CHAPTER 1

THE BACKGROUND : ISLAMIC HERITAGE

ISLAM - THE RELIGION

The changing status of Muslim women in India cannot be discussed without considering the tenets of Muslim religion as also the Middle-Eastern ethos which existed during the contemporary period. In Islam, the Qoran is a perennial source of reference for interpretation and validity of almost every conceivable human act and situation. It is the code which contains all procedures and practices, be they religious, political, civil, commercial, military or judicial - all which are of importance to a Muslim. It regulates everything; from the elaborate ceremonies of religion to mundane activities of daily life; from the salvation of the soul to the health of the body; from the rights of the community to those of each individual; from morality to crime; from punishment here to that in the life to come.1

As Islam moved out beyond the borders of Arabia, the people of varied cultures joined its fold. This brought in

its trail new ideas as also new problems. Consequently, to meet the demands of the changing times, the simple early dicta of the Qoran were subjected to new interpretations and additions. The new issues were solved with the help of the 'traditions' of the Prophet, known as hadith, rules of law deduced from the hadith called sunna, the consensus of the scholars called the ijma and the analogical deductions known as the qiyas. Prophet Mohammad was realistic enough to foresee that Islam and its followers must keep pace with the changing times if it had to continue till eternity. According to a hadith, Muadh, on being appointed ruler of Yemen, was questioned by Mohammad as to how would he do justice; "I will judge matters according to the book of God", replied Muadh. "But if the book of God contains nothing to guide you?", asked Mohammad; "Then", replied Muadh, "I will act on the precedent of the Messenger of God"; "But", persisted Mohammad, "if the precedents fail?"; "Then I will endeavour to form my own judgement", was the answer. On hearing this, Mohammad is reported to have expressed the greatest satisfaction. In the fatihah, the very opening chapter of the Qoran, the Muslims pray to the Almighty to "guide us on the right path", indicating concern for the future eventualities. Had it not been so, Muslims would not pray for future guidance but would offer thanks for guidance already received. Some of the laws made by the Prophet were later on annulled or modified according to

2 Baig, p.ix.
to the needs of the time. Inter-marriages with non-Muslims, for example, were first permitted but as the war-tension increased, such marriages were prohibited. Prophet Mohammad's vision of future is best reflected by Ameer Ali:

The great Teacher, who was fully conscious of the exigencies of his own time, and the requirements of the people, ... foretold that a time would come when the accidental and temporary regulations would have to be different from the permanent and general. Ye are in an age, he declared, in which, if ye abandon one-tenths of what is ordered ye shall be ruined. After this, time will come when he who shall observe one-tenth of what is now ordered will be redeemed.

STATUS OF WOMEN IN PRE-ISLAMIC ARABIC SOCIETY

In pre-Islamic Arabia, women had exalted position. They enjoyed great freedom and exercised much influence over the fortune of their tribes. They were not the symbol of weakness, but the embodiment of strength and action. It was the young bride of Haris bin Auf, the powerful chief of the Banu Murra, who brought about the settlement of a long-standing feud between the two rival tribes of Abs and Zubjan. The women accompanied the warriors to battle and inspired them to heroism. The cavaliers fought singing the praises of sisters, wives or ladies-love. The chastity of

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3 Nizami, K.A. (ed.), Politics and Society During the Early Medieval Period, I, p.35.
women was honoured the most. An insult inflicted on a woman of a tribe set in flame the desert tribes from one end to the other of the peninsula. The ‘Sacrilegious Wars’ which continued for forty years before Mohammad brought them to an end, had the root cause in an insult to a young girl at one of the fairs of Okaz.⁶

Such chivalrous customs continued for quite some time among some of the nomads of Arabia. The condition of women among the Arabs settled in the cities and villages, who had adopted the loose notions of morality prevalent among the Syrians, Persians and Komans, gradually deteriorated to an abysmal level with the contemporaneous political degeneration. Ultimately, the portrait of free, courageous woman with an independent will of her own, vanished and in its place the image of women as captives of the harem, immersed in toilet, trifles, sensual pleasures and short of all dignified pride, emerged.⁷

In the tribal society, loyalties were totally for the interests of the kinship groups, tribes and class. Theirs was the patriarchal society. As such, in the social set up, as it developed with the passage of time, women came to have no recognized place.⁸ The birth of a daughter came to be regarded as a matter of shame. The custom of female

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7 Khuda Bukhsh, p.79.
infanticide crept in. Even when a girl was allowed to live, she was forced to get married at an early age of seven or eight. A form of endogamy, expressed in the marriage of cousins, prevailed amongst a majority of Arabian tribes. A man's father's brother's daughter was as a rule, his first wife who remained mistress of the household even when other women, who might be greater favourites, were introduced into it. Such a marriage within the tribe was preferred.

