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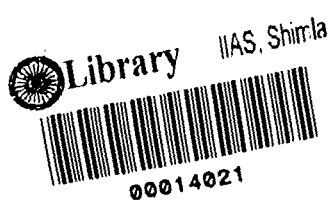
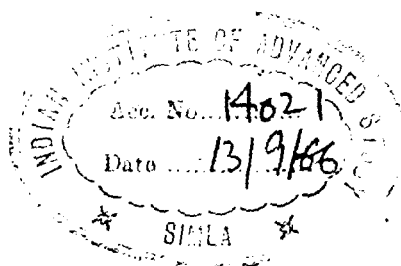
# WOMAN UNDER ISLAM

BY  
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PUBLISHED BY  
"THE ISLAMIC REVIEW," THE MOSQUE, WOKING

✓  
TO  
THE SAD  
BUT EVER-GREEN MEMORY  
OF MY LATE  
LAMENTED  
WIFE

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# Woman Under Islam

THE position of woman, allotted to her by Islam, is not very difficult to judge, as the Book of Islam exists intact, and as there has been no person in the world whose every word and deed has been chronicled so minutely as that of Muhammad.

We have seen what was the position of woman before the advent of Muhammad, and as Muhammad laid down universal laws for all the walks of human life, he could not ignore the woman, nor could he leave social affairs of mankind undiscussed. He is the only religious lawgiver who has left guidance for mankind in great detail as regards women. Their social and even political rights, their claims to property, their privilege of the custody of children, etc., have all been dealt with, together with their religious duties. Quite as much importance has been given to them as to men.

First of all, Islam did not recognize the instrumentality of woman in the fall of Adam. Although Muhammad never claimed to have brought any new religion; although he proclaimed to the Jews and Christians that he worshipped the same God as they did; although he taught his followers to respect all the prophets and reformers, whether Krishna or Buddha, Moses or Jesus; although he adopted most of the old laws and traditions, specially those of the great lawgiver Moses, yet he did not accept the view which had prevailed all the world over as to the rights and position of woman in the social economy of the world or in religious affairs.

Islam did not accept the biblical defence of Adam to his Creator: "The woman whom Thou gavest to be with me, she gave me of the tree." Nor did it uphold the view taken by St. Paul: "Adam was not deceived, but woman being deceived was in the transgression."

According to Islam—

*"Wa qulna yá Adam us kun anta wa zōjakul jannata, wa kula minha ragadan haisu shetuma, wa la taqruba háze-hish-shajarata, fatakoona minuzzálimeen. Wá azzala-hum-mush-shetan anha fa akhraja huma minhá kana feehe"* (Qur-án ii. 31, 34).

(Translation.)

"And We said, O Adam, dwell thou and thy wife in the garden, and eat ye plentifully therefrom wherever ye list, but to this tree come not nigh, lest ye become of the transgressors; but Satan made them slip from it, and caused their banishment from the place in which they were."

Be it noted that neither the Qur-án nor the traditions suggest that by "this tree" was meant the "tree of knowledge."

And Adam, according to Islam, when praying for forgiveness, did not absolve himself from fault. He said—

*"Rubbana zallumna unfussina wa in lum taghfir lana wa tarhamna lena koonan-na minal khásireen"* (vii. 23);

(Translation.)

"Our Lord, we [not the woman] have done wrong to ourselves, and if Thou wilt not forgive us and take mercy on us, we are surely the loser."

Thus the very root cause of the degradation of woman was cut from under and the noblest effort made to put woman in a far better position as to the "fall" as compared with the position given to her by Judaism and Christianity. Not only was the theory of her criminality demolished, but the whole story was put for her in a better light. Neither Adam nor Eve became the cause of any perpetual and ineradicable sin in their children. The merciful God forgave them their faults. He vouchsafed them, in spite of their weakness, in spite of the fault they had committed, the trust of the position of His own vicegerency on this globe. He made them master and mistress of the whole world, making even the sun and the moon subservient to them. He promised to both, equally, a great reward afterwards if they both discharged well the duties assigned to them. God in His mercy gave that trust in the custody of humanity, in spite of its fallibility and shortcomings, in spite of the weakness shown by its first male and female progenitors, which high mountains, the very heaven itself had not the stamina to receive, as the immortal HAFIZ sweetly says:—

*"Asman bar e amanat na tavanist kasheed  
Qurray fall ba nam e man e divana zadand."*



("The trust which heavens could not uphold was allotted to a madcap like me.")

Not the slightest difference or distinction of sex is made in the duties demanded from humankind in this world, nor in the reward promised in the next.

Al-Qur-án says: "But whoso doth the things that are right, whether male or female, and is a believer, whether male or female, shall enter into paradise" (iv. 129).

Again: "Whoso doth that which is right, whether male or female, him or her will We quicken to happy life."

Again more distinctly and definitely thus:—

"Truly, the men who resign themselves to God and the women who resign themselves; the believing men and the believing women; the devout men and the devout women; the men of truth and the women of truth; the patient men and the patient women; the humble men and the humble women; and the men who give alms and the women who give alms, and the men who fast and the women who fast, and the chaste men and the chaste women, and the men and women who oft remember God: For them God hath prepared forgiveness and a rich recompense" (Qur-án 33, 35).

Islam established perfect equality between man and woman in religious matters, in the reward from their Lord for their good actions.

"Whoso worketh righteousness, whether male or female, and is a true believer, We will raise to a happy life;—and We will give him his reward according to the utmost merit of his actions."

The Qur-án does not deprive man of his associates in this world when he enters the "abode of peace and happiness."

"Enter into the paradise, you and your wives, you shall be gladdened."

Islam foretells good men and women both a brilliant future. "On a day when thou shalt behold believing men and believing women, whose light shall go before them, and on their right hand salutation: your glad tidings this day: gardens through which rivers flow: to be therein for ever."

Dr. A. Suharwardy, in "The Light of the World," which was an organ of the Pan-Islamic Society of London, has in the Muharram 1323 (March 1906) issue powerfully dealt with the



question of the co-equal immortality of the souls of women with those of men according to the teachings of Islam. He begins his article with these pathetic four lines from the "Elegy on a Lady," by the Turkish poet Fazil :—

"Alas ! Thou'st laid her low, malicious Death !—enjoyment's cup yet  
half unquaff'd ;  
The hour-glass out, thou'st cut her off, disporting still in life's  
young spring !  
O Earth ! All-fondly cradle her. Thou, Trust Seraph, welcome  
her with smiles !  
For this fair pearl the soul's love was, of one who is a wide world's  
king."

After quoting the Holy Qur-án and the Muslim prayers establishing the co-equal immortality of the soul of women and men, the article ends in the versified translation of a very remarkable passage in the *Bostan* of another Muslim poet, the world-renowned Sádi of Persia (A.C. 1292) :—

"Be ashamed, my Brother, to work deeds of sin ;  
Or rebuked thou'lt be in the face of good men.  
On the day thou'lt be questioned of thought, word, and deed,  
E'en the righteous will quake from just dread of their meed.  
In that court where the saints may well crouch with dismay,  
What excuse wilt thou give for thy sins ? Come now ; say !  
Devout women, the Lord God who've faithfully serv'd,  
Shall high precedence hold over men that have swerv'd.  
Hast no shame, thou, a man, as thou call'st thyself now,  
That then women shall o'er thee a precedence know ?  
Spite their physical hindrances, women shall then,  
Here and there, through devotion, take rank before men.  
Thou, excuseless, shalt there, woman-like, stand apart.  
Plume thee not as a man ! Less than woman, depart !"

It will be well to let the Holy Book of Islam itself speak of at least a few of those reforms that Islam effected in the position of woman. The Qur-án throws a vivid light upon the contemporary customs also. As it stands uncorrupted and unaltered, it forms an authentic record of those events and customs of that period of Arabian history which it is not very easy to learn otherwise. A perusal of the verses which meant to reform the condition of woman will also show in what a miserable and intolerable condition they were in spite of the influences of Judaism and Christianity that were working in Arabia. Religions like Zoroastrianism, Judaism, and Christianity were by no means unknown to Arabs of the time of Muhammad, yet they persisted in their superstition, in their idolatry, in their

drunkenness, and in their absolute and abject degradation of woman. The fact is, that while these various religions did try, although vainly, to improve the religious notions of the Arabs, they did not do much to improve their morals, and nothing at all to improve the lot of woman. The fact is, that if Muhammad had done nothing except freeing Arabia from the curse of drunkenness, gambling, etc., and if he had done nothing beyond improving the position of womankind, he would still have earned the highest place in the galaxy of prophets, reformers, philanthropists, and benefactors of humanity; he would still have discharged well the duties of the office of the Last Prophet.

The very opening verses of the chapter of the Holy Qur-án which was named *Al-Nisá*—"The Woman"—in defiance of all the notions prevailing till that period of human history against the woman sex—contain words elevating woman to the loftiest pinnacle :—

*"Ya ayohan nasottaqo rabbokomul lazi khalaqakum min nafsini vahidatan va khalaqa minha zaujaha va bassa minhum rigalan kasiran va nisaa wattaqul lahal lazi tasaaluna behi val arham. Innallah kana 'alaikum raqiba. Va atul yatama amvalahum va la tatabaddul khabisa bittayyib va la takolu amvalahum ila amvalikum innahu kana huban kabira"* (*Al-Nisá*).

"O people! respect devoutly your Lord, Who created you from one *nafs* [being, soul, or essence], and created of the same its mate, and spread from those many men and women. And respect devoutly Allah, by Whom you beseech one another, and wombs [women]. Surely Allah ever watches over you. And give to the orphans their property, and do not substitute worthless things for their good ones, and devour not their property, mixing up with your own property—this is surely a great crime."

These verses as they stand form a grand charter of equality and dignity for woman; but those who know the world-history of woman before these verses were revealed, and those who are conversant with the then prevailing customs of those people to whom these verses were first announced, would read between these lines such a glorious message of the enfranchisement and emancipation of woman, such a marvellous elevation of her position and such a great solicitation for her well-being and

rights, that it would be impossible to think of anything grander or more sublime.

The first point to note is that these verses are of universal application—the whole of mankind is addressed. Then they are all informed that man and woman have had one and the same origin ; therefore if woman is physically a little weaker, or if man has developed through centuries and centuries of culture and cultivation certain dominating or even superior attributes and powers, one should not be ashamed of her comparative weakness and the other not proud of his strength or superiority. The *nafs*, or the essence, of both the sexes is the same, so if there is any superiority in one or any weakness in the other it must be due to the after development or neglect respectively. In the eyes of the Creator both are the same, and both should respect their Lord for having created them thus. It is significant that the word *nafs* has been used, as that can be applied to both male and female. In this verse the Qur-án does not give expression even to the popular belief that Adam was first created and then Eve. The object of the Qur-án being to establish, by this verse, the position of woman as an equal of man in human rights, nay, even his superior and worthy of his respect, it very judiciously and considerately does not on this occasion urge the theory of the priority of the creation of man. And so also when it says that of that one *nafs* He created its mate, it uses a common word, *zauj*, which can be used in respect of husband or wife, although the word *nafs* itself being feminine, under the rules of Arabic grammar it was necessary to use the feminine form *zaujaha*.

Then the Qur-án asserts that through that pair were spread abroad men and women. The fact of the humankind being indebted for its propagation equally to both the sexes has been purposely mentioned so as to impress upon the people that they have no right to look down upon woman as an inferior creature that has no rights, is unclean, and meant only to be an object to gratify the lust of man and his desire of the procreation of his race. Man and woman, the verse mentions, had not only the same origin ; they also had to play an equal part in the propagation of humanity. So if woman is unclean, man is also unclean ; if woman is not to touch an idol or an altar, so should not man ; and if woman is an object merely to gratify the lusts, so is man.

After thus establishing the equality of man and woman, the Qur-án again commands the people to respect devoutly Allah for being able through His mercy to beseech one another, to ask mutual favours and to demand from one another their respective rights. This portion of the verse draws attention to the mutual conjugal felicity or the bliss of that love which exists between man and woman, either as husband and wife, as brother and sister, or mother and son, or in any other relationship. It is God Who has gifted us with that love. It is through His mercy that we develop that affection. So we must be devoted and respectful to Him for it. But this is a beautiful way of impressing upon the human mind the value of mutual love and affection between the sexes. Unless we appreciate and value those mutual sentiments fully, we shall not be inclined to respect Him Who put them in our hearts. The Qur-án means that we should appreciate and value mutual love and affection, and be heartily grateful and reverential to the Cherisher and Creator of those sentiments. This plainly suggests that instead of the relationship of man and woman being unholy, as the Buddhists and Christians thought it to be, it could be a means of our getting more devoted and grateful to God if we know how to value our mutual sentiments of love and affection.

That part of the verse that follows is the *summum bonum* of the whole chapter—nay, the *summum bonum* of all that has been said from the day of the creation or evolution of humanity to this day in favour of woman. By that part of the verse Islam has raised woman to a status and position beyond which she can never be raised, because there is no room left above the position she has been raised to.

The Qur-án eloquently uses one word, "wombs," with the conjunction "and," and by these two words expresses volumes. Read with the context the meaning would be, "and respect devoutly the wombs that bear you, i.e. women." There are several points which should be noted in this connection. The first is that never before had any religious reformer, leader, or prophet, or any religious book, issued such an injunction that women should be respected. It was an absolutely unique injunction, and that Muhammad had the courage to issue it is in itself marvellous. Women, who were treated like animals before, were not only now to be treated like other human beings, not only to be treated equally with the other sex, but the

Divine order was publicly proclaimed to all the human beings that they should be respected. Then, this was not enough. The same word has been used by the Qur-án commanding the respect for women as used for God Himself. How could a higher position be given to women? How can a higher position be given to her now? In one sentence, with the same word, the Holy Qur-án commands people to respect devoutly Allah and Woman! Only those people can understand the significance of the word *Taqwa* who know the Arabic language. It does not merely convey the idea of respect. Even "respect devoutly" does not convey the full import and the full religious sense of the word "*wattaqu.*" This use of the word has attached a special sanctity, and the command means that people should not only respect women, but also consider them as sacrosanct. What a revolution this was in the very conception of womanhood! The Brahmans and the Buddhists, who were the most religiously inclined people and had a standing of great antiquity, the Christian monks and ascetics who sacrificed everything to their religious devotion and zeal, the Jewish people who believed themselves to be the only chosen race of God, all considered woman unholy, unclean. But here comes an untutored Arabian, born amidst a people who treated women as mere chattel and buried their own innocent little daughters alive, and he proclaims in one breath, at the top of his voice, which echoes and re-echoes not only in his own age but ever afterwards all over the world, that Allah should be respected devoutly and also women should be respected devoutly. Allah is the real Creator of all things, but woman has a great deal to do in giving a human form to every man. God has thus raised the status of woman to the highest level.

One other point of importance in this verse is the use of the word "wombs" instead of "woman." This also is deliberate. It is meant by this means to extol the highest and noblest aspect of womanhood—that of being a mother. It makes the whole command so convincing. People should respect woman if for no other reason then only for the sake of her being their mother—for the sake of her having borne all the trouble and pain for them, for the sake of her sacrifices, for the sake of her pure love and her selfless affection for them.

This argument ought to have been more impressive for the minds of those people who believed that their prophets were

born only through the agency of women. To the followers of Krishna, Buddha, and Christ this argument ought to have appealed most. But alas! it did not for a long, long time—for centuries, for ages.

Wonderful really are the ways of Providence! Krishna, Buddha, and Christ all are said to have been born without any male agency, i.e. they owe their birth and bringing up only to their saintly mothers. Muhammad, on the contrary, did not owe much to his mother, who died when he was only six years old. Even those six years he had spent mostly away from his mother, in the charge of his nurse Halima, who lived in a different town from where Muhammad's mother lived. Muhammad's father had died a few months before his birth, Muhammad became a complete orphan while yet a child. But this fatherless and motherless child was chosen by the All-knowing and All-wise God to command reverence for parents, to bring the charter of liberty and equality for the womanhood, and of respect and sacredness for the motherhood.

While Buddha left his mother, while Christ said he had nothing to do with his mother, motherless Muhammad, when he grew up, not only brought the divine message given above but himself uttered these holy and eloquent words :

*Al jannato tahtal aqdamal ummahat*

("Paradise lies at the feet of mothers.").

Paradise or Nirvana is the object of the life of all religious people. All their good deeds have that as a motive power behind. All their prayers and fastings and sacrifices are for that goal.

But this very paradise, this highest ideal of bliss, was put at the feet, the lowest part of the body, of mothers by the orphan child of Amcena! (may God send blessings upon his soul). Who could honour the mother more!

Muhammad went so far as even to give the sister of the mother a high place.

It is related that one of his followers came to him once and said : "O messenger of God, verily I have done a great crime, is there any act by which I may repent?" The Prophet asked, "Have you a mother?" The reply was in the negative. "Have you an aunt?" inquired the Prophet; and

when the reply was in the affirmative the Prophet said, "Go do good to her, and your crime will be pardoned."

The Qur-án in the verses quoted above, after commanding people to respect mothers, adds a warning, "Surely Allah ever watches over you." This is meant to make the command more impressive, and to warn people that though they themselves might forget when they grow up all the kindness shown to them by mothers when they were young, nothing is concealed from the vigilant eyes of God.

By the last portion of the verses the Qur-án intended to right a great wrong then prevailing in Arabia, which has been referred to more directly in other portions of the Qur-án.

The Arabs used to make out one excuse or another to devour the property of orphans, and very often the guardians of female orphans forcibly got them married to themselves, thus the property of the orphans became mixed up with their property and they became owners of it. Like the Romans of old, or Englishmen of thirty years ago, Arabs also treated a married woman as a child, and her husband became the master and the proprietor of her property. In contrast to this, over thirteen centuries ago the Qur-án declared that even when women are helpless orphans and minors it is not right to take possession of their property by any excuse, or to change it for worse on any pretence.

Besides these opening verses quoted above from the chapter on Women, there are numerous other places in the Qur-án where the questions relating to women have been dealt with. The reforms effected by Islam in the matters relating to women have been multifarious. Their position was improved as a child, a girl, a wife and a mother. Their rights were defended in every stage of their life; privileges were granted to them in every walk of life. As far as mutual dealings of the two sexes were concerned the female sex was awarded greater privileges than man, and rules were laid down to develop a great respect for the woman sex.

It must always be remembered that Islam is not a mere idealistic philosophy. Nor is it dogmatic. Whatever precepts it has laid down it has always seen that they are practicable. It has even gone so far as to show the way they could be acted upon.

"The law of Islam contains admirable moral precepts



and what is more, succeeds in bringing them into practice and powerfully supporting their observance" ("The Hibbert Lectures").

The most beneficial and humane step taken by Islam was to abolish infanticide. As has been said before, in Arabia in the days of ignorance, and almost all over the world, human sacrifice and child-murder were common, and the female sex the most popular prey to superstition and inhumanity.

The Qur-án relates it thus:—

"For when the birth of a daughter is announced to any one of them, dark shadows settle on his face, and he is sad :

"He hideth himself from the people because of the ill-tidings ; shall he keep it with disgrace, or bury it in the dust ? Are not their judgments wrong ?" (Al Nahl 61, 62).

And when this female child that had been buried alive shall be asked for what crime she was put to death . . . (lxxxi. 8, 9).

It interdicts child-murder by several verses :—

"Kill not your children for fear of want : for them and for you will We provide ; verily this killing them is a heinous crime" (Bani-Israel 33).

"And that you slay not your children" (Al-anám 153).

M. Caussin de Perseval relates a dialogue between Muhammad and Qais of Bani Tamim on an occasion when Muhammad was fondling a little female child on his knees.

Qais asked : "The young of which creature is this that you are fondling, Muhammad ?"

Muhammad replied : "This is my child."

Qais said : "By God, I had many such daughters, but I buried all alive and never fondled one."

The Prophet said : "Then thou art unlucky indeed, and it seems as if God has deprived thee of human love and of one of the greatest blessings to humanity."

Prostitution, which caused the greatest degradation to the woman sex, was stopped by the Qur-án, and Islamic law does not allow it under any circumstances.

"The whore and the whoremonger—scourge each of them with a hundred stripes ; and let not compassion keep you from carrying out the sentence of God" (Al-Nur, v. 2).

Arabs, like Christian Catholics of those days, did not allow widow-marriage, nor, like Romans, did they allow their slaves to get married.

Islam allowed widow-marriage, and abolished any distinction between slave and free person as far as rights of humanity were concerned.

The Qur-án says : " And marry those among you who are single (widowed or divorced), those who are pious (virtuous) among your male or female slaves ; if they are poor, Allah of His bounty will enrich them. Allah is All-bounteous, Knowing " (Al-Nur, sec. 5, v. 32).

The Qur-án boldly says as regards slaves :—

" Ye all sprang the one from the other. Marry them, then, with the leave of their masters, and give them a fair dower : but let them be chaste and free from fornication, and not entertainers of lovers " (Al-Nisá, v. 29).

The Qur-án stopped woman being treated as a property and being inherited by a son from his father. Marriages of this incestuous nature were common among ante-Islamite Arabs (see Freytag's Einl. p. 201).

" And marry not women whom your fathers married, except what has already passed ; this surely is indecent and hateful, and it is an evil way " (Al-Nisá, v. 22).

It stopped the custom of imprisoning women by husbands to get back from them their dowry.

" And do not retain them for injury so as to be unjust towards them. He who does so does in fact injure himself " (Al-Baqara, v. 29).

Again—

" And do not restrain them in order that you may take part of what you have given them " (Al-Nisá, sec. 4, v. 19).

Islam fixed dower for the absolute benefit of woman. The husband has to give some money and property to the woman he marries, and that becomes her sole property in which she has absolute right. Husbands have been exhorted to give the dower gladly and willingly.

