to which if a girl is born, the boy's mother drops a rupee into the baby-girl's bath, or mixes sugar candy into the *ghuṭṭī*, a mild aperient given to her, in token of the betrothal contract thus ratified.[4] Indeed the All-India Women's Conference has protested against gross abuse now being practised among the Muslims of Baluchistan, where customs such as the following are in vogue: *Bhajai* (giving the wife of a deceased person to his heirs); *khūn-beha* (the forcible removal of

[1] Wilson, *AML.* p. 95; cp. *Hedāya*, I, 104 f. (Grady, 37).

[2] *The Dissolution of Muslim Marriages Act*, VIII of 1939, Sec. 2 (vii).

[3] In arguing for the inclusion of this clause it was said, 'a girl of 10 or 12 given in marriage to an old man of 60, will not be able to get a divorce under this present Bill. She must be given this liberty, but it is only a power given to the girl after it has been taken away from her father. This is merely a transfer of power and not against the spirit of Islamic Law.'—*L. A. Debates*, Vol. I, No. 6, p. 631.

[4] *Glossary*, I, p. 804.

the sisters and daughters of a murderer by the aggrieved party); *ta vadula* (interchange of children in marriage before they are born); *dukhtar-firoshī* (selling of daughters by marriage).[1]

But in many homes the girls of the family look forward to their marriage knowing that great love and care and thought have been given to the choice of a suitable partner, and they implicitly trust their parents and give their consent accordingly. Yet in numerous cases the parents of the girl have small choice in the matter, especially if they have limited means or none at all. Elderly suitors claim little or no dowry, so that in a community where marriage is taken for granted and the unmarried woman is looked upon as one to be pitied or worse—for aspersions may be cast on the character of a girl should she still be unmarried at twenty—parents are apt to make the best out of a hard bargain and contract 'unequal' marriages, in which avarice may have no place whatsoever. Not without cause did the Panjab Provincial Muslim Women's League recently adopt the resolution that

> Marriages which take no notice of the ages of the couple should be discouraged.[2]

And though, legally, Muslim girls certainly have the right to refuse consent to the marriage arranged for them, yet circumstances make it almost impossible for them to take advantage of this privilege, because by so doing a girl would be considered to have disgraced her family and such action would injure her future prospects and perhaps those of her

[1] *Report*, 1934–5, p. 93.

[2] Quoted by *The Light*, 8 May, 1937. Yet an educated young lady of the Qadiani group, aged 21 and otherwise holding progressive views, recently justified her marriage with a venerable old Muslim of 60 by saying, 'I am following the example set by 'Ā'isha, the Prophet's youngest wife. An old husband is best fitted as a teacher, guide and guardian'.—*The Statesman*, 31 August, 1940.

sisters. Apart from which the girl is usually quite young, inexperienced, and in *parda*, and therefore must accept what she is told of the stranger she is about to marry. Custom likewise is opposed to allowing girls to express their opinion on a proposal of marriage.

Nevertheless, occasionally one hears of an educated woman who gives vent to her protest against the system whereby guardians contract marriages for girls without their consent. One such wrote:

> I was married when I was a mere child, not more than ten years of age, and my bridegroom was a man of fifty, quite ignorant and utterly illiterate. My consent was never taken, rather, I, in spite of the Indian custom of brides being silent, flatly refused to give my hands to him. But alas! not the slightest heed was paid to me. I was married and with the old —, older than my father himself. . . . My husband was not satisfied by me nor he satisfied me, yet for fashion's sake he kept many concubines. Recently again he has married a girl of my age. I now believe he would make the number complete. Besides, what justification has he to accord me harsh treatment. Woe to and curse (to) the parents who sell their daughters for wealth and pride. I like not to remain with him any longer. . . . I even damn the religion which justifies such an insult toward feminine folk.[1]

We quote from another letter by 'A Muslim woman' in which she asked Muslim readers of the journal these questions:

> What is marriage? Why (do) they give in marriage their daughters highhandedly, without even their consent? Is their religion so arid and heartless, or is it their own degradedness? I am a woman. I loved one devotedly who deserves a true love, and he also did in return, but through the baseness of society or religion (I cannot say) I am now married to a person

[1] *The Epiphany*, Calcutta, 1925, quoted in *The Moslem World*, 1929, p. 28.

whom I do not love at all. . . . I expressed my unwillingness, but to no effect.[1]

That young girls are, in fact, practically denied the right to exercise their option is confirmed by letters written to the press by Muslim young men. Here are some statements that have appeared:

A Muslim wedding cannot be solemnized unless a deputation sent into the house to interview the *purdah-nashin* bride returns and reports to the Qāḍī the so-called consent of the bride to wed her groom. Every Muslim knows that the whole ceremony is a farce; that the 'yes' of the bride has no meaning, and that it is given as a matter of course. She has had no choice in the matter. She has not even set her eyes on the man of her destiny, She must say 'yes' or be an outcast for ever. Poor girl![2]

Another wrote as follows to a Muslim journal:

I wish to point out that the present way of obtaining a girl's consent at the time of marriage is not what Islām intended. The idea of eliciting an independent and candid opinion from an inexperienced girl about a stranger, whom she has never seen, about whom she has heard nothing, and of whose character and temperament she has no knowledge, is more or less ridiculous. As a matter of fact the girls think it their duty to succumb to the wishes of their parents howsoever formidable the consequences may be. It is very seldom that a girl disagrees to a marriage arranged by her guardian.[3]

In the light of these facts it is interesting to note that a few Muslim women have remained unmarried; some indeed have refused their consent to marriage, and now, after receiving a good education, hold posts under Government. But the number of these is very small. So, too, there are a few young women, daughters of enlightened parents, who are

[1] *The Epiphany*, Calcutta, 1918, quoted in *News and Notes*, June, 1918, p. 8.

[2] *The Statesman*, 18 March, 1936.

[3] *The Light*, 16 July, 1934.

continuing their education while still residing at home. All these would probably be termed 'modern'.[1]

[1] The 1931 Census figures for Muslim women between the ages of 15–25 give some idea of the present actual facts:

Ages	Married	Unmarried
15–20 years	... 3,035,044	... 463,830
20-25 ,,	... 3,414,188	... 180,174

VI

MAHR[1]

It has already been remarked that practically down to the time of Muḥammad *mahr* meant the 'purchase price' paid by the suitor to the *walī* of the bride, whereas *ṣadāq* was a present given by the suitor to the girl herself. The one practice inevitably influenced the other, for shortly before Muḥammad's time part of the *mahr* also appears to have been given to the bride.[2] Under Islām the earlier distinction disappeared, or rather by the amalgamation of the two the term *mahr* came to have more of the original meaning of *ṣadāq*; at any rate, in the reforms introduced by Muḥammad *mahr* was made the wife's property,[3] and in accordance with the injunction of the Qur'ān this became the prevailing custom.[4] Moreover, the Qur'ān no longer retains the conception of the wife as 'purchased', or of the *mahr* as her 'price', but the gift is by way of a reward, 'a legitimate compensation which the woman has to claim in all cases'.[5]

---

[1] A nuptial gift, made to, or for, the bride.—Lane. Heb. *mohar*, 'the purchase price of a wife'. The word 'dowry', as commonly used is, therefore, not exactly synonymous. cp. Wilson, *AML.* p. 52.

[2] cp. *Encyc. Islam*, III, 137, art. *Mahr*.

[3] cp. Levy, *SI.* I, pp. 137, 163.

[4] It is a curious fact, however, that the term *mahr* is nowhere used in the Qur'ān, though it is common in the Traditions. The Quranic terms are (1) *ajr*, lit. recompense, reward; cp. 4: 28, 29; 5: 7; 60: 10; (2) *ṣadūqa*, a nuptial gift; used once, 4: 3; (3) the verb *faraḍa*, to appoint a definite portion, e.g. *farīḍa*, 2: 237-8. For other terms vide Klein, *RI.* p. 188.

[5] cp. *Encyc. Islam*, in loc. cit.

THE QUR'ĀN

The Qur'ān makes a number of stipulations regarding this nuptial gift, for example:

It must be given *niḥlatan*, 'freely', that is as a free gift.—4: 3.

It is obligatory: 'such of them as ye have enjoyed [with whom you have cohabited] give them their *ujūr* [rewards] *farīḍan*, as a lawful due.'—4: 28.

It must be given even to slave-girls.—4: 29.

And to non-Muslim wives, 'those who have received the Scriptures'.—5: 7.[1]

The Qur'ān makes it equally clear that the *mahr* becomes the property of the wife and remains hers in the event of her husband subsequently divorcing her, after cohabitation; 'And if ye be desirous to exchange one wife for another, and have given one of them [say] a talent, make no deduction from it.'—4: 24. Maulana Muhammad Ali explains that 'one wife in place of another' signifies *the divorcing of the first wife and marrying another*.[2]

Should the husband divorce his wife before cohabitation he must leave half of the *mahr* with her.—2: 238.

Moreover, the wife has full right to dispose of the *mahr* as she likes: thus, the Qur'ān sanctions the remission of it by the wife to her husband: 'and if they of themselves give up to you a portion of it, then eat it with enjoyment'.—4: 3.[3]

TRADITIONS

Further, the Traditions make it quite clear that the *mahr* is an essential part of the marriage contract; necessary even for the very legality of the marriage. According to Bukhārī the payment of *mahr*, even though a modest amount, is necessary.[4] Also, according to 'Uqba bin 'Āmir, Muḥammad said, 'The most essential of the conditions which you observe is that which makes lawful to you a woman's '*awrat* [*pudendum*].'—*Bukhārī, Muslim*.[5] The

---

[1] cp. Md. Ali, *RI.* p. 621 f.

[2] *Holy Qur'ān*, in loc. cit, n. 557; cp. *Encyc. Islam*, in loc. cit.

[3] cp. Wilson, *AML.* p. 122.

[4] Bukhārī, Ar. II, 773 (Urdu, III, 32); Md. Ali, *RI.* p. 623.

[5] cp. *Mishkāt*, Ar. 271 (Matthews, II, 87).

woman may refuse to allow consummation of the marriage before a part of the *mahr* is given.[1]

This is quite in accord with the books of *fiqh* where marriage is represented as a contract and the *mahr*, or *ṣadāq*, an essential element in it which the bridegroom pledges himself to give to the bride; in other words, without a *mahr* a marriage is null.[2]

LAW

Nevertheless reference to the *mahr* need not be made in the marriage contract. For instance, Ameer Ali states:

> The settlement of a dower is an essential condition in a marriage, *but the validity of the marriage does not depend upon its express mention*, so that where no dower is settled at the time of the contract, that fact does not affect its validity.[3]

There are two kinds of *mahr*: *mahr musamma*, 'named' or 'definite' *mahr*, the amount of which is precisely stated in the contract; and *mahr mithl*, where no express mention of it is made in the contract and the bride is given *mahr* appropriate to the status of women of her social rank.[4]

TWO KINDS OF MAHR

The *mahr* again is usually divided into two portions: *mahr mu'ajjal*, 'prompt' (*lit.* that which is hastened), and *mahr*

[1] cp. *Encyc. Islam*, in loc. cit.

[2] cp. *Encyc. Islam*, in loc. cit; Levy, *SI.* I, p. 161.

[3] *SHB.* p. 84 (the italics are his); cp. Hughes, *DI.* art. *Marriage*, p. 314; *Hedāya*, I, 122 (Grady, 44).

[4] *SHB.* p. 85; Abdur Rahim, *MJ*, p. 334; *Encyc. Islam*, III, p. 138; Md. Ali, *RI.* p. 623; *Hedāya*, I, 131, 148.

According to Shī'a law the 'proper dower' to be awarded by the Court, when none has been stipulated in the marriage-contract, must not exceed 500 *dirhams*. It is also required that the same limit must be observed if by the terms of the contract the amount of *mahr* is to be fixed by the bride at her discretion. cp. Wilson, *AML.* pp. 117, 440. The word *dirham* (from the Greek *drachma*) is the term used in the Traditions. Its approximate value now would be about Rs. 2-8-0; vide Wilson, op. cit. p. 117.

mu'ajjal, 'delayed', 'deferred'.[1] In India it is customary to fix half the dower as prompt, and the remaining portion as deferred; 'but the parties are entitled to make any other stipulation they choose.'[2]

Sunni law follows the Quranic injunction that if a marriage is dissolved before consummation[3] the wife becomes entitled to half the *mahr*. Under Shī'a law, however, there is a difference of opinion; some lawyers agree with the above, while others hold that the wife, in such circumstances, is entitled only to a present.[4] In any case, on the consummation of marriage the wife's right to the *mahr* becomes complete.[5]

In regard to the gift very wide latitude is permitted, for the Qur'ān furnishes no details on the point. Consequently any amount may be settled. Not only so; after marriage the amount previously settled may be increased or decreased by the mutual consent of husband and wife, according to the Quranic statement:

AMOUNT OF MAHR

> There is no crime in you about what ye agree between you *min ba'di'l-farīḍati*, after what is appointed of nuptial gift. —4: 28.

There is a tradition containing the caveat:

> Beware! make not large settlements upon women; because if great settlements were the cause of greatness in the world and motives of righteousness near God, surely it would be most proper for the Prophet of God to make them.—*Ibn Mājah, Al-Dārimī.*[6]

[1] cp. *SHB.* p. 85; Abdur Rahim, *MJ.* p. 335.

[2] cp. Ameer Ali, *SHB.* p. 85 f.; Herklots, p. 75; Wilson, *AML.* 120 f.

[3] Or, as legally expressed, before *khalwatu'l-ṣaḥīḥ*, valid retirement, i.e. when the parties have been together under circumstances which may validly give rise to the inference of consummation. cp. Ameer Ali, *SHB.* p. 86; Abdur Rahim, *MJ.* p. 334 f.; *Hedāya*, I, 124.

[4] Ameer Ali, *SHB.* p. 86. [5] cp. Abdur Rahim, *MJ.* p. 334 f.

[6] *Mishkāt*, Ar. 227 (Matthews, II, 102); cp. Herklots, p. 75.

Muḥammad himself is said to have paid varying amounts to his wives, as much as four thousand *dirhams* on one occasion.[1] But according to a tradition recorded by Muslim and credited to 'Ā'isha, the usual sum settled on his wives was five hundred *dirhams* each,[2] though another tradition states that the *mahr* given to Umm Salma was ten *dirhams*, together with a number of household necessities.[3] Yet another tradition records that Muḥammad asked a prospective bride, 'Are you pleased to give yourself and your property for a pair of shoes?' and on her consenting he gave her in marriage.—*Tirmidhī*. Again Muḥammad is reported to have stated: 'Whoever gives as a *ṣadāq* to his wife two handfuls of flour or dates has made her lawful to him'.—*Abū Dā'ūd*.[4] The lowest amount demanded by Muḥammad was 'a ring of iron', and when a certain individual could not produce even that but confessed to possessing a portion of the Qur'ān, Muḥammad accepted it as the *mahr* and told the man to teach it to his wife.—*Bukhārī*, *Muslim*.[5]

Accordingly the *sharī'at* also does not lay down any maximum or minimum for the amount of the *mahr*, though limitations were introduced by the various legal schools.[6]

In some parts of India *shighār*, or marriage by exchange, is practised.[7] According to this a man marries the sister or daughter of another and in exchange gives his own sister or daughter, and by so doing avoids paying *mahr*. Some

[1] cp. *Mishkāt*, Ar. 277 (Matthews, II, 103, incorrectly translates 'four hundred'); cp. Wilson, *AML*. p. 118.

[2] *Mishkāt*, Ar. 277 (Matthews, II, 101); cp. Levy, *SI*. I, p. 162, n. 2.

[3] quoted in *Bihishtī Zewar*, Bk. VI, p. 51. The tradition is unreliable; cp. Levy, *SI*. p. 162, n. 2.

[4] *Mishkāt*, Ar. 277 (Matthews, II, 102); Levy, *SI*. I, p. 166.

[5] *Mishkāt*, Ar. 277 (Matthews, II, 101); Goldsack, *SMT*. p. 168.

[6] cp. *Encyc. Islam*, in loc. cit; *Hedāya*, I, 122 f.

[7] See above, pp. 18 and 110; cp. Md. Ali, *RI*. p. 625.

authorities declare this to be blamable but not absolutely unlawful; they consider the right of cohabitation itself to be the *mahr* given by both contracting parties.[1] Muḥammad expressly prohibited such a marriage.[2]

Customs connected with the institution of *mahr* vary considerably in different parts of the country. In some cases the fathers of the bride and bridegroom arrange the amount of the gift between themselves; in others, the bride's guardian is sent for by the person acting as a *qāḍi* and asked, before the marriage, to fix the amount. If the sum is large a bond for the amount stipulated may be executed. But in most instances the sum is agreed upon during the wedding ceremony. Here in India both the *sharī'a*, or 'lawful', *mahr* and the *riwājī*, or 'customary', *mahr* are recognized. The latter may range from Rs. 100 to many thousands, while the *shari'a Muḥammadī* in the Panjab is reckoned at Rs. 32–6–0. But in other provinces the amount varies.

PREVALENT PRACTICE IN INDIA

As already stated, *mahr* is legally necessary in any marriage contract and even the poorest of men will give a new *sārī*; others will promise Rs. 15, Rs. 21 or Rs. 99. In the case of those who promise a small amount, half of it may be given at the time in the form of ornaments, household untensils and clothes, the remaining portion being regarded as 'deferred'.

Among the better educated we find a Muslim publicist making the admission that '*mahr* is treated simply as a check upon the husband's power of divorce, and very high and extravagant sums are sometimes specified as *mahr*'. He quite rightly adds, 'This practice is foreign to the spirit of the institution, as laid down by Islām; for *mahr* is an amount which should be handed over to the wife at marriage or as

[1] Klein, *RI*. p. 189.

[2] cp. Bukhārī, Ar. II, 766 (Urdu, III, 23); Levy, *SI*. I, p. 150.

early afterwards as possible; and if this rule were kept in view, extravagant *mahr* would disappear of itself.'[1]

It is a well-known fact that the parents of a girl often ask as large an amount as possible—as much as Rs. 50,000, sometimes land or house-property—expressly to prevent their daughter from being divorced; and conservative opinion generally is opposed to legislative restrictions on this point. For instance, some years ago, when opinions were collected regarding the advisability of allowing courts to reduce excessive *mahr*, it was reported that 'all classes of Muhammadans unanimously condemned the proposal'.[2] Nevertheless, in the district of Oudh, in the United Provinces, the following enactment is in force:

> Where the amount of dower stipulated . . . is excessive with reference to the means of the husband, the entire sum provided in the contract shall not be awarded in any suit by decree in favour of the plaintiff.[3]

Muslim youths, however, are beginning to speak out against what they call 'the pernicious dower custom among the Moslems'. Says one:

> I find that the marriages of Mohammedans, in almost every part of the country, are contracted on an excessive amount of dower, usually Rs. 40,000, which the husband promises to pay his wife. No doubt this promise is a mere farce in general, and the husband never intends to pay it; but why should this farce be played at all? So far as religion is concerned, a man who contracts marriage without intention of paying the dower, does not contract marriage at all. . . . If a woman gives herself to a man for the sake of money, surely she does not contract marriage, and does not deserve the title of wife, but something else. The difference between a wife and a concubine is simply this, that while the former has regard for love, the latter has consideration for money . . . a decent Moslem youth who does not want to pay a dower, or even make a false promise of paying, does not get a wife at all, while an oxagenarian [*sic.*] wealthy man can get a girl of 15 or 16 for his wife.[1]

[1] Md. Ali, *RI.* p. 624 f. cp. Herklots, p. 75.

[2] cp. E. A. H. Blunt, *Census Report, U.P.* 1901, p. 120.

[3] cp. Wilson, *AML.* p. 119.

Nevertheless, modern apologists for Islām, mostly men, frequently call attention to the fact that Muslim women are privileged in the matter of dower rights. Granted; but in a situation where the woman can be divorced at the mere caprice of her husband that 'right' is but justice. Occasionally this 'privilege' is stressed by Muslim women themselves; thus a married woman writes:

> The dowry system is a very wise provision for the weakness of women . . . and it can readily be imagined how great an influence the Muslim woman may yield over her husband by timely pressure in claiming payment of the 'prompt' [half of the] dowry . . . No 'presents' are counted towards the payment of the dowry . . . Indeed, nothing may be included beyond what has been expressly declared, and women are clever enough to avoid the mention of the word. If the man injudiciously happens to mention it, his wife flatly refuses to accept the present, and the matter is at an end, the man bowing to the whims and fancies of his wife, the debt of dowry for ever hanging round his neck. . . . One of the deterring forces against divorce in India is this same dowry system.[2]

Earlier in the same article this writer gives the reason for the last assertion; it is that sometimes the amount of the stipulated *mahr* is so inordinate that it is impossible for the man to pay the amount even with all the savings of a lifetime.[3] But obviously the safeguard here implied is only

[1] *The Moslem World*, 1924, p. 417 (quoted from *The Epiphany*, Calcutta).

[2] Mrs. Anwar-ud-Din, in an art. 'The Influence of Islām on the Indian women,' *The Islamic Review*, Nov.-Dec. 1936, pp. 439, 441.

[3] 'a sum out of all proportion to the means of the husband, as is the custom in India.'—Abdur Rahim, *MJ.* p. 333.

assured to the few whose promised *mahr* is large and whose husbands are rich enough to pay. A divorced woman with means can be independent. In the case of the poor woman, whose *mahr* is small and who knows that 'the Muslim law gives to the man unrestricted right to divorce his wife without giving the reason', the *mahr* affords no safeguard or assurance of provision; as a matter of fact the very poor know little about the *mahr*.

PAYMENT OF MAHR

It will be readily understood that while women are thus theoretically protected by the provision of the law, in practice a vast number suffer by default. The general custom in India appears to be to leave even the 'prompt' *mahr* unpaid,[1] the wife reserving to herself the right to call for it if occasion demands. As a matter of fact the question of payment is not usually raised until the woman is divorced.

Some men do pay the full *mahr* to the divorced wife, as indeed they are enjoined to do, but others never contemplate paying it. The most common reasons for the non-payment of *mahr* to divorced women are, the inability of the husband to collect the sum of money promised; and the fact that, since there is no compulsory registration of marriage or divorce, all too frequently there is no written record of the amount of the promised *mahr*, consequently the divorced woman cannot prove her claim in court. Not only so, many women are ignorant and inexperienced in the ways of the law and would consider it disgraceful to appear in court. After all, justice has to be paid for and their own folk have no funds to fight the case. The easier course is to make no protest—let the husband retain the *mahr*, thus shall the woman be free, without prejudice, to marry again. On the other side, it is a fact that some husbands, in order to avoid payment, so ill-treat their wives that they ask to leave them, and should the husband give such an one permission to go, she is freed; but then, as a woman once expressed it, 'by asking to be excused, one goes away *without the mahr*'.[1]

[1] cp. *The Statesman*, 7 June, 1939; *Glossary*, I, 835. In the N-W.F. Province, however, the *mahr* is frequently paid by the tribes before or on the date of marriage.

The truth of much of this is confirmed by what a Muslim correspondent has said:

> A man, ever and anon, tortures his wife. The whole *mahr* of his wife is due. His wife forbears her husband's inhuman tortures patiently. When her patience cannot cope with her husband's tortures she leaves her husband's house and goes to her father's and demands her legal *mahr*. The husband neither pays nor objects to the wife's demands. There is not a single means left to his wife save to take the help of the Court. But she is very poor and so are her parents. And consequently she is undone.[2]

Married girls are sometimes left in their parents' home—their husbands 'won't send for them'. They have not been actually divorced and the *mahr* has not been paid.

Various reasons are put forward for such a situation. Often it is a dispute over money, one side not having fulfilled promises made at the time of marriage. On the other hand the blame is frequently fastened on the girl herself—the mother-in-law disapproves of her and avers that she is quarrelsome and lazy; the husband, having other wives, does not need her; or he wishes to divorce her, but does not want to pay up the *mahr*, and so he does not summon her back. At times it is nothing but a mercenary business—the father may wish to marry his daughter into a happier, perhaps richer home, and her present husband will only release her if the

[1] cp. The Qur'ān: 'For what the wife shall give for her redemption'. —2: 229; see ch. on Divorce (*Khul'a*).

[2] *The Light*, 24 March, 1936. This precisely is the kind of ill-treatment which the Qur'ān forbids; cp. 2: 229; 4: 24.

girl asks for a divorce, it being well-understood that by so doing she forfeits her *mahr*. Indeed, the father himself may be called upon to pay the husband a sum of money as satisfaction.

Besides the legal *mahr*, promised by the bridegroom to his wife, it is customary for the parents to bestow on the bride a 'dowry', or trousseau. It appears to be the usual thing, in city and village, for the boy's parents as well as the girl's to make this bestowal on the bride. A common term for the gifts sent by the bridegroom's people is *barī*[1] while the gifts of the parents to their own daughter are termed *jahez*.[2] By way of showing that large gifts are not necessary on such occasions, a Muslim author reminds his women readers that the *jahez* given by Muḥammad to his daughter Fāṭima consisted of two sheets, two wash-basins, four mattresses, two silver bracelets, a blanket, a pillow, a cup, a grinding-stone, a leather water-bottle, a water-pot and a bedstead.[3]

DOWRY OR TROUSSEAU

Everything given to the bride by her father is her own, and must be restored to her if she is divorced. Clothing and jewellery are the customary gifts; the latter consisting of bangles, necklaces, brooches, rings, ear-rings, and head-piece. In North India among upper class families the value of these presents ranges from Rs. 3,000 to Rs. 8,000. Even a clerk is expected to give his daughter jewellery to the value of about Rs. 1,000. The clothing is usually of silk and is given in sets of 11, 21, 51, or 101. Shoes, wraps, etc. are also given. In a large trousseau some garments (always an odd number) may be of cotton or mercerised silk. A set usually consists of three garments — trousers, shirt and undervest. Nowadays a few *sārīs* are always included, but in North India these

[1] or *warī* in the Panjab; cp. *Glossary*, I, 822; also *peshkārā*.

[2] cp. *Ta'līm*, Book VI, p. 39.

[3] cp. *Ta'līm*, Book VI, p. 54.

are usually worn out-of-doors on social occasions, not in the house. In Bengal they are worn indoors also. The girl's father, as a rule, buys the necessary house-linen, while general furniture is bought by the husband's people. These presents naturally differ according to the means of the family, and are not 'obligatory', but customary.

In addition to what has been stated above there is in vogue yet another transaction in more affluent families. This in most cases is a gift of money; for instance, a sum sufficient to cover the cost of a college education in India or the West. Custom demands that this be given by the girl's people to the bridegroom. It is this transaction which has gained for the word 'dowry' a sinister meaning in India.[1] While among the well-to-do this 'marriage-price' naturally varies according to the groom's academic attainments, or the discrepancy between his standard of education and that of the bride, or the remunerative post he holds, yet even among the poor there are well-defined standards also. In some parts of India, where girls are scarce, or a man seeks to marry his son into a higher family, the bridegroom pays the bride's family. For instance, in Bengal should a *Shaikh* marry his child into a *Sayyid* family, whether it is a son or a daughter, it is customary for the *Shaikh* father to give money to the *Sayyid*.[2] Moreover, a young man not previously married, demands a higher sum than a widower or a man already having a wife.

DOWRY OR MARRIAGE PRICE

[1] The All-India Women's Conference recently discussed the use of this term in connection with certain Bills, then under consideration by Indian Legislatures, the object of which was the abolition of the dowry system, and recorded: 'We are aware that the word Dowry refers to *Jahez*, *Mahr*, and *Stridhan*, and would therefore strongly urge the substitution for this word, in all measures, of the following: 'Bridegroom-price', and 'Bride-price'.—*Report*, 1938-9, p. 68.

[2] cp. Levy, *SI.* I, p. 90.

When it happens that the husband's education is discontinued because the parents of the girl, having promised, fail to pay, the girl is often subjected to much trouble in her mother-in-law's house, and may even return to live in her father's home and the husband does not have her back.

Many have been the protests of both young men and young women against this iniquitous custom. One signing himself 'None but the Brave', recently wrote a letter to the press containing the following wise counsel:

> Miss Aziz-un-nessa Khatun's letter shows that, if the Mohammedan community does not seriously take up this question of buying husbands for their daughters in the marriage market, the contagion of suicide may spread to it also [as in Hindu society].
>
> As a simple solvent I would advocate the remedy of a father giving his daughter the same opportunity of education as his son. Let the money which the father will have to beg or borrow—if he cannot produce it himself—in order to buy his daughter a desirable husband, be spent on educating his girl. . . . Her education and culture ought to be sufficient attraction for the modern young man, and if he has only the courage, his father will not be allowed to demand a dowry. It is for the young man to make up his mind if he would have an educated girl for wife, rather than mere money with a wife thrown in. . . . With the spread of education, that dreadful curse of the Mohammedan community, the purdah, will disappear. And with its disappearance Moslem young men will attain a new manhood and a sense of chivalry, and Moslem girls a new womanhood and a beauty of body and mind, which they never had before. . . . Fathers of boys and girls will no longer have to undergo the disgrace of buying and selling their offspring like cattle in the marriage market.[1]

[1] *The Statesman*, 18 March, 1936.

VII

DIVORCE[1]

THE Muslim law of divorce is based on express injunctions in the Qur'ān and the Traditions, and receives very full treatment in Muslim law books.

The Qur'ān continues to the husband the pre-Islamic right to divorce his wife without any misbehaviour on her part and without assigning any cause;[2] but it also contains special provisions, introduced by Muḥammad himself, the main purpose of which was to secure some amelioration in the lot of the divorced woman, urging at the same time that divorce should be avoided if possible.[3] The chief passages bearing on the subject are, 2: 226–32, 237–8, 242; 4: 23–25, 38–39; 65: 1, 4, 6; 33: 4; and 58: 2.

These verses indicate that divorced women are entitled to the following provisions:

A period of *waiting* is prescribed:

> The divorced women shall wait the result, until they have

[1] *Ṭalāq*, repudiating a wife, divorce; the verb *ṭalaqa* means to be freed from a tether (said of a camel); to be repudiated by a man (said of a wife).—Lane.

[2] Recently an educated Indian Muslim lady, while admitting this to be the fact, added 'but this seemingly unrestricted right is limited by the obligation of giving the woman such *mahr* as may have been agreed upon in the marriage contract'.—*Review of Religions*, 1933, p. 484.

[3] cp. Ameer Ali, *SHB.* p. 89, and his *SI.* II, v. 243 ff; Abdur Rahim, *MJ.* p. 335; Ikbal Ali Shah, *Md.* p. 272; also a recent art. by Richard Bell, 'Muhammad and Divorce in the Qur'ān', in *The Moslem World*, Jan. 1939.

had their courses thrice;[1] and it is not lawful for them to conceal what God hath created in their wombs.—2: 228.[2]

a stipulation intended to serve the double purpose of seeing whether the divorced woman is with child, and of giving the husband opportunity to revoke his pronouncement in case he made it without due deliberation.[3] The verse continues,

it will be more just[4] in their husbands to bring them back when in this state, if they desire what is right. And it is for the women to act as they [the husbands] act by them, in all fairness; but the men are a degree above them.

But this right of the husband to take the woman back was apt to be abused. The wife was brought back before the completion of the full period and again *ṭalāq* was pronounced over her, so that she might be kept in a continuous state of 'waiting'; the husband's intention being to force her to purchase her freedom by surrendering the *mahr*.[5]

A check was therefore put upon this unjust practice:

Divorce [may happen] twice; then keep them reasonably. —2: 229.

In other words, this kind of revocable divorce might be pronounced only twice, and on each occasion the man might take his wife back before the expiry of *'iddat*.[6]

[1] i.e. the three-month period of 'waiting' called *'iddat*, lit. 'number', 'a certain number', cp. 65: 1; see below, p. 169 f.

[2] It should be stated that Bell, in loc. cit. considers that the section 2: 228 ff. is later than the main portion of this *sura* and that the regulations they contain 'do not correspond to what the Prophet intended in this passage'.

[3] Formerly there was no *'iddat* for a divorced woman, and a man marrying one who was pregnant was accounted the father of the child born. cp. *Encyc. Islam*, art. '*Idda*, II, 445; Shibli, op. cit., IV, 230.

[4] *aḥaqqu*, so Rodwell; Palmer translates, 'will do better'. The reference is to the doing of what is right.

[5] cp. *Encyc. Islam*, art. *Ṭalāk*, IV, 636.

[6] cp. *Encyc. Islam*, in loc. cit.; Md. Ali, *Qur'ān*, in loc. cit. n. 298; and his *RI*. p. 681.

On the other hand,

If he divorce her [*sc.* a third time][1] she shall not be lawful to him after that, until she marry another husband, but if he [too] divorce her, it is no crime in them both if they come together again, if they think that they can keep within God's bounds.—2: 230.

This is meant as a further check against thoughtless divorce.

Verse 229 continues,

or let them go with kindness. But it is not lawful for you to take any part of what you have given them;

that is to say, if a woman be divorced she is not to be deprived of her *mahr*; so, too, verse 231. This is confirmed in another passage:

If ye wish to exchange one wife for another and ye have given one of them a talent, then take not from it anything. What! would you take it by slandering her, and with manifest wrong?—4: 24.

intended as a warning against bringing a false charge of adultery or gross immorality against a wife with a view to keeping her *mahr* when she is divorced.

Further,

If you fear that you cannot keep within God's bounds there is no crime in you both for what she gives up for her redemption.—2: 229.

This passage introduces the principle known as *khul'a*, whereby a woman may surrender her claim to the *mahr* in order to induce her husband to part with her. cp. 4: 127-9.[2]

Again,

When ye divorce women and they have waited the prescribed time, do not prevent them from marrying their husbands,

[1] The Arabic leaves something to be assumed here; either 'a third time' or, as Mr. Yusuf Ali, 'irrevocably'. cp. Bell, art. *The Moslem World*, in loc. cit.

[2] See below, p. 165.

when they have agreed among themselves in an honourable way.—2: 232.

This verse may be read in two senses: as permission to the separated parties to re-marry, if they so choose, on the first two occasions when *ṭalāq* has been pronounced, or to the divorced woman to marry again.[1]

Two further stipulations:

It shall be no crime in you if ye divorce your women ere you have touched them, or settled for them a portion. But make provision for them. . . . And if ye divorce them before ye have touched them, but have already settled for them a portion, then [give them] half of what you have appointed, unless they remit it, or he should in whose hand is the marriage tie. —2: 237-8; cp. 33: 48.

And if ye fear a breach between the two, then appoint a judge from his people and a judge from her people. If they wish for reconciliation, God will effect harmony between them. —4: 39. cp. Thou knowest not whether, after this, God may not cause something new to occur [which may bring them together again] . . . and take upright witnesses from among you and bear witness as unto God. This is a caution for him that believeth in God and in the latter day,—65: 1-2.

These verses indicate that earnest attempts should be made to avoid separation.[2]

Once again,

O prophet! when ye divorce women divorce them at their *'iddat*, and calculate the number of days prescribed. . . . Do not drive them out of their houses, nor allow them to go forth, unless they have committed manifest adultery . . . and as to those who are with child, their period shall be until they are delivered of their burden . . . be at charges for them . . . and if they suckle your children, then pay them their hire.—65: 1, 4, 6; cp. 2: 233.[3]

[1] Palmer has, 'do not prevent them from marrying their [fresh] husbands'.

[2] Bell, in loc. cit., would interpret the scourging of wives, in 4: 38, as having the same object in view.

[3] cp. *Encyc. Islam*, art. *Ṭalāk*, in loc. cit.

Finally, Muḥammad forbade the continued use of the old pagan formula—'Thou art to me as my mother's back'—when men divorced their wives, and declared,

Their mothers they are not; they only are their mothers who gave them birth.—58: 2.

TRADITIONS

The above stipulations receive considerable mention in the Traditions, though here again prominence is given to the fact that Muḥammad deprecated the practice of divorce. Thus,

The most hateful thing to God, of things permitted, is divorce.—*Abū Dā'ūd.*

A certain man reported to Muḥammad that he had divorced his wife and had given her only one divorce. The Prophet thereupon ordered her to return to her husband.

Then I divorced her a second time in the reign of 'Umar, and a third time in the reign of 'Uthmān.—*Abū Dā'ūd, Tirmidhī, Ibn Mājah, Ad-Dārimī.*

Once when Muḥammad was informed of a man who had divorced his wife with a triple divorce all at once,

he arose in anger and said, 'Do you play with the Book of God, the Exalted and Magnified, whilst I am still among you!' till a man stood up and said, 'O Apostle of God, shall I kill him?'—*An-Nasā'ī.*

Another tradition says,

The Prophet has cursed the *muḥallil* [that is, the-second-husband-who-makes-the-wife-lawful-for-her-first-husband] and the *muḥallal* [the-first-husband-for-whom-she-is-made-lawful].—*Ad-Dārimī, Ibn Mājah*, from 'Alī and Ibn 'Abbās and 'Uqba bin 'Āmir.[1]

The wife of Thābit bin Qais came to Muḥammad and said

[1] *Mishkāt*, Ar. 283 f. (Matthews, II, 118, 120 f.); cp. Goldsack, *SMT*: p. 173; *Hedāya*, I, 303 (Grady, 108). Md. Ali, *RI.* 671, 682, 685; Yusuf Ali, *Qur'ān*, Introd. *sura* 65, p. 1561; Guillaume, *TI.* p. 102 f.

she wished to be separated from her husband because she 'disliked infidelity in Islām'. Muḥammad asked her, 'Wilt thou return to him his orchard?' [the *mahr*] She replied, 'Yes'. Then the Prophet said to Thābit, 'Take the orchard, and divorce her with one divorce'.—*Al-Bukhārī*.[1]

Two further traditions are of special interest to women:

> One wife must not ask for the divorce of another, with a view to being particularly for the husband herself; because her lot is her lot.[2]
>
> Every woman who asks her husband to be divorced, without cause, the smell of Paradise is forbidden to her.—*Aḥmad, Tirmidhī, Abū Dā'ūd, Ibn Mājah, Ad-Dārimī*.[3]

The Qur'ān discloses the fact that difficulties arose in Muḥammad's own household through the extravagant demands of his wives, so that he himself had to face the question of divorce.[4]

Thus,

> O Prophet, say to your wives: 'If ye desire the life of this world and its adornment, come, and I will provide for you and dismiss you with a handsome dismissal'.—33: 28.[5]

They chose to remain with him. Reference is made to this incident in 'a garrulous tradition', where it is recorded that Abu Bakr, and 'Umar, fathers respectively of 'Ā'isha and Ḥafṣa, entered within the house to find Muḥammad

[1] *Mishkāt*, Ar. 283 (Matthews, II, 117); Goldsack, *SMT*. 173; Md. Ali, *RI*. p. 675.

[2] *Mishkāt*, Ar. 271 (Matthews, II, 88).

[3] *Mishkāt*, Ar. 283 (Matthews, II, 118).

[4] cp. Md. Ali, *Qur'ān*, 33: 28, n. 1985, and 66: 1, n. 2517; also R. Bell, art. *The Moslem World*, in loc. cit.

[5] cp., 66: 5. 'It may be that his Lord if he divorce you will give him in your place wives better than you, submissive, believers, devout, repentant, worshipping, given to fasting, both known of men and virgins.' Ibn 'Abbās says this refers to 'Ā'isha and Ḥafṣa, —Md. Ali, *Qur'ān*, n. 2517.

sitting 'silent and sad' with his wives around him. The fathers struck their daughters a blow on the neck and said, 'Do you ask the Prophet for what he has not got?' Then 'Ā'isha and Ḥafṣa replied, 'By God, we never ask him for anything which he has not got!' After that the Prophet separated himself from them for one month or twenty-nine days. Subsequently the above-mentioned verse was revealed to him.—*Muslim*.[1]

It is on record that two women sought to be divorced from Muḥammad after *nikāḥ* and before consummation; namely, Asma, daughter of Numan Kindi;[2] and Umaima or Ibnat-ul-Jaun, concerning whom Bukhārī says,

> And when he went in to her, she said that she sought refuge in God from him; that is to say, wanted a divorce; and he granted her a divorce, and sent her off with some presents.[3]

LAW

Muslim law makes clear the fact that the husband, granted that he observes certain formalities, has the right and option to put an end to the marriage without any judicial interference, and even against the wife's will.

The wife on the other hand, despite the claim often made that she has 'equal rights' with the husband, cannot divorce herself from her husband without his consent, *unless a clause has been incorporated in a contract*, pre-nuptial or post-nuptial,

[1] *Mishkāt*, Ar. 281 (Matthews, II, 111); Goldsack, *SMT*. p. 171; Bell, art. *The Moslem World*, in loc. cit.

[2] cp. Md. Ali, on 33: 48, n. 1999.

[3] cp. Md. Ali, *RI*. 675. Elsewhere Md. Ali says that 'the Prophet was not allowed to divorce his wives, while his followers could divorce theirs if they liked'.—vide *Qur'ān*, 33: 51, n. 2001 and 66: 5, n. 2520. What this writer seems to mean is suggested by his further notes, 2003–4, viz. that *after* his wives elected to remain with him Muḥammad was not allowed to take any more wives or to dismiss any he then had—'change them', as the Qur'ān puts it.—33: 52.

empowering her to do so. Furthermore, she may, in certain circumstances to be mentioned later, obtain a divorce by a judicial decree.[1] Following the recommendation of the Qur'ān, it is expected that members of both families should intervene as a council of conciliation to prevent hasty action.[2]

While the husband need give no reason for his action, divorce pronounced without good grounds is considered *makrūh*, 'reprehensible', but its validity is not questioned in law.[3]

The conditions considered essential for the validity of divorce tend to emphasize the greater power of the husband.

ESSENTIAL CONDITIONS

These according to Sunni law are that, the husband must have attained his majority; he must be sane; any pronouncement of *ṭalāq* is effective, whether declared in equivocal language, under compulsion, or in jest;[4] no witnesses are required; the pronouncement need not be made in the presence of the wife. Shī'a law, on the other hand, demands that there shall be intention to dissolve the marriage and requires the presence of two reliable witnesses.[5]

MODES OF EXPRESSION

The law recognizes two usual forms of pronouncement: (1) *ṣarīḥ*, 'clear', 'manifest', as when the husband says, 'Thou art divorced'; and (2) *kināya*, 'allusory', 'metaphorical' as when

[1] cp. Wilson, *AML.* pp. 53 and 138; A. Rahim, *MJ.* p. 328.

[2] vide 4: 39; cp. Wilson, *AML.* p. 53.

[3] *Encyc. Islam*, art. *Ṭalāk*.

[4] cp. the tradition, 'there are three things which whether done in joke or in earnest, shall be considered as serious and effectual; marriage, divorce, and manumission'.—*Mishkāt*, Ar. 284 (Matthews, II, 119); vide Wilson, *AML.* 142; A. Rahim, *MJ.* 337; *Encyc. Islam*, art. *Ṭalāk*.

[5] Ameer Ali, *SHB.* pp. 92-94; Wilson, *AML.* p. 139, n. 1.

he says, 'I will have nothing more to do with you'; 'Thou art free'; 'Veil thyself', and so forth.[1] Such pronouncement may also be made in writing. In practice the spoken declaration is often confirmed subsequently in a written document, the *ṭalāq nāma*.[2]

TYPES OF DIVORCE

Two kinds of divorce are considered legal: *ṭalāqu's-sunnat*: that which conforms to the traditions, or sanction of Muḥammad; *ṭalāqu'l-bid'at*: an irregular mode of divorce.[3]

Ṭalāqu's-sunnat may be of two types: *aḥsan*, 'most proper', 'best'; or *ḥasan*, 'proper', 'good'.[4]

Ṭalāqu'l-aḥsan requires that the husband shall pronounce the formula of divorce once, in a single sentence, and when the wife is in a state of *ṭuhr*, ceremonial cleanliness; moreover, he must refrain for the three months of *'iddat* from the exercise of conjugal rights. During this period the divorce is *raj'ī*, 'revocable'. On the conclusion of the *'iddat* the separation takes place as an irrevocable and irreversible divorce, *ṭalāqu'l-bā'in*.[5] If subsequently the husband desires to take his wife back, they must again go through the ceremony of marriage.[6]

The *Hedāya* explains that this mode of divorce is the most laudable for two reasons:

[1] *Hedāya*, I, 213 ff. (Grady, 76 ff.); A. Rahim, *MJ.* p. 338 f. In some parts of India divorce is pronounced by the action of throwing three stones at one and the same time; e.g. at Mianwali, in the Panjab. cp. *The Light*, 16 Dec., 1936; Hughes, *DI.* p. 88; Subhan, *Islam*, p. 114.

[2] Wilson, *AML.* p. 140 f.

[3] cp. *Hedāya*, I, 201-4 (Grady, 72-74); Ameer Ali, *SHB.* p. 90; *Encyc. Islam*, art. *Ṭalāk*.

[4] cp. *Hedāya*, in loc. cit.

[5] *Hedāya*, I, 289 ff. (Grady, 103 ff.); Ameer Ali, *SHB.* p. 90; A. Rahim, *MJ.* p. 336; Wilson, *AML.* p. 139.

[6] cp. *Hedāya*, I, 202 (Grady, 72); Wilson, *AML.* p. 139; *Encyc. Islam*, art. *Ṭalāk*; Hughes, *DI.* p. 87.

because the Companions of the Prophet chiefly esteemed those who gave no more than one divorce until the expiration of the *'iddat*, and because in pursuing this method the husband leaves it still in his power, without any shame, to recover his wife, if he be so inclined.[1]

In regard to *ṭalāqu'l-ḥasan* the main stipulations are that the husband is required to pronounce the formula of divorce three times in succession; that is to say, one sentence of repudiation during the period of *ṭuhr*, for three such periods successively; these pronouncements must be at the interval of a month, and when the woman is in a state of purity; there must be no intercourse with her during any one of the three intervals. With the third pronouncement the divorce becomes *bā'in*, irrevocable.[2]

Following the injunction of the Qur'ān the law clearly lays it down that until the repudiation of the wife becomes 'irrevocable' the husband may, at any time, restore the conjugal relation, either by a statement to that effect, or simply by renewing sexual intercourse;[3] and he may do so 'whether she be desirous or not, God having said in the Qur'ān, "ye may retain them with humanity" where no distinction is made with regard to the wife's pleasure, or otherwise.'[4]

The other form of divorce, *ṭalāqu'l-bid'at*,[5] the 'irregular'

[1] *Hedāya*, I, 202; cp. I, 289 ff.

[2] *Hedāya*, I, 202 f; Ameer Ali, *SHB.* p. 90 f.; A. Rahim, *MJ.* p. 336; Wilson, *AML.* p. 139.

[3] This restoration is called *rij'at*, lit. 'returning to'; see below p. 170, n. 3.

[4] So the *Hedāya*, I, 289 (Grady, 103). The citation is from 2: 231; but, as Wilson points out, the Qur'ān seems to imply just the opposite, for the verse continues, 'or dismiss them with kindness; *and retain them not by constraint so as to be unjust towards them*'; cp. *AML.* p. 141, n. 1 and p. 421 f.; *Encyc. Islam*, art. *Ṭalāk*; Ameer Ali, *SHB.* p. 91.

[5] Sometimes referred to as *ṭalāqu'l-bad'i*; cp. Hughes, *DI.* art. *Ṭalāq*, p. 87 f.

mode, is still practised, though the *Hedāya* declares that such a divorcer 'is an offender against the law'.[1] In this case the husband repudiates his wife by pronouncing the formula thrice at one time, or uses a phrase such as, 'I have divorced thee thrice,' or 'I have divorced thee irrevocably', or expresses the same thing by dropping three stones; it matters not whether, at the time, the woman is in a state of purity or not; the separation takes effect on completion of the *'iddat* and becomes irrevocable. Though the Shī'as do not recognize this form of divorce the overwhelming majority of Muslims regard it as thrice valid.[2]

After the pronouncement of this, or the *ḥasan* formula, the divorced couple may not remarry unless and until the woman has, in accordance with the Quranic injunction, been married to another man and been divorced by him also, after *taḥlīl*, or consummation.[3]

Shī'a law makes the further stipulation that remarriage through this process can only be gone through twice. In other words, after the third 'triple repudiation'—that is, nine in all—there can never be reunion of these persons.[4]

At this point it will be well to consider in some detail the effect of the pronouncement of a triple divorce. The Quranic regulation, requiring of a woman divorced by a triple pronouncement that she must be married to another and again divorced by him ere she can be reunited to her original husband, has been interpreted in two ways.

ḤALĀLA

[1] *Hedāya*, I. 203.

[2] *Hedāya* I, 203 f.; Ameer Ali, *SHB.* p. 91; Abdur Rahim, *MJ.* p. 336 f.

[3] *Qur'ān*, 2: 230; cp. Wilson, *AML.* p. 158; Abdur Rahim, *MJ.* p. 337; Hughes, *DI.* in loc. cit. p. 88; *Encyc. Islam*, art. *Ṭalāk*; Ameer Ali, *SHB.* p. 91.

[4] cp. Wilson, *AML.* p. 441.

(1) The woman is not again *ḥalāl*, 'lawful', to her first husband 'until she consummates marriage'[1] with another man—a condition confirmed by a well-known tradition attributed to the Prophet:

> 'Ā'isha said, 'The wife of Rifā'ah came to the Prophet and said, "Verily I was married to Rifā'ah and he divorced me by three repetitions; after which I married 'Abdur Raḥmān bin Zubair". Then Muḥammad said, "Do you wish to return to Rifā'ah?" She said, "Yes". The Prophet said, "Your return to Rifā'ah is not lawful, until you have tasted the embrace of 'Abdur Raḥmān and he yours" '.—*Bukhārī, Muslim.*[2]

Thereafter if the second husband divorces her or dies, and her '*iddat* from him be accomplished she becomes *ḥalāl* for her original husband.

The supposition here is that the second marriage was a genuine one and not undertaken with any ulterior motive and that the divorce also was genuine. The stipulation is explained as a warning and check against hasty divorce; thus Mr. Yusuf Ali,

> This is to set an almost impossible condition. The lesson is: if a man loves a woman he should not allow a sudden gust of anger or temper to induce him to take hasty action.[3]

(2) On the other hand the frequent pronouncement of *ṭalāq* three times in succession and often on the most trivial grounds, apparently a common practice among pagan Arabs, has led to the following custom.

It may happen that the couple separated by the triple divorce may soon express the wish to marry one another again, but are barred by this Quranic injunction. They then seek a suitable individual—he may be an immature youth—who for a certain reward is prepared to go through a *ḥalāla*

[1] cp. *Qur'ān*, 2: 230; the process is called *ḥalāla*.

[2] *Mishkāt*, Ar. 284 (Matthews, II, 121); cp. *Hedāya*, I, 301-5 (Grady, 107 f).

[3] *Qur'ān*, 2: 230, n. 260.

ceremony of marriage with the wife and at once repudiate her. She then becomes *ḥalāl* for her original husband, and he who undertakes this *taḥlīl*, or consummation of marriage, is called *muḥallil*. The *Hedāya* declares that 'this is an abominable marriage' because the Prophet has said, 'let the curse of God fall upon the *muḥallil* and the *muḥallal-la-hu*.[1] This remarriage is considered to hold good in law provided that at the conclusion of the intervening marriage the word *taḥlīl* is not used. Its permissibility is defended by the Ḥanafīs, but disputed by the Mālikīs and Shāfi'īs.[2]

It is to be noted that an Ahmadi writer says, 'It is a mistake to confound *ḥalāla* with the marriage spoken of in the verse quoted [2: 230] since *ḥalāla* was a kind of punishment for the woman who had to undergo the disgrace of sexual connection amounting practically to adultery'.[3]

Nevertheless, there is much evidence to show that *ḥalāla* is both recommended and practised even at the present time on the basis of this very passage in the Qur'ān. Among others the following cases have been reported in the Muslim press:

> A. in anger divorced B. with a triple pronouncement. B. paid no heed to his utterance and proceeded with her domestic work. A. later regretted his action, asked B's pardon, and she excused him. 'They have been peacefully leading their conjugal life, but the *mullas* and their followers boycotted him on the plea that she cannot be taken back without *taḥlīl*'.[4]
>
> A. married a widow and after repeated annoyance at her behaviour finally divorced her. Soon after she realised her fault and wired for permission to come back. A. agreed and 'on her arrival both continued their conjugal life without any

[1] op cit. I, 303 (Grady, 108).

[2] cp. *Encyc. Islam*, art. *Ṭalāk*.

[3] Md. Ali, *RI.* p. 685; cp. 'A very odious law, though only as a temporary measure . . . and proved to be a powerful guarantee against thoughtless attempts at divorce'.—Cheragh Ali, *RMR.* p. 136.

[4] *The Light*, May, 1932.

fresh *nikāḥ*'. The *mullas* objected to her being taken back 'without first being given in marriage to another man, for the simple reason that A. had pronounced the divorce three times'.[1]

Another out of anger with his wife pronounced the triple divorce at one and the same time and going to a *mulla* had it written down. 'On returning home he realised his folly and began to live with her as husband and wife. *Mullas* boycotted him, saying that his wife cannot be taken back without *ḥalāla*'.[2]

Some educated Muslims are writing to the press protesting against this disgusting stipulation. For instance, we read the following in the monthly journal of the Qadianis:

> I take a concrete case. A. is an all-round good wife. But her husband B. is just the reverse of her. For no fault of A. he divorces her. But about a year after the 'irrevocable' divorce, he realises his blunder and wants to set it right. Until that time A. has not contracted a second marriage. She does not want to see the face of a second husband, and is anxious to return to her former husband and home, where she has her children. It is said that she cannot reunite with her old husband unless she marries a second husband . . . and is divorced by him. My objection is why should she suffer for the guilt of her husband. The right thing would have been to impose some deterrent penalty on the husband, and not on the innocent decent wife. He should have been ordered to undergo some hardship and the wife should not be compelled to wash the dirty linen elsewhere.

This writer then goes on to make the novel suggestion that 2: 230 really means that after the second divorce the husband has no right to reclaim his wife, but if the woman agrees to the request for conjugal relations there is no valid objection.

The editor, however, replied as follows:

> This is a view which is in complete disagreement with the consensus of scholarly opinion in Islām and the time-honoured

[1] *The Light*, Oct., 1932. [2] *The Light*, April, 1935.

> Muslim practice and tradition, and also against the explanation of this verse given by the Holy Prophet (peace be on him). You may choose to reject some of the sayings of the Prophet recorded in the Books of Traditions as unauthentic and unreliable but you cannot safely afford to reject them all.[1] The authenticity of the tradition which embodies an explanation of the verse under question given by the Holy Prophet, and which fully contradicts your view, has never been doubted or disputed. His emphatic and unequivocal precept is that a divorced woman cannot remarry her husband unless she marries another man, has connubial intercourse with him and is formerly divorced by him.[2]

The Lahore Ahmadis, however, are seeking to give a new meaning to this particular verse. Thus it is said,

> The correct procedure as laid down in the Qur'ān is this. Suppose a man divorces his wife the first time. *Even if he utters the word divorce a hundred times, it will count as one divorce.*[3] Three months waiting must follow. Within these three months the husband can take the divorced wife back *without* any fresh nikāḥ. After these three months have expired, however, the husband can take back the wife *with* a fresh nikāḥ. Supposing relations between them again become bad and a second divorce is resorted to by the husband. This time, again, the above procedure will apply—viz. within three months they may reunite *without* nikāḥ, and after three months *with* nikāḥ. If, however, the husband plays the fool again and divorces his wife for the third time, there can be no reunion between the two.[4]

In reply to a correspondent, who pointed out that the above was a manifest contradiction of the Quranic injunction 2: 230, it was explained:

[1] cp. 'If we were to doubt the authenticity of *Ḥadīth* wholesale, what guarantee is there that the Qur'ān has been handed down intact'. *The Light*, 8 Feb., 1936.

[2] *Review of Religions*, May, 1934.

[3] The italics are in the original.

[4] *The Light*, 16 Dec., 1936; cp. 'It is absurd on their part to think of remarriage again'.—Md. Ali, *RI.* p. 684.

> What we mean is that two divorces, of which the *'iddat* has expired each time, close the door once for all and they cannot re-unite, neither *with* or *without* a nikāḥ. Verse 2: 230 no doubt opens that door, but the possibility of re-opening is very remote. . . . This marriage with the second husband must be genuine and no subterfuge as invented by the *mullahs* in the form of what is known as Ḥalāla,[1] according to which a twice [?thrice] divorced woman is given in marriage with the express previous understanding that she would be divorced so as to re-open the door for her first husband. This is adultery. Anyway, if there is a genuine marriage followed by a genuine divorce, she can [re] marry the first husband.[2]

It will be convenient at this point to summarize some further effects of divorce in general:

The divorced woman is free to marry another husband after the completion of her *'iddat*; or immediately, if her marriage has not been consummated.

The husband may complete his legal number of wives without counting the divorced one, after the completion of the latter's *'iddat*, but not before.

If the marriage had been consummated before the divorce, the whole of the unpaid *mahr* becomes immediately payable by the husband to the divorced wife; but if it had not been consummated the man is only liable for half the amount specified in the contract.

The wife loses in general her right of inheritance from the time when the divorce becomes irreversible; but she is entitled to be maintained by her husband during the *'iddat*.[3]

Two other forms or methods of divorce require brief mention.

[1] In his note 303 on this verse, Md. Ali says, '*Ḥalāla* was a custom prevalent in the days of ignorance, but abolished by the Holy Prophet'.

[2] *The Light*, 16 Jan., 1937.

[3] cp. Wilson, *AML.* p. 157.

ĪLĀ

Īlā, a term signifying a vow, is a practice alluded to in the Qur'ān, and means, technically, taking an oath that one will not go in to one's wife. The verse reads,

> They who vow to abstain[1] from their wives shall wait four months; but if they go back from their purpose, then verily God is gracious, merciful.

The next verse adds:

> And if they resolve on a divorce, then verily God is He who heareth, knoweth.—2: 226–7.

A modern commentator remarks,

> In pre-Islamic days the Arabs used to take such oaths frequently, and as the period was not limited, the wife had sometimes to pass her whole life in bondage, having neither the position of a wife, nor that of a divorced woman free to marry elsewhere. The Holy Qur'ān reformed this state of things by commanding that if the husband did not re-assert conjugal relations within four months, the wife should be divorced.[2]

The following tradition refers to the reform thus introduced:

> Sulaimān bin Yasār said, 'I was in company with about ten of the Prophet's Companions, and every one of them said, "a man who swears that he will not go near his wife for four months shall be imprisoned until he return to her or divorce her".'[3]

Should the husband break his oath and have connection with his wife before the expiry of the four months he must make expiation, either by freeing a slave, or feeding ten poor

[1] *yūlūna min nisā'ihim; īlā* derives from the same root as the verb here used.

[2] Md. Ali, *RI.* p. 686; cp. his commentary on 2: 226, n. 291.

[3] *Mishkāt*, Ar. 285 (Matthews, II, 122).

persons, and so forth; and if he is too poor to do this he must fast for three days.[1]

On the other hand if the husband abstains from intercourse with his wife for the full four months, 'a divorce irreversible takes place, independent of any decree of separation from a magistrate'.[2]

ẒIHĀR

Ẓihār is another pre-Islamic form of divorce mentioned both in the Qur'ān and the Traditions, upon the practice of which Muḥammad placed some curb. The word is derived from *ẓahr*, the 'back', and signifies the pronouncement of a man who compares his wife to any of his female relations within such prohibited degrees as renders marriage with them illegal; as though he were to say 'you are to me as the *ẓahr* of my mother'.[3]

Palmer says concerning this practice,

> The Arabs were in the habit of divorcing their wives on certain occasions with [these words]; after which they considered it as unnatural to approach them as though they were their real mothers. This practice Muḥammad here forbids.[4]

Maulana Muhammad Ali adds that the divorced woman 'was not at liberty to leave the husband's house. She was treated as a deserted wife, conjugal relations having finally ended'.[5]

The Qur'ān repudiates the use of this language in two places:

> As for those who put away their wives by likening their backs to the backs of their mothers—their mothers they are not; they only are their mothers who gave them birth!—58: 2; cp. 33: 1-2.

[1] cp. *Hedāya*, I, 306 ff. (Grady, 109 ff.).

[2] *Hedāya*, I, in loc. cit; cp. Wilson, *AML.* p. 142.

[3] *Hedāya*, I, 326 ff. (Grady, 117 f.).

[4] *The Koran*, 33: 4, n. 2. Strictly speaking what Muḥammad forbade was the use of this simile; it being manifestely false; cp. Cheragh Ali, *RMR.* p. 131 f.

[5] *Qur'ān*, 33: 4, n. 1967.

Moreover, since the pronouncement is an offence and amounts to a disowning or denying of a wife,[1] a penalty is attached:

> And those who [thus] put away their wives and afterwards would recall their words, must free a captive before they can come together again. To this are ye warned to conform. . . . And he who has not [a captive to set free], shall fast two months in succession before they two come together. And he who shall not be able [to do so] shall feed sixty people.—58: 4f.

Notwithstanding the Quranic condemnation of the use of such language as being essentially a falsehood, the Traditions testify to its continued use by early Muslims. For instance, Abu Salmah said,

> Verily Sulaimān bin Ṣakhr said to his wife, 'You are to me as the back of my mother until after Ramaḍān.' But he broke the vow and informed the Prophet who said, 'Free a slave, or fast two months, or feed sixty people.'—*Tirmidhī, Abū Dā'ūd, Ibn Mājah, Ad-Dārimī.*[2]

The *Hedāya* says that,

> in the times of ignorance *ẓihār* stood as a divorce and the law afterwards preserved its *nature* (which is *prohibition*), but altered its *effect* to a *temporary* prohibition, which holds until the performance of expiation, but without dissolving the marriage.[3]

Much depends on the man's intention when using this language. He may thereby indicate that he holds his wife in honour as he would his own mother.[4] But if he declare his

[1] *Hedāya*, I, 327.

[2] *Mishkāt*, Ar. 285 (Matthews, II, 122, incorrectly translates 'six people'). cp. *Hedāya*, I, 333 (Grady, 119).

[3] *Hedāya*, I, 327 (Grady, 117); during the temporary separation, kissing, touching, and other familiarities are prohibited in the same manner as is the rule with respect to relations within the prohibited degrees.

[4] cp. Robertson Smith, *KM.* p. 289, n.: 'this form of divorce was not meant to hurt but to benefit the wife'.

intention to be divorce, then an irreversible divorce does take place, he having intentionally compared his wife with his mother and thus likened her to one who is prohibited to him.[1]

We have spoken hitherto of the right of divorce which the husband can exercise without any judicial interference. We now turn to consider legislation in accordance with which there may be judicial divorce at the instance of the wife.

LI'ĀN[2]

In connection with the punishment prescribed for adultery in the Qur'ān mention is made of the penalty attaching to those who accuse their wives of adultery or disown paternity of the child born, and yet have no evidence to support their accusation:

> They who defame virtuous women and bring not four witnesses, scourge them with eighty stripes, and do not receive any testimony of theirs ever. . . . And they who shall accuse their wives, and have no witnesses but themselves, the testimony of each of them shall be to testify four times that, by God, he is one of those who speak the truth. And the fifth testimony shall be that the curse of God shall be on him if he be of those that lie. But it shall avert the punishment from her if she bears testimony four times that, by God, he is of those who lie. And a fifth time that the wrath of God shall be on her if he be of those who speak the truth.—24: 4, 6-9.

Thus the wife, if falsely charged, becomes entitled to claim official divorce.[3] This procedure when carried out before a *qāḍī* is called *li'ān*, 'mutual cursing', and is a means of bringing about separation between the husband and wife, 'for whether the accusation is right or wrong, it is in the interests

[1] *Hedāya*, I, 329; cp. Wilson, *AML.* p. 150 f. Phrases to this effect are still in use in India, e.g. *tū merī māṇ hai*, and, *us ne apnī bībī ko māṇ kah diyā* ('you are my mother', and, 'he called his wife, *mother*'). Usually in such cases the wife is not taken back. The question of expiation does not arise unless it comes to the ears of a *mulla*.

[2] i.e. 'mutual cursing'; cp. *Hedāya*, I, 347 ff. (Grady, 123 ff.).

[3] Wilson, *AML.* p. 151 f.

of both to get separated'.[1] A *ṭalāqu'l-bā'in* accordingly takes place and the child is not reckoned as the father's, but is given in charge of the mother. Such a woman may, according to Ḥanafī law, marry again, though the Shī'as hold the opposite view.[2] But, as Wilson points out, this Islamic law has been considerably modified in British India in view of the two facts that conjugal infidelity on either side is not punished, nor does the law admit of Muslims being examined on oath. What the Court may do in face of an unretracted accusation against the wife is to afford her the desired separation 'as a useful counterpoise to the liberty of divorce allowed to the husband'.[3]

YAMĪNU'Ṭ-ṬALĀQ

Divorce may be effected by what is called a conditional vow, as when a husband says to his wife, 'If you enter this house you are under divorce'; the divorce then takes place on the occurrence of the *yamīn*, or condition.[4] The object of this may be to drive his wife or himself to something or to refrain from something, by this threat of separation. It may be annexed to the marriage contract and then serves to impose upon the man certain obligations towards his wife, so that non-fulfilment of them would result in dissolution of the marriage.[5]

So, for instance, where a woman enters into an agreement with her husband by which he concedes to her the right to divorce herself if he should marry a second wife without her consent, she may do so on his taking a second wife.[6]

[1] cp. Md. Ali, *RI.* p. 687-8; Ameer Ali, *SHB.* p. 96.

[2] cp. Klein, *RI.* p. 193 f.

[3] cp. *AML.* p. 152.

[4] *Hedāya*, I, 265 ff. (Grady, 94 ff.); cp. Subhan, *Islam*, p. 117 f.

[5] *Hedāya*, I, 265; *Encyc. Islam*, art. *Ṭalāk*; Wilson, *AML.* p. 107.

[6] Wilson, *AML.* p. 145 f. It has been claimed that 'The Prophet, in fact, so arranged matters that no man can possibly maltreat a woman if her advisers have brains enough to draw up a proper

A stipulation on the part of the wife, if agreed to by the husband, made ante-nuptially or post-nuptially, that she shall be allowed to divorce herself in certain contingencies is held to be valid in law; at least if the contingencies specified by her are such as would render such a step a perfectly reasonable one.[1]

TAFWĪḌU'Ṭ-ṬALĀQ

Tafwīḍu'ṭ-Ṭalāq, or 'delegation of divorce', is a practice according to which the husband delegates or commits the pronouncing of divorce to his wife, desiring her to give the effective sentence; thus he may say to her 'Choose', or more explicitly, 'Divorce yourself';[2] or he may confer the power on some third person. He cannot subsequently revoke his declaration. A divorce will take place if, and when, the power so conferred is exercised.

In the case of the wife, however, she is required to exercise this option in the precise situation in which she received it; while the parties are still in the presence of each other. The reply is required on the spot of declaration, as in a sale; otherwise it lapses.[3] Moreover, she cannot give herself a more complete kind of divorce than her husband intended, though she may reply in such a way as to effect a less complete divorce than he intended.[4]

MUBĀRĀT

When a divorce is effected by mutual consent it is called *mubārāt*, a term signifying a mutual discharge from the marriage tie. According to Abū Ḥanīfa, in consequence of the declaration of both, 'every claim which each had upon the other drops, so far as

---

marriage pact for her when she weds'.—*Review of Religions*, 1933, p. 464.