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9 The Qoran, Tr. M. Pickthall, *The Meaning of the Glorious Quran*, 16:58-59:

When if one of them receiveth tidings of the birth of a female, his face remaineth darkened, and he is wroth inwardly. He hideth himself from the folk because of the evil of that whereof he hath had tidings, ( asking himself ): Shall he keep it in contempt, or bury it beneath the dust! Verily evil is their judgement.

As per the acknowledged authorities on the social order of Islam, the root cause of female infanticide was the poverty of the parents. There was also fear of the possibility of disgrace and loss of prestige in having one of their flesh and blood married to a stranger. The prevalence of female infanticide among the Arabs seemed to be guided more by the latter factor than by economic considerations. The rough geographical conditions forced them to become nomadic and indulge in constant fight for survival. Under such life of perpetual struggle, these Bedouins desired sons especially when the size and strength of the male members of a tribe determined its status and well-being. In their social order, marriage by capture was common and it was considered honourable to take away the wives and concubines of the enemies. Contrarily, seduction of their women was considered a great disgrace. Their intense feeling in this regard can be gathered from the prevalent sayings like the ones which said 'the grave is the best bridegroom' and that 'burial of daughters is demanded by honour' (Smith W.R., *Kinship and Marriage in Early Arabia*, p.279; Levy, Reuben, *The Social Structure of Islam*, pp. 91-92; Gaudefroy-Demombynes, *Muslim Institutions*, pp. 127-30).
probably to keep control over the bridegroom, to prevent the loss of any property to the tribe and to keep their children within its fold.\textsuperscript{10}

Different forms of marriage prevalent at that time were: marriage by capture\textsuperscript{11}, marriage by purchase\textsuperscript{12}, \textit{beena} marriage\textsuperscript{13}, \textit{baal} marriage\textsuperscript{14} and \textit{muta} marriage\textsuperscript{15}.

Another type of marriage prevalent was one in which a man desiring noble offspring would ask his wife to send for a great chief and have intercourse with him. During the

\begin{enumerate}
\item Levy, p.102.
\item In such marriage, a sum of money (known as \textit{mahr}) was made to the father or nearest kinsman of the woman he wished to marry and other sum (the \textit{sadaq}) to the girl herself (Moğanan, Tatiel, E.T., \textit{The Arab Woman}, p.36).
\item In \textit{beena} marriage, a number of men ten or less would be invited by a woman in her tent to have intercourse with her. If she conceived and delivered a child, she had the right to summon all the men and they were bound to come. She would then say, "O, so and so, this is your son." This established paternity conclusively and the man had no choice to disclaim it. The children were brought up by the clan of the wife (Siddiqi, M.M., \textit{Women in Islam}, p.143; Gallichan, p.209).
\item It substituted \textit{beena} marriage by which women lost their independence and supremacy of man was established. In \textit{baal} marriage, the wife used to come to husband's house and her children were given the name of father's clan. The Hebrew word \textit{baal} denoted 'lord', 'master' or 'possessor' and the term was used in the Old Testament for 'husband' (Levy, p.115, n.2).
\item \textit{Muta} marriage was totally personal arrangement for temporary fixed period between the two parties without any intervention on the part of woman's kin. At the end of the period both the parties were free, without any further ceremony, to part provided that the woman had received the dower or fee due to her (W.R. Smith, pp.67-69; Levy, p.115; Gallichan, p.209; Ameer Ali, \textit{Spirit}, p.227).
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period of such intercourse, the husband would stay away and return to her after pregnancy was well advanced. Above all, common prostitutes were well known. If a prostitute conceived, the men who frequented her house were assembled and the physiognomists decided to whom the child belonged.