" And give women their dowries as a free gift " (Al-Nisá, sec. 2, v. 4).

It can be safely said that ALL the evil practices against woman were abolished by Islam. Not content with this, it boldly announced the equality of the two sexes in all human rights and privileges, in spite of the physical superiority of man and his manly capabilities and natural advantages. The rights

of woman as a member of humanity are the same as the rights of man.

"And they have rights similar to those against them in a just manner" (Al-Baqara, sec. 29, v. 228).

Again—

"Men shall have the benefit of what they earn, and women shall have the benefit of what they earn" (Al-Nisá, sec. 6, v. 32).

In a beautiful metaphor the equality of the two sexes has again been thus established :—

"They are your garment, and you are their garment" (Al-Baqara, sec. 23, v. 187).

Islam has commanded men to be careful of the rights and dues of woman.

"And give them their dues justly" (Al-Nisá, sec. 4, v. 25).

It desires a husband to consider his wife a means of his life and happiness as his fields are. The more the fields are taken care of, the more they produce means of the sustenance of life and its comforts ; so also the more a man cherishes his wife, the more happiness of the soul he can draw.

Maulvi Muhammad Ali says in his English translation of the Qur-án : "The comparison of woman to the tilth is simply to show that it is she who brings up the child, and through whom is made the character of the man, and to show that the real object of conjugal relations is not the satisfaction of carnal desires. As it is the ground on which the growth of the plant depends, so it is the mother on whom depends the growth of the man and the building up of his character. This shows the importance of woman in the marital relation and in society."

"Your wives are a tilth for you" (Al-Baqara, v. 223).

The Final Testament, or the Last Gospel, has entered in all the social affairs of humanity, and laid down rules for all the aspects of life.

Islam, unlike Buddhism and Christianity, discouraged monasticism and celibacy.

"But as to the monastic life, they [the Christians] invented it themselves. We did not prescribe aught but seeking the will of Allah, and this they observed not as it ought to have been observed" (Al-Hadid, sec. 4, v. 27).

Al-Qur-án says that the two sexes have been created by the Almighty and All-wise Creator for the object of mutual union and love.

"And one of His signs it is that He hath created wives for you of your own species that you may secure comfort from them, and hath put love and tenderness between you. Herein truly are signs for those who reflect" (Al-Rūm, sec. 3, v. 20).

The object of marriage given by Islam is "Purity, not Passion" (Al-Nisá, sec. 4, v. 24).

And the advice of the Qur-án to the husbands is, "But associate kindly with them (wives)" (Al-Nisá, sec. 3, v. 19).

The Qur-án forbade making false promise of marriage to woman. "But promise them not in secret, unless ye speak honourable words" (Al-Baqara, sec. 30, v. 235).

Islam allows women to inherit their relations. "Man shall have a portion of what the parents and the near relatives leave, and women shall have a portion of what the parents and the near relatives leave, whether there is little or much of it: a stated portion" (Al-Nisá, v. 7).

Under French law only children, whether male or female inherit their parents.

The mutual position of the two sexes has been thus described in the Qur-án:—

"The faithful of both sexes are mutual friends: they enjoin what is just, and forbid what is evil: they observe prayer, and pay the legal alms, and they obey Allah and His Apostle. On these will Allah have mercy: verily Allah is Mighty, Wise."

It equalizes their rights thus: "To her, the same what is due from her."

It protects chaste women from being scandalized, and punishes the slanderers.

"And those who asperse chaste women, and then bring not four witnesses, scourge them with eighty stripes, and believe not their testimony for ever; and these, they are wicked doers" (Sura xxiv. 4).

In the case of any misunderstanding between husband and wife the Qur-án encourages arbitration and reconciliation:—

"And if ye fear a breach between the two (man and wife), then send a judge from his people and a judge from her people: if they desire a reconciliation God will arrange between them; verily God is Knowing, informed" (Sura iv. 35).

Islam ordains high respect for parents.

"God hath ordained that ye worship none but Him, and that ye show kindness to your parents, whether one or both of

them attain to old age with thee ; and say not unto them ' Fie,' neither reproach them, but with respectful speech address them both, deferring humbly to them out of tenderness, and say : ' Lord, have compassion on them both, even as they reared me when I was a little one ' " (xvii. 23, 24).

But it has drawn greater attention to motherhood.

" We have enjoined on man to show kindness unto his parents. With pain his mother beareth him, with pain she bringeth him forth " (xvi. 15).

One other unique point as regards the respect of woman in Islam is that it has allowed a Muslim to marry a woman of other religions that have " Books " like Judaism and Christianity.

The Jews never recognized a mixed marriage. To them Gentiles are hardly human. At one time, under Christian law, if any Christian married a Jewess both were to be killed. But Islam allows a Muslim man to marry a Judaic or Christian woman.

" This day are ye allowed, to eat such things as are good, and food of those to whom scriptures are given is allowed as lawful unto you and your food is allowed as lawful unto them ; and ye are also allowed modest women, that are believers, and modest women of those who have received the scripture before you, when ye shall have assigned them their dower, to live chastely, neither fornicating, nor taking them for concubines " (v. 5).

The point to be noted is that the Qur-án does not want its followers to make any distinction between a Muslim wife and a non-Muslim ; therefore it has mentioned the marriage with believing women in the same verse in which it has given permission to marry non-Muslim women, otherwise the mention of the first in this verse was not needed at all.

A woman or a wife, whether Muslim or non-Muslim, should be treated with respect and affection. If a Mussalman marries a non-Muslim woman he has been ordered to provide for his non-Muslim wife her church to say her prayers and keep all the ceremonies according to her own religion. It is a husband's duty to spend the money to provide these facilities. His home would have to include a synagogue or a church for the convenience of his wife, and to satisfy the dictates of her conscience if she is a Jewess or a Christian.

If the question of the custody of children arises, the Muslim

father will not be allowed to have it in preference to his non-Muslim wife.

So scrupulous has been Islam in paying regard to the susceptibilities of woman, that it has disallowed the marriage of a Muslim woman to a non-Muslim man.

A Mussalman is religiously bound to respect the religious scruples and sentiments of his Jewish or Christian wife, because he is religiously bound to respect Moses and Christ both, and because his own religious book allows him to take a Jewish or Christian wife. But if a Muslim woman were allowed to be married to a non-Muslim man, whether a Jew or a Christian, then, because neither of them had any respect for Muhammad or Islam, and because the religion of neither of them allowed a mixed marriage, they could never be expected to respect the scruples and susceptibilities of the Muslim girl. And Islam's respect for woman being too high to allow any disregard to the sacred scruples and sentiments of woman, it forbade a Muslim woman to be married to any non-Muslim.

As Muhammad's own words and his own life were the best commentary upon the divinely inspired Last Testament or the Final Gospel, i.e. the Holy Qur-án, we shall see what he himself had to say about woman and how he treated members of that sex. Muhammad has said :—

"The best of you is he who behaves best to his household.

"Women are the twin-halves of men.

"The world and all things in it are valuable ; but the most valuable thing in the world is a virtuous wife.

"When a woman observes the five times of prayer, and fasts the month of Ramzan, and is chaste, and is not disobedient to her husband, then tell her to enter Paradise by whichever door she likes."

The Great Apostle abhors the idea of beating women :

"Those men who beat their wives do not behave well. He is not of my way who teaches a woman to stray.

"He is of the most perfect Muslims whose disposition is most liked by his own family.

"That is the best of Muslims whose disposition is best ; and the best of you are they who behave best to their wives.

"The thing which is lawful, but disliked by God, is divorce.

"God enjoins upon you to treat women well, for they are your mothers, daughters, and aunts.

"The rights of women are sacred. See that women are maintained in the rights granted to them.

"A virtuous wife is a man's best treasure.

"Do not prevent your women from coming to the Mosque."  
(*"Sayings of Muhammad,"* by Suhrawardy.)

On one occasion Omar asked the Prophet what were the things specially to be sought in this world. He answered: "A tongue occupied in the remembrance of God, a grateful heart, and a believing wife."

Al-Ghazzali writes that the Prophet, when he found the weight of his revelations bear too heavily upon him, touched his wife Ayesha and said: "Speak to me, O Ayesha, speak to me!" This he did that, from that familiar human touch he might receive strength to support fresh revelations.

On another occasion the Prophet said: "To give one's wife the money she requires is more important than to give alms." And again: "Suppose a man spends one dinar in religious war, another in rescuing a slave, a third in charity, and gives the fourth to his wife, the giving of this last surpasses in merit all the others put together."

A man should not eat anything, especially good, by himself without sharing it with his wife. They should better take their meals together, as the Prophet has said: "When husband and wife eat their meals together, God sends His blessing upon them and the angels pray for them."

On another occasion the Prophet said: "He who bears the ill-humour of his wife patiently will earn as much merit as Job did by the patient endurance of his trials." And again: "He who deserts his wife and children is like a runaway slave; till he returns to them, none of his fasts or prayers will be accepted by God."

In advocating marriage the Prophet said that the prayers of children profit their parents when the latter are dead, and children who die before their parents intercede for them on the Day of Judgment. When a child is told to enter heaven it weeps and says, "I will not enter in without my father and mother." One day the Prophet took hold of a man's sleeve and drew him violently towards himself, saying, "Even thus shall children draw their parents into heaven." He added: "Children crowd together at the gate of heaven, and cry out



for their fathers and mothers, till those of the latter who are outside are told to enter in and join their children."

The farewell address of Muhammad, his Sermon of the Mount, contained the following instructions among others:—

"You husbands have rights, and you wives you have rights. Husbands, love your wives and cherish them. You have taken them as your wives under the security of God. Treat them well.

"As to your slaves—male and female—feed them with what you eat yourself and clothe them with what you wear. If you cannot keep them, or they commit any fault, discharge them. They are God's people, like unto you, and you are to be kind to them."

On his deathbed he said: "Continue in your prayers and treat your wives well."

Following their Holy Prophet, whose word has always been a law to the Muslims, all saints and holy men of Islam have urged upon Muslims to treat women well.

The great Khalifa Omar, about whom the Holy Prophet said that if there were any prophet to come after him he would have been Omar, said, "After faith, no-blessing is equal to a good wife."

Abu Suleiman said, "A good wife is not a blessing of this world only, but also of the next."

The celebrated saint, Bishr Hafi, said, "It is better that a man should work for his wife and children than merely for himself." But he also added, "I am afraid of that verse in the Qur-án which says, 'The rights of women over men are precisely the same as the rights of men over women.'"

Ibn Mubarak, when engaged in a religious war, was asked, "Is any work more meritorious than religious war?" "Yes," he replied, "to feed and clothe one's wife and children properly."

Al-Ghazzali says that a man should remain on good terms with his wife. He should bear patiently any annoyance she causes him, whether by her unreasonableness or ingratitude. He should condescend to his wife's recreations and amusements, and not attempt to check them. The Prophet himself actually on one occasion ran races with his young wife Ayesha. The first time he beat her, and the second time she beat him. On another occasion he held her up in his arms that she might

look at some performing negroes. In fact, it would be difficult to find any one who was so kind to his wives as the Prophet was to his. (*Kimiai-sa'adat*.) Other learned men have said, "A man should come home smiling and eat what he finds, and not ask for anything he does not find."

In this connection, as in other respects, it should never be lost sight of that Islam is the religion of Nature, therefore it could not ignore the fact how Nature has put the relationship of the sexes and how Providence has gifted each as regards certain qualities or capabilities. Nor could Islam blind itself to the established fact that man had a precedence of thousands of years in developing more than woman certain particular qualities.

Through those immutable laws of Nature which Darwin has discussed fully, i.e. struggle for existence, natural selection, and influence of heredity, man got the upper hand of woman and surpassed her in certain attributes and capabilities, so much so that while man now has a very long history of great personages in every walk of human life, the history of woman is comparatively not one-thousandth part so brilliant. As the early history shows us, man from the very first dominated over woman, and the result of this immemorial subjection could not but tell upon her character and physique. Socially, religiously, politically, and even intellectually woman had been kept under subjection; so she has been left behind man in development, and she cannot surpass him now, nor even come level with him, in those respects in which she was left behind, because man had a start of such a very long duration. He has gone far, far ahead of her in the sex race, and it is the duty of woman herself now to respect him in those matters in which he has gone ahead and is better developed.

We all know that woman has to bear the burden of child for several months and has to give it her own life-blood; that she is incapable of doing any hard work at such period of her life; that she requires the help of her mate on at least those occasions of pain, trouble, and weakness.

Physically and physiologically also it has been found that woman is inferior to man. Her brain weighs less; her heart is smaller. It is possible that when man and woman were first evolved or created they were equal in every respect. But a long domination of man over woman and the differ-

ences in the mode of living of the two sexes have made man a degree higher than woman. Man is now a stronger being than woman. He has more energy, vitality, standing power. His force, both mental and physical, is reserved for a longer period than that of a woman. His genius has also been perhaps more developed. It is man that has produced Plato, Aristotle, Ibn Rushd (Averroes), Ghazzali, Alexander, Newton, Buddha, Moses, Omar, and Hafiz, etc. It is man who produced that super-man, that perfect human being, Muhammad. The greatest intellectual genius to-day is also a man. But when in these thousands of years of his existence man has developed certain qualities more than woman has, he has also developed more certain vices. He is more fierce and more lustful. He has shed much more human blood, he has taken much more animal life than woman. He has also been much more licentious and immoral than woman. He drinks more, gambles more. Once his passions get aroused it becomes very difficult for him to keep proportion, and he begins to see things in an exaggerated way. Society as a whole can only be harmonious and prospering if the mutual capabilities of the two sexes are understood well. Woman must acknowledge the superiority of man in certain respects, and man that of woman in others.

Islam recognizes this sex difference, and it is therefore that the Qur-án says :

*"Al rigal qavvamoona alannisd."*

*"Val rigal 'alaihán darjatan."*

It is therefore that Islam has assigned to man the duty of securing the comfort of his wife and to provide for his family. It is therefore that in the laws of inheritance the Qur-án has not lost sight of these differences, nor in the matter of giving evidence in legal matters.

Muhammad recognized, as do all those who have studied Nature, that woman has been assigned the position of the weaker sex.

"They are dependent," says Schopenhauer, "not upon strength, but upon craft; and hence their instinctive capacity for cunning and their ineradicable tendency to say what is not true." He further says that you need only look at the way in which she is formed to see that woman is not meant to undergo great labour, whether of the mind or of the body.

She pays the debt of life, not by what she does, but by what she suffers; by the pains of child-bearing and care for the child, and by submission to her husband, to whom she should be a patient and cheering companion. The keenest sorrows and joys are not for her, nor is she called upon to display a great deal of strength.

There is no doubt that Nature proceeds with her usual economy. Just as the female ant, after fecundation, loses her wings, so after giving suck to one or two children a woman generally loses her beauty. And the German philosopher argues that the nobler and more perfect a thing is, the later and slower it is in arriving at maturity. A man reaches the majority of his reasoning powers and mental faculties hardly before the age of twenty-eight; a woman, at eighteen. And then, too, in the case of woman it is only reason of a sort—very niggard in its dimensions. That is why women remain children their whole life long, never seeing anything but what is quite close to them, cleaving to the present moment, taking appearance for reality, and preferring trifles to matters of the first importance. She may be described as intellectually short-sighted.

In their heart women think that it is men's business to earn money and theirs to spend it—if possible during their husband's life, but at any rate after his death.

In India also there is a saying which means that woman declines when she reaches her twentieth year, while man is a mere youth when at sixty.

No religion nor any moral nor social institution or law should ignore Nature. Because the modern laws of Christendom have tried to ignore natural tendencies, and have not done anything to restrain those tendencies if they did not do justice to humanity as an evolved entity in the animal kingdom, the result is the modern upheaval, discontent, and immorality in society.

On the other hand, the social laws and customs in Islam have kept their eye upon the natural facts as they stand, and therefore there is no "new woman" or "revolting daughter" yet born in Islamic countries; nor is there that abominable street immorality which is rampant in all Christian lands. In Islamic countries an old maid is unknown. Muslim women do not consider marriage a nuisance, housekeeping a botheration.

They do not consider it an honour to be considered an *equal* of man and his *rival* in all the walks of life. They know that they are performing a higher and nobler duty towards humanity when they are guarding the purity of blood of the future generations and when they are managing their homes and children.

In Muslim countries, marriage, though essentially a civil contract, has acquired a religious character. Muslims are warned that when they get married to a woman they should consider that they have asked her in marriage, and have possessed the best jewel she had, in the name of God, so that when the star of her beauty declines she must not be rejected; that if she is rejected or ill-treated, God will consider it a disrespect shown to His own Lofty and Holy Name.

Al-Ghazzali says: "Marriage plays such a large part in human affairs that it must necessarily be taken into account in treating of the religious life." And again he very convincingly declares: "Marriage is a religious institution, and should be treated in a religious way, otherwise the mating of men and women is no better than the mating of animals."

Man has been told by the Holy Qur-án that he should not ill-treat his wife or even divorce and discard her if he does not feel satisfied with her, as Allah in His mercy might have put some good in that also. Man does not know his future—he can hardly anticipate circumstances; so he is asked—nay, ordered—to put up with the fit of displeasure with his wife, which might prove only temporary.

The marriage laws of Islam as laid down by the Holy Qur-án are most beautiful and very natural. For the protection of the rights of women it is considered necessary to have at least two witnesses of marriage. Consent of the parties is absolutely essential. It is encouraged to make public marriages, and even to celebrate them with feasts. "Make a marriage feast," said the Prophet, "even if you have only a goat to make it with." A dower or marriage portion should also be fixed for the woman who is going to be the wife, to ensure her personal comfort.

The amount of dower depends upon mutual consent, and if no particular amount is named then it is supposed to be the same as that of his and her compeers, i.e. men and women of the same status in life. Pre-nuptial settlement or *Mahr* is

a very useful and important item, and comes of great help to woman not only financially, but as a great check upon divorce. It keeps many men in their proper senses and keeps them back from playing with marriage and divorce. While under the Jewish law a father has to give some money with his daughter, when the latter is given in marriage to somebody, under Islamic law the man who wants to get married to a woman has to give her some money in the shape of MAHR, which becomes her own property, so that if any adverse circumstances take place after the marriage, or if divorce separates them, the woman has something to fall back upon.

#### MAHR, OR ANTE-NUPTIAL SETTLEMENT.

We quote one of our articles under the heading of "MAHR" that appeared in the June 1915 number of the ISLAMIC REVIEW :—

One of the most effective means which Islam adopted to safeguard the pecuniary interests of woman after her marriage was through *Mahr* or antenuptial settlements.

In order to constitute a valid marriage, the Muslim Law requires that there should always be a consideration on the part of the would-be husband in favour of the woman he is going to marry, for her sole and exclusive use. This consideration is called *Mahr* in Muslim Law.

Anything of value, over which the right of property may be exercised, may form the subject of *Mahr*.

No particular limit has been fixed for the *Mahr*. It varies in different countries. It depends mostly on the social position and the financial means of the parties. The nearest equivalent to *Mahr* in Roman Law was *donatio propter nuptias*. The Jewish Law also required a settlement in the form of dower. But as Islam has always been the most scrupulous of all other systems in safeguarding the interests of women, it made some alterations in favour of the weaker sex in the Roman as well as Jewish Laws as regards the antenuptial settlement.

*Mahr* became one of the essentials of the Muslim marriage, so much so that if it were not specifically mentioned at the time of marriage, or in the marriage-contract, the Law will presume it by virtue of the contract itself.

Under Islamic Law, the wife does not have to wait for the

time of divorce to get the exclusive possession of the *Mahr*, as she has to do under the Jewish Law.

*Mahr*, under the Islamic system, becomes a very beneficial check on divorce or dissolution of marriage. There being no maximum fixed for dower, an exorbitant amount is sometimes fixed, and that becomes a great deterrent to divorce.

The wife has an absolute option to claim the *Mahr* during the lifetime of her husband. It rests with her to choose her own time for making that claim. She may even refuse to take up her abode with her husband without previous payment of the 'prompt' *Mahr*. It is optional on the part of the woman to agree to any part of the *Mahr* being 'deferred,' i.e. payable on the dissolution of marriage.

The right of a wife once vested in *Mahr* is not lost even if she murder her husband. Her right cannot be taken away from her. But she can make a gift of her dower to her husband. However, a stipulation on her part before marriage to abandon all her right to dower is inoperative, and should such a stipulation have been entered into, the wife would nevertheless be entitled to the customary dower.

*Mahr* is a debt like all other liabilities of the husband, and has preference over legacies bequeathed by testator and the rights of heirs. Even a partition of the estate cannot take place until the *Mahr* has been paid.

When the wife is alive she can recover the *Mahr* herself from the estate of her deceased husband. If she be dead, the assigns or representatives stand in her place and are entitled to recover the same.

A suit for ejectment against a widow in possession of her husband's estate for unsatisfied *Mahr* will not be allowed.

*Mahr* is only one of the concessions to women. There is no law which has been so favourable to women as the Islamic Law.

The social laws of Islam were deliberately kept elastic. Islam was meant for all ages and all times, and therefore all its laws could be made adaptable to every circumstance. This law of *Mahr* can be very conveniently adapted to the needs of the present-day European social ways. In Europe there is a system of marriage settlement. 'Prompt' *Mahr* of Islam can easily take the form of a marriage settlement, and to continue a financial check on divorce another large portion of the *Mahr*



should be left as 'deferred.' This will be a great improvement in the marriage customs of the European society. 'Prompt' *Mahr* can be either in cash invested for the benefit of the wife or in the form of property settled on wife. It will become her absolute and alienable property immediately, and she will be saved from suffering any physical discomfort if her husband does not treat her well.