[1] cp. Wilson, *AML.* p. 144.
[2] *Hedāya*, I, 244 ff. (Grady, 86 ff.)
[3] *Hedāya*, I, 244. [4] cp. Wilson, *AML.* p. 142 f.

those claims are connected with their marriage'.[1] Thus the effect is the same as in *khul'a*, except that *mubārāt* may take place without the intervention of the Court.[2]

KHUL'A[3]

Khul'a signifies an agreement entered into by the husband and the wife for the purpose of dissolving the marriage, in lieu of a compensation paid by the wife to her husband out of her property.[4] Payment usually takes the form of returning, or forfeiting, the *mahr*.[5] This procedure is based on the statement in the Qur'ān:

> It is not lawful for you [husbands] to appropriate to yourselves aught of what ye have given them, unless both fear that they cannot keep within the bounds set up by God. And if you fear that they cannot observe the ordinances of God, no blame shall attach to either of you for what the wife shall herself give for her redemption.—2: 229.

The tradition quoted above,[6] in which a certain woman obtained separation on relinquishing her perquisite, is sometimes cited in support of this form of divorce.

The validity of the divorce rests on the demand (by the wife) and acceptance (by the husband) of a fixed compensation.[7] Further, the woman's right is a qualified one, inasmuch as the husband has the right to refuse assent to the *khul'a*.[8]

---

[1] *Hedāya*, I, 323 (Grady, 116); Ameer Ali, *SHB.* p. 94; cp. 'The offer of separation may proceed from either husband or wife. Once it is accepted the dissolution is complete. The wife gives up her claim to dower.'—J. C. Forbes, *The Muslim Divorce Law*, p. 39.
[2] cp. Klein, *RI.* p. 193; Wilson, *AML.* p. 147.
[3] lit. 'pull,' or 'draw off'; then, 'repudiate'.
[4] *Hedāya*, I, 314 ff. (Grady, 112 ff.). [5] cp. Md. Ali, *RI.* p. 676.
[6] See p. 147 f.; cp. Md. Ali, *RI.* p. 675. [7] Klein, *RI.* p. 193.
[8] Ameer Ali, *SHB.* p. 94; cp. A. Rahim, *MJ.* p. 338. The husband lays down 'his rights and authority over his wife for consideration. That is, the wife buys her freedom or release from the marriage tie. . . . Once the husband accepts the offer, it operates as a complete and irrevocable divorce.'—J. C. Forbes, *MDL.* p. 39.

This form of divorce is effected by means of appropriate words, spoken or written, by the two parties or their respective agents, such as; 'Release me for such and such a sum', and the answer, 'I have released thee for such and such a sum'.[1]

It is an irreversible divorce but does not, unless thrice repeated, prevent the parties from remarrying by mutual consent without the procedure known as *ḥalāla*.[2]

DEMAND FOR REFORM

It was indicative of the general dissatisfaction felt regarding divorce that a Women's Conference in 1934 passed this resolution:

> This Conference resolves that the rights of the wife to divorce her husband as recognized by the Quranic Law under the name of Khul'a and supported by authentic commentaries, should be put into practical effect for Muslim women of India, and the Government should take early steps to re-establish Qazi courts, if considered necessary, for the enforcement of the law.[3]

A significant comment on this appeared in the Muslim press at the time, it being pointed out that strictly speaking, the wording of the resolution should have been, not 'the rights of the wife to divorce her husband', but 'the rights of the wife to ask divorce from her husband'.

The whole question was taken up at the All-India Women's Conference in 1935, and it was resolved that:

> This Conference is of the opinion that the prevalent practice of divorce among Mohammedans, in so far as it allows an arbitrary power to the husband to divorce his wife at his mere caprice, is not in accord with the true interpretation of Islamic teaching, and it places on record its considered opinion that the right of divorce as conceded by Islamic Law to Moslem women be recognized by the British Courts.[4]

[1] *Hedāya*, I, 316 ff; Klein, *RI.* p. 193. [2] Wilson, *AML.* p. 146.
[3] Reported in *C. & M. Gazette*, Nov., 1934.
[4] *A-I. Women's Conference Report*, 1935–36, p. 167.

Yet the fact of the matter is that many Muslims still take up the attitude of an educated Muslim writer, who in the course of an article on divorce said:

> Islām has given certain rights and privileges to both the husband and wife and the Muslim law of divorce enumerates them . . . [but after citing ways by which marriage can be dissolved under the existing law he stresses the fact that] the wife cannot divorce herself from her husband without his consent except under a contract whether made before or after marriage. This provision was added, he explained, because Islām wanted it there in all fairness and justice. Had Muslim women been given the powers of dissolving the contract of marriage co-existent with those of husbands, there would have been no security for a peaceful and congenial domestic atmosphere. God has created women more emotional and sensitive than men and as such they would have surely misused their power . . . 'Frailty thy name is woman'. The Holy Quran does not say otherwise and consequently the Muhammadan law defines the rights and privileges of women hedged in with safeguards. [He then mentions the institution of *mahr* as a check over the powers of the husband.] In spite of this if we want positive rights like those of the husband for our women, it would be asking far too much and it is good they are not granted. . . . To support this contention of the wife's equal status with regard to divorce, her right of *khul'a* is advanced. . . . *Khul'a* is based on an agreement between husband and wife [and if he releases her it indicates that] he is laying down his right. Thus we find that there is hardly any analogy existing between the husband's right of divorce, i.e. *ṭalāq*, and *khul'a* . . . and it ought to have been so. . . . Muslim statutory law in India is no other but the expression and outcome of the Holy Qur'ān and *Sharī'at*.[1]

It is significant that recently the women's demand has

[1] Syed Abdul Majeed, B.A., LL.B., art. 'Muslim Law of Divorce —Does It require Change?' in *The Muslim Revival* (Lahore), September, 1935.

been largely met by an Act[1] to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by women married under Muslim law. This was sponsored by advanced Muslim members and passed by the Central Indian Legislature in 1939. It gives to Muslim women nine grounds for a decree for dissolution of marriage; such as, non-maintenance for two years, desertion for four years, imprisonment of husband for seven years, impotency, if the husband suffers from leprosy or virulent venereal disease for two years, if he treats his wife with cruelty (such as, assault, immorality, preventing her from exercising her legal rights, obstructing her in the observance of her religious practice, or if, when he has more wives than one, he does not treat her equitably); she also has the 'option of puberty' till 18 years of age.

This marks a very notable advance because previously, according to Ḥanafī law, neither conjugal infidelity on the husband's part, nor neglect, not yet inability to afford her proper maintenance, entitled a wife to claim a judicial divorce; the most it gave her was the right to seek separation by *khul'a*.[2] Shī'a law, however, has hitherto allowed the Court

[1] *Dissolution of Muslim Marriages Act*, No. VIII of 1939. For a detailed presentation of the provisions of this Act, cp. J. C. Forbes, *The Muslim Divorce Law*.

[2] cp. Wilson, *AML*. p. 153 f. note. During the discussion in the Legislative Assembly of the Bill just mentioned it was however contended that, whereas the Courts had been justified, according to Ḥanafī law, in denying such relief to a wife, yet there was 'a very well established principle of Ḥanafī law—hitherto unknown to the Courts—which might have been used to give this relief, viz: where the strict application of Ḥanafī law . . . would cause hardship, it is permissible to the Qazi . . . to act on the relevant principles of the Shafia law, the Maliki law, or the Hambali law'.—*L.A. Debates*, Aug. 1938, Vol. V, No. I, p. 1123. It is on record that the Emperor Akbar made use of this principle to legalize *mut'a* marriage.

to annul the marriage on some further grounds, such as insanity and leprosy.[1]

'IDDAT

The *'iddat*, or waiting period for divorced women, is prescribed in the Qur'ān, and repeated reference is made to it therein:

> When ye divorce women, divorce them at their *'iddat*. And reckon those times exactly and fear God your Lord. Put them not forth from their houses, nor allow them to depart, unless they have committed a proven adultery, 65: 1 . . . The divorced shall wait the result, until they have had their courses thrice.—2: 228; cp. 2: 231, 232, 236 and 33: 48.

This is an important innovation and a distinct advance on pagan Arab practice. Formerly, as has been stated, there was no *'iddat* for the divorced woman; she could be married at once to another man; and a widow had to wait twelve months before she was allowed to remarry. Muḥammad's twofold object in prescribing this rule was to leave no doubt as to the paternity of the child born of the divorced woman, and to give the husband opportunity to revoke a too-hurried pronouncement of dismissal.[2]

Certain important effects of this regulation may be noted here:

> the divorced wife, if found to be not pregnant, is free to marry on the completion of *'iddat*;
>
> if pregnant, her *'iddat* continues until she is delivered of her child;[3]

[1] *Our Cause*, p. 291 f.; cp. 'If the husband be lunatic, leprous, or scrophulous, yet his wife has no option'.—*Hedāya*, I, 358 (Grady 128); Subhan, *Islam*, pp. 119–21.

[2] cp. Ameer Ali, *SHB*. p. 95 f.; Md. Ali, *RI*. p. 679 f.; A. Rahim, *MJ*, p. 341; Klein, *RI*. p. 194. 'The most approved definition of *'iddat* is the term by the completion of which a new marriage is rendered lawful'—*Hedāya*, I, 359 ff. (Grady, 128 ff).

[3] 'till they are delivered of their burden'.—*Qur'ān*, 65: 6.

if there has been no consummation of marriage she is free to marry immediately;

if the divorced wife is an immature girl or an old woman the *'iddat* is for three months;

she is entitled to be maintained by her husband during the *'iddat* granted that she conforms to her husband's ruling in the matter of residence and behaviour.[1]

On the other hand, the man is permitted to complete his legal number of four wives without counting the divorced one, but only after the completion of her *'iddat*, not before.[2]

Present day comment on this provision of *'iddat* furnishes some interesting points of view. 'The *'idda* . . . serves the purpose of affording the parties a chance of reconciliation. Though they are divorced yet they still live in the same house, the husband being plainly told not to expel the wife from the house . . . and a similar advice is given to the wife not to leave the house.'[3] The same writer elsewhere says, 'This is the best safeguard against a misuse of divorce, for in this way only such unions would be ended by divorce as really deserve to be ended'.[4] Another says, 'In order to enable a woman to overcome the shock of separation from her first husband, Islam has ordained that at least three months should elapse before a woman can take a second husband. Thus she can obtain an opportunity during which time her wound can be healed up and she can take retrospective view of her past shortcomings, can mend her course, and prepare

[1] *Hedāya*, I, 359 f; Wilson, *AML.* 105 f.; and 157 f.; A. Rahim, *MJ*, p. 341.

[2] Wilson, *AML.* 157.

[3] Md. Ali, *RI.* p. 679 f.; cp. 'It is allowed to a woman under reversible divorce to adorn herself . . . and as *rij'at* is laudable, and her adorning of her person may excite him to it, the action is therefore permitted by the law.'—*Hedāya*, I, 299 (Grady, 107).

[4] Commentary on *Qur'ān*, 2: 228, n. 295.

herself for welcoming her second husband in a befitting manner.'[1]

In accordance with the injunction in the Qur'ān, 'Lodge the [divorced] wherever ye lodge according to your means,' 65: 6, it is laid down in the *Hedāya* that 'where a man divorces his wife, her subsistence and lodging are incumbent upon him during the term of her *'iddat*, whether the divorce be of the reversible or irreversible kind.'[3] But on completion of the *'iddat* her claim for this maintenance ceases.

NIFQA[2] DURING 'IDDAT

Such is the Ḥanafī ruling, though Shāfi'ī cited a tradition according to which Muḥammad said to Fāṭima bint Qais, who had expressed dissatisfaction with the provision made for her subsequent to divorce:

there is no *nifqa* for you: leave your husband's house and finish your *'iddat* in the house of Umm Sharīk.[4]

and contended that in the case of an irreversible *ṭalāq*, the most a woman can claim is lodging; *nifqa* being allowed only if she be pregnant.[5]

THE CARE OF INFANT CHILDREN.[6]

The Qur'ān lays it down that,

Mothers when divorced, shall give suck to their children two full years, if the father desire that the suckling be

[1] *The Light*, 24 Feb. 1936.

[2] 'maintenance;' a term which in general signifies all those things which are necessary to the support of life—food, clothes, lodging; though many confine it solely to food. cp. *Hedāya*, I, 392 ff. (Grady, 140 ff).

[3] *Hedāya*, I, 406 (Grady, 145); cp. 'on the same scale as before the divorce.'—Wilson, *AML.* p. 157 f.

[4] *Mishkāt*, Ar. 288 (Matthews, II, 132).

[5] cp. *Encyc. Islam*, art. *Ṭalāk*, II, 639, where the contributor omits to state that it is Shāfi'ī who awards lodging only; vide Wilson, *AML.* p. 423.

[6] *Ḥiḍānat*; cp. Hughes, *DI.* 151 f.

> completed; and such maintenance and clothing as is fair for them shall devolve on the father. A mother shall not be pressed unfairly for her child. . . . If ye choose to have a nurse for your children, it shall be no fault in you, in case ye pay what ye promised her according to what is fair.—2: 233.

And the *Hedāya* says, 'If a separation take place between a husband and wife who are possessed of an infant child, the right of nursing it and keeping it rests with the mother . . . but the *nifqa* of the child is incumbent upon the father'. On the other hand, 'if the mother refuse to keep the child, there is no constraint upon her, as a variety of causes may operate to render her incapable of the charge'.[1] Moreover, 'it is the part of the father to hire a woman to suckle his infant child, as this is a duty incumbent upon him . . . but it is not lawful for the father to hire the *mother* of the child as its nurse, if she be his wife, or divorced from him . . . but if she agree to perform it for a *compensation*, this is an acknowledgement of her capacity . . . for the Qur'ān says: "it behoves mothers to suckle their children."'.'[2]

The father has to pay three maintenance charges—for suckling, for the guardianship of the mother, and sundry expenses for the child. The two-year period mentioned in the Qur'ān may be shortened.

REARING THE CHILD

Concerning the rearing of the child Ḥanafī law maintains that the mother has the right to retain the daughter until she arrives at the age of puberty; the other three schools say the right continues till the girl is married. In view of the age of marriage today this comes to much the same thing. The *Hedāya* adds: 'after that period the charge of her properly belongs to the father because a girl, after maturity, requires some person to superintend her conduct and for this the father is most completely qualified.'[1]

[1] *Hedāya*, I, 385 ff. (Grady, 138 ff.)

[2] *Hedāya*, I, 409 (Grady, 146); so that Klein is not strictly accurate when he says that, in certain circumstances, the divorced mother 'is obliged to give suck to the child'.—*RI.* p. 195.

The bearing of the question of payment of *mahr* on that of divorce requires brief mention at this point.[2] If the marriage has been consummated before the divorce the husband is legally bound to pay immediately to the wife the whole of the unpaid *mahr*, whether 'prompt' or 'deferred'. But if the marriage has not been consummated, and if the amount of the *mahr* was specified in the marriage contract, he is only liable to pay half the amount; if none was specified he is required to give the wife *matāt*, 'a present', according to the Quranic injunction:

PAYMENT OF MAHR

> But provide maintenance for them; the wealthy according to his means, and the poor according to his means.[3]

This present may be a suit of three pieces.[4]

It is not possible to give actual figures for divorce because registration is not compulsory in India, and many divorced women are soon remarried.[5] Moreover, in the Census of 1931 the divorced were returned in the statistics as *widows*.

PREVALENCE OF DIVORCE

Nevertheless, there is evidence enough to prove that divorce is frequently practised. Not without cause did the All-India Women's Conference of 1931 record that,

> This Conference is of the opinion that the prevalent practice of divorce among Mohammedans, in so far as it allows an

[1] *Hedāya*, I, 388 (Grady, 139). [2] see ch. on Mahr.

[3] cp. Qur'ān, 2: 229, 237, 238.

[4] cp. *Hedāya*, I, 124 f. (Grady, 44 f.); Wilson, *AML.* p. 157.

[5] cp. 'There is optional registration for Muhammadan marriages and divorce in some districts of Bengal and Assam.'—*Our Cause*, p. 232; vide Kazi's Act, 1880, and Bengal Act, I of 1876, with which cp. Act VII of 1905.

arbitrary power to the husband to divorce his wife at his mere caprice, is not in accord with the true Islamic teaching.[1]

Bengal, seemingly, has acquired notoriety in this respect. The late Mr. Salahuddin Khuda Bukhsh, himself a resident in East Bengal for several years, has left it on record that,

> Polygamy and divorce generally go hand in hand. In Eastern Bengal divorce is the order of the day, and wives are put away as we cast off our old clothes. . . . No judicial enquiry, no positive proof, not a tittle of evidence of any sort is needed. The lord of creation is invested with the power of divorce, and he makes full and free use of it.[2]

This is confirmed by a communication sent to a North India paper:

> A wife is sometimes found divorced in Bengal in general even for the slightest whim of her husband, so far so that it was ruled by the Calcutta High Court only the other day that the divorce of a wife by her husband made under compulsion or even in jest is valid. I made an enquiry on one occasion in the office of a marriage registrar of a sub-division of a neighbouring district who is a relative of mine and I found there that hundreds of *ṭalāqs* were usually made every year in the rainy season, as most of them [*sc.* marriages] were generally contracted and registered in the spring and summer.[3]

In 1935 a debate on this subject took place in the Bengal Legislative Assembly. Mr. Qasim, citing some of the disabilities under which divorced women suffer, urged that it was necessary in their interests that registration of divorces as well as of marriages should be made compulsory. Mr. Hasan Ali disagreed, saying that the remedy suggested would not be of much use to the wife. According to the *Sharī'at* a

[1] cp. also the *Women's Conference Report*, 1936, p. 146.

[2] *EII*, 'Thoughts on the present situation', p. 258. Careful enquiries in this area give the impression that in any one year the number of divorces is approximately one-fourth of the number of marriages.

[3] *The Light*, 16 Oct. 1932.

divorce pronounced by the husband was binding in law whether the fact was registered or not. In his opinion the proper way of solving the problem was to spread education among the poorer classes of the community. The Honble Khan Bahadur Azizul Haqq opposed the motion on the ground that the Muslim community at the present time would not support such a course.[1]

POSITION OF DIVORCED WOMEN

The knowledge that the husband has the power of divorce, even though he may not exercise it, inevitably affects the general outlook of Muslim women. As Mr. Khuda Bukhsh himself has said:

> The wife may at any moment be dislodged by another, and relegated to everlasting sorrow and gloom. This idea colours the whole life of our women. They are meek and submissive, humble and accommodating, patient and painstaking; but this, in most instances, not by choice, but by compulsion.[2]

If the divorced woman should belong to a wealthy family or the *mahr* was large and has been paid, she is independent; but this does not ease the heartache of a woman who has really loved her husband, or remove the pang of having to part with her children, even though she be allowed to keep them till they are seven or eleven years old. The women are allowed to remarry, but some refuse to do so and live on as best they can in their father's house.

With the poor the case is much worse, for parents cannot always support them, and after the period of *'iddat* is over the divorced wife receives no further maintenance. If they remarry, as many do, they are frequently married to old men

[1] Quoted from *The Statesman*, by *The Epiphany*, Calcutta, 13th April, 1935. A Muslim member of the Assam Assembly sponsored a Bill in 1939 which sought to establish that 'no divorce of Moslems shall be valid unless it is duly registered by a Moslem registrar'.

[2] *EII*. p. 257.

or widowers, and their status is that of a second wife and there are no rejoicings when the *nikāḥ* ceremony is performed.[1]

The less fortunate marry and remarry till they sink under the fate of such divorced women. 'Unless they have means of their own, they are likely to be thrown on the streets, as the social custom of the country enforces a more or less strict *purdah* which makes it very hard for her to go out and earn her living'.[2]

[1] cp. Herklots, p. 87.
[2] M. Tata Lam, in *Our Cause*, p. 292.

VIII

POLYGAMY

WE have already observed that among the Arabs of pre-Islamic times no restriction was placed on the number of wives a man might marry. In orthodox Islām, both in theory and practice, four is regarded as the maximum.

This number is mentioned in the only verse in the Qur'ān dealing with the subject, 4: 3, the wording of which is admittedly ambiguous. The immediate context is the equitable treatment of orphans, hence the reference to them:

THE QUR'ĀN

> And if ye fear that ye cannot deal fairly between orphans, then marry what seems good to you of women, two and three and four;[1] and if ye fear that ye cannot do justice [between them] then [marry] only one, or what your right hand possesses [slaves].

It is in this verse that Muslims who countenance polygamy find divine sanction for the practice.[2] For the prevalent belief that the number of lawful wives is limited to four support is found in early commentaries on the Qur'ān, in the Traditions and books of law.

[1] cp. Palmer; 'by twos, or threes or fours'; this rendering recalls that of a *mujhtahid* mentioned in *'Ain-i-Akbarī*, who took the word *maṯnā* here to mean 'double', and accordingly married eighteen wives. It also mentions a *maulawī* who took *waw* to mean 'plus' and, since in this way as many as nine wives would be permitted, himself married eight. cp. Baiḍāwī, I, 203 f; Hughes, *DI.* p. 463.

[2] Polyandry, however, is strictly prohibited in Islām. cp. the late H. H. Begam of Bhopal, *Muslim Home*, p. 17; Levy, *SI.* I, 146, 150; Md. Ali, *RI.* p. 637; *Review of Religions*, 1939, p. 107.

The occasion for this Quranic pronouncement is generally taken to be the situation facing Muḥammad after the disastrous battle of Uḥud in the third year A.H.,[1] when a large number of Muslim warriors were slain and many widows and orphans were left uncared for. The ambiguity of the wording opened the way for a variety of interpretations.

In regard to the number of wives permitted the commentators furnish some interesting explanations, of which we may quote the following:

> The verse is only meant to prohibit the marrying of more wives than four, so that, not having too many wives, men may not be tempted to embezzle the property of orphans should their own prove insufficient;
>
> that if men fear they cannot be just to orphans, they should fear also that they may not be just towards too many wives;
>
> that if they fear that they cannot be just to orphans, they should fear also the sin of adultery. In order to avoid the latter they are allowed up to four wives.[2]

There are traditions which support this restriction. For instance, it is recorded that a certain man, Ghailān-bin-Salmah, on becoming a Muslim brought with him ten wives whom he had married in the *Jāhilīyya*. Muḥammad said to him,

THE TRADITIONS

> 'Keep four of them, and send the remainder away.'—*Aḥmad, Tirmidhī, Ibn Mājah.*

Another man, Nawfal-bin-Mua'wiah, is reported to have said,

> I became a Muslim when I had five wives; and I asked the Prophet about this matter. He said, 'Send one away and keep four'. Then I wished to send the woman away who was sixty years of age, and had not borne children; so I turned her off.[3]

[1] cp. Md. Ali, *Qur'ān*, 4: 3, n. 535; Hughes, *DI.* art. *Uḥud*, p. 649; *Encyc. Islām*, art. *Oḥod*, III, 970.

[2] cp. Baiḍāwī, I, 206; Md. Ali, *RI.* p. 639.

[3] *Mishkāt*, Ar. 274 (Matthews, II, 93 f.); cp. Wilson, *AML.* p. 106 f.

Then, regarding the 'orphans' there is much discussion as to whether they were the children of the 'women' here mentioned. In that case the problem of the orphan, like that of the woman herself, is to be solved by marrying the widowed mother. Or were the 'orphans' *girl* wards of the surviving male relatives? If so, the words are addressed to the latter as their natural guardians.

The commonly accepted view of the matter is based on a tradition attributed by Bukhārī and Muslim to 'Ā'isha, who is said to have interpreted this verse to mean that if the guardians of the orphan girls, coveting both the maidens and their property, feared that by marrying them they would not do justice to them (e.g. in the matter of *mahr*) then they were forbidden to marry them, and were enjoined to 'marry [other] women that seemed good to them, two, three or four'.[1]

LAW

Islamic law likewise recognizes a man's right to keep four wives. Thus we read in the *Hedāya*:

> It is lawful for a freeman to marry four wives, whether free or slaves: but it is not lawful for him to marry more than four, because God has commanded in the Qur'ān saying: 'Ye may marry whatsoever women are agreeable to you, two, three, or four,' and the numbers being thus expressly mentioned, any beyond what is there specified would be unlawful.[2]

Further support for the popular view about polygamy is found in the fact that Muḥammad himself practised it.

MUḤAMMAD'S EXAMPLE

Thus, a *mulla* when asked recently why he kept four wives, replied: I have performed the *sunnat* of Muḥammad, and by marrying four wives I have shown great respect towards him.[3]

[1] The tradition is quoted by Md. Ali only to be rejected by him. cp. *RI.* p. 638 f.

[2] op. cit. I, 88 (Grady, 31).

[3] cp. *The Light*, Sept. 1932.

Considerable reference is made to Muḥammad's wives in *Sura* 33:

> O prophet, we make lawful to thee thy wives whom thou hast dowered, and those whom thy right hand possesseth out of those whom God hath given thee as prisoners of war; and the daughters of thine uncle, and of thy paternal and maternal aunts who fled with thee; and any believing woman if she give herself to the prophet, if the prophet desire to marry her —a special privilege for thee above the rest of the believers.—ver. 49.
>
> It is not permitted thee to take other wives hereafter,[1] nor to change thy present wives for other women, even though their beauty please thee; except what thy right hand possesses; for God is watchful over all.—ver. 52.

Muḥammad married in all eleven wives and at the time of these pronouncements the number he possessed seems to have been nine. These survived him. The names of all his wives and details about them are to be found in the writings of modern Muslim authors.[2] Muslims themselves are asking why he should have had so many when the rest of believers are restricted to four.[3] We are concerned with this question only in so far as the answers given furnish us with various reasons and motives advanced by Muslim apologists for polygamy, whether practised by Muḥammad or his followers.

The view of the unsophisticated is that Muḥammad was accorded special privilege, as stated in 33: 49; 'a special

[1] This verse belongs to the 7th year A.H.; cp. Md. Ali, *Qur'ān*, in loc. cit. n. 2003.

[2] e.g. Md. Ali, *Qur'ān*, 33: 49, n. 2000; and *Md.* ch. xxx, by the same author; Ameer Ali, *SI.* pp. 233–7; *Ummahātu'l-Ummah.*

[3] It is often explained in reply that Muḥammad had taken these wives to himself *before* the verse (4: 3) restricting the number to four, was revealed. But Maulana Md. Ali himself has shown that this was not the case. The battle of Uḥud took place in 3 A.H. and 'in the same year' Muḥammad married Zainab bint

privilege for thee above the rest of the faithful'.[1] The modern rationalist, however, lays much stress on the fact that, with the one exception of 'Ā'isha, all Muḥammad's wives were widows, so that in marrying them he was acting in the spirit and according to the purpose of the Quranic injunction, because he gave them a home and protection when others were unwilling or unable to support them. From the variety of motives adduced for several of his marriages one can see a reason for the remark of a correspondent that 'these marriages were a liability imposed on the Prophet', by war-time conditions.[2] Some were to cement bonds between individuals and communities; some of these women besought him to marry them; one offered herself in gratitude to him for having provided her 'purchase money'; one he married, despite her 'fiery temper', because no one else would have her. One apologist for the Prophet is quite candid and says,

Khuzaimah, whose husband fell in the battle. . . 'In the next year . . . Umm-i-Salma was taken to wife by the Prophet'. He married Zainab, the divorced wife of Zaid 'in the fifth year of the Hejira'; Umm-i-Habiba was 'taken as a wife by the Holy Prophet in the seventh year of the Hejira . . . Juwairiya, Maimoona, and Safiyya, he married in the years six and seven of the Hejira'. cp. Md. Ali, *Qur'ān*, n. 2002. This writer makes it clear, therefore, that Muḥammad married seven of his wives *after* the battle of Uḥud, which was the occasion for the pronouncement that Muslims might marry four, but not more. Before the battle he already had three wives—Sauda, 'Ā'isha, and Ḥafṣa.

[1] See Shibli's account of the 'privilege', op. cit. III, 762f. It appears, however, that the application of this phrase is restricted to the paragraph immediately preceding, and that its meaning is: if any believing woman choose to give herself up to the prophet, he may go in to her without the word 'marriage' or *mahr* or *walī* or witnesses.—cp. *Sīratu'l-Ḥalabīyya*, III, p. 336; Md. Ali, *Qur'ān*, in loc. cit. n. 2001.

[2] *The Light*, 24 May, 1937.

'some of them [his marriages] may possibly have arisen from a desire for male offspring'.[1]

Another writes, 'It were possible for the Prophet alone (the peace of God be on him) to take the responsibility of even nine wives at one time . . . his moral strength and spiritual powers made it possible for him to bear such a heavy weight of responsibility—far heavier than would be tolerable for an ordinary man'.[2] Again we are told, 'It certainly stands to the credit of the Prophet that all his eleven wives bore eloquent testimony to his saintliness and magnanimity of character. . . . The modern husband should make Muḥammad the beau ideal of his life, the noblest specimen of polygamous husband'.[3]

REASONS FOR POLYGAMY

From among the many reasons advanced for the continuance of polygamy we may quote the following:

The numerical excess of women over men—'How is this situation to be met if not by sanctioning polygamy?'[4] 'Where women predominate it is criminal that a man of means should lead the life of a bachelor, and it is not only unchivalrous, but sinful, for wealthy men not to take to themselves second or third wives'.[5] 'Few women understand that

[1] Ameer Ali, *SI.* pp. 234-7; cp. Md. Ali, (*a*) *Qur'ān*, 33: 49, n. 2000; (*b*) *Md.* ch. xxx.

[2] Khan Bahadur S. M. Husain, B.A., in *The Islamic Review*, Jan. 1930.

[3] A. F. K. Chowdhury, B.T., M.R.S.T. in *The Light*, 24 Oct. 1938.

[4] *The Light*, 16 Nov. 1931, cp. 'Polygamy is the only specific remedy to meet the need'.—Begam of Bhopal, *MH.* p. 18. But the Census of India (1931) does not bear out this contention. In a total Muslim population of 76,344,231, the males numbered 40,099,103, and females 36,245,128.

[5] The same writer says, 'Islam permits polygamy because it means chivalry with additional responsibility, but has guarded against its abuses by enjoining equitable treatment among wives and restricting the number to four . . . [and] in order that the man practising it may not himself be crushed under the weight of a responsibility too heavy to bear'.—*Islamic Review*, pp. 23, 26, Jan. 1930.

by allowing their husbands to marry another wife or other wives beside themselves, they are doing a meritorious service equal to a *jihād*, for their sacrifice in this respect cannot but amount to the saving of their sisters from many of the evil effects engendered by the excessive numerical preponderance of women over men particularly after a war.'[1]

Another reason given is, 'In the event of there being no issue from the first marriage'—cited by the Muslim delegates at the All-India Women's Conference, 1935.[2]

A Muslim lady at the All-Asian Women's Conference in 1930 declared, 'It [polygamy] is only allowed in case of war . . . it is at such times only that man may marry more than one wife simply for her protection.'[3]

Occasionally it is required 'not only for the moral but for the physical welfare of society';[4] or, more explicitly, 'men are so created and so placed in life that they do need more than one wife, so that a monogamist law to them only opens up possibilities for unlicensed activities. . . . The Qur'ān recognizes that sex is as natural to woman as to man. . . . Islām has made due provision for it in the form of polygamy. Where, after all, are the surplus women to go to? They must become second wives or lead an objectionable life.

[1] *Islamic Review*, 1935, p. 254. This writer also says, 'It is left to the good sense of a man if he is to have one, two, three, or four wives to suit his convenience, his purse, his peace of mind'.

[2] cp. *Report*, 1935, p. 70. The absence of male issue is sometimes advanced as a reason.

[3] Miss Khadija Ferozuddin at Lahore; cp. also Md. Ali who, however, adds 'so that they might be helpful in strengthening the numerical position of the community'.—*R.I.* p. 641 f.

[4] Md. Ali, *RI.* p. 642.

There may be exceptions, but exceptions only prove the rule.'[1] Sometimes a more crude reason is advanced: 'Man by nature and by instinct is polygamous, woman monogamous. . . . wives in at least twenty per cent cases are, through diseases or insanity, unwilling to give satisfaction to the husband, . . . the charm and beauty of the wife at 25 are at vanishing point. Is it not therefore in fairness and justice that he should take a second or third wife?'[2] Others contend that polygamy is as moral as monogamy and that whatever element sanctifies the sex relationship in monogamy is present in polygamy also.

PUBLIC OPINION TODAY

The orthodox masses, then, never question the practice of polygamy but believe it to be sanctioned in the Qur'ān, while the practice of Muḥammad serves as confirmation and example. Yet notwithstanding the reasons given above by the educated in justification of the practice, plural marriages are not as prevalent in India as in some other Muslim countries, and the volume of opinion against the practice is steadily increasing.[3]

The question is much debated at the present time and

[1] *The Light*, Nov. 1931.

[2] A. F. K. Chowdhury, in *The Light*, 24 Oct. 1938. One correspondent remarked: 'I married the first to please my parents; I married the second to please myself.'

[3] It is not possible to give precise figures, apart from which the practice varies in different provinces; but in general it may be said that it is indulged in by the rich and by well-to-do agriculturists. Enquiries go to show that the practice is quite common in the villages of East Bengal, where men frequently have two wives, others three, and some, four. 'They keep more if they can afford to do so.' cp. 'Polygamy and divorce go hand in hand. In Eastern Bengal divorce is the order of the day.'—S. Khuda Bukhsh, *EII.* p. 258. Yet, speaking for the whole country, one writer claims that 'in India only five per cent are polygamous.'—Ikbal Ali Shah, *Md.* p. 271.

men, as well as the few educated Muslim women, are speaking out against the continuance of the practice.[1] At the same time it is interesting to observe the reaction of some publicists to the outspoken declarations of women reformers.

At the All-India Muslim Women's Conference, held in 1918, a prominent Muslim lady, speaking of the evils that had been allowed to creep into religion, declared: 'One of the shameful acts of oppression in Islām is the custom of plural marriages . . . prevalent among the best educated and most influential class of young Musalmans.' She appealed to the men and women of Islām to abandon the practice, since Islām is 'a religion which is too holy to countenance such a pernicious custom'. True, she admitted, 'the Qur'ān allows four wives, but it enjoins an equal treatment of all four, and as this is impossible for any man, no one should marry more than one wife'. Most agreed with her, but the President observed that, notwithstanding the attendant evils, which had not been exaggerated, it was woman's duty to obey the Qur'ān which says a man may marry four wives. Man's ill-treatment of woman, not the Qur'ān, is the cause of the trouble. In this respect the women are facing a serious matter of Muslim law; how could the law be set aside? This matter must be taken to wiser minds than theirs for consultation. Therefore, she would take the signed resolution [to the effect that women would not give their daughters to men having other wives] to the Begam of Bhopal and leave it in her hands. To this all agreed.

At the time such remarks called forth a bitter rejoinder in

[1] e.g. 'Muḥammad, our great Prophet, wisely created his matrimonial law, considering male imperfection and appealing to woman's willingness to sacrifice . . . [but] are those sacrifices required of her not too much for a woman's heart?'—*The Light*, 24 Aug. 1933.

the local press, but the original speaker stood her ground and in a second speech declared that she would continue to cry out against polygamy until she was shown 'five or ten examples of Muslim men in the whole of India', who were living in perfect equity and justice with their several wives, as the Prophet had lived with his.[1]

In more recent years the denunciation has been still more pronounced. For instance, at the All-India Women's Conference of 1935 the following resolution was passed:

> This Conference strongly disapproves of polygamy and appeals to women not to marry, and to parents not to give their daughters in marriage to, any man who has a wife living.

This resolution was carefully explained in Urdu to the assembled delegates and then passed unanimously. Even so, the Muslim section wished it to be recorded that while they were in favour of the abolition of polygamy, it was permitted by their religion only in case of strictest necessity.[2]

In 1936 the Panjab branch of the All-India Women's Conference again passed a resolution protesting against polygamy, some even urging that those who practised it should be socially boycotted. This suggestion called forth the remark that the censure would affect the poor only, but the President said it should be made to apply to rich and poor alike.

A similar resolution at the All-India Women's Conference in 1937, urging the Panjab Government 'to take early steps to introduce legislation to check the growing evil of polygamy in the province', was opposed by Muslim women who said it militated against the sanction of their religion, though they accepted the resolution in principle and suggested a social boycott. In 1938 the Panjab branch of the A-I.W.C.

[1] quoted in *The Moslem World*, 1919, p. 172.
[2] *Report*, 1935, p. 70.

stated in its resolution [which refers to Hindus as well as Muslims] that,

> This Conference views with alarm the recent increase in the number of marriages in cases when the first wife is alive. It condemns the action of those educated women, who, setting aside all standards of common decency, and sympathy of their own sex, have consented to marry men whose wives are already living. It further appeals to all women to discountenance and socially boycot all such marriages and do their utmost to prevent the celebration of such marriages in future.[1]

These resolutions of the women called forth some interesting rejoinders from the men. A contributor to *The Light* wrote:

> There can be no two opinions that a second marriage is more often than not dictated by self-indulgence rather than any genuine necessity. To ruin the home and happiness of the first wife and her offspring for no better reason than this, is obviously unfair, unjust and highly selfish. The fact, however, remains that there are perfectly genuine cases when a second marriage becomes a necessity—such, for instance, as the permanent insanity of the first wife. What is the husband to do in such a case, who is perhaps still in the full bloom of youth? There are only two alternatives left—either a second marriage or 'wild oats'. The resolution of the Women's Conference makes no provision for such cases. Here again the Quranic law strikes the golden mean. While discouraging bigamy as a rule of life, it *permits* it under emergent conditions from which no society is free.[2]

Another argued that the proposed legislation against polygamy would prove an incentive to promiscuous intercourse, and that the number of legitimate children would dwindle while that of illegitimate children would increase. Let the women carry on propaganda against its abuse by all means, but not make it a matter for legislation.[3]

[1] Reported in *C. and M. Gazette*, 8 June, 1938.
[2] *The Light*, 24 Nov. 1935.
[3] A. F. K. Chowdhury, *The Light*, 24 Oct. 1938.

It is not surprising that in more recent times some educated exponents of Islām are professing to find that the Qur'ān, in reality, enjoins not polygamy but monogamy.[1] Thus two main arguments are advanced on the basis of the wording in 4: 3. We may best illustrate these by quoting the words of two modern commentators:

MONOGAMY CLAIMED AS THE LAW OF ISLĀM

(i) 'This passage *permits polygamy under certain circumstances: it does not enjoin it nor even permit it unconditionally* . . . the permission to have more than one wife was given under the peculiar circumstances of the Muslim society then existing' [war conditions].[2] In another place this writer says: 'As a rule Islām recognizes only the union of one man and one woman as a valid form of marriage . . . [and] monogamy is undoubtedly a right rule of life under normal conditions'.[3]

(ii) 'The unrestricted number of wives of the "Times of Ignorance" was now strictly limited to a maximum of four, provided you could treat them with perfect equality, in material things as well as in affection and immaterial things. As this condition is most difficult to fulfil, I understand the recommendation to be towards monogamy.'[4]

---

[1] cp. 'True to the Koran but accepting the modern standard which repudiates polygamy, he [the modern Moslem] seeks, by his interpretation of the Koran, to effect a reconciliation between the two apparently contradictory points of view'.—Woodsmall, op. cit. p. 116.

[2] Md. Ali, *Qur'ān*, n. 535; the italics are his. cp. Haji Abdul Majid, art. 'The Position of Woman in Islam', *Islamic Review*, 1935, p. 253.

[3] cp. *RI.* pp. 637 and 642. Md. Ali goes on to admit that this institution, 'which was allowed by Islām only as remedy, has largely been abused by sensual people'.

[4] Mr. Yusuf Ali, *Qur'ān*, p. 179, n. 509. The late Mr. Khuda Bukhsh declared that he did not believe in this kind of argument.—vide *EII.* p. 256. cp. 'To the question whether love can be equally divided, we point out that love, if psychologically analysed, appears to be somewhat as a fugitive phenomenon.'—A. F. Khan Chowdhury, B.T., M.R.S.T. in *The Light*, 8 Oct. 1938.

Two Muslim ladies endorsed the latter argument in recent women's conferences in India. One is reported to have quoted the Qur'ān as follows: 'Surely you will not be able to maintain justice, therefore have one and one wife alone'; again, 'but it will not be possible to maintain justice, therefore marry one and only one wife'. The speaker added that in these circumstances, 'it becomes a sin to practice polygamy . . . this rule is a strictly prohibitive rule.'[1] Similarly

[1] vide *All-India Women's Conference Report*, 1930, p. 46. At best these are very free translations. If the first is intended to be 4: 3, the Arabic conditional particle *in* has been omitted. It should be, as Md. Ali has it, '*If* you fear you will not be able . . .' etc. The other quotation seems to have reference to 4: 128, which reads: 'Ye are never able to be fair and just as between women, even if it is your ardent desire: but turn not away [from a woman] altogether, so as to leave her [as it were] in suspense.'

This passage has received considerable attention of late. Yusuf Ali (n. 639) says, this is 'the case of the other woman'. To be 'perfectly fair and just to all [four wives] . . . is a condition almost impossible to fulfil . . If . . a man puts himself in that impossible position, it is only right to insist that he should not discard one but at least fulfil all the outward duties that are incumbent on him in respect of her.'

Recently a Muslim lady, well-known as a leader of women, suggested to the Shaikh of Al-Azhar that, because this verse together with 4: 3 set men an impossible condition, plurality of wives should be generally forbidden. The Shaikh, however, objected on the ground that 4: 128 has a sequel in the words, 'Do not yield altogether'. 'This sequel . . . proves clearly that God, after He had acknowledged the impossibility of perfectly just dealing in regard to wives, excused the husband for lack of justice in what was beyond his control and outside his will.' The Shaikh cited the case of the Prophet, 'who dealt justly with all his wives [in regard to 'time' and 'property'], though he did not divide equally among them the things of his heart, . . . asking pardon of God, "O God, there is a part of me

another lady declared, 'If Muslims study their religion they will find that our blessed Prophet has laid down such strict injunctions of equality of status and of treatment of co-wives that it is humanly impossible to put polygamy into practice by any man ever created'.[1]

Years ago Mr. Ameer Ali adopted a like position. He stated,

> The clause in the Qur'ān which contains the permission to contract four contemporaneous marriages is immediately followed by a sentence which cuts down the significance of the preceding passage to its normal and legitimate dimensions . . . if you cannot deal equitably and justly with all, you shall marry only one.[2]

Such an interpretation, however, is not readily accepted by the majority since it involves a rather radical handling of the sacred text.[3] A contributor to the Ahmadi press says: 'Muslim commentators have given various opinions as to the interpretation of the word "just" or "equitable" . . . [but] it is not illogical to say that if prohibition be really aimed at in the said proviso, why should God take the trouble of mentioning it at all? Similarly, if the All-Knowing God actually believes that no man can be just, would it not be wiser for Him simply to enjoin monogamy? It should, therefore, be obvious that the mere mention of permitting a man to have four wives should never be interpreted as a prohibition, or as amounting to a prohibition, by reason of the proviso.'[4] And

---

which I control, do not blame me for that which is under Thy control and not mine".'—quoted from *El-Qabas*, Damascus, 7 Jan. 1940, in *The Moslem World*, Oct. 1940, p. 424.

[1] *All-Asia Women's Conference Report*, 1930, p. 62.

[2] cp. *PLM*. p. 28.

[3] vide Wilson, op. cit. p. 477. 'Such doctrines held by most enlightened Muhammadans . . . do not constitute Muhammadan *Law*, as expounded by any recognised School.'

[4] *The Islamic Review*, 1935, p. 253; see *The Moslem World*, 1913, p. 306; Wilson, *AML*. p. 492.

another of this school of thought recently objected: 'Polygamy, it is contended, is only a "permission" not an "injunction" and hence it can be revoked by the head of a Muslim State. We confess we fail to see the nice distinction between a "permission" and an "injunction". To us both are the decrees of God and equally binding on a Muslim, and no power on earth can revoke what has been definitely decreed by God.'[1]

Nor could the late Mr. Khuda Bukhsh bring himself to accept the claim of these apologists. He once stated:

> The author of *Reforms under Moslem Rule*[2] seeks to make out that polygamy is an institution which Islām does not sanction, but I am not quite sure that he is right. At all events, the unanimity and consensus of opinion is the other way.[3]

Orthodox *maulawīs* also of the present day do not accept the modern interpretation of the verse. In a book written for women, one of them says:

> The man who has several wives must treat them all alike. What he gives to one he should give to another, whether he married them as virgins or not . . . the command refers to them all. So if he spend one night with one of them he must spend one night with another; or if he spend two or three nights with this one, he must spend two or three nights with that one. Whatever he gives of ornaments, clothes, etc. to one he is under obligation to give the same amount to another. The right of the newly-wed and the right of the earlier-wed are alike; there is no difference. This *barābarī* 'equitable treatment', only has reference to spending one's nights; in the day-time it is not *wājib*, 'necessary'. There is no harm if a husband spend more time in the day with one wife than with another; but equitable treatment at night time is 'necessary'. . . In the matter of loving one's wives, equitable treatment is not 'necessary'. If a man loves one wife more than he does another it is no sin, because it is not in man to control his heart.[4]

---

[1] *The Light*, 16 March, 1936.

[2] i.e. Cheragh Ali, op. cit. p. 128.

[3] cp. *EII*. p. 256.

[4] *Bihishtī Zewar*, Bk. IV, p. 18; cp. '*Your wives are your field: go*

Mr. Khuda Bukhsh himself contended that much of the social corruption behind the zanana was to be traced directly to this system. 'It is a fruitful source of discord, strife, harassing litigations, the ruin of many wealthy families. Nor can we ignore the fact that it is this system which is responsible, in no small degree, for the degraded view of womenhood current in the East. . . . We cannot have a very high regard for womankind with a system which sanctions four wives. Polygamy is destructive alike of domestic peace and social purity.'[1]

EFFECTS OF POLYGAMY IN THE HOME

A prominent Indian Muslim lady confirms this: 'Sisters, you know how degraded is the state of woman when her home is divided with a co-wife. The children are neglected, there is a continuous feeling of discomfort and disharmony; the home is ruined and the husbands suffer from economic and other disabilities. The sooner we do away with this baneful custom the better will it be for all of us.'[2]

Where in India polygamy is practised there are usually only two wives, though there are men who keep three and even four. In well-to-do families each wife has a separate house and sometimes a separate compound; in poorer ones, only a separate room. Occasionally there is close proximity and the wives actually share the same room.[3]

---

in, therefore, to your field as ye will'—keeping before you this simile you will easily come to understand the advisability of polygamy—that a farmer can increase his produce by sowing in several fields; but if he does it in the same field it is no wonder that seed is wasted because the field cannot accommodate all the seed.'—Shamshu'l-'Ulama Maulawi Nadhir Ahmad, *Ummahātu'l-Ummah*, p. 12.

[1] *EII.* pp. 257, 231.

[2] vide *All-India Women's Conference Report*, 1930, p. 60.

[3] In such a situation it is sometimes arranged for the wives to take leave of absence, in turn, at the father's home.

A second marriage is usually resented. One of the two will almost certainly prove the favourite and this naturally causes jealousy and heart-burning. Women are often heard to say: 'A co-wife is a poisoned knife.'[1] Many cases are known where the first wife, in despair, runs back to her parents, with the result that there is endless quarrelling, sometimes ending in litigation.

If the first wife is childless the fact that children are born to the second wife makes for dispeace and quarrelling. The 'mother' may be persecuted and the first wife may plot against her. In such circumstances the use of charms is frequently resorted to in the hope of regaining the affection of the husband, and, ultimately, of becoming the mother of a son; and, it may be, with the further motive of bringing ill-luck to the other wife. On the other hand, if each wife has children quarrels are likely to ensue among the wives in connection with the rival claims of their children in the matter of occupation, money, marriage, and so forth.

Some 'good' wives accept the situation resignedly, for it is their custom, and the Prophet has said it is allowed by Allāh. Indeed, women have been known, out of consideration for their husbands, to suggest a second wife that he may have children by her. Others have actually proposed this rather than submit to being divorced. Nevertheless, some wives undoubtedly do live happily together, as in cases where one is senior to the other and 'mothers' her.

---

[1] cp. *Ummahātu'l-Ummah*, p. 13.

IX

MUT'A, SLAVERY AND CONCUBINAGE

Mut'a,[1] or temporary marriage, is a form of union entered upon for a specified period on payment of a certain reward to the woman. We have already met it in our brief survey of the conditions of marriage in pre-Islamic Arabia, and its presence in Islām is best explained as a survival of that earlier Arab custom.[2]

The legality of such connexions is a question with which we shall deal later, but it may be observed here that resort to this Arab practice by certain Muslims implies that these unions were and are looked upon by them as a species of *nikāḥ*, in the sense of a legalized marriage, otherwise they would most certainly be *zinā*, fornication.[3]

The practice is, nowadays, associated with the Shī'a community, who alone permit it; the Sunnis, generally, sternly prohibit it.[4]

---

[1] lit. *jouir* d'une femme (Dozy); 'marriage of *pleasure*'.

[2] so R. Smith, *KM*. p. 94; cp. *Encyc. Islam*, art. *Mut'a* (Heffening) III, 774 ff.

[3] cp. Wilson, *AML*, p. 67; most Muslims, of course, do denounce it as *zinā*. Md. Ali affirms that 'all the Muslim sects' (excepting only the Akhbārī Shī'as) agree that it is 'unlawful'.—*RI*. p. 610; vide Ameer Ali, *SHB*. pp. 72, 79.

[4] cp. *Encyc. Islam*, art. *Nikāḥ* (J. Schacht) III, 914; and art. *Mut'a*, op. cit, p. 775. Snouck Hurgronje says: 'The practice of the Sunnites in this as in many other cases is so divergent from the tenor of the law that while contractual time-limits invalidate the marriage offer, verbal promises and agreements of all kinds outside the marriage contract are morally binding.'—*Mekka*, Eng. tr. p. 124.

The term *mut'a* is not to be found in the Qur'ān, nevertheless those who practise temporary marriage sometimes claim sanction for it in words that occur at **4 : 28**. After counselling marriage, and not fornication, the verse proceeds,

THE QUR'ĀN

> but such of them as ye have enjoyed, *istamt'atum*,[1] give them their rewards as a lawful due; for there is no crime in you about what ye agree between you after such lawful due (Palmer).

It ought to be said, however, that from the first cent. A.H. orthodox commentators have taken the passage to refer to regular *nikāḥ*, claiming that *ujūr*, the word translated as 'rewards', refers to the legal *mahr*, without which no marriage can be valid. But the same argument, in inverted form, is advanced by those who uphold the practice, for they say that the payment of *ajr* makes the connexion valid.[2]

This divergence of opinion about the correct interpretation of the Quranic passage has its counterpart in confused and contradictory traditions, which speak both of Muḥammad's permission and prohibition of the practice. If we may accept the statement of Ṭabarī it was in use in Muḥammad's time and he himself practised it.[3] There are traditions which relate that, in the beginning of Islām, when a man arrived at a strange town he might marry a woman for the period of his stay there, 'and she would look after his effects for him and cook his food well for him.'—*Tirmidhī*.[4]

TRADITIONS

---

[1] A form of the verb from the root which yields *mut'a*.

[2] It is an interesting comment on the divergent views of Muslims themselves that Heffening (art. on *Mut'a*, p. 774) affirms that 'there is undoubtedly a reference to this form of marriage' in this verse, whereas Schacht (art. *Nikāḥ*, p. 914) says, 'it is by no means certain'.

[3] cp. *Encyc. Islam*, III, 774.

[4] cp. *Encyc. Islam*, art. *Mut'a*, and *Mishkāt*, Ar. 273 (Matthews, II, 90); Goldsack, *SMT*. p. 166.

Permission for such connexion on a particular occasion is found in the following tradition:

> Salamah bin al-Akwa' said, 'The Prophet permitted *mut'a* for three days in the year of Awṭās, after which he forbade it'.—*Muslim*.[1]

The same authority is quoted for more general permission:

> If a man and a woman agree together, their fellowship shall be for three nights; then if they choose to go on they may do so, or if they prefer it they may give up their relation.[2]

On the other hand, there is a tradition attributed to 'Alī which says,

> Verily, the Prophet prohibited the *mut'a* marriage of women on the day [of the conquest] of Khaibar; and he prohibited the eating of the flesh of the domestic ass.—*Bukhārī, Muslim*.[3]

Various attempts have been made to reconcile these conflicting statements. Some Western scholars incline to the view that the compilers of Tradition, being naturally anxious to give the Prophet the credit for prohibiting the practice, put back the actual date of the prohibition.[4] As a matter of fact there is a well-known tradition which credits the Khalīfa 'Umar with having taken this step. Of him it is related that he threatened those who practised *mut'a* with

[1] cp. *Mishkāt*, Ar. 272 (Matthews, II, 88); *Encyc. Islam*, art. *Mut'a*.

[2] Bukhārī, Ar. II, 767 (Urdu, III, 23); cp. R. Smith, *KM*. p. 63. Schacht, in loc. cit. concludes, 'it is however certain from Tradition that Muḥammad really permitted *mut'a* to his followers on the longer campaigns'.

[3] cp. *Mishkāt*, Ar. in loc. cit. (Matthews, in loc. cit.); Goldsack, *SMT*. p. 166; *Encyc. Islam*, art. *Mut'a*.

[4] e.g. Heffening, *Encyc. Islam*, art. *Mut'a*.

punishment by stoning, thus making it clear that he regarded the custom as tantamount to *zinā*.[1]

Shī'a Allegations

The Shī'as, basing their claim on a reading alleged to have existed in copies of the Qur'ān possessed by Ubai ibn Ka'b and Ibn 'Abbās, contend that formerly the words, *ilā ajalin musamman*, 'for a definite period', followed the pivotal word *istamt'atum*. This reading, though frequently found in Shī'a books on the subject, meets with no recognition among Sunnis.[2]

A leading Shī'a protagonist for this practice at the present time, declares that the Qur'ān proves temporary marriage to be lawful, because in 4: 28 it speaks both of regular marriage and of *mut'a*, otherwise why enjoin marriage twice in the same verse? The traditions likewise prove it to be lawful, he says. It was practised in the days of the Prophet and Abu Bakr; only 'Umar declared it to be *ḥarām*. This writer reads the Quranic passage to include the words, *ilā ajalin musamman*, and says that this wording has been generally

[1] cp. *Encyc. Islam*, art. *Mut'a*. Shibli depicts 'Umar proclaiming from the pulpit that, whereas since the prohibition at Khaibar the custom had been considered, now lawful, now unlawful, it was definitely *ḥarām*; op. cit. II, 131. Muhammad Ali would account for the contradictory statements of the traditions as due to misunderstanding. The prohibition, he claims, was first made by the Prophet himself, but the facts were 'the practice of *mut'a* was a deep-rooted one, and that repeated injunctions had to be given by the Holy Prophet, or that all people were not at once apprised of the order of its prohibition.' He thinks that the earliest prohibition was the one made at Khaibar in 7 A.H.; vide *RI*. pp. 608–10. Hughes, in his note on *Khaibar*, states that Muḥammad 'instituted *mut'a*' at that place; but in his art. on *Mut'a* he says he 'prohibited' it there; vide *DI*. pp. 263, 424.

[2] cp. *Encyc. Islam*, art. *Mut'a*; Sell considers the common claim of the Shī'as that the Qur'ān has been tampered with, to be unfounded; vide *The Recensions of the Qur'ān*, pp. 14 ff.; so, too, Nöldeke, *EH*. (The Koran), p. 54.

accepted, and thereby the propriety of *mut'a* is established. He admits that after the practice was legalized by this verse it was later declared to be 'improper', and that the words in question had to be cancelled. But who said the words were to be abrogated, and that *mut'a* is improper—Allāh or the Prophet, or some irresponsible person? It is regrettable, he declares, that these words are not found in the Qur'ān today but who has tampered with the Book—Shī'a or Sunni? Had 'Umar not declared *mut'a* to be *ḥarām* none would have practised *zinā*; the blame for this sin therefore rests on him.[1]

LAW

The *Hedāya* uses two terms for connexions of this kind, *nikāḥ mat'at*, or usufructory marriage, and *nikāḥ muwaqqat*, or temporary marriage.

In the first case a man says to a woman, 'I will take *the use* of you for such a time for so much'; in the latter, a man marries a woman under an engagement, say, for *ten days*, in the presence of two witnesses. Both types are declared emphatically to be null and void on the ground that the contracts contain 'a specification of time'; moreover, all the Companions agreed that they were illegal.[2]

[1] vide the Urdu pamphlet, *Dalīlu'l-Mut'a*, by Sayyid Ali Al-Ha'irī, Lahore; written to refute the declarations of ignorant persons who say that *mut'a* is unlawful, equivalent to *zinā*, and peculiar to Shī'as; cp. also *Madhhab-i-Shī'a*, p. 341, by Haji Doctor Nur Husain (Lahore). A noted student of Muḥammadan law himself ventured to remark that 'it is probable that the sterner Sunni view [in denouncing *mut'a* as fornication] was really the more detrimental to morality in the larger sense of the term, by intensifying the demand for slave concubines.'—Wilson, *AML.* p. 68. 'That concubinage has existed in Islām almost from its inception is fairly well determined, and it is possible that *mut'a* came into force with the idea of affording some sort of legal protection and social position to the concubine'; quoted from an article in *The Near East and India*, by *The Moslem World*, 1927, p. 411.

[2] The *Hedāya* mentions that, at first, Ibn 'Abbās was of the opinion that *nikāḥ mat'at* was allowable, but on 'Ali informing him that the Prophet had made it unlawful, 'he retracted from his opinion.'—I, 90 f.; cp. *Encyc. Islam*, art *Mut'a*, III, 775.

All this means that in respect of matrimonial law the Shī'as make a radical departure from the orthodox juridical schools in that they recognize temporary marriage to be valid in law.[1] Such connexions, however, are not terminable at any time by the will of the husband, but come to an end automatically at the expiration of the arranged period, however short; unless of course the parties agree to continue together. The practice has this further effect that, whereas for all Muslims, including Shī'as, no man may have more than four wives by regular *nikāḥ*, the rule does not apply to this kind of temporary marriage.[2]

According to the Imāmiyya Code of Jurisprudence the chief conditions of *mut'a* are:

> There must be declaration and acceptance as in the case of *nikāḥ*, and the subject of the contract must be either a Muslima, a Christian or a Jewess. She must be chaste, not a fornicator; nor is it lawful to make such a contract with a virgin who has no father. Some dower (it may be 'a handful of corn', cp. *Ency. Islam*, art. *Mut'a*) must be specified, otherwise the contract is invalid; so, too, there must be a fixed period, to be decided mutually by the contracting parties.[3]

[1] cp. Wilson, *AML.* p. 67. D. M. Donaldson, writing of the Shī'as of Persia, says, 'These temporary marriages are not looked upon as immoral, as they are fully provided for by the *shariat*, or religious Law, in accordance with the teaching of the Koran and the example of the prophet and the Imams.'—*The Shi'ite Religion*, p. 186; cp. Hurgronje, *Mekka*, p. 124; Levy, *SI.* I, 164 ff.

[2] cp. Wilson, *AML.* p. 442.

[3] cp. Hughes, *DI.* p. 424; Subhan, *Islam*, p. 112. Hughes, in loc. cit. quotes a story from *'Ain-i-Akbarī* of how Akbar asked of his courtiers how many free-born women a man might legally marry. He was told that Muḥammad had fixed the number at four. Akbar then confessed that since he had come of age he had not restricted

An Ahmadi writer, discussing the subject in connection with various types of adulterous marriage in pre-Islamic Arabia, admits that this 'temporary marriage' stood on a different basis and that reform under Islām was only brought about gradually. But he leaves one in no doubt as to how he views it. 'The moment the idea of temporariness is introduced into marriage, it loses its whole sanctity, and all responsibilities which are consequent on it are thrown off.'[1]

Equally emphatic is the view of the Ahmadis regarding the question of Quranic sanction for the practice. Replying to a correspondent the editor of their paper said,

> The Qur'ān permits no such things as *mut'a*. It is prostitution under a religious garb.[2]

Slavery

Though frequent reference is made to slaves in the Qur'ān,[3] it would be wrong to conclude on that account that it expressly sanctions slavery. The fact is that Muḥammad found slavery already in existence in Arabia, much as it was practised by the surrounding nations. Like other legislators of his time, he allowed it and enacted laws for it. His regulations in this regard have become interwoven with what he laid down concerning marriage, sale and inheritance.[4]

---

himself to that number and in justice to his wives he asked what remedy they had to offer. It was at length declared that though some authorities looked on *mut'a* as legal, others as illegal, yet should a *qāḍī* of the Māliki school decide that *mut'a* is legal, it is legal, according to the common belief, even for Shāfi'īs and Ḥanafīs. The Emperor thereupon appointed such a *qāḍī* who gave a decree which made *mut'a* marriages legal.

[1] Md. Ali, *RI.* p. 607. [2] *The Light*, August, 1931.

[3] They are commonly designated by the phrase, *mā malakat aimānukum*, 'what your right hands possess'; cp. 4: 40.

[4] cp. Hughes, *DI.* p. 600; Levy, *SI.* I, p. 109 f.

While it is unthinkable, therefore, that Muḥammad could have abolished slavery,[1] it is to be noted, as the Qur'ān itself amply testifies, that he did what he could to secure humane treatment for slaves; for instance, we read

> Be good to parents, kindred, orphans, the poor, a neighbour, [whether kinsman or new-comer] a fellow-traveller, a wayfarer, and to those whom your right hands possess.—4: 40; cp. 16: 77.[2]

Female Slaves[3] Repeated reference is made in the Qur'ān to female slaves:

> (Unlawful for you) are married women, except those who are in your hands [*sc.* as slaves].—4: 28.
>
> Whoever of you is not rich enough to marry free, believing women, then let him marry such of your believing maidens as have fallen into your hands.—4: 29; cp. 4: 3; 33; 49.

Another passage, which speaks of the obligation to grant manumission in general to slaves who make request to be freed, proceeds,

> Do not compel your slave girls to prostitution, when they desire to keep chaste, in order to crave the goods of the life of this world; but he who does compel them, then, verily God after they are compelled is forgiving, compassionate,—24: 33.[4]

---

[1] 'The sudden and entire emancipation of the existing slaves . . . was morally and economically impossible.'—Ameer Ali, *SI.* p. 262.

[2] Doughty, who knew the Arabs intimately, has placed on record that, 'The condition of a slave is always tolerable and is often happy in Arabia: bred up as poor brothers of the sons of the household, they are a manner of God's wards of the pious Mohammedan householder.'—*Arabia*, I, 554.

[3] The term used is *Amah*; 'a female slave' (Lane); as in 2: 220, 'a believing handmaid is better than an idolatrous woman'.

[4] It is said that these words were announced when one of six slave girls, compelled by their Muslim master to live by prostitution, complained to the Prophet. vide Palmer, *Koran*; note on the verse quoted.

TRADITIONS

This plea for the humane treatment of slaves is re-echoed in the Traditions, the implication being that they merit it *as believers;* thus,

> God has ordained that your brothers should be your slaves; therefore, him whom God hath ordained to be the slave of his brother, his brother must give him of the food which he himself eats, and of the clothes with which he clothes himself, and not order him to do anything beyond his power.—*Bukhārī, Muslim.* Ibn 'Umar said, 'I heard the Prophet say, "he who beats his slave without fault or slaps him on the face, his atonement for this is freeing him."'—*Muslim.*[1]

The virtue of setting a slave free is likewise stressed,

> He who emancipates a Muslim slave, God will emancipate every member of his body from the Fire, in return for the members [of his slave].—*Bukhārī, Muslim.*[2]

Another tradition states that the Prophet said,

> Whoever is the cause of separation between mother and child, by selling or giving, God will separate him from his friends on the day of resurrection.—*Tirmidhī, Dārimī.*[3]

MODERN VIEWS

Maulawi Cheragh Ali, while recognizing that slavery was everywhere commonly practised in Muḥammad's day, yet claims that the Prophet 'was bent upon the abolition of the existing and future slavery, together with its concomitant evils'. Basing his argument on the passage 47: 4-5,[4] he says,

[1] *Mishkāt* Ar. 290 f. (Matthews, II, 139 f.); cp. *Hedāya,* I, 418 (Grady, 149); Guillaume, *TI.* p. 105 f.

[2] *Mishkāt,* Ar. 293 (Matthews, II, 149); Goldsack, *SMT.* p. 178; cp. *Hedāya,* I, 420; though a whole Book (V) in the complete edition of the *Hedāya* deals with the manumission of slaves, Grady has rightly omitted it in his work 'in consequence of the abolition of slavery by Act V of 1843' (India).

[3] *Mishkāt,* Ar. 291 (Matthews, II, 141).

[4] 'When ye encounter the infidels strike off their heads till ye have made a great slaughter among them, and of the rest make fast the fetters. And afterwards let there be free dismissals or ransomings, till the war has laid down its burdens.'

> The only chief source of fertilizing slavery was the captives of war; those who escaped execution after the battle was over being made slaves. Mohammad most distinctly and expressly abolished this by enjoining in the Korān that the captives must either be dismissed freely or ransomed. . . . These verses are the charter of liberty, and annihilation of future slavery, but it is a great pity that neither the Moslems (i.e. the Mohammadan common folk), nor the non-Moslems, especially the European writers, take any notice of it. Such is the folly of the one, and the ignorance of the other party.'[1]

Analysing the considerable references to the subject in the Qur'ān this writer affirms that Muḥammad took several steps politically, morally, legally, and religiously—to do away with the institution in his day.[2] He cites a number of passages by way of confirmation—

> *politically*—or by the law of nations—prisoners were to be set free either by granting free liberty, or by ransoming, which included exchange of prisoners.—47: 4-5.
>
> *morally*—the liberation of slaves was declared to be a work of piety and righteousness.—90: 12-13.[3]
>
> *legally*—liberation as a penalty, for culpable homicide, 4: 94; or for using an objectionable form of divorce, 58: 4; ransom money to be paid from the Treasury.—9: 60.
>
> *religiously*—slaves were to be freed in expiation of an oath. —5: 91.[4]

But as just stated above,[5] as far as established law in India

[1] cp. *RMR.* p. 144; also Md. Ali, *Qurān,* in loc. cit. n. 2294.

[2] Another modern writer commits himself to the statement, 'If anywhere in Islām slavery has flourished it is in direct contravention to the injunctions of the Prophet'.—Ikbal Ali Shah, *Md.* p. 269.

[3] 'Who shall teach thee what the steep [way] is? It is to ransom the captive' (a very early *sura*); cp. Ameer Ali, *SI.* p. 263.

[4] cp. *RMR,* pp. 145–7. The passages quoted suggest *manumission in certain cases* rather than total abolition.

[5] p. 202, n. 2.

is concerned, slavery was abolished in 1843, though it was not till 1 January, 1862, that the section dealing with it in the Indian Penal Code became operative.[1]

According to pure Muslim law the master of a slave concubine may legitimate a son born to him by her.[2] But a case is cited in which, as long ago as 1825, the *maulawīs* of Bengal objected to such a question being raised in India at all, and to the woman of the child being characterised as a 'slave-girl', seeing that in legal strictness slavery had, even then, been 'almost extinct in this country for a series of generations'.[3]

Concubinage

As is the case with *mut'a* and slavery so we find that there is considerable difference of opinion and practice among Muslims in the matter of concubinage. This divergence is to be seen in the view taken of certain passages in the Qur'ān alleged by some to have reference to the subject.

The Qur'ān

Several of the verses which speak of the slaves 'whom your right hands possess' refer to women, and to their owner's sex relations with them; for instance,

> (Prosperous are the believers) who guard their private parts—except before their wives or what their right hands possess; for then, verily, they are not to be blamed, 23: 5, 6; so, too, 70: 29–31.[4]

[1] cp. Herklots, p. 112.

[2] cp. Wilson, *AML.* p. 162. The children of *mut'a* marriages also are legitimate and, moreover, inherit from their parents; cp. Ameer Ali, *SHB.* p. 80.