Most of these conjugal relations, however, could hardly be termed as marriages. They were like legalized prostitution or common sexual behaviour recognized by custom. Even polyandry was practised by some of the tribes. In all such arrangements, woman was never a free agent to make a choice. It was the wali, the father or the male guardian, who gave her in marriage and her consent for the same was of no importance. There was no limit to the number of wives a man could have, besides having a number of concubines. In fact, wife was looked upon as a kind of chattel. She could even be lent to a guest as a mark of hospitality for which the Arabs were well known.

The powers of divorce possessed by the husband were also unlimited. Hence, divorces were common. A man, having purchased his wife, could be discharged of his total

17 Levy, p.118; M.M. Siddiqi, pp. 142-43.
19 Levy, p.91.
obligation to her by payment of portion of the *mahr* that might remain due to her father or *wali* and be rid of her by pronouncement of the formula of dismissal. This required that he should repeat his intention of divorcing his wife three times at one go or at intervals. A woman did not have corresponding right of divorce except in case of marriage by purchase where she could buy her freedom from the husband by relinquishing her *mahr* to him. This kind of divorce was known as *khul*.

Closely linked with subject of marriage is the veiling and seclusion of women. Regarding veiling, customs appear to have varied between the Arab nomads and the city dwellers. While the women of the desert dwellers went unveiled associating themselves freely with men, women in the cities were veiled. Amongst the Prophet's own tribes of the Quraish, veiling was the rule, in general. In ancient Mecca, according to historian Fakihi, the citizens used to dress their daughters and female slaves beautifully and parade them unveiled around Kaba with a hope of attracting some suitors or buyers. If they succeeded in their mission then the women used to resume their veil again. Possibly, a reference of this also appears in a passage of the Quran where Muhammad exhorted his wives to remain in their houses.

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22 Levy, p.121.
24 Levy, p.124.
25 Ibid.
and not to go out decked in public as in the ‘time of barbarism’.  

In the Arabian Law of Inheritance, a female could not inherit; the usage was that only he could inherit who could ride on the back of the horse and take the field against the enemy. Even among males, only agnates could inherit while the cognates (males through females) were debarred from succession. A woman formed an integral part of the estate of her husband or her father and the widows of a man descended to his eldest son by right of inheritance, like any other portion of his patrimony. There are references of matrimonial unions between step-sons and step-mothers. Some of the old Arabian proverbs speak eloquently as to how the Arabian women were regarded as malign beings and greatly inferior to men.

**ISLAM AND WOMEN**

With the advent of Islam in Arabian peninsula, the

26 *The Qur'an*, 3:33:

> And stay in your houses. Bedizen not yourselves with bedizenment of the Time of Ignorance.


29 "Women are the whips of Satan."
"Trust neither a king, horse nor a woman."
"Our mother forbids us to err and runs into error."
"What has a woman to do with the councils of a nation?"
"Obedience to a woman will have to be repented of."
social institution of the Jahiliya (The Age of Ignorance) underwent significant changes. For restoring the dignity of women, one of the laudable acts of the Prophet was to denounce the practice of female-infanticide and to forbid it strictly through the authority of the Qoranic injunctions.\textsuperscript{30}

He went a step further and within a short time, succeeded partly in removing poverty, which was one of the main causes of such practice, by making zakat (alms-giving) compulsory and worthy of praise. Such collections were to be used for specific purposes including for the poor and the needy.\textsuperscript{31} The birth of a daughter was not to be regarded as unwelcome. It was ordained that for a man who brought up daughters, the latter would become a covering against Hell.\textsuperscript{32}

The Prophet raised the status of the mother also and declared that paradise lay at the feet of the mother. He reminded his followers of the child-bearing pain a mother undergoes and the way she nurses the child with her milk for

\begin{verbatim}
30 The Qoran ,
6:140 : They are losers who besottedly have slain their children without knowledge... They indeed have gone astray and are not guided.
6.151 : ...ye slay not your children because of penury- We provide for you and for them....
17:31 : Slay not your children, fearing a fall to poverty. We shall provide for them and for you.
81:8-9 : And when the girl-child that was buried alive is asked.
For what sin she was slain.
31 Ibid., 98:5 ; 9:60.
\end{verbatim}
thirty months. Hence, the man should be thankful and kind to her. Checking the pre-Islamic custom, he forbade marrying mothers. He also raised their economic status by giving mothers a share in the inheritance. A well known 'tradition' of Al-Bukhari clearly shows the exalted position to which mother was raised by the Prophet. A man came to the Prophet and asked him as to whom should he be kind to. The Prophet replied, "Your mother." "Who next?"; "Your mother", was the reply. The man asked again, "Who after that?" He again said, "Your mother." And only when he asked this again for the fourth time that the Prophet replied, "Your father."