#### CUSTODY OF CHILDREN.

In another respect Islam gave woman greater rights than to man, and this was in the custody of children, called in Islam *Al-hazanat*. On this subject we wrote as follows in the July 1915 number of the ISLAMIC REVIEW:—

Muhammad's place in the foremost personages of the world is highest even as a legislator. Being inspired by the God of Nature, his laws are wonderfully judicious—strengthening the weak points of the human nature, weakening the wilder passions of humanity. The grand legislator had, it is obvious, the mind of humanity open before him when he laid down his laws. The illiterate prophet proved the most learned legislator and reformer. The book of Nature was open before him. He was a naturalist—a naturalist who was conversant with every phase of the nature of that creature who has the most complex nature of all the creation—Muhammad knew the very soul of man. His laws of inheritance, of marriage, etc., etc., all show a deep insight into human nature, and it is because of that insight that his laws held as good thirteen centuries ago in the burning deserts of Arabia as they do to-day in the coldest clime—these laws were as good for nomadic Arabs as they are for highly civilized Europeans. It was the study of human nature that caused him to legislate even on such matters as the rights of women to property which were legislated even in civilized England only a few years ago, and also on such matters as the custody of children which still remain unlegislated in these islands.

Muhammad made a vivid and natural distinction between *jabr* (*patria potestas*) and *hazanat* (custody of children). The right of *jabr* was given to man (father), that of *hazanat* to woman (mother).

"Whether during marriage or after its dissolution the

mother is of all persons best entitled to the custody of her children," says the *Fatawai alamgîri*.

The right of *jabr* accrues to the father when the child does no more need maternal care, and then the father has a right to take charge of him, to educate him, and to imbue him with family spirit.

"At the age of nine," says D'Ohsem, "a boy passes from the care of his female relations into the hands of his father, in order to receive from the father a masculine education analogous to the paternal status, condition, and fortune."

The mother has the custody of her daughter until she arrives at her marriageable age—in certain cases until she is actually married. No male is allowed to have the custody of a female child unless he is within the prohibited degree of relationship to her, and cannot under any circumstance marry her. The right of *hazanat* has in view the exclusive benefit of the infant and belongs to mother *qua* mother. Such is the toleration of the Muslim Law that the right of *hazanat* appertains equally to Muslim and non-Muslim mothers. Of course, apostasy and misconduct in the mother, being considered prejudicial to the interests of the children, form a bar to their remaining in her custody.

The qualifications necessary for the exercise of the right of *hazanat* are: (1) That the *hazina* should be of sound mind; (2) that she should be of an age which would qualify her to bestow on the child the care which it may need; (3) that she should be well conducted; and (4) that she should live in a place where the infant may not undergo any risk morally or physically.

The right of *hazanat* is lost (1) by the subsequent marriage of the *hazina*; (2) by her misconduct; (3) by her changing her domicile so as to prevent the father or tutor from exercising the necessary supervision over the child.

Because the law presumes that a woman marrying a stranger and entering a new family will not have the same affection for the child as before, it deprives such woman of her rights of *hazanat*, but if she marry a relation of the infant she retains her right.

Even when a mother, separated from her first husband, marries a second time with a view to secure for her child a better living, she does not forfeit her right of *hazanat*. In the

absence of the mother the right of *hasanat* descends on her female relations and those connected through her are preferred to those connected with the child on the father's side only. In the matter of *hasanat*, women as women have been given a superior right to man. As long as there is a female relation to look after infant children no male relation can get the right of custody. Islamic law has given rights to man and woman in accordance with nature. As in the case of *hasanat*, it has recognized the superiority of women over men for certain objects. On other occasions, the natural superiority of man over woman has been kept under view. The balance of rights has been justly held up, and there is no room left for any rupture between the two sexes.

#### THE QUALITIES OF A WIFE.

As to the qualities of a wife Al-Ghazzali centuries ago said in his *Kimi'at Saadat*:—

The most important of all qualities which should be sought in a wife is chastity. A wife who is beautiful but of evil character is a great calamity; such a one had better be divorced. The Prophet said, "He who seeks a wife for the sake of her beauty or wealth will lose both."

The second desirable quality in a wife is a good disposition. An ill-tempered or ungrateful or loquacious or imperious wife makes life unbearable, and is a great hindrance to leading a devout life.

The third quality to be sought is beauty, as this calls forth love and affection. Therefore one should see a woman before marrying her. The Prophet said, "The women of such a tribe have all a defect in their eyes; he who wishes to marry one should see her first." The wise have said that he who takes a wife without seeing her is sure to repent it afterwards. It is true that one should not marry solely for the sake of beauty, but this does not mean that beauty should be reckoned of no account at all.

The fourth desirable point is that the sum paid by the husband as the wife's marriage-portion should be moderate. The Prophet said, "She is the best kind of wife whose marriage-portion is small and whose beauty is great."

The fifth is that she should not be barren; and also that the

wife should be of a good stock, and should not be too nearly related to the husband.

We doubt very much if the above given standard of a wife can be raised now or ever afterwards. It would be needless to add that Al-Ghazzali has given none but the Islamic standard.

#### POLYGAMY.

Islam has been grossly misrepresented as regards its marriage laws. It has been alleged that it instituted polygamy. In fact, it will be clear to any student of Western literature that Islam has been most maliciously misrepresented in many respects in Europe. Particular care was taken by the Christian priests to keep the real Islam out of the reach of their flock and to present before their eyes such caricatures of Islam that would be repulsive even to look at. They tried their best even to put a veil upon those beauties of Islam which could not be concealed. They used to say that Muslims did not initiate anything. What progress they brought to the world—Europe included—was simply due to their revivification of Greek art, literature, and science. They did not admit that it was through Islam only that the cycle of reason began and that so many superstitions of Christianity were exploded. With the increase of education in Europe—which in itself was due to the example set by Muslims in Spain and Sicily, where they founded colleges and libraries for the advancement of general education—the condemnation of Islam took another turn among Christians. They began to misrepresent its beliefs, its institutions, etc. It was said that Islam taught gross fatalism. It was said that Muslims worshipped Muhammad. It was said that Muslims hated Christ. It was said that Islam instituted slavery.

It was alleged that the Islamic idea of the next life was carnal and sensual, and with a view to frighten away the fair sex of Europe it was asserted that Muslims degraded the woman sex, that Islam enjoined polygamy and seclusion. All this misrepresentation of Islam was due to the knowledge that otherwise Christianity could not stand a day against the dazzling glare of Islam. Christianity was based on myths, Islam on facts. Progress among Christians was only possible when they left Christianity. Progress among Muslims was only till the time that they closely followed Islam. And these Christian priests knew that as long as the Book of Islam was intact it

could again crush European arrogance, and dominate over Europe as it did before. So they misrepresented that Holy Book, little knowing that because that Holy Book has remained letter for letter the same as it was revealed to Muhammad it will not be possible to misrepresent it for ever. The Holy Qur-án has not been treated like the Bible or the Psalms, in which changes have been made at will. Anybody, even to-day, can go to the Holy Qur-án to see what rights it confers upon woman. On the other hand, the New Testament does not deal with the question of woman, and in spite of interpolations no man can up to this day show any single passage in the Bible from which it could be inferred that Jesus Christ or Moses ever meant their followers to be monogamous.

Woman as woman owes not a single right, not a single privilege to Christ. It would not have mattered to women if he had never been born. Perhaps it would have been better for them, as they would have been saved from those abuses which were piled upon them by those pious disciples of Christ who tried to follow the Essenic life of Christ, and who went so far as to say that it was through woman that even their "Lord had to suffer death."

Polygamy was never forbidden, nor even curtailed or regulated by Jesus Christ or his immediate apostles. Polygamy prevailed among Christians for ages after Christ. Thirteen hundred years ago, when Muhammad came with his mission, polygamy under Christianity was by no means anathema. That Christendom to-day claims to be monogamous is due not to Christianity but to social reformation. When Muhammad came with the laws of Islam, about six hundred years after Christ, polygamy was an established institution in all countries and in all religions. It had been an established institution from time immemorial. No religious or social system condemned it. Excepting Christianity, and also Judaism, there is no religious system to-day which has condemned or even regulated it. Hindus are the people with the oldest history, oldest civilization, and oldest religion. But they still are polygamous. Their law, their religion allows them unlimited number of wives. It is only Christians and Jews who have, in this respect, departed from the rulings and practical examples of their prophets and holy ancestors. Not to speak of others, Moses himself had more than one wife. Jesus, having

joined the order of Essene, lived the life of celibacy, but he never said anything condemning the practice of his predecessors—Moses, Solomon, or of his own ancestors. It has been said that the Blessed Mary herself had a rival. Muhammad's mission was to remove the social and moral evils and to lay down such laws as would be beneficent to all people at all times, at every stage of human development. He was the Last Prophet. His mission was universal, and all the laws he brought were such as were meant for humanity, i.e. which did not ignore human nature and which were the best means to evolve it morally and ethically. While all other religious reformers and prophets had left the question of woman strictly alone, as if the woman sex were not human at all, as if they were not commissioned for more than half of the human race, Muhammad took up all the questions relating to woman just as he took up all the questions relating to the other sex. He found that he could not, he must not, leave the question of woman alone, and he did not leave that question alone. He had to deal also with the question of marriage, and with marriage the question of monogamy and polygamy. In not a single respect has Muhammad condemned the life of other holy teachers and prophets. He could not condemn their polygamous customs and traditions. Under the inspiration from Above he laid down

*Wa in khiftum alla tuqsitu filyatama fankehu ma taba lakum minannisae masna wa sulasa wa rubad. Fa in khiftum alla tadilu fawahidatan au ma malakat aimanukum zalika adna alla ta'ulu* (Al-Nisá, ver. 3).

This is the third verse of the chapter of the Qur-án entitled "Women," in continuation of the two verses given before.

The translation is as follows:—

"And if you fear that you cannot act equitably towards orphans, then marry such women as seem good to you, two or three or four; but if you fear that you will not do justice (between them) then (marry) only one or what your right hands possess; this is more proper that you may not deviate from the right course."

As this is the ONLY verse of the Qur-án from which the permission to marry more than one woman is derived, it will be necessary to deal with it in detail.

The important point which should be carefully noted is that

this verse does not ENJOIN polygamy. It only PERMITS polygamy, and that permission, too, is given on a very strict condition—i.e. if one can be equitable between the wives, then alone he may marry more than one. If he cannot be equitable he is bidden in plain words to marry only one.

Is it not wonderful for a religious reformer to boldly come forward thirteen hundred years ago, when the idea of monogamy was totally unknown to all religious systems, without exception, with his command *Fa wahidatan* ("then only one")? It is true that the command is not rigid, but it is there all the same, and we will, later on, bring forward another verse of the Qur-án from the same chapter, "Women," which will show that it is as much rigid as humanity can stand without violence to its nature.

Ignorant writers in the West have not only attributed polygamy to Islam as if it were a purely Islamic institution, but have tried to make it an obligatory injunction upon every Muslim to have more than one wife. Japan, which is blindly copying the West in other respects, seems also to have followed it in this ignorance. The writer of these pages saw with his own eyes an order of a Japanese official given to a Muslim preacher, who had gone there from Turkey, which mentioned polygamy as an obligatory institution of Islam.

Every one knows that all the social fabric of Muslim society has been drawn from the Qur-án. The permission of polygamy is drawn from the above verse. There is no other verse in the whole of the Qur-án which gives that sanction. Now this one point becomes quite clear, *that polygamy is by no means obligatory upon Muslims*. On the contrary, those Muslims who indulge in polygamy and do not observe equity between the wives, they commit a sin, because they go against the plain injunction of the Qur-án to be monogamous if they cannot be equitable. Where is any other religion which makes polygamy a sin in certain circumstances?

Those people in the West who consider it impossible to be equitable between two wives, if they were to adopt Islam and have more than one wife they would commit sin no doubt in the view of the Holy Qur-án. They can only follow the injunction of Islam in respect of marriage if they remain monogamous.

But the question may arise, "Why did Muhammad even permit polygamy under any condition?" The reply to this

would be that he could have had no claims to be a prophet for all ages for all people if he had not given sanction to polygamy under certain conditions. He was the Prophet, not for the West alone, but for the East and North and South as well, for every race, in every age.

This verse which gives permission for polygamy was revealed after a murderous battle—the battle of Ohud. Several male Muslims were killed, thus reducing the male population. Many young girls had become orphans, for whom protection was required. The Qur-án very strictly laid down laws for the protection of orphans and for the safeguarding of their interests. The old Arab custom was that the guardians got married to orphan girls against their will simply to get possession of their property. The Qur-án forbade it, and said that if by marrying an orphan it be apprehended that injustice be done to her, then from the women who had lost their husbands, or other single women, marriages should be celebrated. (See *Muslim*, on the authority of the Prophet's wife, Ayesha.)

There was, then, a situation which made polygamy a necessity. There were more women than men. The constitution of human society is such that on particular occasions men are more wasted. In Europe the present war has created the same situation. Muhammad was a religious teacher. He was a moralist. He could not recognize "unmarried mothers." He could not encourage "war babies," nor could he ignore human nature. Single life for a woman is not a natural life. A woman in health and with natural vigour, if condemned to single life, will suffer the consequences of ignoring the demands of nature. Modern society may condone or connive at adultery. Muhammad could not. If Muhammad had not permitted polygamy even under restriction, then he would not have deserved that respect as a prophet and a social and moral reformer which he commands now from all impartial and unbiased thinkers. The Book of Laws he delivered he claimed to be from the Great Author of Nature. By the law relating to polygamy that claim is as much justified as by other laws. We all agree that polygamy is not a first-class institution, because it disturbs the society by creating mutual jealousy between two wives of the same man. And this jealousy is due to the fact that one husband cannot be equitable between his two wives.

The Qur-án says that if it be by any means possible for a



man to get rid of this evil in a polygamous marriage, then he can have more than one wife. But if it be not possible to be immune from that evil, in that case only one wife should be considered sufficient. Imam Shafai interprets the last portion of the verse, *salika adna alla ta'ulu*, to mean that polygamy should be strictly restricted, and there should not be many wives. Imam Razi has supported the view taken by Imam Shafai. Both Shafai and Razi were great Muslim jurists and divines. They lived before the modern European civilization came into being.

Maulvi Abdul Qadir, an Indian commentator of the Qur-án, who did not know any European language, law, or customs, also laid great stress upon being equitable to the wives if polygamy was indulged in. But the Qur-án did not stand in need of any elaborate interpretations to make its meaning clear on the point that polygamy is allowed on very, very strict conditions, and that the Qur-án does not mean to give any licence for polygamy to its followers.

The verse 129 of the Section 19 of the same chapter, "Women," says :—

*Walan tastati'u an tadilu bainan nisde wa lau harastum fala tamilu kullalmaile fatazaro ha kalmu'allagata.*

Rodwell's translation of the above verse is as follows, and we prefer to give the translation of a Christian on this occasion :—

"And ye will not have it at all in your power to treat your wives alike, even though you fain would do so ; but yield not wholly to disinclination, so that ye leave one of them as it were in suspense."

This verse, read with the verse that gives conditional permission for polygamy, leaves no room for any doubt that Islam has discouraged polygamy, and has adopted in so doing its usual course of appealing to human nature. In one verse the Qur-án says that if an orphan girl is married by her guardian there will be every likelihood of unfair play, so it will be better to marry other than an orphan under the man's own guardianship. As Islam franchised slaves, the Book of God allowed marriage with them also of any free man. Then the Qur-án, keeping in view certain stages, conditions, and circumstances of human society, gave a permission to man to marry more than one wife. In that also it departed from other religions by

putting a limitation and restriction upon polygamy. And not content with putting only limitations and restrictions, the Qur-án took away the chief sting of a polygamous marriage and said that a Muslim is permitted to marry more than one wife, but on the strict condition that all the wives should be equally treated, and no room should be left for injustice or inequity, and no occasion given for mutual jealousy. If a man finds that he cannot be equitable between his wives, then he is commanded in plain and simple words that he should content himself with *wahidatan*, ONE ONLY. At another place in the same chapter he is warned that it is by no means an easy matter to be equitable between wives, and if a man fails to be equitable then he will be held responsible for knowingly causing pain and suffering to one woman, which is undoubtedly sinful.

It may be asked why Muhammad and his saintly disciples did not observe strict monogamy? The answer is that the condition of the then Arab society and the circumstances of the time all over the world made it neither easily possible nor *beneficial* to introduce rigid monogamy. Polygamy was considered to be an almost holy institution practised by prophets and patriarchs. Polygamy was *the only* means to secure comfort and protection for the women folk of the time who could not protect, could not even support, themselves. The condition of the female part of society was not developed at all. A woman could not earn any money to sustain herself. As long as she was an unmarried girl the custom allowed her to live upon the resources of her father. The father very often did not like his daughter, and in India, as well as in Arabia, sacrificed the girl in her infancy. However, if the girl did grow up, the father was very anxious to see her married, and to be relieved of her burden. When she did get married she became a burden upon her husband. But if she became a widow her case became most unfortunate. She had then nowhere to go to. She then had no means to live upon. In India a widow very often burnt herself with the corpse of her deceased husband. In Arabia and other places the only means of livelihood for a widow was to secure a husband—men being already in the minority, she could never get a husband if strict monogamy had prevailed. The only alternative for her, if polygamy were not permitted, would have been to go in the street. Thus polygamy was under the circumstances a blessing

from a moral and social point of view. It saved the society, the woman from corruption. Muhammad could not discard such a beneficial institution of the time. He was under a double obligation to practise it himself. Many were the women whose husbands had died for the cause preached by Muhammad. It was Muhammad's duty to see that those poor widowed women who were left by the martyrs were not destitute and unprotected. Muhammad, even when the Emperor of Arabia, lived most humbly. His private finances were poor. He could not comfortably burden them with a number of dependents upon him. Yet because he had to find protectors for the widowed wives of those who had sacrificed their lives for the cause of Islam, and as he could not possibly ask others to extend protection to some of them while he himself shunned the burden, the result was that he himself had to marry some widows. Excepting one—Ayesha, whom her father, the staunchest friend and companion of the Prophet, and one of his earliest followers, had given in marriage to the Prophet whilst young—all other wives of Muhammad were widows.

Polygamy was never considered to be a form of licentiousness. Even respectable and rich parents gave their daughters in marriage to those who already had wives.

It was rather considered to be a check upon licentiousness, and was therefore had recourse to by pious men. There is every reason even to-day to consider polygamy far better in every respect than adultery, either open or concealed. Even to-day it would be nothing but insane dogmatism to forbid it in many parts of the world. In many parts of the world if polygamy were forbidden to-day it would result in the most vile corruption of society and the degradation of the woman sex itself.

Polygamy is certainly a blessing if it stops street immorality. Polygamy can be a national boon if it succeeds in checking a falling birth-rate, and if it saves the nation from disease.

Supposing we admit, for the sake of argument, and for the sake of argument only, that in Europe women have advanced so much as to be able to take care of themselves, and even to prefer a life of singleness. But surely Europe is not the whole of the world. As long as there are people who need a polygamous marriage any law which claims to be universal must allow in one way or the other a polygamous marriage for them.

Islam does not say that anybody who is monogamous is not a Muslim. A monogamous Muslim is as much a Muslim as a monogamous Christian is considered to be a Christian. The difference lies in this, that while Islam says that if under certain conditions a Muslim is legitimately polygamous he remains a Muslim, but in no case can he be allowed to keep a single mistress, Christians say that if a Christian marries more than one woman he no more remains a Christian, but if he keeps two hundred mistresses, and that quite openly, he still remains untouched by the Christian law of the present day.

That Islamic principle has proved far more beneficial to the society than the so-called Christian principle is demonstrated practically in every town which has a Muslim and a Christian civilization in its different parts, like Constantinople. As has been said before, it is only in that portion of Constantinople which is under Christian civilization that bastardism, street immorality, and adultery prevail.

The beauty of Islamic law is this, that while it has stopped immorality, while it has purified society, it has by no means encouraged polygamy. India possesses the largest number of Mussulmans of any other single country in the world, but the percentage of polygamous marriages in India among the Muslims is not more than three or four per thousand. Thus Islam has produced about seventy million people in India who are monogamous not only nominally as people are in Christian Europe, but who are REALLY monogamous. Even if this were not so, even if there were a choice between open polygamy and secret adultery, every sane man who had the least moral sense in him would have preferred the first a hundred times more than the latter.

There is no doubt that certain rulers, kings, princes, and rich libertines in India, as in other places, have misused the permission of polygamy under Islam, but this has happened in Christianity also, and that in our own days as regards the law of monogamy. If Christianity cannot be held responsible for the evil results of monogamy, Islam cannot be held responsible for the misuse of polygamy.

We repeat it, that we personally do not recommend polygamy, that Islam has by no means encouraged polygamy. Islam has, in fact, encouraged monogamy, and if any such people accept Islam as their faith who find themselves unable

to act equitably to more than one wife, then it will be a sin under the law of Islam if they marry more than one woman. There are nations the males of which have not got large hearts and the females of which have developed to a high degree passions of jealousy towards one another. For such nations monogamy, but strict and real monogamy, alone would be the best social law, and for them Islamic law does not permit polygamy.

Where Islam is very strict indeed is in disallowing any unlawful connection between man and woman. It does not allow it under any circumstance. Islamic restricted polygamy is only a remedial measure against that evil. Islam has no reason to be ashamed of its laws. Muhammad does not stand in need of any apologists. All the Islamic laws are most beneficial to humanity if properly respected.

There is one point more which should not be lost sight of in this connection, and it is this, that *woman herself is responsible for the existence of the custom of polygamy*. If all women were to refuse to marry a polygamous man there would be no polygamy left. Polyandry has died out, though allowed by certain religions, because no man would marry a woman who already had a husband. The existence of polygamy shows that woman tolerates it.