[3] cp. Wilson, *AML.* p. 162, who suggests that the *maulawīs* were limiting the term, 'slave', to those actually captured in a *jihād*, and that there could be none as there has been no such war in India within living memory. The learned barrister goes on to remark that 'slave-girl' had been commonly used in law reports for 'concubine'.

[4] both early Madina suras.

The late Maulawi Cheragh Ali, citing the above passages, admits that they may amount to 'tolerating concubinage as a lesser evil than adultery or fornication'. Muḥammad, he says,

> found it an established social institution among the Arabs to have concubines. He might have tolerated the continuance of it for a time, but at last he did not leave it uncared for. . . . This seems to have been a natural course to be pursued by a reformer who wanted to extinguish concubinage by degrees, but I doubt whether the quoted verses[1] tolerate the existence of concubinage. . . . It may be that these verses tolerated concubinage in preference to fornication, but finally the Medinite Sura iv altogether abolished concubinage.[2]

From Sura iv he quotes, in particular, verses 29–32; of these the most important is 29, which reads thus:

> But whosoever of you cannot go the length of marrying free believing women, then let him marry what your right hands possess of your maidens who believe; God knows best about your faith. Ye come one from the other; then marry them with the permission of their people, and give them their reward in reason, they being chaste and not fornicating, and not receivers of paramours.

But it can hardly be claimed that this verse, much less vv. 30–32, contains an injunction *abolishing* concubinage.[3]

On the other hand, Maulana Md. Ali contends that, if 23: 5-6 refers to sexual relations with slaves, it must be read in the light of the 'permission' given in 4: 29 to 'take in marriage' those whom their right hands possess, that is,

[1] i.e. 23: 5-6, and 70: 29–31.

[2] cp. *RMR.* pp. 173, 175. The author's language is self-contradictory and would seem to indicate that he is in two minds about the very point he seeks to prove.

[3] The writer's inaccuracy also shows itself in the way he brackets this verse (4: 29) with 23: 5–6 and 70: 29–31, as 'earlier [Meccan] verses'.—op. cit. p. 175.

'those taken prisoners in war'.[1] We quote from his comment on the latter verse:[2]

> This verse lays down the conditions under which those taken prisoners in war may be taken in marriage. . . . On more occasions than one, when the establishment of conjugal relations with slave-girls is mentioned, their taking in marriage is clearly indicated, as in ver. 3 [and this and the preceding verses].[3]

LAW

In this connection it needs to be borne in mind that according to law,

> A master may not marry his female slave.[4] Between slaves and their masters . . . marriage is impossible and only concubinage is permitted.[5]

Maulana Md. Ali, elsewhere, admits that this is so, but claims that,

> It is only in Fiqh that we find the rule laid down that a master may have sexual relations with his slave-girl simply because of the right of ownership which he has in her.[6]

But the law anticipates such a contingency and, consistent with its own principle, provides for the issue:

> The child of a female slave, begotten by her master, is free, because such child derives from the master's seed, and is therefore free, radically, as it is a rule that that which is created from the seed of a free person is itself free.[7]

---

[1] cp. *Qur'ān*, 23: 6, n. 1715.

[2] v. 25, according to his numbering.

[3] cp. *Qur'ān*, in loc. cit. n. 561. We shall have occasion to quote again from this note of his. In *RI.* pp. 663 ff. Md. Ali repeats much the same arguments as Cheragh Ali.

[4] cp. *Hedāya*, I, 84 (Grady, 30).

[5] cp. *Encyc. Islam*, art. '*Abd*, I, 16-19.

[6] *RI.* p. 670; Ikbal Ali Shah likewise claims that, 'As regards union with female slaves, the Prophet permitted this through marriage alone, denouncing any other system of union and indeed forbidding it.'—*Md.* p. 272; but cp. Levy, *SI.* I, p. 150 f.

[7] *Hedāya*, I, 435; cp. 'If a master by virtue of his right of ownership begets a child of his slave, the child belongs to its father's class and is therefore free.'—*Encyc. Islam*, art. '*Abd*, in loc. cit.

Even so, the law does provide for the *marriage* of free Muslims, in certain circumstances, with slave women, though forbidding it to the master with his own slave. Thus,

> A man may lawfully marry a free woman upon [that is, *along with*] a slave, the Prophet having so declared; but
>
> It is unlawful for a man already married to a free woman to marry a slave, the Prophet having issued a precept to this effect, 'Do not marry a slave upon a free woman'.[1]

And in general,

> It is lawful for a Muslim, who is free, to marry a female slave, whether she be a Muslima, or a *kitābī* woman, although he be in circumstances to marry a free woman—that is to say, able to pay *mahr*, and afford an adequate maintenance to such a woman.[2]

A Western writer points out that what differentiates concubinage from marriage in Islamic law is chiefly that no free Muslim women, but only female slaves are, or can be, held in concubinage. Moreover, a Muslim's connexion with a slave cannot be called 'marriage' unless and until he first emancipate her.[3]

VIEWS HELD TODAY

The whole question as to whether concubines are permitted to Muslims is still sometimes debated by Muslims themselves in their published works and in the press. Only recently a Shī'a author of some repute produced a book in two parts

---

[1] *Hedāya*, I, 86 f. (Grady, 31).

[2] *Hedāya*, in loc. cit.

[3] See further, Levy, *SI.* I, pp. 114, 167; Lane, *ME.* pp. 103 ff. It has been held in British India that a Muslim wife may regard as 'cruelty', in the legal sense of the term, the keeping by her husband of an idol-worshipping concubine; and that she would be justified in refusing to live with him. cp. Wilson, *AML.* p. 133.

which dealt with the wives and concubines of Muḥammad.[1] Alluding to some of the statements made in that book, a Muslim correspondent wrote thus to the press:

> Kindly let us know the facts: if Raihana and Mary were not really married to the Prophet, can they be called 'concubines' or is there any other better word for this? Then again on what grounds can we justify the action of the Prophet? There must be no doubt some very convincing reason or reasons, as the Prophet's character is always beyond every kind of blemish. But what is the reason?[2]

To this the editor replied:

> Concubinage is against the clear teachings of the Qur'ān and the Hadith, and it is a libel on the Prophet to say that he had Raihana and Mary for concubines.[3]

On the other hand, an adherent of the Qadiani section of the Ahmadis, referring to the statement made by Maulana Md. Ali, 'I do not find any verse in the Holy Qur'ān sanctioning what is called *concubinage*,'[4] declared,

> I do not endorse the views expressed in this commentary about the law relating to concubinage. Maulvi Mohd. Ali's idea may be certainly praiseworthy inasmuch as it is a pious effort to defend Islām against what Maulvi Mohd. Ali seems to consider to be an irrefutable criticism of Islām by the West. But it is not the truth. Islām does indeed allow entering into marriage relationship with women taken prisoners in war. But this permission is hedged in by certain important conditions and limitations.[5]

---

[1] Syed M. H. Zaidi, *Mothers of the Faithful* (1935). The facts are summarized in *Ummahātu'l-Ummah* (1935), by Shamshu'l-'Ulama Maulawi Nazir Ahmad, p. 151, and in *Bihishtī Zewar*, Bk. VIII, p. 7.

[2] *The Light*, 1 Sept. 1935.

[3] cp. *The Light*, in loc. cit. vide Barakatullah's reply quoted in *The Moslem World*, XV (1925), p. 304 f.

[4] vide *Qur'ān* 4: 29, n. 561.

[5] Maulana Sher Ali, B.A., in art.'Islam and Concubinage', *The Review of Religions*, Jan. 1935, p. 26.

Other Muslims, writing to the Lahore Ahmadiyya periodical, are likewise in disagreement with the conclusions of this commentator:

> No doubt you are too much enamoured of Western civilization . . . inasmuch as it rejects keeping slave-girls (without marriage) though the consensus of Muslim opinion considers it lawful.[1]

ACTUAL PRACTICE

With regard to actual practice at the present time, it is well to bear in mind that what may be true of one district may have no parallel in another. Yet the late Mr. S. Khuda Bukhsh called attention to

> that iniquitous system, obtaining very largely in Behar, the system of keeping good-looking female servants and a retinue of female slaves who usually give to the children their earliest lessons in vice and immorality.[2]

It is still the fact that girls are procured[3] and that they live as concubines in the homes of the rich; shut off from the world, they are unknown and sometimes harshly treated.

---

[1] *The Light*, 8 Jan. 1934. A correspondent to this journal stated, 'It is the popular belief in Ceylon, and some Kadis also are of the opinion that 4 wives and 40 *suriaths* are sanctioned in Islām.'—24 Nov. 1937.

[2] cp. *EII.* p. 259. In different parts of India some girls accompany the little bride to her husband's home as part of the marriage dower. They become the property, as it were, of the wife and husband. But this custom is admittedly much less prevalent than formerly.

[3] e.g. It was reported a few years ago that the Kashmir Assembly had passed a resolution in favour of strengthening the law against the traffic in women, 'which is terribly rife in the state. . . . The common procedure has been for a man legally to marry four women in Kashmir, proceed with them to India and there formally divorce them, afterwards selling them for what they will fetch; and then return [alone] to Kashmir, there to repeat the process.' cp. *The Moslem World*, April, 1935, p. 198.

By others they are petted and loaded with jewellery and silks.[1]

In some provinces there is a tribe or class of singing and dancing girls who are used for prostitution, or as concubines by the rich. Enlightened Muslim women are meeting with success in their effort to abolish the use of these singing girls from all ceremonies.

It is to be noted that in Bengal there is a growing tendency against the practice of keeping concubines. Such women are being taken as wives in legal marriage. But apart from this, monogamy is more the rule than formerly. This may be said of other provinces, for many Muslims are rightly ashamed of the continuation of these practices today, and the educated section of the women are themselves giving the matter their earnest attention. For instance, at the annual meeting of the Hyderabad (Deccan) Women's Association in 1934, it was recommended to form a vigilance committee, and to make investigation into 'cases of young girls living a life of semi-slavery in the houses of the rich'.[2]

---

[1] In reply to a correspondent *The Light* admitted that, 'The late King Habib-Ullah [of Afghanistan] had quite a good few dozens [of these slave-maids] whom the ex-King Aman-Ullah Khan disbanded on his accession to the throne'; and added, 'This mistaken notion somehow came to prevail in the middle age of Islām that concubines could be kept without *nikāḥ* up to any number'.—24 July, 1937.

[2] *Annual Report*, The Women's Association for Education and Social Advancement, Hyderabad, Deccan, 1934, p. 5, Resolution No. 5 (*c*).

X

PARDA[1]

SECLUSION and use of the veil, as at present in vogue among Muslim women in India, seem to be out of all proportion to any legislation affecting these matters by Muḥammad himself.[2] We have already had occasion to remark that in the Arabia of his day such veiling as was practised was confined to the larger cities.

References to the subject in the Qur'ān almost certainly have in view women residing in places like Mecca and Madina. In the chapter that makes considerable mention of Muḥammad's own household we read:

THE QUR'ĀN

> O Prophet! speak to thy wives and to thy daughters, and to the wives of the Faithful, that they let down over themselves their outer [or over] garments.[3] Thus will they be more easily known,[4] and they will not be affronted.—33: 59.

In another place it is enjoined:

> Speak unto the believing men that they cast down their looks and observe continence.[5] Thus will they be more pure. God is well aware of what they do. And speak to the believing women that they cast down their looks and observe

---

[1] Commonly *purdah*—Pers. curtain, screen, veil; privacy, seclusion. A woman kept, or remaining, behind a curtain is called *parda-nishīn*. In common parlance she is said to be 'in *parda*', or to 'keep *parda*'.

[2] 'This seclusion is the result of *jealousy* or *pride*, and not of any legal injunction.'—*Hedāya*, I, 71 (Grady, 48).

[3] *min jalābībihinna* (sing. *jilbāb*).

[4] i.e. to be chaste women.

[5] *yaḥfaẓū furūjahum*; lit. guard their private parts.

continence, and display not their ornaments,[1] except those which are outside; and let them throw their head-coverings[2] over their bosoms and not display their ornaments except to their husbands or their fathers, [etc.][3]—24: 30-31.

In this passage the word *zīnat*, here translated 'ornament', occurs twice, and in each case is followed by an exception. Its exact significance has been variously interpreted. Some take it to refer to ornaments which women wear; in that case they are not to be displayed with ostentation. Others contend that the term has to do with the beauty of the body; while this has to be veiled, an exception is made in regard to the face, the hands and the feet, which of necessity must be exposed for the purposes of work, prayer, and so forth.[4] These 'charms,' whatever they be, may be uncovered in the presence of very near relatives, described as *mahram*;[5] the implication being that when going out in public these ornaments, or parts of the body, must be veiled before the eyes of strangers.[6]

Subsidiary references to the subject in the Qur'ān are:

As to women who are past child-bearing, and have no hope of marriage, no blame shall attach to them if they lay aside

[1] *zīnatahunna*.

[2] *khumurihinna*; (sig. *khimār*), an indoor garment. Nazir Ahmad translates by *do-paṭṭa*, a mantle, or wrapper.

[3] There follows a list of near male relatives with whom marriage is barred. cp. 'no blame shall attach to them [your wives] for speaking to their fathers unveiled, or to their sons' [etc.].—33: 55.

[4] '*Zīnat* means both natural beauty and artficial ornaments. I think both are implied here, but chiefly the former.'—Yusuf Ali, *Qur'ān*, in loc. cit. n. 2985; but Md. Ali, *Qur'ān*, in loc. cit. n. 1751, favours the latter interpretation.

[5] 'It is lawful for a man to look at his female relation either in the face, head, breast, shoulder, or legs.'—*Hedāya*, IV, 99 (Grady, 599).

[6] cp. art. 'Islam and the Parda', in *The Muslim Review*, 1911, p. 342; Md. Ali, *Qur'ān*, n. 1751.

their [outer] garments, but so as not to shew their ornaments. Yet if they abstain from this, it will be better for them.—24: 59.

(O wives of the Prophet!) stay in your houses, and do not display your finery like the displaying of the *Jāhilīyya*.—33: 33.

And when ye would ask them [the Prophet's wives] for an article, ask them from behind a curtain.[1] Purer will this be for your hearts and for their hearts. It is not right for you to annoy the Prophet of God, nor to wed his wives after him ever; verily, that is with God a serious thing.—33: 53.

The general caution about restraining the looks receives further illustration in the Traditions. One of these makes Umm-Salma say that on a certain occasion she with Maimūna, another of his wives, was seated in the presence of Muḥammad when Ibn-umm-Maktūm suddenly entered the room.

TRADITIONS

The Prophet said to us, 'Conceal yourselves from him'. I said, 'O Prophet, is he not blind and unable to see us?' He replied, 'Are you too blind? Do you not see him?'—*Aḥmad, Tirmidhī, Abū Dā'ūd*.[2]

Another *ḥadīth* declares that Muḥammad said:

A woman is an '*awrat*[3] which it is proper to hide and cover; therefore when a woman goes out Shaitān looks at her, and desires to carry her from the road.—*Tirmidhī*.[4]

The older commentators interpreted the general situation which called for such injunctions as one in which it was still customary for free as well as slave women to appear in public

[1] Palmer, in loc. cit. n. 4, speaking of Arabia says: 'The women to the present day always remain behind a curtain which screens off their part of the tent from the rest, but converse freely with their husband and his guests, and hand over the dishes and any other articles that may be required by the company'.

[2] cp. *Mishkāt*, Ar. 269 (Matthews, II, 82); Goldsack, *SMT*. p. 164.

[3] *Pudendum*, i.e. anything that ought to be concealed.

[4] *Mishkāt*, Ar. 269 (Matthews, II, 82).

unveiled. Fakhru'd-dīn Rāzī, for example, says that free women were sometimes followed by adulterers, because there was nothing to distinguish the two classes of women. The intention of the command to adopt the veil was, then, as the Qur'ān explains, that they might be the more readily recognized and so escape molestation.[1]

Even so, exceptions in regard to the use of the veil have always been admitted in Islām. It is ordained, for instance, that in congregational prayers the line of the women shall be behind those of the men and at a short distance. There unveiled women are safe from the gaze of men, since worshippers must keep their faces towards the Ka'ba. Should they turn round to look at the women it means 'vitiating their prayer'.[2]

Other instances are given in the *Hedāya:*

> A *qāḍī* may look on the face of a strange woman, when he passes a decree upon her . . . because he is under a necessity of so doing. [And] A physician, in administering to a strange woman, is permitted to look at the part affected.[3]
>
> Even a man with a *bona-fide* intention to marry a woman can see her face, *but only once.*[4]

VIEWS HELD TO-DAY

A modern exponent of Islām, commenting on these stipulations laid down by Muḥammad, writes:

> Directions easy to understand in the midst of the social and moral chaos from which he was endeavouring, under God's guidance, to evolve order—wise and beneficent injunctions having for their object the promotion of decency among women, the improvement of their dress and demeanour, and their protection from insult. It is a mistake, therefore, to suppose there is anything in the law which tends to the perpetuation of the custom.[1]

Referring to the same passage another commentator says:

> From this injunction it appears further that there is no restriction as to women going out when they think it necessary, for if the women were totally forbidden to go out of their houses, men would not have been required to cast down their eyes. In fact, the Holy Qur'ān required both men and women to keep their eyes cast down, so that when they meet each other, neither should men stare at women nor women at men.[2]

Over against such views, however, must be placed the opinions of the large orthodox body[3] which interprets the relevant passages in the Qur'ān as constituting 'a religious injunction imposed on the Muslim women,' and draws the conclusion that 'going out with uncovered face in public is distinctly prohibited by God'.[4]

Similarly, a writer in the vernacular press declared:

> In certain evil accident if a woman cannot but come out of doors, then it is lawful on the part of a young or middle-aged woman to come out, covering her whole body, including face and hands with a *burqa*. If there does not arise much pressing need, then it is unlawful on her part to come out of doors even covering her whole body with a *burqa*.[5]

Others viewattempts to remove the veil as imperilling Islām:

[1] *Tafsīru'l-Kabīr* (A.H. 606); cp. also the *Tafsīr* of As-Sayuṭī—both quoted in *The Muslim Review*, in loc. cit. p. 342 f. 'But similar conditions prevail even today, and shall endure, so long as the two sexes co-exist in this world'.—H.H. the late Begam of Bhopal, *Al. Hijab*, or *Why Purdah is Necessary*, p. 8.

[2] *The Muslim Review*, in loc. cit. p. 347; cp. below, the ch. on The Religious Life of a Muslim Woman.

[3] *Hedāya*, IV, 97 (Grady, p. 598 f.)

[4] *The Muslim Revival*, in loc. cit. p. 347. cp. *Hedāya*, IV, 97.

[1] Ameer Ali, *SI.* p. 250. [2] Md. Ali, *Qur'ān*, 24: 30, n. 1750.

[3] cp. 'The masculine reaction to lifting the veil ranges from active opposition to indifference'.—Woodsmall, op. cit. p. 66.

[4] *The Muslim Revival*, in loc. cit. p. 341 f.

[5] Maulana Ashraf Ali, in *An-Nur*, quoted by *The Light*, 16 Feb. 1931. The writer cited 33: 33, 53 in support. It was concluded that he meant that no woman should leave the house 'unless she is in extreme danger of life'.

I look upon this [the discarding of *parda*] with great concern and anxiety; and consider it as a harbinger of our national downfall and religious degradation.[1]

REASONED DEFENCE

Mirza Bashiru'd-din Ahmad, the present head of the Ahmadiyya group at Qadian, recently expressed his views about the matter in these words:

One of the means devised by Islām for the moral improvement of man is to close the avenues through which sin finds an entrance into the human mind. . . . According to Islām evil is extraneous to man and enters from outside. . . . When a man sees beauty, or hears its praise or hears a charming or seductive voice, or touches a soft or smooth body . . . he is drawn towards it. . . . In order to close those avenues the Holy Qur'ān [speaks as it does in 24: 30-31]. These injunctions . . . remove all possibility of vices which grow out of the relation of the sexes. I have sometimes heard it stated that the Islamic injunctions concerning chastity are an insult to women, and this has always surprised me, for the covering up of the head and face is a device to obviate the necessity of men keeping their eyes down in thoroughfares and crowds, the primary injunction being to cast down the eyes, which applies equally to men and women.[2]

One of the Mirza's followers writes:

Islām strictly enjoins that women should not mix freely and indiscriminately with members of the opposite sex. Women may attend their duties at public places but only on express business with proper coverings and garments on and not for the sake of mere amusement. Man and woman should not intentionally exchange glances and should always have their looks cast down whenever they meet each other in thoroughfares. Women should not shake hands with men and vice versa, as that practice is psychologically unsound.[3] . . .

[1] H.H. the late Begam of Bhopal, *Al Hijab*, p. 3.

[2] *Review of Religions*, Aug. 1935, pp. 283-88.

[3] cp. 'It is not lawful for a man to touch the hand of a strange woman, notwithstanding he have a control over his lust, because the Prophet has said, "whosoever toucheth a strange woman, shall be scorched in the hand with hot cinders on the day of judgment."'—*Hedayā*, IV, 96 (Grady, 598); quoted by Subhan, *Islām*, p. 139.

Amiability, sympathy, mildness, etc., are a woman's special qualities. A student of psychology knows that a woman by nature lacks those manly qualities and the emotional tendencies of passion, envy and love are predominant qualities in her. To prevent [the 'pit-falls and moral turpitude' resulting from the mixing of young people of opposite sexes] Islām has instituted the parda system.[1]

The late H.H. Begam Sahiba of Bhopal was equally insistent:

If men and women do not get opportunities of free social intercourse and their places of enjoyment and recreation are kept apart, if women are stopped from going to theatres and public shows, and if evil-minded men get no chance whatsoever to tease them; also if adultery be recognized in the criminal law of the country as one of the capital offences punishable with death, like murder, then and then only, can women be permitted to content themselves with mere veils. But so long as other conditions prevail, our ladies should strictly adhere to the injunction: 'abide in your own homes'.[2]

MORE LIBERAL VIEWS

On the other hand, leaders of the Lahore section of the Ahmadis, while definitely against the 'unnecessary mingling of the sexes',[3] are not in favour of such strict seclusion.

Maulana Md. Ali, himself an exponent of the more liberal view, has argued from the fact that in the Prophet's day believing women were not required to go veiled for public prayer and the pilgrimage, that Muslim women need not be veiled 'when they have to go out for their needs . . . either

[1] A. F. Khan Chowdhury, *Review of Religions*, May, 1936.

[2] vide *Qur'ān*, 33: 33; cp. *Al Hijab*, p. 12.

[3] cp. the tradition, 'Beware! a man must not spend the night near a young woman, unless he be her husband, or *dhū maḥram*, one with whom it is unlawful to marry.'—*Mishkāt*, Ar. 268 (Matthews, II, 80).

religious or secular . . . And there is no such injunction either in the Holy Qur'ān or the Ḥadīth.'[1]

Answering a question as to the real meaning of *parda*, *The Light*, one of the organs of this group, once stated:

> The underlying idea is sex purity. To ensure this certain outward restrictions have been imposed on both sexes. The free unrestrained mixing of the sexes, as in vogue in the West, is un-Islamic. To let a boy and a girl in the bloom of youth have a good time together on the sea-side, or anywhere else they like, is the Western notion of personal freedom. According to Islām, this is not freedom but self-indulgence. It is like putting a live ember by the side of a mine of gun-powder. True freedom always implies restraint and the *parda* in Islām inculcates that healthy restraint. Of course the present day rigours among the Muslims, which shuts women out from full share in life, is overdoing the thing and carrying it to limits not intended by Islām.[2]

An adherent of this school of thought once ventured on the following explanation for the institution of the veil:

> Without prejudice to either sex, we might quote a saying, 'There are never a man and a woman together without Satan being the third'. Without taking it too literally, we might credit this saying with nothing but the truth. Accordingly, Islām has enjoined carefulness on both . . . [but] I say that Religion has lost much of its ground in the modern world, and if men could ever be trusted implicitly, the same surely cannot be done at the present time. . . . Why should we be so suspicious about our women-folk, they ask. Well, I shall say we do not suspect them at all. I suspect ourselves and the Satan between us. I say men have so far held the upper hand.[1]

[1] cp. *RI.* p. 656 f.

[2] This same paper, replying to a youth who wanted to know how he could 'cast his eyes down' in a college class-room where there were girl-students, said: 'The right place for a Muslim youth's eyes in a class-room is the face of the professor taking the class, or the page of his text-book, not the face of his girl class-mates.'—1 April, 1938.

That last remark enables us to pass on to a consideration of the views of women themselves on this subject. Here we need to be careful to differentiate between the attitude of older women and that vast number as yet untouched by modern education, and the opinions of those who can, and do, lay claim to more liberal ideas—women who are seeking opportunities in the press and at conferences to voice their feelings. These are a decided minority.

WOMEN'S ATTITUDE

In the light of the narrow limitations that have beset Muslim home-life in India for centuries it is not surprising to find that the older and strictly-orthodox women are, on the one hand indifferent, and even opposed, to any suggestion of change, while on the other they endure wrongs uncomplainingly rather than abandon traditional usages handed down to them by their mothers. Indeed, seclusion has been so bred in them and woven into their habits of life that women of this type do not feel *parda* to be a hardship. They neither resent it nor see any need to abandon it. Of most of them it can be said that no word of propaganda against it has yet reached them. It is their belief that Muḥammad, in accordance with God's command, has enjoined it in the Qur'ān. *Parda* is part of their *qismat*.

CONSERVATISM

Nor should we overlook the fact that in the view of many 'respectability' and *parda* go hand in hand.[2] Better class

[1] Maulawi Abdul Hasanat, art. 'The Islamic Purdah', in *The Islamic Review*, July, 1934, p. 240. cp. 'The veil grew out of men suspecting women and out of jealousy'.—quoted in *The Moslem World*, 1914, p. 210, from a liberal Muslim's article in *Jaridah*, Cairo.

[2] 'The veil is still a mark of rank . . . . In India ninety per cent of the Muslims living in rural areas cannot afford to have their

folk consider it 'a shield for the good against indecencies and a help for the weak against temptation'. Some who are very poor would rather go hungry than surrender the respectability of *parda* and seclusion; others would 'rather die' than subject themselves to the 'indignity of being seen by a man'—the remark of an old lady on learning that a woman-surgeon was not available.

'Respectability'

This idea is still so prevalent that even a poor man feels that he and his family would not be deemed 'respectable' if his wife had to fetch water from a tap outside the door of his dwelling.[1] Only recently a woman belonging to the Ahl-i-Hadith stated that the Prophet had declared that if a woman unwittingly exposed even a portion of her ankle between her trousers and her shoes she would have hell for her future abode.[2] Others think that that will be their fate if, though observing the rules for *namāz*, they yet fail to keep *parda*.

But, again, it would be wrong to conclude that such conservative views are confined to the very poor and illiterate. We find them advocated by the well-to-do. Some ladies maintain that by observing *parda* they lose very little. 'We see men of our family, cousins of our own age; we have no inclination to walk and dress and go out. The family system

women veiled. It is generally among the very few big zamīndārs in villages and in the higher and middle classes of the urban population that the women wear a veil'.—Md. Ali, *RI.* p. 657 n.

[1] vide *Our Cause*, p. 202. cp. 'It is a matter of common experience here that as soon as any Muslim family, whether in a big city or a small village, improves economically or educationally, it adopts *parda* forthwith in order to enter the pale of respectable society.'—Maulawi Md. Akram Khan, ed. *The Daily Shams*, Multan (quoted by *The Statesman*, Jan. 1939).

[2] cp. 'That part of the trousers below the ankle is in hell-fire.'—Bukhārī: vide *Mishkāt*, Ar. 373 (Matthews, II, 344); Goldsack, *SMT.* p. 222.

always gives us women companionship.' The matter is sometimes the subject of lively debates among young women, and the 'abolitionists' by no means always win their case. A High School student who had spoken against the practice in a debate, reported: 'No girl was able to reason or answer our arguments, yet the majority voted in favour of *parda*. There were 52 votes for *parda* while only 15 voted against. It was disappointing to know that the girls have made so little progress in this time.'[1] These girls have as examples Muslim inspectresses of schools who keep *parda*.

At a recent Women's Conference two Muslim ladies who had proposed a resolution for the abolition of *parda* were accused by delegates present of speaking against their religion.

Advocates of Reform

Yet every now and then emancipated women in different parts of India are heard to express themselves strongly on this subject.[2] For instance, the All-India Women's Conference, held at Karachi in 1935, passed the following resolution:

> This Conference condemns the custom of enforced seclusion of women and entreats all Hindus, Muslims and other communities which observe this custom, to take practical steps to educate public opinion towards abolishing it as soon as possible.[3]

In South India an educated Muslim, while addressing a large audience under the auspices of the Muhammadan Educational Association, declared:

[1] i.e. in 1938.

[2] These are 'fortunately well scattered all over India so that practically each Moslem centre has at least one prominent unveiled Moslem woman of wealth and position.'—Woodsmall, op. cit. p. 42.

[3] It was observed, however, that at the A-I. Women's Conference held at Delhi, December 1938, where the press reporters were men, some Muslim women addressed the Conference wearing the usual form of *burqa*, though their faces were unveiled.

> The meaningless *parda* system was the effect of men's selfishness. If women were given equal opportunities with men she had no doubt that they would beat men in every walk of life. . . . If young Muslims don't come forward to liberate their unfortunate sisters [from the veil] they will be branded as cowards.[1]

And a former President of the Bengal Women's Educational Conference, a Muslim lady, declared:

> Their *parda* system has been described as 'a painful sore'. Not so, or women would have rent the air with their groanings. [It] may rightly be compared to the deadly carbonic acid gas—our sisters within the *parda* are slowly dying, a painless death due to *parda* gas.[2]

In recent months educated Muslim ladies have been voicing their protests against *parda* in a series of letters to the press. Here are some of the statements made:

> We *parda* women are unable to understand and act according to the changes in life that take place before us. . . . It is a known fact that we in India have to surmount many obstacles before completely abolishing *parda*. The first and foremost obstacle . . . is our religious rights and traditions of our forefathers which have tied our hands and feet together, and thus we are unable to judge for ourselves the good and the bad side prevailing in *parda*. . . . Away with religious books! Away with Holy preachers! . . . these were the iron words of Kemal Ataturk, who to-day has made Turkey one of the foremost Moslem powers in the world.[3]

[1] Quoted by *The Statesman*, 15 Oct. 1935.

[2] Quoted in *News and Notes*, Nov. 1927. Quite recently in that province (1939), in a district where no Muslim woman has yet appeared unveiled in a mixed public assembly, the girls of the local Muslim girls' school recited a poem whose refrain ran something like this:

> The women of Turkey have torn the veil in twain,
> So shall we! so shall we!

The item was received with acclamation.

[3] cp. *The Statesman*, 3 Feb. 1939.

Another contributor contended that *parda* is un-Islamic:

> The *parda* is no doubt responsible for the intellectual stagnation of Indian womanhood, because it narrows down the sphere of women, and the mind of the *parda*-observing classes is injected with the idea that 'cooking food, stitching clothes, and suckling the young ones', are the only things for which they were born. It is wholly incorrect and absolutely misleading to say that *parda* is a religious institution established under the sanction of the Holy Qur'ān and the Ahadis. The fact is the concept of *parda* is foreign to Islām and the word itself goes to show its un-Islamic origin.[1]

The stern facts, moreover, compel one to recognize that this custom, as now practised in India, often proves very hard on the women. Speaking of the harm done to them one has declared: 'The *parda* system is physically, intellectually and even morally degrading.'

EFFECTS OF PARDA

It is, indeed, not surprising that seclusion in dark, damp and small houses should frequently have a deleterious effect on the physical health. Deprived of direct contact with sunlight and the open air, and withal ill-fed, many women become atrophied in mind as well as body. A lady doctor who speaks from direct knowledge, says:

> The present working of the 'Purdah' system . . . is directly responsible for the production of osteomalacia, gross pelvic deformity, and the deaths of thousands of mothers and children in child-birth annually.[2]

At a recent conference, when anti-tuberculosis measures were being discussed, medical practitioners 'showed from statistics that Muslim women were victims of the disease more than Hindu women, owing to their *parda* system. One

[1] *The Statesman*, Feb. 1939.

[2] Kathleen Olga Vaughan, M.B. formerly Superintendent of the State Zanana Hospital, Srinagar, Kashmir, in *The Purdah System and Its Effect on Motherhood*, p. 38; cp. p. vii.

of the delegates declared that the *parda* system 'was mainly responsible for the very large percentage of deaths among women'.[1]

The *pardanishīn* woman also suffers mentally:

> It is very noticeable how much behind their menfolk in intelligence the purdah women are; a life in which the outside world is cut off tends to narrowness of ideas and prevents the natural intelligence from developing, and there is also an apathy and dulness, and want of energy and interest in anything, that is all too common among them.[2]

A Muslim lady herself fully confirms all this:

> No European doctor or nurse can comprehend or be expected to sympathise with the peculiar net-work of taboos and inhibitions, complexes and perplexes, hopes and fears, aversions, distrust, and the distorted imaginative misgivings which rule the life of the purdah woman. To understand the mind of the purdah woman is to feel helpless and hopeless. Helpless, because no force of argument, no logical reasoning, inference or deduction, no eloquence, pleading or cursing can break down or assail that steep, steel wall, which is the mentality of the purdah woman. Her mentality has a steel-like quality, rigid, unbreakable, immobile. It is the result of being precipitated from careless childhood into the strain of adulthood without ever having had an idea of youth. Intellectual senility was inflicted upon them before they had ceased to be young. . . .
>
> When the purdah victim is young, there is sometimes a few revolutionary sparks smouldering in her. At thirty she will either be a disappointed, animated vicious gossip or be stout and placid, having cheerfully accepted the gospel of labour and motherhood; placid and unintelligent, like a well-fed cow!
>
> Men, not unnaturally, perhaps, point out this and, in pseudo-scientific terms, assert it to be proof of woman's innate inferiority. Whereas it is nothing of the kind, but the direct result of innate enforced sub-conscious subjectivity.
>
> There is so much tragedy in the lot of the intelligent secluded women. They may rebel against their position, but feel themselves bound hand to foot; and though the suppressed emotions of their nature find expression in bitterness and in reproaches heaped on the whole social fabric of their culture, they chafe and rebel helplessly, becoming bitter because of their hopelessness, will-lessness and powerlessness. . . . In time they cease to dream of freedom and become oppressed with a sense of the blank, endless nothingness of life.[1]

Other Muslim ladies have stated that *parda* 'is morally degrading because it promotes morbid sexual consciousness, as from early childhood the *parda*-observing women learn to suspect others as well as themselves'.[2] 'By secluding women, caging them like trapped pets, virtue and goodness are not automatically instilled into them; these must spring from within. No amount of extraneous imposition can bring about the desired end.'[3]

A Muslim lady agrees with this last assertion:

> Whether purdah is conducive to raising the moral tone of society or merely diverting the temptations to other and more harmful channels, I leave it to others to decide. But having recently returned from a visit to Europe, I will say this much, that the upholders of purdah will get the surprise of their life to know that the moral note of society which alone, in their eyes, should be the justification for the institution of purdah, can and is kept at a very high level indeed.[4]

Educated Muslim young men also are speaking out their mind in letters to the press. Quite recently one wrote:

---

[1] Reported in *C. and M. Gazette*, Nov. 1934. In many poor families the women of the household have but one *burqa* between them for outdoor use.

[2] Dr. Vaughan, op. cit. p. 37.

[1] Miss H. H. Ahmad in *The Light*, 1 and 8 Feb. 1938. Yet one has claimed that, 'Many a woman in *parda* has freer thoughts and wider sympathies than her Western contemporaries'.—Begum Sahiba of Khairpur State, in *Overseas*; quoted by *C. & M. Gazette*, Sept. 1933.

[2] *The Statesman*, Jan. 1939.

[3] *The Light*, Feb. 1938.

[4] *The Statesman*, Feb. 1939.

> I wonder if your correspondent, who talks of the incomparable virtues of Indian womanhood, its obedience, its fidelity and so on, knows at what price all that is bought. The outward world does not see the havoc that is being wrought by repressed instincts, by unnatural inhibitions that are the result of keeping women behind the purdah. One hears so many cases of women having hysterical outbursts, of young women going insane, of developing tuberculosis, but of course no one dreams of removing the root cause of the evil, the unnatural social system prevailing in India.
>
> This is as far as women are concerned. I am able to speak more authoritatively on the effect of this unnatural separation of the sexes on men, being myself one. Sometimes I have almost wept when I have seen the vices to which social conditions in India lead some of our finest young men. . . . I speak from painful experience. The only natural corollary of the purdah system is child-marriage.[1]

It may not be possible to speak with certainty on the question of the prevalence of the practice of *parda* in so large a country as India, but by some it is thought that its adoption is more strict here than in any other country. A careful writer has estimated that as many as 95 per cent of Indian Muslim women observe *parda*.[2]

PREVALENCE OF PRACTICE

The fact is that its observance varies according to the grade of society and the position of the women in it. In orthodox circles where there is not much education, the higher the standard of living the greater as a rule is the emphasis on *parda*.[3]

---

[1] *The Statesman*, 13 Jan. 1939. 'That purdah is recognized by men and women alike as a national problem is the most hopeful sign of advance.'—Woodsmall, op. cit. p. 42.

[2] 'One can generalize without fear of inaccuracy in saying that at least ninety-five per cent of Moslem women, perhaps even more, observe purdah consistently and logically.'—Woodsmall, op. cit. p. 41.

[3] cp. above p. 220, n. 1.

Further, because of divergence in practice it is not easy to give a carefully balanced view of its incidence. We have seen that, generally speaking, it cannot be characterized as wholesale misery. Some girls of wealthy families, attending school in strict *parda*, have their tennis and other recreation in screened areas; and the rich with their gardens, bungalows and motor-cars enjoy the amenities of a freer life, with plenty of leisure if not of opportunity. Working-class women in the villages get air and exercise, and even the poor Muslim women of the cities are active in domestic duties; but these live also in almost complete retirement in restricted space, from which they emerge wearing the inevitable *burqa*. In these circumstances it is rather women of the middle class who suffer most physically; no walking out is possible, and only occasionally are they allowed to venture out for an airing in a closed carriage.

On reaching puberty, about the age of 10 or 11, girls usually commence to use the veil.[1] The rigour with which it is practised by some can be gauged by the fact that many women, in town and city, have never, after this age, been outside the walls of their own homes, or if they have it has been to make a hurried visit, in a closed conveyance, to another house as secluded as their own. Some few Muslim houses have several walls and courtyards built round in order to make it impossible for the women of the house to hear the voices of men in the street, or for men to hear their voices.

TAKING TO PARDA

---

[1] 'As soon as a girl becomes nine or ten years old, her parents keep her in *gosha*, i.e. do not allow her any further to go out of the house. The innocent girl from then grows up in ignorance of the world around her. Any attempt on her part to satisfy her inborn inquisitiveness by peeping out of the house is met with cold reception . . . her curiosity is curbed and her revolting spirit is kept in check.'—*The Light*, 24 May, 1938.

Amongst the poor and the working classes generally, the observance of *parda* may be less strict, but even among these, girls of marriageable age are not allowed to go about alone or to visit their neighbours' houses. Young brides are kept strictly within the limits of the women's courtyard of the husband's home, though they enjoy a little more liberty when visiting their parents. Should there be an easy means of communication with their neighbour's house, women contrive to slip across unseen for furtive visits, but an open road or wide space proves a very effective barrier.

Middle-aged and elderly women, however, have more liberty, though among those of the richer but less educated classes the seclusion is still strict. Visiting is done at night time, with an escort, but the majority of women just remain at home, gaining little knowledge and knowing no one save their immediate neighbours, and perhaps not even them. Such women when they do go out are swathed from head to foot in a *burqa*, a garment which completely covers the body. If they go out in a carriage the doors must be shut; if in a motor car, the blinds must be drawn, or curtains fixed in the windows; if in a tonga, sheets are bound over the back to screen them. Should a woman break *parda* to the extent of going to a public meeting or some performance, she usually sits behind a curtain, or looks through a veil, so as not to be seen by any man whom she might legally marry.

True, in villages the women go out practically unveiled to work in the fields, even so there is not much intermingling of the sexes. They are seldom allowed to visit each other's houses, and for that they must get the permission of their husbands.[1]

[1] 'Although technically unveiled, the peasant woman in the Moslem world has very definitely the psychology of the veil. On the road she drops her eyes, or covers her face with a wisp of cloth or turns her back as the stranger passes.'—Woodsmall, op. cit. p. 58.

Nevertheless, there is a steady breaking down of the practice of *parda* in the cities of India today, in the sense that some of the women are being allowed to go out of doors, to attend schools and mix freely with women, both friends and strangers, though not, of course, with men. Most of the girls attending schools still wear the *burqa* and are driven to school in closed vehicles, but they enter with zest into games, attend lectures and conferences, and generally take part in a larger, freer life. An increasing number of women are willing to go to hospitals for treatment; they go also to cinemas and a few join women's clubs. Quite recently a prominent Muslim lady of North India said that in one large district of the Panjab there will probably be well over two hundred Muslim women fully out of *parda* (that is, meeting men in society and at their work), including women graduate teachers, health-visitors, doctors and nurses. Some prominent Muslim men whose wives keep *parda* today have averred that the custom will disappear in ten years' time.[1] Others however, would not agree to this.[2]

PRACTICE AMONG EDUCATED WOMEN

In advanced families in the cities young girls meet their cousins and their brothers' friends in their own homes or at the homes of relatives. And it occasionally happens that parents will ask a husband not to insist that his new wife

[1] A school teacher in a city in N. India recently ventured the remark that in ten years she would be leading a procession of unveiled women in the public street.

[2] It may surprise many to learn that the number of those who are adopting *parda* as a mark of 'respectablity' far exceeds the small number of the 'modernists' who are discarding *parda* under Western influences. cp. 'The semi-*parda* that one comes across in the Panjab and usually mistaken for a relaxation of the *parda* system is in most cases a transitional stage towards *parda*'.—Maulvi Md. Akram Khan, Editor, *The Daily Shams*, Multan. (quoted, *The Statesman*, Jan. 1939.)

shall keep *parda*, but take her about with him, although they themselves may have kept her veiled. On the other hand, cases are known of girls of educated and respectable families who have discarded the veil, but on becoming married into families of like status find themselved obliged to conform to the restrictions of their new home. For such the seclusion is more than usually irksome. It has to be borne in mind that the husband has the 'right' to insist that his wife keeps *parda*. Again, though young educated husbands have a decided influence on the attitude taken by the women, yet some women, notwithstanding that their husbands urge them to break through the rigidity of this seclusion, decline to do so lest they offend the families concerned, or because they themselves consider it against their religion.

It is quite common for some of the educated women who observe *parda* in their own homes to discard the *burqa* once they get away, both on the train or in a distant city. They feel less and less embarrassed the farther they travel away from their own locality.

The *burqa* itself is feeling the influence of the changing fashion. There are those who ridicule the old-fashioned veil, 'which wraps a woman up as one bundle . . . a pitiable sight, a walking prison-cell. We have seen poor Muslim women, so encased, struggling on the railway stations and stumbling down the compartments. We think it should come under the "Cruelty to Animals Act!"'

The new fashion in *burqas* is one in which the whole garment is divided into two parts—one, a sort of over-coat, and the other a hood, 'a decided improvement'. Those worn by the rich may be of coloured silk and satin. Dark colours seem favoured by the Ahmadis, but the usual material is white calico. A progressive Muslim once suggested that, 'the next step should be the form of garment worn by R.C. nuns, which leaves the face bare'—and added, 'This of course,

presupposes an advanced stage of society in which men have a sense of social discipline and propriety'.[1]

The difficulties before the women are great, consequently,

> The general tendency among reformers is to be very moderate in their demands as regards the *burqa* and safeguards for women. Many who advocate a less restricted *parda* and are against confining women to their homes, do not yet wish to see the free mixing of the sexes. Comradeship between the sexes is foreign to Indian Tradition and is not recommended to the Indian mind by those of its aspects in Europe, especially, which receive the widest advertisement.[2]

The unfinished task in the matter of bringing women out of *parda* includes: more an education of men than of women, an increasing and deepening respect for women, a willingness to grant them education, to permit participation in public life by giving equal rights to men and women, by removing many of the degrading drawbacks of their lives, and by giving training in self-control in childhood. Some men in India now recognize all this. One states:

THE ABOLITIONISTS' PROBLEM

> Islām does not recognise the purdah as it is practised in India, and yet Indian society as it is constituted and the lax morality of its men do justify some restrictions on women. . . . If men are reformed and made to realise the respectability of females, the purdah problem would be solved.[3]

The conflicting ideas and new conditions have been well expressed by a Muslim lady:

> Modern men are not satisfied with wives who are only acquiescent slaves of their desire and mechanical producers of their 'legitimate' children. Women are therefore being given

---

[1] *The Light*, July, 1935.

[2] *Bengal Census* (1931), p. 399. cp. Vaughan, op. cit. p. xiv.

[3] Khan Bahadur Mian Yar Khan Daultana, M.L.C., in *C. and M. Gazette*, 30 Jan. 1936.

a more liberal education. . . . Some brave spirits have dared to imbibe the true spirit of education, to develop individual worth, to organise and to preach true equality. . . . From purdah to freedom lies the stage of inconsistency. . . . Products of the old conditions find themselves thrown into new conditions. Untrained to the duties and prerogatives of their new freedom they face it with a background of entirely opposite ideas, with no preparation for the changes in standards of value.

In the general relationship of the sexes these problems are aggravated. Men whose womenfolk are in purdah, who are brought up to believe that women's virtue can exist only under artificial control, who have no 'positive' standards of self-control, can mix with women who have realised their freedom. Their beliefs, if sincere, are an aspersion on the virtue of such women, and stand in the way of real respect for them. Women have to face the criticism and slander of people ignorant of their new standards. That is the price of freedom.[1]

[1] Begam Attia Habibullah, in *Our Cause*, p. 210 f.

XI

RIGHTS AND STATUS

AT this point in our study it is possible to set down the main facts about the legal status of woman in Islām.

It is generally recognized that some of the more notable reforms introduced by Muḥammad were those affecting the women of his day and that, notwithstanding what might be said to the contrary, he really did a good deal to ameliorate their lot. We might summarize what has been demonstrated in the preceding pages by saying that he restricted unlimited plurality in the matter of wives; discouraged divorce; forbade female infanticide, the disposal of widows as part of a deceased man's 'possessions', and restrained guardians from marrying female orphans in their minority; moreover, he established a law of inheritance for women, secured to wives the right of *mahr*, enjoined kind treatment towards female slaves, and at the same time promised religious favours as a reward to those who helped to support widows and orphans.[1]

In these ways he proved himself to be a practical idealist, because among the Arabs, who were susceptible to an appeal in the name of religion, he claimed divine sanction for his social reforms. That same sanction, however, has in the intervening centuries acted as a deterrent to progress because reforms designed for his day have been looked upon by the orthodox as binding for all time.[2]

[1] cp. above, p. 70; vide S. Lane-Poole, *SM.* p. 161.

[2] 'Thus the teaching regarding women which may have represented an actual advance in the status of women for the seventh century, when applied literally to the nineteenth and twentieth centuries has

As we shall have occasion in the course of this chapter to deal more directly with the claim often made by Muslim writers that Islām has done more than any other religious system in the matter of granting 'rights' to women,[1] it will be convenient to state, very briefly, the more important aspects of a Muslim woman's standing according to Muslim law.[2]

WOMEN'S RIGHTS

MARRIAGE. An adult woman may contract herself in marriage.

When widowed or divorced she is at liberty to marry again. She may not marry a non-Muslim husband. Her consent, or that of her guardian, to her marriage is necessary.

She has the right, under certain conditions, to repudiate a marriage contract on reaching puberty.

AS A WIFE. She is entitled to *mahr*, which must be paid to her in case of divorce or separation; she may, however, 'remit' either a part or the whole of it.

She may refuse to cohabit with her husband until the *mahr* is paid.

She is entitled to maintenance, and has the right to claim a habitation for her own use, consistent with her husband's means.

She has the right to one husband, though she may be one of four.

She may at any time, with or without notification of cause or reason, be divorced by her husband.

She has the right to seek *khul'a*,[3] divorce, from her husband, but with his consent. The law provides for the partition of a

discouraged change and kept Moslem women from being affected by the new conditions of the modern world.'—Woodsmall, op. cit. p. 377.

[1] e.g. Ameer Ali, *SI.* p. 253.

[2] cp. Wilson, *AML.* pp. 125–37.

[3] But cp. *Dissolution of Muslim Marriages Act* (1939); vide p. 168.

polygamist husband's time among his several wives.[1] The husband can demand her 'seclusion' from the public.

She may leave her house for necessary work on obtaining her husband's permission.

She has the care of her children until the boy is seven and the girl attains puberty.

She may be chastised by her husband.[2]

IN COURT. A woman pays only half a fine.[3]

The testimony of two women witnesses is equal to that of one man.[4]

If some one belonging to a woman is found slain in her house she has to swear on oath, in evidence, 50 times.

A wife's evidence in favour of her husband is admissible according to Shī'as, but inadmissible with Sunnis.

She may sue her debtors or her own husband in open court.

She may contract debts for her own support in the absence of her husband.

GENERAL. She retains her share of inheritance in the property of her parents, and in the event of his death is entitled to a portion of her husband's estate. She has, in law, control of earnings acquired by her own exertions.

A Muslim woman may execute the office of a *qāḍī* with certain exceptions; for instance, she may not do so when the

[1] cp. *Mishkāt*, Ar. 279 (Matthews, II, 107 f.); Goldsack, *SMT.* p. 170.

[2] cp. Qur'ān, 4: 38. 'This marital power of correction (recognised by the Mahomedan Law) has never been expressly taken away by the Indian Legislature, and wife-beating if confined to "moderate chastisement" may be taken out of the purview of the criminal law of the land provided that there is absence of "actual violence of such a character as to endanger personal health or safety."'—*Our Cause*, p. 237; Wilson, *AML.* p. 128.

[3] e.g. If the fine for a man is Rs. 10, a woman is required to pay only Rs. 5.

[4] 'A woman is regarded as of inferior competence in respect of giving evidence because of her weak character.'—Abdur Rahim, *MJ.* p. 377.

punishment for the offence tried is defined, or in cases of retaliation where it is an eye for an eye, etc.

She is not required to engage in war.

She may not be slain in battle; but may be taken captive or left in the desert to die. Nor may she be killed in case of apostasy; on the contrary, she must be imprisoned until she repent, and then she must marry her husband again with a small *mahr*.[1]

So long as the parents are living together there is no ambiguity with regard to the custody and maintenance of their children, it being the rule that the father provides all material necessities, while the mother naturally cares for the welfare of their bodies and early training. It is, for instance, recorded in the *Hedāya* that:

A Mother's Right

> A woman once applied to the Prophet, saying, 'O Prophet of God! this is my son, the fruit of my womb, cherished in my bosom and suckled at my breast, and his father is desirous of taking him away from me into his own care'. To which the Prophet replied, 'Thou hast a right in the child prior to that of thy husband, so long as thou dost not marry with a stranger'.[2]

Yet the law, notwithstanding this tradition, sets a term to the mother's care of her children, and introduces modifications in the event of her divorce.

'Guardianship' is recognized to be of two kinds: *wilāyat*, guardianship of the property and education and marriage of

[1] According to the Māliki and Shāfi'ī schools, however, she must be put to death. See ch. on Apostasy.

[2] op. cit. I, 385 f. (Grady, 138); quoted by Wilson, *AML.* p. 185 f. Muḥammad is reported (in loc. cit.) to have said to 'Umar on a similar occasion, *The spittle of the mother is better for thy child than honey*. cp. also Levy, *SI.* I, 199. The mother is considered best entitled to the custody of her infant child both during marriage and after divorce, unless she be an apostate, or wicked, or unworthy of such trust.—Hughes, *DI.* art. *Guardianship*, p. 151.

the 'ward'; and *ḥiḍānat*, guardianship in respect of the rearing and training of the child.[1]

In the first of these the law is emphatic: the disposal in marriage of a girl is the father's exclusive prerogative. If he be dead the right devolves on the father's father, then on the male agnatic collaterals in order of promixity. Even the most remote of these takes precedence of the mother.[2]

Mālik and Shāfi'ī hold regarding the mother that,

> Neither is she competent to contract her daughter . . . nor to act as a matrimonial agent for any one, so as to enter into a contract of marriage on behalf of her constituent . . . and if the performance of this contract were in any respect committed to women, its end might be defeated, they being of weak reason, and open to flattery and deceit.[3]

In respect of property, guardianship rests in the first place with the father, or with the person appointed by him.[4]

The Qur'ān has not defined the period of *ḥiḍānat* consequently there is considerable difference of opinion among the various legal schools as to its duration.

Ḥiḍānat[5]

According to Sunni law the mother has the custody of a boy until he has completed seven years, and that of a girl until puberty, or the marriageable age.[6]

Under Shī'a law the mother has the right to custody of a boy only until he is weaned, and of a girl only until she is seven.[7]

But once the boy or girl has passed the period of *ḥiḍānat*

[1] cp. Wilson, *AML.* p. 170; Abdur Rahim, *MJ.* p. 344.

[2] cp. Wilson, *AML.* p. 57. [3] cp. *Hedāya*, I, 95 (Grady, 34).

[4] Wilson, *AML.* p. 188; Abdur Rahim, *MJ.* p. 345.

[5] see above, p. 171; Levy, *SI.* I, p. 203 f.

[6] cp. *Hedāya*, I, 388 (Grady, 139): Wilson, *AML.* p. 448; Hughes, *DI.* art. *Guardianship*, p. 152.

[7] These provisions mitigate to some extent one of the more painful consequences of the husband's unlimited power of divorce.

there remains no option, both must abide henceforth in the custody of the father.[1]

Loss of Right

A mother, otherwise entitled to the custody of her child, whether a boy or girl, becomes disqualified in certain circumstances:

> By being married to a man not related to the minor within the prohibited degrees, so long as the marriage subsists;[2]
>
> By going to reside at a distance from the father's place of residence—except that a divorced wife may take her own children to her own birth-place, provided it be also the place at which the marriage was contracted;[3]
>
> By failing to take proper care of the child;
>
> By gross and open immorality.[4]

To sum up:

> The mother's right is recognized in Muslim law only in the period of the child's infancy. Once that period is over the legal guardianship passes to the male section of the family and the mother forfeits her right to look after the child's person or property, or to be a guide in anything that is material to its future well-being and care. . . . Her position is then reduced to that of a nurse whose presence is indispensable for a limited period in the child's life.[5]

Inheritance[6]

We have already seen that in pre-Islamic Arabia women were debarred by customary law from inheriting property.[7] Muḥammad 'deeply modified earlier practice' by introducing

[1] cp. *Hedāya*, I, 389 (Grady, 139); Levy, *SI.* I, 200. The Shāfi'ī school, however, holds that after seven the child has the power to discriminate and may choose with which parent it would prefer to live.—cp. Levy, *SI.* I, 200.

[2] But she 'recovers the right by the dissolution of the marriage.'—*Hedāya*, I, 387.

[3] cp. *Hedāya*, I, 390 (Grady, 139).

[4] cp. Wilson, *AML.* p. 185 f.

[5] *The Statesman*, 18 Aug. 1940.

[6] Ar. *Mīrāth*, or *Farā'iḍ*.

[7] See above p. 31 f.

a new principle according to which the female was a co-sharer, though not equal-sharer, with the male.[1]

The Qur'ān

There are several passages in the Qur'ān that deal with this matter in detail. The most important are the following:

> Men ought to have a part of what their parents and kindred leave; and women a part of what their parents and kindred leave: whether it be little or much, let them have a stated portion.—4: 8.[2]
>
> With regard to your children, God commandeth you to give the male the portion of two females;[3] and if they be females more than two, then they shall have two-thirds of that which their father has left: but if she be an only daughter, she shall have the half; . . . but if he have no child, and his parents be his heirs, then his mother shall have the third: and if he have brethren, his mother shall have the sixth, after paying the bequests[4] she shall have bequeathed, and his debts. . . . And your wives shall have a fourth part of what you leave, if ye have no issue; but if ye have issue, then they shall have an eighth part of what ye leave, after paying the bequests ye shall bequeath, and debts.—4: 12–14.
>
> God instructeth you as to distant kindred. If a man die childless, but have a sister, half what he shall have shall be hers; and if she die childless he shall be her heir. But if there

[1] cp. Levy, *SI.* I, 141.

[2] Md. Ali, *Qur'ān*, in loc. cit. n. 544, remarks, 'The principle laid down in this verse is the basis of the Muslim law of inheritance'. He claims that it places the division of property on a 'democratic basis' since 'the whole of the property does not go to the eldest son'. vide also *RI.* p. 701. cp. 'There is no evidence of preferential treatment of the first-born, which we find elsewhere in Semitic law.'—*Encyc. Islam*, art. *Mīrāth*, III, 508; Levy, *SI.* I, 207.

[3] In explanation of this stipulation Md. Ali says, 'Man is generally recognized as the bread-winner of the family, and that is the position assigned to him in the Holy Qur'ān.'—*RI.* p. 704.

[4] cp. Qur'ān, 2: 178. Some consider this verse to be 'abrogated' by 4: 12; vide Md. Ali, in loc. cit. n. 223, and *RI.* p. 714; Levy, *SI.* I, 233.

be two sisters, two-third parts of what he shall have shall be theirs; and if there be both brothers and sisters, the male shall have the portion of two females.—4: 175.

What the Traditions have to say on this subject need not detain us here because:

> The full details which tradition is able to give regarding the causes of the revelation of the regulation of the law of inheritance are not historical. . . . [for the rest] Numerous *ḥadīths* simply repeat the Kurā'nic regulations.[1]

LAW

The law of inheritance according to the Ḥanafī code divides the heirs into two main groups, *aṣḥābu'l-farā'iḍ*, 'quota-heirs,' or those whose shares are expressly fixed, and *ahlu'l-mīrāth*, those heirs who take a residuary interest.[2]

The first charge on the property of a deceased person is on account of the funeral expenses; next is the payment of any debts, and then the claims arising from legacies, which must not exceed one-third of the residue. The remaining two-thirds, together with any unused portion of the reserved third, fall as patrimony to the heirs of the deceased.[3]

During his life-time, however, a Muslim has absolute control of his property and may dispose of it as he likes, but he is required to deliver it over to the beneficiary in his life-time.

AṢḤĀBU'L-FARĀ'IḌ[4]

The regulations concerning 'sharers' are based, it is true, on the Quranic injunctions

[1] See further *Encyc. Islam*, art. *Mīrāth*, in loc. cit.

[2] cp. *Encyc. Islam*, art. *Farā'iḍ* (Juynboll), II, 57 f. and art. *Mīrāth* (J. Schacht) in loc. cit.; Hughes, *DI.* art. *Inheritance*, pp. 207 ff; Md. Ali, *RI.* p. 711 f.; Abdur Rahim, *MJ.* p. 347 f.

[3] A Muslim is thus debarred from bequeathing more than one-third of his property by will. For a clear summary of the law, cp. Hughes, *DI.* art. *Inheritance*, and Subhan, *Islam*, p. 141 f.

[4] The law of inheritance in Islām is called *'Ilmu'l-farā'iḍ*, because of the prominence given to this principle of 'fixed', or 'obligatory' shares.

cited above, but the task of deducing conclusions from them proved an incentive to fabricate a mass of conflicting traditions on matters not expressly determined in the Qur'ān.

Thus in the case of the 'sharers'—whereas the Qur'ān only prescribes portions for the wife, the brothers and sisters, the total number has been raised by the lawyers to twelve; these are: four males, the father, the grandfather: the uterine brothers and the husband; and eight females, wife, daughter, son's daughter, mother, grandmother, full sister, consanguine sister, uterine sister.[1]

We are naturally more concerned in this place with the allotments made to women. In keeping with the injunction

SHARES FOR WOMEN

of the Qur'ān (4: 12), a half share is given to the daughter if she be the only child; if there are two or more daughters, and no sons, they receive two-thirds of the estate.[2]

One-sixth of the estate may be claimed by each of the heirs in the ascending line, though the mother only receives this share if there are children, a son's children, or two or more brothers and sisters of the deceased; otherwise her share is only one-third.

The widow can only claim half of what a widower would receive in the same circumstances; that is, one-fourth or one-eighth according as to whether she inherits with children (or a son's children), or not.[3] Furthermore, one-third is due

[1] cp. *Encyc. Islam*, arts. *Farā'iḍ* and *Mīrāth*, in loc. cit.; Md. Ali, *RI.* p. 711.

[2] The son's daughters, full sisters and half-sisters on the father's side are subject to the same rules.

[3] Qur'ān, 4: 14. vide *Encyc. Islam*, art. *Farā'iḍ* in loc. cit. cp. 'One-eighth if he has left children, and one-fourth, and in some circumstances one-third, if not.'—A. Yusuf Ali, contributed in *Our Cause* p. 96.

to the wife during the life-time of her father-in-law, when the husband has left neither children nor other relatives entitled to inherit.[1]

How the Law Works

Such are the stipulations of Islamic law but in practice the would-be beneficiaries frequently suffer. For instance, the principle of 'sharing' is carried to such lengths that people are often beggared. Says one who knows:

> Our Law of Inheritance is so framed as to reduce the wealthiest family, in a generation or too, to narrow circumstances, if not to utter penury.[2]

On the other hand, in many parts of India where customary law, and not the *Sharī'at*, is in force:

> Where there are sons or sons' sons, female children, and often both parents too, are excluded from succession to property, particularly if it consists of land or immovable possessions.[3]

A Muslim lady recently agreed that such disabilities do exist:

> I admit that the Islamic law of inheritance does not universally govern the Moslems of India. A large part of the Moslems of the Punjab, for example, have what is called Customary Law, inherited in most cases from their Hindu ancestors, which gives women hardly any rights of inheritance.[4]

And Lady Abdul Qadir, addressing the All-India Women's Conference in 1930, said,

[1] cp. Subhan, *Islam*, p. 142.

[2] 'Moreover, our partial and limited power of making a will is another source of countless mischiefs'.—S. Khuda Bukhsh, *EII.* p. 236.

[3] cp. Levy, *SI.* II, 148, who quotes from C. L. Tupper, *Punjab Customary Law.*

[4] cp. *Review of Religions*, September, 1933, reporting Mrs. Latifi's speech at the Y.M.C.A., Simla, 1933.

> She deplored that these rights [of inheritance, etc.] were not put into practice in India and stressed the need for agitation in this regard, to enable Muslim women to again come into their own.[1]

That Conference, at its session in 1936, resolved that,

> In order to ensure the rights of inheritance to Muslim women, in accordance with the laws laid down in the Kuran, the current customary law as practised in some parts of India be not recognised by the courts.[2]

When, however, a Bill to rectify these defects was introduced into the Central Assembly it was feared that if it became law the result would be to destroy large agricultural estates, and also seriously affect the position of small zamīndārs. Eventually an Act was passed making provision for the application of the Muslim Personal Law [*Sharī'at*] to Muslims in India, excluding the North-West Frontier Province.[3]

Though the Act is not compulsory any Muslim may by declaration state that he desires to obtain the benefit of this Act, and thereafter the Muslim Personal Law [*Sharī'at*] shall apply to the declarant, and all his minor children and their descendants as if in addition to the matters enumerated therein, adoption, wills and legacies were also specified.

It is interesting to find that young Muslims have at times questioned the justice of the principle that men should receive a double portion in the matter of inheritance. Replying to one who had raised this point in a public debate the editor of a progressive journal once said,

> Islām stands for the absolute equality of the sexes. . . . The boy is to be the founder and maintainer of the whole family, whereas a girl, when married, will have no obligations to meet.

[1] Reported in *C. & M. Gazette.*

[2] *A-I. Women's Conference Report*, 1936, p. 168.

[3] cp. *Muslim Personal Law (Sharī'at) Application Act*, No. XXVI of 1937. This does not relate to agricultural land.

. . . Differences in obligations necessitate differences in rights.[1]

Woman's Status

It is sometimes claimed by Muslim writers that with the coming of Muḥammad the women of Arabia were accorded a position equal in all respects to that of men.

Equality of the Sexes

There are passages in the Qur'ān, it is true, which ascribe equality to woman in spiritual matters. Thus:

> Whoso doeth that which is right, whether male or female, if a believer, him will We surely quicken to a happy life, and recompense them with a reward meet for their best deeds. —16: 99; cp. 40: 43; 4: 123; 9: 72-3.[2]

Modern exponents of Islām also claim that equal status of husband and wife is established by the verse,

> You are allowed on the night of the fast to approach your wives: *they are your garment and ye are their garment.*—2: 183.

Cheragh Ali, quoting this passage in a statement on the position of women in Islām, says:

> The social equality of both sexes is implied fully in this simile;[3]

while Muhammad Ali's comment is:

> The closest union of two souls could not be described more aptly.[4]

For the same purpose one of the verses dealing with divorce is sometimes laid under contribution:

---

[1] *The Light*, 24 Nov. 1932. cp. 'Keeping in view his greater responsibilities, it is easy to see that he is entitled to a greater share'. —Md. Ali, *RI.* p. 704.

[2] cp. Levy, *SI. I*, 143.

[3] cp. *RMR.* p. 117.

[4] cp. *RI.* p. 645. 'From a material as well as a spiritual point of view, Islām recognizes the position of woman to be the same as that of man'.—op. cit. p. 643.

> The divorced shall wait the result, until they have had their courses thrice, nor ought they to conceal what God hath created in their wombs, if they believe in God and the last day; and it will be more just[1] in their husbands to bring them back when in this state, if they desire what is right. And it is for the women to act as they [the husbands] act by them, in all fairness; but the men are a step above them.—2: 228 (Rodwell's translation).

In his commentary on this passage Md. Ali, in his eagerness to establish his thesis, claims too much. He says;

> The rights of women against their husbands are here stated to be similar to those which the husbands have against their wives. . . . The change in this respect was really a revolutionizing one, for the Arabs hitherto regarded women as mere chattels, and now the women were given a position equal in all respects to that of men. . . . The woman could no longer be discarded at the will of her 'Lord', but she could either claim equality as wife or demand divorce.[2]

In other words, he finds in this passage the charter of women's equal rights with men, but Sale, Rodwell, Palmer and others understand *aḥaqqu* in the sense of moral obligation; a matter of what is right, not 'rights'.

The plain meaning of the passage seems rather to be that, *in regard to this particular matter* (a prospective divorce), the woman should have the same claim upon the man; that is to say, during the period of her *'iddat* the man should be open to receive any advances towards reconciliation from the side of the woman and not regard himself as finally free from all relationship to her. So that *walahunna mithl*, 'for the same is due to them', implies that, strictly in relation to the matter in hand, a similar obligation rests upon the woman.[3]

---

[1] *aḥaqqu*, 'will do better' (Palmer); see above, p. 144, n. 3.

[2] cp. Qur'ān, in loc. cit. n. 296.

[3] The author acknowledges his indebtedness to Professor Richard Bell, of Edinburgh, for notes received in a letter towards the elucidation of this verse in the Qur'ān. It is in this sense that Mr. Yusuf

Moreover, this commentator's interpretation runs counter to the usual meaning given to the final clause of the verse as quoted above—'the men are a step above them'—which he himself translates, 'the men are a degree above them'. He explains, however, that this 'does not nullify the rights' already granted, because its significance is to be found in a phrase at 4: 38, where men are said to be the *quwwāmūn* of women, a term he renders by 'maintainers', since 'the man excels the woman in constitution and physique, while the woman excels the man in beauty and delicacy of structure'.[1] But the popular understanding of these words is more correctly represented in the paraphrase of the Muslim author of a manual of instruction for women:

Mard 'awraton ke sardār hain[2]

While modern exponents are thus inclined to extend the bearing of 2: 228 much beyond the matter in hand, the traditionists and early commentators are clearly concerned to bring the statement into accord with the system of law, and therefore seek to define the 'rights' women may claim from their husbands; for example:

TRADITIONAL VIEWS OF 'WOMEN'S RIGHTS'

Ali translates and comments on 65: 6. 'A selfish man [during the woman's *'iddat*] may treat her with contumely . . . and make her life miserable. This is forbidden. She must be provided on the same scale as he is, according to his status in life'.—*Qur'ān*, in loc. cit. n. 5516.