The Qoran enjoined the pursuit of knowledge by all Muslims regardless of their sex. It repeatedly commanded all readers to read, to recite, to think, to contemplate as well as to learn the signs (syst) of Allah in nature. The very first revelation to the Prophet concerned

34 The Qoran, 4:22-23.
36 Maududi, p.159.
knowledge. Commands for the equal rights of women and men to pursue education can be found in the hadith literature. It, however, made a difference with regard to the type of education meant for a man and that for a woman. A woman's sphere of activity was the home; she should be trained primarily in those branches of knowledge which make her more useful in the domestic sphere.

The Prophet also upgraded the woman's position in society by bringing many improvements in marriage rules. As per 'traditions', the *muta* marriage was forbidden in the third year of Hijra. Marriage was made not only a contract but a sacred covenant. Being a contract, it gave the man no power over the woman's person beyond what the law defined. Nevertheless, it was regarded as an institution which led to the upliftment of man and was a means for the continuance of the human race. Hence, marriage was considered to be essential for everybody. Spouses were enjoined to honour and love each other.

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37 The Qur'an, 96:1-5:

Read: In the name of thy Lord who createth,
Createth man from a clot.
Read: And thy Lord is the Most Bounteous,
Who teacheth by the pen, 
Teacheth man that which he knew not.

38 Maududi, p.156.


40 The Qur'an, 4:1, 24:32.

brides before marrying them. He taught that nobility of character was the best reason for marrying a woman. He observed, "It is not lawful for you forcibly to inherit the women (of your deceased Kinsmen)...." He exhorted women to be very careful in choosing a suitable partner for themselves: "Vile women are for vile men, and vile men for vile women. Good women are for good men and good men for good women...." It was imperative to seek "free consent" of the lady for solemnizing a marriage. No person, a relative or otherwise, could compel her to marry a person against her will.

As an economic obligation, a husband was obliged to pay his wife a some of money known as *mahr* or marriage settlement. Such money was supposed to provide for her in difficult times, besides preventing the husband from a thoughtless and capricious divorce. The significance attached by the Prophet to this aspect is evident by his repetition of the idea at several places and during different times. He went to the extent of commanding that *mahr* should

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44 *The Qur'an*, 4:19.
47 *The Qur'an*, 4:4:

And give unto the women, (whom ye marry) free gift of their marriage portions....
be paid even to a captive married woman and maids taken in wedlock by a Muslim. He emphasized that the dower (mahr) of her marriage should belong to her alone. Thus, mahr and sadaq of Arabian times became inter-changeable terms. The Qoran forbade husband from taking back his gifts save in exceptional circumstances like khul divorce or a case where the wife was guilty of"flagrant lewdness". In surah 2, ayat 237, he has described the act of forgoing the dower as that nearer to piety. Since any religious woman could aspire to do a pious act, mahr was likely to be given up by her almost as a sacred duty. Further, he laid down that the wife might remit all or part of it, if she so desired, "... but if they of their own accord remit unto you a part thereof, then ye are welcome to absorb it (in your wealth)."

Another important reform was to restrict the number of

48 The Qoran,

4:24 : And all married women are forbidden unto you save those (captives) whom your right hands possess ... And those of whom ye seek content (by marrying them), give unto them their portions as a duty.

4:25 : And whoso is not able to afford to marry free, believing women, let them marry from the believing maids ... so wed them ... and give unto them their portions in kindness ....

49 Ibid., 2:229, 4:19, 4:21.

50 Ibid., 4:4.
lawful wives to four with an overriding clause that such plurality of wives was possible only in a case when the four were treated alike materially as well as emotionally. Such absolute justice in matters of feelings was impossible which even Mohammad believed. It tantamounted, in reality, to a prohibition of polygamy.

There was no age-limit for marriage in Islam. The Qoran held it to be a time when a person was capable of exercising his/her choice in the matter of sexual liking or decision. Accordingly, he/she was in a position to take a decision before giving 'consent' for marriage. Child marriage though not enjoined in the Qoran or the 'tradition', was in vogue; Mohammad himself had married Ayisha when she was just nine years old.