Nature, too, seems to favour polygamy in man, and the principle of Islam is to check nature, to regulate nature, to improve nature, but not to defy nature. Buddhism, Hinduism, and true Christianity all were inclined to defy nature in man—all taught man asceticism. The world, with all its beauty and grace, with all its grandeur and glory, its matter and power, was nothing but a *maya* (illusion) to them. The thoughts of Christ were absorbed by the Kingdom of God, not on earth, but in heaven. He himself took to the Essenic life, and had no wife, no children. The "son of man" had no place to lay his head even. In the modern sense he could not claim even to be civilized. If the people of to-day were to follow him actually there would be no trace of civilization left. If Christ or Buddha were to be followed, the human species itself would cease to exist. On the other hand, a Muslim's constant prayer, even to this day is:—

*Rabbana atena fiddunya hassanataun wo fil akhirati hasanah.*

"O God, grant me all that is good and beautiful in this world, and all that is good and beautiful in the next" (ii. 24).

We see that Dame Nature has not gifted man with that instinct which, say, she has gifted a bird called *saras* (a kind of crane). Indians believe by empirical knowledge that the couple of those birds are so affectionate to each other that if one dies or is killed, the other remains single, cries about for its deceased spouse, and dies soon after by the pangs of separation. Neither man nor woman has that abiding love for each other. It seems strange that in monogamous Christian West that love is far less abiding than it is in polygamous Muslim East. In the Christian West to a man the second-best girl, if free, is always handy to take the place, sometimes even with uncanny haste, of a deceased wife and the second-best boy that of a deceased husband, but in India it is very rare indeed that a Muslim widow would care to re-marry, though permitted to do so by her religion, and very often a man will also cherish the memory of his deceased wife and remain single all his after life. In India it might be the desire to remain straight that might induce a young man to re-marry after the death of his wife, otherwise even in the prime of life he will much prefer to remain single, in memory of his deceased wife; but in England very often quite elderly men take another spouse after their first is dead. In the West love between man and his wife does not seem to be abiding at all. Soon after the first wife dies men in the West get another as does the male sparrow. However, we do not think monogamy is responsible for that. Nor can polygamy be given the credit for the abiding love which exists between Eastern man and wife. But there can be no doubt that biologists and naturalists hold that man was meant to be polygamist by nature. Man and woman are not born in pairs as are those animals which are meant to be monogamists. The number of women is also larger than that of men.

Nature has expressed in many other ways that she wants man to be polygamous, but man has every right to improve nature, although he cannot go against it without being punished.

With respect to the physiological reasons for polygamy, it has been observed by the celebrated Montesquieu that women in hot climates are marriageable at eight, nine, or ten years of

age ; thus, in those countries, infancy and marriage almost always go together. They are old at twenty. Their reason, therefore, never accompanies their beauty. When beauty demands the empire, want of reason forbids the claim ; when reason is obtained, beauty is no more. These women must necessarily be in a state of dependence ; for reason cannot procure in old age that empire which even youth and beauty combined could not bestow. It is therefore extremely natural that in these places a man, when no law opposes it, should leave one wife to take another, and that polygamy should be introduced (Davenport).

Even in cold countries there are physiological reasons and occasions for man to be polygamous if he wants to escape from adultery.

Schopenhauer frankly admits "we all live, at any rate for a time, and most of us always, in polygamy. And so, since every man needs many women, there is nothing fairer than to allow him, nay, to make it incumbent upon him, to provide for many women. This will reduce woman to her true and natural position as a subordinate being, and the *lady*—that monster of European civilization and Teutonic Christian stupidity—will disappear from the world, leaving only *women*, but no more unhappy women, of whom Europe is now full."

The great philosopher further exclaims—

"There is no use arguing about polygamy ; it must be taken as *de facto* existing everywhere, and the only question is as to how it shall be regulated."

And this is the everlasting and unique triumph of Islam that it is the only religion that has so beautifully and effectively regulated polygamy as many other human institutions.

It was lately reported that a certain German military officer had recommended the introduction of the Turkish system of polygamy in Germany to save the country for the future from a falling birth-rate. He aroused the wrath of Christian priests. However, the question was going to be discussed in the German Reichstag.

But it remains a puzzle all the same on what authority can the Christian priests demand any law as regards marriage—whether monogamous or polygamous—when their holy Books are absolutely silent in the matter. How dare they go against polygamy when the example of their own prophets favours it.

They ought to be ashamed of abusing Muhammad—the greatest benefactor of humanity known to the world—for his having laid down wholesome social laws and for having regulated polygamy and encouraged monogamy by the definite command of *Wahidatan* (only one).

Mr. Higgins says: "Because Muhammad, following the example of the legislator of the oldest ceremonial religion west of Euphrates, and, as all Christians maintain, of the world—Moses—allowed his people, the descendants of Ishmael, the son of the father of the faithful, a plurality of wives, he has been constantly abused by Christians, to use their own words, for pandering to the base passion of his followers. But why the allowance of a plurality of wives should be visited with such a very harsh censure, I do not know. Surely the example of Solomon, and David—the man after God's own heart, which He had found to fulfil His law—might plead for a little mercy, more especially as Jesus nowhere expressly forbids in any of the twenty gospels which were written by some or other of the multitude of the sects of his followers to record his commands." Thomasius in his learned treatise *De Concubineta* proves that in all ages among all nations polygamy was permitted. Not only all over the East but in the West also polygamy was permitted.

Polygamy was permitted among the ancient Greeks, as in the case of the detachment of young men from the army, mentioned by Plutarch. It was also defended by Euripides and Plato. The ancient Romans did not forbid it. Marc Antony took the liberty of having two wives. From that time polygamy became pretty frequent in the Empire till the reigns of Theodosius, Honorius, and Arcadius, who first prohibited it by an express law, A.C. 393. After this the Emperor Valentinian permitted, by an edict, all the subjects of the Empire, if they pleased, to marry several wives; nor does it appear from the ecclesiastical history of those times that the bishops made any objection to its introduction. Valentinianus Constantius, son of Constantine the Great, had many wives. Clotaire, King of France, and Heribartus and Hypericus his sons, had a plurality also. Add to these Pepin and Charlemagne, of whom St. Urspergens witnesses that they had several wives, Lothaire and his son, as likewise Arnolphus VII, Emperor of Germany (A.C. 888), and a descendant of Charlemagne, Frederic Barbarossa, and Philip Theodatus, King of France. Among the



first race of the Kings of the Franks, Gontran, Caribert, Sigebert, and Chilperic had several wives at one time. Gontran had within his palace Veneranda and Mercatrude and Ostregilde, acknowledged as his legitimate wives; Caribert had Merflida Marconesa, and Theodogilda.

Father Daniel confesses the polygamy of the French kings. He denies not the three wives of Dagobert I, expressly asserting that Theodobert espoused Dentary, although she had a husband, and himself another wife, named Visigelde. He adds that in this he imitated his uncle Clotaire, who espoused the widow of Creodomir, although he had already three wives.

John Davenport says—

"Muhammad did but legalize a practice not only honoured but even blessed of God Himself, under the old dispensation, and declared to be lawful and honourable under the new one; and consequently he must be exonerated from the charge of having sanctioned polygamy, and thereby encouraged licentiousness."

What Muhammad did was only to regulate polygamy. His greatness lies in giving us such laws which are of universal good and efficacy as a well-known Christian essayist admits: "The system of laws and morals which he (Muhammad) formed agreed equally with the highest development as well as the lowest level of society, which during ten centuries, passing from race to race, made every people by whom it was received superior to, and triumphant over, the nations and empires with which they came in contact."

The great English orator, Edmund Burke, also admitted "the Muhammadan Law is binding upon all, from the crowned head to the meanest subject; it is a law interwoven with a system of the wisest, the most learned, and the most enlightened jurisprudence that ever existed in the world."

Every person who knows the real feminine life in Muslim countries like Turkey acknowledges the perfect sweetness of that life in spite of the prevalence of polygamy. Western ladies who have familiarized themselves with Muslim ladies' life have nothing but kind regard for it. In practice polygamy has been found to be by no means a very condemnable institution. Home life in the East is charming and extremely sweet even when polygamy prevails.

However polygamy seems to be a dying institution unless the present decimation of the male population of Europe may

resuscitate it.<sup>1</sup> But if it is to die, may it die under the ægis of Islamic law and not under that law which is called Christian. It should in no case be allowed to be replaced by concealed polygamy—by the life of adultery.

Islamic monogamy as prevailing in India is real monogamy, and instead of Islam suffering any defeat by the demise of the institution of polygamy, it will be another triumph of Islam if real monogamy becomes the institution of the world. It will be a triumph of Islam in either case. If the nations of Europe adopt truly Islamic polygamy to recoup their depleted population and to safeguard against disease, etc., it will be a triumph of Islam. But if they adopt real Islamic monogamy that will also be a victory of Islam.

Those in the West who are not satisfied with conundrums and mathematical puzzles like the Trinity, which Christianity puts before them for their belief; those in the West who are not satisfied with such demoralizing beliefs as atonement, redemption, and saviourship, which Christ never taught; those in the West who like to believe in a religion which appeals to human reason and conscience both, which has a high ethical

<sup>1</sup> The following statements and figures appeared in the *Nation* last week :—

Estimated total loss of life in three years of war :

Germany (about) ... ..	3,700,000
France (about) ... ..	2,200,000

At the end of the first year of the war there were only two Departments in France in which the number of births exceeded the number of deaths.

After three years of war it will only be possible for every sixth Frenchwoman to get married.

This takes no account of hundreds of thousands of wounded soldiers scarcely fit for marriage, and of the expectation that after the war France may expect an army of nearly 2,000,000 men weakened by sexual disease and tuberculosis.

Germany, according to Professor Oldenberg, of Göttingen, must expect, should the war last much longer, to "miss" several millions of children and fathers. The reduction in the men best able to contract marriage is estimated at nearly two millions. Birth-rates and marriage-rates are rapidly declining.

In France polygamy is being discussed as a remedy for the disproportionate number of women.

Is it not time similar figures were available for this country? We are not told the total casualties in the field, no figures as to the ravages of disease are ever published, and although there is a periodic scare there is no clear definite information as to the ravages of venereal disease—a disease which in normal times slays and maims its tens of thousands, and in war time its millions.—*The Herald*, July 28, 1917.

system that is fully practicable, and the practicability of which was completely demonstrated by the Prophet himself; those in the West who would like to see all humanity, irrespective of colour, race, and country, bound in one cord of universal love and fraternity under the ægis of One Universal Creator and Cherisher; in short, those in the West who like to adopt Islam should not allow themselves to be frightened away by the bugbear of polygamy, which is maliciously represented to be an essential institution of Islam.

Polygamy is in no sense an essential or special institution of Islam. Polygamy is not even encouraged by Islam. In fact, Islam is the only religion existing in this world which has recommended monogamy as the most equitable form of marriage system, and has put down on its Statute-book *fa wahidatan*, i.e. "then marry only one." The Book of Islam is uncorrupted. It is the final Gospel revealed to the Last Prophet. Even the whole Muslim world cannot alter a single letter of it. Even the practice of the whole Muslim world or the traditions and life of Muhammad himself cannot be the authority against it. Every person can go to that Holy Book—the Divine revelation, the Word of God—for authority, and if he goes to it to find the true Islamic law of marriage he will find that *nowhere has polygamy been enjoined upon Muslims.*

To sum up:—

(1) Polygamy is an institution which was most probably established during the very infancy of the human race.

(2) Polygamy has continued to be a recognized and honourable institution for the *majority* of the human race up to our own days. It is more a social institution rather than religious, and social needs and circumstances generally determine its popularity or unpopularity.

(3) Nature seems to encourage polygamy in mankind, and polygamy, whether legalized or illegalized, open or concealed, prevails even to-day amongst almost all nations, in every country, in all religions.

(4) Women themselves tolerate it, otherwise it could not exist.

(5) It has its uses as it has its abuses. It has been found to be the only check on concubinage and street immorality, and no moral reformer could ban it altogether without incurring the responsibility of encouraging or conniving at adultery and

licentiousness at certain stages or conditions of human life and society which have not ceased to exist even now.

(6) No religion on the face of the earth, including Christianity, forbade it, and Christian priests and legislators are absolutely unjustified in abolishing legalized polygamy in the name of their religion.

(7) No religious teacher even tried to regulate or curtail it except Muhammad—the last and most UNIVERSAL of all teachers. Islam has regulated and restricted polygamy in the most beneficial and effective way.

(8) No religious book claiming divine origin has recommended monogamy except the Holy Qur-án—the Final Testament.

(9) Polygamy seems to be a dying institution if the present Armageddon or other such catastrophes do not revive it and keep it alive for the national good. It should best be left to the needs and circumstances of society to accept it on regulated Islamic lines, or to let it die if it can give place to Islamic monogamy.

(10) POLYGAMY IS IN NO SENSE ANY PARTICULAR ISLAMIC INSTITUTION. MONOGAMY IS MORE CHARACTERISTICALLY ISLAMIC THAN POLYGAMY.

### DIVORCE.

Divorce is a corollary to the marriage laws. Perhaps it is a special institution for man. Nature has not gifted animals or birds with such sensitiveness that would prompt them to change their spouse as to human beings. Perhaps monogamous couples in birds and animals have been gifted with such unbroken instinctive fidelity to each other, such remarkable harmony in temperaments, that no change is necessary. Human beings have sometimes to pay the penalty of being reasonable and of possessing a free will. Even if men and women take the greatest care they can in selecting their partners, differences between them afterwards are quite possible. Nor can infidelity be the only reason for the couple having an unpleasant time between themselves. It is not very rare that tastes and temperaments of a husband and wife differ so radically as to upset all the social happiness. Sa'adi has very pertinently said :—

“A bad woman in the house of a good man makes it a hell for him in this world.”

Woman suffers in the same way if tied to a husband she dislikes, although she has been gifted with a greater self-suffering and self-abnegation. To her a home is dearer than it is to man. Her love for her children is also naturally great. She has greater sentiments of affection generally, and greater attachment to her husband in particular. She is superior to man in these respects. She would submit to any inconvenience and trouble rather than leave her children, her husband, and her home. It was because of this feminine character that no legislator except Muhammad, whose solicitude for woman's rights was greater than that of any other man, thought it necessary to take into consideration any such case as that of a woman who would like to divorce her husband. Almost all religions except Hinduism have allowed man to divorce his wife. But no religion except Islam has allowed a woman to get a divorce from her husband. Divorce by husbands of their wives was allowed by the Greeks, the Romans, the Israelites, and the Christians.

In Islam there have been certain jurists who have given their verdict that divorce is altogether unlawful to Muslims. But this view has not been accepted. The *Radd-ul-Mukhtar* contradicts the arguments against the invalidity of divorce, but adds: "Divorce is really forbidden, but only on certain conditions it becomes *mubah* (permissible), and therefore certain jurists hold that it is not allowed at all."

On the other hand, so great is the regard of Islam for woman that *Durr-ul-mukhtar* gives certain conditions of man's weaknesses or physical defects in which, it says, "Divorce is necessary to safeguard the rights and privileges of women."

One point, however, is quite certain—that there was nothing more detestable to the Great Legislator himself than divorce. Many are his sayings on the subject, as :—

*Abghazul halal ilallah ul-talaq.*

1. "The most hateful of lawful things in the sight of God is divorce" (Mishkat).

2. "The curse of God rests on him who repudiates his wife capriciously."

3. "God has created nothing on the face of the earth worse than divorce" (Abu Daood).

4. "Marry women and do not divorce them capriciously because God does not like lustful men or women" (Mishkat).

5. "Divorce shakes the throne of God" (Kamil).

6. "Nothing pleaseth God more than the emancipation of slaves, and nothing displeaseth Him more than divorce" (Aldar qutni).

And so forth.

Every Muslim knows that *Talaq* (divorce) was extremely disliked by the Prophet. Being an inspired and universal Prophet, sent for all mankind in every age and country, Muhammad had to legislate as regards divorce, but personally he disliked it immensely, and made no secret of it. The result of this dislike has been very beneficial for Muslim society. Of 70,000,000 Muslims in India, not one in a hundred thousand takes recourse to divorce. The same is the case in Afghanistan and Turkey, though the Arabs in Hedjaz and Egypt do sometimes misuse the restricted permission of divorce. In Muslim countries divorce is considered to be very contemptible socially. Any man who takes recourse to divorce loses all respect.

The main difference between the divorce laws of Christianity and Islam lies in this, that while Christianity recognizes only one condition of divorce—i.e. infidelity—and makes divorce a matter of public proceedings, Islam lays down no hard-and-fast conditions for divorce and makes it a strictly private affair.

Al-Ghazzali writes :—

"The greatest care should be taken to avoid divorce, for, though divorce is permitted, yet God disapproves of it, because the very utterance of the word 'divorce' causes a woman pain and how can it be right to pain any one? When divorce is absolutely necessary, the formula for it should not be repeated thrice all at once, but on three different occasions.<sup>1</sup> A woman should be divorced kindly, not through anger and contempt, and not without a reason. After divorce a man should give his former wife a present, and not tell others that she has been divorced for such and such a fault. Of a certain man who was instituting divorce proceedings against his wife it is related that people asked him, 'Why are you divorcing her?' He

<sup>1</sup> The formula for divorce has to be repeated thrice to make it complete.

answered, 'I do not reveal my wife's secrets.' When he had actually divorced her, he was asked again, and said, 'She is a stranger to me now; I have nothing to do with her private affairs.'

That Islam, while laying down restrictions in the way of divorce and discouraging it very strongly and persistently, did not lay down any hard-and-fast conditions was simply because, unlike other religions—including Christianity—it was not meant for any one people or one country alone, but for the world at large and for every age and race, and for every stage in society. Christ said: "I was not sent but unto the lost sheep of Israel" (Matt. xv. 24). So his divorce law—and that is the only law he has laid down as regards women—was confined to the Jews, and was meant to improve the degraded and lustful condition to which they had fallen when Christ came.

If it had been possible, Christ would have abolished the very institution of marriage and made all his followers "eunuchs for the kingdom of God."

While altering the then prevailing Mosaic law, and restricting divorce only to the cases of infidelity of the wife, Christ said:—

"Moses for your hardness of heart suffered you to put away your wives: but from the beginning it hath not been so. And I say unto you, Whosoever shall put away his wife, except for fornication, and shall marry another, committeth adultery: and he that marrieth her when she is put away committeth adultery. The disciples say unto him, If the case of the man is so with his wife, it is not expedient to marry. But he said unto them, All men cannot receive this saying, but they to whom it is given. For there are eunuchs, which were so born from their mother's womb: and there are eunuchs, which were made eunuchs by men: and there are eunuchs, which made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it" (Matt. xix. 8-12).

Muhammad had to meet all the circumstances—not of infidelity alone—when a happy home-life becomes impossible.

Christian legislators had to depart from even that one law which Christ laid down, because that law could not be made

universal, and it was not fit to meet every circumstance or condition of society and civilization. In Christian Russia—which is more Christian than any other Christian country—there are now allowed thirty-five reasons for giving divorce. In America divorce has become a plaything. In England itself an agitation has been raised to make divorce possible under other conditions, and not to restrict it to infidelity alone.

The tendency of the civilized world is to adopt the Muslim principle of divorce, i.e. to make it permissible on conditions other than infidelity also. And this is as it should be. In England, where the law as regards divorce is extraordinarily strict, in spite of the findings of a Commission to make it more easily obtainable, there are thousands and thousands of such couples whose life is an unbearable misery; there are hundreds of thousands who have been condemned to live a bachelor's life separately from each other. A woman, separated from her husband, even her children taken away from her, without a decent home or a friend, must feel a divorce far better than the life she is condemned to live after her separation from her husband. A man, also, cannot like at all the burden he has to bear in the upkeep of his separated wife and the extra charges he has to incur for his own house-keeping. Man and woman both find the life they have to live when separated from each other, yet unable to divorce, very hard; but to woman it is hardest. If she commits adultery simply to escape from that life she should be excused. If it be only for her sake, divorce should be allowed in such cases as make separation a necessity.

Why the English law of divorce should be more Christian than that of other Christian countries is a mystery.

Sir Arthur Conan Doyle wrote to *The Times* of September 3, 1917, thus :—

SIR,—Lord Halifax appeals to the Christian tradition in order to prevent the proposed reform of our divorce laws. He must bear in mind, however, that all Christian nations, including our fellow-subjects in Scotland, are more liberal than ourselves in dealing with this subject. It seems difficult to sustain the contention that these communities are less Christian than ourselves, or that Lord Halifax and those who follow him are the sole representatives of true Christian traditions. Those



who associate Christianity with the relief of innocent suffering will take a very different view.

Lady Muir Mackenzie wrote in the *Evening Standard* of Tuesday, October 2, 1917, as follows:—

Is it right to press for social reform such as a change in our divorce laws while the country is at war? Surely, for it is never too soon to right a wrong, and our English divorce laws reflect little credit on us as a nation.

They are, to begin with, distinctly unjust to the poor man and to every woman, whether she be rich or poor. It has been stated by inaccurate people that a poor man can nowadays "obtain the benefit of the Divorce Court at a cost of little more than the family Sunday joint." Such statements should be confined to "the poor London man." The poor Birmingham, Manchester, Liverpool, or Newcastle man is for ever debarred from obtaining a divorce. It is well to remember that the Majority Report of the Royal Commission on Divorce, whose findings are ignored by our Government, recommended that "divorce cases be heard locally," so that people living outside the London area might be placed on an equal footing in the matter of relief. But so far nothing has been done in this direction.

We heard much about the soldier's "unmarried wife" when the war first broke out. The Government very properly recognized that she had a right to a separation subsistence allowance for herself and her children. If our divorce laws were not so inhuman, there would not be so many unmarried wives. It is calculated that about seven thousand separation orders are granted every year, and this means that the "separated" man and woman may never legally remarry. The ecclesiastics who forbid real divorce are in reality encouraging "irregular unions and restricting the birth-rate of legitimate children." Many separated couples come of a class who would make desirable parents, but being self-respecting even when they contract quasi-marriages, they are reluctant to bring into being children branded with illegitimacy. Thus the existing separation system tends to sterilize four persons.