[1] *Qur'ān*, in loc. cit. n. 568; cp. his *RI.* p. 645 f. and Yusuf Ali, *Qur'ān*, in loc. cit. n. 545 ['protectors and maintainers'].

[2] 'Men are the "masters" of women'.—*Ta'līm*, Bk. VI, p. 44; also quoted above, p. 89, n. 4 in connection with the deplorable custom of zanana women in showing disrespect to the bridegroom. Maulana Abu'l Kalam, in his Urdu commentary, construes the Arabic to mean, *Mard 'awraton ke sar-ba-rāh aur kār-farmā hain*, 'managers and rulers'.—*Qur'ān*, in loc. cit. I, 340.

> The father of Ḥakīm bin Mu'āwiya seeks to know from Muḥammad, 'What is my duty, *mā ḥaqqu*, to my wives?' He replied, 'That you give them to eat when you eat yourself, and clothe them when you clothe yourself: and do not slap them on the face or abuse them, nor separate yourself from them in displeasure, except in your own house.'—*Aḥmad, Abū Dā'ūd, Ibn Mājah*.[1]

And Baiḍāwī states categorically the different respects in which men stand superior to women: Allāh has preferred man over woman in the matter of mental ability and good counsel and in his power for the performance of duties and for the carrying out of divine commands. On the other hand, this commentator quite as definitely limits the wife's claims to *mahr*, the necessities of life, and exemption from grievous hurt.[2]

Similarly, in the *Khulāsatu'l-Tafāsīr* we find the following interpretation:

> The women have a right over their husbands, that is, for sustenance, food, and clothing, just as men are entitled to demand obedience and service from women. And men are in a sense superior to women and are their rulers. And God is great: whomsoever He likes He makes the master and whomsoever He likes He makes the slave. . . . [A tradition is quoted from *Tirmidhī, Ibn Mājah* and others, which reports that Muḥammad said] 'Beware, you have a right over women and women have a right over you. Your right over women is that they should not allow another man to enter into your house. . . . Their right over you is that you should be generous in the matter of their food and clothing . . . . Do not thrash your women for a fault just as you would thrash your handmaids'. And this statement that men have priority over women is based on a profound principal. Therefore if a man should do less than his duty to his wife she should not be unmindful of his essential superiority; and if the woman fail

[1] cp. *Mishkāt*, Ar. 281 f. (Matthews, II, 113); Goldsack, *SMT.* p. 172.

[2] cp. Baiḍāwī, *Tafsīr*, in loc. cit. I, 109; cp. Levy, *SI.* I, 142.

in her duty the man, he in consideration of his superiority over her, should forgive her. This will lead naturally to a harmonious relationship.[1]

A modern writer, commenting on this same passage, says:

> God has preferred some above others. . . . Herein is one of the reasons for the *bar-tarī*, superiority, of men. . . . If men and women were to abide within the limits assigned them by the Creator, both sexes would find this world a paradise. . . . But though the world has in this respect been travelling along a well-defined path for thousands of years, now the people of Europe have invented the fiction that, because they are descended from Adam, men and women are *barābar*, equal![2]

One readily sympathizes with those Muslim leaders today who try to find support from the Qur'ān for their claim that women merit a position of dignity and honour equal to that accorded to men. But their task is rendered very difficult because of the persistence of views such as these which we find in a popular book for women:

THE DUTIFUL WIFE

> As far as possible keep the heart of your husband in your hand, and obey his slighest wish.[3] Should he bid you stand with folded hands in his presence all through the night, then know that your welfare in this life and the next depends upon your doing so. . . . Never do any thing to vex him. Even if he should call the day-time 'night', you must acquiesce.[4]

[1] op. cit. I, p. 167. The above extracts are good examples of the way in which Muslim expositors seek to bring the statements of the Qur'ān into accord with the system of Islamic law.

[2] cp. *Ummahātu'l-Ummah*, p. 15. He pours the utmost scorn on those modern women who, usurping the place of men, are now found as public servants in post and telegraph offices, as doctors and nurses in hospitals, and in primary schools; some even aspiring to be *sipasālār*, 'generals'!

[3] lit. 'the hint in his eye'.

[4] cp. *Bihishtī Zewar*, Bk. IV, p. 51, from the ch. entitled 'Getting On with One's Husband'.

The same writer declares that Muḥammad once said:

> If I had enjoined the worship of any one else beside God, then I would certainly have commanded the wife to worship her husband.[1]
>
> A wife should keep herself clean and adorned; should she fail in this, the husband has the *ikhtiyār*, right, to beat her.[2] Nor should she go out of doors, even to visit the house of relatives and friends, or any one else, without her husband's permission.[3]

It must not be thought, however, that all educated Muslims would agree with the views so expressed. As a matter of fact, some are seeking to counteract them by quoting quite other sayings of the Prophet. We reproduce a few of these which have been published by them to indicate the place of 'women in the eye of the Holy Prophet Muḥammad':

> She is the ideal wife who pleaseth thee when thou lookest at her, obeys thee when thou givest her directions, and protects her honour and thy property when thou art away.[4]
>
> Paradise lies at the feet of mothers.[5]

> Fear God in regard to the treatment of your wives, for verily they are your helpers. You have taken them on the security of God, and made them lawful by the words of God.
>
> Among my followers the best of men are they who are best and kindest to their women.
>
> A Muslim must not hate his wife, and if he be displeased with one bad quality in her, then let him be pleased with another which is good.
>
> Refrain from either giving a slap on her face or even abusing her . . . do not beat your noble wife like a slave.

[1] *'awrat ko zarūr ḥukm detā ki apne miyāṇ ko sijda kiyā kare.* op. cit. Bk. IV, p. 50; cp. Hughes, *DI.* art. *Wives*, p. 675.

[2] cp. Qur'ān, 4: 38; *Mishkāt*, Ar. 282 (Matthews, II, 113); Goldsack, *SMT.* p. 162; vide Md. Ali, in loc. cit. n. 572.

[3] op. cit. Bk. IV, p. 51.

[4] cp. *Mishkāt*, Ar. 156 (Matthews, I, 411); Goldsack, *SMT.* p. 164.

[5] cp. As-Sayūṭī, *Jāmi'-Saghīr*, I, 122 (ed. Cairo).

> That is the most perfect Muslim, whose disposition is best; and the best of you are they who behave best to their wives.[1]

Some educated young men and women, however, are now questioning the validity of this claim of the reformers that women have, in fact, equal rights with men. Islamic law regarding *parda*, men's right to divorce, the practice of polygamy, and so on, are all subjects of debate and letters to the press. For instance, one writes:

> You say men and women enjoy equal rights in Islām; if so why plurality of husbands is forbidden when plurality of wives is allowed? . . . It is said that women in Islām enjoy every right as men. But seeing what is going on around us among our Muslim brethren I do not find any way to believe this. Muslim women's lot here is worse than that of slaves.[2]

---

[1] cp. *The Light*, 8 Dec. 1934.

[2] *The Light*, Aug. 1935. Indeed, the editor of this journal himself once lamented the actual state of things: 'A virtual slave to man, his sweet will must be hell to her or heaven to her just as the whim may be. . . . Just mark the irony of things. The Prophet tells us that Paradise is at the very feet of woman—and yet what is the position to which she has been condemned in an average Muslim home? Why, 'the very shoe at the feet of man', that is how the common Panjabi saying goes.'—*The Light*, 24 Aug. 1933.

SECTION III

THE RELIGIOUS LIFE

I

THE RELIGIOUS LIFE OF A MUSLIM WOMAN

It is not easy to gauge exactly what religious aids and convictions influence the lives of other people. This is particularly true when one of another faith sets out to describe the religious life of Muslim women. As in other communities so here, the component parts of the faith receive varying stress and interpretation. Moreover, there is little real similarity between the life of a devout woman and one who is worldly-minded, or between the religious thought-life of an educated woman and that of her illiterate village sister.

By way of illustration it will be found helpful to speak of the women in three main groups, though no hard and fast lines can be drawn between these:

The educated women; they may be strictly orthodox, or, like adherents of the Aḥmadi sect, rationalists.

The partially literate; those able to 'read' the Qur'ān in Arabic. These have assimilated some of its teaching and are acquainted with the Traditions.

The illiterate masses; those who mostly follow spurious traditions and a host of superstitions, some of Hindu origin. In this group may be included women who receive teaching from travelling *pīrs* and *faqīrs*.

In the first class are to be found certain choice souls, devout seekers after God, who keep strictly to the rules of their religion, offer *nafl* prayers and make the pilgrimage at least once in their lifetime.

Educated Women

Some of them derive great joy in the performance of *dhikr*, giving alms, and in 'gaining merit' generally.

But the greater number in this group appear to maintain faith in Islām without close knowledge of the Qur'ān and Muslim literature, and at the same time observe a number of religious practices with little appreciation of the actual tenets of the faith. True, few Muslim women are avowedly irreligious, but there are many today for whom subscription to certain dogmas has little religious significance. Some might even agree with the statement of an educated and responsible Muslim who said: 'My personal attitude towards religion is that of an agnostic. I am not a believer in Allāh, or in the inspiration of Muḥammad. On the other hand, I come from Muslim stock, my social and political interests are those of Muslims, and I wish to add my contribution of one to the Muslim "sub-nationality".'[1]

On the other hand, the pressure of communal tension in India has made people feel that for too long they have been slack about the things of religion, and there is now a closing of the ranks among Muslims in order to present a united front to the Hindus. The *Sharī'a* has become the symbol of unity.[2]

Others persuade themselves that Islām can be reconciled with modern thought; or better still, that Islām itself is the basis for modern progress. Of such are the Ahmadis, whose vindication and defence of the faith is accepted by an increasing number of educated Muslims as the form in which they can remain intellectually loyal to Islām. Among such

[1] *Madras Census*, 1931, p. 329.

[2] cp. 'The consciousness of being surrounded by a strong, numerically overpowering force like Hinduism (there are over 238,000,000 Hindus in India) has always tended to put the Moslem minority on the defensive.'—Woodsmall, *Moslem Women Enter a New World*, p. 389.

one does not find so much a religious craving as a keenness to defend a certain position. In reality the religious problem is evaded, not solved; for while Islām is strenuously vindicated, it is not related to, and confronted with, the ultimate problems of life. The time for this will come when the main concern will be the quest for true religion and not merely self-defence.[1]

Belonging to this small group of the educated are the numbers of girls in high schools and colleges. These students are entering so large a universe straight from the seclusion of the zanana that their minds are inevitably filled with the things of this new world and the many social problems they are called upon to face. Others, again, are too keen on their studies to think of much else, yet some of the keenest regularly perform *namāz* and observe *roza*. Some are found to be grappling with serious questions of the soul, such as: What is sin? Is there an ultimate standard of right and wrong? How can one be sure that the qualities we see in Jesus are the qualities of God?

Numbers of these women still bear traces of the environment in which they have been brought up; for instance, in their belief in *jinn* and fear of the evil eye. Only recently in North India an English woman underwent a series of operations in the course of a single year. While in hospital she was visited by a Muslim girl-friend, a medical student, who gravely informed her that without doubt someone must have cast an evil eye upon her. The English woman remonstrated, but the other replied, 'Of course I know the causes of disease, but there never would have been need for you to have so many operations in so short a time had it not been that someone had put an evil eye upon you; and if that is not the cause it is a *jinn*'.

[1] cp. Kraemer, art. 'Islām in India Today,' *The Moslem World*, April, 1931.

We turn now to consider the religious life of the far larger class of orthodox women residing in such homes as those from which the school and college girls come.

THE ORTHODOX AND ILLITERATE

The question arises, how do these women —most of whom are illiterate, in *parda*, and denied use of the mosque—receive instruction in the faith?

Much of course depends on home-training. In a pious family, girls and women grow up in a religious atmosphere and from the cradle to the grave are guided by the precepts of Islām and a host of traditions. Thus it comes about that a baby of 18 months has been known, at the sound of the name *Allāh*, to raise its finger by way of indicating that He is *One*; and a child not much older has been seen to prostrate itself as though in the act of prayer. On the other hand, in godless homes little instruction is given, but where it is the father who is lax the mother or grandmother will sometimes give regular teaching to the children. A woman who had received instruction in this way declared that her grandmother taught her the Qur'ān from the age of three, waking her early for the purpose and wrapping her round with a quilt. In another home a grandfather gave an hour each morning to teaching the Qur'ān to the girls.

IN THE HOME

Children also learn much from the discussions that go on in the home. A precocious girl of nine, hearing her mother complain to a visitor that the head of the house had brought a second wife into the home, was heard to remark: 'But the Prophet (the peace of God be upon him) said that men should be the protectors of women—it is so written in the Qur'ān; he himself (the peace of God be upon him) had many wives. Then why should mother rail at what our religion teaches!' These children also hear accounts of the miracles of Muḥammad and stories of other prophets from

books such as *Qiṣaṣu'l-Anbiya*, and stories about famous saints.

But the majority of girls live in homes where the parents themselves know little of Islām; they may learn the customary genuflexions but do not repeat the appropriate verses from the Arabic Qur'ān because the parents do not know them. They are more familiar with popular superstitions and taboos.

In homes where instruction is given it is usual to begin with an Arabic primer and when this is completed some perform the *Bismillāh* ceremony.[1] Then one commences the Qur'ān, learning the *Fātiḥa* and along with it *Qul hū'Allāhu Aḥad* (112), or any other short *sura*. Children who have been carefully taught can repeat these correctly at the age of twelve or even earlier. They are instructed to recite these as *namāz*. At a still earlier age they receive instruction in the manner of reciting *namāz*, rules for the ceremonial washing of hands and feet, and the right posture of the body in genuflexions. In fact they soon learn to copy the movements of their mothers, and with them visit shrines and hear about saints and vows.

The next stage is for a woman Qur'ān-teacher to come to the house to teach the girls, though in Shī'a homes it is customary for a *mulla* to come and instruct girls up to ten years of age. If the parents cannot afford to engage a teacher the children may be sent, at the age of six or seven, to the mosque to receive instruction from the *muadhdhin* or the *imām*. Girls from strictly *parda* homes do not usually continue after reaching the age of eight or ten. The instruction given in these mosque schools includes the obligatory prayers, recitals from the Qur'ān, narratives from the life of Muḥammad and the importance of keeping *roza*. The children also take part

RELIGIOUS TEACHERS

[1] See ch. on Semi-Religious Ceremonies.

in various little ceremonies in connection with the reading of the Qur'ān.[1]

Nowadays provision is made in a number of the day schools for a teacher of religion to be present to give the necessary instruction to girls.

These Qur'ān-teachers are, as a rule, elderly women who are able to walk the streets freely, wearing the *burqa*. Very few, however, know enough Arabic to be able to explain the Qur'ān, but this lack is being met today in some homes by the use of copies with an interlinear translation in Urdu. But apart from that, the mere art of reading the Qur'ān is greatly coveted as this by itself and without a knowledge of its meaning, is believed to be very meritorious.

By way of reward such teachers may receive fees or food from the parents of their pupils. On special occasions they receive gifts of money and clothes, as, for instance, when girls have completed the reading of the Qur'ān, or when called to read the book on the occasion of sickness or death.

Various types of women take up this profession and they go by different names. In villages the *maulawī's* wife or daughter may undertake the work of teaching; they are spoken of as a *mullānī* or *pīrnī*, i.e. wife of a *mulla* or *pīr*.[2] *Faqīrānīs*, women *faqīrs*, are found in most towns and villages; these are able to give instruction about religious beliefs and tell stories from the Traditions. Frequently they are employed to prepare the bodies of women for burial.

Women who have returned from the pilgrimage are looked upon as specially devout and go by the name of *Ḥājnī*, *Ḥājin*, or *Ḥājīn Bībī*. They make house to house visitations, read

[1] See ch. on Religious Festivals and Ceremonies.

[2] Women, well able to read, may gather groups of girls around and, as a meritorious deed, give them instruction while themselves engaged in domestic duties.

the Qur'ān and instruct the womenfolk. Frequently they have brought with them clay from Mecca or Karbalā, flowers, *zam-zam* water or rosaries, and they sell small quantities of these treasures to the women for a few annas. These commodities are kept for use during illness; the *zam-zam* water is given to drink, and the clay is used to counteract pain and at childbirth. These women, also, receive rewards in the form of payment or food.

Women mystics are met with in most parts of India and are respected for their piety. They belong to various religious orders but are not allowed to make disciples. Some of these are quite unable to 'read' the Qur'ān, but perform a service by repeating the *namāz* and chanting *durūds*. As a rule they receive no payment, but may accept gifts in kind.[1]

Women do not receive instruction from the *khuṭbas*, sermons, given in the mosque on Fridays because, though

WOMEN AND THE MOSQUE

the Qur'ān lays much stress on assembling together there for congregational prayers, the prevailing view, borne out in practice, is that this does not apply to women.

The author of a widely-used work on religious instruction for women quotes Muḥammad as having said that the best

TRADITIONS

mosque for women is their own house, and adds by way of comment: 'This shows that women are not supposed to visit mosques, and shows also that they are not to go out of their house even for prayer, much less for anything else'.[2]

Such a tradition is indeed on record:

> Do not prevent your women from coming to the *masjid*, but their homes are better for them.—*Abū Dā'ūd*.

[1] See ch. on Sufism and Saints.

[2] cp. *Bihishtī Zewar*, Bk. VII, p. 31.

A variant form of this states,

> It is better for women to say their prayers within their houses than in the courtyards of them; but their closets are still more excellent for them.—*Abū Dā'ūd.*[1]

But it would seem that the more authentic tradition runs as follows:

> When a woman of any of you asks permission to go to a *masjid*, do not deny her.—*Bukhārī, Muslim.*[2]

In other words, the Prophet encouraged women to pray in a mosque if their husbands gave them permission.[3]

But if they do go they must take up the position in the ranks deemed suitable for them:

> The best rank of men is the first of them, and the worst is the last of them. And the best rank of women is the last of them, and the worst of them is the first rank.—*Muslim.*[4]

A Muslim journal gives a reason for this arrangement:

> As far as possible to avoid the diversion of mind of a person during his or her prayers, Islām forbids any sort of attraction in the mosque. Standing of persons of both the sexes shoulder to shoulder while worshipping their Creator of course should be prevented by the law of morality.[5]

This same paper on another occasion stated:

> It is a matter of history that women joined men in prayer behind the same Imām. Only they occupied the hindmost rows and would disperse before the men. This practice has fallen into disuse because of the general deterioration of the Muslim in his attitude towards women.[6]

That in fact is the general position in India today. Orthodox Muslims do not allow their womenfolk to attend

[1] *Mishkāt*, Ar. 96 (Matthews, I, 223); Goldsack, *SMT.* p. 47.
[2] *Mishkāt*, Ar. in loc. cit. (Matthews and Goldsack, in loc. cit.)
[3] cp. Levy, *SI.* I, 186.
[4] *Mishkāt*, Ar. 98 (Matthews, I, 229); Goldsack, *SMT*, p. 48.
[5] cp. *The Light*, January, 1936.
[6] *The Light*, 24 May, 1937.

the mosque prayers,[1] notwithstanding the popular belief that prayers repeated there are 'twenty-seven degrees' more meritorious than prayers said alone.[2] This of course means that women are denied opportunity of gaining teaching through such worship.

PRACTICE IN INDIA

On the other hand a few of the women living in towns and cities are to be seen attending the mosque services at the time of special festivals. Thus at the time of 'Īd prayers, after the month of fasting, about thirty women may be seen within the large mosque at Lahore, either on the roof of the colonnade skirting the courtyard, or well to the front in one corner, separated from the men. The Ahmadis praying simultaneously on the maidan outside make *parda* arrangements whereby about 250 women are accommodated for prayers.[3] In Shī'a centres, at the time of Muḥarram, large numbers of women sometimes attend the mosque.

MEETINGS ELSEWHERE

Occasionally women have opportunities to attend gatherings for worship in places other than the mosque. Thus a few years ago ladies in Calcutta assembled in a house to say the 'Īd prayers which were led by a Ḥanafī *imām*.[4] In some villages, as in the Panjab, women go to the house of a *mullānī*[5] on Friday mornings (more especially in *Ramaḍān*) and there perform the *namāz*. There is no *imām*, but they stand in ranks and

[1] Women of some sects, such as the Bohras, say that they could attend but they prefer to say their prayers at home.
[2] cp. *Mishkāt*, Ar. 95 (Matthews, I, 222); Goldsack, *SMT.* p. 46.
[3] Women themselves will sometimes state that the Prophet forbade women to attend the mosque, but there are more likely explanations for not going, e.g., the practice of *parda* makes it difficult; moreover, women are not allowed to perform *namāz* when ill, or during menstruation or pregnancy.
[4] It was noted in the press as 'the first time in the history of Calcutta that Muslim ladies have thus celebrated the *'Īdu'l-Fitr'*.
[5] Or to the *Taḥṣīldārnī*, if she is an educated woman.

recite the prayers quietly and quickly. The *Āmīn* is said aloud, because the women say that even when the faithful prayed behind Muḥammad a little *jinn* would enter the mouth but was promptly expelled when *Āmīn* was said aloud.

The lady of the house, or failing her, one of the women present, will subsequently read out portions from such popular books as *Pakkī Roṭī*, *Miftāḥu'l-Jannat*, *Ikrām-i-Muḥammadī*, explaining what has been read.

Women also meet at night-time, listening till midnight to addresses on various topics given by travelling *mullas*, for instance at the time of *Milād* and the *Muḥarram* celebrations.[1] On one occasion 'the *maulawī's* lecture was a protest against modernism. He pleaded with the people to retain Muslim dress and customs, to see that the women kept strict *parda*, to insist upon their boys and girls being taught to read the Qur'ān in Arabic, and being trained in the Muslim faith. If they wanted to give them an English education they should see that they were taught by Muslim teachers.'

When the subject is the life-story of Muḥammad the impassioned words of the speaker often move the audience to the depths and he is interrupted with outbursts of admiration.

HINDU INFLUENCE

At this point we may remark briefly on the influence of Hinduism on the faith of Muslim women.

In South India 'community of origin' has led to various Hindu survivals in Muslim ceremonies, though the stricter Muslims deplore these things.[2] The effect of such influence on the religious practice of the women sometimes attains serious proportions.[3]

[1] See ch. on Religious Festivals and Ceremonies.

[2] cp. *Madras Census*, 1931, p. 329.

[3] cp. 'In the religious life of the illiterate and partly converted masses of the villages of India the remnants of earlier beliefs and practices form a long list'.—Titus, *Indian Islam*, p. 165.

In Kashmir and parts of North India 'Hindu sacred rites have been invested with wholly arbitrary Muslim names and legends'.[1] Judging by the Census reports it would seem that the Muslims of Bengal in particular are tolerant of the inroads of such Hindu influence and practice. We are told that 'Muslims in some parts revere the tulsi plant and bel tree and observe the festival of Jamai Sashthi. They propitiate the goddess Buri by flinging offerings of rice into the stream; they contribute towards the Kali *pujā*, particularly in the time of epidemics, whilst the worship of Sitala, the goddess of small-pox, is almost universal. In some parts the women wear the vermilion mark of Hindu wives, and the worship of Durga is frequent. Inter-communal borrowing is not confined to the Muslims; *pīrs* and *faqīrs*, or their memory, receive veneration and offerings from unsophisticated Hindus.'[2]

Furthermore, many semi-religious ceremonies in connection with birth, marriage, and death have been borrowed by the Muslims from their Hindu neighbours, and yet, while borrowing, they never seem to be in doubt about the superiority of their own faith. Needless to say, such customs are abhorred and forbidden by the orthodox.

[1] Titus, op. cit. p. 165.

[2] cp. *Bengal Census Report*, 1931, p. 390.

II

KNOWLEDGE OF THE FAITH

THE plan adopted in this and the following section is to deal with the well-known elements in both the faith and practice of Islām, one by one, giving a brief account of each as commonly accepted by the Muslim community and supplementing this with some indication of the extent of the women's knowledge of their faith, the manner of their participation in the practical duties of Islām, and the place each feature occupies in their life and thought. Much of the description here given is based on information gleaned from the women themselves.[1]

IDEAS OF GOD

In accordance with the most familiar declaration of Islām concerning the Divine Being, 'There is no god but God', Muslims lay the greatest possible stress on the doctrine of the Unity, *tawḥīd*. In the words of a modern commentator, this dogma is 'the one great theme' of the Qur'an.[2] The seven qualities which Muslim theologians attribute to Allāh serve to confirm the popular impression that the Being to whom man must render account is essentially a God of Might; they are, Life, Knowledge, Power, Will, Hearing, Seeing, Speech. That conception receives further emphasis when we analyse the 99 names accorded to Allāh in current literature and daily speech. He is a God to be feared rather than loved.[3]

[1] For fuller descriptions of orthodox faith and practice, cp. *The People of the Mosque*, pp. 101–23; and especially Subhan, *Islam, Its Beliefs and Practices*.

[2] Maulana Md. Ali, *The Holy Qur'ān*, p. viii.

[3] A modern Muslim himself declares: 'The one thing which strikes me . . . is that God, as fashioned by our co-religionists, is an exact type of an oriental ruler. It is not love but fear that is more prominently emphasised. He is conceived as vindictive, unmerciful, occupied in tedious matters hostile to all gaiety and juvenility; totally uninterested in the human race, except in so far that He regards their transgressions with morbid asperity and a kind of gloomy satisfaction, as giving Him an opportunity of exercising coercive discipline. It is this which our children are taught to believe.'—S. Khuda Bukhsh, *EII*. p. 277.

Naturally, then, the women have a strong belief in the personality and one-ness of God.[1] As to His character, they accept what they are taught. Allāh loves good people and hates the bad. He is Almighty, commands what He wills, and has predestined the fate of each soul, in this life and the next. He is compassionate yet arbitrary, for He shows mercy to whom He will. He punishes evil doers and rewards the good. His will is inevitable, irresistible, unalterable. Man is but His *banda*, slave. In other words, the predominant idea is of a great over-shadowing Power; even so, He is the Merciful Protector, and women seek refuge in Him. It is not uncommon to hear a distressed woman exclaim, 'I have no one left to me save Allāh'. Indeed, a Muslim woman will use God's name quite freely—it is almost an essential part of her speech, and is brought in upon every occasion of surprise, admiration or desire. Does she not acquire merit with every repetition of it!

ANGELS

It is part of a Muslim's belief that God employs the service of angels to carry out His behests. They are sexless and neither eat nor drink. Over these are four archangels: Jibra'īl, the medium of

[1] cp. 'In theory they believe in the sovereignty of God, but in practice they venerate many deities and saints; they suppose the worship of 'Alams' during the days of Moharram is quite different from worshipping idols'.—Mrs. Iqbalunnisa Hussain, B.A. in *Changing India*, p. 20 (see Appendix II).

inspiration; Mīkā'īl,[1] who provides all creatures with sustenance; 'Izrā'īl,[2] receiver of the souls of the departed; and Isrāfīl, who will blow the trumpet on the last day.

A very common belief is that recording angels, *Kirāman kātibīn*,[3] are in attendance on each person, one on the right side recording a man's good deeds, the other on the left recording evil deeds. Another popular conviction is that two fierce, black angels with blue eyes, named Munkar and Nakīr,[4] visit the body of the departed in the grave and closely cross-examine it as to the faith held while on earth. Two others, Hārūt and Mārūt, are evil angels who teach men magic.[5]

Illiterate Muslim women appear to be more concerned about *jinn*, a species that may be considered another form of angels,[6] but the more intelligent among the orthodox can tell one quite a bit about the important angels. Thus many are aware that the spirits of all who die will go into the trumpet of Isrāfīl and that when he blows it on the last day all souls will stand before the judgment seat of God. They know, too, about the guardian angels whose work it is to record the deeds of men. They have the idea that evil deeds are not recorded for two or three days so as to give the person time to repent; whereas good deeds are recorded even before they are actually performed. Munkar and Nakīr seem very real to the women and tales of horror are told of how they interrogate folk.

Another article of belief with Muslims is that books of revelation have been sent by God, from time to time, to a

[1] cp. Qur'ān, 2: 91–2.

[2] cp. Qur'ān 32: 11.

[3] cp. 82: 10-11; 43: 80.

[4] 'The Unknown' and 'The Repudiating'.—Qur'ān 7: 35; *Mishkāt*, Ar. 25 (Matthews, I, 40); Goldsack, *SMT.* p. 11.

[5] cp. 2: 96.

[6] see ch. on Spirits and Exorcism.

great number of prophets. The most notable of these are the *Tawrāt*, the Pentateuch, given to Moses; the *Zabūr*, the Psalms, given to David; the *Injīl*, the Gospel, given to Jesus; and the *Qur'ān*, the 'Recital', given to Muḥammad.[1] And although belief in the earlier books is enjoined in the Qur'ān itself, yet in practice this belief is restricted to acceptance of the Qur'ān, which is looked upon as God's last and final word to man.

Books

Curious views are held by the orthodox about the earlier scriptures; for instance, that they were taken back to heaven when done with; that they have been tampered with; and, alternatively, abrogated by the advent of the Qur'ān.

Women regard the Qur'ān, as do countless Muslims, as a miracle of Muḥammad, and they repose a blind faith in its unimpeachable perfection and infallibility. They look upon it with something like awe. They fear it as they would fire, and the ceremonially impure will not go near it; besides, at such times it would be a great sin for women to hear it being read, much less touch it.[2] They imagine they would be smitten with some illness should they do so.

At normal times they would not touch it with unwashed hands nor carry it below the waist-level, and certainly never place it on the floor. They keep it wrapped up in a cloth, or in a bag which may be very beautifully embroidered. On reading it they may reverently kiss it and when finished with will place it on a shelf or in a box, out of harm's way.

If perchance the book should fall the women fear disaster may come to the house. To ward off such calamity they perform various ceremonies. Some flour is put in a vessel and the Qur'ān placed over it by way of blessing. The flour

[1] cp. Qur'ān, 32: 23; 17: 57; 5: 50; 4: 113.

[2] cp. the tradition 'no part of the Qur'ān must be read by any one who is . . . in the menses',—*Mishkāt*, Ar. 49 (Matthews, I, 104).

is then sent to the mosque for distribution to the poor and so forgiveness is obtained. Others will measure out corn to the weight of the Qur'ān and give it to a *mulla* or the poor.[1] In Bengal the book is weighed against an equal measure of sugar and this is given to the poor. In consequence women sometimes speak of the Qur'ān as *mīṭhī chīz*, 'sweet thing'.

The woman who can read gains great merit when she completes the whole of the book,[2] and each time she does so she may 'transfer' this merit to the account of some departed loved one; or she may read it through on behalf of another person who is willing to pay her for so doing.

Some women are able to recite long passages from the Qur'ān and this act in itself affords an outlet for their emotion in worship, even though what is repeated is not understood. The truth is that the full-sounding periods to which the stately Arabic language lends itself may not inaptly be compared to the chanted cadences resounding through the aisles of a cathedral.

A number of popular notions are associated with the reading of the Qur'ān. For instance, it is said of a person who reads the book frequently that after death her face becomes like light, and on the Day of Judgment a copy of the Qur'ān will circle round her head before the Judge and then, taking the form of a man, will aver that this person, because she has read the Qur'ān so often, merits entrance to Paradise.[3] Moreover, the Prophet is reported to have said that the person who recites the book from memory gains 1,000 good deeds to his credit, and the one who reads the whole of it gains 2,000.[4]

[1] cp. *Ta'līm*, Bk. V, p. 17.
[2] See ch. on Religious Festivals and Ceremonies.
[3] cp. *Mishkāt*, Ar. 184 (Matthews, I, 500); Goldsack, *SMT.* p. 98.
[4] *Ta'līm*, Bk. V, p. 12; cp. *Mishkāt*, Ar. 190 (Matthews, I, 514).

The Qur'ān is believed by women to act as a talisman. If one reads it a *parī*, 'fairy,' a *bhūt*, 'ghost,' or Satan himself will flee away.[1] Should it happen that an habitual reader of the book becomes 'possessed' it will usually be by 'holy' people, such as saints.

Not every home possesses a copy; indeed some hold that only those who can read should keep it. Should a copy exist in the home of an illiterate person it is an act of merit to donate it to the mosque so that use can be made of it there in teaching children to read.

Many women will be found who know of the Tawrāt, Zabūr and Injīl, but their common opinion about the Gospel is very much like that which is set out in a manual for Muslim women;

> [After the crucifixion] The disciples of Ḥaḍrat 'Īsā spread over the earth and preached the true religion according to his will. Of these, four, namely Matthew, Mark, Luke and John, wrote four gospels of their own. But in after days people made additions and subtractions in these gospels, with the result that today no gospel is in its authentic form and so they are not worthy of credence.[2]

God is believed to have sent a vast number of prophets into the world; according to varying traditions their number runs to hundreds of thousands, even millions. Twenty-five of them are mentioned by name in the Qur'ān,[3] but a small group of six are given special rank and titles as being the heads of their respective dispensations; namely, Adam, the chosen of Allāh; Noah, the prophet of Allāh; Abraham, the friend of Allāh; Moses the one who speaks with Allāh; Jesus, the word of Allāh; and Muḥammad, the messenger of Allāh.

PROPHETS

[1] see ch. on Charms and Divination.
[2] cp. *Ta'līm*, Bk. IV, p. 146.
[3] cp. 6: 84–6.

It is commonly asserted by Muslims, on the basis of the Qur'ān, that they reverence all prophets equally,[1] yet in point of fact Muḥammad is regarded as superior to all that have gone before him. In the words of the Qur'ān he is looked upon as 'the seal of the prophets', the last and the best.[2]

Another widely-held view is that all prophets were free from sin, though actually the Qur'ān predicates this only of Jesus.[3]

As for the women, all of them, even those ignorant of Islamic teaching, are most loyal to Muḥammad. They eulogise him,[4] and frequently ask God's blessings on him.[5] They believe him to be the last and the greatest of the prophets, the 'noble pattern' for all men, whose teaching regarding women is to be accepted as the commands of God. They hold the popular belief that he had power to work miracles; for instance, that he turned the leaves of trees into silver and even made them repeat the *kalima*. He is the beloved of Allāh and will intercede successfully with Him for them in the Day of Judgment. Many Shī'a women, on the other hand, reverence Imām 'Alī to an even greater extent than they do Muḥammad, and cherish the belief that the intercession of his son, Imām Ḥusain,[6] will succeed with Allāh even though that of Muḥammad should fail.

What knowledge these women have of other prophets is gained by what they hear in conversation or from the reading of popular stories of the prophets, such as *Qiṣaṣu'l-Anbiya*.

We reproduce here some of the beliefs of Muslims

[1] cp. 3: 78.

[2] cp. 33: 40. For further details see Sell's *Life of Muḥammad*.

[3] cp. 19: 19, where Gabriel announces to Mary that she is to have 'a holy son'.

[4] see ch. on Religious Festivals and Ceremonies (*Milād*).

[5] see below p. 285, *Durūd*.

[6] see ch. on Religious Festivals and Ceremonies (*Muḥarram*).

concerning the more popular prophets which are to be found in current vernacular books—beliefs shared by the women also.

Ishmael's thirst was quenched with water from the spring called Zam-Zam, situated at Mecca, It was this son, not Isaac, whom Abraham prepared for sacrifice; but, though Abraham tried repeatedly to cut his throat, the knife would not function. Later when Abraham, at the command of God, built the Ka'ba it was Ishmael who assisted him.

Gabriel came to *Joseph* when he was at the bottom of the well and opened the *ta'wīdh* which his father had tied on his arm. From it he took the shirt that Abraham had worn when he entered the fire of Nimrod, and put it on Joseph. In Egypt Potiphar purchased Joseph for a very high price and committed him to the care of his beautiful young wife, Zūlaikha. She, annoyed that Joseph rejected her solicitations, made out to Potiphar that he had molested her. Joseph in consequence was cast into prison, but the day came when Zūlaikha confessed her crime and declared Joseph innocent. After the death of Potiphar she embraced Islām, married Joseph, and bore him eleven sons.[1]

Many of the popular ideas about *Jesus* that find currency among Muslims are to be traced to the account of him in the Qur'ān.[2] This account is expanded in the *Qiṣaṣu'l-Anbiya* and other literature. The following details are taken from a book of instruction for women.

Defending the honour of his mother, Jesus, as an infant in the cradle, declared that Allāh had commanded him to

[1] *Rasūm-i-Hind*, Pt. I, pp. 115–30 (Education Dept. of the Punjab).

[2] cp. Sura *Maryam* (19), 16-41; a passage that speaks of his birth from a virgin. In the Qur'ān Jesus is spoken of as the word of God, a spirit from God, and the worker of miracles. But the Qur'ān repudiates the idea that he was the Son of God and that he died on the cross; rather he was made to escape death.

perform *namāz* and give *zakāt* as long as he lived. This is considered a miracle that proclaims the greatness of Jesus. Escaping to Egypt he lived there with his mother for twelve years and then for another thirteen at Nazareth, after which he preached on the banks of the Jordan, summoning the people to God. Prophethood was bestowed on him when he was thirty and many miracles attested his prophethood. He raised the dead, made the blind and lepers whole, walked on the water and sometimes made birds from clay which came to life when he breathed on them.[1] Under the stress of persecution Jesus concealed himself and, committing his work to his disciples, disclosed to them that after him there would arise a prophet from the tribe of the Quraish. When he was threatened with arrest God took Jesus away to heaven and by His mighty power changed Judas, the traitor, into the likeness of Jesus, so that it was Judas, not Jesus, who was eventually crucified.[2]

THE DAY OF JUDGMENT

It is incumbent on all Muslims to believe in *Roz-i-Qiyāmat*, *Qiyāmat kā Din*, the Day of Judgment.[3] This will be preceded by certain 'signs' of which we need mention only a few here, namely, the decay of faith, tumults and seditions, the advent of *Mahdī* (the rightly-guided one), the appearance of *Dajjāl* (the Anti-Christ, one-eyed and branded *kāfir*), the descent of Jesus near the mosque at Damascus to destroy *Dajjāl*, break the cross, and re-establish Islām.[4] He will live

[1] cp. Qur'ān, 3: 43; 5: 110.

[2] cp. *Ta'līm*, Bk. IV, p. 142. The Ahmadis affirm that he merely swooned on the cross and was revived only to die much later.

[3] Quranic names for the Day are: *Yaumu'l-Qiyāmat*, Day of Resurrection (2: 79), *Yaumu'l-Ḥisāb*, Day of Reckoning (40: 28), *Yaumu'd-Dīn*, Day of the Faith (1: 3).

[4] It is the belief of the Shī'as that the hidden Imām will appear about this time to rule over the world.—cp. D. M. Donaldson, *SR.* p. 240.

for forty years and be buried at Madina in a space now reserved for him.[1]

Four special features are to characterize the Day of Judgment, each of which receives mention in the Qur'ān.

Isrāfīl will give a terrific blast on the Trumpet, at which all souls in heaven and on earth will expire, except such as God chooses to spare. There will follow a second blast, at which all will arise and stare about them in confusion.[2]

After the resurrection the recording angels will deliver up the Books to the bewildered and perspiring multitude—to each his or her own book. The good will receive it in their right hand, the wicked in their left.[3]

A pair of Scales will appear, in which the deeds of men, both good and bad, will be weighed. 'Those whose balances shall be "heavy", will be blest, but those whose balances shall be "light"—these are they who shall lose their souls, abiding in hell for ever.'[4]

Following these tests a very narrow Bridge, *Ṣirāṭ*, suspended over Hell, has to be crossed. Muḥammad is reported to have described it as 'sharper than a sword, finer than a hair'. Some will pass over it in the twinkling of an eye, some like a flash of lightning, some with the speed of a swift horse.[5] So great will be the ordeal that the very angels will plead, 'O Lord, save and protect!' Even some Muslims will fall thence headlong into Hell, but they will afterwards be released. Infidels will remain there for ever.

[1] *Mishkāt*, Ar. 472 ff. (Matthews, II, 562 ff.); Goldsack, *SMT.* pp. 264 ff.

[2] cp. Qur'ān, 39: 68.

[3] cp. 17: 14 and 73; 84: 10–14; *Mishkāt*, Ar. 486 (Matthews, II, 600); Goldsack, *SMT.* p. 271 f.

[4] cp. 23: 104–5; 7: 7–8.

[5] cp. 36: 66; 37: 22–23; *Mishkāt*, Ar. 490 (Matthews, II, 609); Goldsack, *SMT.* p. 275.

Heaven and Hell have their respective storeys, each with its own name. Heaven has eight, and is commonly spoken of as *Jannat*, *Firdaws*, or *Bihisht*.[1] Hell has seven, for the accommodation of Muslims, Christians, Jews, idolators, hypocrites, and so forth; it is usually referred to as *Jahannam*, or *Dozakh*.[2]

Paradise has palatial apartments which are plentifully supplied with ravishing *hūrīs* for the faithful.[3] Rivers of fragrant water, milk, wine, and clear honey, abound.[4] The name of one of these rivers, *Al-Kauthar*, is used as the title of Sura 108 in the Qur'ān. Reference is made to it in the Traditions.[5]

The delights of Paradise are depicted in extreme materialistic terms. The tradition attributed to Muḥammad, 'God said, "I have prepared for my good servants what no eye hath seen, nor ear heard, nor hath it entered into the heart of man",'[6] is made the text for many extravagances—the buildings in Paradise will be constructed of gold and silver bricks; the mortar used will be pure musk. Its pebbles will be of turquoise, and particles of dust, sapphires. The fortunate who go there will remain in peace and comfort, enjoying delicate foods and drinks. Those who drink of the waters of *Kauthar* will never thirst any more. None will know sorrow or pain. Clothes will never become soiled or youth diminish; and much more in like strain.[7]

---

[1] cp. Subhan, *Islam*, p. 28, for the eight Quranic names.
[2] cp. Subhan, op. cit. p. 27 f. for other names.
[3] *Mishkāt*, Ar. 495 (Matthews, II, 620); Goldsack, *SMT*. p. 278f.; cp. Subhan, *Islam*, pp. 28 ff.
[4] cp. Qur'ān, 47: 16.
[5] *Mishkāt*, Ar. 487 (Matthews, II, 603); Goldsack, *SMT*. p. 272.
[6] cp. *Mishkāt*, Ar. 495 (Matthews, II, 620); Goldsack, *SMT*. p. 277.
[7] cp. *Ta'līm*, Bk. V, p. 62–3.

Hell, according to the descriptions in the Qur'ān and Traditions, is a place of the most frightful torments. It is described in the former as 'a wretched bed', a disgusting drink, where in the fierce fire as soon as the skins of the damned are thoroughly burnt, Allāh will change them for fresh skins.[1] Amongst the horrors added in the Traditions is the fact that the one to suffer least in Hell will be he whose brains will boil, what time he imagines he suffers more severely than any other.[2] Muḥammad is made to say that Hell burnt for a thousand years and became red; then for another thousand years until it became white; yet again for one thousand years so that it became black, emitting no light. The hottest fire on earth is but one-seventieth part of the fire of Hell.[3] Hell will be hauled up on that day by 70,000 ropes, each rope being pulled by 70,000 angels. Snakes will be there of the size of two-humped camels, and the pain of one sting from them will be felt for forty years; likewise the sting of scorpions, which in that Hell will be the size of a pack-mule.[4]

In that Day the sun will draw so near that the brains of people will be roasted and all will cry out to the various prophets to intercede on their behalf. They will go to Abraham, Moses and Jesus in turn, but each will say, 'I am not in this degree', and will pass them on to the next. Thus Jesus is made to say in a well-known tradition, 'I am not in that degree; but go to Muḥammad, who is a servant whose faults God has forgiven, first and last.'[5]

---

[1] cp. Qur'ān, 54: 48; 38: 55–58; 4: 59; 50: 29.
[2] cp. *Mishkāt*, Ar. 502 (Matthews, II, 634); Goldsack, *SMT*. p. 281.
[3] cp. *Ta'līm*, Bk. V, p. 65; based on a tradition recorded in *Mishkāt*, in loc. cit.
[4] cp. *Ta'līm*, and *Mishkāt*, in loc. cit.
[5] cp. *Mishkāt*, Ar. 488 (Matthews, II, 605); Goldsack, *SMT*. p. 273.

These 'last things' present an alarming prospect for women, whose knowledge of them is based on a confusing mass of traditions. Few seem to know, or at least to mention, the assurance contained in the Qur'ān:

> Whoso shall have done the things that are right, whether male or female, and is a believer—these shall enter Paradise; good things unreckoned shall they enjoy therein.[1]

They all know about the Trumpet, the accusing Books, the Scales, commonly called *Mīzān*, and the Bridge, which they speak of as *Pul-i-Ṣirāṭ*. They are told that 'the feet of infidels will slip upon this (sword-like) path, or else be cut in two, and they will fall into *dozakh*.'[2] Adultresses will go to the second hell and there remain everlastingly as pillars of fire. Those who sin with their eyes or mouth are to dwell in the third hell, where lips grow to the size of mountains and eyes fall out of their sockets and yet continue to burn.

It is told them that Muḥammad, when asked why women were more numerous in Hell than men, replied, 'Because they cursed others a great deal and were most ungrateful towards their husbands.'[3] A tradition, often quoted in some parts of India, declares that whereas out of every thousand men only one will go to Hell, out of every thousand women only one will be found in Paradise.

On the other hand they are encouraged to believe such things as these: in heaven women, whatever be their age on earth, will be sixteen years old, and the men thirty-three; if ugly on earth, they will be beautiful in heaven; 'and if a girl should die on earth as a virgin and then go to *bihisht*, God Almighty will see to it that she is married to a man there.'[4]

[1] 40: 43; cp. 4: 123 and 16: 99.

[2] cp. *Ta'līm*, Bk. III, p. 18; Bk. V, p. 60.

[3] quoted in *Bihishtī Zewar*, Bk. IV, p. 53; cp. Guillaume, *TI.* p. 126.

[4] cp. *Miftāḥu'l-Jannat*, The Key to Paradise, p. 3—a booklet on sale in the bazar.

Wives will be there for the faithful whom no *jinn* or man has ever touched—like unto rubies and pearls.

Educated women, however, will say that these descriptions, both of heaven and hell, are purely metaphorical, and that what is meant is that different punishments will be meted out for different kinds of sin; adding that the important thing is the judgment to come and that one's constant endeavour should be to meet it successfully.

SALVATION

How, then, do the women hope to gain heaven and avoid hell?

Their immediate concern is to escape the torments of the Fire, and in this connection four thoughts are constantly present in their minds—the record of sins against them; dependence on meritorious works; the inscrutability of the will of Allāh; and faith in the intercession of Muḥammad.

Sin is thought of, in the main, as opposition to, or rebellion against, the commands of Allāh; the doing of what is *ḥarām*, forbidden, or the omission of prescribed duties. Some sins are 'small', such as failure to follow the minute rules for ablutions before *namāz*, or neglect of *roza* because some circumstance prevented it. Much depends on whether these omissions were intentional or due to inadvertence. Then there are the 'great' sins, such as false accusation or false witness, murder, and above all, *shirk*, the associating of a partner with Allāh, polytheism.[1]

But there is a way to be saved from punishment for such sins, if only a woman can weight the scales on the other side with *nek kām*, good deeds.[2] That is the chief concern of many, not the thought of moral regeneration or reconciliation

[1] See *POM.* p. 106 f.

[2] Some women think that the sacrifice offered at the time of *Baqr 'Īd* will help them to cross the *Pul-i-Ṣirāṭ*. See ch. on Religious Festivals and Ceremonies.

with God. And in this the women are supported by the teaching of educated leaders. For instance, one writes:

> As regards salvation the Qur'ān leaves no room for any illusion on the point. It is the direct result of our own deeds. Remember what the Prophet told his daughter, Fāṭima. It would avail her naught on the Judgment Day that she happened to be his daughter, he told her. Her deeds alone would count.[1]

This in fact, is the teaching of the Qur'ān.[2] Women, therefore, set themselves to atone for their sins by close observance of the practices of Islām, such as prayer, fasting, almsgiving. They are ready to acknowledge in a general way that they fail to live up to their own standards of what is right and even call themselves 'sinners', but their fate, as the Qur'ān affirms,[3] is predestined by Allāh, the Merciful.

Yet who knows the will of Allāh? Does not the Book say, 'Allāh will mislead whom He pleaseth'?[4] Said one woman, speaking of the Last Day, 'How can we know if we are going to heaven; only the Great Judge knows whether it is heaven or hell for us. It is all of His mercy. There is no need to be really frightened, we hope to be forgiven; but until we believe in Allāh and do *nek kām*, how can we be certain? We don't know what we are in the sight of Allāh; perhaps He sees some good in us. We are not frightened of Him, He is merciful, but we are frightened of His *sazā* [punishment]'.

Along with these thoughts there is cherished the hope that Allāh is sure to forgive a Muslim and that Muḥammad himself will intercede for them; so all will be well.[5]

[1] *The Light*, 24 August, 1937; cp. the reply of this journal to a girl correspondent in Baghdad, quoted in *POM*. p. 270.

[2] cp. 23: 1–11; 2: 273; 23: 104–5.

[3] cp. 17: 14. [4] 6: 39.

[5] The Shī'as rely on the intercession of 'Alī and his sons, who 'shed their blood for their people'; others set their hope on Fāṭima Bībī.

Some rest their hope on the fact that they are Muslims and that they will be saved if with their last breath they repeat the *kalima*.

Very many women consider that the most important thing for them is to obey their husbands. This duty comes before all commands. A modern writer for women assures them that:

> A wife who is obedient and faithful to her husband passes her time in this world in peace and happiness and in the world to come she will enjoy the favour of God; [adding that] the Prophet has said that the wife who dies in the enjoyment of her husband's favour will inherit *bihisht*.[1]

The Muslim is further required to believe with the heart and confess with the tongue that Allāh has decreed all things;

PREDESTINATION

that nothing can happen in this world that is not already contained in the written record of His decrees. This means that good and evil, obedience and disobedience, faith and infidelity, health and sickness, riches and poverty, life and death—all has been predetermined.[2]

Women resignedly accept this doctrine. It is taught them in elementary primers—'Whatever happens is written in your *qismat*. . . . There is no remedy against fate, that which has been measured'.[3] So that a woman considers it a primary obligation to accept whatever is 'written on the forehead' as the will of Allāh for this life and the next.[4]

[1] cp. *Ta'līm*, Bk. III, p. 94 f. Certain traditions warn women against causing their husbands displeasure, e.g. by refusing to go to them when summoned 'for the angels will curse her till morning'.—Guillaume, *TI*. p. 125; cp. *Mishkāt*, Ar. 281 (Matthews, II, 113).

[2] cp. Subhan, *Islam*, pp. 30–33.

[3] cp. *Ta'līm-i-Nisā kā Qā'ida*, pp. 24, 28.

[4] 'This spirit of fatalism has insured the undisturbed control of Islām over the destiny of Muslim women through the centuries.'—Woodsmall, *Moslem Women Enter a New World*, p. 402.

This attitude of mind received confirmation in the remarks of a certain Muslim woman. She was speaking of the peculiar properties of a certain petition to Allāh, called *Ahd-nāma*,[1] and confidently affirmed that should a copy of this be found in the grave of the departed, Allāh would unquestioningly receive such a one into Paradise. On being asked whether others knew of the leaflet she replied, 'only those in whose heart Allāh has put the desire to praise Him'. She then added: 'As for people who wish to walk the wrong road, their punishment is a settled thing. Allāh puts a big curtain between the good and bad, so that those who are wicked shall not know what is good. Allāh will not even put the desire to repent in their hearts; they cannot desire good because they are predestined to punishment. They will go to hell—that is their place.' When questioned about those who had never had the opportunity to see the said leaflet, she replied, 'Allāh has fixed their lot; it cannot be anything else'.

[1] cp. the text of this prayer at the end of a booklet of *durūds*, published by the Taj Company, Lahore. Some of the words recall the answer to be given by the faithful in the grave to the interrogating angels, Munkar and Nakīr (see above p. 266) viz: 'O my God! I make *ahd*, covenant, with Thee in this life, and testify that there is none save Thee worthy of worship, and I bear witness that Muḥammad is Thy Servant and Apostle.'

III

PRACTICE OF RELIGIOUS DUTIES

To his 'faith' a Muslim is required to add certain 'works'.[1] These duties are five in number and are sometimes spoken of as *arkānu'd-dīn*, 'the pillars of religion'; namely, *shahādat*, (or *tashahhud*, that is, witnessing by repeating the *kalima*), *namāz*, *zakāt*, *roza*, *ḥajj*. All of these are considered *farḍ*, or obligatory duties, since they are enjoined either in the Qur'ān or the Traditions.

KALIMA-I-SHAHĀDAT

All Muslims must be prepared to witness to their faith in the confession, 'I testify that there is no god but God; I testify to His Unity and that He has no partner; I testify that Muḥammad is His Servant and His Messenger.' Commonly, however, the declaration takes the form of repetition of the brief *kalima* in Arabic, 'There is no god but God; Muḥammad is the Apostle of God'. Its recital admits a *kāfir* to the Muslim community.[2] Not only so, but a Muslim, however sinful, is believed to ward off hell-fire by the mere repetition of it.[3] Beggars intone it monotonously while sitting by the road-side.

Muslim women, however ignorant, usually know this *kalima* and can repeat it because it has been taught them at a very early age. They will say it on waking, when a person is dying, while throwing water over their back when bathing,

[1] See further *POM*. pp. 114–23; Subhan, *Islam*, ch. ii and iii.

[2] cp. Subhan, op. cit. p. 2.

[3] cp. *Nigār*, Lucknow, January, 1931; quoted in *Christianity Explained to Muslims*, pp. 137 f., 218.

and so on. A *pīr* has been known to tell his women disciples that if they recite it 125,000 times they will enter paradise without being called to give an account.

A woman who is able to repeat the *kalima* with her dying breath is held to be a true Muslim and her entrance into paradise is assured; that is why around the bed of the dying, friends are heard to urge, 'witness, witness', to induce a woman to repeat the phrase ere the soul takes its flight.

Prayers may be said in private, or in a public place, but those recited with a congregation in a mosque are said to be more meritorious.

NAMĀZ

Women, as has been mentioned, do not take part in the prayers at a mosque, but recite them at home. In cases where the husband is willing to teach them, a wife may repeat the *namāz* with her husband; but this is not common. Little girls will begin to pray with their mothers until they have learned how to perform the ritual themselves.[1] In regard to the assembling together of women for prayer, it has been pointed out that custom appears to differ in different parts of India.

Great stress is laid in Islām on the need for bodily cleansing, by ablutions, before reciting the prescribed prayers.[2]

CEREMONIAL CLEANLINESS

This takes three forms; (1) *wuḍū*, the partial ablution, to be made before the appointed five daily prayers. The face, hands, arms to the elbows, the top of the head and feet are

[1] cp. the tradition, 'Order your children to say their prayers when they are seven years of age, and beat them if they do not do so when they are ten years old.'—*Mishkāt*, Ar. 58 (Matthews, I, 129); Goldsack, *SMT.* p. 26.

[2] Muḥammad is recorded to have said, 'The key of paradise is prayer, and the key of prayer is ablution'; also, '*wuḍū* is half the prayers'; *Mishkāt*, Ar. 39 (Matthews, I, 73); Goldsack, *SMT.* p. 20.

to be washed with water or rubbed with a wet hand;[1] (2) *ghusl*, a bathing of the whole body after certain legal defilements, about which manuals on prayer have much to say; (3) *tayammum*, a purification by sand or earth; permitted in the absence of water, in sickness, or when in peril, etc.

As might be expected, manuals of instruction for women go into minute details regarding ceremonial purification before prayer. In general it may be said that a woman while in a state of ceremonial impurity is considered incapable of any religious act.

Wuḍū is prescribed after the occurrence of what are termed the 'lesser impurities'; such as ordinary evacuations, discharge of blood from any part of the body, vomiting, sleep, painful discharge from eyes or ears—ignorant village woman may add, the accidental uncovering of knee or head. But this kind of ablution need not be performed before each of the five stated prayers if a woman has avoided such defilement since her last washing.[2]

The *ghusl*, or washing the whole of the body, is prescribed after the 'greater impurities' such as (1) *nifās*, puerpurium. In this case a woman is considered to be unclean for a period of from 25–40 days after child-birth; (2) *haiḍ*, menses. The period is reckoned as extending from 3 to 10 days, during which time a woman is not permitted to say her prayers, touch or read the Qur'ān, or enter the precincts of a mosque; (3) *buḍ'a*, coitus.

A tradition attributed to 'Ā'isha makes Muḥammad say that 'God accepts not the prayers of a woman arrived at puberty, unless she cover her head'.[3] Accordingly, during *namāz* a woman must cover her whole body except her face,

[1] cp. *Mishkāt*, Ar. 38 (Matthews, I, 71): Goldsack, *SMT.* p. 20.

[2] cp. Subhan, *Islam*, p. 26.

[3] *Mishkāt*, Ar. 73 (Matthews, I, 157).

the palms of her hands, and her feet. A slave girl is allowed to cover herself from the abdomen to the knees.[1]

During the course of the prayer certain postures are assumed and genuflexions made by the worshipper, following prescribed rules.

GENUFLEXIONS

The face is turned towards the *qibla*, Mecca, and a niche in the back wall of the mosque indicates the direction.

The genuflexions for women differ slightly from those required of men. The latter, when they pronounce the *takbīr*, Allāhu-Akbar, 'God is great', raise their hands to the height of their shoulders with thumbs touching the lobes of the ears, whereas women only touch their shoulders. When standing erect men fold their hands over the abdomen, but women place them on their breasts. In the act of prostration men keep the limbs apart, while women keep them close together. Men lean on hands extended, but women keep them nearer to the body; nor do women raise the buttock as high as men.

Tradition, not the Qur'ān, has fixed the number of the prescribed prayers as five; namely *fajr*, before dawn; *ẓuhr*, soon after mid-day; *'aṣr*, mid-afternoon; *maghrib* soon after sunset; *'ishā*, after nightfall. Prayers on Friday, *Jum'a*, are preceded by a *khuṭba*.

THE FIVE PRAYERS[2]

These prayers consist of a recital of selected portions from the Arabic Qur'ān, including the opening sura, *Fātiḥa*, and a number of the shorter suras at the close of the book.[3]

In accordance with the *sunna* of the Prophet it is one's duty to offer also a *durūd*, or petition on behalf of Muḥammad, and to conclude the prayers with requests of a more personal nature, called *du'ā* and *munājāt*.

[1] cp. Subhan, op. cit., p. 43.

[2] For further particulars cp. Subhan, *Islam*, pp. 45–64.

[3] e.g. *Al-Kāfirūn* (109), *Al-Lahab* (111), *Al-Ikhlāṣ* (112), *Al-Falaq* (113), *An-Nās* (114).

As the words of Quranic suras are readily accessible to the reader[1] we shall, at this place, make special reference to these other forms of prayer.

The *durūd* is a form of prayer in Arabic for Muḥammad which is made at the conclusion of the prescribed prayers, but it may be uttered by a good Muslim whenever he hears mention of the name of the Prophet. A whole chapter in the *Mishkāt* is devoted to it. The following may be taken as typical:

DURŪD

> O Lord, have mercy on Muḥammad, his wives and children, like unto that which Thou hadst on Ibrāhīm: and increase Thy grace on Muḥammad, his wives and children, as Thou didst on Ibrāhīm; for verily Thou art praised and glorified.[2]

The petition may be much briefer:

> May the peace of God be upon Muḥammad and upon his children,

or,

> O Lord, send Thy blessing upon Thy servant and apostle Muhammad, and upon every believer, male and female.

Great merit is said to be gained by offering such prayers:

> That person who sends blessings on me once, may God send blessings on him ten times;

also,

> Ten faults will be struck from off his list, and he will be exalted ten steps.

again,

> Verily there are angels that move on earth for God, that cause to reach me the blessings and prayers which my sects send up for me.[3]

[1] In the translations by Rodwell and Palmer.

[2] op. cit. Ar. 86 (Matthews, I, 190); Goldsack, *SMT.* p. 40.

[3] cp. *Mishkāt*, in loc cit.

Muslim books of instruction on religious matters often give particulars about this practice. We reproduce some extracts from *Ikrām-i-Muḥammadī*, a popular work used by women.[1]

> God the Great says that there is no doubt that God Himself and His angels send *durūds* and blessings on Muḥammad, therefore Muslims should do so too.
>
> God gives this command in the Qur'ān—I and the angels always send *durūds* and blessings on Muḥammad until the Last Day. You, too, should send *durūds* on My holy friend, so that you may inherit a high place on the Last Day.
>
> The Prophet said, 'Whoever sends one hundred *durūds* on me on Friday, his sins for eighty years will be forgiven,' and,
>
> The people who say *durūds* will pass over the bridge *Ṣirāṭ*, and those who have not said them will fall off into the bottomless pit.
>
> He who at the time of his death sends *durūds* daily on Muḥammad shall see the joys of paradise and should this person by mistake be thrown into hell, hell will be ashamed and will not hurt him—such is the rank of the one who says *durūds*.[2]

DU'Ā

A voluntary prayer, *du'ā*, in one's own language, may be said at the close of *namāz*, such as,

> O God our Lord, give us the blessing of this life, and also the blessings of the life everlasting. Save us from the torments of the fire.[3]
>
> O God forgive my sins; make me one of the believers in the Day of Judgment; prosper the Faith of Islām and bring calamity upon the *kāfirs*; bring prosperity to my family.

Du'ā can also be made without preceding it with the full *namāz*, but two *rak'ats* should be recited first. When this

[1] A book of 400 pages in Panjabi verse, by Maulawi Abdu's-Sattār (Lahore).

[2] op. cit. pp. 35–57.

[3] cp. Subhan, *Islam*, p. 50.

kind of prayer is used in times of sickness and trouble it is frequently accompanied by a vow made in the name of God, or the Prophet, or some saint.[1]

In times of pain a Muslim woman may cry out, 'O Allāh, have mercy upon me; O Allāh, Thou merciful one, look upon my plight'; and those about her will respond, 'He is faithful, He is merciful, He will help those who trust in Him'. Women appreciate the supplications of friends at such times.

Pious ejaculations are in frequent use among the women—'May Allāh prolong your life!' 'May Allāh give you strength!' and as an alternative salutation to *salām* they may say, 'May your husband live!'—'May your child live!' and so forth.[2]

Following the *du'ā*, at the very close of *namāz*, a *munājāt*, or supplication, may be made, either in Arabic or one's own language. It is a kind of supplementary extempore prayer and may be in the form of verse. Some of these prayers are long poems which make reference to the prophets. Women can repeat several stanzas and the children, hearing their mothers, pick up snatches of the prayer. The words of such supplication go something like this:

MUNĀJĀT

> O Thy Name is Sustainer; Thy powers are numberless.
> Thou didst create 18,000 creatures just by saying 'Be!'
> O Thine essence and personality are great and all wise.
> Why hast Thou been so hesitating about me?
>
> If one like Thee may degrade a person, Thou mayst also exalt the lowly.

[1] See ch. on Vows and Offerings.

[2] The Traditions encourage such a practice; one declares that 'The words which Allāh likes best are four: *Ṣubḥān Allāh, Al-ḥamdu'li'llāh, Lā ilāha illa'llāh, Allāhu-Akbar*.'—*Mishkāt*, Ar. 200 (Matthews, I, 547); Goldsack, *SMT*. p. 114.

Men cannot get on without Thee—no one can without Thee.
Job's entire body was eaten up by worms, and then it became whole again—
Why hast Thou been so hesitating about me?

Jonah was devoured by a fish, he could do nothing for himself;
The fish was instructed to do him no harm but treat him as a guest—
Why hast Thou been so hesitating about me?

PRAYER TIME

Obliged more or less to recite her prayers at home and not at the mosque, a woman may do so in the courtyard under a tree if the place is sufficiently clean and secluded; but usually she spreads out a small mat in the house. Some women reserve a special corner for the purpose.[1]

An atmosphere of quiet is not considered necessary for the performance of *namāz*, and women will commonly say their prayers when others in the room are laughing and talking.[2]

All but the very ignorant are aware that they should pray five times a day, and devout women do so. Occasionally elderly women begin the practice when they have more leisure from household duties to think of the Last Day. The great mass, being ignorant of Arabic, cannot recite the prescribed prayers; and with many who do, it appears to be the rule to repeat them twice or, at most, three times a day. The five-fold recital is reserved for special occasions.

A common opinion among village women is that it is

[1] cp. The Prophet 'has also laid down that the best mosque for a woman is a *corner* of the inner apartment of her own house'.—*Al Hijab*, p. 56. Md. Hussain, on 'Europe and the Sex Problem' in *Review of Religions*, 1937, p. 250, endorsing this, adds that it would have gone hard with women had regular prayer in a mosque been obligatory for them.

[2] At the approach of the time for evening prayer Muslim ladies at a social function will sometimes ask to be excused in order to go aside for *namāz*.

not so necessary for a married woman, with her many domestic duties, to perform *namāz* regularly, and that any loss that might be incurred by such neglect will be made up to them by dutiful service to their husbands.

WOMEN'S CONCEPTION OF NAMĀZ

It depends, of course, a great deal on the character of the women themselves as to how much benefit they derive from the daily prayers. Very many experience a sense of satisfaction and comfort at having performed a 'duty' required of them by Allāh, who as Creator has a right to their worship; and, as with the reading of the Qur'ān, the mere repetition of the Arabic phrases, without understanding their meaning, affords many women definite joy in this form of worship. But for most the performance is looked upon as a meritorious deed which will stand them in good stead in the world to come; contrariwise, those who neglect prayer are only laying up trouble for themselves. They are reminded that the Qur'ān declares, 'Discharge the duty of prayer: for prayer restraineth from the filthy and the blameworthy'.[1]

There is a common belief among ignorant women that if through constant prostration in *namāz* a woman's forehead comes to bear a mark she can be sure of entrance into paradise. Among Shī'a women it is believed that any blessings that may be derived through prayer come as the result of the intervention of the Imāms who, as mediums between man and God, are superior to both prophets and angels.

Very many women who are quite unable to read or write in their own language make desperate efforts to memorize the Arabic formulæ so as to enable them to recite a few

[1] 29: 44. cp. also the tradition: 'There are three persons whose prayers do not go beyond their ears; a run-away slave . . . a woman who shall have passed a whole night under the displeasure of her husband.'—*Mishkāt*, Ar. 100 (Matthews, I, 235).

portions of the prayers prescribed, the *mullas* telling them that prayers to Allāh must be in that language. That of course is the generally accepted view. Even a modern Muslim declares:

> Prayers generally must be said in the Quranic Arabic passages with their meanings understood, as was done by the Holy Prophet, his Companions and the Imāms.[1]

He adds, however, that those not well-versed in Arabic may, for a time, be allowed to say prayers in their own language, provided this concession is not made use of throughout a lifetime.[2]

Because of this insistence on the use of Arabic very many women, who cannot manage to memorise the prescribed prayers, only succeed in learning to repeat the *bismillāh*, *kalima*, *ṣubḥān-Allāh*, or the sura *Ikhlāṣ*. Others can manage one or two *rak'ats*. These portions are repeated over and over again, though the Arabic may convey little or no meaning.[3] The few educated, and such women as the wives of *mullas*, usually know and use the proper formulæ in Arabic.