We actually have in the British Isles very excellent divorce laws. I refer to Scotland. Yet if we reformers in England

and Wales decided to petition Parliament to follow the example of Scotland, we should be told by the Church of England and Bishops that we were suggesting an immoral action. . . .

The members of the Women's Co-operative Guild make the reform of the English divorce laws a part of their propaganda. They were told in 1915 that if they did not give up advocating this reform, £400 a year coming to them from certain ecclesiastical sources would be withdrawn. This fine body of women refused to be thus coerced, and made up this missing sum themselves.

Why do we consent at this late period of our history to have our lives darkened by mediæval conceptions and ecclesiastical mysticism? Why are we content to see the rich man obtain what is denied to the poor man? Some of our Colonial possessions have broken away from the foolish tradition of the Motherland, and made sensible marriage laws and divorce laws for themselves. We are ceasing in this respect to be a pattern for the rest of the world to follow. When Japan decided to become modern, her wise men considered the law systems prevailing in various countries, but decided that as far as the divorce laws went, the English system was antiquated and impossible, and adopted laws prevailing in certain other European countries.

In Holland, for instance, where the people are far from being flighty, an excellent divorce system prevails. It is interesting to note that fewer divorce cases are recorded since common-sense facilities have been given to the Dutch.

Countries where divorce is permitted and where no distinction between the sexes is made include Austria (for Protestants), Denmark, France, the German Empire, Hungary (for Protestants, Greeks, and Jews), Norway, Sweden, Switzerland, Rumania, and Russia. The rule is the same in Natal, the Cape Provinces, New Zealand, and New South Wales. The last two are subject to certain provisions as to domicile. In the United States the sexes are on an equality as regards grounds of divorce.

It does seem an anomaly for England alone to penalize her women in the matter of laws concerning divorce. . . .

Let a woman break the moral law but once, and her husband can readily obtain a divorce. On the other hand, a

husband may openly do wrong time after time, and a woman will find it impossible to obtain any dissolution of her marriage, except, of course, in Scotland.

Mrs. Webbe, one of the Committee of the London Diocesan Rescue and Prevention Association, gave interesting evidence before the Royal Commission. She considered that the equalization of the divorce law would prove a strong deterrent to immorality. She stated:—

"I find it hard to express strongly enough my feelings with regard to the iniquities of the moral standard between the sexes. What determined me to do the work I am now doing was when, as a young married woman, I found a man could live an openly scandalous life; the innocent wife's only remedy was a separation. If the woman made the proverbial slip, all rights of motherhood would be taken from her by the husband getting a divorce. People seem to forget, when they talk of the wise wife ignoring her husband's unfaithfulness, that there is another woman in the case. This woman I have had too often to help."

Habitual drunkenness, desertion, and cruelty ought to be reasons for granting divorce, if only for the sake of the children.

Sir Arthur Conan Doyle expresses this opinion about the present divorce laws, and the need for reform:—

"The law which at present binds a decent man or woman to an habitual drunkard, which chains a man or woman to a lunatic or a criminal for life, is a wicked law. It is an abuse of the elementary right of every human being to lead a life which shall be tolerable. This proposition must be so evident to every normal mind that if it were not for theological obscurantism, it would not fail to gain general acceptance."

Mr. Max Pemberton has written on the question as follows:—

"Britain has suffered from a declining birth-rate since the year 1907; and the terrible losses of the war must tell heavily upon the numerical and the physical strength of the population of the future.

"These are startling truths, and men of common sense naturally ask what we are going to do about them.

"We are told that there are more than a million people in this country who are separated from wives or husbands. Many of them have established households of which convention does not approve. Some of them, perhaps, could obtain divorce in the law courts of the country had they the money to go there. . . .

"That we should encounter the opposition of the Church was to be expected. . . . But has the Church herself been consistent in the matter? I seem to have heard frequently in history of dispensations and dissolutions of marriage for reasons which do not appear more valid than those by which we are now confronted. Lack of consummation, physical disability, sometimes political clamour have divorced those who were told that God had joined them together; and surely we are entitled to ask that a similar latitude be accorded to those whom Destiny has put asunder?

"I would ask the opponents of marriage reform what alternative they propose to the misery of those million separated people?

If those people who are agitating for reform in the divorce laws of England had taken the trouble of studying thoroughly the Muslim laws of divorce and marriage, they would have urged their adoption in England.

While studying the divorce laws of Islam, which we shall quote from the Qur-án, the following points should always be kept in view :—

(1) Islam claims to be universal, and does not permit any human alteration in its Quranic laws, so it was impossible for it to be rigid or to lay down any strict conditions.

(2) Islam strongly and successfully discourages divorce on any condition, and because it succeeds in creating a very high religious spirit in its followers it controls all their actions.

(3) Divorce laws must be examined in consonance with the marriage laws and laws regarding the custody of children, etc.

The object of marriage as given by the Qur-án is this :—

*An khalaqa lakum min anfusikum azwajan-litaskunu elaiha va ja'ala bainakum movadatan-va rahmatan.*

"That He created mates for you from yourselves, that you may find quiet of mind in them, and He put between you love and compassion" (Al-Qur-án, chap. xxx. v. 21).

There is no doubt that marriage plays a very important part in the well-being and happiness of human society. Upon it

depends the propagation of the human species. Divorce, then, cannot but be unpleasant to the human society. But in certain circumstances divorce becomes a social blessing and saves many homes from misery and unhappiness. When marriage becomes a burden upon the social happiness of a man or woman, divorce should no doubt be taken recourse to.

Under Islam marriage is a contract ; divorce is the dissolution of that contract.

Islam has not laid down any elaborate formalities for consecrating a marriage. Mutual consent, some pre-nuptial<sup>e</sup> settlement (*mahr*), and two witnesses are quite sufficient to unite a man and a woman in a marriage tie. For the dissolution of marriage also no formalities have been set up by Islam. The system of public divorce in which the dirty linen is washed in the court, giving details of the most private part of one's life, is most reprehensible. Islam does not tolerate it. In Islam, when the dissolution of the marriage tie proceeds from the husband it is called *Talaq*, which can be given very privately. When divorce takes place at the instance of the wife, or by mutual agreement, it is called *Khula* or *Mubârat*, and a Hakim-i'sharâ has to enforce it.

Islam does not put down any special conditions for the dissolution of the marriage contract, and thus allows each contract of marriage to be dissolved under its own conditions. It is open to every man and woman who care to enter into a contract of marriage to lay down their own conditions for the dissolution of marriage.

The Qur-ân affords sufficient protection for woman even if she fails to protect herself by saying to man :—

“And if you wish to have (one) wife in the place of another and you have given one of them a heap of gold, then take not from it anything ; would you take it by slandering (her) and doing her manifest wrong ?

“And how can you take it when one of you has already gone in to the other and they have made with you a firm covenant ?” (Al-nisa, sec. 3, vv. 20-21, Muhammad Ali's edition, p. 206).

These verses show what a great regard Islam had for the interests of women.

The Qur-ân allows the pre-nuptial settlement to be without any limit by the use of the word “*qintar*,” and then commands

that in the case of the dissolution of marriage by the husband nothing of it should be taken back by him and all that he owes to the wife should be paid.

Thus the power for divorce is given in a way in the hands of woman. While getting married she can see to it that the settlement upon her, which would be payable at her demand or in case of divorce, is high enough to keep the divorce in her hands.

A substantial *mahr* at the marriage settlement will always be a good legal check upon any rashness on the part of the husband in case of divorce, even if he is not Muslim enough to respect the commands of the Qur-án and the Prophet. In the case of woman herself demanding a divorce (*khula*), she has to remit the *mahr*, if not otherwise arranged.

The Quranic verses as regards divorce from "Al-Baqara," sec. 29, as translated by Maulvi Muhammad Ali in pp. 105, 106, 107, 108, of his edition of the Qur-án are as follow. The notes given by him as regards the Islamic law of divorce are also worthy of consideration, but for want of space we cannot quote them here.

"Divorce may be pronounced twice; then keep them in good fellowship or let them go with kindness; and it is not lawful for you to take any part of what you have given them, unless both fear that they cannot keep within the limits of Allah; then if you fear that they cannot keep within the limits of Allah, there is no blame on them for what she gives up to become free thereby. These are the limits of Allah, so do not exceed them, and whoever exceeds the limits of Allah, these it is that are the unjust.

"So if he divorces her she shall not be lawful to him afterwards until she marries another husband; then if he divorces her there is no blame on them both if they return to each other by marriage, if they think that they can keep within the limits of Allah; and these are the limits of Allah which He makes clear for a people who know.

"And when you divorce women and they reach their prescribed time, then either retain them in good fellowship or set them free with liberality, and do not retain them for injury, so that you exceed the limits, and whoever does this, he indeed is unjust to his own soul; and do not take Allah's communications for a mockery, and remember the favour of Allah upon

you, and that which He has revealed to you of the Book and the Wisdom, admonishing you thereby ; and be careful of your duty to Allah, and know that Allah is the Knower of all things."

And again from At-Talaq (sec. 1, vv. 1, 2, 6, 7):—

"O Prophet! when you divorce women, divorce them for their prescribed time, and calculate the number of the-days prescribed, and be careful of your duty to Allah, your Lord Do not drive them out of their houses, nor should they themselves go forth, unless they commit an open indecency ; and these are the limits of Allah, and whoever goes beyond the limits of Allah, he indeed does injustice to his own soul. You do not know that Allah may after that bring about reunion.

"So when they have reached their prescribed time, then retain them with kindness or separate them with kindness, and call to witness two men of justice from among you, and give upright testimony for Allah. With that is admonished he who believes in Allah and the latter day ; and whoever is careful of his duty to Allah, He will make for him an outlet. . . .

"Lodge them where you lodge according to your means, and do not injure them in order that you may straiten them ; and if they are pregnant, spend on them until they lay down their burden ; then if they suckle for you, give them their recompense, and enjoin one another among you to do good ; and if you disagree, another woman shall suckle for him.

"Let him who has abundance spend out of his abundance, and whoever has his means of subsistence straitened to him, let him spend out of that which Allah has given him ; Allah does not lay on any soul a burden except to the extent for which He has granted the capacity ; Allah brings about ease after difficulty."

Because the law of Talaq (divorce) was deliberately left in a flexible condition to suit not only all countries and all ages but also individual cases, a good deal of diversity and divergence appears in the interpretation of the Quranic verses or the precedents laid down in the lifetime of the Holy Prophet between different Muslim jurists as to the particular form in which a divorce should take place. The majority of the Muslim world, which is *Sunni*, follows the juristic interpretation of Imam Abu Hanifa, and is called HANAFI. But all the Muslim jurists, of whatever school of thought, whether Hanafis or Shafais or Shiahs, agree on the main point that

*Talaq* should never be taken recourse to except under very exceptional circumstances; and in the absence of serious reasons no Mussulman can justify a divorce in the eyes of either religion or law.

The Qur-án itself has laid great stress upon reconciliation. It has appealed to the trust a true Muslim should always have in the mercy of God, even in cases where a kind of hatred might have arisen between a husband and his wife and there might apparently be a necessity for divorce.

In Al-Nisa (chap. iv. sec. 3, v. 19) it clearly says:—

*Va a'askeru hunna bilma'roof. Fa in karehtumu-hunna fa'asa an takrahu shaian-va yajdlallahu fihé khairan kasira.*

"And treat them (women) kindly; then if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it."

The Qur-án has not encouraged at all any rash divorce. It has prescribed three stages for divorce, and ordered the husband and wife to remain in the same house till after two stages, so that a reconciliation may be effected before the third and irrevocable stage is reached. Particular attention has been paid to the cases when the woman may be in the family way as regards her maintenance, etc.

The law of TALAQ has been given thus by the Rt. Hon. Syed Amir Ali in the "Personal Law of the Muhammadans."

#### TALAQ.

Two kinds of *talaq* are recognized by the Sunnis, viz. (1) the *talaq-i-sunnat* and (2) the *talaq-i-bidat* or *talaq-i-badai*. The *talaq-i-sunnat* is the divorce which is effected in accordance with the rules laid down in the traditions (the *sunnat*) handed down from Muhammad. It is, in fact, the mode or procedure of *talaq* which seems to have been approved of by him, and is consequently regarded as the regular or proper and orthodox form of divorce.

The *talaq-i-bidat*, as its name signifies, is the heretical or irregular mode of divorce, which was introduced in the second century of the Muhammadan era. It was then that the Ommiaide<sup>1</sup> tyrants, finding the checks imposed by Muhammad on the facility of repudiation galling, looked about for some

<sup>1</sup> This assertion is historically incorrect and religiously biased.—M. H. K.



escape from the strictness of the law, and found in the pliability of the jurists a loophole.

The Shiah and the Malikis do not recognize the validity of the *talaq-i-bidat*, whilst the Hanafis and the Shafais agree in holding that a divorce is effective, if pronounced in the *bidat* form, 'though in its commission the man incurs a sin.'

The *talaq-i-sunnat* is either *ahsan* or *hasan*.—*very proper* or *simply proper*. In the *talaq-i-sunnat* pronounced in the *ahsan* form, the husband is required to submit to the following conditions, viz. (1) he must pronounce the formula of divorce *once, in a single sentence*; (2) he must do so when the woman is in a state of purity (*tahr*), and there is no bar to connubial intercourse; and (3) he must abstain from the exercise of conjugal rights, after pronouncing the formula, for the space of three months. This latter clause is intended to demonstrate that the resolve, on the husband's part, to separate from the wife is not a passing whim, but is the result of a settled determination; on the lapse of the term of three months, or three *tahrs*, the separation takes effect as an irreversible divorce.

In the *hasan* form, the husband is required to pronounce the formula three times, in succession, at the interval of a month, during the *tahr* of the wife. When the last formula is pronounced the *talaq* or divorce becomes irreversible. These two forms alone, as stated before, are recognized by the Shiah.

In the *talaq-i-bidat*, the husband may pronounce the three formulæ at one time, whether the wife is in a state of *tahr* or not. The separation then takes effect definitively after the woman has fulfilled her *iddat*.

Both schools allow recantation; that is, a husband who has suddenly and under inexplicable circumstances pronounced the formula against his wife, may recant any time before the term of three months has expired. When the power of recantation is lost, the separation or *talaq* becomes *bain*; whilst it continues, the *talaq* is simply *rajai* or reversible.

When a definitive and complete separation (*talaq-i-bain*) has taken place, the parties so separated cannot remarry without the formality of the woman marrying another man and being divorced from him.

Sautayra and Sédillot agree with the Muhammadan jurists in thinking that this rule was framed with the object of restraining the frequency of divorce in Arabia. Sédillot speaks of the condition as 'a very wise one,' as it rendered separation more rare, by imposing a check on its frequent practice among the Hebrews and the heathen Arabs of the Peninsula. Sautayra says that the check was intended to control a jealous, sensitive, but half-cultured race, by appealing to their sense of honour.

In England there have been many cases where a husband desired to put up even with a wife whom he found to be unfaithful to him. So if in any extraordinary circumstance a Muslim marries his once divorced wife after she has been divorced by her second husband, it should not be considered very strange or low. However, the Prophet has most strongly rebuked and censured both *mohallil* and *mohallal-lahu* (Mishkat).

As to the *talaq-i-bidat*, there is no doubt that no Muslim worthy of his faith or with any honour would take recourse to it. Even among the Hanafi jurists there is a difference of views as to the validity of this form of divorce.

In *Muntaqi-ul-Ekhbar* a tradition from Muslim has been quoted to the effect that three immediate Talaqs are not valid, and if three immediate Talaqs are given they will be taken to be only one rajâe (reversible).

Nawab Siddique Hasan Khan, quoting the authority of *Eghasatul lehfan vo 'Eilamul moqain*, says:—

*Va qad ekh'alefa ahlul ilmié fi irsalussatasi dafatan vahidatan hal taga'u salasun vo vahidatan faqat fazahaba elall avalí aljamhuru va zahaba ilassani man 'adohum va hoval haqqo.*

And there is a difference between the learned on this point whether the three Talaqs given immediately are to be taken as three or only one. The majority say that they should be taken as three, but the truth is with the minority (Hasanul usva, p. 16).

Ibn Abbas also supports the above view, i.e. three immediate Talaqs should be taken as one reversible (Abu Daood).

The case of Ovamar, recorded in Bokhari, which was a case of extreme provocation, most reluctantly decided by the Prophet after the proceedings of La'an as a valid divorce, is cited as a

precedent for the validity of the *Talaq-i-bidat*. Technically and juristically it is so, and in very extreme cases, as was the case of Ovamar, who caught his wife committing adultery, it should not be considered to be improper. In America the unwritten law allows murder in such cases. Divorce is surely better than murder. However, no Muslim who has any respect for the Prophet will indulge in the Immediate Divorce when he knows how the Prophet disliked it and how it is against the spirit of Islam and the Qur-án. The Qur-án has repeatedly said not to exceed or disregard the limits laid down by it.

*Dur-ul-Mukhtar*, on the authority of *Nasai*, says that when the Prophet came to know that a certain person had given three Talaqs at one time, he stood up in anger and said : *Aila'ab ba kitabullah izza vajalla wa ana baina azharkum*. "In my life the Book of the Holy and Mighty God (the Qur-án) is being treated so lightly." *Bokhari* accepts the tradition.

Ibn Omar also relates that the Prophet was asked, "What if I give three Talaqs at one time?" The Prophet replied : "Thou wilt disobey God and thy wife will be separated from thee." Even *Talaq-i-bidat* is better than making adultery the condition precedent for a divorce and thus encouraging adultery. Shaikh Abdul Haq Mohaddis supports the view of Imam Abu Hanifa that the Immediate Divorce is *Kufr*.

The divorce can be given in writing or by word of mouth. In every case the wife divorced should be apprised of it.

The permission for *Khula* is deduced from verse 229 of chapter ii (Al-Nisa). There are precedents for it, one of which is as follows :—

The wife of Sabit, son of Qais, came to the Holy Prophet and said : "O Prophet of God, I do not find any fault in Sabit, son of Qais, in his manners or in his religion ; but I do not like to be faithless in my faith, that is, I would not play the hypocrite." The Prophet said : "Wilt thou restore to Sabit the garden he gave thee?" She said : "Yes." The Prophet of God then said to Sabit : "Take back the garden and divorce her at once" (*Mishkat*).

Certain other customs of the old Arab society as regards divorce, like *Zihar* and *Ila*, were rectified and reformed by the Qur-án with a view to bring the marriage relationship on a more serious and sacred basis.

For those people who have a deep religious spirit in them, the laws as laid down by the Qur-án and the precedents and traditions laid down by the Prophet are enough guarantee that the law of divorce will not be abused.

For those people who can only be controlled by a strict and rigorous secular law it will be well for Muslim women to see to the following points when entering into the marriage contract :—

1. A marriage deed should be drawn with the signatures of at least two male witnesses.

2. The pre-nuptial settlement (*mahr*) should be substantial, particularly that part of it which is payable on demand, so as to be a financial check on divorce.

3. Some condition to this effect be introduced into the contract—that there will be no divorce unless by mutual consent.

4. A polygamous marriage will not be permissible.

If the spirit of the Muslim marriage and divorce laws is fully respected, it can be safely asserted that there is no system in the world which can be more beneficial to society and more contributory to individual happiness than those Muslim laws.

We have said before and repeat it that Muhammad stands in no need of apologies and that Islamic laws, as they really are, can never be surpassed by any other laws under any civilization. Generally the Muslim home and family life is much happier and more peaceful than Christian home-life. As compared to Muslim family-life, the European system of living is more crude and uncivilized.

#### HAREM, PURDAH, OR SECLUSION.

As regards social reforms inaugurated by Islam, the misrepresentations deliberately propagated in Europe by biased and bigoted Christian writers are now disappearing as darkness disappears at the rising of the sun. We have shown that polygamy was by no means any special Islamic institution and that the divorce laws of Islam are being imperceptibly adopted by Christian nations themselves. Now we shall take up the question of the "seclusion" of women.

As it is a mistake to consider polygamy to be any special Islamic institution, so it is a mistake to take the custom of the seclusion of women to be an Islamic innovation. The civilized Greeks, and also Romans, kept their womenfolk separate from

men. Nobody can deny that Greece was at one time the home of genius and civilization. It was the home of art and philosophy. It produced men like Socrates and Plato, but it treated the woman most brutally. Professor Lecky, in his "History of European Morals, from Augustus to Charlemagne," says that under Grecian law a woman had to live a strictly indoor life, and was not permitted to go out unless under any particular necessity.

Greece did not give any right to woman—not even that of inheritance. No Greek maiden was allowed to marry according to her own choice; she had to submit to the selection made by her father, and any disobedience in the matter gave the father a right even to kill his daughter. The *gynaikonitis* was a favourite institution of the Greeks, and women's quarters in Athens were kept under guard. In Rome also man, as a father or husband, had absolute power over woman, and treated her as a slave. She had her separate quarters. In Asia the most advanced social civilization was that of the Persians. The Persian court then was like the Parisian court of later times. The Persians were, however, extremely strict as regards their women, and kept them under close guard. In China also woman was secluded, so also in Corea. In India there was no regular seclusion, but the rigidity of the caste system rigorously restricted social intercourse even between men and men, much more so between the opposite sexes. It can be safely asserted that historically the free intercourse between man and woman which is perhaps the product of American pushfulness in the twentieth century of the Christian era was never witnessed before, except under very rudimentary conditions of human social life when there was not much to choose between man and his other brother mammals.