Educated women will say that the performance of *namāz* results in treasure in heaven, while *du'ā* is the key; in exact proportion to the amount of *namāz* is the treasure stored up, and through *du'ā* one may demand an answer. Without such 'credit' God may hear one's prayer, but then one is like a *faqīr* and one is granted what has not been 'earned'.

[1] cp. *The Light*, 1 August, 1937.

[2] He writes in strong condemnation of 'vain repetition', saying: 'It is due to this custom that the Qur'ān has remained unknown entirely to 95 per cent of the Islamic world. . . . The present-day customary prayers among the masses—mere drilling and physical movements—therefore bear no fruit and they make none God-fearing or wrong-forsaking'.—*The Light*, in loc. cit.

[3] 'Teach me how to make a little prayer', said an old woman once, 'for, look you, it's my only chance at the Day of Judgment'.

And this is what a college girl of today wrote about the matter:

> We pray to God to thank Him for all things which He has given us. Personally I find much pleasure in praying. I feel very happy and light after it, and feel more prompt to please and make everyone happy if I have said them with real attention. Regarding the general effects of prayer I find different ones. Those people who love God and understand His commandments become more pious and try to do away with their faults, while those who pray just to perform a duty and think it to be a way of asking forgiveness do not hesitate in doing even the worst things in their pride. They begin to consider themselves to be above ordinary people and do not care for any moral or religious restrictions. I believe God answers our prayers, but sometimes in a way that we cannot understand.[1]

ZAKĀT

The giving of the legal alms, called *zakāt*,[2] is a conditional obligation resting upon Muslims. The Qur'ān makes frequent reference to the matter, for instance:

> Observe prayer and pay *zakāt*, and bow down with those who bow.—2: 40, 77, 104.

The conditions governing the obligation are that the person who performs this act should be free, sane, adult and the possessor of a certain fixed amount of 'property', called *nisāb*. The amount of this varies with the nature of the commodity possessed. *Zakāt* is not taken from property which comprises things in daily use, such as grain,

[1] A certain pupil was very anxious to do the diploma sewing but her work was not neat enough and her teacher had repeatedly to tell her to undo it and try again. When at last it had sufficiently improved to be accepted, she remarked that she had performed her *namāz* with tears and, behold, God had heard and helped her.

[2] cp. Subhan, *Islam*, pp. 65–73; Md. Ali renders the word, 'poor-rate'.

implements, and the like. Debts must first be paid, and *zakāt* taken from any balance left.

The obligation applies to women with private means and to those who possess gold and silver ornaments of the value of Rs. 40 and over.

Moreover, the Qur'ān specifies the classes of persons on whom these alms may be bestowed: paupers, those in temporary need, those newly received into Islām; by way of ransom, and in the cause of God.[1] Women frequently give half to poor relatives, and the other half to the poor, to widows, or *faqīrs*. Some give it in the form of clothes and food, 'in the name of Allāh'. Quite a number of women think that prayers are not heard by God unless alms are given.

The Traditions have some severe things to say about those who fail to give alms when able to do so, thus:

> To whomsoever God gives wealth and he does not perform charity due from it, his wealth will be made into the shape of a serpent on the day of resurrection . . . and it will be twisted round his neck, like a chain, on the day of resurrection. Then the serpent will seize the man's jaw bones and will say, 'I am thy wealth, the charity which thou didst not give'.[2]

Here is one urging the duty on women:

> O assembly of women! give alms, even though it be your ornaments.[3]

A manual for women quotes a variant form of this tradition in which is added the warning,

[1] cp. 9: 60.

[2] *Mishkāt*, Ar. 155 (Matthews, I, 407); Goldsack, *SMT.* p. 80.

[3] *Mishkāt*, Ar. 171 (Matthews, I, 454). The Panjab Muslim Women's League in 1937 appealed to the Muslim women of the province to open a *Baitu'l-Mal* (common treasury) and send to it one-tenth of their charity, 'in order that scholarships may be awarded to poor girls and help various other deserving institutions of the community'.—Reported, *C. and M. Gazette*, May, 1937.

> because it is mostly your kind who will be doomed to hell on the Judgment Day.[1]

Besides the prescribed alms it is a *wājib* duty for Muslims to give the *ṣadaqatu'l-Fitr*, or offering at the feast that marks the close of the month of Ramaḍān.

ṢADAQATU'L-FITR

This is given to the poor at the time of the *'Īd* and is incumbent upon all Muslims because Muḥammad is declared to have ordained it as 'divine'. Therefore every Muslim, whether 'slave or free, man or woman, old or young', must give half a *ṣa'* of wheat, or one of barley.[2]

ṢADAQA

The further duty of voluntary giving, covered by the term, *ṣadaqa*, is frequently enjoined in the Qur'ān, thus:

> The good that ye shall give in alms shall redound unto yourselves. . . . They who give away their substance in alms, by night and day, in private and in public, shall have their reward with their Lord: no fear shall come on them, neither shall they be put to grief.—2: 274–5.

And Muḥammad in the Traditions often commends this duty to his people. The following sayings have to do more particularly with women:

> When a woman bestows alms from the victuals of her own house when not profuse, she shall have the rewards thereof.
>
> When you make soup, put a great deal of water in it and ask your neighbours if you shall send soup to them.

Saudah, one of the Prophet's wives, was informed that she would be the first to join him after his death because she

[1] *Ta'līm*, Bk. V, p. 25; Bk. VI, p. 102; cp. Guillaume, *TI.* p. 125 f.

[2] cp. *Mishkāt*, Ar. 160 (Matthews, I, 421); Goldsack, *SMT.* p. 82. Subhan, *Islam*, p. 72. It is customary nowadays in some villages for the *imām* of the village to go round from house to house collecting the alms. The current price of flour will determine the amount given.

proved to have the longest arms, by which it was understood that she was the 'most charitable'. Umm Salmah, on the other hand, was reprimanded because, when he asked food of her the meat in the house was found to have turned to stone, she having failed to give to a beggar who had asked alms of her.[1]

Sometimes an animal is sacrificed at a time of illness[2] or the death of one of the family and the flesh is distributed as *ṣadaqa* to the poor, it being understood that each recipient will offer special prayers.

Khairāt, alms, is given to *faqīrs*, often out of the kindness of a woman's heart, but sometimes it must be confessed to escape their curses. The local *mulla* may receive *Khairāt* in the form of food, clothing and perhaps money, and a *pīr* when he comes on his rounds will be offered a small gift. The *imām* is not given money by the womenfolk—men do that—but as a thank-offering a mother may send him a little money by the hand of her child.

ROZA

It is also laid down in the Qur'ān that all Muslims shall fast at stated times, especially throughout the month of Ramaḍān.[3] Fasting is defined as abstinence from food and drink, perfumes, tobacco and conjugal relations between sunrise and sunset. Meals are to be taken at night. Young children are excused, while the sick and those on a journey, as well as expectant and nursing mothers, may postpone the fast to another time.

A woman must be ceremonially clean, but if not she too must keep the month's fast as soon as she is able to do so.

[1] cp. *Mishkāt*, Matthews, I, pp. 458, 436, 441.

[2] See ch. on Vows and Offerings.

[3] cp. 'Fasting is prescribed for you . . . [in] the month of Ramaḍān . . . eat and drink until . . . the daybreak, then fast strictly till night.'—2: 179, 181, 183.

In some cases a woman has to be very ill indeed before the local *mulla* will grant her exemption. Many pregnant women insist on observing the fast even at the risk of their own lives and that of the infant. 'But they are allowed *not* to fast'.[1] The great majority of women fast because they believe it to be the command of Allāh. Others are compelled to do so, otherwise they would be punished. The month is a trial to all and some women fall ill in consequence, but they will bear a great deal of hardship in the belief that the merit so acquired is very great.

No precise age is given in the law books as to when a child is expected to keep the fast but it must be kept when signs of puberty appear. If a child from seven to ten years keeps the fast the reward of it is said to be reaped by the parents. Girls of eight and nine will sometimes begin the month's fast though they may only keep it up for part of the month. Still younger girls will fast on the opening day. But as a rule children are given light meals for it is not expected that they shall abstain altogether from food.[2]

ḤAJJ

The pilgrimage to Mecca is likewise a *farḍ* duty laid down in the Qur'ān:

> Proclaim to the peoples a pilgrimage . . . let them pay their vows, and circuit the ancient house [the Ka'ba]. . . . The pilgrimage to the temple is a service due to God from those who are able to journey thither.—22: 28, 30; 3: 91.[3]

[1] cp. *The Light*, 24 November, 1937.

[2] Replying to the question of a schoolboy, *The Light*, of date just quoted, replied, 'You should not fast. Fasting is meant for grown-up persons. If, however, you fast you cannot be exempted from the universal rule to abstain from all food and drink. You are nevertheless at liberty to break your fast if you find you cannot carry it on. . . . The best thing, however, is not to fast at all.'

[3] For particulars, cp. Subhan, *Islam*, pp. 78-89.

This duty is obligatory for women also and if they have an opportunity to do so they should go. On the other hand, if no opportunity offers it is considered to be part of one's *qismat* and no one is to blame. Nevertheless great merit is acquired by the woman who accomplishes the pilgrimage.

But few women manage it and they may be those with means, wives who go with their husbands, or wealthy widows. Some elderly women go as servants to other pilgrims, or they may have begged their way to Mecca. Some such are sent as substitutes or in order to acquire merit for the patron. Occasionally young girls accompany their parents. But a woman must not attempt the journey without having with her a *maḥram*, that is a near relation with whom it is unlawful to marry.[1]

On their return from the pilgrimage these women receive great respect from their Muslim sisters, especially from the older, orthodox folk. If the returned pilgrim happens to be wealthy, women will visit her for the honour of clasping her hands.[2] On the other hand, if poor and in need she will visit Muslim homes where she is honourably received as a 'teacher'. Here she will board for a few days before passing on to another house.

Shī'a women, who go to Karbalā, usually bring back with them a long cotton *kafan*, or 'winding-sheet', on which are written, with Karbalā clay, a number of verses from the Qur'ān.

A returned *ḥājin* once gave a vivid account of her experiences at the sacred shrine. With lively gestures she hurled imaginary stones into the air, while telling of how thus she 'killed' *Shaiṭān* by pelting at the pillars supposed to represent

[1] cp. *Mishkāt*, Ar. 221 (Matthews, I, 600).

[2] cp. Snouck Hurgronje, *Mecca*, p. 122. Even the hands of children are kissed to gain a blessing.

him.[1] She said she accomplished the *tawāf* seven times, and each time she managed to kiss the Black Stone as she passed. But it was difficult work. Once as she drew near to do so a man seized her by the throat and roughly pushed her aside so that his wife might kiss it first!

When asked what she hoped to gain by the visit, she began a long story about Adam. Driven out of paradise after eating of the forbidden tree he took the stone he had used as a pillow and held it to his breast as he pleaded for forgiveness. Eventually he and Eve landed on the earth but at different spots. When after many wanderings they at last met, Adam erected the stone to mark the place.

The woman went on to explain that it was at this time, when Adam and Eve met at Mecca after their wanderings, that Allāh first ordered the veil—a kind of fan placed over Eve's face with holes for the eyes to see through. *Parda*, she said, dates from that time.

As to the spiritual benefits of the pilgrimage, she explained that the important thing is the kissing of the Black Stone, whereby the heart is made clean and all one's sins forgiven.[2]

For others, the better-taught, it means that the dearest wish of their lives has been fulfilled, and some women on their return 'give up the world', as they say, and live for Allāh and Muḥammad, reciting prayers and *durūds* night and day.

Most women believe that those who make the *ḥajj* can be sure of escape from the punishment of sin, for God's favour

[1] A rite prescribed in the Traditions, cp. *Mishkāt*, Ar. 230 (Matthews, I, 630); Goldsack, *SMT.* p. 138.

[2] This recalls the well-known tradition: '*Al-hujaru'l-aswad*, the Black Stone, is come down from Paradise; at the time of its descent it was whiter than milk, but the sins of the children of Adam have caused it to be black by their touching it'.—*Mishkāt*, Ar. 227 (Matthews, I, 619); Goldsack, *SMT.* p. 135.

is said to be greatly increased towards the person who has been to Mecca or Karbalā. Once, as they watched a returned pilgrim dying, the rest of the women in the zanana remarked, 'How fortunate it is that she is dying now, for she has only recently returned from Mecca, so that her entrance into Paradise is assured'.

* * * * \

It will be convenient to make brief mention here of a subsidiary practice in vogue among Muslims—the use of the *tasbīḥ*, rosary.

The Traditions declare, 'Verily, there are ninety-nine names of God; and whoever counts them shall enter into Paradise'.[1] Thus it came about that early Muslims made it a practice to count the praises of God on small pebbles, date-stones and the knuckles of the fingers, each knuckle being given a special name. It is recorded that Muḥammad himself used to count God's praises on his fingers.

An immense number of names of God were brought together, some from the Qur'ān, others arising from ideas in the Qur'ān about Him. From these at length ninety-nine came to be regarded as canonical.

In time the *tasbīḥ* was adopted for the repetition of these ninety-nine names. It might be a string of seeds, or beads made of wood or amber. The pious have made it a practice to recite these names in a certain order, slipping the ninety-nine beads through their fingers as they utter them, and touching a hundreth bead in conclusion, as representing the essential name, Allāh. But some merely repeat the *Tasbīḥ*, 'O Holy God!' the *Taḥmīd*, 'God be praised!' and the *Takbīr*, 'God is Great!'[2]

The rosaries used by women are generally made of glass or

[1] cp. *Mishkāt*, Ar. 199 (Matthews, I, 542).

[2] cp. Hughes, *DI.* p. 546; *The Moslem World*, July, 1913.

wooden beads, but sometimes they are to be seen using one made of amber, a favourite with *maulawīs*.[1] The rosary is in vogue among elderly women and the wives of *maulawīs* and *mullas*, but not in common use among the young. The beads are told frequently in quite mechanical fashion, a disjointed conversation being carried on at the same time.

There are those who believe that the rosary will bear witness on their behalf before God;[2] that it will become of enormous weight and be put into the scale with their good deeds at the Last Day. Older women, indeed, will declare that forgiveness of sins comes through use of the rosary.

It has many uses: as an aid to prayer after the regular *namāz*; to aid one's counting of pious ejaculations or petitions; and at the time of *dhikr*. It is also used for the rite known as *istikhāra*,[3] determining or divining the will of Allāh. Holding the rosary in both hands the *Fātiḥa* is recited and thereafter the rosary is 'breathed upon' in the belief that the spirit of this *sura* will enter into the beads. The beads are then counted in a certain way and according to the particular bead on which the count ends the decision is made as to whether a certain act should take place or not, for example a piece of work, a journey, the drinking of medicine and so on.

The rosary is also used as a means of healing. It is washed in water and the water is then given to the sick to drink in the hope that this will hasten recovery.

[1] *Mishkāt*, Ar. 201 (Matthews, I, 550) makes mention of a woman who was found using date-stones as a rosary.

[2] It is said that Muḥammad urged women to repeat the *ṣubḥān* and 'count it upon your fingers; because verily a finger will be asked on the Day of Resurrection what it obtained, and it will be made to speak'.—*Mishkāt*, in loc. cit.

[3] see ch. on Charms and Divination.

IV

ṢŪFISM AND SAINTS[1]

ṢŪFISM

It will suffice here to say that Ṣūfism, or Muslim mysticism, owes its origin, in the main, to a feeling of dissatisfaction with teaching that offers a purely transcendent God, and to a break away from the hard legalism of Islām. The Ṣūfī seeks direct approach to the Divine Being and indeed claims to have immediate experience of Him. Through the centuries there has thus been developed a religion of the heart and men have become 'drunk' with the love of God.[2] Poetry has been wedded to passion in worship at this shrine.

Unable to accept as final and satisfactory the orthodox Islamic aids to the knowledge of God, or even the use of pure reason, the Ṣūfīs formulated *kashf*, or 'illumination', as another basis for the discovery of the truth about Him. It is that direct and immediate apprehension which the soul gains through experience.

The process is spoken of as a spiritual journey along the Path, *Aṭ-Ṭarīqat*—The Mystic Way—and the seeker after God is a *sālik*, or traveller. Consequently, Ṣūfī teaching has as its object the instruction of the traveller as to how to attain to perfect knowledge of God.

The first requirement is for the seeker to place himself

[1] For further details see *The People of the Mosque*, pp. 147–70 and especially Subhan, *Sufism, its Saints and Shrines*.

[2] cp. D. B. Macdonald, *The Religious Attitude and Life in Islam*, p. 173; Subhan, *Sufism*, pp. 169, 170, 172.

under a *pīr*, or spiritual leader,[1] and to take a vow of obedience, thus becoming his *murīd*. This teacher must be blindly followed; in fact, his commands are obeyed as are those of Muḥammad himself. Should his instructions contravene the letter of the *sharī'at* they must nevertheless be followed.[2]

PĪR-MURĪD

When a person desires to become a *murīd* the *pīr* sits with the candidate facing him, himself looking towards Mecca.[3] He takes hold of the man's right hand so that their thumbs touch. In the case of a woman, she holds one end of a handkerchief, the *pīr* the other; the strictly *pardanishīn* will seat herself behind a screen. The *pīr* then directs the candidate to repeat the *istighfār*, or formula asking for God's forgiveness, followed by the five sections of the creed and certain petitions. After this the candidate declares to the *pīr*, 'For whatever sins I have intentionally or unintentionally committed I do now repent, and I sincerely promise before my *pīr* and in the presence of God, never to commit them again'.

INITIATION

The *murshid* then repeats the names of all the Saints of the religious Order into which the candidate is being admitted and asks, 'Do you consent to acknowledge these *pīrs*?' The candidate replies, 'I do'. Thereupon the *pīr* lets go of his hand and, taking a cup of sherbet, pronounces certain prayers over it, blows upon it and himself takes two or three sips from it. He then hands it to the candidate, who, standing up, solemnly

[1] The preceptor is also spoken of as a *murshid*, or *shaikh*.

[2] A correspondent to *The Light*, August, 1937, referring to the claim of Muslims in Rawalpindi that they had received both spiritual and material blessings through their *pīr's* intercession, declared, 'they even go to the length of saying that the will of their *pīr* was the will of God'.

[3] It is customary to give the preceptor a fee consisting of money, sweets, clothes, etc.

drinks all of it.[1] At the conclusion of the ceremony the new *murīd* salutes all present and receives their salutation, 'Blessèd be thou!' Soon afterwards the *pīr* furnishes his disciple with a list of the *pīrs* of the Order, so that he may remember them. Many ignorant folk revere these lists, making them into amulets which they habitually wear. They are even placed on their bodies at the time of burial.[2]

In commending the Mystic Way to women a present-day writer, after recounting the advantages to be derived from a faithful *pīr's* teaching, thus advises his readers:

> When you discover such a *pīr*, first secure your parents' permission, if you are unmarried, or your husband's, if married, and with sincere intention become his *murīd*. But should they not grant you permission, it is not a *farḍ* duty to become a *murīd*. To walk in the way of the Faith is of course an obligatory duty and that you can do without becoming a *murīd*.[3]

It is customary for a *pīr* when visiting the house of his *murīd* to place his hand in blessing on the heads of the children and of others present who desire to receive his benediction.

DEVOTION TO ONE'S PĪR

Some *murīds*, seating themselves in the house before their *pīr*, will touch his feet and give him the *salām*. They then signify their allegiance by kissing the portion of their hands that has been in contact with his feet. Women sometimes claim to have become the *murīds* of a

[1] The famous Mu'īnu'd-dīn Chishtī, of Ajmer, received his initiation by partaking of a piece of bread which had first been chewed by a *shaikh*; vide Subhan, *Sufism*, p. 194.

[2] cp. Herklots, pp. 283–5.

[3] cp. *Bihishtī Zewar*, Bk. VII, p. 24 f. Girls are not usually initiated before marriage as they are considered too young; a widow may act according to her discretion.

religious leader in this fashion, but such practices do not constitute for them 'initiation' into any order.[1]

In a certain village three or four women prepared for the visit of the *pīr* by cooking rice; upon this he afterwards 'breathed', and as the women partook of it they affirmed their allegiance to him.

There is yet another practice, somewhat similar to, and apt to be confused with, the act of initiation described above. Its purpose is to make an act of repentance in the presence of some religious leader and to resolve henceforth to lead a better life. Thus, when a husband and wife desire to make this vow to abstain from sin they invite to their house a trusted *maulawī*; a *pīr* is not necessary to conduct the ceremony. They both bathe and perform *wuḍū*, after which they scent their bodies and dress in their best clothes. Then they seat themselves before the *maulawī* who unrolls his turban and instructs the man and woman to lay hold of one end of it, as he himself is doing. They repeat the *a'ūdhu-bi'llāh*, the *bismillāh* and the *kalima*, and then say the *kalima-i-shahādat*, repeating it after the *maulawī*. Next they repeat the vow of abstention from sin; after which the man will place his hands in the *maulawī*'s and say, 'I vow that these are not your hands but the hands of Muḥammad, and yet they are not Muḥammad's hands but God's, and I now, taking your hands as God's hands, do vow that I will sin no more'—by which he means that they will do all that

A FORM OF COVENANT

[1] Such ceremonies are common among village women in certain districts, where about 25 per cent claim to be the *murīds* of some *pīr*. The usual age for women is when they are 15 or 16 years old; for men, 22. Some elderly women *murīds* wait on their *pīr* when he visits the village much as they would minister to their own husband—washing his back, massaging his legs, serving him with food and water. It is 'holy' work, so the husband does not object.

the *maulawī* enjoins, even to throwing themselves into a fire.

The ceremony over, the *maulawī* repeats a prayer and the new *murīds* say *āmīn*. Before leaving he may instruct them to recite a certain *durūd* 220 times daily between sunset and midnight. They then stand to salute him and give him anything from two to ten rupees, or some clothes. Thereafter it is customary to invite the *maulawī* to one's house each year to receive instruction and to give him a little present.

Since one of the principles of Ṣūfism is to fix the mind on some object of thought, it is a common practice to repeat the name *Allāh* over and over again. In particular, a disciple learns to repeat the *kalima* with special stress on the words, *illa' llāh*, which he repeats with great vigour and much jerking of the head and body. This practice, known as *dhikr*, or remembrance,[1] is in vogue among women *murīds* both in the Panjab and Bengal. They find time for it either very early before dawn or at odd times during the day.[2]

DHIKR

Men assemble together for the peformance of *dhikr* and frequently go to such lengths as to fall unconscious;[3] women on the other hand often appear to go through the recital alone, though they also continue until the head becomes 'dizzy'.

This mystical teaching means much to such women as understand it and they seem to derive more satisfaction out of the performance of *dhikr* than they do from the repetition of the formal prayers.[4]

---

[1] For details cp. Hughes, *DI.* art. *Zikr*, pp. 703 ff; *POM.* pp. 161ff.

[2] A *pīr* has been known to tell village women in the Panjab that if they thus recited the *kalima* for 125,000 times they would enter paradise without needing to give any account of their deeds.

[3] vide Subhan, *Sufism*, pp. 1-5.

[4] A Muslim woman patient was heard singing this Ṣūfī hymn in a mission hospital:—

SAINTS[1]

One direct outcome of Ṣūfī teaching is the belief in saints so common among Muslims. The way their aid is sought with Allāh is an interesting comment on the need felt so widely by man for a mediator.

Biographies of the saints abound, in which are related stories of their *karāmāt*, miracles,[2] their teaching, and popular legends concerning them. It has been calculated that about 70 per cent of the followers of Islām are acquainted with these saints and familiar with their reputed sayings. In fact there are many Muslims who pay more attention to the saints than to the obligatory duties of their religion.[3]

Trample upon me, yea tread on my head,
Consume me with terror, Thou Judge of the dead;
If only, O God, I thus Thee may know,
And Thee once behold while I tarry below.

Throw me, like Abraham, into the fire,
Like Moses withheld from the land of desire;
If only, O God, I thus Thee may know,
And Thee once behold while I tarry below.

Hang me, like Jesus, upon the rood tree,
Or poor, like Mansour thro life may I be;
If only, O God, I thus Thee may know,
And Thee once behold while I tarry below.

—*The Moslem World*, 1920, p. 148.

[1] Ar. *awliyā*, s. *walī*: protector, friend; espec. one who knows God, His ally; a saint, having special access to God. cp. *Encyc. Islam*, art. *Walī*, IV, 1109 f; D. B. Macdonald, *RALI.* p. 161; Margoliouth, *Mohammedanism*, pp. 199 ff. The *Ṣūfīs*, as God's chosen people, are looked upon as the elect among Muslims; the Saints, as God's friends, are honoured as the elect among *Ṣūfīs*.

[2] As distinguished from *mu'jizāt*, miracles of prophets.

[3] cp. Titus, *Indian Islam*, p. 131; Subhan, *Sufism*, p. 102. Subhan gives an excellent summary of the chief Religious Orders and a list of most of the saints revered by Indian Muslims.

We need only give here a very brief account of two or three of the better known Indian saints whose shrines are visited by large numbers of women. Among the most famous is Khwāja Mu'īnu'd-dīn Chishtī of Ajmer, eighth in succession from the founder of the Chishtī Order. He is generally spoken of in India as the Khwāja Ṣāḥib. He died in Ajmer in A.D. 1236 and his shrine there—the most celebrated in India—is a place of pilgrimage for Muslims from all parts of the land on the occasion of his *'urs*.[1] The Emperor Akbar became a devotee of the Khwāja Ṣāḥib from the time that a son was born to him in answer to the prayers of Salīm, a Chishtī saint at Fatehpūr Sikrī.[2]

MU'ĪNU'D-DĪN CHISHTĪ

Within the courtyard leading to the shrine are two vast cauldrons. These at the time of the *'urs*, or whenever a rich visitor bears the expenses,[3] are filled with rice mixed with ingredients such as dried fruit which when cooked is distributed, or sold, to the pilgrims.

'Abdu'l-Qādir, of Jīlān or Gīlān,[4] was the founder of one of the four main Orders, the Qādirī. Born about A.D. 1077 he spent most of his life in Baghdad, dying there in A.D. 1166.

'ABDU'L-QĀDIR JĪLĀNĪ

About a hundred titles are ascribed to him, the most notable of which are *Pīr-i-Pīrān*, Chief of the Saints; *Pīr-i-Dastgīr*, the Saint my Helper; *Maḥbūb-i-Ṣubḥānī*, or the Beloved of

[1] i.e. the anniversary of his death.

[2] cp. Herklots, p. 142; W. Crooke, *The Popular Religion and Folklore of Northern India*, I, p. 190 f.; *POM.* p. 201; Subhan, *Sufism*, p. 208. Salīm Chishtī was a descendant of Bāba Farīd. Akbar's son was named Salīm after him, but is better known as Jahāngīr.

[3] Amounting to about Rs. 1,000; vide *News and Notes*, August, 1939.

[4] Near the Caspian Sea.

God. Among women in North India he is spoken of as *Baṛe Pīr*, the Exalted *Pīr*.[1]

His *'urs* is celebrated on the eleventh of the month Rabī'uth-thānī. On the preceding evening a special ceremony takes place in some localities. A large green flag, with impressions of the *panja*, or outspread hand, made on it with sandalwood paste, is carried in procession.

Though the day of his death is uncertain, there is a special reason for celebrating his *'urs* on the eleventh, which is known as *Gyārahwīṇ sharīf*, 'the holy eleventh'. It is said that he was in the habit of reciting the *Fātiḥa* on the eleventh in the name of the Prophet, and so adherents of this Order recite the *Fātiḥa* on this day in 'Abdu'l-Qādir's name. Moreover, on this day his devotees recite chapters 111, 113, and 114 of the Qur'ān, and repeat his 99 names over specially prepared food, which is then distributed to friends and beggars.

In many homes the womenfolk cook sweet rice, say a *durūd* over it, and distribute it among their friends. Yet others repeat the *Fātiḥa* over a little stew and invite their friends and perhaps a *faqīr* to partake of it. In such cases the *Fātiḥa* itself is called *Gyārahwīṇ*.[2] It is firmly believed that *Maḥbūb-i-Ṣubḥānī* visits the homes where the Eleventh is celebrated.[3]

Muslim women often repeat stories of these saints to their children. Here is a

BĀBA FARĪD

[1] Uneducated women call the month of his *'urs*, *Baṛe Pīr kā mahīna*. See further, W. Crooke, *PRNI.* I, pp. 214 ff; Subhan, *Sufism*, pp. 177 ff; *POM.* p. 166.

[2] Herklots, p. 194.

[3] cp. *The Light*, Oct. 1931. A Muslim lady introduced a Bill in the Bengal Assembly in 1939 urging that this day be made a public holiday. It has since been gazetted as such.

brief summary of what a child was told about Bāba Farīd Shakarganj.[1]

> As a boy Bāba Farīd began to practise austerities. Returning after twelve years of wandering his mother asked him what he had for food when hungry. He replied that he plucked the leaves from trees and ate them. When at length he fell asleep on her knee his mother plucked at his hair. On his asking her why she did so she replied, 'You have been treating the trees in that way'. 'Ah, I am not yet perfect', he exclaimed, and went off for another twelve years.
>
> On his return his mother put him the same question and this time he showed her a piece of hard wood and replied, 'When hungry I put this between my teeth'. At which his mother rejoined, 'Why put your trust in the wood and not in God?' Observing that he was not yet perfect he went away for another twelve years, during which period he suspended himself in a well, became covered with moss and allowed the crows to peck his body. Addressing the crows he said, 'Eat my body but spare my eyes, for I desire to see my Beloved'.
>
> When at length he set out for home he applied a test to see if he had attained perfection. He ordered some birds to die and they died; then he bade them come to life and they did so. 'At last I am perfect,' he thought, but seeing a woman draw water from a well he felt thirsty and asked her three times for a drink. The woman presently became angry and exclaimed, 'My sister's house is on fire. The house is miles away and I am sending this water thither to put it out'. Bāba Farīd thinking to test the truth of her statement made the journey to the village named and sure enough the house was on fire, but water coming mysteriously from somewhere was putting it out.
>
> Returning to the woman at the well he said, 'Though I have borne austerities for 36 years I have not such power; how did you acquire it?' She made answer, 'My husband was a leper and when no one would come near, I served him. One night before he died he asked for a drink, but when I brought it he had fallen asleep. I stood by all night in case when he awoke he should want it. In the morning, seeing me standing by, he asked why I did so; when I told him he took the water and with his dying breath blessed me. Ever since then God and His angels have helped me because of my wifely obedience and his last blessing.'

[1] Founder of the Farīdiyya section of the Chishtī Order; vide Subhan, *Sufism*, pp. 215 ff.

Among Ṣūfīs alone does the distinction between male and female tend to disappear; 'both are simply human beings before their God'.[1] It follows that a woman may reach 'the highest rank in the hierarchy of Moslem saints'.[2] In fact many dictionaries of the biographies of saints contain, under each letter of the alphabet, a list of holy women and their miracles.[3]

WOMEN SAINTS

Of those whose names are universally revered by Muslim women mention may be made of the Prophet's daughter, the Lady Fāṭima, held in high esteem as a member of the sacred family;[4] Ḥaḍrat Rābi'a, commonly spoken of as *Baṣarī*, because born in Baṣra;[5] Jahānārā Begam, daughter of the Emperor Shāh Jahān,[6] and Bībī Ḥāfiẓ Jamāl, daughter of Khwāja Mu'īnu'd-dīn Chishtī.[7]

In general it may be said that, apart from the well-known saints, the names of those revered in India run into thousands.[8]

[1] D. B. Macdonald, *RALI.* p. 205; cp. 'Among the "friends of God" . . . there was complete equality between the sexes'.—Miss Tahir-un-Nisa, B.A., art. 'Woman Saints in Islam', *The Muslim Revival*, 1935, p. 173.

[2] Margaret Smith, art. 'The Woman Saint in the Development of Islam', *The Moslem World*, 1927, p. 131; cp. the same writer's *Rābi'a the Mystic*, p. 3; also D. B. Macdonald, *RALI.* p. 203, who cites Fāṭima, sister of Dārā Shukoh.

[3] cp. Levy, *SI.* 1, 187.

[4] cp. Margaret Smith, *The Moslem World*, in loc. cit.

[5] vide Subhan, *Sufism*, pp. 14–16.

[6] cp. *Encyc. Islam*, I, 996.

[7] Subhan, *Sufism*, p. 206. She was one of the few women saints authorized to make disciples. As a rule no Ṣūfī woman may make disciples; nor may any woman act as an *Imām*.

[8] cp. Titus, *Indian Islam*, p. 134.

Some of these are undoubtedly historical personages of whom records remain, though in many cases their identity has become obscured by a mass of legend. Others, like Khwāja Khiḍr, are purely legendary.[1] The aid of Khiḍr is invoked by Muslim travellers when in difficulties. For instance, if a boat is caught in a storm the passengers will promise to make him a votive offering on reaching the shore safely.[2] He is, in fact, the sailor's tutelary saint. Some Muslim women, in the seventh month of pregnancy, offer miniature boats to the Khwāja.

LEGENDARY SAINTS

Vast numbers of Muslims firmly believe not only that these saints performed miracles in their lifetime but that even now they have the power to grant requests and fulfil the desires of their suppliants. Thus, miraculous cures are said to be effected at their tombs; childless women resort thither to pray for offspring, and litigants for success in the prosecution of their business at court.[3]

KARĀMĀT

This belief helps to explain the presence in village, town and city throughout the land, of innumerable shrines and the periodic visits of people thereto. Moreover, it is a Ṣūfī tenet that 'the Friends of God' do not die—they merely depart from one abode to another.[1] So that when a saint 'dies' a shrine is, as a rule, erected over his grave. Subsequently it is visited on Thursday evenings (usually), when small earthenware lamps are lit and placed on the tomb. Flowers, foodstuffs and coins are frequently presented. Portions of these, believed to have been blessed by the saint, are presented to the devotees.[2]

ZIYĀRAT

Pilgrimage to such a shrine is called *ziyārat*, a visit, while the shrine itself is called variously *mazār*, place of visitation, or *dargāh*, a royal court.[3] But a shrine need not be the actual tomb, for it is considered legitimate to erect a memorial to a saint in any place.[4] In towns the shrines are sometimes substantial structures with an endowed mosque near by, but in villages they are for the most part simple graves marked by a flag, perhaps with a surrounding wall.[5]

It is a common sight to see numbers of women at these shrines, and unveiled at that. The explanation given is that the sanctity of the place is itself a protection against molestation by men.[6] They are permitted to come to make their requests and perform their vows, but at certain tombs they are strictly forbidden from entering the enclosure of the shrine proper.

WOMEN SUPPLIANTS

Curious reasons are sometimes given for such exclusion. For instance, women are not allowed to enter the shrine of

[1] cp. 'The process of canonization still goes on and new saints are being added to the calendar'.—*Encyc. Islam*, art. *India*, II, 489; Titus, *Indian Islam*, pp. 139 ff.; Hughes, *DI.* art. *Saints*, p. 556; Crooke, *PRNI.* I, 217.

[2] cp. *Glossary* I, 563–5; Macdonald, *Aspects of Islam*, p. 206. He is sometimes confused with Ilyās (Elias), who presides over jungles and guides travellers who have lost their way. The function of Sher Shāh, of Multan, is to protect lovers; that of Shāh Dawla, the care of weak children.

[3] cp. *Encyc. Islam*, art. *India*, II, 489; Titus, *Indian Islam*, p. 132.

[1] cp. Macdonald, *Aspects*, p. 207; W. H. T. Gairdner, *The Rebuke of Islam*, p. 155.

[2] These are termed *tabarruk*; cp. Subhan, *Sufism*, p. 106; Titus, *Indian Islam*, p. 136.

[3] Sometimes, as commonly in Kashmir, the shrine itself is called *ziyārat*.

[4] A *ziyārat* is more properly the site of burial; a *maqām*, where the saint rested in his lifetime; a *khwāb*, where a vision of the saint has appeared to holy people.—*Glossary*, I, 576.

[5] vide Hughes, *DI.* art. *Ziyārat*, p. 715.

[6] It is so at the *dargāh* of Dātā Ganj Bakhsh (Lahore) the local name of the famous 'Alī Hujwirī (d. A.D. 1063).

Badī'u'd-dīn at Makanpur, Cawnpore (d. A.D. 1485), because it is believed that any woman doing so will be seized immediately with violent pains, 'as if her whole body were wrapped in flames of fire'.[1] Outside the shrine of Mīyāṇ Mīr, Lahore (d. A.D. 1635), there hangs a notice in Urdu and English forbidding entrance to women.[2] Nor is it only from the shrines of well-known saints that women are excluded. At a small tomb in Delhi women are not allowed past the railing because the saint is reputed to have the power of looking through a woman, even though she be fully clothed.[3]

As already stated, a shrine is usually visited on the occasion of the saint's *'urs*, when certain ceremonies are performed.

RITES AT SHRINES

The most common features are, the recitation of *Fātiḥa* and suras 112, 113, and 114; the bestowal of the merit of such recitation on the soul of the saint; and, in conclusion, formal request for some personal favour. It is customary to make a vow at the time, and this must be paid at the tomb when the favour is granted.[4] One often sees bits of thread, or pieces of cloth tied on to the grating around the shrine by way of reminding the saint of the favour asked.[5] It is explained that the influence of the saint is thereby enlisted in the petition more strictly addressed to God Himself.

It is a moving sight to watch a woman put out her hands, what time she is repeating the *Fātiḥa*, and grasp each portion of the iron bars of a window of a tomb and then press her

[1] cp. Subhan, *Sufism*, p. 305.

[2] For Mīyāṇ Mīr vide Subhan, *Sufism*, pp. 269–74.

[3] In several cases, e.g. Dātā Ganj Bakhsh, it is explained that the saint in his lifetime had an aversion to women.

[4] See ch. on Vows and Offerings.

[5] cp. *POM.* p. 170; Subhan, *Sufism*, p. 107.

fingers on eyes and mouth and breast as if to convey the saint's blessing into her very being.[1]

Famous shrines at a distance are visited only at the time of the saint's anniversary, but the tombs of local saints every Thursday night, the first Thursday of the lunar month being specially auspicious. On this night men will accompany their women to a shrine in which the latter have most faith. Women prove more credulous than men, and keep up the practice even when lack of results causes the men to give it up.

To all, this practice represents reverence for great men and affords them an opportunity of paying their respects to the dead. Most people undoubtedly believe that the saint's influence will secure for them some earthly benefit.

OBJECTS DESIRED

For instance, thousands of people may be seen resorting to these shrines in times of famine, earthquake or cholera, and they always bring with them some offerings. There are tombs at which the superstitious gather in great numbers in the belief that the saint has power to control evil spirits.[2] Some saints bring good fortune, others are famous for the cures they are said to effect in cases of rheumatism, smallpox, insanity and leprosy.[3]

Many women who visit these shrines hope thereby to give birth to a son. Thus a childless Pathan woman will often journey many a weary mile to some shrine and there hang up

[1] A common sight at the tomb of Dātā Ganj Bakhsh, Lahore. cp. Macdonald, *Aspects*, p. 25 f. who mentions a petition often found over the door of a tomb, 'Forget me not with a pious petition, but lift up thy hands unto the Lord and recite the *Fātiḥa* for me'.

[2] see ch. on Spirits and Exorcism.

[3] 'In all cases of distress the Pathan seeks help and solace at the shrine appropriate to his particular need, for each has its own characteristic efficacy.'—*Pennell of the Afghan Frontier*, p. 22 f.

a rag torn from her clothing in the belief that the reproach of barrenness will thus be removed.[1]

Frequently there is to be seen planted at the head of a tomb a *godīnī* tree, which bears little red berries. A sterile woman will be given some of these to eat after some Quranic passage has been recited over them, and she will make a vow to give something to the saint when her desire is fulfilled.[2]

Others, again, visit these tombs because of the early death of successive children, and they promise to give a feast to the poor if only their desire of life for the child up to so many years of age, is granted. The presiding *pīr* thereupon gives the child an amulet and later on the woman brings him the money whereby to feed the poor.

We conclude with a description of a weekly village *ziyārat* at the tomb of a *pīr*, and of the *'urs* celebrations of a famous saint.

TYPES OF ZIYĀRAT

In a village in the Panjab is the shrine of a *pīr* whose widow is said to have inherited his power to work miracles.

> A woman once related how she had prayed to this *pīr* for a son and in the event had been blessed with three. Her devotion to the *pīr* and her implicit faith in his power was known throughout that locality. Groups of women-suppliants are often to be seen in the courtyard of the great man's house, where within a covered verandah and seated upon a bed will be the *pīrnī* herself.
>
> On this occasion piles of new cloth lay at one end of the bed. At a little distance were smaller gifts of grain and spices. Close to the *pīrnī* lay a copy of the Qur'ān, inkstand and pen, and pieces of paper on which certain verses had been written.
>
> A woman petitioner sat on a low stool before her and told of her desire to have a child. She was asked if she had brought with her the seeds and milk as specified. The milk was produced in a small metal teapot, the seeds wrapped up in paper. The *pīrnī* thereupon took the seeds, scattered them upon the milk, breathed over it, and carefully replacing the lid instructed the woman how and when to drink it. Most of the time her lips moved quietly as though she were repeating some verses. She then bound two of the pieces of paper, containing Qur'ān verses, in two tiny rolls of cloth and told the woman to wear one at her neck and the other at her waist. The woman was finally told to go home and live in the power of those charms to give her the desire of her heart. She went away expressing her sincere gratitude and promising that her small gifts would be followed by something more generous.

[1] *Pennell*, in loc. cit.

[2] see below, p. 369. A story is told of a eunuch who discounted the value of such berries at Ajmer. The saint instructed the *pīr* to give him one to eat. The eunuch in sheer bravado took it, became pregnant and died because the baby could not be born!

Sayyid Sālār, nephew of Maḥmūd of Ghaznī, a saint revered all over India, is said to have been buried at Bahraich, in the United Provinces, where he met a martyr's death in A.D. 1033.[1]

ZUHRA BĪBĪ

The story goes that some years after his death a woman, Zuhra Bībī, virgin-daughter of a great noble, being blind, came on pilgrimage to this shrine and there miraculously recovered her sight. She thereupon spent large sums in building a worthy mausoleum over the saint's resting-place and on completing it had a grave dug for herself near by. Shortly afterwards, while still a virgin, she died and was buried in the grave prepared.

Zuhra Bībī's devotees, however, hold that she did not die but was 'translated' with great honour to become the bride of Sayyid Sālār in paradise. As a matter of fact the main feature of the rites at his *'urs* is a ceremony celebrating his marriage with Zuhra Bībī. The Emperor Fīroz Shāh Tughlaq

[1] cp. W. Crooke, *PRNI.* I, p. 207 f. Popularly known as Ghāzī Mīyāṇ; vide Subhan, *Sufism*, pp. 122 ff.

(d. A.D. 1388) went on pilgrimage to the shrine, built enclosing walls and added other attractions to the place.[1]

The shrine has become famous for miracles and good fortune. A hundred thousand pilgrims are said to assemble there annually, some from places hundreds of miles away. These carry fantastic banners of every size and description and are attended by bands of music. Visitors bring with them the produce of their fields, their flocks or their own handiwork. Chickens seem to be a popular gift at the shrine. Others bring money which they throw on to the dome of the tomb. It is reported that sometimes these gifts, in copper alone, amount to many hundreds of rupees. Should a votary's coin strike the spire on the summit of the dome it is taken to be a good omen.[2] In the course of the annual celebrations the income from gifts of all kinds may well be in the neighbourhood of Rs. 10,000. It is real, hilarious giving by people whose joy seems uncontrolled.

Blind people and those with failing sight, press to the front, wildly anxious to touch the tomb and regain, should Allāh will it, their sight. Meantime without, beyond the wall and wading a ditch formed by water from the great well within, may be seen a crowd of lepers imploring the saint to grant them cleansing. Legends of cures wrought by the power of Sayyid Sālār have been told them and they too come in the hope that they may have like good fortune.[3]

It should be added that this practice of visiting saints' shrines is strongly condemned by both the Wahhabis and

[1] vide *POM.* p. 191.

[2] cp. Subhan, *Sufism*, pp. 122–5. One form of *nadhr* is called 'Zuhra Bībī's dowry', and consists of pieces of furniture or household utensils.

[3] Occasionally the tomb is washed and the water runs off into a nearby tank. In this lepers bathe hoping for cleansing.

PRACTICE CONDEMNED

the Ahmadis as tantamount to *shirk*, since the prayers offered come dangerously near to saint-worship.[1] Traditions are sometimes cited to the effect that the Prophet himself condemned this practice, but the evidence is not conclusive. What seems clear is that he forbade excessive wailing by women at the graveside of their dead:

> May God curse women who go to visit graves.—*Aḥmad.*[2]

On the other hand,

> I prohibited you formerly from visiting (*ziyārat*) graves; but you may do so now, for I have abolished the first order.
>
> The Prophet visited his mother's grave and wept . . . . to such a degree as to impress the rest, and said, 'I have asked my Cherisher's permission to visit her grave, and it was granted; therefore do ye visit graves, because they remind [you] of death.[3]

The probability is that in regard to visiting shrines 'Islām had to yield on this point to the pressure of popular sentiment', traditions being found to support the already strong tendency.[4]

[1] cp. Sell, *The Faith of Islam*, p. 210 f.; Titus, *Indian Islam*, p. 131.

[2] *Mishkāt*, Ar. 154 (Matthews, I, 403); cp. also, 'Keep yourselves, O women, from the noise of the devil, which is wailing [for the dead]'. Matthews, I, 397; Goldsack, *SMT.* p. 78.

[3] *Mishkāt*, Ar. 154 (Matthews, I, 401); Goldsack, *SMT.* p. 79.

[4] cp. *Encyc. Islam*, art. *Walī*, IV, 1, 110; Hughes, *DI.* art. *Ziyārat*, p. 714.

V

VOWS AND OFFERINGS

MENTION has been made in the preceding chapter of the practice of making vows at shrines. This of course is not peculiar to Muslims and was in fact a common custom among pre-Islamic Arabs. While Muḥammad did not forbid it he insisted that any such vows should be made in the name of God alone. Thus, speaking of forbidden foods,

> But that which dieth of itself, and blood, and swine's flesh, and that over which any other name than that of God hath been invoked, is forbidden you.—2: 168.

This point is stressed both in the Traditions and law:

> God has forbidden you swearing by your fathers; he who takes an oath must swear by God, or remain silent.—*Bukhārī, Muslim.*[1]

And the *Hedāya* declares:

> If a person swear by any other name than that of God—such as *the Prophet*, or *the holy temple*, this does not constitute an oath since the Prophet has said, etc.[2]

A vow[3] is usually taken because the suppliant thinks that God[4] is more likely to listen to one's petition if some vow is made. It is customary among those who are so persuaded, both Sunnis and Shī'as, to declare that if and when what

[1] *Mishkāt*, Ar. 296 (Matthews, II, 152); Goldsack, *SMT.* p. 179.

[2] *Hedāya*, I, 496 (Grady, 151), in the section on *Vows*.

[3] In the Qur'ān the term used for vow is *nadhr* (e.g. 19: 27; 2: 273; 3: 31; 22: 30); in the *Hedāya*, *yamīn*. But the word in popular use is the Hindi *mānat* (or *mannat*).

[4] Or the saint, as the case may be.

they desire comes to pass they will present some offering in the name of God, Muḥammad, his Companions, or some saint. These vows may be made either at home, or at a saint's tomb or shrine.

NIYAT

As is the case before the performance of *namāz* or undertaking a fast, so here the suppliant proclaims his *nīyat*, or intention, namely; he vows to make a gift, say, of money or food, whether cooked or uncooked, in the event of a certain boon being granted.

The objects desired will include such things as recovery from sickness, passing an examination, obtaining employment, gaining promotion, success in litigation, the downfall of one's enemy, deliverance from peril at sea, recovery of lost property, and frequently, the blessing of offspring.[1] Others will make a vow to abstain from something until the desired object is attained, such as to refrain from partaking of some article of food.[2]

EXAMPLES OF VOWS

The ritual associated with the performance of vows varies greatly according to the shrine, or the district in which one lives. For instance, a vow may be made in the name of God when a woman or a child is ill. When the recovery prayed for is granted, payment will be made in the terms of the *nīyat*, and may comprise some sweets, rice or a chicken. The offering is sometimes taken on a Friday, at the sound of the call to

[1] Ignorant Muslim women, whose husbands contemplate a second marriage because of their sterility, have been known, when *'ulamā* and saints have failed them, to seek assistance through Hindu rites to bring about the desired result.

[2] Muḥammad is reported to have discouraged this kind of practice. e.g. When a man vowed that he would proceed to the Ka'ba on foot, he said, 'God does not care about his punishing himself', and ordered him to ride on account of his inability to walk.—*Mishkāt*, Matthews, II, 155 f.

prayer, and given to the *mu'adhdhin* of a mosque to distribute among the poorer worshippers as they leave.[1]

Others, notwithstanding the injunction of the Qur'ān, frequently make their vows in the name of some saint. Thus a woman may offer a piece of cloth, or undertake to feed so many poor people, or promise that the ceremony of her child's first tonsure shall be performed at a particular shrine, if offspring be vouchsafed to her. The period within which such an offering will be made is specified in the *nīyat*, and is usually prescribed for some time before the child attains the age of twelve.[2]

Curious features mark some of these vows. One is known as *beṛī baṛhāna*,[3] to forge the fetter. A blue cotton thread, called *beṛī*, is tied round the left ankle of a baby in the name of the saint Mu'īnu'd-dīn Chishtī. When the child is three or four years old it is taken to the saint's shrine at Ajmer and the parents there make the promised offering, which may consist of five and a quarter seers of handmade bread (which has been pounded with sugar and ghee), two pice, and a trouser-string.[4]

---

[1] Once a husband vowed to sacrifice four sheep in the event of his wife's recovery from illness. After the necessary operation—which proved successful—the sheep were duly killed and the meat given to the poor.

The making of such vows is not confined to the uneducated. A woman returned from Europe had a slight illness and her brother vowed he would feed twelve persons should she recover. The feast was eventually cooked by herself and given to the poor in her own home.

[2] cp. *Glossary*, I, 780.

[3] Hindi, *beṛī*, a ring worn round the ankle, a fetter.

[4] cp. *Glossary*, I, 769. Some people continue to wear this *beṛī* into old age, afraid to remove it lest harm should follow; thus, certain elderly Muslims are known to be still wearing a thread that was put on them in childhood in the name of the famous saint, Bū 'Alī Shāh Qalandar, of Panipat, in the Punjab. (A picture of him forms the frontispiece of Subhan's *Sufism*.)

Another vow, known as *badhāwa*,[1] requires that a silver necklet be placed round the child's neck and that a band of silver, or a rupee, be added each year till the child is 7, 10, or 12 years old. On the completion of the specified period the accumulated silver is sold and the proceeds, or foodstuffs purchased therewith, are given to the poor.[2]

The special name for the offering made on the fulfilment of one's desire following a vow, is *niyāz*. It may be offered in the name of God, the Prophet,[4] some saint or the departed dead. The merit for the boon granted is ascribed to the one in whose name the vow was made, though the giver usually expects some blessing from the saint. When God's name alone has been associated with the vow, the entire merit is ascribed to Him.

NIYĀZ[3]

There is also a less restricted use of the term *niyāz*. It need not always be an offering made on the fulfilment of a vow, but just a religious oblation, a gift in the form of alms on the realization of some wish or desire—a thank-offering. Alternatively, it may be an annual offering made in the memory of some saint,[5] or applied to a feast given on the anniversary of the death of a *pīr*. People sometimes offer a *niyāz* in the name of Fāṭima Bībī when a young girl in the family is sick.

---

[1] Hindi, lit. congratulations on the birth of a child, or presents distributed at its birth.

[2] cp. *Glossary*, I, 780.

[3] Pers.—(1) petition, prayer; (2) present, offering.

[4] The Shī'as offer it in the name of the holy four, Fāṭima, 'Alī, Ḥasan, and Ḥusain, leaving out Muḥammad's name. cp. Herklots, p. 137.

[5] see above p. 307 on *Gyārahwīṇ*.

The *niyāz* may take various forms, each of which has its characteristic name and feature. A few of these will be mentioned here. One is known as *kunḍā*,[1] a platter of food. It is a custom observed as a rule by ignorant women only and varies considerably in different localities.

KUNḌĀ

The offering is usually made in the name of Imām Ja'far Ṣādiq,[2] either on the 22nd or the 25th day of Rajab, because the Imām is said to have appeared to a woman on one of these dates. Sweets, or *khīr*,[3] are cooked in an earthen vessel and then a *maulawī* is called in to repeat over it the *Bismillah* and a portion from the Qur'ān. He then 'blows' upon the food and offers a prayer. This *niyāz* is offered in the name of Imām Ja'far because it is believed that he will intercede with God on behalf of the family, with the result that trouble will be banished and they will enjoy peace and prosperity. The 'offering' is eaten by the members of the family, though some friends may also be invited to share it.

Another offering is called *ṣaḥnak*,[4] according to which a feast is partaken of by 7 or 14 women, not belonging to the family, who are summoned to help celebrate some matter of thanksgiving. The guests must be ceremonially clean, of good character, and not virgins or widows. The dish is sometimes called *Fāṭima Bībī kī ṣaḥnak*, or *Bībī kā bāsan*, 'the Lady's dish'.[5]

ṢAḤNAK

In some of the villages of Bengal Muslim women, following Hindu custom, join in a *niyāz* to 'Sannyāsī Bābā', a devout worshipper of God whose spirit, after his death, is believed to have helped both Hindu and Muslim women. Again 7 or 14 women, who must not be virgins or widows but all married, get together and pay for a feast, the cost of which is shared equally. While the food is being cooked, or just before, they all cry loudly for the space of ten minutes or even half an hour, *Sannyāsī Bābā!* The feast when prepared is offered in his name to make him happy and to ensure that his spirit will be with them. The women seat themselves together and eat from one and the same platter. On the conclusion of the feast they again call loudly on Sannyāsī Bābā. Then, having washed their hands and rinsed their mouths, they draw their *sārī* well down over their forehead and, believing Sannyāsī's spirit to be present, give expression to their desires and declare that the feast is really his.

SANNYĀSĪ BĀBĀ

Another form of *niyāz*, called *nadhr*, is usually given to a living *pīr*[2] who is some woman's acknowledged religious guide and authority, in things spiritual or secular.

NADHR[1]

But very commonly women, especially those who have lost some relative by death, will present their *nadhr* at the tomb of some saint. The *nadhr* will be presented 'in the name of the dead'. A very poor woman once declared that she must go to present her *nadhr* or else she would be punished. She was obliged to borrow money for the purpose. On her return when asked if she now felt more at ease she replied, 'If I had not made it I should be always living in dread lest my other and only remaining grandson would be taken from me'.

[1] Hindi—a rich and savoury dish; from *kunḍ*, a basin or bowl.

[2] The seventh Shī'a Imām; commonly spoken of as Imām Ja'frī. Sunni as well as Shī'a women make this offering. cp. Herklots, p. 138.

[3] Rice boiled in milk and sweetened.

[4] Lit. a small dish or plate; an oblation to Fāṭima.

[5] cp. Herklots, pp. 20, 138.

[1] Prop. a vow, but commonly used for a present or gift from an inferior to a superior.

[2] cp. Herklots, p. 134.

Another woman refused to take medicine for some eye-trouble because she explained, 'This is the result of not taking a *chaddar* as *nadhr* to the tomb'.[1] She eventually went blind. A cook took a *nadhr* to a certain tomb each Thursday and declared that she dare not miss a week lest trouble befall her.

Brief mention should be made here of very common forms of offering termed *ṣadaqa*.[2] These offerings have not been 'vowed' but are given voluntarily to some *pīr*, or saint, on the fulfilment of a request, such as the recovery of one's child from sickness. Sometimes corn is placed near the head of the sick person and distributed each day to *faqīrs* and beggars; or some meat, or other food, is waved over the head of a sick child three or seven times and then given to beggars, or left by the roadside.[3]

ṢADAQA

Friends of a patient will sometimes send a request to the mosque and secure an undertaking from a few devout people to offer prayer continuously, taking turns. At the end of four days a small offering of money and food is made, amounting to eight annas or a rupee. Or the *ṣadaqa* may take the form of a live-goat let loose for any of the neighbouring poor to appropriate. It is thought by some who thus give money or food to the poor that the sickness will be carried away.[4]

In Bengal sick persons are sometimes made to stand erect

[1] Sometimes as many as 50 *chaddars*, sheets, are placed on a single tomb.

[2] Not to be confused with the obligatory alms called *Ṣadaqatu'l-Fitr*, i.e. alms bestowed on the poor at the termination of the fast of Ramaḍān; see above p. 293.

[3] Meat is sometimes left under the patient's pillow all night and given to the first beggar who comes in the morning.

[4] Consequently some fear to accept such alms.

and their length measured in a piece of unbleached cloth. *Dāl* is then bound up in the cloth and placed under the patient's head. It is afterwards given to some *faqīr*.

Connected with these visits to saints' tombs and the performance of vows are a number of curious practices, a few of which may be described.

MUJRĀ

One is *mujrā*,[1] consisting of a band of women—or it may be men dressed as women—who have been hired to sing at a tomb.

People will visit a *pīr* and, seating themselves nearby, will tell him of their troubles or desires, and then promise that they will pay the cost of a *mujrā* if the needed help is forthcoming. It is hoped in this way to make the saint, at whose tomb they have assembled, happy.

When the desire has been fulfilled they pay the *pīr* from five to ten rupees to meet the expense of the *mujrā*. He thereupon engages a small company to sing and dance at the tomb.[2]

In many a mosque the bricklayers make a *ṭāq*, or hole, in the wall near the *mimbar*. Into this on Thursday nights women will place some sweets or other commodity. The practice is called *ṭāq bharnā*, filling the hole.[3]

ṬĀQ BHARNĀ

Women of the poorer classes perform this rite in the belief that angels come and eat the food placed there. It is commonly done in mosques attached to *dargāhs*.

The term *rat jagā*, or all-night vigil, is applied to various practices in vogue among women and is associated with

[1] Pers.—the word has several meanings, but in this context signifies an 'audience' or 'group of singers'.

[2] The most favoured time for a *mujrā* is Thursday night of the new moon.

[3] The orthodox denounce this practice as *bid'at*, an 'innovation'. Such *ṭāqs* are made in the wall to hold the Qur'ān, or a *chirāgh*.

vows.[1] For instance, when the husband is ill or the wife herself sick, in trouble, or sterile, a woman will make a vow to keep a *rat jagā* in the name of the *Panj tan*, the holy family.[2] On the wish being fulfilled she prepares for the vigil as follows. On a Thursday night a room in the house is cleaned and the woman bathes, dresses in her best clothes, and burns incense.[3] She then prepares pieces of *halwa*.[4] A plate is cleaned and in the centre of it is placed a *chirāgh*, or lamp, having five mouths. Into each section is placed a wick dipped in ghee, or it may be *chamelī* (jasmine) oil. The sweets, along with five kinds of flowers and five kinds of fruit, are placed in the dish around the lamp. When it is dusk the plate is deposited on a clean piece of matting in the room facing Mecca, and the lamps are lit.

RAT JAGĀ

The suppliant sits facing towards Mecca and the plate. Having drawn her *sārī* well over her head, in humble posture she calls on the *Panj tan*,[5] exclaiming, '*Alī Mushkil-kushā*, 'O 'Alī, Solver of Difficulty', at the same time holding up the plate before her. This ritual is repeated every five minutes all through the night. When morning dawns she performs the *sijda*. During the night she will have reoiled the lamps, but in the morning they are allowed to burn out. After the act of prostration she takes the plate out of the house, and having given the sweets and fruit to some child, throws the lamp and the flowers into the water of a tank, well or river. This done she bathes and partakes of a little food.

It is said that orthodox Muslim women do not indulge in

[1] It is also applied to any merry-making kept up all night by women; cp. Herklots, p. 36; *Glossary*, I, 778.

[2] i.e. *Panj tan-i-pāk*, the holy five—Muḥammad, Fāṭima, 'Alī, Ḥasan and Ḥusain. [3] cp. Crooke, *PRNI.* II, 21.

[4] Sweetmeat made of sugar, ghee and suji.

[5] Regarded by her as so many *pīrs*.

this practice, considering it to be *lā-madhhab*, but that they may sometimes follow another ritual at the mosque after the '*Ishā* prayers. At home the woman performs both the *wuḍū* and the *ghusl* and then proceeds after midnight to the mosque, at which time no man is likely to be there.[1] Throwing aside her *burqa* she recites a *durūd* ten times and then repeats the *A'ūdhu-b'illāh*, the *Bismillāh* and the *Fātiḥa*, ending with *Āmīn*. She then stretches out her hands with palms upturned and looks to heaven, offering a prayer in her own language for what she desires. In conclusion she entreats that her request be granted in the names of the one lac and twenty-four thousand prophets and of Muḥammad.

This ritual may be performed at home, and occasionally is, but it is more meritorious to do it in a mosque where there is more hope of success. Even so, it would seem that such midnight visits to a mosque by women are most unusual.

A *rat jagā* is also kept on certain special occasions, such as *chhaṭī*, *dūdh-chhuṭā'ī*, *sāl-girah*, *bismillāh* or wedding ceremonies.[2] A frying-pan is kept on the fire throughout the night and a commodity named *Allāh mīyāṇ kā raḥm*, a kind of flat biscuit, is made. This is done to ensure divine favour for the occasion. It is customary at the same time to make an offering to Fāṭima Bībī, called *Bībī kī niyāz*. For this purpose seven kinds of fruit and vegetables, in plain or sweetened rice, are served in a new earthen vessel. Upon the offering there is added such things as *missī*, *phulel*, *surma*, henna, sandal-wood, plus five annas as the *chirāghī*, or lamp fee.[3]

[1] Her husband or a man servant will accompany her as escort and remain seated on the steps outside.

[2] *Chhaṭī dūdh*, milk-drinking on sixth day from birth; *sāl-girah*, 'year-knot', knotting a string on a birthday.

[3] *Missī*, a powder for tinging the teeth black; *phulel*, scented oil; *surma*, antimony. The offering is given to singing women. cp. *Glossary*, I, 778.

Akin to the *rat jagā* is the practice of observing a *baiṭhak*,[1] a kind of séance. Among the more illiterate and unorthodox a favourite *pīr* of women is the notorious Shaikh Saddū,[2] also called *Mīyāṇ Bībī* because of his attachment to women.[3] He is supposed to aid especially those who desire to gain undue ascendancy over their husbands.[4]

BAIṬHAK

Thus, a woman wishing to have some entertainment of her own pretends to be 'shadow-smitten'; in other words that the shadow of Shaikh Saddū has fallen upon her. When this happens the husband perforce arranges for a *baiṭhak* to be held. The purpose of this is to exorcise the spirit, for the *pīr* is supposed to have entered the woman's head. When so possessed she is believed to have the power to answer any question put to her. Accordingly her female neighbours assemble and, using her as a medium, get the *pīr* to tell their fortunes. When satisfied they 'exorcise' him with music and singing.[5]

Frequently the object of the *baiṭhak* is to secure an assurance of offspring, a promise being made that a feast will be given in the Shaikh's honour.[6] Some women dress up as men for the occasion, but this is considered impious. They collect flowers, betel, perfumes, sweets and get women of the

[1] Hindi—a sitting, assembly.

[2] cp. Mrs. Meer Hassan Ali, op. cit., pp. 375 ff., for a popular description of him. He is variously identified, e.g. as Mīrān Sāhib, a magician buried in Ajmer, with a *dargāh* at Amroha, Moradabad; vide Crooke, *PRNI*. I, pp. 217, 219; Titus, *Indian Islam*, p. 140 f.

[3] cp. *Glossary*, I, p. 638 f.

[4] 'Sensible people hold that Shaikh Saddū is a devil.'—Herklots, p. 139.

[5] cp. Crooke, *PRNI*, I, p. 204 f.

[6] Sometimes a he-goat is offered to him (cp. *Ta'līm*, Bk. VI, p. 19), or, in case of illness and trouble, a cock (*Bengal Census*, 1901, I, 180).

ḍom caste to play before them. Suddenly one of the women becomes 'possessed' by the Shaikh and as she whirls about in a frenzy another will cry out '*Mīyāṇ!* I offer myself to thee that I may have a child'. The possessed woman will give her a packet of betel leaves, some of which she has herself chewed, and the suppliant eats all of them in the belief that her desire will be fulfilled.[1]

In Bengal it is believed among village women that the spirit of some saint or *pīr*, of Fāṭima Bībī or Rābi'a Baṣarī will come upon a woman, and they then call her *Ẓuhūrī Bībī*, 'Lady of the Manifestation'. This takes place as a rule on Thursday nights.

ẒUHŪRĪ BĪBĪ

When the spirit comes upon her she immediately becomes unconscious. Women, and also men, will come to her in that condition and ask her what they should do in cases of illness, sterility, litigation, or any kind of trouble.

On regaining consciousness she will address the suppliant and say, 'When I was unconscious you asked a question about sterility—the *pīr* brought this leaf for you and says you must grind it and eat of it for 40 days and you will have a child. And you, when you go to court, bind this piece of leaf, which the saint brought for you, on your arm. And you, when next you cough, wear this leaf which the *pīr* brought, tying it on your throat as a charm'. Each suppliant then gives her a few pice in payment for the advice and the charm.

Such women sometimes live in their own homes, but are more frequently found in *dargāhs*.[2]

[1] cp. Herklots, p. 139.

[2] Such 'possession' of women by the spirit of some *pīr* or saint seems to be common in India; e.g. a woman in the Panjab declared that she was in the habit of being possessed by Māmū Allāh Bakhsh.

VI

SPIRITS AND EXORCISM

IT will be observed that we are gradually moving away from a consideration of systematic Islām, and yet the things we here treat of are vital to the mass of Muslims. This is particularly true about the widespread belief in spirits. The wise Muslim may smile indulgently and the ignorant, through fear of ridicule, maintain a discreet silence, but the fact remains that belief in spirits, both good and bad, continues to be an essential article of faith for all true believers.[1] In fact, in every phase of the religious life of the great majority of Muslim families these spirits are still present and still real; the bad ones can be the bane of humanity, bringing sickness and death and all kinds of trouble to individuals and communities.

And there are reasons that readily explain this. Not only was such a belief universal in the Arabia from which Islām sprang, but these spirits remained real for Muḥammad himself, 'rational beings, but the creation of Allāh, and under his rule'.[2] It follows, therefore, that the Qur'ān, as a perplexed Muslim himself declares, makes allusion to this other species 'in hundreds of places wherever there has been mention of man'.[3]

[1] cp. Lyall, *AAP.* p. 82; Macdonald, *RALI.* p. 152; *Glossary*, I, 561; Takle, art. 'Islam in Bengal,' *The Moslem World*, 1914, p. 17; *Encyc. Islam*, art. *Djinn*, I, 1046; B. A. Donaldson, *The Wild Rue*, p. viii. [2] Macdonald, *RALI.* p. 135.

[3] K. A. Bari art. 'What are Jinn?', *The Muslim Revival*, 1935, p. 41.

THE QUR'ĀN

An outstanding passage is Sura 72, itself entitled *Jinn*.[1] It opens thus:

> Say [O Muḥammad] 'It has been revealed to me that a small company of the *jinn* listened, then said, "We have heard a wondrous Qur'ān, guiding to right: so we believe in it and we certainly will not set up any as a companion to our Lord".'