In England itself, but a generation back, woman lived a far more exclusive life, and to a certain extent more secluded life, than what she lives to-day. Any respectable maiden could not think of going out without a proper chaperon. It was not considered right for a woman to travel on the top of an omnibus. Our present-day low-necked blouses and frocks and flimsy, transparent dresses would have outraged the modesty of every decent woman then, as they do now of all Asiatics. The tango dance would have been considered an outrage on

decency, the all-in-a-minute marriage a horror. The social restrictions in Europe worked like the caste system of India and were a very great restraint upon the freedom of woman in particular. If philosophically studied, the question of the seclusion of woman would give credit rather than discredit to the sense of honour and chivalry of those people who introduced it. It was decidedly an *improvement* on the animal life. The idea that it reflects any disrespect upon women is quite devoid of truth. On the other hand, perhaps it does convey a slight hint to men that each and every one of them is not fit to have free intercourse with a sex which is sacred. When women go out in veils they do see men, but men are not allowed to see them. This in itself means that woman can be trusted more than man.

The custom of *Purdah* (veil) or *Harem* seems to have come into existence in all countries, whether Asiatic or European, when man developed a greater sense of honour, a great regard for home life, a great respect for woman's chastity and purity, and great sentiments of chivalry. There is no doubt that in their barbarous life men and women lived as other animals live to-day. But with the progress of civilization man began to realize that woman was a more sacred being than himself—that in her lap lay the destiny of generations to come, and that there should be a division of work between man and woman, the former taking the rougher work to himself and leaving any gentler to the fair sex. It is quite natural for everybody to guard a thing which is considered very valuable. The best jewels are kept in strongest safes under lock and key.

The contributor of the article on Harem in the *Encyclopædia Britannica* says:—

"The seclusion of woman in the household is fundamental to the Oriental conception of the sex relation, and its origin must, therefore, be sought for earlier than the precept of Islam as set forth by the Qur-ân, *which merely regulates a practically universal Eastern custom.*" (Italics are ours.)

The contributor of the above passage would have been more correct if he had not confined the custom or the conception of seclusion of women to the East alone. Seclusion of women was a universal custom at one time, and the conception that because woman is sacred therefore she must be guarded was also universal, particularly at the dawn of the chivalric senti-

ment in man. It was an age of insecurity. It was an age of might—of brutal power. It was usual for the strong to take possession of the hearth and home of the weak. Woman's charms often brought about disaster not to individuals only but to whole clans, tribes, and even nations. The charms of Sita of India, the charms of Cleopatra of Egypt, had had tremendous influence on the history of India and of Rome respectively, and this when nations had advanced from the age of their infancy. Before clans coalesced into nations and before international relations came into existence the charms of women were very often the cause of trouble. Men fought with one another for women as animals fight for females. To escape from that, to secure more thoroughly the nobility of birth, to provide a protection for woman, who has always been a weaker sex, and with a view to show her due regard and respect, veil or *purdah* or *harem* or seclusion came into existence.

Because Europe had always had a more materialistic trend of thought, so much so that it never brought forth any religion and still bows to an Eastern prophet—a "black man" in its own phraseology—Jesus Christ, whom it has completely misunderstood, although it has raised him to the pinnacle of Godhead, so in Europe the sense of chivalry did not develop to such an extent as to make the particular regard for the purity of woman to become a ruling sentiment. In Asia, on the contrary, the more civilization progressed the more the idea of the sanctity of the woman developed. If one man were even to look towards the wife, daughter, or sister of another man with any lust or disrespect, it would be taken as the grossest insult. When social etiquette became still more refined and man's sensitiveness as regards woman increased, it was considered unmannerly for the womenfolk to mix with strangers. The next step to that was to leave no occasion for any man to show disrespect to any woman. Seclusion was the result of that stage. Perhaps the strictest seclusion of woman came into existence in India. Hindus, who did not seclude their women before, became themselves very strict in the matter when their country was conquered by foreigners. Muslims who in their own countries allowed women to go about veiled, stopped even that privilege in India, and women of all respectable Muslims and Hindus alike adopted a life of complete seclusion. That this was because of an enhanced notion of

honour and chivalry becomes evident from the very fact that the more respectable a family was the more secluded the women of that family were. Seclusion thus became a sign of respect and nobility. No woman but a very common woman could be seen in the streets.

There was a time when no English lady could get into an Indian zenana, because the fact of her going about in the street was to an Indian proof positive in itself that either her sense of honour was not fully developed in her or that she was not the right sort of person. Christian missionary women, by their misguided zeal for conversions, which very often resulted in abduction, proved a nuisance. Asiatics have by nature more delicate and refined sentiments. Their culture and civilization are also older than that of Europe. When they adopted the custom of the seclusion of woman, it was not because they had no confidence in woman or meant to show her disrespect. On the contrary, it was because they had developed an exaggerated sense of family honour and of chivalry for woman. They took upon themselves all the burden of supporting and protecting their women. Even to-day it is man in the East who sweats for woman. To keep her in comfort, in luxury, to keep her away from labour and distress, he himself works, and very often works very hard indeed to make two ends meet. He is more solicitous for the comfort of his women than Europeans for theirs.

We must admit that the zealous regard and solicitude of Asiatics in general and Muslims in particular for women resulted in something like the regard for the institutions, customs, and laws of non-Muslims under Muslim rulers. Persuaded by their religion to treat their non-Muslim subjects well and to grant them full liberty of conscience, as well as of acting according to their own customs and institutions, Muslim conquerors granted Christians of Europe their own courts and laws, but in the end this generous concession proved an unmixed curse to the sovereign rights of the Muslim States, and took the shape of capitulations or extra-territorial rights which only now have been got rid of. In the same way it was the over-zealousness of Muslim men to pay due respect to woman and to show her greatest chivalry and honour as a far more sacred and valuable being than man himself which ended in the *Harem* or *Purdah* life. Just as the concession of extra-



territorial rights proved a curse to the Muslim States owing to the greed, tyranny, arrogance, and love of exploitation of European Powers, so seclusion and veil proved a curse in the hands of autocrat and rich libertines. Islam never sanctioned slavery for woman or man; it never sanctioned bondage. Islam brought the whole humanity on the platform of liberty, equality, and fraternity. The chains which fettered slaves were cut off. The bondage in which women were held from the very dawn of human history was removed. The distinction of class and of sex was done away with as far as human rights were concerned. Islam cannot be held responsible if certain monarchs and rulers who professed to belong to that faith misused the injunctions of Islam to satisfy their own passions or whims. The harem life or the zenana life of Pashas or Nawabs is no criterion to judge the life of woman as sanctioned by Islam. Women in the early days of Islam, even during the time of the noble successors of Muhammad, expounded Muslim law and jurisprudence, nursed men on the battlefields, even led armies against opponents. It was perhaps the influence of Persian civilization which developed into later-day harems or zenanas of Turkey or India. But even they were less corrupt and depraved, as far as woman's part was concerned, than many a European court.

The truth is that it is very difficult for a European to understand fully the social life of the Easterns.

The family life in the East is different from that in the West—the man's part as well as the woman's part. Men have comparatively huge establishments and so have women. Even a middle-class Eastern woman would have several women servants in the house. She would have her maid or maids, and she would have a dressmaker, as Indian ladies' dresses are made in their own homes. She would have somebody—a sort of chamber-maid—who would have the charge of all her things and keep the keys of stores, dress-cases, valuables, etc. She would also have at least one such maid who would be the means of communication with the male portion of the household and carry orders for things to be brought. If the family had children, then there would be a lady teacher. Every individual daughter would generally have her own maid. Even the nurses of the old members of the family became members of the house and formed part of it.

Thus the female section of the house has a very large establishment. All that makes up a Harem or Zenana. Europeans fail to understand this, and consider that the ladies in the East are in prison, though the fact is that Eastern women live more like queens than prisoners. In Europe even the crowned queens do not live in such comfort and happiness as do ordinary ladies in the East. Eastern ladies live a very jolly and happy life, and sometimes even a gay life. They have their own guests and friends; they have their own festive occasions; they have their own amusements. Little girls have spent thousands of pounds in the supposed "marriage" of their dolls. Eastern houses have gardens and flowerbeds reserved for their ladies. The daughters of the family do a good deal of the work of the household. They are taught needlework, dressmaking, cooking, housekeeping, etc. The elders do the supervising. The system being mostly of joint family, even those ladies who have not been blessed with a child of their own do not live a lonely life, because most often they have children with them or other relations.

So the life of an Eastern woman is far from dull. It can in no sense be called depraved.

John Davenport says :—

"So far from the harem being a prison to the woman, it is a place of liberty, where the husband himself is treated as an interloper. The moment his foot passes the threshold, everything reminds him that he is no longer lord and master; children, servants, and slaves look alone to the principal lady; in short, she is paramount: when she is in good humour, everything goes on well, and when in bad, nothing goes right."

Niebuhr, the celebrated traveller, declares: Europeans are mistaken in thinking that the state of marriage is so different amongst the Muhammadans from what it is in Christian nations. I could not discern any such difference in Arabia. The women of that country seem to be as free and happy as those of Europe can possibly be.

Mirza Abu Talib Khan of Persia, after paying great attention to the domestic habits of the English people, came to the conclusion that Muslim women have more power and liberty, and are invested with greater privileges, than Europeans are.

The *Encyclopædia Britannica* contains the following: "The depravity of the system and the vapid idleness of harem life

are much exaggerated by observers whose sympathies are wholly against the system. In point of fact much depends upon the individual. In many households there exists a very high degree of mutual consideration, and the standard of conduct is by no means degraded. . . . Their seclusion has very considerable compensations, and legally they stand on a far better basis in relation to their husbands than do the women of monogamous Christian countries. From the moment when a woman, free or slave, enters into any kind of wifely relations with man, she has a legally enforceable right against him both for her own and for her children's maintenance; she has absolute control over her personal property, whether in money, slaves, or goods; and if divorce is easier in Islam than in Christendom, still the marriage settlement must be of such amount as will provide suitable maintenance in that event."

Not long ago Miss Grace Ellison wrote as follows, after her personal experience of Turkish harem life:—

"In Roget's 'Thesaurus' 'harem' stands as a synonym of a house of ill-fame. When I came back from Turkey and announced the fact that I had been staying in a harem, I fear, now that I know what a harem is supposed to mean, that some people must have had a very curious idea of my morality. A short while ago, when I spoke on 'Harem Life,' the room was full of men, and not one woman had dared to come to hear what I might have to say.

"For the sake of those who do not know, it will be necessary to again explain that the word 'harem' comes from the Arabic *maharam*, and means private or forbidden. It is simply the term used to describe those rooms in a Turkish house exclusively reserved for the use of women. It does not mean a collection of wives, as so many people suppose. No man may cross the threshold of the harem unless he be a blood-relation of the lady of the house, and in many cases even cousins are excluded. As a matter of fact, it has exactly the same meaning as the Indian word 'zenana,' which stands for all that is most proper. There is just as much sense in saying that a Turkish man travels with his harem as in saying that an Englishman travels with his boudoir.

"The only reason I can find that in any way justifies the popular idea of the impropriety of harem life is the fallacy that a Turk must necessarily have more than one wife. Yet how

unjust is this supposition. The days of polygamy are past in Turkey, as almost everywhere in the East. When the great Prophet of Islam limited the number of wives to four, he was legislating for a people amongst whom the practice of polygamy had been brought to its most awful aspects. The reforms instituted by him marked a very great improvement in the position of women. Also polygamy was an economic necessity among communities in which war was increasing the disproportion between the sexes. Muhammad, with his numerous wives, underwent self-sacrifice of no light character. I know, amongst my Turkish friends, men equally meritorious, although it would be difficult to find a European who would deliberately sacrifice his own comfort and feelings to provide for a homeless woman, as a Turk will do. Therefore, how unjust it is that the followers of so great a reformer as Muhammad, co-citizen of ours in this great Empire, should be judged solely by the circumstance that the law permits them to have more than one wife.

"The great Prophet of Islam tried unceasingly to enforce 'respect for women.' His own daughter, 'The Lady of Paradise,' was an example of all that is pure and true and lovely in her sex. Speaking from personal experience, I found that Turkish men generally try to follow Muhammad's teachings with reference to women, and keep them protected even from the indiscreet glances of the opposite sex. All the restrictions of their private life are intended to keep them from the ugly side of the world, and to preserve in them all that is divine in womanhood. In Turkey the woman who, from one day to another, without a profession, without influence, without money, and without relations, has to turn round and do the best for herself does not exist; there is always some one to provide for her."

The word "harem" or "hareem" in itself conveys the idea of sanctity. There is nothing in it to give the idea of prison. The word stands for sacredness. In Persia and India the wife is called *ahlé-khana* (the mistress or lady of the house). She is in no sense a slave. Very often she rules over the men, particularly so if she is the mother of the eldest male of the family. Very often the man brings to her directly all that he earns, and it is she to whom he has to go for any money he requires for his personal use. He is accountable to her, not she

to him. Although it is he who labours, the household belongs to her.

Von Hammer has very correctly said: "Harem is a sanctuary: it is prohibited to strangers, not because women are considered unworthy of confidence, but on account of the sacredness with which custom and manners invest them. The degree of reverence which is accorded to women throughout higher Asia or Europe (among Muslim communities) is a matter capable of the clearest demonstration."

Though being modified now, in India the seclusion of woman was the strictest, so much so that Musa Kazim Effendi, the present Shaikh-ul-Islam of the Muslim Empire, expressed himself against it in a conversation with the author. The writer of these pages has thoroughly studied the social problems of the West, and has visited all the important centres of Western thought, culture, and civilization, yet if it were a question of choosing the Muslim social system—even that which is more strictly regulated—or European, he would without a moment's hesitation reject the European as it prevails to-day in the West.

These simple people of the West who are talking of the emancipation of women of the East should first look to the beam in their own eyes—they should clear first the streets of their towns from those human pests who endanger the life of nations and who degrade the noble woman to the deepest depths. They should free their civilization from the three great curses—wine, women of ill-fame, and gambling—which accompany it wherever it goes. It is European civilization which has filled the streets of even certain Muslim towns with ill-reputed women.

When the conscience of Europe awakens to that degradation of woman which the want of any religious stricture has brought about, or when the ravages of disease and decline of birth-rate open the materialistic eyes of Europe to its social condition of life, it will, *volens volens*, have to look towards Islamic principles—towards the laws laid down, under God's own inspiration, by the greatest benefactor of humanity—Muhammad (may victory in all respects come to him and his followers).

As to Muhammad's social laws, Bosworth Smith, a great student of his life and work, says :—

"By his severe laws at first, and by the strong moral sentiment aroused by these laws afterwards, he has succeeded, down to this very day, and to a greater extent than has ever been the case elsewhere, in freeing all Muslim countries from those professional outcasts who live by their own misery, and by their existence as a recognized class are a standing reproach to every member of the society of which they form a part."

It is a happy sign of the times that the conscience of the legislators in England seems to have awakened to the immoralities prevailing in the large towns, and particularly in London. Letters have appeared in the papers showing the terrible condition of certain streets. Prosecutions have also been taken recourse to, and a Bill is before the Legislature to amend the Criminal Law of the country in a way so as to prevent immorality and disease.

The cause of the immoralities and diseases is the intercourse of the two sexes, and it is now under consideration to make the law as regards solicitation more strict and to increase the penalties for keeping a disorderly house. Indecent advertisements are also being stopped, and any communication knowingly of venereal disease is going to be made penal.

But the question is whether it is possible to make people moral by legislation. Dr. Helen Wilson says: "If every known prostitute could be interned to-day, there are vicious men always manufacturing new ones. While the masculine demand persists, it is folly to think that the supply can be cut off." She further says: "Radical dealing requires something more than repression and punishment, for these alone can never be effective." And she admits: "Adults who intend to come together for vicious purposes cannot be prevented by any measure short of absolute separation of the two sexes. All that the law can do in regard to such men and women is to insist that they must respect public decency, and further, that in their attempts to find each other they must not be allowed to annoy and insult respectable people. This should apply equally to men and women."

A way to keep people moral—a moral code from God Himself—is required. Man-made laws do not carry sufficient weight with human conscience. It might be possible to stop "public indecency" by parliamentary legislation; but will that

be sufficient? Will it stop disease? Will it make people really and truly moral? No. To make people really moral and to prevent sexual disease, it is necessary to bring such an agency into work as will check the most private indecency; also, which will set up a detective on every person, not from Scotland Yard but from the police court of one's own soul. Unless human conscience itself is made sensitive, immorality can never be really removed.

Even as to those means which human nature demands to be employed to keep it straight, secular laws cannot go far enough. It is quite true, "Adults who intend to come together for vicious purposes cannot be prevented by any measure short of absolute separation of the two sexes." But can any legislator in Europe undertake to enact a law securing "absolute separation of the two sexes"? It cannot be denied that that would be the only sure preventive of immorality. But that is impracticable to-day, simply because Christianity left the improving of morals to "Cæsar" instead of taking it up itself as a religious duty.

More than thirteen centuries ago, however, one Divine Book—the Qur-án—took upon itself the legislation to prevent immorality and disease, and because it was a Divine law it succeeded in its object. Up to this day the morals of Muslim nations are not in the hands of the lay legislators. The Divine Book guides in every path. Al-Qur-án is full of moral and social laws, and those laws are sure preventives of immoralities, because they have been laid with due regard to human nature.

It was Muhammad's privilege as a man to act as a moral teacher for the whole of humanity and for all ages. It was his privilege as a prophet to secure the obedience to his laws of one-third of the population of this globe.

To-day, Muslim nations are as free from the curse of alcoholism as Muslim countries are free from the pest of indecent women, from immoralities and sexual diseases.

Every Muslim feels that not he alone but the whole of humanity is indebted even to-day for those laws which Muhammad (may all the peace and blessing and triumph be with him and for him and his people) left behind permanently and unalterably, whose beneficence is recognized more day by day as the world progresses.

The Qur-án says in the chapter entitled "Al-nur," the Light, verses 30 and 31 :—

Qul lil mominína yaghuddú min absárihim wa yahfazú furújahumz álika azkálahum innallaha khabírun bima yasnaún.

"Say to the believing men that they cast down their looks and guard their private parts; that is purer for them; surely Allah is aware of what they do."

Wa qul lilmomináti yaghdúdna min absárihinna wa yahfazna furújahunna wa la yubdína zínatahunna illa ma zaharaminha wal yadribna bikhumurihinna alá juyúbihinna wa la yubdína zínatahunna illa libaulatihinna au abáihinna au abái buulatihinna au abnai baulatihinna au ikhwánihinna au bani ikhwánihinna au bani ikhwátihinna au nisáihinna au ma malakat aimánuhunna awittabiína ghairi oolilirbati minarrijali awittifillazi na lam yazharu ala aurátinnisái wa la yadribna biarjiluhinna liyulama ma yukhsína min, zinatihinna wa túbú ilallahi jamian ayyuhal mominúna laallakum tuflihún.

"And say to the believing women that they cast down their looks and guard their private parts, and display not their ornaments except what appears thereof, and let them wear their head-coverings over their bosoms, and not display their ornaments except to their husbands or their fathers, or the father of their husbands or their sons, or the sons of their husbands or their brothers or their brother's son or their sister's son or their women, or those whom their right hands possess or the male servants not having need (of women) or the children who have not attained knowledge of what is hidden of women; and let them not strike their feet so that what they hide of their ornaments may be known, and turn to Allah all of you, O believers! so that you may be successful."

Those persons who have to deal with the European and so-called Christian societies of to-day will see how very wise the legislation of the Holy Qur-án was, and how it shows a masterly knowledge of the weaknesses of human nature. If they were free to accept the Divine legislation they would surely have done so. The Quranic law stops every opportunity of solicitation. It prevents venereal disease by stopping the occasions of adultery and fornication, etc. It separates the two sexes in a very judicious way, and lays down the rules of conduct for both men and women. It must be noted that the total separation



of the two sexes has not been aimed at. It is only free and unrestricted intercourse of the two sexes which has been stopped.

Legislators of to-day might succeed in diminishing solicitation in Waterloo Road or Leicester Square, but what of those solicitations which go on every evening in luxurious drawing-rooms and ball-rooms, possibly not in blunt and unartistic words of mouth, but by half-nude dresses, passion-exciting dances, inebriated eyes, etc.?

The utmost that lay legislators can aim at is to diminish public indecency among poor people. It is beyond their power to stop totally public indecency. Private indecency is altogether beyond their reach, and we have no doubt that their legislation to stop the communication of venereal disease will utterly fail. Perhaps it will give rise to greater mischief in other respects.

To lay down sound maxims of life is not enough. The ways and means of securing a healthy and moral life must be shown to guide humanity on the right path. Those means and ways should not be beyond human reach.

For physiological reasons it is necessary to regulate more strictly the social life of man and woman in the East than in the West. In the East maturity of life comes sooner, carnal desires are felt keener, even susceptibility to disease is stronger. Eastern temperaments are easily excitable. The fire of love in an Eastern heart is more intense, the sense of honour is greater, and the feelings of envy also more acute. The Divine law should be such as to keep in mind the East as well as the West. Therefore Islamic social laws have judiciously laid down restrictions upon the intercourse of the two sexes. The object of that was to secure not only purity of body but also of mind. It is in human nature to hanker after human beauty, particularly of the opposite sex. Beauty inspires love and a desire for its possession. If the beauty that has aroused the desire for possession is not obtainable, what amount of heartburning would be caused, particularly in a young, excitable, easily impressionable man of the East. It is possible for men and women of mature judgment and ripe age to gain a mastery over themselves, but to expect that from raw youths whose physical passions and desires have developed much quicker than their judgment will be too much. Moral legis-

lators should always have an eye upon persons of every age. Social legislators should lay down some rules to guide the youthful part of their citizens, whether male or female. Man is after all an animal physically. The animal in him is more prominent in the time of his youth. Intercourse of the sexes at that age cannot be desirable. The sight of "loving couples" in public parks at the time of dusk, mixed bathings in tight semi-dresses in the open sea, the flirtations with one young man to-day and with another to-morrow cannot have very wholesome effect upon young minds and characters. The moral condition of Europe to-day clearly proves it. What Islam means to develop is a sense of modesty in women. They should cast down their eyes when they are walking in streets, as should men. They are further asked not to display their ornaments except what cannot be conveniently concealed, and to wear their head-coverings over their bosoms.

In chap. xxxiii. v. 59 the Qur-án says: "O Prophet! say to your wives and your daughters and the women of the believers that they let down upon them their over-garment; this will be more proper, that they may be known, and thus they will not be given trouble; and Allah is forgiving, merciful."

In chap. xxiv. vv. 27, 28: "O you who believe! do not enter houses other than your own houses until you have asked permission and saluted their inmates; this is better for you, that you may be mindful.

"But if you do not find any one therein, then do not enter them until permission is given to you; and if it is said to you Go back, then go back; this is purer for you; and Allah is cognizant of what you do."

It will be seen by these quotations how arduous was the task of Muhammad when he undertook to elevate the moral and social condition of humanity. In Arabia men used to get into the houses of others without permission; they used to assault respectable women in the streets, and so forth. Muhammad undertook to change all that. He undertook to protect woman.

In chap. xxiv. vv. 23, 24 the Qur-án had to lay down: "Surely those who accuse chaste believing women, unaware (of the evil), are cursed in this world and the hereafter, and they shall have a grievous chastisement:

"On the day when their tongue and their hands and

their feet shall bear witness against them as to what they did."

The last verse warns people of not entertaining even evil thoughts in secret, as they cannot conceal anything from the All-knowing God.

The more any one studied the life of Muhammad and his work—social, moral, political, and religious—the more would he feel proud of him and would be compelled to admit that he was no doubt the greatest benefactor of humanity. He changed the very nature of his contemporaries and laid down such laws for human purification and elevation that even to-day they are the best means of combating human weaknesses if properly understood and worked upon. Those legislators who have been trying to free England from the poison of alcohol, or those who have been trying to get rid of disease from the people in the twentieth century of the Christian era, with literate people to deal with, should better appreciate the work done by Muhammad more than thirteen hundred years ago among a people who were on the lowest rung of the ladder—almost on equal footing with animals. It was really a miracle what Muhammad did, and did it in such a way as to leave a permanent and undying impression upon the minds of men of different countries and races.

Of course every race and country has its own social characteristics. All the social conditions are the result of the needs and necessities of the people suited to the climate and circumstances of the country and to the thoughts of the past generations of the people. Islam has reached to almost all parts of the world. It has undoubtedly played the most important and effective part in harmonizing even uncongenial characteristics of different races and people. Islam has revolutionized the greater part of the world. It has equalized the position of the largest number of people. It has inspired all the Muslims with brotherly affection towards one another and has taught them to adopt, as far as possible, similar customs and etiquette, etc. Muslims have carried their own institutions all over the world. Yet they have not altogether escaped from being influenced by the customs and manners of the indigenous people of those countries to which they went from their home—Arabia. In China, Muslims have adopted many Chinese customs; in India, Indian; and so on. Anybody who wants to find out the real and

original Islamic ways and manners should read the Holy Qur-án or the life of the Prophet, but in reading the latter he should never forget the time when Muhammad lived and his surroundings. Islam should not be held responsible for the social customs of Muslims of different countries without a thorough examination of the history of those customs.

As regards seclusion, or *Harem* or *Purdah*, what is Islamic is the principle of putting a restraint upon free or animal-like intercourse of the sexes with a view to purify the social conditions and to elevate society. Islam is undoubtedly against creating a rivalry between the sexes. It allots to woman a higher and nobler sphere of work. With these Islamic principles in view, every nation can adopt such customs and manners as would suit best its own circumstances and country. Circumstances always change; principle never changes.

When India was unsettled, most strict *purdah* and seclusion were necessary. It is due to their social purity that Indians have withstood the ravages of very unpleasant times. While men degenerated, women still remained noble, with the result that it has not taken long to elevate again the population. Now that strict *purdah* of old is not wanted; but as long as there is an alien race in India which is arrogant enough to consider itself superior to Indians and to insult and even ill-treat the people of the country, the disappearance of *purdah* will be a cause of greater trouble than of good. In England there is no need of such restrictions as prevail in India. They would rather upset the society. They might even bring about starvation for women. Circumstances in England are different from those of India. Social Customs are the child of circumstances. In England the original rules laid down for the purification and elevation of society by Islam would do.

It might be said that but for the European system of the female life it would have been impossible to save England from sad catastrophe during this war. If the woman had not taken up man's work in the munition factories or in the civil life, thousands of men who have now gone to war would have been held back, much to the satisfaction of the enemy and loss of Great Britain. This is, no doubt, one view of the matter. But the other view is that if all over Europe the Islamic system of woman's life had prevailed much valuable human blood would

have been saved, as each belligerent would have had to use less men to kill one another.

After this devastating war it will be more necessary for women to devote themselves to home life—to their children, to the coming generation. It will be more their duty to save the nation from ruining itself by internal commotions, by class wars, by sex rivalries.

Even before the war the struggle for existence was very keen—almost unbearable by human beings. Little boys—and worst of all, little girls—had to be taken away from schools and sent to work to sweat in order to keep themselves in the world. After marriage woman was allowed to a certain extent to devote herself to her home. If this struggle becomes keener and keener every day, as is the tendency now, then a married woman will have to work for her living and to neglect her home, her children, and the new generation upon which the prosperity of every individual nation, as well as of the world as a whole, depends. Before this war this new element in the disruption of society—the rivalry between man and woman—had already come into existence. After the war circumstances will favour more such rivalry, which might lead to an unending war between the sexes. Steps must be kept in view to stop the rivalry, and the most effective step is the adoption of the Islamic system. Woman's position must be really raised. She should be considered as superior to man. It should be impressed upon her that when she expresses her ambition to equal man she lowers herself from the ideal which should be before her. All the coarser work should be reserved for man, and man alone, as man reserves that for those amongst himself who occupy a lower position on the social ladder. Woman is a gentler being. Her feminine qualifications, virtues, and charms must be kept intact. Paradise should continue to remain under her feet. Her motherhood must remain sublime.

The present-day Muslim woman of India is an ideal woman. Instead of her copying European women, they should rather copy her. *Purdah* has undoubtedly added to the grace and beauty of women of the East. *Purdah* has developed that most valuable virtue *haya*, which has no equivalent in the English language. That nobleness, gentleness of character, that sympathetic and heroic, self-sacrificing and sweet nature which has

been developed in Eastern women is, no doubt, the product of their life of seclusion from the materialistic, ambitious, greedy life of man. It is man who has to struggle. It is man who has to plan schemes of robbing and exploiting not only weak or innocent individuals but also less strong and less brutal nations. Because of this materialistic civilization man has developed selfishness. He has even developed a love for destruction of his fellow-beings, and devotes himself to inventing asphyxiating gases and tear-shells. So far the angelic influence of woman has had a restraining effect upon him, but if she herself adopts the same life as man has, there is no doubt that humanity will come down to the life of animals, and because man has more cleverness than animals he will become the most mischievous creature on the face of the earth.

To a man gifted with any foresight the present trend of European life seems to be towards a bottomless abyss. There is no real home-life left in Europe. A man takes more pleasure in attending other persons' houses than his own. He enjoys more a game of bridge at his club than a conversation with his wife and the company of his children by the side of his fire.

The real home-life exists only in the East. Easterns mostly live in houses owned by themselves, even if they be simple thatched huts. They do not care for club life. Their admiration for and attachment to female charms is reserved for their own wife's; the female company they enjoy is that of their own womenfolk. They do not appreciate at all the sentiment which encourages one's own wife to become an object of adoration or admiration to others. No Eastern woman of any respectability would allow herself to be made an object of any familiar regard to any other but her own people.

Eastern women have developed in them such a noble, sweet, and beautiful character that even those of them who are not gifted with physical charms fascinate and enslave their husbands. They are hospitable, courteous, kind, generous, and affectionate towards strangers and foreigners of their own sex who visit them or become friends with them. Even middle-class women of the East are fit for the highest society of the West. They will never be found wanting in modesty, courtesy, grace, and gentleness. All of them observe those, and even more refined than those, rules of conduct as regards modesty, decorum, delicacy and *belle tournure* which in Europe

are observed by women of the highest rank only. An Eastern maiden, even of a low class, would blush at the very word "kiss" instead of allowing herself, like her Western sister, to be kissed and caressed by one suitor after another. Eastern society does not propagate "Social Butterflies." Eastern women bestow their love only to one man—their husband. He is their first and last love.

Lady Dufferin wrote in the *Nineteenth Century* of March 1891 of her long personal experiences of Indian ladies thus:—

"The impressions I carried away from my visits to *zenanas* (ladies' quarters) were invariably pleasant ones; I have nowhere seen women more sympathetic, more full of grace and dignity, more courteous, and more susceptible to the art of giving a really cordial reception to a stranger than those I met behind the *purdah*. In spite of the shortcomings of interpreters and the want of a common language, I never left a *zenana* without being deeply impressed by the gentleness and charm of manner I found there."

She pays a compliment to their intelligence and modesty in these words:—

"I believe that for once a general statement may be made which is universally true, and that is that Indian girls are very quick at learning. Those I have seen certainly appear to read and to write in a shorter time and very much better than English children. . . . The educated Indian ladies I have met retain all the remarkably feminine character of their race; they lose none of the modesty of their demeanour, and I have never seen a sign, nor have I ever heard the faintest whisper, of any levity in their conduct."

Lady Dufferin demolishes the well-known European misconception of the life of the Indian woman in these words:—

"There is in England a conventional idea of the Indian woman which, although practically true in respect to certain phases of her existence, would yet be found faulty in most particulars if examined by persons thoroughly acquainted with the subject. It is one which appears to exclude from consideration all that may be happy in an Indian woman's life, and which regards her only as an ill-used child-wife, an amiable nonentity, a cruelly treated widow, a neglected invalid, or a prisoner shut up in a *zenana*, where she never sees the face of any man but her husband. To the unrelieved gloom of the picture I demur.

In reality an enormous proportion of the female population—that is to say, all the women of the lower class—go about freely performing their daily avocations and assisting at popular fêtes and religious festivals . . . while, far from being down-trodden and helpless, the Indian woman often rules not only a family but a State, and can from the seclusion of the zenana make her influence very sensibly felt.”

Lady Dufferin goes on even to say :—

“ Indeed, I can imagine many a weary and toiling woman, in this our overcrowded and busy world sighing for such a harbour of refuge as the zenana might appear to afford. . . .

“ And I certainly am able to have a more kindly sentiment towards the nation as a whole because I have seen happy wives and happy mothers in India, and because I believe in happy Indian homes.”

Of course there are good men and good women, bad men and bad women everywhere in the world. But taken as a whole there is no woman in the world as pure, noble, sweet, modest, kind, full of loving sentiments and affectionate regard, self-sacrificing and heroic, faithful and pious, and gifted with such captivating feminine charms and graces, such polished and refined manners, as the Muslim woman, and there can be no doubt that VEIL has played a very important part in giving her that character which she possesses.

#### LEGAL RIGHTS OF WOMAN.

Islam gave rights of inheritance to woman—to woman as a daughter, a wife, a mother, a sister, and in some cases even when more distantly related.

It is true that when a man has a son and a daughter both, the share of daughter is half that of the son, but this very fact shows that Muhammad was an inspired legislator, and had his inspirations from One Who is the Creator and Fashioner of human nature and knows its requirements. A son has to keep the house, and the family of his parents. He has to spend more, and so requires a greater share. He has even to see to the marriage of his sisters. Woman, on the other hand, has not high expenses to incur as a man. When she becomes the wife of a man she can claim by law all her sustenance from her husband, even if she may possess millions of her own money. All that property which Islamic



law in the Qur-án itself assigns to the female members of a family becomes their property, even if they are minor, or even if they are married. Their right is their own. Nobody can deprive them of it. What they inherit is their absolute and alienable property, which they can treat as they like. They can make even a free gift of it. Guardians of minors cannot misuse it, as when they grow up to the mature age they can denounce any contract made on their behalf when they were minor. Even a father cannot enter into a contract of marriage for his minor daughter which is detrimental to her interests, or with a person suffering from some disease or not belonging to the same status as the girl.

On attaining her majority, which according to most of the schools she does on completing her fifteenth year, she is a *sui juris*, and "not even the King" can compel her to marry anybody against her will. Nobody can deprive a daughter of her inheritance from her parents under the Muslim law.

Thus, as a daughter, a Muslim woman's legal position is quite secure.

The same is the case as a wife. There is no coverture. There is no loss of personal right of a Muslim woman by her marriage. Whatever she brings with her as her property remains her own. Whatever she secures after marriage also remains her own. Whatever she earns is hers. On the very day of marriage she is entitled to a settlement technically called *mahr*, which has been dealt with in this book before.

In the lifetime of her husband she is entitled to maintenance suitable to her position and the means of her husband.

Law has provided her a relief in such cases as ill-treatment by her husband or his permanent lunacy. On the husband's death she inherits a share of his property.

The most unique position is given to a Muslim mother in the social economy. Islam exalts to its highest position the motherhood of woman. No Christian or Western system or law gives a mother any legal claim on her son's property. Perhaps it is expected that a son would not allow his old mother to be destitute, and would help her in his own lifetime. But the law does not give any right to woman to claim any share of her deceased son's property, even if she be destitute, even if the son may have left a dukedom.

But Islam is generous to mothers. It gives her a specific share in the inheritance of her deceased son.

A mother's superior right to the custody of her children, even in the lifetime of their father, has been dealt with before under the heading *Al-Hazanat*.

Muslim woman as a woman, as a partner in human society, has no disabilities.

There is no position, no profession, which has been barred to her.

While in England, up to the present moment, no woman can be called to the Bar or be a judge, Imam Abu Hanifa, the greatest jurist ever born, whose juristic interpretations have been followed, and are being followed, by a greater mass of people than those of any other jurist, declared over a thousand years ago that a woman is entitled to hold the office of judge or *Qazi* equally with a man. In fact, Lady Ayesha, the wife of the Prophet himself, was considered to be the greatest jurist of her day.

*Va lahunna mistlulazi 'alaihinna bilm'aruf* (ii. 228).

"To them (women) the same rights as are due from them according to the rule."

And—

*Lirrijulê nasibunmmimaktasabu va linnisa é nasibunmmi-maktasabna* (iv. 32).

"Men shall have the benefit of what they earn, and women shall have the benefit of what they earn."

These are two such commands of the Qur-ân that not only made a revolution in the Arabia of thirteen hundred years ago as regards the rights of woman, but even to-day they are the best and unexcelled charters of her rights and of her liberty. No nation, no religion has surpassed, nor shall ever surpass, Islam in doing good to the woman as woman.

Under Islamic Law there are three classes of heirs :—

(1) "*Sharers*," entitled to a prescribed share of the inheritance.

(2) "*Residuaries*," taking no prescribed share, but succeeding to the "residue" after the claims of the sharers are satisfied.

(3) "*Distant kindred*," i.e. those relations by blood, male or female, who are neither sharers nor residuaries.

Circumstances of each case decide the question of the classification, but the following table will show that members of female sex are as much entitled to be sharers as members of the other sex, though the amount of share differs for very good and just reasons.

TABLE OF SHARERS.

Sharers.	Normal Share.
1. Father ...	$\frac{1}{6}$
2. True grandfather	$\frac{1}{6}$
3. Husband	$\frac{1}{4}$
4. Wife ...	$\frac{1}{8}$
5. Mother ...	$\frac{1}{6}$
6. True grandmother ...	$\frac{1}{6}$
7. Daughter ... ..	$\frac{1}{2}$
8. Son's daughter (how low soever)	$\frac{1}{2}$
9. Uterine brother ...	$\frac{1}{6}$
10. Uterine sister ...	$\frac{1}{6}$
11. Full sister ...	$\frac{1}{2}$
12. Consanguine sister	$\frac{1}{2}$

While discussing the legal position of women it should be said to the credit of Islam that it has not encouraged women to go to the Courts. In India Purdanasheen ladies have the established right of giving their evidence in their own homes through a commission. Islam does not like to put women in the witness box under the fire of a cross-examination, and therefore says that if a woman witness is dragged into court her evidence must be supported by that of another.

## GENERAL REMARKS.

It is very fortunate indeed that Islam departed from all other religions and discussed fully in details the question of woman in the Holy Book it left for the permanent guidance of its followers. As has already been pointed out, the Holy Qur-án deals in detail with not only the religious duties of men and women, but also of their social mutual relations, their respective rights and privileges, and their laws of inheritance, of marriage, divorce, and custody of children, etc. It is more fortunate that that Holy Book of guidance given to Muhammad, upon which he based his own actions and which he

left for all the Muslims of every clime, country, and age, for all times, is still intact, and is the same word for word, letter for letter, as spoken out by Muhammad and written down in his presence, so that there can be not the slightest doubt as to the fact in what condition Muhammad found women, and to what position he tried to raise them. While dealing with the question of woman we have to admit that the present-day Musulmans, as their immediate predecessors, have more disobeyed the laws of their faith and the example of their Prophet than obeyed them, and thereby they have become themselves a degenerated people, and have brought ruin and misery to their countries and nation. Just as the cause of the present-day prosperity of the Christian nations is their disregard for their religion, so the cause of the adverse circumstances of Muslims is their disregard for their religion. The more the Muslims followed the commands and the laws of their religion, the more they prospered and advanced intellectually, politically, socially, and morally. Since they neglected in following closely their religion, they came down in every respect. If we want to judge what Islam really taught, we should look more to that uncorrupted, unaltered Book of Islam than to the example of the present-day corrupted and changed Muslims themselves. It should also be noted that the political downfall of the Muslim nation was due to its men, NOT to its women. We have said before that women all over the Muslim world are noble, chaste, generous, kind, loving, trustworthy, faithful, truthful, honest, self-sacrificing, fond of doing good to others, sweet in disposition, free from envy and other vices. They are second to none in all the feminine virtues. Women of Islam are, in fact, the sheet anchor of the Muslim world. That complete moral and social degradation of the nation has not followed the political downfall is simply due to the fact that the Muslim woman has still left in her those virtues that were inculcated in her by Muhammad. Unlike her male companion, she still clings to her glorious tradition and her glorious laws. Musulmans' future hope lies in the fact that the mothers of their children remain such of whom any nation can be proud. The moment the influence of the male sex also improves, that very moment the whole nation will get transformed into a united, daring, progressing, heroic nation as it was before. Unlike that of the Christian nation, the

foundation of Muslim civilization is strong. Musulmans lost kingdoms because Muslim men became fond of luxuries, quarrelled between themselves, lost their national and heroic spirit, gave up Jihad's vivifying principle, neglected the education of their sons and more of their daughters, dominated over women to the extent of being even a little harsh, and did not keep up that material progress and culture which their forefathers, under the impetus given to them by the Qur-án, had started. But though Muslims have lost the ground, Islam has not. It has still made, and is still making, progress, in spite of the political downfall of Muslims. Islam is ever conquering. Islamic laws and Islamic social customs are riveting the attention of all legislators. Islam as a religion is drawing the attention of all sensible and rational persons. Those Europeans who know really of the woman of Islam acknowledge that she is altogether a superior being. Whether educated or uneducated, poor or rich, a girl, a wife, or a mother, in every capacity she is adorable. There is no man worth being called a man who does not love her. If Muslims have not valued women as they should have, it shows that they have fallen, although now women themselves are not quite like Fatima, Ayesha, Khaula or Rabia, because of their being neglected. It was a miracle on the part of Muhammad to have transformed Arab men from a barbarous people into great civilizers, but it was more than a miracle to have raised women from the wretched condition in which they were in the world at large, more especially in Arabia, to the dignity and erudition of a Fatima or Ayesha.

The disposition of the non-Muslim Arab woman can be judged from a perusal of the Arab history of the days of ignorance. When Hamza, an uncle of the Prophet himself, was killed in a battle, a woman of the Arabs, named Hinda, satisfied her revengeful feelings and fiendish cravings by taking out the liver of his body and eating it up after roasting it on fire.

But Muhammad transformed all these into angelic characters. Hinda herself became a changed woman after she accepted Islam, and received free pardon in spite of her heinous and revolting crime.

The glory of Islam was reflected in the women of Islam as much as in the men of Islam. The beloved daughter of

the untutored Prophet himself became the Lady of Light, and the little wife of the Prophet, named Ayesha, became one of the greatest jurist, traditionist, commentatoress, and genealogist of her day. Ayesha knew medicine also, and was well versed in all Arabic literature and poetry. She was such a jurist that one-fourth of the juristic traditions of Islam have been derived from her. Whenever there was any dispute on any point raised on the question of Muslim law it was referred to Ayesha. Akhnaf bin Qas says that he heard the discourses and sermons delivered by Abu Bakr (Ayesha's father), Omar, Osman, Ali, and other learned scholars and men, but what he heard from Ayesha was far superior in rhetoric and composition. Islamic history is full of brilliant Muslim women. Sakina, daughter of Hosain the martyr, was a lady of great scholarly reputation. Ummat-ul Wahid, the daughter of Hosain son of Ismail, was an expert in correspondence, tradition, rhetoric, mathematics, and grammar.