A similar statement occurs at 46: 28 ff. where an account is given of a small group of *jinn* who gathered to hear Muḥammad and then scattered to pass the message on to their brethren.[2]

As already stated, they are repeatedly referred to in the Qur'ān along with men, in the phrase *jinn wa'l-ins*.[3] As the first of the passages just quoted indicates they, like men, may be 'saved', or, like men, be consigned to the Fire; thus:

> Many of the *jinn* and men have We created for Hell.—7: 178.[4]

The book makes mention of some further details concerning them. For instance, 72: 6 states that men 'sought for refuge' among *jinn*; in other words, invoked their protection. Baiḍāwī explains that this remark has reference to a pagan Arab practice according to which after sunset when passing through a solitary place men invoked the protection of the chief of the *jinn* haunting that spot, lest the wicked ones

[1] Which gives us the word Genii; also *jānn*, sing. *jinnī*; a species other than men, said to have been created by Allāh from 'smokeless fire'.—15: 27. For a description of them, vide Baiḍāwī, *Tafsīr*, II, 553, on 72: 1; *Encyc. Islam*, art. *Djinn*, I, 1045 (D. B. Macdonald); *The Wild Rue*, ch. iii.

[2] Md. Ali, rejecting the usual interpretation of these passages, inclines to the view that these *jinn* were Jews. vide *The Holy Qur'ān*, nn. 2580 and 2290 respectively. Mr. Yusuf Ali, n. 5728 on 72: 1, is non-committal.

[3] e.g. 55: 33.

[4] cp. also 6: 128; 7: 36; 11: 120.

should do them injury; the belief being that lonely places are haunted by *jinn*.[1]

Another curious idea, to which the Qur'ān makes repeated allusion,[2] is that the *jinn* ascend to heaven and there eavesdrop to obtain knowledge of futurity, which they sometimes impart to men who know the art of divination. It is further believed that when they are detected by the angels the latter drive them off by hurling at them 'flaming darts' (shooting-stars); hence the appellation given to demonic transgressors, *ar-rajīm*, 'the stoned ones'.[3]

Enlarging upon the statement that the account about the *jinn* listening to a recital of the Qur'ān was a matter of 'revelation' to Muḥammad,[4] the Traditions have succeeded in creating in the minds of the great majority of Muslims 'the fixed belief . . . that he had divers direct interviews, face to face, with these spirits'.[5]

TRADITIONS

The *Mishkāt* incorporates a tradition to the effect that he

> used to seek protection with God from *jinn* and the evil eye, until the two revelations concerning taking refuge with God came down;[6] and when they came down he used to use them and leave all others.—*At-Tirmidhī, Ibn Mājah*.[1]

[1] cp. Baiḍāwī, Ar. II, 554. This is still the common belief of Muslims (see below p. 336), and forms of invocation to God for protection from such spirits are prescribed and recommended in popular manuals.

[2] 72: 9; 26: 212; 15: 17 f.; 37: 7 f.; 18: 48 f.

[3] 72: 8; cp. Hughes, *DI.* art. *Genii*, p. 136; Macdonald, *RALI.* p. 136; Zwemer, *Influence of Animism on Islam*, pp. 127–9, who gives the text of a number of the Quranic references to *jinn*.

[4] at 72: 1.

[5] Macdonald, *RALI.* p. 137; Zwemer, *Animism*, p. 131. Both quote curious legends about such 'interviews'.

[6] i.e. Suras 113, 114, The latter reads:

> Say, I betake me for refuge to the Lord of men,
> The King of men, the God of men,
> Against the mischief of the steadily withdrawing whisperer,
> Who whispereth in man's breast—
> Against *jinn* and men.

Since the *jinn* as a species are not entirely alien to mankind, intimate relationships may be formed between believing spirits and Muslims. On the possibility of marriage alone 'an immense literature has gathered'. Another connection is that formed between saints and *jinn*.[2]

A tradition records that 'Ā'isha, having killed a snake in her chamber, was alarmed by a dream which made her fear that, since the snake had not entered at a time when she was undressed, it might have been a believing *jinnī*. By way of expiation she gave in alms 12,000 *dirhams*.[3]

And, indeed, Muslims generally are afraid of these *jinn*. True, some are peaceable but the majority appear to be malevolent. They are believed to reside between one's fingers, toes, ears and nose; in fact in any cavity of the human body. Muḥammad is recorded to have said that in the performance of *wuḍū* after sleep one must blow his nose, 'because verily the devil takes his post in the nose at night'.[4]

FEAR OF JINN

Another reason for fear is the fact that these spirits assume a bewildering variety of shapes, some of terrifying aspect. It is common for them to be manifested as snakes, dogs or cats, more rarely as lions, wolves, scorpions, or even

[1] *Mishkāt*, Ar. 390 (Matthews, II, 378); Goldsack, *SMT.* p. 229. *Tirmidhī*, however, adds that this *ḥadīth* is *ḥasan, gharīb*.

[2] Macdonald, *RALI.* p. 143 f. Canon law still makes provision for the offspring of *jinn* under the Law of Inheritance.—cp. *Encyc. Islam*, art. *Djinn*, in loc. cit.

[3] About £300, or the price of blood for a Muslim.—Quoted by Hughes, *DI.* art. *Genii*, in loc. cit. If a snake when thrice told to go does not leave the house it is to be killed, 'for it is an infidel'.—Guillaume, *TI.* p. 117.

[4] From Bukhārī and Muslim; cp. *Mishkāt*, Ar. 45 (Matthews, I, 91): Goldsack, *SMT.* p. 22.

whirlwinds. Some travel by land, others have wings and fly.

THEIR SHAPES

Some are 'domestic' snakes, though tradition has it that a compact was made with the *jinn* that none of them should enter the houses of the Faithful.

Sometimes they appear as human beings with the stature of a man, at others of a size enormously gigantic. If good they are generally extraordinarily handsome and if evil, horribly hideous. On the other hand, they may take a shape so small as a single hair, and be unwittingly swallowed! They reside in food, and themselves partake of food over which the *bismillāh* has not been pronounced. They become invisible at pleasure, or suddenly disappear in the earth or air, or through a solid wall.[1]

They cause epilepsy, rheumatism and madness. They bring barrenness to women and cattle. They obstruct the delivery of a woman and delay the attaining of puberty in a girl, and so forth.

ORDERS OF SPIRITS

According to the current belief among Muslims in India these spirits are found to belong to several classes, of which the following five are widely known:

Jinn, spirits who form a class of beings between angels and men.[2]

Parī, or fairy of entrancing beauty.

Shayāṭīn, or *Shaiṭāns*, devils, demon hosts of *Shaiṭān*; some regard them as *Jinn* in origin and others as fallen angels.[3]

'Ifrīt, a powerful and malignant genius. The ghosts of the wicked dead are sometimes so termed.[4]

[1] cp. Hughes, *DI.* art. *Genii*, p. 135. f; Guillaume, *TI.* p. 117 f.

[2] cp. 15: 27; 55: 14. According to Muslim commentators *Jānn* is said to be the father of *Jinn*. This term is also used as a generic term for the class of *Jinn*.

[3] The term *shaiṭān* is also used to signify any evil genius.

[4] cp. Qur'ān, 27: 39; vide Hughes, *DI.* art. *'Ifrīt*, p. 196; Macdonald, *RALI.* p. 155.

Marīd, an evil genius of the most powerful kind.[1]

There is something elusive about the status and character of the Muslim *Shaiṭān*, the Devil, who is repeatedly mentioned in the Qur'ān, under the name of *Iblīs*, as the one angel who did not obey the order of Allāh to bow down and worship Adam.[2] His original name is said to have been *'Azāzīl*, but since he disobeyed the order of Allāh he is called *Iblīs*, 'despair,' because it is said that he has despaired of God's mercy. The Qur'ān, however, describes him as a fallen angel. 'He is the supreme tempter of men and is conceived of as setting his wits against Allāh to seduce from him his creation'.[3]

Fear of these *jinn* is heightened by the fact that they elect to reside in the most extraordinary places, such as graveyards,

THEIR HABITATIONS

in water, ruined wells, outhouses, and especially, latrines.[4] One has to pronounce a certain formula to drive them away

[1] Or *Mārid*, 'rebellious'; Crooke, *PRNI.* I, 266; cp. Hughes, *DI.* art. *Genii*, p. 134; *Glossary*, I, 560.

[2] cp. 20: 115; 15: 31; 17: 63; 18: 48; 7: 10; 2: 32. In the *Arabian Nights* he is commonly spoken of as *Iblīs, the Accursed.*

[3] Macdonald, *RALI.* pp. 139, 141. This author elsewhere suggests that 'Perhaps Iblīs was of the *jinn* as to his actions, but of the angels as to species'.—*Encyc. Islam*, art. *Malā'ikā* (Angels) III, 191. For a Muslim account of him cp. Subhan, *Islam*, p. 14 f. Womenfolk especially, are apt to be ensnared by Iblīs. But of such classification of the spirits most women know little or nothing. Some have been heard to say that certain of the *jinn* have 'been to school' in the shape of a boy and there learnt the Qur'ān and Traditions; consequently they have 'become good'. If any such spirit haunt a person it is very difficult to drive it away. *Jinn* that do not go to school remain 'harmful'.

[4] Crooke, *PRNI.* I, 293; E. W. Lane, *ME.* p. 229.

when entering such places.[1] They are especially busy at night.[2]

When a cock crows or a donkey brays it is an indication that they are aware of the presence of *jinn*. Men sometimes declare that in deserts and solitary places they have heard the sound of *jinn's* voices raised in pious ejaculation or prayer.[3] Others believe that in lonely spots the *jinn* mimic a woman's voice to call men back by name.[4]

Of Iblīs, Muḥammad is recorded to have said—and this applies to the evil *jinn* over whom he presides—that

> His chief abode [among men] is the bath; his chief places of resort are markets and the junctures of roads.[5]

It will be of interest here to mention some types of spirits with which the women in particular are familiar.

PARĪ

The *parī* is very commonly a female spirit of a good disposition. This spirit wanders all over the earth and will only give trouble to bad people. On the other hand, it helps good folk when they are in trouble. For instance, if one tumbles in a jungle or in the house and there is no one about to help, this spirit comes and lends a hand, saying, 'Drink the juice from a certain tree and you'll be better'; or it will bind up wounds.

Though they reside in other places also, they are certain to be found in gardens where there are *ber*, plum, and *anār*, pomegranate, trees. They are peaceable, but if a woman were to throw dirty water under a tree or pass urine there, trouble would most certainly follow. If, however, the act

[1] See p. 341, l. 3.

[2] cp. Zwemer, *Animism*, p. 130. He adds that '*jinn* do not enter a house in which there is a citron'.—op. cit. p. 135.

[3] Crooke, *PRNI.* I, 278; Macdonald, *RALI.* p. 149.

[4] *Glossary*, I, 561. Whistling is unlucky; it summons *jinn*.—Macdonald, *RALI.* p. 152; Zwemer, *Animism*, p. 130.

[5] cp. Hughes, *DI.* art. *Genii.*

was inadvertent then the *parī* would warn the person in a dream not to do it again or she would suffer for it. The moral is—keep the trees clean and the *parīs* remain happy.

If one is attacked by a *parī* one may take seven red handkerchiefs, seven kinds of dried fruit and seven plates of *miṭhā'ī*, sweetmeats, and throw the lot into the middle of a river, whence the *parīs* salvage it.

On the other hand, these *parīs* are apt to attack women, especially on moonlit nights, seizing them by the throat, half-choking them and knocking them down. Yet they will protect children. They are believers, Muslims, and are to be propitiated accordingly.[1]

Two special types of *parī* require brief mention. The *jal-parī*, or water-fairy, which haunts places where water is—the presiding genius over water, in fact;[2] and the *siyāh-parī*, the black fairy, that haunts the heavenly spheres as well as trees. Women will arrange a special *baiṭhak* to win the favour of such as these. The individual upon whom the spirit comes is arrayed in clothes of different colours according to whether the *jal-parī* or the *siyāh-parī* has 'possessed' her.

BHŪT, GHŪL, CHUṚEL

In addition to the *jinns* and *parīs* there is a bewildering array of inferior spirits whose functions vary. There is, for instance, the *bhūt*, a term in common use and not to be defined exactly.[3] It is held by some that a *bhūt* is the ghost of one who dies in tragic or ominous circumstances, with earthly desires unfulfilled. Others say that if, after wandering about for

[1] *Glossary*, I, 204.

[2] cp. Crooke, *PRNI.* I, 265.

[3] A Hindi word for evil spirit, ghost. In regard to these beliefs we have further evidence of the way in which Muslims of Hindu extraction have brought over with them a number of popular Hindu notions.

twelve-months, a spirit does not settle down it then becomes a *bhūt*.[1]

The *ghūl*[2] is a still more sinister creature. These haunt burial grounds and other lonely spots, feed upon dead bodies, and, in general, kill and devour any human being who has the misfortune to get in their way. They do not enter a village, but remain without on the road or in special places. They appear in the forms of animals and of human beings and in monstrous shapes.[3] A distinctive feature is that they always have their toes turned backwards.[4] Properly speaking the term *ghūl* is only applicable to the female demon of this species, the male being called *quṭrub*.[5]

They are sometimes the spirits of those who have died without male issue and they seek the lives of other men's sons. The mother of a new-born son often lives in dread of such *ghūls* and will call her boy by a girl's name and dress him in girl's clothing.

An old man told of how the *ghūls* would come and sit with the family around a fire and copy all their actions. So

[1] cp. *Glossary*, I, 204 f. One way of barring the return of a *bhūt* is to remove the corpse from the house by a special way or little-used door. The bodies of the Emperors Akbar and Shahjahan were so removed from the palace (vide *Ain-i-Akbari*, II, 237). The exit is closed after the funeral procession has started so that the *bhūt* is not able to find his way in.

[2] The word giving us 'ghoul'; a kind of goblin or demon; usually spoken of as *chalāwa* in the Panjab; cp. *Ta'līm*, Bk. VI, p. 69.

[3] Hughes, *DI.* art. *Genii*, p. 137.

[4] Some believe that the *ghūl* is a spirit, or animal, from whose mouth blood drips; if this blood should fall on a house one of the occupants is certain to die.

[5] 'They are the offspring of Iblīs and his wife.'—Crooke, *PRNI.* I, 267. A woman said she once met a *ghūl* in the form of a rupee. She picked it up and put it in her bag, but soon realized that the bag was gradually getting heavier, so she threw the coin away!

one day he told the children to break off the necks of a number of earthenware pots, and put some into the fire and some among cold cinders. That night the members of the family slipped the cold rings round their own necks. The *ghūls*, in imitation, took the heated rings from the fire and slipped them on. They immediately jumped about in pain until the family removed their rings and the *ghūls* followed suit.

But for womenfolk by far the most terrifying of these spirits is the *churel*.[1] In a word it is the ghost of a woman who died while pregnant or on the day of her child's birth; or else of a woman who has died in the prescribed period of impurity, that is 40 days.[2]

The *churel* is especially malignant towards the members of her own family. It is characteristic of her that she is apt to appear in a variety of forms. Sometimes she is fair in front and black behind.[3] Appearing at times in the form of a beautiful young woman she seduces good-looking youths at night, calling them by name as they return from work in the fields.[4]

Churels come in groups and, as a rule, only possess women, and of these the beautiful, particularly when ceremonially unclean. It may be that they get hold of those who have failed to win their husbands' love or are themselves of bad character.

[1] Or *churail*; a name said to be connected with the *chūhṛā*, or village sweeper caste. Since the ghosts of all low-caste people are believed to be notoriously malignant, the *churel* is dreaded. See also *Ummu'ṣ-Ṣubyān*, p. 367.

[2] Crooke, *PRNI.* I, p. 269; cp. *Glossary*, I, 206. The superstition seems to be based on the primitive horror felt at the thought of touching a woman who is ceremonially impure.

[3] Or she exposes skinless raw flesh on the back.

[4] *Glossary*, I, 206. She, too, 'invariably has her feet turned round; heels in front and toes behind.'—Crooke, *PRNI.* I, 270.

The large number of books published on this whole subject, offering guidance as to how to bind the *jinn* to talismanic service, testifies to the prevalence of such beliefs and indeed constitutes an important section of popular literature in India today.[1]

PREVALENCE OF SUCH BELIEF

The views of the majority may be expressed in the words of an educated *maulawī* who writes on the subject for women.

> The *jinn* are an invisible creation of Allāh and can assume a variety of shapes. Bones and such like things are their food.[2] Like men, some *jinn* are believers and good folk and some are infidels. *Shaiṭān* is one of the latter. The infidel *jinn* mislead men and inject strange ideas into their minds and try to do them harm. . . .

This writer ridicules the *farangistānī falsafī*[3] of those who have no faith in such things and says:

> The ways and influence of *jinn* in the world have been, and are so real that to deny their existence is sheer ignorance. . . . *Jinn* are created beings like men and if to them Allāh has granted power and strength he has bestowed these on men also. As men fear *jinn* so *jinn* fear to appear in the world . . . but if we are brave and courageous we can frighten the *jinn*, and likewise if we believe in Allāh and worship him . . . Indeed it has never been seen that a devout man or woman who recites prayers and reads the Qur'ān is ever haunted by *jinn*, because righteous people are under the protection of Allāh and guarded by powerful angels; consequently *Shaiṭān*, *jinn* and *churel* fear to come to them. . . . *Jinn* and *churel* come upon those who are unclean as to body and clothing and careless in regard to the things of Allāh. . . . Allāh says in the Qur'ān that 'it is

[1] Those interested to know the contents of such books may consult Zwemer, *Animism*, pp. 138–42, who gives the chapter headings of a standard work, *Akam ul Mirjan fi Ahkam al Jann* by Md. ibn Abdullah Al-Shibli.

[2] cp. Macdonald, *RALI*, p. 138.

[3] i.e. Western philosophy.

> the work of *shaiṭān* to frighten you from your friends, but rather fear Me'. That is why good Muslims always seek refuge with Allāh according to the words, '*A'ūdhu-b'illāh-min-ash-shaiṭāni-r-rajīmi*, I seek refuge with Allāh from Satan the accursed[1] . . . and especially against male and female *jinn* on entering a privy. . . . It is enjoined in the *ḥadīth* that parents should not let their children go out in the evening as that is the time the *jinn* appear. . . . When you go to bed repeat the sections *Al-ḥamdu*, *Ayatu'l-Kursī*, *Qul-hua'l-llāhu*, *Qul-a'ūdhu-bi-Rabbi'l-Falaqi*, and *Qul-a'ūdhu-bi-Rabbi'n-nāsi*. Having recited these, with *durūds* before and after, breathe upon your hands and then pass them over your head, breast and stomach and then—if God wills—you will suffer no harm from such sources.[2]

ATTITUDE OF EDUCATED PEOPLE

Educated folk seem to be in two minds about these spirits, or else use specious arguments to explain Quranic references to them.

The writer of the article on 'What are Jinn?' from which we have already quoted, reiterates all that is commonly believed about them, and says:

> I cannot cite or quote any authority or any authenticated record to bear testimony to all these. But still I cannot dispel from my mind the doubt regarding the existence of 'Jinn' as distinct and separate species other than human beings, and I cannot convince myself about their non-existence. Some of the Muslim commentators explain . . . that the 'Jinn' are not distinct from human beings and are not separate species

[1] cp. Qur'ān, 19: 16; 15: 17, 34, and Rodwell's n. 1 on the last verse.

[2] *Ta'lim*, Bk. VI, pp. 63, 64, 66, 71. The passages cited are respectively, the *Fātiḥa*, 2: 256; 112; 113; 114. They are frequently recited by women, especially when frightened. Mothers say them over their children as a kind of blessing when they put them to bed, or, in the day-time after repeating them, will 'blow' down the opening of a little child's shirt. Sura *Yā Sīn* (36) is a great favourite and is believed to have power to drive away evil spirits.

> but they are ordinary beings with fiery temperament . . . but this kind of explanation does not at all seem to be convincing.

He then goes on to cite weird happenings in his own village [the music, noises and pranks of the poltergeist], and asked for an explanation supported from the Qur'an and Traditions. The editor's reply was a footnote-question: 'Will some friend with any acquaintance with these mysterious creatures throw light on the question?'[1]

Equally indeterminate was the reply on another occasion:

> We can tell you nothing about the shape of *jinn* . . . This much however seems almost certain, that some wild pranks are reported from apparently reliable sources which emanate from some invisible agents. These . . . are supposed to be *Jinns*. The Qur'ān, however, uses the word in a different sense—in the sense of the big people in a community, in the sense of a stranger, in the sense of microscopic germs, and so forth.[2]

As a matter of fact many educated Muslims still make use of, or themselves wear, some sort of *ta'wīdh*, amulet,[3] as a protection against *jinn*; and though educated women may not confess to a belief in evil spirits the presence of a *ta'wīdh* in their homes and upon their children clearly points to lurking fear and superstition. We have already referred to a fourth-year medical student who was convinced that the cause of three operations on one and the same patient during the course of a single year, was due to the evil-eye. 'I know there are such things as microbes', she said, 'but this would not have happened unless some *Jinn* was in it.'[4]

[1] cp. art. 'What are Jinn?' *The Muslim Revival*, March, 1935, pp. 40–43. The editor of this quarterly was Maulana Md. Ali; vide his note on 72: 1, quoted above p. 331, n. 2.

[2] cp. *The Light*, 24 February, 1936.

[3] See ch. on. Charms.

[4] see above p. 255.

A Sessions Judge, pronouncing sentence in a case of wife-murder, is reported to have declared:

> It is possible that he committed the offence while suffering from the disease of *Jinns* [that is possession by evil spirits], although technically I am unable to give any definite finding on that point.[1]

A graduate told of a friend who had married quite young and once called to see her with her child of three. She was surprised at the sight of her, because she had become astonishingly beautiful since her marriage. Notwithstanding her beauty she looked strange and spoke sadly. Afterwards she heard that her friend was haunted by a *jinn* and it was he who had enhanced her beauty, commanding her at the same time to disclose the fact to no one or he would bring trouble upon her. Yet the girl had been compelled to tell some folk to save her honour, as she was constantly finding presents, sugar, sweets and things, left by her side![2]

Exorcism[3]

Seeing that belief in the power of evil spirits is so prevalent among Muslims it is not surprising that they, like other peoples, resort to the practice of magic and exorcism. They indeed claim to have the support of the Qur'ān and the sanction of Muḥammad for it.

The Qur'ān

The *locus classicus* is 2: 96, which may be rendered somewhat freely as follows:

> The unbelievers followed what the *shaiṭāns* used to recite in the reign of Sulaimān—he never was an unbeliever but the

[1] Reported in *C. & M. Gazette*, October, 1936.

[2] Another girl declared that for having gone to sleep one night with her feet towards a house in which it was known that the spirit of a saint resided, she had received a good slap on the face in the dark, the mark of which was visible next morning!

[3] Ar. *da'wa*: (1) invocation (of God's help); the system of incantation held lawful among Muslims; exorcism.

> *shaiṭāns* were teaching mankind *siḥr*, magic; and they followed what was revealed by means of the two angels in Bābil, Hārūt and Mārūt; and they do not teach any one until they say to him, 'We are only a temptation; so do not disbelieve'. So the learners learn from the two the means by which they may divide a man from his wife, but they do not harm any one by it, except with the permission of Allāh. They learn that which harms them and does not aid them, and yet they know that he who purchases the art has no portion in the world to come. Evil, indeed, is the price for which they sell themselves—if they had but known it![1]

The evidence from the Traditions as to the attitude of Muḥammad in such matters is conflicting; 'much [of it] seems incompatible with his usual strong common sense,' and yet for him, as for his environment, *siḥr* was a real thing.[2]

TRADITIONS

We are told, for instance, that

> He specially permitted the use of *ruqya*, a spell, to protect from the evil eye, the sting of poisonous reptiles, or the bite of an ant.—*Muslim.*
>
> And said, there is no fear in using spells, provided the use of them does not associate anything with God.—*Muslim.*

Yet elsewhere he is reported to have forbidden a spell to be used for one possessed of a *jinn*, saying: 'It is the work of a devil'; and once, in condemning the use of *tamīma*, a charm prescribed for some complaint, he exclaimed,

> Whoever depends on any thing besides God, God's assistance is withheld from him.—*Abū Dā'ūd.*[3]

But speaking generally, and in the light of current works on this subject, most Muslims appear to believe that the

[1] cp. *Encyc. Islam*, art. *Siḥr* (D. B. Macdonald), IV, 410; Rodwell's n. 1, in loc. cit.

[2] cp. *Encyc. Islam*, art. *Siḥr*, in loc. cit.

[3] cp. *Mishkāt*, Ar. 388 ff (Matthews, II, 374, 375, 377); Goldsack, *SMT.* p. 228.

Prophet definitely sanctioned the use of spells and incantations, so long as the words employed were only those of the names of Allāh, good angels or good *jinn*. The more strict, such as the Wahhābis, would however say that only invocations to Allāh himself are permissible.

As we shall proceed to explain, two main types of *'amalyāt*,[1] the usual term for exorcism, obtain among Muslims: the one is called *'uluwī*, lit: lofty, or celestial;[2] the other *suflī*, lit: low, vile.[3] The former is the type of *'amal* in which only such incantations are used as are derived from the texts of the Qur'ān or are based on the names of Allāh and of his Apostle. The names of other prophets, angels, saints, and of the *jinn* who act as *muwakkil*, guardians of the texts of the Qur'ān, are also recommended and prescribed.[4]

TWO KINDS OF EXORCISM

The most efficacious invocation for such purpose is that of the *Ismu'l-A'ẓam*, the great (and unknown) name of Allāh, but its knowledge is imparted to those favoured of heaven.[5] This form of *'amal* is the only one recommended by Muḥammad and approved in Islām, and hence is regarded as a sublime and reputable science and is studied by good men. It is used for a variety of purposes.

Suflī magic is the science which depends on the agency of the Devil and evil *jinn*, whose services nevertheless are

[1] Sing. *'amal*, practice; espec. magical practice.

[2] Or *ar-rūḥānī, ar-raḥmānī.*

[3] Vulg. *siflī*; also *shaiṭānī.*

[4] These angels and *jinn* are believed to become subservient to the purposes of this good magic through the use of particular incantations. cp. Hughes, *DI.* art. *Magic*, p. 304.

[5] Sulaimān is believed to have had this name engraved on his seal-ring, and by virtue of it brought *jinn* and birds and winds under his control; in fact, good magic is traced back to him.—*Encyc. Islam*, art. *Siḥr.*

obtained by means similar to those which propitiate the good *jinn*. It is chiefly practised for bad purposes, and is accordingly condemned by all good Muslims.

Siḥr, or the magical use of evil spirits—condemned in the Qur'ān and held to be unlawful—is accounted a branch of this kind of bad magic.[1] As the result of invocations to these *jinn*, persons are 'enchanted' in various ways; some are affected with some irresistible passion; others, again, are rendered demoniac or transformed into brutes.

Yet in actual practice good magic in the name of Allāh, and bad magic in the name of the Devil or some evil *jinn*, are used for both good and bad purposes. For instance, in order to generate love between a husband and wife—a laudable object—either good or bad magic may be used. The fact is the masses believe in the efficacy of both types of magic, but their dominating concern is not so much to harness demonic influence for their private ends as to employ means to counteract the influence of malevolent spirits.[2]

The science of *'amalyāt* may be practised for a variety of purposes, and these are elaborated in manuals which are readily obtainable in the market.[3] According to popular works, current in India, the chief purposes for which it is used are the following:

USES OF 'AMALYĀT

To establish friendship, or enmity, between two persons.

To cause the cure, or the sickness or death, of a person.

To secure the accomplishment of one's wishes, both temporal and spiritual.

To obtain defeat or victory in battle.

[1] This type is traced back to Iblīs.—*Encyc. Islam*, art. *Siḥr*, in loc. cit. Another unlawful type is *kihāna*, fortune-telling; cp. Hughes *DI.* art. *Da'wa*.

[2] cp. 'Much more important and more widespread than the magic of producing demonic influence is the magic of acting against them.' —Zwemer, *Animism*, p. 165.

[3] Some of the chief works on the subject, current in Urdu, are: *Naqsh-i-Sulaimānī*, *Ta'wīdh-i-Sulaimānī*, *Majmū'a-i-'Amalyāt*, *Jawāhir-i-Khamsa*.

The person who practises *'amalyāt* is termed an *'Āmil*.[2] He acquires his knowledge of the science through a learned *murshid*.[3] He begins his study by paying great attention to cleanliness. No dog, cat or stranger must be allowed to enter his dwelling. He purifies his house by burning in it scented perfumes. His body must be kept scrupulously clean by regular ablutions. It is important that he should eat only such things as are lawful, always speak the truth and not be of a haughty spirit.

THE 'ĀMIL[1]

If the purpose of the *'āmil* is, say, to command the presence of *jinn* on behalf of some person,[4] he first shuts himself up for 40 days, abstaining from certain foods, his diet being determined by the kind of names of God he intends to recite.[5] His room has to be smeared with red ochre or else he should repair to some cave or mountain, remote from human beings. During these days he sleeps on a mat on the ground, not on a bed; though he limits the time for sleep and does not enter into general conversation with people.

PREPARATION

Prior to reciting any of the names or attributes of God on behalf of, say, a woman, it is necessary to ascertain the initials of her name according to the Arabic alphabet, the letters of which exorcists believe to be connected with the twelve signs

[1] Ar. governor, ruler; necromancer, exorcist.

[2] cp. Hughes, *DI.* art. *Da'wa*, p. 73.

[3] cp. Herklots, pp. 219 ff.

[4] A form of magic called *ḥāḍirāt*.

[5] If the *jalālīya* names, he must refrain from meat, fish, eggs, etc: if the *jamālīya*, he must not eat butter, curds, salt, etc: cp. Hughes, *DI.* art. *Da'wa*; and, for the names, *POM*, p. 105; Subhan, *Islam*, p. 4; Herklots, p. 219.

of the zodiac, the seven planets, and the four elements. All books on exorcism contain key tables which yield these combinations, disclosing the nature of the perfume to be burnt and the names of the special *jinn* presiding over a person and that of the guardian angel.

THE INCANTATION

The *'azīma*, or incantation used by the exorcist, consists of either the names or attributes of God, or else of certain formulæ to be found in books on the subject.

The following is a specimen:

> Glory be to Thee! There is no deity but Thee! The Lord of All! and the Inheritor thereof! and the Provider thereof! and the Merciful thereon!

The number of the recitals of the formula—which may have to be said over 135,000 times, according to the reckoning of the tables—should be divided into equal parts and must be completed within forty days. In due course, we are assured, 'the mind of the exorcist becomes completely transported and, whether asleep or awake, he finds himself accompanied by spirits and *jinn* to the highest heavens and the lowest depths of earth. These spirits then reveal to him hidden mysteries, and render souls and spirits obedient to the will of the exorcist.'

It would be easy to give a large variety of illustrations showing how this 'science' works, but here a few typical cases must suffice.

HOW IT WORKS

The exorcist, having been called in to release a woman believed to be possessed by an evil spirit, draws a circle on the ground and seats himself within it, thereby ensuring his own safety. Then he throws some scented flowers on a copper plate, places it on the fire, and begins his incantations. Immediately the woman, though behind a *parda*, begins to rave what time her friends try to restrain her. She cries out not to be tormented. The *'āmil* asks

'Who are you?' The woman, or the *jinn* in her, replies, 'I am the spirit of so and so' [some one who died there].

'Āmil: 'Why have you dared to possess this poor person?'

Jinn: 'She exposed herself once while bathing, and I took a fancy to her.'

'Āmil: 'Don't you know I have power to destroy you in this fire?'

Jinn: 'Yes, yes, but let me flee to the forest!'

'Āmil: 'No! for you will destroy others. I will burn you now!'

At this the spirit began to scream violently and the woman was in agony.

'Āmil: 'I will certainly destroy you in this fire unless you promise to go and never enter this woman again.'

Jinn: 'Spare me, oh spare me this fiery trial!'

'Āmil: 'Alright; away to the forest, and never venture here again.'

Instantly the woman became calm, and though very weak, was restored.[1]

INSTANCES OF EXORCISM

Another case concerned a *jinn*-possessed illiterate village girl. An old Muslim was summoned and began to repeat the sura *Yā Sīn* backwards. The *jinn*, reacting, exclaimed, 'I will not go until I have left a sign'. Thereupon this quite uneducated girl began to recite sura *Ikhlās*, explaining that not she but the *jinn* in her was doing it. Then the *maulawī* began to recite sura *Jinn* backwards and the evil spirit departed immediately, leaving the promised sign, for an entire wall fell with a crash to mark his departure!

The following procedure is typical of the process employed. A blind *pīr* was once asked to exorcise a *jinn* from a young man. He directed him to be seated on a mat and himself

---

[1] cp. Mrs. Meer Hassan Ali, op. cit. p. 395 f.

began to recite verses from the Qur'ān, at the same time preparing some small rolls of cotton wool. When the recitation was over he sat for some time in deep meditation. Finally he called on his assistants to set alight the wool and let the smoke enter the youth's nostrils. Naturally there followed a fit of coughing and sneezing. The *pīr* shouted, 'Get out, you evil spirit, and leave him alone!' The youth looked dazed, so the *pīr* repeated, 'Are you going to clear out or must I use more severe measures?' In reply the young man muttered something inaudibly. So the *pīr* ordered his assistants to beat the boy on the head with their shoes. While this was going on the patient cried and writhed with pain, the *pīr* all the while repeating his question. At last the young man became unconscious. The beating was stopped and the *pīr* assured the parents that the evil spirit had departed and that they could take their son home. The boy died a week later, nor did the *pīr* long survive him. A few months later he himself died in that same village and his grave is now a *ziyārat* for his disciples.[1]

Exorcism is practised at many a tomb or shrine. A famous one is at Kachchauncha, in the Fyzabad district. Another, equally notable, is the *mazār* of Shaikh Jamāl,[2] son of Shaikh Hamza, at Dharsaun (Dharso), Rajputana. Here anyone possessed by an evil spirit, or suffering from insanity or hysteria—men or women, Hindus as well as Muslims—come for treatment. A group of women in *burqas* may be there chanting in unison 'Help, Help, O King. Thou who hast empire over the spirit world; vouchsafe help, O Thou who burnest evil spirits that trouble human beings.'

Those possessed or mad, men and women, wander about within the courtyard of the shrine. In the floor of the

[1] From an account in *The Light*, 24 November, 1938.

[2] Reference is made to him in the *'Ain-i-Akbarī*.

sacred enclosure there is a hole large enough and deep enough for a man's head and shoulders to enter. This hole was blessed by the aforesaid Shaikh Jamāl who had ordained that anyone possessed by an evil spirit would be cured if he would come to this place and here place his head downwards in the hole, at the same time stretching his legs upright in the air and holding his upturned feet as still as possible.

There are certain other stipulations. Prayers must be offered for the saint's help and the person must undertake to live a wholly chaste life. A meagre meal is to be eaten twice daily, consisting of *chapātīs* and green vegetables cooked in mustard oil; also five peppers, twice daily. This regime must be maintained for 40 days. Moreover, morning and evening, mustard oil in which chillies and black pepper have been pounded, is to be dropped into the eyes.

It was explained by an old *maulawī* that this treatment had never been known to do injury to any one. On the contrary, when the patient feels the eyes smarting and begins to object it is to be taken as a sure sign that the saint of Allāh has been pleased with the austerities and has granted a cure.

A child suffering from typhoid was being treated by a civil surgeon, but had a relapse. An exorcist was therefore summoned. He procured some incense and the liver of a sheep, and placed these in an earthen pot, which he covered over and put in the courtyard. The boy's bed was brought out on to the verandah. Then the exorcist, mumbling some words, passed the pot around the boy three times. He then took the vessel outside and threw it away. The womenfolk were sure that this procedure had driven the evil spirit, *āseb*, of typhoid away.

The women themselves relate many stories such as the following, taken from a book entitled *Ta'ūdhu'sh-Shaiyāṭīn*,

obtainable in any bazar. The author of this treatise relates how once a spirit, who called himself Afritus, presented him with a silk handkerchief, saying, 'If trouble comes to you or you ever require help, pull out a thread from this handkerchief and, having put some scented oil in a lamp, make a wick of the thread and burn it. At the moment you light the lamp I will appear to help you.'

He gives instances of how the thing worked. For instance, three *jinns* fell in love with a certain butcher's daughter-in-law. They pestered her, tearing and burning her clothes, and throwing stones at the house in which she lived. They even cohabited with her. At last the author's aid was sought. He pulled a thread from the handkerchief and lit it. Immediately Afritus appeared and slew the three evil *jinns*. Thereafter the girl lived happily and became the mother of many children.

There are, as might be expected, a considerable variety of exorcists of inferior orders. Their names and functions differ in the various provinces. A few of these require brief mention here.

There is the *ojhā*,[1] who professes to be able to cast out *jinn*, cure snake-bites, and so forth, by means of incantations and charms. In Bengal they are thought to have special power to render one's enemy blind.

OJHĀ

A woman suffering from eclampsia was thought to be under the influence of an evil spirit, so her people summoned an *ojhā* to exorcise it. All he did was to light a fire and sprinkle into it some red pepper; then he killed a cock and waved it over the sufferer.

Winds are supposed to contain evil spirits, consequently

[1] Hindi, sorcerer, magician; the word is said to come from the Sanskrit, *upādhāya*.

in order to avoid any contact with such, village women will retire within the house should they feel that the wind is blowing upon them. Though they fear them as being irreligious exorcists, the women have great faith in these *ojhās*, believing them to have power to ward off, or blow away, evil winds by the repetition of *mantras*.[1]

Much importance is attached to the human breath, and a vital distinction is made by Muslims and others between *pāk dam*, and *nāpāk dam*, pure and impure breath.

JHĀṚ-PHŪṆK

An illustration of this prevalent notion is seen in the practice of a form of exorcism known as *jhāṛ-phūṇk*.[2] Frequently a travelling *mulla* or *faqīr* is a *jhāṛ-phūṇk-wālā*; also professional beggars, who live on the proceeds of their 'blowing'.

Such a *faqīr* was once called in to a child who had pneumonia. He told the parents their child was suffering as a punishment for some wrong they had done. Then he proceeded to 'blow', through a piece of bamboo, over the child's body and waved some *nīm* leaves over it. The age of the child being three he instructed the parents to place three rupees over each lung. Next day the child grew worse and was taken to hospital where, fortunately, it recovered. Yet the parents are convinced that the *jhāṛ-phūṇk-wālā* worked the cure.

Specially 'pure' is the breath of a *ḥāfiẓ*.[3] So sure are the women that he has power to confer blessing by his breath

[1] cp. Crooke, *PRNI.* I, p. 152, for a description of the *ojhā's* methods.

[2] Hindi, lit; 'sweeping-blowing'; used of conjuring and incantations; the terms *phūṇk-mārnā*, and *dam-Karnā*, to 'blow upon', are also used.

[3] One who can recite the whole of the Qur'ān from memory.

that they bring him dates, sweets, and *surma*[1] on the night of the 23rd, 27th or 30th of Ramaḍān for him to blow upon them. These dates and sweets are carefully preserved with a view to obtaining the blessing, and the *surma* is applied to the eyes of the people at home, both men and women.[2]

Women may be seen at the time of prayer standing with their little children outside the entrance to a mosque. At the conclusion of the *namāz* the devout as they come out, still repeating their *waẓīfas*,[3] will breathe a blessing upon the children.[4]

Mention has already been made of the conditional sanction given by Muḥammad in regard to the use of spells.[5] In the Qur'ān there is reference to yet another practice recognized by him which is still very much in vogue among Muslims—that of blowing upon knots.[6]

BLOWING ON KNOTS

Sura 113 reads,

> Say: I betake me for refuge to the Lord of the Dawn against the mischief of his creation; and against the mischief of the night when it overtaketh me;

[1] Antimony, collyrium for the eyes.

[2] cp. Abbott, *Keys of Power*, p. 37. Many women (frequently they are Sayyids) blow upon a sick child, but this act is usually performed by *mullas*. Some devout women spit directly on the patient, or into water which the patient then drinks. See above p. 341, n. 2.

[3] Or set prayers.

[4] Mentioned by Zwemer, *Animism*, p. 168. So, too, the *imām* of a mosque, at the close of prayers, will be requested to breathe into the mouth of a child on the fortieth day after birth. In general, the *barakat* of one who so breathes is conditional on his being devout, truthful and chaste. Mere recital of sacred portions is not in itself of much avail.—*Keys of Power*, p. 37.

[5] vide p. 344.

[6] The Hindi term *gaṇḍā* is commonly used; a charmed cord of three or more coloured threads knotted together.

> And against the mischief of weird women;[1] and against the mischief of the envier when he envieth.

This practice of tying a certain number of knots in a cord and blowing on them is fairly common and is done by anyone able to repeat the above passage, though not usually by women. These knots are used in cases of sickness or to avoid illness. In Bengal, when her child recovered from some illness, a woman called in a *gunīn*, an inferior type of exorcist. The man took a cord of four strands representing the four suras, *Al-Kāfirūn* (109), *Al-Ikhlāṣ* (112), *Al-Falaq* (113) and *An-Nās* (114). He recited these suras while making seven knots in the cord. Then he blew upon them. That done, he tied the cord round the child's neck and assured the mother that no further harm could come to the child from the seven sons of *shaiṭān* who had been the cause of the illness.

> In another case a *gunīn* was called in when a daughter of the family was ill. His diagnosis was that she was 'possessed' and he undertook to exorcise the evil spirit. The procedure he followed was something like this. He drew a magic circle on the ground, placed three skulls in the centre and himself sat within the circle. Then he rapidly intoned the names of various saints and *pīrs*. After an interval a voice was heard coming from the skulls, 'Oh! Oh! what shall we do?' The *gunīn* said, 'Catch the spirit in this child!' More *isms*, incantations, were recited and, again, after several minutes, the voice was heard to say, 'Oh! Oh! what shall we do? We have brought the spirit.' On ascertaining the spirit's name, the *gunīn* began to utter terrible threats, at which the voice cried out, 'Don't burn us! Don't beat us!' The girl's people were rich, so the *gunīn* demanded that Rs. 50 should be placed in front of the skulls. He then ordered the spirit, 'Get out from this woman and never enter her again!' There followed a

[1] So Rodwell translates; lit. *those who blow on knots*, see his note in loc. cit.; Yusuf Ali, in loc. cit., n. 6305, agrees with this rendering, adding, 'a favourite form of witchcraft practised by perverted women'.

remarkable scene. The frail girl got up, rushed round the courtyard and lifted and carried for some distance a heavy grinding-stone of a weight impossible for her in a normal state. She finally collapsed, 'but the spirit had left her'.

The *gunīn* is summoned also in cases of snake-bite. To cure this he is believed to have a special *ism*. He takes a strip of cloth and knots it into seven sections. With this he gently hits the affected part for two or three hours or even days, meanwhile blowing his *ism* upon the patient. By this means he brings the poison to the top of the wound. He can tell when it comes to the surface and at the appropriate moment he sucks the poison out and spits it from his mouth.[1]

KĀLĀ JĀDŪ[2]

The worst form of exorcism is known as *kālā jādū*, black magic, and is found chiefly among the very ignorant. Those who practise it may commission a group of evil spirits to haunt a certain person, or to threaten him that he will fall a victim to some fell disease. One of their strange rites is to make an image of a goddess or a *pīr* and put it in an unused earthen pot into which a lighted lamp is inserted. The pot mysteriously rises, moves through the air and strikes the person for whom it was intended. He dies instantly, notwithstanding that great care may have been taken to protect him from harm.[3]

In Madras a sorceress once used this black magic to cast an evil spirit out of a girl suffering from consumption. She made a small dummy out of eggs, flour and various charms, in the shape of the sick person, waved it round her head,

[1] Some people believe that the *gunīn*, with a view to securing a bigger fee, sometimes blows the poison further in and that he keeps it there for two or three days before extracting it!

[2] 'Black magic'; *siḥr* sometimes bears this meaning; cp. Herklots, p. 218.

[3] In the Panjab this is called *maṭh chaṛhānā*.

muttering various incantations, and then took it away and buried it in a graveyard.[1]

A common means employed to engender enmity between two persons is to recite sura *Al-Fīl*, The Elephant (105), with its reference to clay stones hurled by Allāh on an invading army. This should be repeated, say at noon, 41 times over some earth taken from a grave. The earth must then be thrown over the persons in question or else on the roads leading to their houses.[2] Similarly, earth taken from the grave of a sweeper, or from a Hindu burning *ghāṭ*, and moulded into the shape of one's enemy, is supposed to have fatal effects upon him if the sura *Yā Sīn* has been recited over it.[3] In zananas, co-wives sometimes threaten to make use of this kind of black magic on each other. There are many women who live in constant dread of it.[4]

[1] A group of such women lived together in a hut near a graveyard in which were the graves of a number of notable men.

[2] cp. Herklots, p. 245.

[3] cp. *Glossary*, I, 237.

[4] It is believed that the recitation of three verses of the Qur'ān backward enables a witch to extract a child's liver and eat it.—*Glossary*, I, 208.

VII

CHARMS AND DIVINATION

SUCH resort to exorcism serves to emphasize the fact that multitudes of Muslim women, like those of other communities, are fear-ridden;[1] and it requires little to persuade them to make use of that protective symbol common to all animistic peoples—the amulet.

Among the fears inherited by Muslims from primitive races is that of the evil eye. Several traditions make it clear that Muḥammad himself believed in its baneful influence. Once a woman, Asma bint 'Umais, asked him whether she should use spells to counteract the evil eye, and he replied:

THE EVIL EYE

> Yes; for verily if there be anything that can overcome fate, the evil eye will certainly do so.—*Aḥmad, At-Tirmidhī, Ibn Mājah.*[2]

Writing for the instruction of women in this matter a *maulawī* says:

> The evil eye[3] has indeed a very real influence. The *sharī'at*, too, admits it. Our prophet has said that the influence of the evil eye is a fact. [He proceeds to quote the tradition just cited.]

It would seem that this primitive dread has its origin in envy and covetousness, rather than in ill-wishing. 'It connotes the subjective effect of the gaze of any one, however benevolent or well-disposed, when that gaze has induced complete satisfaction in the mind with the object observed, whether animate or inanimate.'[1] Thus, a man blind of one eye is almost certain to envy another who has a peculiarly good pair of eyes. So with other unfortunates—the man with a squint, the hunchback, the lame, and the childless woman.[2] 'It differs from all other magic, in that it needs not the will of him who has it. It works automatically and he cannot control it.'[3]

Parents believe that children are particularly subject to the influence of *naẓar*, because they are so likely to call forth comments of admiration and praise—a thing they dislike intensely.[4] They accordingly adopt all manner of ruses to counteract its influence, such as allowing the children to go about unwashed and meanly dressed; even dressing up a baby boy in girl's clothing.[5]

In villages if a baby falls ill a mother is likely to say, *naẓar lag ga'ī*, 'the evil eye has fallen on it'. If several little ones die in succession the mother concludes that their death was due to the same cause, and the next born will be given some not too complimentary name, and dressed in rags or borrowed clothes for the first few years of its life.[6]

The women practise some curious rites to determine whether or not a sick child is the victim of *naẓar*. One custom is to take five chillies, some salt, fruit, a little earth from the cross-roads, and small sticks from the eaves of the

---

[1] They dread sickness, death, pestilence, evil-minded people and the supernatural; cp. B. A. Donaldson, *The Wild Rue*, p. viii.

[2] *Mishkāt*, Ar. 390 (Matthews, II, 377); Goldsack, *SMT.* p. 228; cp. Hughes, *DI.* art, *Magic*, p. 303; Zwemer, *Animism*, p. 170. *The Wild Rue* has an illuminating chapter on the evil eye.

[3] *Naẓar-i-bad.* cp. *Ta'līm*, Bk. VI, p. 71. He names this section *naẓr lagnā.*

[1] *Glossary*, I, p. 209.

[2] Crooke, *PRNI.* II, p. 3.

[3] cp. Macdonald, *RALI.* p. 119.

[4] Even well-educated Muslim ladies deprecate praise of their children; cp. E. W. Lane, *ME.* p. 256 f.

[5] cp. Crooke, *PRNI.* II, p. 6; *Glossary*, I, p. 209.

[6] cp. Crooke, *PRNI.* II, p. 4. See also ch. on Semi-Religious Ceremonies [Birth].

house, and wave these over the child. They then throw the lot on to the fire and, at the same time, pronounce the names of people who saw the child ailing. Should the articles while burning give off a bad smell one can be sure that the sickness has been caused by the evil eye.

There is also a deep-seated fear of the curse which the mother of a sick child may pass on to another's healthy one. A certain woman came near to losing her reason through grief and desire for revenge, because she suspected that her neighbour with a sick child had put a *naẓar* on her own baby. For on the same day, three weeks in succession, this neighbour had washed her hair and bathed her ailing child, letting her shadow and some drops of water fall upon the other woman, while she unctuously enquired after her child's 'good health'. From that time the neighbour's child had improved and her own had sickened and at length died.

PROTECTIVE MEASURES

As a protective measure people often place an ugly daub of black on the thing they wish to preserve from the bane of the envious, so that the 'eye' will fall on the daub and not on some attractive feature. This is the origin of the practice of putting lamp-black on the eyes of children, or a black mark on their foreheads.[1] Others will introduce a marked irregularity somewhere in the pattern of their embroidered clothes, deliberately spoiling the design.

In the Traditions it is recommended that if one fears that the evil eye will alight on some cherished possession, one should utter the holy words, *mā-shā'llāh! lā-quwwat-illa-bi'llāh*, 'whatever God wills! there is no power except in God'—for then, if God wills, no evil will befall.[2]

[1] 'Black is a colour hateful to evil spirits.'—Crooke, *PRNI.* II, p. 3; *Glossary*, I, p. 210.

[2] cp. *Ta'līm*, Bk. VI, p. 72. The words occur at 18: 37.

But the usual means employed for protection is the *ta'wīdh*, or charm. Of these there is a bewildering variety and they are put to a great many uses.

THE TA'WĪDH

There appears to be a subtle connection between their composition and their character. For instance, charms made with metals such as iron,[1] or with the claws of a tiger or bear, are thought to be able by virtue of some innate strength to resist the influence of the evil eye. Other objects, such as bones or cowries, of no value in themselves, serve to catch the eye and avert the covetous look.[2] Within these limits all manner of materials are used—gold, silver, copper, brass, bronze, coral, and sea-shells; also common or precious stones, glass or china beads, and so forth.

INSCRIPTIONS

The essential charm may be certain words or symbols inscribed on some material, in musk or in saffron, more rarely in ink. This writing is then wrapped in waxpaper for cleanliness and deposited in a locket, purse or bag made of some metal, leather, or cloth. Alternatively, the writing may be engraved on a small slab of stone or metal. The words inscribed may be passages from the Qur'ān, the *Naqsh-i-Sulaimān*,[3] or the names of saints. Some amulets contain the names of the four archangels, and the 99 names of God. Others consist of astronomical symbols, the signs of the zodiac, or magic squares.[4] The Shī'as in particular favour the *panja*, cut out in gold or silver, or engraved on a medallion.[5]

[1] Probably because of the common belief that the *jinn* have a great dread of iron, as it is used for weapons; cp. Crooke, *PRNI.* II, pp. 12, 28.

[2] cp. *Glossary*, I, p. 210.

[3] i.e. The famous 'seal of Solomon'. cp. *Encyc. Islam*, art. *Sulaimān* IV, p. 520. See above, p. 345, n. 5.

[4] cp. Herklots, chs. xxvi and xxvii, and Zwemer, *Animism*, chs. ix and x, for diagrams of charms.

[5] Usually called 'the hand of Fāṭima'; cp. *Encyc. Islam*, art. *Ḥamā'il*, II, 243 f.

Whatever the form of the *ta'wīdh*, in the case of a person it is usually affixed to the body, either round the neck, on the arm (often above the right elbow), the wrist or some other part. One rarely sees a child in a Muslim home without a string of charms around its neck. One was found to be wearing 79 different charms.[1]

PREVALENT USE

The vogue of the *ta'wīdh* is almost universal, especially among the villages of India. But apart from protection against the evil eye, Muslims use them for a great variety of other purposes; such as, to counteract or preserve an enchantment, for protection during a journey, to ward off evil from themselves or their possessions, to guard themselves against the influence of evil spirits; or, positively, to regain health, to get children, to assist in childbirth, to obtain employment, to secure a rise in salary, to win a court case, to pass an examination, and so forth.[2] Nor is the use confined to the less educated sections of the community. It has been stated that, some years ago, all the members, save two, in one of the provincial legislative assemblies were found to be wearing some sort of charm.[3]

Women sometimes use a particular form of *ta'wīdh* to call or draw their husbands. They twist a wick, dip it in mustard oil and then, having lit it, place it so that it faces the house in which the husband happens to be. That will fetch him![4]

[1] cp. *Encyc. Islam*, art. *Ḥamā'il*, in loc. cit.

[2] The *C. and M. Gazette*, July, 1937, reported the case of a young man who, on hearing that his engagement was to be broken off, procured a *ta'wīdh* from a *faqīr* for Rs. 5 in order to ward off the catastrophe. The charm, however, failed to work, whereupon the youth in revenge murdered the *faqīr*.

[3] cp. Ryburn and King, *The New Light*, pp. 34, 39.

[4] See above p. 193.

Such charms are always to be had from *faqīrs*, *mullas*, *pīrs* or their wives; in fact from any 'holy' man or woman, especially at the tombs of saints.[1]

TRAFFIC IN CHARMS

'A young *pīr*, who had passed his B.A., set out on a six weeks' tour to visit his *murīds*. He returned with 20 sheep and goats, 6 cows, and Rs. 600 in cash.'[2]

Some of the purveyors of these charms appear to have real faith in their efficacy, certainly the recipients have; and yet many women when closely questioned about the use of such things will admit that the practice is not sanctioned by their religion—'We wear charms, but after all it is as God wills.' Nevertheless they are too fearful to remove them.

As illustrations of the kind of things worn as charms we may take the following cases: A Bohra baby was found to be wearing five charms round its neck. Nos. 1 and 5 were black beads on which the names of the *panj-tan* had been written. These were gifts from friends. The centre one was a black tablet shaped somewhat like a pear. On it was inscribed part of a chapter from the Qur'ān, as a prayer for the child. No. 2 was a charm sewn up in cloth. It had been supplied by a *maulawī* because the child was not taking her milk properly. No. 4 was a miniature Qur'ān in a tiny case that did not open. The mother's other children had died in infancy, hence the special precautions taken with this one.

On the necklace of another, amidst a conglomeration of charms, was a silver moon-shaped affair. Its function was to keep the child away from water lest it be drowned. Two brothers had already met that fate and this charm, which had

[1] A modern writer upbraids Muslim women for resorting to *kāfirs* and polytheists to obtain charms.—*Bihishtī Zewar*, Bk. IX, p. 90. They are offered for sale, and their virtues extolled, in the public press.

[2] *The New Light*, p. 39.

only cost 8 annas, was meant to avert a like calamity from the surviving child.

The more educated find rationalistic explanations by way of justifying such practice.

> All cures by amulets are psychological. It is immaterial whether those amulets contain words of the Holy Qur'ān or any other hocus pocus words. It is the mind of the patient that must be made to work.[1]

A graduate once explained that educated folk frequently use stanzas from the *Du'ā Ganju'l-'Arsh*,[2] as charms. The influence of such use, he said, always tended to good and not to evil. 'Charms in reality represent for us faith in God. It is only the ignorant who use them as magic.'

Of such magical use of the Qur'ān there is ample evidence. Several passages, already quoted in other connections, are great favourites. The uses to which these are put may be briefly indicated. Sura 113 is believed to be particularly efficacious against the ills of the flesh; 114 has power to counteract psychic afflictions; 94 and 105, if recited (as they frequently are) in the early morning, will safeguard a person from pain in the teeth; *Yā Sīn* (36) should be read at the approach of death, and 72 when one is afraid of *jinn*; 6: 13 is a cure for headache.[3]

MAGICAL USE OF THE QUR'ĀN

Milk given to a woman to drink after it has been breathed upon by a person who has recited the Sura *Muzzammil* (73) forty-one times, is believed to assist her to obtain offspring.[4] So with the preparation of food for a husband; a woman

[1] *The Light*, May, 1932.

[2] *The Prayer of the Throne*, a small devotional book, consisting of the names of Allāh, each name being introduced by the formula, 'There is no god but Allāh'.

[3] cp. *Ency. Islam*, art. *Ḥamā'il*, in loc. cit; Zwemer, *Animism*, p. 22.

[4] cp. *Keys of Power*, p. 38.

desiring to keep her man true to herself will recite some verse from the Qur'ān over what she is preparing for him. The act is in any case considered highly meritorious, and especially so if it helps to keep the husband from committing sin.[1] Needless to say, Sura *Fātiḥa* is in great demand. It is believed to be a cure for all manner of diseases if, between the sunset and morning prayers, one recites it 41 times and then blows over the sick.[2] The Qur'ān itself is placed near the head of the dying and on the head of the newborn child. No evil spirit will enter a room in which the book is placed on the highest shelf.[3]

Curious use is made of the words of the Qur'ān in times of illness. A verse will be written, in ink or sandalwood paste, on a plate or the inside of a basin. The vessel will then be filled with water, which dissolves the writing. This will then be poured into a glass and given to the patient to drink. Another way is to write the words on a piece of paper and wash them off into a glass of water; or more simply still, a *mulla* recites some words and then breathes over the glass of water, and this is given to the patient to drink.

Writing for women on this subject a present-day writer, while admitting the need for physicians and drugs for certain illnesses, advocates such use:

> The word of Allāh and other holy phrases assuredly carry blessing with them; this is why it is usually beneficial to drink the water in which the words of a *naqsh* [charm] have been dissolved, or wear round the neck a *ta'wīdh*, provided they have been procured from a pious or upright person.[4]

[1] cp. Herklots, p. 244.

[2] *Keys of Power*, p. 38. Portions of the Qur'ān are lithographed in gold on tinted paper and used, in a locket, as safeguards against evil spirits.

[3] Zwemer, *Animism*, p. 26.

[4] *Ta'līm*, VI, p. 68.

PRACTICES TO PREVENT AND CURE DISEASE

The educated are well aware that such usage may, and does lead to deplorable and dangerous practices. One writes:

> Every year thousands of lives are lost by getting the patients treated by charms and silly practices. One cannot deny that there are other causes as well to encourage beliefs in such superstition. Medical aid is not available. . . . Easy access cannot be had to the dispensaries. . . . But superstition is playing an important role to aggravate the situation. . . . In the post-war years, when plague was raging all over northern India some vaccinators from big towns were sent to villages to inoculate the villagers. In many villages the Muslims hid their children and did not get them inoculated for the fear that if one of their sons happened to be the Promised Messiah he would be discovered by the inoculators by the white colour of his blood and would be taken away by them. The consequences are obvious. . . . In ninety-nine cases out of a hundred no treatment is sought for the small-pox in villages, except the formal performance of the worship of the goddess of small-pox. In every village and town there still exists a temple of this goddess and many Muslims still visit these temples.[1]

This worship of the goddess of small-pox[2] by Muslim women is severely denounced by the orthodox:

> Infidel Hindu women who attribute this disease to *Sītalā devī* worship before her shrine, sweeping the place, sprinkling it with water, offering grain, so as to appease her and bring healing to their children . . . of course they are infidels . . . but it is deplorable that some Muslim women, who are supposed to believe in one God and hate the sin of *shirk*, perform these same rites before the very eyes of the Hindu women! Such women, guilty of *shirk*, are deserving of the extreme punishment at the last.[3]

[1] cp. *The Light*, 24 November, 1938. [2] *Sītalā Mātā*, or *Mātā Rānī*.

[3] cp. *Ta'līm*, Bk. VI, p. 68. Sura *Yā Sīn* is sometimes made use of to cure small-pox. A *mulla* recites it and then breathes over some pulse, which is mixed with butter and given to the patient.

Books which dilate on the more common diseases and furnish information about the *jinn* which cause them and charms that cure them, are to be had for a few annas in all the bazars. According to one of these, a daily fever is caused by *Ḥarqāsh*,[1] an *'ifrīt* who by the order of Allāh brings the trouble and by his order takes it away. If the form of fever is *tap-i-diq*, phthisis, then *Ḥarqāsh* stays with the sick person all the time, and he may bring to aid him one or more *jinn* of like nature. He is depicted with a dagger in his right hand and an arrow in his left, kneeling on the chest of the man he seeks to slay. To drive away this *jinn* a charm has to be tied on the arm or neck of the patient. It is to be expected that he will recover, provided that he keeps a fast on the day he puts on the charm.[2]

Equally terrible is *Ummu'ṣ-Ṣubyān*, a female *jinn* much dreaded by mothers of infant children. While the mother is busy about the house this *jinn* finds the child alone on a cot. She smiles sweetly upon it, nurses it and then slips away. The mother returns to find that the child refuses to take milk from her. This goes on for some days with the result that the child wastes away and probably dies. The charm prescribed as a cure in this particular book is a small chart containing certain numbers to be worn about the neck; with this there should be another written in the blood of a black rooster.[3]

OMENS AND TABOOS

It follows from what has been said that superstitious Muslims, like others, recognize all manner of omens and taboos.[4]

[1] Arabic name, *Ḥamma Yūmī*.

[2] cp. *Ta'ūḏhu'sh-Shayāṭīn*, by Maulana Hakim Sufi Md. Abdul Safar Khan Sahib Qais, p. 10 f.

[3] op. cit. pp. 30, 32.

[4] In different localities, of course, different significance attaches to the phenomena enumerated below.



UMMU'Ṣ-ṢUBYĀN

Making musical sounds with scissors or tongs, or drinking water while placing one's hand on a pot of water, are definitely signs of misfortune. Nor should the bare hand be put on one's head while drinking water. One should not carry fire between two persons or it will result in their fighting each other. To carry a sieve on one's head will bring baldness. One should not stand when measuring some commodity in a pair of scales, for then the blessing will be taken away. If water has been touched by three hands it should not be drunk, though no harm follows if a fourth hand touch it. To blow a lamp out makes one's mouth swell. After giving a child milk, curds or rice, a little ashes should be smeared on its lips lest it fall a victim to the evil eye. One should not keep porcupine quills in the house, or there will be quarrels in the home. Seven women should handle or help sew the dress of a bride.

Should a crow be seen in the early morning some absent dear one is about to return—then repeat the name of the absent one and if the crow flies away the relative's arrival may be looked for. If on rising one sneezes he should sit down; if he sneezes on starting out to work, he should delay awhile. But if on going forth to a piece of work one should ask where you are going, return, for it is certain that no success will attend you.

A broom placed head-up is sure to bring pestilence. After taking medicine place the cup that contained it upside down. To put one foot upon the other is an ill omen; but if one shoe fall on top of another it indicates a journey. If in giving food you pass it over the head of another it signifies that you are giving *ṣadaqa*, charity. Should a fly enter your mouth eat some sweet thing. When some one is suffering from small-pox, no meat must be brought into the house and all should speak softly. A man must be the first person to drink water from a new vessel.

Jinn enter the body through the mouth and nose, a notion which explains the following superstitions. Hiccoughing indicates that some one is remembering you for evil. so does the biting of one's tongue. Sneezing is generally considered an occasion for ejaculating 'God be praised!' at which a stander-by will remark 'God be merciful to you'.[1] Yawning is definitely unlucky, and to avert evil a Muslim will say, *Lā-ḥawla-wa-lā-quwwat-illā-bi'llāh*, There is no strength nor power save in God. If one yawns after meals the food eaten will find its way into the stomach of a dog or a donkey. One should not whistle or blow upon a pipe—the speech of *jinn* is a kind of whistling—it may summon them for some evil purpose.[2] Should a she-jackal call from behind the house of a sick man he is sure to die.[3]

Monday is an auspicious day and it is good for a Muslim to be born on this day, or to travel, start new work, write a charm, or be circumcised on a Monday.

Wednesday, *Chahār-shamba*, fourth day, is inauspicious. Nothing should be commenced on this day; a child should not start school nor a journey be undertaken. Should a beginning be made, four attempts will be necessary before one's purpose is accomplished. Visits should not be made nor should a guest leave the house on this day.

Thursday, likewise, is inauspicious; one should not visit a *ḥakīm* or take a purgative on this day.

Friday, *Juma'*, is the day of special *barakat*. It is good to be born and good to die on a Friday. Alms given on this day bring great *ṣawāb*, merit, to the donor. Charms written

[1] There is a tradition to the effect that Muḥammad said, 'God loves sneezing and hates yawning'.—*Mishkāt*, Matthews, II, 413; Goldsack, *SMT.* p. 236; cp, Donaldson, *The Wild Rue*, p. 182 f.

[2] cp. Macdonald, *RALI.* p. 152; Zwemer, *Animism*, p. 130.

[3] cp. Most of these examples are taken from *Ta'līm*, Bk. VI, pp. 72–74.

before sunrise are very potent. This is the best day for shaving and paring the nails.[1]

ISTIKHĀRA[2]

The practice of *istikhāra*, or determining a course of action, is resorted to by Muslims when anxious to know what should be done in matters of business or health, and so forth. Writing about it for women of the present-day an Indian author states:

> When a woman intends to do some work she should seek counsel of God. This is called *istikhāra*. The Traditions speak of it and the Prophet himself said that misfortune and calamity will surely follow if one does not first consult God as to what should be done. So in arranging for a betrothal, or marriage, or a journey one should seek to know the will of God; then one will not be sorry for one what does. Prayer in this case should be offered as follows: first two *rak'ats* of *nafl*[3] prayer, then with concentration of mind this petition, 'O my God, *astakhīruka* [I seek counsel of Thee] through Thy knowledge and desire to know what Thou hast predestined through Thy power and I seek Thy great grace. Verily, Thou hast fixed what I could not and Thou hast taught what I do not know, and Thou art the Knower of hidden things. O my God, teach me whether there is good in *this matter* for me, for my faith, my occupation, my latter end. Tell me what Thou hast ordained for me and make it a matter of prosperity and then bestow Thy grace upon it for me. But if Thou knowest that in *this matter* there is evil for me and for my faith and my occupation and my end, then turn this from me and me from it.' When one says *this matter* one should have one's mind on the affair about which one is making request. After that one must go to sleep in a clean bed with face towards the *qibla*. On waking up the first thing that occupies the mind is the thing one should do. But if one is not

[1] Women consider that the days 3, 13, 23, 8, 18 and 28 of the lunar month are unlucky and that no work should be commenced then.

[2] 'Asking favour': from an Arabic root signifing 'to be possessed of good'; the term is chiefly used for the religious practice of seeking to know the will of God.

[3] 'voluntary'.

satisfied the first time, it should be done a second time, even for seven days, and then the good or the evil of the matter will certainly, if God will, be known.[1]

Some believe that the needed guidance is given in a dream, when a form of *ilhām*, inspiration, is granted to the suppliant. There are Muslims who go for this purpose to a saint's tomb. Thus, on a Friday after the morning prayer, a man will visit a tomb, and there recite sura *Yā Sīn* and *Ikhlāṣ* eleven times. He then pays reverence to the soul of the departed saint, offers two *rak'ats*, and then recites the *Fātiḥa* and sura 113 forty-one times, repeating 113 yet another forty-one times. Finally, he lays himself down to sleep, covering his face with a sheet, and awaits an answer to his questions from the saint in the form of a dream.[2]

Istikhāra is often performed on Thursday nights. A common ritual is to recite six *rak'ats* and six suras from the Qur'ān and then write out a petition to God. This writing is then fumigated with incense, wrapped up with a piece of white thread and placed in an earthenware pot full of water. The loose end of the thread is tied to the ear of the suppliant, who sleeps with his face towards Mecca. In a dream during the night he will receive an answer.[3]

Another common practice is the haphazard opening of the Qur'ān. The book is opened at random and one counts the letters *kh* and *sh* as they occur on the right hand page.[4] Should *kh* be used more times than *sh*, the omen is good; but if *sh* predominates it is a bad sign.[5] Others, opening the

[1] *Bihishtī Zewar*, Bk. II, p. 38 f.; cp. Hughes, *DI.* art. *Istikhārah*, p. 221 f.; Zwemer, *Animism*, p. 32.

[2] cp. Hughes, *DI.* art. *Istikhārah*, p. 222; and art. *Prayer*, p. 470.

[3] cp. *Keys of Power*, pp. 100–3.

[4] *kh* for *khair*, 'good'; *sh* for *sharr*, 'evil'.

[5] cp. E. W. Lane, *ME.* p. 267 f.; Hughes, *DI.* art. *Istikhārah*, p. 222; Herklots, pp. 29, 61; Mrs. Meer Hassan Ali, op. cit. p. 188; Donaldson, *The Wild Rue*, pp. 131, 194 ff.

book at a hazard, count back seven pages and then seek guidance in this manner from the last of the seven pages.

Use is made of the rosary also for this purpose. One takes hold of it with both hands and repeats the *Fātiḥa*, and then proceeds to count the beads between the hands, saying in passing the first bead through the fingers, '[I extol] the perfection of God'; in passing the second, 'Praise be to God'; in passing the third, 'There is no god but God'. These expressions are to be repeated in the same order up to the last bead exposed. If the first expression chance to fall on the last bead the omen is 'good'; if the second, the omen is 'indifferent'; but if the third sentence should fall on it, the prospect is definitely 'bad'.

Divination

The term *istikhāra* is sometimes applied to a questionable form of divination frequently practised by *mullas*. But strictly speaking *istikhāra* is a religious ritual, whereas this other form of divination, called *al-kihāna*, in India, *fāl*,[1] is apt to partake of the nature of magic.[2] *Fāl kholnā* or *fāl lenā*, is a common expression among Muslim women in this country. It means literally, to take an omen or augury from a name, or word, or a thing accidentally seen or heard; or from motions or positions of birds or animals. But in fact it is used for all kinds of divination.

Raml,[3] a form of geomancy, is very widely used in India. A throw of pebbles on the ground, or the drawing of certain lines in sand or on paper, determine the future. Such fortune-tellers are to be seen outside hospitals, prepared to

[1] *Fāl*, an augury or omen.

[2] cp. Hughes, *DI.* art. *Magic*, p. 304, who says that some of the highest Muslim authorities have pronounced *al-kihāna* to be 'a branch of Satanic magic'.

[3] Vulg: *ramal*, sand; geomancy. cp. Zwemer, *Animism*, p. 132 (for a photo of a *rammāl*, geomancer); Donaldson, *The Wild Rue*, p. 194.

inform women patients whether the day is auspicious, and so forth.

Muḥammad is reported to have agreed on one occasion that what 'fortune-tellers' say may sometimes be true,

> because one of the *jinn* steals away the truth, and carries it to a magician's ear . . . and angels come down to the region next the earth, and mention the works that have been pre-ordained in heaven, and the devils . . . listen to what the angels say and hear the orders predestined in heaven and carry them to fortune-tellers.[1]

The art is often employed to find out such things as: the prognosis of a disease, when to take medicine, whether a marriage should be arranged, what is likely to be the issue of a court case, and the means to avert trouble or disaster.

It is performed with a great variety of ritual, some of which may be described here.

For instance, use is made of a variety of magic tables which are divided into a number of squares. Some of these tables contain numerical figures, others Arabic letters, others, again, contain the names of Allāh, or of certain saints or prophets; or, it may be the names of the signs of the zodiac. One such table, reproduced here, is divided into one hundred little squares, each containing a letter. A finger is placed at random on one of the letters and then on the fifth letter next from it to the right, and again on the fifth next from that, and so on, until one comes round to the starting letter. The letters touched when written down in this order always yield an answer. The sentence commences with the first of the letters used in the top line. The table shown provides five possible answers.[2]

[1] cp. the section on *Al-kihāna* in *Mishkāt*, Ar. 393 (Matthews, II, 384 f.); Goldsack, *SMT.* p. 230.

[2] cp. E. W. Lane, *ME.* p. 266 f.

d	w	w	a	w	o	h	a	b	h
i	o	i	s	o	t	d	t	t	w
w	o	a	a	a	i	e	n	i	i
t	s	d	n	t	h	i	a	a	e
o	t	t	n	t	u	w	t	d	h
t	i	a	e	s	f	l	i	n	u
e	l	n	j	c	a	d	t	o	c
r	o	h	y	e	o	w	y	p	e
f	r	w	e	d	i	o	i	a	e
l	n	s	c	t	l	g	h	e	h

Similar to the above is the ritual called *ḥaḍrat*, which is employed to determine the identity of a thief. By this means spirits are summoned to aid in the task of detection.

Ḥaḍrat

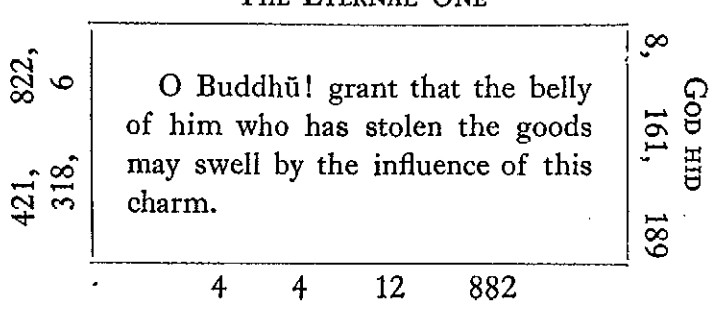
A boy, or a girl, about the age of ten who has not yet reached puberty, is made to sit on a clean spot over which incense has been burned. Two or three pious adults sit with the child. A chart comprising nine squares is then drawn on a plate, and in the centre square a magic mirror is made in black ink.[1] The child is bidden concentrate its gaze on this spot, while the incantation called *'aẓīmat* is recited 40 times.

The child is then asked what he can see. At first he will reply that he sees spirits like men. He is then told to summon sweepers to sweep the ground and sprinkle it with water. The sweepers do their work and then a man spreads

[1] cp. a diagram of such a magic square given by E. W. Lane, *ME.* p. 277; also E. G. Browne, *A Year among the Persians*, p. 159 f.

a carpet on the ground. The child finally declares that he sees, in the black dot, that the King of Spirits has arrived in great pomp. At this he is bidden by the reciter to make his *salām* to this king and demand of him the name of the thief and the location of the stolen article. The King of Spirits writes out the required information which the boy proceeds to read.

Sometimes this other diagram is used to detect a thief:



This is inscribed on an egg and buried in a grave. The belly of the guilty person will, in due course, swell and remain so until the egg is dug up.[1]

[1] Herklots, p. 275.

VIII

RELIGIOUS FESTIVALS AND CEREMONIES

THE observance of religious festivals occupies an important place in the religious and social life of Muslim women, and the days of their celebration constitute their chief holidays. Only brief descriptions of the main ceremonies connected with the more important of these need be given here, since our particular interest is to see what they mean for the women.[1]

The *Baqr-'Id*, or 'Cow Festival', is quite the most important for Muslims in India.[2] This is the 'sacrifice' made by pilgrims in connection with the ceremonies of the *ḥajj*. While the faithful assembled at Mecca are offering it as one of the concluding rites of the pilgrimage, it is observed simultaneously by Muslims everywhere. The authority for this practice is the injunction of the Qur'ān in the chapter called *Ḥajj*:

BAQR-'ID

> Ye may obtain advantages in them [the cattle] up to the set time [for slaying them]; then, the place for sacrificing them is at the Ancient House.
>
> And to every people have We appointed rites, that they may commemorate the name of God over the brute beasts which He hath provided for them. . . .
>
> And the camels have We appointed you for the sacrifice to God: [much] good have ye in them. Make mention, therefore, of the name of God over them [when ye slay them] . . . 22: 24-27.

Muḥammad established this as a festival for his people and

[1] For fuller descriptions see *POM.* pp. 124–31.

[2] Also spoken of here as *'Īdū'l-Aḍḥā*, vulg: *'Īdu'ḍ-Ḍuḥā*.

made its celebration fall on the tenth day of *Dhu'l-Ḥijja*, that is, at the time of the annual sacrifices of the pagan Arabs in the vicinity of the Ka'ba.

Great merit is believed to accrue to those who keep this feast, for it is reported from 'Ā'isha that Muḥammad said:

> The sons of Adam have done no action on the day of sacrifice more pleasing to God than the shedding of blood, and verily it will come on the day of resurrection with its horns and its hairs and its hoofs, and verily the blood will be accepted of God before it falls to the ground. Therefore rejoice in it.—*At-Tirmidhī, Ibn Mājah.*[1]

The sacrifice is offered on returning home from the special prayers at the *'Īd-gāh*. It is a *wājib* duty for Muslims to keep this feast and offer an animal in sacrifice. This in India may be a sheep or a goat. It is a common practice for a number of Muslims (but not more than seven) to club together to sacrifice a large animal, a cow or a camel, between them. The animal sacrificed must be without blemish.

The head of the family takes the victim to the entrance of his house, places it to face Mecca and sacrifices it by 'making mention of the name of God over it' while cutting its throat. The flesh of the animal is then divided up into three portions, one for relatives, one for the poor, and one for the family's own use.

Womenfolk prepare their own special dishes; for instance, along with the midday meal they have a dish of *siwa'īn*[2] and in the evening, meat, *pulā'o* or *khichaṛī*. In the midst of their own rejoicings the poor are not forgotten, nor will any Muslim beggar be turned away at the time of the *'Īd* without receiving some food and it may be money and clothing also.

In the minds of the women this feast is associated with the

[1] *Mishkāt*, Ar. 128 (Matthews, I, 321); Goldsack, *SMT.* p. 67.

[2] Or *siwaiyāṇ*, Indian vermicelli.

pul-i-ṣirāṭ, for they cherish the belief that the sacrifice will, in some way, help them to make that fateful crossing.[1] One pleaded with her husband to sacrifice a cow for the family of seven, but he was sceptical and asked how one animal could possibly serve to get seven people across the bridge. The local *mulla*, however, reassured them by saying that God would replace the cow with seven goats!

The modern rationalist is apt to encourage the sceptic, for, in answer to a correspondent who enquired about the significance of this sacrifice and, in particular, whether it would be of any use in the next world, a certain editor replied:

> Whether or not it is of any good in the world to come is yet to be seen. Here in this world it gives you jolly good dishes. That is how people generally look at it. No one worries about its significance. The only use they have for it in relation to the next life is that the animal offered as sacrifice would serve as a conveyance on whose back we would cross the *pul-i-ṣirāṭ*, the narrow bridge of salvation. This is absurd on the face of it. If a two-footed man cannot cross the bridge himself, how can a four-footed clumsy lamb, cow or camel do so? Besides, how can a poor lamb bear the weight of a man? The true significance of sacrifice is to teach us self-sacrifice for noble causes, and that is what nobody cares for.[2]

'ĪDU'L-FIṬR

Another great festival of the Muslim calendar is *'Īdu'l-Fiṭr*, the festival which marks the breaking of the long fast of the month of Ramaḍān. The appearance of the new moon heralding the commencement of the next month, Shawwāl, is proclaimed to all by the discharge of maroons or a cannon. The news is received with exhibitions of relief and joy and friends hail each other with ejaculations like, *chānd-mubārak*, 'a happy moon' [to you].

[1] See above, pp. 273, 276.

[2] *The Light*, 8 August, 1937.

The festival is celebrated with much rejoicing on the following day and it is the rule then to donate *ṣadaqa*, or propitiatory offerings, to the poor in the name of God. The gifts usually consist of such things as flour and fruit. Large crowds assemble for prayers at the *'Īd-gāh* where the *imām* delivers a sermon at the conclusion of which he intones a *munājāt*, in which the worshippers join, asking for a remission of sins, the recovery of the sick, increase of rain, abundance of crops, preservation from misfortune, and so forth.

The women, no less than the men, rejoice in the relief brought by this day. Everywhere there is bustle and excitement from early morning, and though few women ever go with the crowd to the mosque, they enter heartily into the joy of the day. They deck themselves out in their jewellery and best clothes, often wearing, as do the men and the children, something new to celebrate the occasion.

In the streets refreshment booths are erected with toys and sweetmeats to attract the children, who are for ever running in and out to tell the women in the house all that is going on without.

In some villages, where all are Muslims and the menfolk are certain to be away at the mosque, the women will come out into the lanes and greet one another in their new garments, turning in again ere the men come back from the mosque.

The day is a busy one for the women. Apart from the cooking, in which the preparation of *siwa'īn* is a notable feature, there are visits to be paid—it is an opportunity to visit one's mother—or preparation is made to receive relatives and friends who come to wish them a happy *'Īd*. Some, closely veiled, may be taken to an *'Īd* fair.

Even in strict *parda* homes, where it is not the custom for the women to go out, they manage to enjoy the day with the

children and other women. The children must needs be dressed in new clothes, henna has to be applied to the hands of all, presents are to be given and sent to their married daughters, especially any new brides. In the case of a daughter of a well-to-do family who is engaged to be married there will be an exchange of presents with her fiancé.

In better-class families the members receive *'Īd* presents and there is an exchange of cards bearing greetings 'for a happy *'Īd*'. Muslim magazines make a point of wishing their readers a happy day and solicit alms: 'Send your *fiṭrāna* and enable us to distribute [*El-Fāṭima*] free to Western Libraries'.[1]

Bāra Wafāt[2]

The twelfth day of Rabī'u'l-awwal, the third month of the Muslim calendar, is celebrated particularly by the Muslims of India as a festival in commemoration of Muḥammad's death. He is believed, by some, to have died and, by others, to have been born on this day of the month. Ignorant women speak of the month itself as *Bāra Wafāt*.

As the phrase implies the festival is, properly, in memory of Muḥammad's death, and it is customary on the preceding evening to take some perfumed embrocation in procession to the *'Īd-gāh*, where, after the recital of a *Fātiḥa* over it, it is distributed to the people. On the following morning his *'urs* is celebrated with prayers, offerings and a feast.[3]

In various localities a feature of the celebrations is the decoration of the place wherein is kept the *qadamu'r-Rasūl*, or alleged impress in stone of Muḥammad's footprint. People

---

[1] *El-Fāṭima*, 1936; a magazine for women.

[2] *Bāra*, twelve; *wafāt*, death.

[3] The Wahhābīs, however, do not observe this festival because it is not enjoined either in the Qur'ān or the Traditions.

assemble at such places to listen to recitals of the story of his birth, miracles and death.

MILĀD-I-SHARĪF.[1]

It is, however, becoming increasingly common, at least in the towns of India, to celebrate on this day the birthday of the Prophet, as is done in Egypt and elsewhere; accordingly the day is spoken of as *Jashn-i-Milād-i-Sharīf*, the feast of the noble birth.

Sometimes a large number of women, including the more educated, will assemble in a hall or some open space where *parda* arrangements have been made, and there pay tribute to the memory of Muḥammad. The chief actor in the proceedings is a 'reader' seated near a table on which are placed some flowers and lighted candles. Two boys with good voices are there to assist by chanting stanzas of poetry while the prose sections of a narrative are read.

In the account which he reads of the Prophet's birth the people are told of the *nūr-Muḥammadī*; of how God destined a portion of His own light to pass through the prophets into Āmina, Muḥammad's mother, and so into the Prophet at his birth.[2] At mention of his birth the whole audience stands and chants the *salām*:

> O Prophet, peace be upon thee!
> O Apostle, peace be upon thee!

It is customary at this juncture to sprinkle rose water on the assembly.

Though this recital of the narrative of Muḥammad's birth constitutes the essential feature of the proceedings, it is usual to speak of his character and achievements as well. In a recent gathering of *parda* women one lady 'eulogised the

[1] Or *maulūd*, *maulid*; the celebration may take place on any day of the year.

[2] cp. *POM.* pp. 136, 260.

amicability and suave manners of the Prophet'; another 'referred to the difficulties which the Holy Prophet had to surmount'; yet another emphasized the fact that the propagation of Islām had only been brought about by the 'unique and forceful personality of the Prophet'; while another declared that 'the Holy Prophet not only preached equality between men and women, but set an example to the Muslim world by raising the status of his wives.'[1]

At these functions use is sometimes made of books specially written for the purpose of reciting on such occasions; one is entitled *Milād-i-Akbar*, and contains selections from the Traditions. The chanting of a *na't*, or encomium of the Prophet is another feature. A *na't* runs something like this:

> Thousands of praises be to God,
> The Master of men,
> And Maker of our Master the Prophet.
> Infidelity had darkened the world,
> Then came this blessed Moon,
> And in every house on earth there came light.
>
> Those who follow Muḥammad are highly blessed
> Because the Leader himself has come
> To show them the way to paradise.
>
> God has not created another like him,
> Who says to sinners, 'I am sufficient for you'.
> God be praised who has been so generous
> As to make him our leader in this world,
> And our intercessor in the next.
>
> He was a blessed leader for *jinn* and for men,
> And those who believe in him are purified from sin.
>
> On that day, when the sea of hell is boiling
> Because of the wrath of God,
> No one will be able to sail through it
> Without Muḥammad's help.

[1] Reported in *C. and M. Gazette*, 28 November, 1934.

On the judgment day when all nations
Will stand before God and render account,
If the prayers of tens of thousands of people
Were weighed in the balances
They would not equal in merit those of
One of the followers of Muḥammad.

O believer! read these praises with a pure heart,
For without full love to the Prophet
You can by no means attain to this blessedness.[1]

Women frequently take a vow to celebrate Muḥammad's *milād* if a particular desire of theirs is fulfilled; this may take place on his birthday or any other day of the year. Thus, on the realization of her wish a woman will invite a group of her friends, numbering anything from 25–100, for the purpose of singing the praises of the Prophet. One or two women in the group who know how to chant a *na't*, recite it for the benefit of the rest. It is counted a high honour to be asked to take part in such a ceremony, and there are men who do not object to the audible singing of the women since they consider the act a laudable one.

FULFILMENT OF A VOW

But that is not the attitude of the stricter Muslim. A *maulawī* of the present day inveighs against the common practice among women:

> Sundry women also perform the *maulid*, and as celebrated by them nowadays the practice contains the following evil features: in cases where the reader is a woman her voice is heard without the door and it is an evil thing for a woman to allow a 'stranger'[2] to hear her voice, especially if the recitation is poetry. On the other hand, if the reader is a man then, obviously, he cannot be *maḥram* to all the women present; to many he will be a 'stranger', and if what he recites is poetry,

[1] cp. *Ikrām-i-Muḥammadī*, p. 14. *Na'ts* are recited on other occasions also—at weddings, at celebrations of the death of Muḥammad and at assemblies of a religious or semi-religious character.

[2] *nā-maḥram*, lit: one not in the prohibited degrees.

> chanted in a seductive voice as is the present vogue, then that too is bad because women are forbidden to listen thus to a man's voice. Moreover, current books about the *maulid* are packed with false traditions which it is a sin to read and to hear being read. Then some women actually think that the Prophet himself enters the assembly and that is why at the recital of the birth-narrative they stand up. There is no authority for such an act in the *sharī'at*, so that to believe in such a thing is sin. Some do not believe in this fancy yet deem it necessary to stand because they know that those who do not are apt to be ill-spoken of . . . others go so far as to imagine that the *maulid* is not duly performed unless they do stand up. This is against the *sharī'at*, and therefore sin. Again, the distribution of sweetmeats or foodstuffs at the celebration is so usual that to omit to do so is considered to be an act displeasing to the Prophet. This also has no sanction whatsoever, and is definitely bad.[1]

Another festival is observed on the fifteenth night of the eighth month, Sha'bān. This is termed *shab-i-barāt*, or the Night of Record, because Muḥammad is reported to have said that God registers annually, in the *barāt*, all the actions men are to perform in the ensuing year, and that the names of all the children of men who are to be born and who die during the course of the year are likewise entered in the record.

SHAB-I-BARĀT[2]

Muḥammad enjoined his followers to keep awake the whole night, repeating certain prayers, and to fast on the following day. He is said to have visited the graveyard at Madina on this night and prayed for the souls of the dead, 'so that if on this night any one desires to make a gift for the dead, or read the Qur'ān, or give a feast or bestow money, granted one offers a suitable prayer, it is in keeping with the *sunna* of the Prophet.[3]

[1] cp. *Bihishtī Zewar*, Bk. VI, p. 69.

[2] Pers: pr. *shab-i-barā'at*, the night of writing, or decree.

[3] cp. *Bihishtī Zewar*, Bk. VI, p. 70.

Nowadays, however, the time is marked by merriment rather than fasting, and frequently much money is squandered in the discharge of fireworks. The women readily enter into the joy of the occasion and prepare a feast in the evening which includes *ḥalwa*,[1] of which they send portions to their friends. For some it is a time of thanksgiving, and they offer *durūds* on behalf of Muḥammad.

A correspondent to a rationalist paper, dissatisfied with its remark that Muslims should enjoy 'a sound sleep' on this night when (as he averred), 'all the Muslims offer prayers all the night', asked for 'further light on the subject'. This was what he got in reply:

> The idea that on a particular night God draws up His budget of all things for the coming year is ridiculous and mockery of the Majesty of God. And when we say that we must have a sound sleep on that night, we only mean that the idea is not worth serious attention. It is the latter-day invention which did not exist in the Prophet's day.[2]

The Muslim calendar contains its days of mourning also, at least for the Shī'as. People of this sect still cherish a double grievance: they annually mourn the martyrdom of the fourth Khalīfa, 'Alī, and of his two sons Ḥasan and Ḥusain; and they denounce Abū Bakr, 'Umar and 'Uthmān for having 'usurped' the position of khalīfa from 'Alī, who, by right of marriage with Fāṭima, they consider to have been the first legitimate successor of Muḥammad.

MUḤARRAM[3]

As soon as the month begins people assemble at the Imām Bārā, or in the 'Āshūr-khāna,[4] and there repeat a *Fāṭiha* over some sherbet or sugar, in the name of Ḥusain, and distribute it to the poor. Both the Imām Bārā and the 'Āshūr-khāna are brilliantly illuminated and have their walls draped with black cloth on which are inscribed texts from the Qur'ān. Near by are *ta'ziyas* or *tābūts*, as a rule flimsy structures made to represent the mausoleum of Ḥusain on the plains of Karbalā. Other articles meant to remind the people of the martyr—a turban, a sword and so forth, are there; also *'alams*, standards, with the *panja* affixed to recall 'the holy five'.

Dense crowds gather in the Imām Bārā each evening to listen to *marthiyas*, elegaic poems, being chanted by paid singers in honour of Ḥusain. The recitals so stir up the emotions of the audience that they repeatedly rise up and, with much show of grief, beat their breasts, crying, 'Alī! 'Alī! Ḥusain! Ḥusain!

In some cities, like Lucknow, special *parda* arrangements are made for women at the Imām Bārā, for they too enter gravely into the mourning for Ḥasan and Ḥusain. Around the entrance to the building there may be seen a number of quite young girls, of grave mien, singing the story of the lives of these 'saints'. Every now and then they stop to beat their breasts and cry, 'Ḥasan! Ḥasan! Ḥusain! Ḥusain!' 'Our girls', explained a woman, 'are taught when still young to sing and wail in this way, and we know that they will never forget the sad story when they grow up. This great mourning of our people will go on for ever, until the Judgment Day.'

These women greet the advent of this time of mourning with various symbolic acts to mark their grief, such as breaking their bangles and removing their nose-rings.[1] No Shī'a woman may, during this period, comb her hair or wear red, yellow, gold, or any other festive colour. Green and black

---

[1] A sweetmeat made of flour, sugar and *ghī* (clarified butter).

[2] *The Light*, 16 June, 1933.

[3] *Muḥarram* is the name of the first month of the Muslim calendar, but the word now primarily suggests the period of mourning in the first half of that month.

[4] lit. ten-day house.

[1] cp. Crooke, *PRNI*. II, 43.

are the only colours permitted. Laughter is forbidden, and there must be no music save the chanting of a type of wailing called *nauḥa*.

Frequently these lamentations are recited in a private dwelling, and in a really big house a large room will be set apart as the 'Āshūr-khāna, which for 12, and in some cases 40 days is invested with a kind of holiness. Here the *ta'ziyas*, *'alams* and other emblems associated with the occasion are deposited, with flowers and incense perfuming the room.

Daily and nightly, when the men and grown-up boys have left the place, the women with their friends and neighbours, rich and poor alike, assemble in front of this room. The reciters, with a woman to lead the chorus, stand bareheaded before the entrance. The door is opened and after all have bowed slightly, the recitation begins. The first low notes are sung with great seriousness and in a voice quivering with emotion, that rises gradually to an agonizing pitch. The various couplets describe in detail the sufferings of the Prophet's family. Before the dirge is finished groans and cries of grief from the women drown the voice of the reciter.

At the close of the song the leader calls in a loud voice for the *mātam-i-Ḥusain*,[1] simultaneously striking her breast in a paroxysm of grief. Immediately the assembled women, as with one voice, begin to shout 'Ḥusain! Ḥusain!' to the rhythmic beating of their breasts. This ceremony may start slowly, but is kept up for half an hour at an increased speed, until the frenzy of self-inflicted pain causes some to faint.

On the ninth night no sleep is allowed, and the women are allowed out to see the procession if suitable *parda* arrangements have been made. On *'Āshūra*, the tenth day, all are quiet and grief-stricken in remembrance of the martyred

[1] Lamentation for Ḥusain.

ones. No Shī'a woman on this day may wear shoes, button up her garment at the throat, touch food, or sit on anything save the bare floor.[1] In the afternoon the fast is broken.

In some districts Shī'a women perpetuate a very real hatred for 'Umar and teach their children also to hate his memory. His effigy made of straw is placed in the dirtiest part of the home, is spat upon and subjected to every conceivable indignity and then finally burnt.[2]

Though anything approaching a doctrine of atonement is foreign to the spirit of Islām, yet Shī'as hold such a belief in regard to Ḥusain. He is their 'sacrifice' and 'intercessor'. 'He gave his life for his people', they say; and many believe that his sacrifice avails for the forgiveness of sins. A certain woman, on being urged during Muḥarram to enter hospital for an operation, rejoined, 'Let me wait until this time of mourning is over; let me shed a few more tears for Ḥusain, because such tears count with Allāh, and great is the reward of those who mourn for Ḥusain'.

Death Ceremonies

Many of the present-day customs in connection with death owe their origin to the Traditions, which have a great deal to say upon the subject.

The Approach of Death

When possible the face of a dying woman is turned towards the *qibla*, and prayers are offered on her behalf. A *mulla* is summoned, or it may be one of her own relatives,[3] to recite in a loud voice sura

[1] cp. *The Statesman*, 25 February, 1940. Some women sleep on the ground all through Muḥarram.

[2] On the other hand, sometimes uneducated Sunni women will join in this mourning for Ḥusain.

[3] Her father-in-law, husband, son or brother; in some cases a woman relative, or a woman Qur'ān reader able to recite the passage.

Yā Sīn and other passages from the Qur'ān, the Prophet having said,

> Repeat sura *Yā Sīn* over your dead.—*Aḥmad, Abū Dā'ūd, Ibn Mājah.*[1]

As mentioned above,[2] supreme importance attaches to the repetition of the *kalima* at this time, both by the dying person and by those at her bedside, the Prophet having declared,

> Whosesoever last words shall be *Lā-ilāha-illa'llāhu* will enter paradise.—*Abū Dā'ūd.*[3]

Those who stand by repeat it in the hope that the dying person will hear and herself utter the words. Concerning this a tradition states that Muḥammad said,

> Repeat, 'There is no god but God' in the presence of any one near death.—*Muslim.*[4]

Ere a woman dies she seeks forgiveness from her relatives and friends, and they from her. A son has been known to fail to receive pardon from his dying father, because he had run away with the man's youngest wife, a mere girl. The son begged for forgiveness repeatedly, but to no purpose. At the last moment with folded hands he touched his father's feet; but no! too far gone to speak, the man shook his head in refusal. In such cases the women believe that a curse rests upon a person till the Judgment Day.

Women have been known, before they die, to excuse the

[1] *Mishkāt*, Ar. 141 (Matthews, I, 361); cp. Herklots, p. 90. The reading of *Yā Sīn* will 'tranquillize the soul'. vide *Glossary*, I, 883 f. [2] p. 281.

[3] *Mishkāt*, in loc. cit.; Goldsack, *SMT.* p. 75; see above p. 278. In the ordinary affairs of life a Muslim will sometimes take an oath in the words: 'Be it my lot not to be able to repeat the *kalima* on my death-bed, should I fail to do such and such a thing'.—*Glossary*, I, 875.

[4] cp. *Mishkāt*, Ar. 140 (Matthews, I, 360); Goldsack, *SMT.* p. 75.

unpaid portion of the *mahr* due to them, and a husband will sometimes hasten to a sick wife to request such exemption from her.

When death has intervened friends present frequently break into cries of mourning. Women will beat their breasts, and if a wife has lost her husband, she will break her bangles and remove her jewellery.[1] But this is less the case in cultured circles, where the shock is borne with resignation, the mourners remarking: 'From God we came and to Him we will return'.

LAMENTATION

There are a number of traditions according to which the Prophet forbade and even denounced lamentation for the dead. For instance,

> He is not one of us who beats his cheeks and rends the bosom of his garments and cries out with the cries of the *Jāhilīyya.—Bukhārī, Muslim.*[2]

A tradition recorded by Abū Dā'ūd declares that Muḥammad 'cursed the woman who made lamentation and he cursed the one who listened to her'.

On the other hand, it is reported that he declared to an assembly of women,

> If three of the children of any of you die, and you bear it patiently, you will enter into paradise. A woman from amongst them asked, 'O Prophet, what if two die?' He replied, 'If two die, their father and mother will enter into paradise'.—*Muslim.*[3]

[1] cp. *Glossary*, I, 874 f.

[2] *Mishkāt*, Ar. 150 (Matthews, I, 390); Goldsack, *SMT.* p. 78.

[3] *Mishkāt*, in loc. cit. Nevertheless such lamentation is indulged in. Custom, for instance, requires that friends and neighbours shall visit a bereaved woman and express their sympathy. Each on entering the room begins to cry and the ladies of the house join her. The woman's grief is thus revived with every fresh visitor. Towards evening the guests are frequently given a feast. Pathans are in the habit of visiting the house of mourning on the three days following and for five successive Fridays.

Sometimes a mother comforts herself with the belief that Muḥammad said that the child who has died will intercede with Allāh on behalf of its parents that they may enter paradise.

PREPARATION FOR BURIAL

Usually three or four women friends are brought to the house to undertake the washing and preparation of the body of a woman for burial; one of these should, if possible, be a *Ḥājin Bībī*.[1] A tradition accredited to 'Ā'isha states that the Prophet was put into his shroud with three garments, and this is the usual number for men;[2] but women are usually dressed in five pieces of cloth, though the poor sometimes use but one or two.[3]

Occasionally verses from the Qur'ān are written on the shroud with charcoal or with sacred clay from Mecca or Karbalā.[4] Before the shroud is applied it is customary to rub camphor on the body, the Prophet having enjoined its use at such a time.[5] Some burn *lobān*, resin, 'to keep *Shaiṭān* away'. When placed on the bier the body of a woman is frequently covered with a pink cloth, that of a man with a red one. If the woman was married, her hands are stained with *meṇhdī*, and after the body has been washed *surma* is applied to her eyes. A tradition declares,

> the best collyrium for you is *ithmiḍ*, because it makes the hair of the eye-lids grow, and brightens the eyes.—*Abū Dā'ūd, Tirmidhī, Ibn Mājah.*[6]

In some homes relatives and mourners are given a little *chanā*,[7] or else cardamons, and after repeating the *kalima* they

[1] See p. 259; cp. *Glossary*, I, 876 for details.
[2] cp. *Mishkāt*, Ar. 143 (Matthews, I, 371); Goldsack, *SMT*. p. 75.
[3] cp. Herklots, p. 93. [4] see p. 296; *Glossary*, I, 877.
[5] cp. *Mishkāt*, in loc. cit.; Herklots, p. 95.
[6] *Mishkāt*, Ar. 144 (Matthews, I, 371); Goldsack, *SMT*. p. 75.
[7] Chick-pea; 'gram'.

will blow upon each portion and say, 'I bestow this as a gift for the deceased and Allāh accepts it as such'. The *chanā* is then distributed to the poor.[1]

In India Muslim women do not, as a rule, join in the funeral procession, but the friends of a widower feel under a sense of obligation to accompany him.[2] This is one of five duties said to have been enjoined upon his people by Muḥammad:

FOLLOWING THE BIER

> The duties of one Muslim towards fellow-Muslims are five: returning a salutation, visiting the sick, following a bier, accepting an invitation, and replying to one who sneezes [by exclaiming, 'May Allāh have mercy on thee!']—*Bukhāri, Muslim.*[3]

Rewards are promised to the faithful who follow the bier of their deceased relatives to the graveside:

> That person who follows the bier of a Muslim because it is in obedience to God, and is with it till prayers are said for it and its internment is finished, verily will return with rewards equal to two *qīrāts*, each *qīrāt* equal to the mountain of Uḥud. —*Bukhārī, Muslim.*[4]

Tradition also demands that the bier should be carried along rapidly:

> For if the deceased be a good man it is good to take him up quickly . . . to cause him to arrive in happiness; and if he be a bad man it is a wickedness which you should put from your neck.—*Bukhārī, Muslim.*[5]

[1] This is done at the house, while beside the corpse.
[2] cp. *Glossary*, I, 879. In most places a husband is not allowed to touch or shoulder the bier of his wife, though the Ahmadis view such mentality as un-Islamic. They characterize this custom as 'a positive insult to the position of woman. . . . The husband should be the first to shoulder the coffin of his wife.'—*The Light*, 8 April, 1938.
[3] *Mishkāt*, Ar. 133 (Matthews, I, 339); Goldsack, *SMT*. p. 71.
[4] *Mishkāt*, Ar. 144 (Matthews, I, 375).
[5] *Mishkāt*, in loc. cit.

If elderly people are assisted to attend the funeral of a Muslim it is considered a meritorious deed and is believed to assist the soul of the departed; similarly, people strive to be present at the funeral of an aged man or woman, believing that they will receive a special blessing for so doing.[1] Throughout these last duties to the dead the mourners are expected to keep repeating the *kalima*.

HADIYA[2]

Offerings, called *hadiya*, are given to the poor both when the corpse is taken from the house and again at the time of burial. A curious custom is the provision of *tosha*, or 'supplies' for the deceased on his journey to the other world. This may be some food or *ḥalwa*, which like the *hadiya*, is conveyed to the cemetery and there distributed to beggars after the burial.[3]

JANĀZA[4]

If the courtyard of the house is sufficiently large the *ṣalātu'l-janāza*, or funeral prayers, may be said there; otherwise they are recited in some open space or at a mosque situated near or within the cemetery.

In India the bier is laid north to south, and the *imām*, standing before it, faces the corpse. The mourners stand behind, facing the *qibla*, arranging themselves in ranks of 3, 5, 7 and so on.

There is a tradition to the effect that Muḥammad said,

> There is no Muslim who dies and three ranks of Muslims say prayers for him, but God will make him worthy of paradise from this act.—*Abū Dā'ūd*.[5]

The funeral prayer is performed as follows: First, the *niyat* is pronounced, 'Here begins the prayer for the dead'.

[1] cp. *Keys of Power*, p. 67.
[2] pr. *hadīya*, an offering, gift.
[3] cp. *Glossary*, I, 880.
[4] A term used both for the bier and the funeral service; cp. Hughes, *DI*, art. *Burial of the Dead*, pp. 44 ff.
[5] *Mishkāt*, Ar. 147 (Matthews, I, 381).

Then, at stated intervals, four *takbīrs*, *Allāhu-Akbar*, are said. After the first of these the *ṣubḥān* is recited; after the second, a *durūd* is chanted; after the third, prayers are offered for the deceased person and the survivors.[1] The fourth *takbīr* is said aloud by the *imām*, and then he and the mourners recite the usual salutations of *namāz*, followed by another *durūd* and a *du'ā* in a low voice. All then raise their hands in silent prayer on behalf of the soul of the departed. The entire prayers are said in a standing position.

The corpse is then conveyed on a bier to a prepared grave and there laid on its back on the earth, with head to the north and feet to the south, the face being turned towards the *qibla*. Support for all this is found in the traditions, as well as for the custom of allowing extra space for the corpse to sit up in the grave:

> *Laḥad*, a hollow, is for us [Muslims], and trenches for strangers.—*Tirmidhī, Abū Dā'ūd, An-Nisā'ī, Ibn Mājah*.[2]

After the burial the mourners offer a *Fātiḥa* in the name of the deceased and after proceeding forty steps they recite it again, for it is believed that, at this juncture, the deceased is interrogated by the two dreaded angels, *Munkar* and *Nakīr*.[3] A tradition has it:

> Two angels come to the dead man and cause him to sit up and say to him, 'Who is thy patron? . . . what is thy religion? . . . what is this man who is sent to you? . . . what is your proof of his mission?'

Well for him if he can answer to these questions in turn, God, Islām, Muḥammad, the Qur'ān, otherwise the ground will be ordered to close in upon him so that his ribs are squeezed so that he roars with pain.[4]

[1] cp. *Mishkāt*, in loc. cit; Herklots, p. 97; Subhan, *Islam*, p. 63.
[2] *Mishkāt*, Ar. 148 (Matthews, I, 383); *Glossary*, I, p. 880 f.
[3] See above, p. 266.
[4] cp. *Mishkāt*, Ar. 142 (Matthews, I, 336).

PRAYERS FOR THE DEAD

According to tradition Muḥammad declared it to be a duty incumbent upon all believers to pray for the dead.

Here are two prayers recorded as having been offered by himself:

> O Lord! pardon and have mercy upon him, and forgive him and make his portion good in paradise, . . . and wash him with water, snow and hail; purify him from his faults . . . and exchange for him a better habitation in that world than in this, . . . and exchange for him a better wife than he had here; and admit him into paradise and defend him from the punishments of the grave and hell.—*Muslim*.[1]

On another occasion when beside the bier, he prayed thus:

> O Lord! pardon our living and our dead, our present and our absent, our young and our old, our men and our women. O Lord! him whom Thou keepest alive among us, keep alive in Islām; and him whom Thou causest to die, cause to die in the *imān*; O Lord! do not disappoint us in the rewards of his misfortunes, nor throw us into contention after him.—*Aḥmad, Abū Dā'ūd, At-Tirmidhī, Ibn Mājah*.[2]

These petitions give us some idea of the kind of prayers offered still on behalf of the dead.

KHATAM-I-QUR'ĀN

The most notable performance of this custom is that called *Khatam-i-Qur'ān*, or the completion of the recitation of the whole Qur'ān in a day, or a week or a month.[3]

For its performance a *mulla* or a *ḥāfiẓ*—several of them, if the house can afford it—is engaged to do the reading. If the readers are sufficient in number the recital may be begun, and even completed, before the corpse has left the house;

[1] *Mishkāt*, Ar. 145 (Matthews, I, 375 f.); Goldsack, *SMT*. p. 76.

[2] *Mishkāt*, Ar. 146 (Matthews, I, 379).

[3] cp. *Glossary*, I, 881. *Khatam-i-Qur'ān* is, of course, performed on other occasions also.

though it is not uncommon for the Qur'ān to be so read at the graveside within periods ranging from three to forty days.[1] The thirty *sipāras*, sections, of the Qur'ān are divided out equally among the readers. Sometimes two readers will sleep while the third takes up the reading. Women explain that this non-stop recital is to ensure that the 'Recording Angels' may hear the holy words and abstain from torturing the deceased.

The *mulla* is requested to pray for the deceased and in the course of his petition to include the gift of merit acquired by thus reading the Qur'ān. He accordingly 'transfers' the merit by the use of some such words as, 'I make a gift of my merit to the deceased'.[2]

Frequently this recital, or something similar, takes place on the third day after the burial, or else on the following Thursday.[3] Here is a description of what sometimes takes place on this day in the sight of the assembled congregation:

> Copies of the Qur'ān, with each [thirtieth] part in a separate binding, and a huge quantity of parched gram, generally a maund or so, are placed before them. Those who are literate are asked to read the Holy Book, one part each, and others to

[1] Arrangements for *Khatam-i-Qur'ān*, to be read at the graveside of the late Sir Md. Iqbal, of Lahore, were notified in the local press at the time.

[2] See above, p. 268. Prayers on behalf of the deceased are sometimes solicited when announcing their death. Occasionally the request is made through the press, e.g. 'I request all my sisters and brothers that they should read the Qur'ān and the *nafl* prayers for my father . . . O Lord! let Thy blessing and grace be showered upon my dead father.'—*Tahzīb-i-Niswān*, 7 May, 1938, p. 455 (a magazine for women). Sometimes when folk are too poor to pay for the recital and a feast as well, a *mulla* will perform this ceremony without a fee.

[3] In some parts it is called *tījā*, 'third,' signifying prayers for the dead offered on the third day after burial. cp. Herklots, p. 104.

pick up handfuls of gram from the heap and pour the grains one by one on a clean piece of cloth spread underneath, uttering the holy formula of Islām as each grain drops. When the whole quantity is thus finished, tiny globules of boiled sugar with cardamon seeds inside, called *ilāchī-dānā*, are mixed with the consecrated gram, and after some further holy words pronounced on the pile, it is distributed among those present and *sharbat* served to all. This brings the function to a close.[1]

Among others a ceremony is performed called *Qul-khwānī*, or the recitation of certain suras of the Qur'ān beginning with the word *qul*, 'say'.[2] These are numbers 109, 112, 113, 114. Ten or twelve *mullas* may be called in, who bring with them rosaries and a quantity of *chanā*. They proceed to repeat the said short suras one thousand times and follow this with a *durūd* which they chant ten times; and then the *Fātiḥa* and a *du'ā*. All benefit accruing from these recitals are transferred to the deceased. Before they leave the *mullas* are given a feast and certain rewards.

Yet others perform the *khatam* ceremony every Thursday, or on the 10th, 21st, or 30th day after death. On this day it is usual to give a feast to which the readers and friends are invited; sometimes copies of the Qur'ān and money are given away.[3] Very early on the morning of the fortieth day, *chihlam*, before the *fajr* prayers, the mourners bid farewell to the soul of the departed.[4]

[1] *The Muslim Review*, vol. I, No. 3, p. 43 (1927).

[2] cp. *Glossary*, I, 890.

[3] A husband in Alleppey 'spent more than six thousand rupees in feeding the poor and rich alike, the motive being that the guests should bless his wife's soul.—*The Light*, 1 August, 1913.

[4] 'Some women believe that on the fortieth day the ghost leaves the house, if it has not done so previously'.—Herklots, p. 107. Though these and other customs are very commonly observed, they are not according to the *sunna* of the Prophet.

On the second day after burial, flowers, perfumed powder, some food and other things are placed on the spot where the death occurred. On the third day, early in the morning, male relatives, and *mullas* called in from neighbouring villages, take with them flowers to place upon the grave. This is called *phūl-chaṛhānā*. There follows the recital of the Qur'ān just described. This practice has the sanction of the Prophet:

VISITING THE GRAVE

> The Prophet visited his mother's grave and wept, and caused those who were standing around him to weep also . . . and he said, 'I asked my Cherisher's permission to visit her grave, and it was granted; therefore do ye visit graves, because they remind you of death'.—*Muslim*.[1]

Tradition sanctions the special recital of the *Fātiḥa* during the death ceremonies, because 'it is agreeable to the precept and practice of the Prophet'.[2] Many Muslims perform this rite on succeeding Thursdays, some believing that the spirits of the departed revisit the house in which they once lived, especially on this night. Others, however, make it a rule to pray for their ancestors each Thursday, in the belief that benefit will thus accrue to those for whom they make petition.[3]

FĀTIḤA

[1] *Mishkāt*, Ar. 154 (Matthews, I, 401); Goldsack, *SMT*. p. 79.

[2] *Mishkāt*, Matthews, I, 375.

[3] cp. *Bihishtī Zewar*, Bk. VI, p. 55; the author describes fifteen ways used by women for the recital of the *Fātiḥa*.

IX

SEMI-RELIGIOUS CEREMONIES

MANY interesting customs and ceremonies that once had a vogue amongst Muslim women, though referred to in earlier works on the subject, are not mentioned here because they are falling into disuse.[1] There are, however, a number of semi-religious customs that require notice since the women attach considerable significance to them.

PUBERTY[2]

Notification of puberty outside the home is, nowadays, restricted to the lower classes. The only ceremony connected with it, as a rule, is a gift of sweets to members of the family. In some places the womenfolk gather together, sing songs about Fāṭima Bībī and celebrate the occasion with a little feast. In South India, however, there are districts where it is the custom to segregate the girl for a period of eleven days, during which she is made to use separate eating vessels. Her diet consists of sweet things, such as ghee, dried coconut, eggs, sweet oil, and the like. During these days she must not touch the Qur'ān or perform *namāz*. On the 1st, 5th and 7th days she washes with hot water and on the 11th she bathes. At the end of that time her friends give her presents.

If we may accept what one writer says about pregnancy

[1] The reader is referred to the two books, re-edited by Crooke, to which reference has been made in these pages: that of Mrs. Meer Hassan Ali, and Herklots' *Islam in India* (by Ja'far Sharīf); also *Glossaries* of the Panjab and Bengal, and *Census Reports* of 1911 and earlier.

[2] *Bāligh honā*; *haiḍ ānā*; *sir mailā honā*.

PREGNANCY

Muslim women of the uneducated classes are in the habit of performing practices which the orthodox sternly denounce as *shirk*.[1] For instance,

> Before the birth of the child there is placed in a *chhāj*, or winnowing sieve, some corn and one and a quarter pice in the name of *Mushkil-kushā*.[2] This is manifest *shirk*. In other places a custom is observed, called 'filling the lap', according to which, in the case of a first pregnancy, there is placed in the lap of the woman, in her 5th, 7th or 9th month, a bundle of five kinds of fruit.[3]

In certain districts a procession is formed by the parents who, singing the while, bring clothes, dried fruits, henna and scented oil to the pregnant woman and garland her with flowers. In this case also fruits are placed in her lap and members of the family and invited guests eat of it and enter into the woman's joy. Consideration for the expectant mother is exhibited in a custom which is observed by practically all classes. At the commencement of the ninth month her mother brings her away to her own home for the confinement and sweets are distributed to relatives and friends. As the girl is usually very young at her first pregnancy, she naturally appreciates this visit, but some people keep up the custom because they consider it an ill omen if the first child, at least, is born in the house of its father.[4]

[1] Among certain classes of Muslims the expectant mother must not have her head uncovered or eat in the courtyard of the house, nor must she venture beyond the house-roof at night. She is loaded with amulets to protect her from *nūrīs*, *jinn* and the evil eye. cp. Fida Ali Khan, *The Muslim Review*, January, 1927, p. 35. During an eclipse the expectant Muslim mother must be kept awake, otherwise the safety of the child will be jeopardized.—Crooke, *PRNI*. I, p. 22.

[2] 'The solver of difficulties'; in this case, 'Alī.

[3] cp. *Bihishtī Zewar*, Bk. VI, p. 7, where other customs are described and denounced.

[4] cp. *Ta'līm*, Bk. VI, p. 23, and *Bihishtī Zewar*, Bk. VI, p. 7 which denounces the custom as *shirk*.

To bear a son is the girl-mother's highest hope, for, apart from other considerations, it will add immeasurably to her prestige in the eyes of the husband's family; and though perhaps the desire for male offspring does not influence Muslims to the same extent as it does Hindus, yet the craving is there all the same. Even so, the women feel that it is better to bring a daughter into the world than to suffer the cruellest of all misfortunes, that of being childless. This desire again is not difficult to understand, for one of the strongest factors quickening in women a passion for maternity is the knowledge that if after a few years no child is born, the husband is considered, even by educated people, fully justified in taking another wife.[1] It is true of a small minority that, should the second wife bear a child the first will declare that she rejoices over its arrival, but too often the birth of an heir to the rival is a source of vexation and jealousy.[2]

A kind of stigma still attaches to the birth of a girl. An educated Muslim ironically remarks:

> If the offspring be a mere daughter, the husband immediately goes into mourning, and the mother-in-law and her most amiable daughters jump to the conclusion that it was the little mother's perverseness which turned a son into a daughter to spite them and bring ruin and bankruptcy on their family. That is how most women in India honour their own sex.[3]

Quite recently an Indian lady, with 50 years of social service to her credit, made a similar statement at a meeting of social workers. She is reported to have declared that

> the social environment of the woman remained much the same. The girl was still unwelcome from her birth. The daughter's interest was always sacrificed for the sake of the son.[1]

[1] cp. *A-I. Women's Educational Conference Report*, 1935, p. 70.
[2] see above, p. 193.
[3] Fida Ali Khan, in *The Muslim Review*, in loc. cit.

As has been remarked above,[2] a saint's aid is frequently sought by women who desire to have offspring, and to this end they make certain vows at the saint's shrine. Bits of hair, cloth and so forth are tied to the grating or approach to the tomb and promises are made of gifts to the tomb or to the poor, should the desire be granted. Near by there is frequently a *godīnī* tree, the little red berries of which are given to the woman to eat in the belief that they will assist her to fulfil her wish.

In a small village a certain Muslim woman cheers expectant mothers with the story of a cure for abortion, the efficacy of which she has proved. Having herself experienced repeated abortion, her brother went to seek a *mulla's* advice on her behalf. He told the brother to bring him a long silken thread equal to nine times the length of the woman, also some aniseed and pepper balls. He muttered some 'holy words' over the latter and gave instructions that the woman was to wear the silken thread wound round her body and eat one seed and one pepper daily until the child was born. She had been ill but became stronger and her next pregnancy was successful.[3]

The situation in which many a village woman still finds

[1] Lady Rama Rau, speaking to the Social Workers' Society in Bombay, reported by *The Statesman*, 23 January, 1941; cp. 'Throughout the East the birth of a boy is the occasion for gifts and great rejoicing, but no one celebrates the birth of a girl. One rupee for a boy, eight annas for a girl, is the current price that the midwife receives for a delivery in India.'—Woodsmall, op. cit., p. 283.
[2] see p. 313 f.
[3] cp. 'Women when delivery approaches often mark themselves with black to avert the demon who causes protracted labour.'—Crooke, *PRNI.* II, 3 f.

herself at the time of parturition is perfectly appalling. That, however, is not to be wondered at when we bear in mind the lack, or neglect, of medical facilities. It has been stated that,

BIRTH

> For the medical needs of the *parda* women of India's 700,000 villages there is an average of only one woman-doctor for every 1,000 villages.[1]

A woman surgeon with long experience of the actual facts points out the disastrous results:

> Maternal mortality is very high in India. Many village cases are brought into hospital after 4, 5 or even 6 days' suffering, dying before any help can be given. Many could be saved by ante-natal care.[2]

Infant mortality, likewise, is very high, not of evil intent, but due to the deplorable ignorance of the parents themselves and the *dais* they employ.[3] True, in large towns and cities women doctors, child-welfare centres and hospitals are available, nevertheless among the uneducated and semi-educated classes the untrained *dais* are still in great demand and, in fact, often preferred, with the result that puerperal sepsis frequently intervenes. 'A fatalistic attitude towards life', said a pious old Muslim at a meeting which discussed the training of *dais*, 'makes it a virtue to accept death and disease as the will of Allāh; what He wills, will be'.

Ovarian disease and internal injuries, attributable to early marriages, keep families smaller than might be supposed; and with both parents often immature, a high standard of vitality is not to be expected. Yet in some provinces the survival rate among Muslims is reported to be higher than

[1] *The Weekly Statesman*, 14 March, 1935.

[2] Dr. Edith Brown, of Ludhiana. Reported in *The Statesman*, 7 November, 1938.

[3] A *dai* is an untrained 'midwife'.

that found in other communities 'as a result of their social customs in relation to marriage'.[1]

Fear has for long acted as a deterrent in regard to making due preparation for the coming of the baby,[2] and though a welcome change is to be noticed in certain circles as the result of the teaching given at welfare centres, a woeful lack of any real ante-natal care is still general.

Among the mass of the untaught the woman is put into the darkest corner of the house and the doors of the room in which she resides are jealously guarded. The atmosphere of the place is suffocating because of a fire that must be kept burning, even in hot weather, to ward off evil spirits and the evil-eye, otherwise they are sure to cast their baneful influence on both mother and child.

Not only the women of the household but relatives and friends crowd into the close room 'to cheer her up', not considering that by so doing they vitiate the air she has to breathe.[3]

In villages where a doctor, or even a midwife, is not available, various practices are resorted to in order to bring on labour. For instance, a *Ḥājin*, who has brought back with her some sacred clay from Mecca, will moisten a little and after giving the patient water to drink, will smear it on her abdomen. Others may have brought back a *Bībī Maryam kā panja*, a leaf resembling the shape of a hand. This they place

[1] *U.P. Census*, 1931

[2] It is forbidden to close anything during this period and sewing a seam would mean holding together and 'closing up things . . .' Doors must not be shut by the expectant mother and so on, the idea being 'the re-closing of the womb' by such action.—Sorabji, *India Calling*, p. 141; cp. Crooke, *PRNI.* I, p. 22.

[3] 'All the women of the family are called in at the time of a birth in the house, and if one of the family should fail to come there is a complaint against her.'—*Bihishtī Zewar*, Bk. VI, p. 8.

in water in the belief that as the leaf opens out delivery will be facilitated.

In Bengal the leaf of a kind of cactus, having three ridges,[1] is wrapped round with a sevenfold cord and bound to the abdomen. Sayyids and *faqīrs* write out charms and these are bound to the patient's waist. Then there is a square rupee, 'Akbar's rupee', which the uneducated use for such occasions. It bears the name of the Emperor Akbar and the four Companions of the Prophet. This coin is dipped into a cup of water and the water is then given to the patient to drink.[2] Some Shī'as vow to present *Mushkil-kushā* with a *dauna*[3] of sweets if he facilitates delivery. Others arrange for some one to read the Qur'ān and then 'breathe' on some *gur*[4] which is given to the woman to eat. Other practices include the waving of a chicken over the woman's abdomen, and then bestowing it on a *faqīr*, or letting it loose for the poor to catch; buying *chaulā chanā* and distributing it to children; opening all locks in the house, and unplaiting the woman's hair. While these acts may have some psychological value, they tend to fall into disuse with the spread of education and efficient medical aid.

Among the illiterate masses the new-born child comes into the world amid a cloud of superstitious beliefs and practices.

WHEN THE CHILD IS BORN

These practices naturally differ among the different groups of Muslims: Shī'as will do things that Sunnis deprecate; Bohras and Moplahs have rites unlike the rest; while large numbers are

[1] Called *tri-sira*.

[2] These are called *chār-i-yār-i-dirham* and can be readily obtained in the bazar; cp. Herklots, p. 21. No other coin may be used in this way.

[3] A receptable made of leaves folded in the shape of a cup, to hold sweetmeats or flowers.

[4] Raw or coarse sugar, made from sugar-cane.

still influenced by Hindu customs. Those described here are among the most commonly observed today.

After birth[1] the child is bathed, and then a red and black cord[2] is tried round its neck and arm (and sometimes the leg), and its eyelids are blackened with *surma*, or else lamp-black, by way of protecting it from the evil-eye and *jinn*. In Bengal the juice from the *tri-sira* is placed between the child's eyebrows with the knowledge that it will leave a scar, and this will avert the evil-eye. Some people leave a sword or knife near the new-born child, or make pictures of a chain on the legs of the bedstead, by which means it is hoped to safeguard the child against malign influence.[3] Others will soak some grains of corn in water and, having threaded them, bind them on the babe's wrist. Friends desiring to visit the mother must first touch a pile of grain before entering the room, for by so doing they leave behind the *jinn*, who might otherwise accompany them. Frequently women coming from without either go close to the fireplace or else spit on the tips of their fingers before touching the child.[4]

[1] The placenta may be buried in a hole in the birth-chamber close to the mother's bed (*The Muslim Review*, January 1927, p. 36), or in an unused baked mud pot in a corner of the courtyard. Usually red and black thread, a coin and some betel leaves are buried with it. Others burn charcoal and pour water on the spot for several days. Some explain that care is thus taken to avoid the evil eye, but *dais* and other women fear lest a barren woman should get hold of it, in which case the new-born child would die but the barren woman would have a child.

[2] Black, especially, is efficacious in warding off evil.

[3] cp. *Ta'līm*, Bk. VI, p. 24, the author of which denounces these practices as manifest *shirk*.

[4] An ignorant mother, coming from outside, will not suckle her child unless she has first spat lightly on the nipples of her breast to keep away the *jinn*. Another common custom, borrowed from the Hindus, is for the father's sister to wash the breast of the mother. For this act she receives a present.—*Bihishtī Zewar*, Bk. VI, p. 8.

A *mulla*, or it may be the father himself or a senior male relative, is hurriedly summoned to repeat the *takbīr*[1] in the infant's ear. The *takbīr* may be said twice in the right ear and the *ṣubḥ kī aḏhān*, morning call to prayer, in the left. Frequently the poor have no ceremony, but if a *mulla* is to perform the *'aqīqa* rite later on, then he must be summoned to repeat the *aḏhān* in the babe's ear at birth. Various reasons are given for this curious practice. Some say it is done so that the Creator's name shall be the first word heard; others, to make the child a good Muslim.

After the *aḏhān* has been pronounced, some honey, or a chewed date is rubbed on the palate of the child,[2] after which the *ghuṭṭī*, purgative, is given.

The mother is usually not left alone for six days, partly lest she overlay the child and partly to ward off malignant spirits. In a corner of the room a wood fire is kept burning for 40 days, whether the weather be hot or cold. The husband is not allowed to see his wife for several days, usually 40, but never before the sixth day.[3]

For 40 days after the birth, morning and evening, frankincense and a mixture of mustard and henna seed, are passed over the mother and child seven or nine times and then thrown into the fire and burned. Sunnis burn this mixture at the door after the birth takes place, to keep the *jinn* from entering. But this custom is less common than formerly.

Belief in the evil effects of the shadow of a woman whose child has died in infancy still prevails among Muslim women.[4] Such a woman is carefully avoided until she has other living

[1] *Allāhu-Akbar*. In some localities the *mulla* pronounces it in the babe's right ear, and the father simultaneously in its left.

[2] An act attributed to Muḥammad in the Traditions; cp. *Mishkāt*, Matthews, II, 315.

[3] *Bihishtī Zewar*, Bk. VI, p. 11.

[4] The phrase used is *parchhā'īṇ* or *parchhāwāṇ paṛnā*.

children and every precaution is taken to prevent her gaining access to the mother or new-born infant. In some districts, as in Bengal, green *tri-sira* leaves are hung over the outer door to avert her eye.

In most towns, when the birth of a child is announced, singers and dramatists come to the house and chant in the expectation that they will receive a gift of money. If it is a daughter they receive little, but if a boy it may be as much as one rupee.[1]

We have reserved for treatment at this place the religious rite of *'aqīqa*, because of its observance in connection with the birth of a Muslim child. Muḥammad took this over, with some modifications, from the practice of the pagan Arabs of his day. But whereas in the *Jāhilīyya* the rite was restricted to boys, in Islām it is performed on girls also.[3]

'AqīqA[2]

Sanction for it is found in a number of traditions, thus:

TRADITIONS

> Salmān bin 'Āmir-uḍ-Ḍabbī said, 'I heard the Prophet say, "With the birth of a boy *'aqīqa* must be observed. Then shed blood on his behalf and remove evil from him."'—*Bukhārī*.[4]

As to the sacrifice,

> For a boy two sheep, and for a girl one sheep; and it will not matter whether it be a male or a female.—*Abū Dā'ūd, Tirmidhī, Nisā'ī*.[5]

It is stated, however, that when Muḥammad himself performed the *'aqīqa* ceremony on behalf of his daughter's son, Ḥasan, he did so with one sheep, and instructed her:

[1] cp. *The Muslim Review*, January, 1927, p. 36.

[2] see above, p. 20.

[3] Doughty, *Arabia*, I, 452, states that even now it is not performed on girls in Arabia.

[4] *Mishkāt*, Ar, 362 (Matthews, II, 315); Goldsack, *SMT*. p. 217.

[5] *Mishkāt*, in loc. cit.

> O Fāṭima, shave his head, and give in alms silver equal to the weight of his hair.—*Tirmidhī*.

But the blood of the victim is not, in Islām, smeared on the head of the infant as was done by the pagans:

> In the *Jāhilīyya* when a son was born to any one of us, we used to sacrifice a sheep and sprinkle his head with its blood. And when Islām came, we used to sacrifice a sheep on the seventh day and shave his head and sprinkle it with saffron.—*Abū Dā'ūd*. And Razīn adds, 'And we used to name him'.[1]

SEVENTH DAY

There appears to be considerable difference in present-day opinion and practice with regard to the day on which the ceremony should be performed, but the majority follow the tradition which enjoins that it should take place on the seventh day after birth. Some *mullas* settle the question by declaring that it can be performed on any day divisible by seven, thus:

> Perform this *'aqīqa* on the seventh, or the fourteenth, or the twenty-first day after birth.[2]

But should it have been neglected on that day it can be performed afterwards, even by the child itself when it has come of age.[3]

THE CEREMONY

As indicated in the traditions, the child's head is shaved and the hair weighed; and the weight of it in silver is, sometimes, given to the poor.[4] The hair itself may be carefully preserved by the

[1] *Mishkāt*, in loc. cit. According to religious law this rite is *mustaḥabb*, meritorious, because it was sometimes performed by the Prophet.—*Ency. Islam*, art. *'Akīka*, I, 239.

[2] *Miftāḥu'l-Jannat*, p. 118; but Herklots, p. 38, has, 'In South India either on the sixth, fortieth, or other convenient day'.

[3] *Encyc. Islam*, art. *'Akīka*, in loc. cit. Muḥammad is reported to have performed the ceremony on himself when called to be a prophet. cp. Zwemer, *Animism*, p. 90.

[4] *Miftāḥu'l-Jannat*, in loc. cit.

child's aunt or other relative, or else buried away in the earth. Some make an offering of it to Khwāja Khiḍr and throw it into a river where it is carried away by the stream.[1]

SACRIFICIAL ANIMAL

In general, any animal permitted to be used for food may be slain for this sacrifice, and though in India some consider it should be a sheep or a goat, others a cow, all three are used.

The animal, which must be without blemish, is cleansed and the *mulla* who is to perform the ceremony announces the *nīyat* of *'aqīqa*, 'I purpose the *'aqīqa* of this child [named so and so] for whom this animal is being killed, according to the command of Allāh the Great'. Then the father prays in the words said to have been used by Muḥammad:

> O Allāh! I offer this in the stead of my son, its blood for his blood, its flesh for his flesh, its bone for his bone, its skin for his skin, its hair for his hair. O God! I make this as a ransom for my son from the Fire, in the name of Allāh, Allāh the Great.[2]

The throat of the animal is then cut by a butcher, the *mulla*, or any one else at the pronouncement of the *Bismillāh*. Thereafter sura 100 is repeated.[3] The carcase is skinned, the entrails put on one side, and the big bones removed.[4] Everything that can be eaten is chopped up and weighed out into three equal parts. One part is given to the baby's *dai*, one part to orphans and the poor, and the remaining third is used by the members of the household. The day is a happy one and friends of the family are invited and given a feast,

[1] Herklots, p. 39. The term *'aqīqa* is also given to the shorn hair.—*Encyc. Islam*, in loc. cit.

[2] cp. *Miftāḥu'l-Jannat*, p. 118.

[3] Some ignorant people think that the animal should be slaughtered directly a razor is applied to the head of the child, 'but this is a senseless custom'.—*Bihishtī Zewar*, Bk. III, p. 38.

[4] No bone must be broken.

or else portions of the uncooked flesh is sent out as presents to the brotherhood.[1]

As a rule the bones, with the blood, are carefully buried near by, though some place them in an earthen jar and bury them in a cemetery.[2]

REASONS FOR THE RITE

Apart from the fact that this sacrifice accords with the *sunna* of the Prophet, Muslims commonly advance a number of other reasons for its performance.

Muḥammad is believed to have warned parents that if it is not performed God will not, at the last day, call up the child by its parents' name. Neglect of it will mean that all through life the child's 'hand' will not be 'good'.[3] Moreover there are positive benefits accruing therefrom. It ensures effective deliverance from all manner of misfortune in this life, and is a safeguard against the influence of *Shaiṭān, parīs* and *jinn*. The body is 'purified' by this rite and will be found pure on the day of resurrection. The child that might otherwise have died in infancy will, after the ceremony, certainly live. Yet should it die in childhood it will go to heaven and though its parents might go to hell, the child's prayers to God on their behalf will gain entrance to paradise for them also.

In India, however, this custom is by no means universally observed. As it involves the expense of purchasing an

[1] Some hold that the mother and father may not eat of this meat because it is the child's portion. But others say that it is available for all, as Muḥammad is believed to have declared 'as is the meat of the *qurbānī* so is the meat of the *'aqīqa'*.

[2] In certain localities the bones, paws and offal are placed outside so that the birds and animals of God's creation may also share in the feast.

[3] In Bengal, for instance, water offered by such a 'hand' cannot be used for drinking purposes by religious leaders.

animal for the sacrifice it is largely restricted to the better-class families. But even among the poor it is practised, and there are those who would rather go without new clothes than omit the rite; for instance, parents who have waited several years for a child, will perform the ceremony when one is born.

PREVALENCE IN INDIA

The rite is frequently associated with other ceremonies, like that of giving the child a name, and *chhaṭī*, 'the sixth day'. Sometimes all these are observed on one and the same day, for despite its meaning *chhaṭī* is not always performed on the sixth day after birth.[1]

NAMING CEREMONY

Considerable importance attaches to the ceremony of naming the child, doubtless because of certain well-known traditions that bear on the subject. The following are some of the reported sayings of Muḥammad:

> Give [your children] my name; but do not designate them by my patronymic [i.e. Abu'l-Qāsim].—*Bukhārī, Muslim.*[2]
>
> Verily the most pleasing of your names in the sight of God are *'Abdu'llāh* and *'Abdu'r-Raḥmān.—Muslim.*[3]
>
> The vilest name is that of a man called *Maliku'l-Amlāk,*

[1] Similarly, *'aqīqa* is apt to be confused with the observance known as *jhaṇḍ*, the first tonsure of a child; also called *muṇḍan.—Glossary*, I, pp. 755, 768. In South India the *muṇḍan* follows the *'aqīqa*, or is postponed to enable the mother to fulfil a vow to perform it at a *dargāh*, or some saint's shrine. Though most people combine these two rites, the poor observe only the *'aqīqa* and the very poor combine the *muṇḍan* with the ceremonies of the sixth and fortieth days. cp. Herklots, p. 39.

[2] cp. 'If a man has had three children and has not called one of them *Muḥammad*, he does not know the merit of it.' There are traditions to the effect that the Prophet will intercede at the last day for him whose name is *Muḥammad.*

[3] Other 'pleasing' names are those in which Ama, in combination with some name of Allāh, is used for women; thus, *Amatu'llāh.*

'King of Kings,' for there is no such except God.—*Bukhārī, Muslim.*

You will be called on the day of resurrection[1] by your names and the names of your fathers. Therefore make your names good ones.—*Aḥmad, Abū Dā'ūd.*[2]

It is commonly believed that the Prophet enjoined his people to see that the name of a girl is made with a letter from her mother's name, and a boy's with one from his father's. Thus, if the mother's name should be *Fāṭima*, the girl's may be *Fatūḥa*; and if the father's name be *Raḥmān*, the boy's may be *Ra'īsu'l-Ḥaqq*. But in no case may they be given the mother's or father's name, respectively.