In Spain, even ladies entered the lists as votaries of the muse. Valadata, daughter of the Khalifa of Cordova, "endowed with equal beauty and genius," was considered as the Arabian Sappho. Ayesha, another princess at the same court, was scarcely less distinguished. Her orations and poems were frequently read in the royal academy of that city with the greatest applause. Labena, also a native of that far-famed capital, not only excelled as a poetess, but was also deeply skilled in philosophy and arithmetic, and held an office not often enjoyed by females, that of private secretary to the Khalifa Hakim. Seville could boast of Safia, whose poetry and beautiful penmanship were the subject of equal admiration; of Algasania, who wrote verses in praise of the Khalifa, and Maria, who has been honoured with the title of the Arabian Corinna ("History of Arabia").

Of the woman saints in Islam there can be named a goodly number. But Rabia al Adawiyya attained such a position that, according to Ibn Khalikan, even her tomb was an object of pilgrimage in the Middle Ages. She lived in the second century of Higree (767-815 A.C.). In the "Literary History of the Arabs" is given the following translation of one of her poems :—

"Two ways I love thee: selfishly,  
 And next, as worthy is of thee.  
 'Tis selfish love that I do naught  
 Save think on thee with every thought;  
 'Tis purest love when thou dost raise  
 The veil to my adoring gaze.  
 Not mine the praise in that or this,  
 Thine is the praise in both, I wis."

The saint Rabia was so well-versed in the Holy Qur-án that for thirty years she is said to have never spoken in any conversation any single word but from the text of the Qur-án.

Women in Islam have filled different positions in life with great credit to their sex. Muslim lady physicians and jurists have both been of great renown.

Zubaida, the wife of famous Haroun Rashid of Baghdad, and Nur-jehan, the wife of Jehangir, Emperor of India, have both played a very prominent part in the history of their times. Muslim Queens have successfully governed countries and empires.

Bûrân, the wife of the Khalifa Mâmûn, the son of Haroun Rashid, was well known for her scholarship; so were Mâmûn's sister and daughter, Umm-ul-Fazl and Umm-ul-Habib respectively.

The distinguished jurisconsult Raby-al-Ray owed his learning to his mother, Humaida.

In the fifth Muslim century Fakhrunnissa Shaikha Shuhda lectured publicly at the grand mosque of Baghdad.

There is a book called *BĀLAGHĀTUNNISA*, written in the third century of the Muslim era by AHMAD BIN ABI TAHIR, the well-known historian of Baghdad, on lectures and addresses delivered by Muslim ladies like Fatimah, Ayesha, Hafsa, etc.

Fatimah's elegy on the death of her father, the Prophet Muhammad, is soul-stirring.

The names of some other well-known Muslim poetesses and *littérateurs* are as follows:—

Arvi bint al Haris; Unbatal Aqil; Zainab; Ummé Kulsum; Abdul Muttalib's daughters Ummé Hakim and Umima; Safvatuddin; Bibi Baidil; Nurjehan, Zaibunnisa; Razia Begum; Shahjehan Begum; and Gulbadan Begum. Rabia Shamiah, Hakimah Damiscia, Tuhfiat Arabiah were well-

known women saints, like Rabia Bussriah already mentioned.

Christianity when at its best could not tolerate one learned woman.

Draper writes :—

"Hypatia and Cyril! Philosophy and bigotry. They cannot exist together. So Cyril felt, and on that feeling he acted. As Hypatia repaired to her academy, she was assaulted by Cyril's mob—a mob of many monks. Stripped naked in the street, she was dragged into a church, and there killed by the club of Peter the Reader. The corpse was cut to pieces, the flesh was scraped from the bones with shells, and the remnants cast into a fire. For this frightful crime Cyril was never called to account. It seemed to be admitted that the end sanctified the means.

"So ended Greek philosophy in Alexandria, so came to an untimely close the learning that the Ptolemies had done so much to promote. The 'Daughter Library,' that of the Serapion, had been dispersed. The fate of Hypatia was a warning to all who would cultivate profane knowledge. Henceforth there was to be no freedom for human thought. Every one must think as the ecclesiastical authority ordered him, A.D. 414. In Athens itself philosophy awaited its doom. Justinian at length prohibited its teaching, and caused all its schools in that city to be closed."

Even the most bigoted Muslim never treated a woman as was Hypatia treated by Christians. Islamic history is free from such barbarism.

How could Musulmans ill-treat a woman for discoursing on philosophy when the Qur-án says that Wisdom is a God-given gift and *Va manyutal hikmata faqad utiyu khairan kasira* (ii. 269)—whoever is granted Wisdom (philosophy or scientific knowledge) is indeed granted a great good? One of the names of God Himself is AL-HAKEEMO, and among the objects of raising the Prophet also one is *u'limuhum ul kitaba val hikmata* (lxii. 2). The meaning of the full text is :—Whatever is in the heavens and whatever is in the earth declares the glory of Allah, the King, the Holy, the Mighty, the Wise. He it is Who raised among the illiterate people an apostle from among themselves, who rehearses to them His signs and purifies them and teaches them the Book and the Wisdom



(philosophy or science), although they were before certainly in clear error (Ixii. 1, 2). The Holy Book is itself called AL-KITABIL HAKEEM (x. 1), i.e. the Book of Wisdom or Science or Philosophy.

Under Islam no woman suffered even as did the Suffragettes in the "liberty-loving" England a few years ago.

Women under Islam had never had to fight for their rights. They had always had all the rights that were due to them. If they had not had those rights they would no doubt have fought for them. Muslim women have not been wanting in courage. Muslim Joan of Arcs have been innumerable.

Safiah; Ummé Saleet; Ummé Saleem; Ummé 'Amarah; Khansa; Khaula bint 'Azoor; Afeerah; Ummé Aban; Salmah; Ummé Hakeem Asma, daughter of Abu Bakr; Kholā bint Solbah; Kaoob bint Malik; Sulma bint Hashim; Nām bint Qanas; Amir Moaviyah's sister and mother; Zufaira bint Afarah, and numerous others, each and every one of them displayed greater heroism, courage, and patriotism than the well-known French heroine who has acquired such a name in European countries. In the decisive battles of Yermouck and Qadsia, against the Romans and Persians respectively, Muslim women played a very important part and helped their men to gain victories.

Recently it was announced in English papers as a matter of surprise that Muslim ladies in Turkey have joined the Women's Army Corps--W.A.A.C., as called in England.

To Musulmans and to others who know Muslim history there was nothing of any surprise in the matter. We would refer Europeans who can study Oriental languages to the following histories, among others, to form some idea of the Muslim women of old: Tibri, vols. 5 and 6; Asadul Ghaba, vol. 5; Futuhātē Islamiyah; Bilazari; Vakidi.

In early days women, out of regard to their sex, were not encouraged to go to the battlefield, but those who did go performed the following duties: (1) they carried away the wounded from the battlefield; (2) nursed them; (3) those who died, buried them; (4) supervised the kitchens of the army; (5) revived the spirits of the soldiers by reciting heroic verses, very often composed by themselves. The Prophet himself was nursed by his daughter Fatima in the battlefield of Ohad when he was wounded, and his own wife carried water to wounded

soldiers lying on the field. In the battles of Khaibar also women were ministering angels.

The following quotations from Gibbon-Ockley's *History of Saracens* should convince the English-reading public that Musulmans have produced much more valiant and patriotic women than any European nation.

Describing the early battles between the Romans and Arabs the above-named historians say :—

"Among those other captives which Peter had taken, it happened that Khaulah, Derar's sister, a brave virago, and a very beautiful woman, was one. Derar was extremely concerned in the loss of his sister, and made his complaint to Khalid: who bade him be of good cheer; 'for,' says he, 'we have taken their general, and some other prisoners, which we shall exchange for our own; and there is no question but we shall find them all at Damascus.' However, they resolved to go and see if they could recover them before they got thither. Khalid, Raphi, Meisarah, and Derar went in search of the captives; and ordered Abu Obeidah to march on slowly with the army. There were among the women which were taken prisoners some of the Hamyarites (a tribe so-called among the Arabs), which the Arabians supposed to be descended from the ancient Amalekites. These women are used to ride on horseback, and fight as the Amazons did of old. Peter, when he had got his prisoners and plunder at some convenient distance, did not make haste to convey them to Damascus, but stayed by the way, being desirous, if possible, to hear of his brother Paul's success before he went home. Whilst they rested, they took an account of the women, and what else they had gotten; and Peter chose Khaulah, Derar's sister, for himself, and told his men that she, and no other, should be his, and nobody's else. The rest chose each of them one as long as they lasted. The Greeks went into their tents to refresh themselves, and in the meantime the women got altogether, and Khaulah said to them: 'What! will you suffer yourselves to be abused by these Barbarians, and become handmaids and slaves to these idolaters? Where's your courage? For my part, I'll sooner die than any of these idolatrous slaves shall touch me.' Opheirah, who was one of them, told her that their patience was not the effect of cowardice, but necessity. 'For,' says she, 'we are defenceless;

we have neither sword nor spear, nor bow, nor anything else.' 'But cannot we,' says Khaulah, 'take each of us a tentpole, and stand upon our guard? Who knows but that it may please God to give us the victory, or deliver us by some means or other? If not, we shall die, and be at rest, and preserve the honour of our country.' Opheirah swore she was much in the right of it. They instantly resolved upon it, and provided themselves with staves, and Khaulah commanded in chief. 'Come,' says she, 'stand round in a circle, and be sure you leave no space between you for any of them to come in and do us a mischief. Strike their spears with your staves, and break their swords and their skulls.' As she spoke, she stepped forwards one step, and struck a fellow that stood within her reach, and shattered his skull. Immediately there was a great uproar, and the Greeks came running out of their tents to see what was the matter. When they came out, there stood the women all up in arms. Peter called out to Khaulah, whom he had chosen for his mistress, 'What's the meaning of this, my dear?' 'Woe be to thee,' said she, 'and to all of you, thou (Arab, *Ya kelbo'nnasraniyah*) Christian dog. The meaning of it is, that we design to preserve our honour, and to beat your brains out with these staves: come, why don't you come to your sweetheart now, for which you reserved yourself? It may be you may receive something at her hands, which may prove worth your while.' Peter only laughed at her, and ordered his men to compass them round, and not do them any harm, but only take them prisoners, and gave them an especial charge to be careful of his mistress. They endeavoured to obey his commands, but with very ill success; for when any horseman came near the women, they let drive at the horse's legs, and if they brought him down, his rider was sure to rise no more. When Peter perceived that they were in earnest, he grew very angry, and alighted from his horse, and bid his men do so too, and fall upon them with their scimitars. The women stood close together, and said one to another, 'Come, let us die honourably, rather than live scandalously.' Peter looked with a great deal of concern upon his mistress, and when he viewed her beauty and comely proportion and stature, loath to part with her, he came near, and gave her good words, and would fain have persuaded her to desist from her enterprise. He told her that he was

rich and honourable, that he had a great many fine seats, and the like, which should all be at her service, and desired her to take pity of herself, and not to be accessory to her own death. To which she answered, 'Thou infidel, scoundrel, vile rascal, why dost not come a little nearer, that I may beat thy brains out?' This nettled him to purpose; so he drew his sword, and bid his men fall upon them; and told them that it would be a very scandalous thing to them in all the neighbourhood of Syria and Arabia, if they should be beaten by the women. The women were just now at their last prayers, but they held up bravely; and it happened fortunately, that whilst they were thus engaged, Khalid and his party came up. They wondered what was the matter when they saw the dust fly, and the swords glitter. Khalid sent Raphi to inquire into the business; who rode in great haste, and came back quickly, and gave him an account how things stood. Khalid said he did not at all wonder at it, for the women of those tribes were used to it. As soon as Derar heard the news, he put forward his horse in all haste to go and help the women. 'Softly, Derar, softly,' said Khalid; 'not so fast; a man that goes leisurely about his business, shall sooner gain his point, than he that goes to work rashly.' Derar answered, 'I haven't patience, I must go and help my sister.' Then Khalid set his men in order, and commanded them, as soon as they came up, to encompass their enemies. As soon as Khaulah saw the Saracens appear, she cried out, 'Look ye, my girls, God has sent us help now.' When the Greeks saw the Saracens draw near, they were in a pitiful condition, and began to look upon one another very sorrowfully. Peter was now willing to contrive some way for his own safety, and called out to the women. 'Hark ye,' said he, 'I pity your condition, for we have sisters and mothers, and wives of our own; therefore I let you go freely for Christ's sake: wherefore, when your people come up, let them know how civil I have been to you.' Having said thus, he turned towards the Saracens, and saw two horsemen coming apace before the rest. One of them (Khalid) was completely armed, the other (Derar) naked, with a lance in his hand, upon a horse without a saddle. As soon as Khaulah saw her brother, she called out, 'Come hither, brother, though God is sufficient without thy help.' Then Peter called out to her, and said, 'Get thee, thy brother, I give thee to him,' and

turned away to get off as fast as he could. She called after him, and said, 'This fickleness of yours is not like the manner of us Arabians; sometimes you are wonderfully fond of me, and express a great deal of love, and then again you are as cold and indifferent as may be.' 'Away with thee,' says he, 'I am not so fond of thee now as I was before.' 'Well,' says she, 'I am fond of you, and must have you by all means.' Then she ran up to him, and Khalid and Derar were just at hand. As soon as Peter saw Derar, he called out to him, and said, 'There's your sister, take her, and much good may she do you; I make a present of her to you.' Derar answered, 'I thank you, sir, I accept of your kind present; but I have nothing to return you in lieu of it, but only the point of this spear, therefore be pleased to accept of it.' At the same time, Khaulah struck the legs of his horse, and brought him down. . . .

"Then Khalid set his army in good order. Meâd Ebn Jabel and Nomân Ebnolmocarren led the right wing; and Said Ebn Amer and Serjabil Ebn Hasanah the left. Yezid Ebn Abi Sophyan with 4,000 horse guarded the baggage, women, and children. Khaulah and Opheirah, and several other women in the highest rank and chief families of the Arabian tribes, with a great many more of inferior note, prepared themselves for the battle. Khalid turned about to them and said, 'Noble girls, assure yourselves that what you do is very acceptable to God and his apostle, and the Muslemans; you will hereby purchase a lasting memory, and the gates of paradise will be opened to you. And assure yourselves, that I repose a great deal of confidence in you. If any party of the Greeks fall upon you, fight for yourselves; and if you see any of the Muslemans turn his back, stay him, and ask him whether he runs from his family and children; for by this means you will encourage the Muslemans to fight. Opheirah told him, that they were all ready to fight till they died."

#### MUSLIM WOMEN TO-DAY.

That lebb in the condition of Muslim women which was due to their having been neglected by the sterner sex has no doubt been checked. The downfall of the Muslim nation

itself seems to have reached the ultimate limit. Musulmans of the world seem now to have become conscious of their condition, and seem to be determined now to make a united effort towards the recovery of their lost position. Their next step will be towards the rise, and that, *Insha Allah*, in the very near future.

In the Muslim world of to-day the woman is recovering the position her sister occupied in the early history of Islam.

The condition of Musulman men shall be judged according to the condition of their women. The Prophet himself set this golden rule : *Ma akramannisa illa kareem va la ahanahuna illa lain.*

"None respects women but he who is himself good, and none ill-treats them but he who is himself unworthy."

Persia perhaps occupies to-day the proud position of having given a lead to other Muslim countries in respect of the love of liberty of women. In Persia it was the women who united with the theologians and fought against the reactionary and despotic elements. One of those ladies we have in England in the person of Mrs. Ispahani. Mr. Shuster, in his "Strangling of Persia," has paid well-deserved tribute to the Persian women in the cause of liberty and progress of Persia. In Russia Muslim women have come into prominence.

In Turkey, in the Tripolitan and Balkan wars, women played a brilliant part, and they are doing the same to-day. In Egypt also there is a tendency of improving the condition of women, although for the time being it is more in imitation of Europe, and therefore not very healthy for the Islamic constitution. The salvation of the Muslim society does not lie in copying blindly, either by men or women, of the European customs and institutions. Rich women in Egypt seem to have been dazzled by the superficial sheen of the European society, just as their men or Indians were at first dazzled by it.

In India men have passed that stage. They can now see through that surface glitter of European civilization. In Egypt also in a short time the same will be the case, and men and women both will realize that the glory of Muslim nation depends wholly and solely on following its own religion, culture, and civilization. History has shown that the more the Muslims followed their own institutions the more they progressed and triumphed in the world. It is expected that

the enlightened Bakri and Manzalavi family of Egypt would set a noble example—an example of real Muslim ladies—not of denationalization. The same is expected in Turkey from Misses Ataullah.

In India there is a distinct improvement in the condition of women. Women are taking part in prominent public matters. Soon as the world-important KHUDDAMUL KAABA association was formed, Indian ladies showed their determination to sacrifice all they had for the cause of their faith, just as their brothers did. Very shortly after its foundation, SHARAFAT BIBI, the daughter of the most refined lady Habeebunnisa and Shaikh Makbul Hosain Kidwai, took the oath of membership. Abadi Bano, the valiant mother of Mr. Shaukat Ali and Mr. Muhammad Ali, also joined the historic association with all her heart. And so did hundreds of Indian ladies, including the author's daughter, Tamizan Nisa.

During the Tripolitan and Balkan wars, if the Indian women could not take physical share in the Red Crescent work as did their sisters in Turkey and Egypt, they sent over even their ornaments to Turkey to help the cause.

In recent years Muslim India has produced lady *littérateurs*, and they have got their own magazines and hold their own conferences annually. The fame of at least a few of them has reached Europe.

The enlightened sovereign of Bhopal has written several books, some of which have been translated into the English language. She has seen a good deal of Europe, besides travelling in Asia and performing the pilgrimage to the Holy Cities, Mecca and Medina. The interest she takes in the education of her people is an object-lesson to the rulers of British India.

The other well-educated and accomplished lady is Begum Nazli Rafiah, the Nawab Begum of Jengira. She has also travelled in Europe and published her memoirs, which show her to possess great powers of observation. She can be an honour even to the highest society. She speaks and writes English like her mother-tongue. So does Lady Abbas Ali Baig.

Another Indian Muslim lady of European fame is the Begum of Jengira's talented and refined sister, Atiya Fyzee Rahmin, who has written a book on Indian music, and has

inspired her artist husband, whose drawings were much admired in London and Paris when they were exhibited in those cities.

Princess Hamidullah has also written in English memoirs of her travels in Europe. She is a well-cultured lady, fond of her own customs and traditions. So is also a very philanthropic lady, the grandmother of the Nawab of Bhawalpur, to whom is largely indebted the University of the Nadwatul-ulema. Mumtaziarjung's family also is well cultured, and the same is the case with the Begums of Shaikh Shahid Hosain Kidwai and Shaikh Habeebullah.

There are many other ladies who are taking an intelligent interest in the liberal movements of India, perhaps the most remarkable of whom is the wife of Maulvi Hasarat Mohani, one of the most sincere and selfless men that modern India has produced.

The one thing which is most satisfactory about the present condition of affairs in India is that there is a repulsion against denationalization. Of the scores of prominent Muslim women of India, only two have discarded Purdah, and even they would not tolerate that condition of affairs which prevails in Europe. Complete seclusion, of course, cannot be advisable for Muslim women of any country, but there is no country where the Muslim women should not observe the Islamic rules of continence, modesty, and preferably the use of the veil.

In Turkey, in the early rush of the revolution, there was a good deal of denationalizing spirit among men and women.

The best accomplishment of a woman was supposed, by the Europeanized men, to be able to read French novels. Women themselves coveted ardently Parisian dresses and gowns. But it did not take long for the reaction to set in. It was a praiseworthy reaction. Before the revolution, under the austere rule of Sultan Abdul Hamid, the Turkish women were model women. The families of Jelal Unsi Bey and Saduddin Bey and thousands of others were all, though under veil, well-cultured, refined, and polished.

World is bleeding under the material, heartless, soulless civilization of the West. Musulmans do not want it. Their men have to compete with the Westerners, and unless they use the same instruments which the Europeans use against



them, they cannot pay the Europeans in their own coin. The more reason why women of the East should stick to their own spiritual civilization, culture, and education, so that they should imbue their sons with so much spiritualism as to enable them to withstand the temptations of materialism—to enable them at least not to be enslaved by materialism.

The Prophet Muhammad has said :—

*Al 'ilm farizatan 'ala kullé Muslimun wa Muslimatun.*

“It is the duty of every Muslim male and female to acquire knowledge.”

Every Muslim man and woman should be educated, but on different lines and subjects. The policy of the division of labour should be adopted in selecting the future career of boys and girls.

What a Muslim boy needs most to-day is technical, scientific, and commercial education, to be able to hold his own against European competitors and inventors, and to save his country from drain and exploitation.

What a Muslim girl needs most is a good, religious, moral education, with a training in the fine arts and domestic requirements, to set up a happy and healthy home, and to be able to keep a restraining influence upon her brother, husband, or son, so as to save him from becoming a plotting, lying, exploiting shopkeeper or diplomat after the European style.

A European's best objects of life are money, physical luxury, frivolous fun. In Europe, men and women both work for those objects. The great Prophet, one of the most, if not the most exalted spiritualist, Jesus, son of Mary, taught to Europe in vain that it will not be a gain to man if he got the world but lost his soul.

The Muslim nation is poor, very very poor. But it should not change even that poverty to such riches which it would get at the expense of its soul.

If the Muslim nation worked on truly Islamic lines, it would get the riches of the world as well as keep its soul also safe. The Muslims of old mastered a great part of the then known world, but they were never so soulless and heartless as the Westerners are to-day.

It is the duty of the Muslim peoples of every country to keep this in mind, that they must not gain material prosperity

at the expense of moral greatness, although every effort should be made to secure material prosperity.

If they keep an eye upon the education and bringing up of their daughters, who will be the mothers of the next generation, they will progress, it might be slowly, yet certainly and steadily.

Women must remain women—they must be the guardians of the soul of man—they must be his saviours, keeping him back from becoming a sentimentless, heartless brute or an unfeeling automaton.

FINIS.