It is according to *sunna* to give the name on the seventh day, and the interval is allowed to give the parents opportunity to choose a suitable one. The name may be given by the oldest male member of the family, or, in his absence, by some pious and learned man who is summoned to the mother's bedside for the purpose. He recites some Quranic verses and then chooses the name from the holy book.[3]

There is considerable difference among the various groups of Muslims in the matter of the time when the naming ceremony takes place. The Bohras, for instance, name their babies within two hours of birth; their *murshid* comes and offers prayer and then 'blows' on the baby two or three times. Among the Moplahs, on the other hand, a common practice is to name the child on the 28th day; in this case a *mulla* comes, recites a few verses from the Qur'ān, and then ties a thread to the baby's waist. This rite takes place usually at night after the *'Ishā* prayer, when friends and neighbours partake of a feast.

[1] see above, p. 412.

[2] *Mishkāt*, Ar. 407 f. (Matthews, II, 417–9); Goldsack, *SMT.* p. 236 f.

[3] cp. *The Muslim Review*, January 1927, p. 34.

Various methods are used to decide this weighty question. For instance, the Qur'ān may be opened at random and the letter of the alphabet on which the eyes first rest is selected as the letter with which the name should begin. If this should chance to be a letter from the mother's name it is considered a very fortunate omen.

CHOOSING THE NAME

In some places it is decided that the name should be made to rhyme with those of other children in the family, such as 'Aliya, Qafia, Razia, and so on. Occasionally parents write a number of names on separate slips of paper and place them between the pages of the Qur'ān. The baby's hand is then guided to lay hold of one of these slips, thus determining its own name.[1]

Children are frequently given several names and the immediate members of the family use a different name to outsiders. A common reason for this is disclosed by a Muslim writer:

> The name is kept a family secret till the child reaches maturity, meantime he is called by a nick-name to deceive malignant friends, and repulsive enough to avoid the risk of an evil-eye.[2]

Among Sayyids a woman's name is coupled with *Begam*, among Shaikhs with *Bībī*, among Mughals with *Khānam*, and

[1] Among the more common names for women are Fāṭima, Khadīja, 'Ā'isha, Rukhīya; and among women of the higher classes, such Arabic titles as Khairu'n-Nisā, best of women; Amīru'n-Nisā, noblest of women; Badru'n-Nisā, the full-moon of women. The first two, and derivatives from the root *ḥmd*, are believed to carry special *barakat*. cp. *Keys of Power*, p. 42.

[2] Fida Ali Khan, *The Muslim Review*, in loc. cit; cp. 'When a parent has lost a child . . . it is a common practice to call the next baby by some opprobrious name' to protect it from the evil eye.—Crooke, *PRNI.* II, 4.

among Paṭhāns with *Khātūn*.[1] But nowadays the title *Begam* is frequently given to any Muslim lady.

The name given often represents the year of the child's birth, each letter of the Urdu alphabet having some numerical value. Modern Muslims are inclined to favour this mode of selection.

A prevalent belief is that the name given to a child influences its future, and to secure their favourable influence children are given the names of the planets. Similarly, the names of the days of the week are used, but not Wednesday and Thursday, because Muslims associate something evil with these days.[2]

Chhaṭī is a custom borrowed from the Hindus and denounced by the orthodox as *bid'at*. It has a vogue among the uneducated classes. The point is that the husband is not allowed to see his new-born child or speak to his wife until the sixth day, *chhaṭī*. The occasion is celebrated by a simple ceremony such as the following. About half a seer of oil is purchased and placed in a vessel by the side of the mother, who has the child in her lap. Her relatives call on her and pass the time in pleasant talk and singing. Each visitor is expected to take a little oil and smear it on the baby's head. Whatever of the

CHHAṬĪ

[1] cp. *Tribes and Castes of Bombay*, Vol. III (*The Moslem World*, 1911, p. 119).

[2] People of the lower classes will sometimes call their children by the name of the day on which they are born, whichever it is. It is recorded that Akbar the Great was born at the full-moon of the month, Sha'bān, and was called accordingly *Badru'd-Dīn*, the full-moon of the Faith. But after birth, because he was exposed to many dangers, his relatives concealed the true date of his birth to protect him from sorcery. 'This change of date involved the abandonment of the name or title *Badru'd-Dīn*.' At his circumcision his name was changed to Akbar.—V. A. Smith, *Akbar, the Great Mogul*, p. 18 f.

oil remains over is given to the poor. The opportunity is taken to decorate the house and the visitors are given *pān*.

Describing this as one of the many Hindu customs that have been adopted by the Muslims of India, a writer says:

> The child's mother is dressed in special robes and allowed for the first time after birth to step out of her chamber, but only as far as the edge of the courtyard, and while standing there, a part of her *do-paṭṭa*, wrapper, is shaped into a bag and filled with parched rice, *batāsas*, nuts, etc., which are afterwards distributed to present and absent friends and relations.[1]

Like the Hindus, many Muslims believe that on this night the child is peculiarly subject to demoniacal influences.[2] As for the mother, in some districts, she is dressed in her best clothes and led out with her eyes shut into the courtyard, and there ordered to stand upon a stool and look up at the stars; the idea being that the first object to meet her gaze shall be the stars. In other places she is made to count the stars and then dine with seven women whose husbands are living. These women eat from one dish in which are all sorts of food, so that no particular food may do harm to the child.[3]

The mother is supposed to be bathed on the 10th, 20th and 30th days after childbirth and these three bathings are called the *chhoṭā chillā*; but the purification ceremony proper takes place on the 40th day when she has her first ceremonial bath, the *barā chillā*.[5] Until this day the mother is not permitted to say *namāz*,

CHILLĀ[4]

[1] Fida Ali Khan, *The Muslim Review*, in loc. cit.

[2] *Glossary*, I, 770. [3] *Ta'līm*, Bk. VI, p. 28; *Glossary*, I, 772.

[4] Pers.—a period of *forty* days; a term variously applied, but here indicating the period after childbirth during which a woman is considered to remain unclean, and, in particular, the ceremonial bathing on the concluding day of purification.

[5] cp. Herklots, p. 24; *Glossary*, I, 772; *Ta'līm*, Bk. VI, 27. In some districts the visitors will strew rice on a stool placed by the

fast, or touch the Qur'ān. Many women avoid all visitors for fear of the evil-eye and other calamities.

The day is usually spent happily by the members of the family, and relatives, and friends call to see the mother and bring presents. In Bengal the visitors may have both hands full of rice, which they press to the mother's head and then let it drop all over her. In the evening milk and rice are distributed among the brotherhood.

CHHŪCHHAK

In India the first confinement usually takes place, as has been observed, at the house of the mother's parents. On her return to her husband's house the ceremony called *chhūchhak* is observed, according to which, if the child is a boy, the mother brings back with her some gold and silver ornaments for herself and the child.[1] There seems to be no fixed date for the performance of this ceremony; by some it is observed on the fortieth day, by others at *chhaṭī*.

BISMI'LLĀH

Finally, there are the various uses made of the ejaculatory phrase, *bismi'llāh*,[2] 'in the name of God'. It is customary for pious Muslims to invoke the name of God with these words before commencing anything.[3] It takes two forms.

---

mother's bed, bend over the mother and baby and pass their hands over them, and then crack their finger-joints against their own temples by way of taking the ill-luck of the mother and her babe upon themselves. The action is called *balā'eṇ lenā*.

[1] The presents themselves are sometimes called *chhūchhak*; in fact the term is used for any present sent to the mother on *chhaṭī*, or at the time of *'aqīqa*. cp. *Glossary*, I, 770 f.; *Ta'līm*, Bk. VI, p. 27; Herklots, p. 36.

[2] lit: *bi'smi'llāhi*, but it is usual in writing to suppress the prosthetic *alif* of *ism* in *bismi*.

[3] Thus, Noah said *bismi'llāh* in the ark when riding at anchor.—Qur'ān, 11: 43.

In one, the words *Bismi'llāhi-r-raḥmāni-r-raḥīm*, 'in the name of God, the Compassionate, the Merciful', are used or implied. People use this, for instance, when commencing to eat, when putting on new clothes, or beginning some new work or the writing of a book.[1] The numerical value of the *bismillāh* is 786 and these figures, instead of the word itself, are frequently found on the first page of a letter or book.

In the other, the formula is *Bismi'llāhi'llāhi'l-akbar*, 'in the name of God, God the Great'. This form is used when slaughtering animals,[2] and at the commencement of a battle.

Pious men and magicians, generally, consider that the *bismillāh* has special virtues, and the latter use it commonly in preparing amulets.[3] Accordingly people use it whenever they have reason to anticipate some evil, danger or accident; for instance, when saddling a horse.[4] It is commonly believed that if the *bismillāh* is not said before partaking of food, Satan comes along and dines with them; but he would not dare to when it has been pronounced.[5]

THE BISMILLĀH CEREMONY

In some homes, when a child is 4 years, 4 months and 4 days old, a *mulla* is called in to perform what is called the *bismillāh* ceremony. The child is bathed, and scent applied to the body. It is then dressed in red or saffron. Following a feast it is brought out into the courtyard where the *mulla* and the

---

[1] It occurs at the beginning of every sura of the Qur'ān, except the ninth.

[2] See above p. 411. It will be noticed that the attribute of mercy is omitted on such occasions. cp. Hughes, *DI.* art. *Bismillāh*, p. 43, who points out that the formula is of Jewish origin.

[3] Magicians believe that the words were written on Adam's side, Gabriel's wing, Sulaimān's seal, and the tongue of Jesus.—*Encyc. Islam*, art. *Basmala*, I, 672.

[4] cp. *Keys of Power*, p. 429.

[5] Women in a certain zanana considered a tiny child very pious because he repeated the *bismillāh* before each mouthful.

men are seated. Sometimes the child is induced by the presence of sweetmeats to lick off the phrase, *bismillāh*, which the *mulla* has traced in sandalwood powder on a plate.

The *mulla* commences by reciting *a'ūdhu-bi'llāh* and the *bismillāh*, followed by an account of the life of the Prophet and the repetition of some *durūds*. The service concludes with the repetition of the *Fātiḥa* over a quantity of sweetmeats which are then distributed to the assembled guests. Subsequently the child may be taken to kiss the tomb of the family's guardian saint. On their return to the house, presents are made to the child. When it enters into the women's apartments they crowd round and crack their finger joints on its head or just wave their hands over it, in order to ward off evil influences.

This ceremony, however, is tending to fall into disuse. Even a *mulla* takes exception to it:

> It is commonly observed among people that when a child reaches the age of 4 years, 4 months and 4 days the *bismillāh* ceremony must be performed . . . the adoption of this particular age is nonsensical,[1] and there is no warrant for it in the *sharī'at*. . . . Likewise the custom of distributing sweetmeats on this occasion is quite unnecessary. . . . When their children begin to read and write the rich are given to using a pen, inkpot and 'slate' made of silver or gold; but the use of articles made with these metals is *ḥarām*.[2]

At the present time the ceremony is mainly confined to the occasion when children begin to go to school and commence to read the Qur'ān. The child brings some sweetmeats with her to school and after repeating the *bismillāh* invites the teacher and scholars to join her in partaking of them. The day is a very happy one at the girl's home, for special food is prepared which the members of the family share with their relatives and friends.

[1] Ar. *laghw*. [2] *Ta'līm*, Bk. VI, p. 29.

X

APOSTASY

We conclude our study of the position of woman in Islām with a consideration of the law as it affects one who apostatizes from the faith. It will be seen that she is to be accorded different treatment from a man.

An apostate is termed *murtadd*,[1] and is spoken of in the Qur'ān as, *man yartadda 'an dīnihi*, 'one who turns back from his religion'.[2] In Muslim law two words are used for apostasy: *irtidād*, signifying desertion of Islām for some other religion; and *ridda*, lapse from Islām into *kufr*, unbelief.[3]

The Qur'ān

The chief passages in the Qur'ān dealing with the subject are the following:

> Why are ye two parties about the hypocrites, when God hath cast them off for their doings? Desire ye to guide those whom God hath led astray? But for him whom God leadeth astray, thou shalt by no means find a pathway.
>
> They desire that ye should be infidels as they are infidels, and that ye should be alike. Take therefore none of them for patrons, till they have fled their homes for the cause of God. If they turn back, then seize them and slay them[4] wherever ye find them; but take none of them as patrons or helpers,
>
> Except those who shall seek an asylum among your allies, and those who come over to you. . . . But if they depart from you, and make not war against you and offer you peace, then God alloweth you no occasion against them.—4: 90–92.

[1] Ar. from *radd*, turning back. [2] cp. 2: 214; 5: 59.

[3] cp. *Encyc. Islam*, art. *Murtadd*, III, 736–8; Md. Ali, *RI.* p. 591; Zwemer, *The Law of Apostasy in Islam*, p. 33.

[4] The words *and slay them* are erroneously omitted in this verse as printed in Zwemer, *LAI.* p. 33.

> O ye who believe! should any of you desert his religion, God will then raise up a people loved by Him, and loving Him, lowly towards the faithful, haughty towards the infidels. For the cause of God will they contend, and not fear the blame of the blamer.—5: 59.
>
> Whoso, after he hath believed in God denieth Him, if he were forced to it and if his heart remain steadfast in the faith [shall be guiltless]: but whoso openeth his breast to infidelity, on such — wrath from God, and for them a mighty woe.—16: 108.[1]

There is no verb in the last clause, the presumption being that the reference is to future punishment. Such seems to be the significance of a further passage sometimes quoted in this connection:

> They will not cease to war against you until they turn you from your religion, if they are able: but whoever of you shall turn from his religion and die an infidel, their works shall be fruitless in this world and in the next: they shall be fellows of the Fire; therein to abide for ever.—2: 214.

Inasmuch as the Qur'ān is the primary, though by no means the only source of Islamic law on this question, the exact significance of these verses is a matter of some importance, especially in view of the contention of recent Muslim writers that in no place does the Qur'ān contain 'even a hint of the infliction of capital or any other punishment on the apostate'.[2]

That, however, was not the view of the earlier commentators. For instance, Baiḍāwī interprets 4: 91 as follows:

> Whosoever turns back from his belief, openly or secretly, take him and kill him wheresoever ye find him, like any other infidel. Separate yourself from him altogether. Do not accept intercession in regard to him.[3]

[1] Two types of apostate are here distinguished: those who are compelled to apostatize, and those who do so of their own free will.

[2] vide Md. Ali, *Qur'ān*, 2: 214, n. 279.

[3] cp. *Tafsīr*, in loc. cit., Ar. I, 293; quoted by Zwemer, *LAI*, p. 33 f. But Md. Ali comments, 'The logic of deducing the punishment of death for apostates from this verse is as absurd as that which seeks to draw a similar conclusion from 2: 217 (Rodwell, 2: 214)—*Qur'ān*, in loc. cit., n. 610.

Others of them actually found the death penalty in 2: 214. Thus the commentary of Al-Kazan, in common use at Al-Azhar, Cairo, quoting from the Imāms Mālik and Ḥanbal declares:

> All the deeds of the apostate become null and void in this world and the next. He must be killed. His wife must be separated from him and he has no claims on any inheritance.[1]

Now, the contention of modern exponents of the Qur'ān is twofold. They say, in the first place, that the slaying enjoined in 4: 91 has to do with the state of warfare prevailing in the early days of Islām, when a deserter was treated as an enemy and put to death, if seized, 'not because he had changed his religion, but because he had changed sides'.[2] Or as another puts it:

> Islām was then fighting continuously for its life . . . the moment anybody renounced Islām [in raids and counter-raids] they attempted to go and join the enemies of Islām. When they did that they became traitors to the State. . . . That is the origin of the doctrine of capital punishment for apostasy and, therefore, I venture to submit that to mere change of faith there can be attached no penalty of a secular kind.[3]

[1] Cairo ed. I, 155; similarly Fakhru'd-dīn Rāzī, in *Tafsīru'l-Kabīr*; quoted by Zwemer, *LAI*. p. 34. It is quite possible, of course, that we have here another illustration of the tendency of the earlier commentators to interpret the Qur'ān to make it fit in with existing law.

[2] cp. Md. Ali, *RI*. p. 595; vide his *Qur'ān*, 2: 214, n. 279. 'He can be treated as an enemy and is entitled to no mercy.'—Yusuf Ali, *Qur'ān*, 4: 91, n. 607.

[3] The Hon'ble Sir Md. Zafrullah Khan, in the Assembly Debate on The Dissolution of Muslim Marriages Bill, *L.A. Debates* (1938), Vol. V, No. 11, p. 1,977. cp. Cheragh Ali, *RMR*. pp. 50–59; Abu'l-Kalam Ahmad, *Tafsīr*, I, 356 on 4: 91.

In the second place they point out that, apart from this matter of death for desertion, the Qur'ān elsewhere speaks only of future punishment for apostasy. That does seem to be the implication of the words in 2: 214, 'they shall be fellows of the Fire, therein to abide for ever'.[1]

Heffening, however, is quite right when he declares that, 'There is little echo of these punishments in the next world in the Traditions. Instead we have in many traditions a new element, the death penalty'.[2]

TRADITIONS

Even Md. Ali admits that it is on the authority of the Ḥadīth that 'the Fiqh books have based their death-sentence for apostates'.[3]

It will suffice if we quote but one or two of these:

> 'Akrimah said, 'Some apostates were brought to 'Ali, and he burnt them: and Ibn 'Abbās heard of it and said, "Had they been brought to me I would not have burnt them, because the Prophet said, Punish not with God's punishment, which is burning:[4] but verily I would have put them to death: because the Prophet has said, whoever changes his religion, kill him".'—*Bukhārī*.[5]
>
> The Apostle of God said the blood of a fellow-Muslim should never be shed except in three cases; that of the adulterer, the murderer, and whoever forsakes the religion of Islām.—*Bukhārī*.[1]

[1] 'So if a man becomes an apostate, he will be punished not in this life, but in the Hereafter.'—Md. Ali, *RI.* p. 593. cp. Abu'l-Kalam Ahmad, *Tafsīr*, I, 248. Heffening, citing 16: 108, says 'In the Kur'ān the apostate is threatened with punishment in the next world only.'—*Encyc. Islam*, art. *Murtadd*, in loc. cit.

[2] *Encyc. Islam*, art. *Murtadd*, in loc. cit. Zwemer, nevertheless, rightly stresses the importance of the Traditions for Muslim teaching and practice. 'There is not a single Moslem sect that looks to the Koran as the only rule of faith and practice'.—*LAI.* p. 37.

[3] *RI.* p. 594.

[4] i.e. 2: 214, 'they shall be fellows of the Fire'.

[5] *Mishkāt*, Ar. 307 (Matthews, II, 177); Goldsack, *SMT.* p. 184; quoted by Zwemer, *LAI.* p. 38. cp. Md. Ali, *RI.* p. 596, who would limit the meaning of this *ḥadīth* to those who go over to the enemy.

When we come to examine what the legists have to say on this matter no ambiguity remains, at least in regard to a man:

LAW

> An apostate is to be imprisoned for three days, within which time if he return to the faith, it is well: but if not, he must be slain. . . . It is recorded in the *Jāmi'u'l-Ṣaghīr*[2] that 'an exposition of the faith is to be laid upon the apostate, and if he refuse the faith he must be slain'[3]—and with respect to imprisonment for three days, it only implies that if he require a delay, three days may be granted him.[4] . . . The arguments of our doctors upon this point are two-fold—First, God says in the Qur'ān, 'Slay the unbelievers', without any reserve of a delay of three days being granted to them; and the Prophet has also said, 'Slay the man who changes his religion', without mentioning anything concerning delay: Secondly, an apostate is an infidel enemy, who has received a call to the faith, wherefore he may be slain upon the instant, without any delay . . . and he is not protected.[5]

[1] *Mishkāt*, Ar. 299 (Matthews, II, 159). An-Nawawi comments on this tradition: 'The adulterer should be stoned; the murderer . . . should be killed with the sword, but he who departs from Islām . . . let him be cut off or crucified or destroyed from the earth.'—quoted by Zwemer, *LAI.* p. 37 f. cp. Md. Ali, *RI.* p. 596 f. who, again, would limit its application to a deserter to the enemy.

[2] of As-Sayūṭī.

[3] 'This exposition of the faith is not incumbent'.—*Hedāya*, II, 266.

[4] 'A delay of three days is laudable.'—*Abū Ḥanīfa*, in loc. cit.

[5] *Hedāya*, in loc. cit. Grady, omits this section 'as it is inapplicable to India', op. cit. p. 206. It is to be observed that the argument of the doctors is that a Muslim has 'changed sides' *because he has changed his religion.* cp. 'Since by the very act of apostasy a man loses the protection of the law, if even before the chance of re-embracing the Faith has been given him, a Muslim kills an apostate, it will be considered as an improper act, but he would incur no penalty of the law'.—Abdur Rahim, *MJ.* p. 253.

The law stipulates, however, that the individual must be *bāligh*, grown up, also *compos mentis*, and that he has not acted under compulsion.[1]

Recent exponents of Islām blame the compilers of Fiqh for having thus laid down 'a principle quite opposed to the Holy Qur'ān, namely, that the life of a man may be taken on account of his apostasy'.[2]

> At a certain time it was laid down by a majority of Muslim jurists, and having been laid down by [a] majority of jurists it was accepted in Muslim countries, that the renunciation of Islām by a Muslim was tantamount to treason to the Muslim State, and that, therefore, any such renunciation was a capital offence.[3]

THE WOMAN APOSTATE

Be all that as it may, the accepted law as regards a woman apostate is different.

> If a Muslima become an apostate, she is not put to death, but is imprisoned until she return to the faith. Shāfi'ī however maintains that she is to be put to death, because of the tradition before cited[4]—and also because, as men are put to death for apostasy solely for this reason, that it is a crime of great magnitude, and therefore requires that its punishment be proportionately severe (namely, death), so the apostasy of a woman being likewise a crime of great magnitude, it follows that her punishment should be the same as that of a man.[5]

The founders of the Ḥanafī School[6] maintain that the death penalty does not apply to women because,

> First, the Prophet has forbidden the slaying of women, without making any distinction between those who are apostate and those who are original infidels.[1] Secondly, the original principle in the retribution of offences is to delay it to a future state (in other words not to inflict punishment *here*, but to refer it to *hereafter*).[2]

The reason for the woman's imprisonment is stated to be the same as that which allows a delay of three days to the man, namely, that she may reflect upon the errors which occasion her apostasy and repent.[3]

The law contends further that women are not capable of the 'wickedness' which necessitates that male apostates be put to death, namely, becoming enemies to the faith,

> which wickedness cannot be conceived of women, who are by natural weakness of frame, incapable thereof, contrary to men. A female apostate, therefore, is the same as an original female infidel and as the killing of the one is forbidden, so is the killing of the other also.[4]

It is, moreover, laid down that compulsion must be used to bring a female apostate back to the faith,

> because, as she refuses the right of God after having acknowledged it, she must be compelled, by means of imprisonment, to render God his right—and this, whether she be free or a slave. . . . It is elsewhere mentioned that a female apostate must be beaten daily with severity until she return to the faith.[5]

The apostasy of either party is held by the founders of the

---

[1] cp. *Encyc. Islam*, art. *Murtadd*, in loc. cit.

[2] Md. Ali, *RI.* p. 598; cp. Cheragh Ali, *RMR.* pp. 51 ff.

[3] The Hon'ble Sir Md. Zafrullah Khan, *L.A. Debates* (1938), Vol. V, No. 11, p. 1,974.

[4] viz: 'Slay the man who changes his religion.'

[5] *Hedāya*, II, 227. The Mālikī school agrees on this point with the Shāfi'ī; cp. Lammens, *Islām, Beliefs and Institutions*, p. 90.

[6] Abū Ḥanīfa and his disciple, Abū Yūsuf.

[1] So Bukhārī and Muslim; cp. *Mishkāt*, Ar. 342 f. (Matthews, II, 265, 267), Goldsack, *SMT.* 204.

[2] *Hedāya*, II, 227; an admission that there had been a departure from the original principle in regard to men!

[3] *Hedāya*, I, 176, 408.

[4] *Hedāya*, II, 228; Cheragh Ali, *RMR.* p. 55 f.

[5] *Hedāya*, in loc. cit. Shī'a law books are equally severe about the treatment of a woman apostate: 'She is condemned to perpetual imprisonment, and is to be beaten with rods at the hours of prayer.' quoted by Zwemer, *LAI.* p. 50 f.

EFFECT ON MARRIAGE

Ḥanafī School to effect a complete and immediate dissolution of marriage. Thus,

> If either husband or wife apostatize from the faith a separation takes place, without divorce.[1]

Such has been the opinion in British India hitherto, following the normal interpretation of Muslim law, and until recently rulings to this effect have been cited in Court.[2]

Occasionally opinion to the contrary has been pleaded, based on views of two jurists of Samarqand who belonged to the Balkh School of Law.[3] But the *Fatwa-i-Alamgiri*, the Emperor Aurangzeb's digest of Ḥanafī law promulgated in India, is definitely against that opinion.

The difference between these two points of view may be stated thus:

> The essential ground underlying the usual doctrine of dissolution of marriage is prevention of apostasy, whereas the principle actuating the Samarqand jurists was that of preventing women from getting rid of their husbands on a pretence of change of faith.[4]

In answer to the contention, sometimes advanced, that since the marriage of a Muslim to a *kitābia* is lawful, conversion to Christianity ought not to cause dissolution of marriage —it was declared that the lawfulness of marriage with an

[1] cp. *Hedāya*, I, 182 (Grady, 66). Nor is the intervention of the Court required.

[2] cp. Wilson, *AML.* p. 159 f. 'The law as it stands today is that apostasy *ipso facto* dissolves marriage'.—Md. Kazmi, *L. A. Debates*, (1938), Vol. V, No. I, p. 1,097.

[3] Ad-Dabbusi and As-Saffar.

[4] The opinion of a Bench that considered these two points of view was stated thus: 'We can hardly pronounce the latter ground to be so superior to the other ethically, or from the standpoint of public feeling, as to be able to prefer the latter doctrine to the former on this alone'.—From a summary of the judgment of Justices Reid and Chatterji, in 85 *P.R.* 1906.

original Christian has no bearing on the question of the penalties attendant on apostasy from Islām to Christianity.[1]

In view of these earlier rulings it is interesting to note that in 1937 a Muslim member in the Panjab Legislative Assembly tried to introduce a Bill, one clause of which aimed at 'The eradication of apostasy among Muslim women in the Panjab'. The Bill, however, was not presented, largely because it approached the question from a wrong angle, for, as correspondents to the press pointed out, such a measure would in reality militate against freedom of conscience.

A year later the subject was revived in the Central Legislative Assembly in the form of a comprehensive Bill which

THE NEW ACT

sought to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by women married under Muslim law, and to remove doubts as to the effect of the renunciation of Islām by a married Muslim woman on her marriage tie.

It was necessary that both these matters should be considered together, for it would have been grossly unfair to remove 'the only way open to divorce by apostasy' and yet not give women legitimate grounds on which to claim divorce.[2]

The new Bill, as originally drafted by the mover,[3] contained a clause relating to apostasy that read as follows:

> The conversion of a married Muslim woman to a faith other than Islām shall not by itself operate to dissolve her marriage.[4]

Speaking to this in the Legislative Assembly Mr. Kazmi explained that

> Women go out of the fold of their religion and say that they have adopted another faith. As soon as the marriage is

[1] From the same judgment.

[2] As a Muslim journal put it at the time.

[3] Qazi Md. Ahmad Kazmi.

[4] Draft Bill, para 5, p. 2.

> dissolved by this declaration of hers she goes and marries another man. So what is happening to-day is, that the law is being misused . . . abused . . . defrauded.[1]

There is no doubt that such abuse has been practised. During the debate it was admitted by the Hindu leader, Bhai Parmanand, that such renunciation of Islām 'was only a device adopted by Muslim women to get rid of undesirable husbands'.[2]

It was explained that though the Ḥanafī law might say that apostasy from Islām of either husband or wife dissolves the marriage, yet

> The idea underlying this dissolution was not to give her any freedom or any right to get away from her husband in order to be free from bondage but only to punish her for her fault in abjuring Islām.[3]

As to the punishment itself it was stated:

> The penalty is that a woman should be imprisoned till she reverts to Islām, but she is not permitted to marry anybody else.[4]

A New Principle

The position taken up by the sponsors of the Bill may be summarized as follows:

> Granted that Muslim Common Law holds that apostasy from Islām of either party to a marriage operates as a complete and immediate dissolution of the marriage tie—that up to the present this has been the ruling of the courts in India[1]—and that even among Muslim *'Ulamā* there is a difference of opinion on the subject—nevertheless, validity is claimed for the clause under discussion on the ground of 'a very well established principle of Ḥanafī law'—hitherto unknown to the courts—according to which 'where the strict application of Ḥanafī law to a case would cause hardship, it is permissible to the Qazi, and, consequently to the courts in British India, to act on the relevant principles of the Shafai law, the Maliki law, or the Hambali law'.[2]

The divergent views of Muslim jurists were cited and the source indicated for the principle the promoters of the Bill had followed in drafting this particular clause:

> Those of Bukhara say that marriage is dissolved by apostasy, or, rather, suspended. The wife is to be kept in custody or confinement till she repents and re-embraces Islām. Then 'she should be constrained to remarry her former husband on a very small dower'.[3]
>
> A second view is that on apostasy a married Muslima ceases to be the wife of her husband but becomes his bondwoman. (A modified view is that she is not necessarily the bondwoman of her ex-husband but becomes the bondwoman of the entire Muslim community, and anybody can employ her as a bondwoman.)

[1] *L.A. Debates* (1938), Vol. V, No. I, p. 1,100.

[2] cp. 'Before the passing of this Act there being no adequate provision for obtaining relief by a married Muslim woman in cases where the husband would neglect her, refuse to maintain her, desert her or treat her with cruelty, etc., a married Muslim woman had recourse only to one device, that is, apostasy.—J. C. Forbes, *MDL.* p. 41. See above, p. 168.

[3] Bhai Parmanand, *L.A. Debates* (1938), Vol. V, No. I, p. 1,106.

[4] The Hon'ble Sir Md. Zafrullah Khan, *L. A. Debates* (1938), Vol. V, No. 11, p. 1,980. That is what the law books declare: 'It is not lawful that a female apostate marry any man, whether Musalman or infidel, because she is imprisoned for the purpose of reflection.'—*Hedāya*, I, 176.

[1] cp. 'When British Indian Courts came to interpret the Muslim law they said: "We cannot constitute ourselves into Muslim jurists. We must accept what has been accepted by the majority" [of Muslim jurists] . . . Where the capital sentence could not be carried out for some reason or other, for instance because the offender was a woman, then they used to pronounce what is known as the sentence of civil death, that is to say, the loss of all civil rights which included dissolution of marriage.'—The Hon'ble Sir Zafrullah Khan, *L.A. Debates* (1938), Vol. V, No. 11, p. 1,974.

[2] Syed Ghulam Bhik Nairang (who claimed full responsibility for drafting the Bill), *L.A. Debates* (1938), Vol. V, No. 1, p. 1,123.

[3] The object being 'to prevent a woman from trying to escape from the bonds of matrimony by the abandonment of Islām'.

A third view—that of the jurists of Balkh and Samarqand—is that the marriage tie is not affected by such apostasy, and that the woman still continues to be the wife of the husband. Syed Ameer Ali was quoted as having enunciated this view more precisely, thus: 'When a woman abjures Islām for a spiritual or revealed religion, like Judaism or Christianity, her renunciation of faith does not dissolve the marriage.'[1]

Mr. Kazmi himself, speaking to these divergent views, quoted the opinions of the present body of *'Ulamā* as set forth in a book called, *Al-Marqumat Lil-Mazlumat*,[2] which bears 'the seals and signatures of the doctors of Deoband and Saharanpur'. It appears that the author's final conclusion of the matter is as follows:

Though there is some difference of opinion in the three versions, all the three agree that a woman shall not have this right of separating from her previous husband or of marrying another man. Thus, it is an agreed proposition that the woman shall have no right to marry at any other place.

Mr. Kazmi submitted that,

The only view that apostasy dissolves marriage is the Bukharist view, but that view contemplates the imprisonment or detention of women and keeping them in close custody, or of their being forced to come back to the religion of Islām . . . the subsequent provision of the Bukharist view cannot be put into operation under the existing circumstances. Therefore, to adopt only the first part and to leave the other

[1] For these views cp. *L.A. Debates* (1938), Vol. V, No. 11, p. 1,953 f. and Vol. V, No. 1, p. 1,097 f. Mr. M. S. Aney pointed out during the debate that Mr. Justice Ameer Ali had admitted that the law as then in vogue and as it had been interpreted hitherto consistently by the Indian High Courts was in accord with the view taken on the question by the old Muslim jurists, and that the view now being propounded in connection with the new Bill 'is only a later modern development of that law in Samarqand and Balkh.'—*L.A. Debates*, (1938), Vol. VI, No. 8, p. 2,835.

[2] By Maulana Ashraf Ali, of Thana Bhawan.

is, according to most of the *'Ulamā*, not the proper interpretation.[1]

Objections to the Bill were, for the most part, met by the incorporation of a number of provisions. These, if observed in the spirit in which they were drafted, will serve to safeguard the liberty of conscience of any Muslim woman who might be converted to another faith.[2]

AN IMPORTANT INNOVATION

The emended clause (4) of the Bill[3] now reads:

The renunciation of Islām by a married Muslim woman or her conversion to a faith other than Islām shall not by itself operate to dissolve her marriage:[4]

Provided that after such renunciation, or conversion, the woman shall be entitled to obtain a decree for the dissolution of her marriage on any of the grounds mentioned in Section 2;

Provided further that the provisions of this Section shall not apply to a woman converted to Islām from some other faith who re-embraces her former faith.

[1] *L.A. Debates* (1938), Vol. V, No. 1, p. 1,098.

[2] Mr. B. N. Chaudhury, a Hindu member, remarked, 'I have grave doubts whether it will be possible or probable in ninety-nine cases out of a hundred for a wife to go before a Court to seek divorce on the ground of obstruction by her husband in her religious practices'.—*L.A. Debates* (1939), Vol. I, No. 6, p. 651. The view of 'an important Muslim leader' was quoted as being averse to the concession granted: 'The Bill pretends to give freedom to woman-folk to embrace any religion according to her moral conviction. That means unhealthy independence among them. . . . Embracing other faith by a woman means dissolution of marriage by herself and the protection given for such an act in the Bill is not according to Muslim law and is deplorable.'—*L. A. Debates* (1938), Vol. V, No. 1, p. 1,107.

[3] Now statutory law under the title, *The Dissolution of Muslim Marriages Act* (VIII of 1939).

[4] 'It is doubtful whether a Mahomedan husband could file a suit for restitution of conjugal rights against a wife who has abjured Islām and is living separate from her husband' (see *Amin Beg* v *Samon* (1911) 33 All. 90).—J. C. Forbes, *MDL.* p. 42.

Section 2 contains the following important stipulation:

> A woman married under Muslim law shall be entitled to obtain a decree for the dissolution of her marriage on various grounds, one of which is: (viii) that the husband treats her with cruelty;[1] such as, obstructs her in the observance of her religious profession or practice.

It is to be observed that the provisions in this section, dealing with various forms of 'cruelty', protect a Muslim wife who, in spite of a genuine conversion to some other faith, does not wish that her marriage should be automatically dissolved. Moreover, it entitles her to sue for a dissolution of her marriage, even after apostasy, on any of the numerous grounds mentioned in this Section.[2]

A WOMAN CONVERT

Formerly, when apostasy was followed, *ipso facto*, by divorce there would sometimes ensue in the home a conflict of ideals and loyalties that ended tragically. Now, however, in accordance with the new law a married Muslim woman, subsequent to her conversion, should be allowed to profess and practice her new faith in her own home. But should she not be permitted to do so she has the right to claim dissolution of her marriage. It goes without saying that the new law does not cancel the right which the law of Islām gives to the husband to divorce his wife, without an appeal to the court, on the ground of her 'apostasy'.[3]

EFFECT ON CONVERT'S RIGHT TO PROPERTY

Islamic law has always maintained that apostasy on the part of a woman does not invalidate her right to her property. For instance,

> The property left by a female apostate goes to her heirs, whether it has been acquired during her profession of the faith, or in her apostasy; because the woman's person is inviolable;[1] and the protection of her blood is not destroyed by her apostasy; and as the protection of her blood still holds good, and her person continues inviolable, it follows that her property also is not destroyed.[2]

[1] For forms of 'cruelty' see ch. on Divorce, p. 168.

[2] cp. J. C. Forbes, *MDL.* p. 41 f.

[3] cp. *News and Notes*, April, 1939.

Likewise the British Courts in India have hitherto held that conversion to another faith does not involve forfeiture of a person's claim to paternal property. The Act securing this is *The Caste Disabilities Removal Act*, No. XXI of 1850. The relevant words are:

> So much of any law or usage . . . as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion . . . shall cease to be enforced as law in the Courts.[3]

This question of property rights was raised in the Central Assembly during the discussion of Mr. Kazmi's Bill and it was stated that,

> Under the universally admitted rule of Muslim law, a Muslim is free to marry a Christian wife or a Jewish wife, who may remain a Christian or a Jew from her marriage till her death and yet, as the wife of a Muslim husband, she would be entitled to succeed to her legal share in the property of her husband. That is the clear Muslim law.[4]

The implication here is that even if a Muslima, subsequent to her marriage, abandoned her faith for either Christianity or Judaism her title to her share of the property

[1] Ar. *ma'ṣūmu'l-dam*, lit. protected as to blood; not liable to be slain. 'It is otherwise in the case of a male apostate.'

[2] *Hedāya*, II, 232. Accordingly, 'The will of an apostate woman is valid'.—*Hedāya*, IV, 537 (Grady, 696); cp. *Encyc. Islam*, art. *Murtadd*, in loc. cit.

[3] Quoted by Wilson, *AML.* p. 214.

[4] Syed Ghulam Bhik Nairang, *L.A. Debates* (1938), Vol. V, No. 11, p. 1,957.

would not be impaired. Citing Act XXI of 1850 the same speaker proceeded to argue,

> If she can succeed as daughter to a Muslim father in spite of her apostasy, what difference is there if she also succeeds to a Muslim husband ?[1]

EFFECT ON HER MAHR

The law further decrees that where it is the wife who apostatizes she is entitled to the whole of her *mahr* if the husband has consummated marriage with her,

> but if not, she has no claim whatever either to *mahr* or alimony, because the separation is in this case a consequence of her own act.[2]

The new Act definitely preserves to the woman apostate this right in the event of her claiming dissolution of her marriage. Clause 5 reads:

> Nothing contained in this Act shall affect any right which a married woman may have under Muslim law to her dower [*mahr*] or any part thereof on the dissolution of her marriage.[3]

GUARDIANSHIP OF HER CHILDREN[4]

The law recognizes that, of all persons, the mother has the best title to the care of her children both during marriage and after separation, unless she be an apostate from the faith, or wicked, or unworthy to be trusted.[5]

The 'wickedness' which disqualifies a mother for the custody of her child is such as may be injurious to it—say, *zinā* (adultery), or theft, or the fact that she is a professional singer or mourner.[6] Yet in the *Hedāya* it is stated that even

[1] *L. A. Debates*, in loc. cit.

[2] *Hedāya*, I, 182 f. (Grady, 66).

[3] Text of the Act, p. 3.

[4] *Ḥiḍānat*; see ch. on Rights and Status, p. 237.

[5] cp *Hedāya*, I, 385 (Grady, 138); Hughes, *DI.* art. *Guardianship*, p. 151. Her disqualification as an apostate would be due to the fact that she is to be imprisoned until she return to the faith.

[6] cp. Wilson, *AML.* p. 186.

> a female infidel subject, married to a Muslim, is entitled to the *ḥiḍānat* of her child . . . so long as the child is incapable of forming any judgment with respect to religion, and whilst there is no apprehension of his imbibing an attachment to infidelity.[1]

Wilson remarks that 'this danger could not arise any earlier under an apostate than under an infidel born and bred'.[2]

WHEN A CHRISTIAN HUSBAND REVERTS TO ISLĀM

With regard to a Christian wife's right to possession of her children and other matters, in the event of her ex-Muslim husband reverting to Islām, the law declares that, in cases where the parties were married under the Indian Christian Marriage Act, she may petition the court to have her marriage dissolved. Should the husband retain possession of the children she may apply for their custody.[3] The Court will, of course, concede this right in cases of very young children, and in general it is authorized to make such provision 'as it deems proper'.[4]

Should the husband in such cases marry again as a Muslim the Christian wife may apply for the dissolution of the marriage on the double ground of the husband's apostasy and his marriage with another woman.[5]

In the draft form of the revised Christian Marriage Act[6] it is laid down that, subject to certain conditions,

[1] op. cit. I, 389 (Grady, 139).

[2] cp. *AML.* p. 186. He adds: 'Act XXI of 1850 would not of itself be conclusive on this point, as it is not simply a question of forfeiture of rights, but partly of fitness or unfitness for duties.'

[3] cp. *The Indian Divorce Act* (IV of 1869) Sect. 10, p. 11.

[4] cp. *Divorce Act*, Sects. 43, 44. It needs to be borne in mind that, according to Muslim law, the mother's custody of a boy only continues till he is 7 and of a girl till she reaches puberty; see above p. 237.

[5] cp. *Divorce Act*, Sect. 10.

[6] Now under consideration, February, 1941.

If a husband and wife who were married as non-Christians both become Christians, whether simultaneously or successively, they shall not be married again, and so long as one of the parties to such a marriage is a Christian their former marriage shall be deemed to have been solemnized under this Act.

EFFECT OF CHRISTIAN MARRIAGE ACT ON MARRIED CONVERTS[1]

1. If one of two persons, husband and wife, who were married as non-Christians become a Christian and the other does not, and if the person who does not become a Christian wishes to continue to live with the other as wife or husband, and if by the laws under which the marriage was contracted it stands dissolved by reason of the conversion—or

PREVIOUS MARRIAGE OF A CONVERT WITH A NON-CHRISTIAN

2. If by reason of conversion, the marriage does not stand dissolved; then the parties may apply to a Marriage Registrar or Minister of a Christian Church and make a declaration of their wish and intention to live as husband and wife in a lifelong monogamous union, and he shall issue to them a certificate, and their marriage shall be deemed to have been solemnized under this Act.

3. If a woman who is a convert to Christianity has a lawful husband living at the time of her conversion and he refuses thereafter to cohabit with her she may obtain a dissolution of her marriage either under Act XXI of 1866, or Act VIII of 1939.

4. If a man who is a convert to Christianity has a lawful wife living at the time of his conversion and she refuses thereafter to cohabit with him he may obtain a dissolution of marriage. In case he married such wife by Muslim rites he shall make every effort to persuade her, but if she persistently refuses for three years he will be free to marry again, seeing that under Muslim law his marriage has been dissolved by his conversion.

[1] cp. Draft, Christian Marriage Act, 194—, Pt. II, 14–19.

APPENDICES

I

THE AHMADIS[1]

It has been assumed in the preparation of this manual that most readers will already know about the Muslim sect called the Ahmadis, but for the sake of those who do not we append a brief explanatory note.

The founder of the movement, Mirza Ghulam Ahmad, was born in the village of Qadian in the Panjab, about the year 1835. In 1880 he gave out that he had been called of God to a special mission and, later, that he was the recipient of divine revelation. He also proclaimed that he was the fulfilment of the hopes of all nations and, in particular, that the promised Messiah and Mahdi met in him. Contrary to popular expectation, however, his *jihād* was to be a bloodless, spiritual warfare, and one that involved loyalty to the British Government.

But he roused the orthodox to violent opposition by the way he denounced the *mullas* and defamed Jesus Christ, thus earning for himself such epithets as heretic, blasphemer and enemy of the faith. In consequence he and his followers were excommunicated and forbidden the use of existing mosques.

His death took place in 1908 and a few years later there was a schism in the ranks of his disciples, some of the more prominent of whom set themselves at the head of a new movement with headquarters at Lahore. It is convenient to speak of the original party as *Qadiani*, and the Lahore group as *Ahmadi*, though the latter name is claimed and used by both sections.

The Ahmadis—and this applies particularly to the Lahore party—rationalize the Qur'ān so as to make it serve their more progressive outlook. While doing so they appear to be conscious of the higher morality of Christianity and accordingly do not hesitate, when it suits their purpose, to adapt their interpretation of Quranic teaching to bring it into line with the higher ethic. Instances of this have

[1] See p. 55.

been cited in these pages, and it has also been shown that some of the educated women are themselves making use of the specious arguments of these modern apologists for Islām.

II

We append some illuminating quotations from a book recently written by an educated Muslim lady, which only came to our notice after Section II had gone to press.[1]

THE ZANANA (pp. 43–44)

'His [man's] authoritative attitude of commanding influence at home creates an atmosphere of repression which kills individuality and initiative among his womenfolk. They say they are unfit to follow intellectual activities which are reserved for men. A great veneration for manhood, the consciousness of one's own deficiencies, lack of experiments and experiences, lack of information of the world have been the chief causes for the backward condition of Muslim women' (p. 21).

'In their actual life they are called reasonless beings and incapable of holding a responsible position. How could they be wise? They are shut off from the modern world and its civilization. Expression of thought is taken to be a great sin. They are made to live a hypocritical life. Naturally a dual life has made them cunning and shy. Their outlook on life is narrow and degrading' (p. 23).

'The position that the man occupies in the Indian Muslim home is too central, too much of the position that the earth occupied in mediæval cosmogony. Man is so revered by women that free talk, laughter, free thought, in fact any sign of freedom in his presence is considered immodest, unladylike, even disrespectful. Social customs have attached to him a sanctity he can ill sustain and the general upshot of the ascription of every form of superiority to him has been the creation of an inferiority complex in woman' (p. 42).

THE DUTIFUL WIFE (p. 248)

'Man is such that he considers a good wife as the one who gives no opportunity for reproach on the score of her being masculine. She is the one who preserves her honour free from shame. She abstains from committing sins. She never criticises or finds fault with her husband's whims and fancies. She places implicit faith in him and bows to her tin-god. In short her duty is to obey unquestioningly and yield to her lord every moment of her life. How charming all this is! But the effects of such a surrender are harmful indeed not only on the strength of her own mind, but also on the growth of the children entrusted to her care' (p. 67).

[1] *Changing India*, by Mrs. Iqbalunnisa Hussain, B.A.

BIBLIOGRAPHY

The following books may be consulted by those who desire to pursue the study of the subject further:

Abbrev.	Title and Author
	Akbar, The Great Mogul, V. A. Smith.
AAP.	... *Ancient Arabian Poetry*, C. J. Lyall.
AC.	... *Arab Civilization, The*, J. Hell.
	Al Hijab, or Why Purdah is Necessary, H.H. Begum of Bhopal.
AM.	... *Arabia before Muhammad*, De L. O'Leary.
AML.	... *Anglo-Muhammadan Law*, Sir Ronald K. Wilson.
Animism	... *Animism on Islam, The Influence of*, S. M. Zwemer.
Arabia	... *Arabia Deserta, Travels in*, C. M. Doughty.
Arabia	... *Arabia, Travels in*, J. L. Burckhardt.
	Arabian Poetry and Poets, Syed Md. Badruddin Alavi.
Arab. Prov.	... *Arabium Proverbia*, Freytag.
AS.	... *Arabian Society*, Pringle Kennedy.
Aspects	... *Aspects of Islam*, D. B. Macdonald.
	Caste System of Northern India, The, E. A. H. Blunt.
	Changing India, Mrs. Iqbalunnisa Hussain.
	Child Marriage: The Indian Minotaur, Eleanor Rathbone.
DI.	... *Dictionary of Islam*, T. P. Hughes.
	Digest of Moohummudan Law, A, Neil Baillie.
ECCA.	... *Eclipse of Christianity in Asia, The*, L. E. Browne.
EH.	... *Eastern History, Sketches from*, Th. Nöldeke.
EII.	... *Essays: Indian and Islamic*, S. Khuda Bukhsh.
Encyc. Islam	... *Encyclopædia of Islam, The*, 4 vols.
EP.	... *Eastern Poetry*, R. A. Nicholson.
	Faith of Islam, The, Edw. Sell.
	Five Years in a Persian Town, Malcolm.
Glossary	... *Glossary of Punjab Tribes and Castes* (Vol. I), H. A. Rose.

Abbrev.	Title and Author
G.I. Census	... *Government of India Census*, 1931.
Grady	... Hamilton's *Hedāya*, abridged by S. G. Grady, (1870).
Hedāya	... *Hedāya, The*, tr. Chas. Hamilton, 4 vols. (1791).
HAL.	... *History of Arabic Literature, A*, C. Huart.
Herklots	... *Islam in India* (*Qānūn-i-Islām*), tr. Herklots (ed. Crooke).
HIC.	... *History of Islamic Civilization, The*, S. Khuda Bukhsh.
	India, Al Beruni, tr. Sachau.
	India Calling, Cornelia Sorabji.
	Indian Folk Lore, Gordon.
	Indian Islam, M. T. Titus.
Islam	... *Islam, Beliefs and Institutions*, Fr. Lammens.
Islam	... *Islam, its Beliefs and Practices*, J. A. Subhan.
	Key of Progress, The, A. R. Caton.
	Keys of Power, J. Abbott.
KM.	... *Kinship and Marriage in Early Arabia*, Robertson Smith.
LAI.	... *Law of Apostasy in Islam, The*, S. M. Zwemer.
LHA.	... *Literary History of the Arabs, A*, R. A. Nicholson.
LHP.	... *Literary History of Persia, A*, E. G. Browne.
	Marathas and Dekhani Musalmans, Major R. M. Betham.
Matthews	... *Mishkātu'l-Maṣābīḥ*, tr. Chas. Matthews (2 vols. 1809–10).
Md.	... *Mohamed*, Sirdar Ikbal Ali Shah.
Md.	... *Mohammed*, D. S. Margoliouth.
	Mohammedanism, D. S. Margoliouth.
Md.	... *Muhammad, The Life of*, Edw. Sell.
Md.	... *Muhammad the Prophet*, Muhammad Ali.
MDL.	... *Muslim Divorce Law, The*, J. C. Forbes.
ME.	... *Manners and Customs of Modern Egyptians*, E. W. Lane.
MF.	... *Mothers of the Faithful*, Syed M. H. Zaidi.
MH.	... *Muslim Home*, H.H. Begum of Bhopal.
MJ.	... *Muhammadan Jurisprudence*, Sir Abdur Rahim.
MKK.	... *Mekka*, Snouck Hurgronje.

Abbrev.	Title and Author
	Moslem Women Enter a New World, R. F. Woodsmall.
	New Light, The, Ryburn and King.
	Observations on the Mussulmauns, Mrs. Meer Hassan Ali (ed. Crooke).
	Our Cause, a Symposium by Indian Women, ed. S. Kumari Nehru.
Pennell	... *Pennell of the Afghan Frontier*, Mrs. Pennell.
PLM.	... *Personal Law of the Mahommadans*, Ameer Ali.
POM.	... *People of the Mosque, The*, L. Bevan Jones.
PRNI.	... *Popular Religion and Folklore in N. India; The*, W. Crooke. 2 vols.
	Punjab Peasant in Prosperity and Debt, M. L. Darling.
	Purdah System and its Effect on Motherhood, The, Kathleen O. Vaughan.
PWI.	... *Position of Woman under Islam*, M. H. Zaidi.
Rābi'a	... *Rābi'a the Mystic*, Margaret Smith.
	Rebuke of Islam, The, W. H. T. Gairdner.
	Recensions of the Qur'ān, The, Edw. Sell.
RALI.	... *Religious Life and Attitude in Islam, The*, D. B. Macdonald.
RI.	... *Religion of Islam, The*, F. A. Klein.
RI.	... *Religion of Islam, The*, Muhammad Ali.
RMR.	... *Reforms under Moslem Rule*, Cheragh Ali.
SHB.	... *Student's Handbook of Mahommedan Law, The*, Ameer Ali.
SI.	... *Sociology of Islam, The*, 2 vols. R. Levy.
SI.	... *Spirit of Islam, The*, Ameer Ali.
SII.	... *Studies: Indian and Islamic*, S. Khuda Bukhsh.
SM.	... *Studies in a Mosque*, S. Lane-Poole.
SMT.	... *Selections from Muhammadan Traditions*, W. Goldsack.
SR.	... *Shī'ite Religion, The*, D. M. Donaldson.
	Syed Ahmed Khan, The Life and Works of, Lt. Col. Grahame.
TI.	... *Teachings of Islam, The*, Ghulam Ahmad.
TI.	... *Traditions of Islam, The*, A Guillaume.
	Veiled Women, Marmaduke Pickthall.

TITLE AND AUTHOR

Wild Rue, The, B. A. Donaldson.
Wild Tribes of the Afghan Frontier, T. Pennell.
Women in India, M. F. Billington.
Women of Bengal. Margaret Urquhart.

IN URDU

TITLE	AUTHOR
Bihishtī Zewar	... Ḥāfiẓ Athr Fa'lī, 11 parts, (Lahore).
Bukhārī Sharīf	... tr. Syed 'Abdu'd-Dā'im, 3 vols. (Delhi, 2nd ed.)
Dalīlu'l-Mut'a	... Sayyid 'Alī Al-Hā'irī (Lahore).
Madhhab-i-Shī'a	... Hājī Dr. Nūr Husain (Lahore, 1347 A.H.)
	Miftāḥu'l-Jannat, Sh. Barakat 'Alī (Lahore).
	Rasūm-i-Hind, Punjab Education Dept.
Sīratu'n-Nabī	... Shiblī Nu'mānī, 5 vols. (Azamgarh, 1332 A.H.)
Ta'līm-i-Nisā	... Mirza Md. Naḍīr, 7 parts (Lahore, 9th ed.)
	Ta'līmu'n-Nisā Kā Qā'ida, Mirzā Md. Nazīr (Lahore).
	Ta'ūdhu' sh-Shayāṭīn, by 'Qais', (Hakīm Ṣūfī Md. 'Abdu'l-Ghafūr Khān Ṣāḥib Qais, Delhi).
Ummahātu'l-Ummah	... Nadhīr Aḥmad, (Delhi, 1935, 2nd ed.).

IN ARABIC

Al-Mihal wa'n-Niḥal	... Shahrastānī, (Cureton's ed.)
Iqdu'l-Farīd	... Ibn 'Abd Rabbih, 3 vols. (Cairo, 1331 A.H.)
Kitābu'l-Aghānī	... Abu'l-Faraju'l-Isfahānī, 20 vols. (Bulac, 1285 A.H.)
Kitābu'ṭ-Ṭabaqātu'l-Kabīr	... Ibn Sa'd, 9 vols. (ed. Sachau, Leiden, 1904.)
Mishkātu'l-Maṣābīḥ	... 1 vol. (Delhi, 1345 A.H.)
Ṣaḥīḥu'l-Bukhārī	... 2 vols. (Delhi, 1357 A.H.)
Sīratu'n-Nabī	... Ibn Hishām, 3 vols. (Cairo, 1329 A.H.)
Tafsīru'l-Qāḍīu'l-Baiḍāwī	... 2 vols. (Istanbul, 1314 A.H.)

QUR'ĀN AND COMMENTARIES

English translations by Sale (1734), Rodwell (1861), Palmer (1900), and (with text and commentaries) by Wherry (1882), Muhammad Ali (1917), A. Yusuf Ali (1934).

Urdu translations with text and commentaries by Nazīr Aḥmad, and Abu'l-Kalām Aḥmad, (1931—incomplete); also *Khulāṣatu'l-Tafāsīr,* 4 vols. (Lucknow).

INDEX

'Abdu'l-Qādir Jilānī, 306
Abyssinia, 3
Aḏhān, 408
Age of Consent Committee, 91, 96
— — discretion, 93
— — majority, 94
— — marriage, 95 ff.
Ahd-nāma, 280
Ahmadis, 55, 65, 105 ff., 112, 155 ff., 188 ff., 200
Ā'īna-muṣḥaf, 85
Al-ayyim, 119 f.
'Amaliyāt, 346
'Āmil, 347, 351
Angels, belief in, 265
Apostasy, 421 ff.
— in the Traditions, Law, 424 f.
— effect on marriage of, 428
Apostate woman, 426
— — effect of new Act on, 429 ff.
'Aqīqa, 19 f., 46, 408 ff., 411
— ceremony, 410 f.
— reasons for, 412
Arab women, freedom of, 8
— — honour of, 11
— — before Islām, 22 ff.
Archangels, belief in, 265 f.
Auspicious days, 79, 370, 416

Bāba Farīd, 307 f.
Baiṭhak, 328, 337
Baqr-'Id, 377
Bāra Wafāt, 381
Barāt, 79 f.
Beṛi-baṛhānā, 320
Bhūt, 269, 337
Bid'at, 89, 117, 325, 416
— *talāqu'l-*, 152 f.
Bier, following the, 393
Bint 'amm, 24
Birth of a girl, 402 f.
Bismillāh, 83, 290, 303, 322, 327, 334, 411, 418 f.
— ceremony, 46, 257, 419
Blowing on knots, 354
Bohras, the, 56, 65, 406, 414
Books, belief in revealed, 266 f.
Bride, choosing the, 109
Burial rites, 392
Burqa, 36, 44, 67 f., 215, 229 f., 350

Chhaṭī, 413, 416
Chauthī, 89
Child-marriage, 91
— Restraint Act, 98, 101
Chillā, 417
Chhūchhak, 418
Chuṛel, 339 f.
Co-education, 60
Concubinage, 204 ff., 208
Consanguinity, 24, 104
Consent to marriage, 23
— mode of, 122
Conservatism amongst men, 96, 100, 155 f., 167, 175, 215 f.
— — women, 39, 44, 50, 54, 185, 216 f., 219 f., 405

Dai, 40, 404, 407
Dajjāl, 272
Dargāh, 311, 325, 329
Day of Judgment, belief in, 272
Death ceremonies, 389
Deoband, 58, 432
Ḏhikr, 254, 304
Divorce (see *Ṭalāq*), 10, 27, 51 ff.
— in the Qur'ān, 143 ff.
— prevalence of, 173
Divorced women, position of, 175 f.
Dress, 45
Du'ā, 286, 290, 395
Durūd, 259, 280, 284 ff., 297, 304, 327, 386, 395

Educated women, 253 ff.
Education, 57 f.
Elections, 67

Equality in marriage, 108, 124
— of sexes, 244
Evil eye, the, 332, 342, 358 ff.
Exorcism, 343
— types of, 345
— instances of, 349 f.

Fāl, 373
Faqīr, 263, 292, 294, 324, 353, 406
Faqīrānī, 258
Fātiḥa, 299, 307, 312, 327, 365, 386, 395, 399
Fāṭima Bibi, 309, 322, 327, 329, 386, 400, 410
Female infanticide, 4, 13
— — causes of, 14 f.
Fosterage, 104

Genuflexions, 284
Ghūl, 338 f.
Ghusl, 283
God, belief about, 265, 278
Godīnī tree, berries of the, 314, 403
Grave, visiting the, 399
Guardianship, 123, 236
Gunīn, 355 f.
Gyārahwīṇ Sharīf, 307

Hadiya, 394
Ḥaḍrat, 375
Ḥāfiẓ, 353, 396
Ḥājin Bībī, 259, 296, 392, 405
Ḥajj, 295 ff., 377
Ḥalāla, 153 ff.
Ḥarām, 89, 277
Heaven and Hell, 273 ff.
Ḥiḍānat, 171 f., 237
— effect of apostasy on, 436 f.
Hindu influence, 263
Hindus, The, 36 ff., 46, 256
Houses, 40

Iblīs, 335
'Idu'l-Fitr, 379 ff.
'Iddat, 29, 144, 146, 153 f., 158, 169 ff., 175, 245
Idolaters, 105
'Ifrīt, 334, 368
Īlā, 28, 159
Imām, 257, 261, 380
Imām Ḥusain, 270, 386 ff.
Incantation, 348
Inheritance, 31 f., 238 ff.
Initiation, 301
Intermediary in betrothal, 113
Istiḵẖāra, 299, 371 ff.

Jāhilīyya, 4 f., 9, 23 f., 178, 409 f.
Jahīz, 79, 140
Janāza, 394
Jesus, belief about, 269, 271 f., 275
Jewellery, 45, 292, 391
Jhāṛ-phūṇk, 353
Jinn, 255, 266, 331 f., 340 ff., 344, 348, 352, 364, 367, 370, 407
— fear of, 333
— shapes of, 334
— orders of, 334
— habitations, 335
Joint-family system, 37 f.

Kafā'at, 108
Kafan, 296, 392
Kāfir, 281
Kālā Jādū, 356
Kalima, 270, 278, 281 f., 290, 303, 392
Karāmāt, 305, 310
Karbalā clay, 259, 296, 392
Ḵẖairāt, 294
Ḵẖatam-i-Qur'ān, 396 f.
Ḵẖojas, the, 65, 68
Ḵẖuda Bukhsh, S., 53, 55, 174 f., 191 f., 209
Ḵẖul'a, 27, 145, 165 ff., 168
Ḵẖwāja Ḵẖiḍr, 310
Kufr, 421
Kunḍā, 322

Li'ān, 162
Literacy, 58 f.

Majority, age of, 94
Mahdī, 272
Mahr, 17, 23, 27, 46, 115, 130 ff., 145, 158, 175, 179, 207, 247, 391
— in the Qur'ān, 131
— amount of, 133 ff.
— payment of, 138 f., 173

Mahr, 'price', 141
— effect of apostasy on, 436.
Maḥram, 212
Maṇgnī, 103, 118
— ceremony, 115
Marīd, 335
Marṯhiya, 387
Marriage, 70 ff., 234
— auspicious days for, 79
— *ṣadīqa*, 9 ff., 30
— by capture, 12, 15
— by contract, 16 f.
— consent to, 23, 122
— fidelity in, 25 f.
— in the Qur'ān, 71 ff.
— publicity of, 74
— ceremonies, 75
— feast, 87
— women's choice in, 107, 110
— of minors, 123
Māyān, 77 f.
Mazār, 311, 350
Meṇhdī, ceremony, 78
Milād, 262, 382 f.
Monogamy claimed for Islām, 188 ff.
Moplahs, 65, 406
Mortality, maternal, 404
Mosque, women and the, 259 ff.
Mubārāt, 164
Muḥallal, 147, 155
Muḥammad's reforms, 70, 122, 130, 141, 177, 201 ff., 205, 233, 239
— example, 92, 180
— belief about, 270
Muḥarram, 89, 261 f., 386
Mu'inuddīn Chishtī, 306, 309, 320
Mujrā, 325
Mulla, 54, 56, 89, 115, 156, 179, 257, 290, 294 f., 299, 365, 379, 386, 396 f., 403, 408, 411
Mullānī, 258, 261
Munājāt, 285, 287, 380
Munkar, 266, 395
Murīd, 302, 304
Mushkil-kushā, 326, 401, 406
Muslim League, the, 69
Mut'a, 20 f., 74, 105, 194 ff., 200
Naḏẖr, 323
Nakīr, 266, 395
Namāz, 47 f., 65, 220, 255, 257, 277, 282
— women's views of, 289
Name, giving a, 413, 415
Naqsh-i-Sulaimān, 361
Na't, 383 f.
Naẓar, 359, 400
Nifqa, 171 f.
Nikāḥ, 56, 70 ff., 79, 158, 176, 194
— ceremony, 82
— *nāma*, 84 f.
Nīyat, 319, 411
Niyāz, 321 ff., 327

Ojhā, 352 ff.
Omens, 368 ff.
Organizations, women's, 64 f.
Orthodox women, 256

Panja, 307, 361, 387, 405
Panj-tan, 326, 358
Parda, 36 ff., 44, 46, 49 f., 55 f., 58, 63, 67 f., 110, 127, 176, 216, 218 ff., 250, 256, 258, 262, 297, 380, 382, 387
— in the Qur'ān, 211 ff.
— effects of, 223 ff.
— prevalence of, 226 f.
Parī, 269, 334, 336 f., 412
People of the Book, the, 105
Pīr, 263, 282, 321, 324 f., 329, 349 f.
Pīr-murīd, 301 f.
Pīrnī, 258, 314 f.
Polyandry, 18 f., 25, 177
Polygamy, 25, 50, 185 ff., 193
— in the Qur'ān, 177 f.
— reasons for, 182
— effects of, 192, 402
Politics, 66
Prayer, 284, 291
— time for, 288
— for the dead, 396 f.
Predestination, 279
Professions, 61 f.
Prohibited Degrees, 29, 104
Property, 30
— effect of apostasy on, 434 f.
Prophets, belief in, 269 f.

Puberty, 93, 400
— option of, 124
Pul-i-Sirāṭ, 273, 276, 379

Qāḍī, 76, 82 ff., 135, 162, 214
Qibla, 214, 389, 395
Qul-khwānī, 398
Qur'ān, belief in, 267 f.
— use of, 268 f., 364

Rābi'a, the Mystic, 309
Ramaḍān, 89
Raml, 374
Rat-jagā, 325 f.
Reform, women advocates of, 52 ff., 55, 101, 166, 192, 222, 231, 243, 250
— social, 63
Rights, women's, 234, 241, 245 ff.
— a mother's, 236
Roza, 255, 258, 277, 294
Rukhṣatī, 78, 90, 118
Rū-mumā'ī ceremony, 88, 117

Ṣadaqa, 293, 324, 369
Ṣadīqa marriage, 9 ff.
Ṣaḥnak, 322
Saints, 305, 403
Salvation, belief about, 277
Sannyāsī Bābā, 322 f.
Sanitation, 42 f.
Sarda Act, the, 98 ff.
Sayyid Sālār, 315 f.
Shab-i-Barāt, 117, 385
Shādī, 75, 90, 118
Shahādat, 281, 303
Shaikh Jamāl, 350 f.
Shaikh Saddū, 328
Shaiṭān, 269, 296, 334 f., 355, 392, 412
Shares for women, 241
Sharī'at law, 242 f., 254
Shī'as, the, 105, 194, 197 ff., 207 f., 237, 261, 270, 272, 386, 406
Shighār, 18, 110, 134
Shirk, 277, 316, 366, 401
Shrines, rites at, 312
Siḥr, 344, 346
Siḥrā, 79 f., 81
Slavery, 24, 200 ff.
Slaves, female, 201
Small-pox, 366
Status of women, 244
Surma, 354, 392, 407
Syed Ahmad Khan, 55, 57
Syed Ameer Ali, 190

Taboos, 368 ff.
Ṭalāq, 27 f., 53, 146, 150, 167, 174
— *nāma*, 151
— types of, 151 f., 163 f.
Ṭāq bharnā, 325
Tasbīḥ, 298
Tawḥīd, 264
Ta'wīdh, 361 f.
Teachers, religious, 257
Thayyiba, 119, 121, 123
Town-dweller, 41 f., 48
Tri-sira, 406 f., 409
Trousseau, 140

Uḥud, battle of, 178, 180 f.
Ummu's-Ṣubyān, 367 f.
'Urs, 306 f., 312, 314 f.

Veil, the, 27
Village women, 39
Vows, 318 ff.
— examples of, 319
— fulfilment of, 384

Wakīl, 84, 122
Walī, 119 f.
Walīma, 87
Waẓīfa, 354
Wife, the, 234 f.
— duties of, 248 f., 279
Women's Conference, the All-India, 99, 101, 173, 183, 186, 221, 242
— — Muslim, 185
Women saints, 309 ff.
— suppliants, 311
Wūḍū, 282 f., 333

Yā Sīn, sura, 341, 349, 357, 364, 366, 372, 390

Zakāt, 291
Zam-zam water, 259, 271

Zanana, the, 43 f., 47, 85 f.
Ẓihār, 28 f., 160 f.
Zinā, 194, 197
Zīnat, 212
Ziyārat, 310 f., 314, 317, 350
— types of, 314
Zuhra Bībī, 315
Ẓuhūrī Bībī, 329

PRINTED AT THE WESLEY PRESS AND PUBLISHING HOUSE, MYSORE CITY