51 The Qoran, 4:3. There was also a universally accepted hadith which proclaimed that a husband should not show greater preference for one wife or another (Wensink, A.J., A Handbook of Early Muhammadan Tradition, Chapter on Marriage).

52 The Qoran, 4:129:

Ye will not be able to deal equally between (your) wives, however much ye wish (to do so).


54 The Qoran, 4:6; Muhammad Ali, Religion, pp.618-20. See also Levy, pp.107-08. As per him it was not the age but the physical fitness for matrimony which was the decisive factor.
years of age.55

The Prophet gave to women many rights within the family frame-work. In his behaviour towards his wife, the Qoran directed the man:

O Ye who believe! it is not lawful for you forcibly to inherit the women (of your deceased kinsmen), nor (that) ye should put constraint upon them that ye may take away a part of that which ye have given them, unless they be guilty of flagrant lewdness. But consort with them in kindness....56

The Qoranic expression- "retain them in kindness or release them in kindness"- appeared several times in relation to the conduct of the husband towards his wife.57 These ayats were interpreted to mean that a husband should make a choice between two alternatives when he embarked on marriage; either he must retain his wife honourably and with fairness or let her go kindly. These Qoranic phrases were revealed in connection with divorce and the period of iddat (waiting period). However, hadith show that the phrase was taken as a general rule as it was used in circumstances other than

55 Bevan, V.R. & L. Jones, Women in Islam: A Manual with Social Reference to Conditions in India, p. 91; Ameer Ali, Spirit, p. 234 (as per him, she was only seven at that time).
56 The Qoran, 4:19.
57 Ibid., 2:229, 2:231.
The Koran gave the wife the right of maintenance from her husband as a part of his legal obligation:

Men are in charge of women ... because they spend of their property (for the support of women).

A wife had a right to sexual relation. An oath of sexual abstinence, consequently, was vehemently condemned in Islam:

O ye who believe! Forbid not the good things which Allah hath made lawful for you, and transgress not.

The women were obliged to make the married life a success. They were to obey the husband and guard their

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58 One such hadith in Al Kafi, (Vol.5, p.502) related about Imam Sadia having said that whenever a man wanted to marry, he should say, "I acknowledge the promise which God has taken from me, that, I will retain the woman honourably or shall set her free with kindness". Another hadith from Prophet Mohammad illustrated Prophet's emphasis on treating one's wife courteously. He declared to the Muslims, "O people, keep Allah in mind and fear him in respect to women because you have taken them as a trust from Allah." ("Marriage in Islam", Mahjubah, Vol.4, No.7, Jan.-Feb. 1986, p.31).

Still another 'tradition' of Ibn-i-Majah mentioned that once Hazrat Umar complained against the women having grown insolent and sought permission to have resort to beating to set them right. The prophet granted this permission. As a result, 70 women got thrashing from their husbands. These women represented against this treatment to the Prophet. At this, the Prophet declared, "The best among you are those who are good to their wives and kind to their people." One of Al-Bukhari's 'traditions' brought out how the Prophet highlighted women's emotional nature and stressed on kind treatment to them. He had said, "The woman is like a rib. If you try to straighten her, you would break her. But if you employ her usefully, you will benefit from her inspite of her crookedness." (also M.M. Siddiqi, pp. 56-58).

59 The Koran, 4: 34.

60 Ibid., 5:87.
chastity in his absence, "So good women are the obedient, guarding in secret that which Allah hath guarded." She was expected to give sexual company to her husband at all reasonable times and appropriate places consistent with her health and decency. She was obliged to reside and live with her husband at his abode and also follow him to any place unless there was a reasonable cause for contrary conduct. She was responsible for keeping and running the house of husband and was answerable for the conduct of her duties.

Mohammad had emphasized the inter-dependence of husband and wife for the smooth marital life. The wife and husband were likened as garments of each other and as mates living and dwelling in tranquillity. Men and women were directed to compliment each other and not to compete with each other. They were, thus, made the protectors of each other.

Islam prohibited adultery by declaring, "And all married women are forbidden unto you save those (captives)..." As for the rest of women, practising adultery was a hateful activity, "And come not near unto adultery. Lo! it is an abomination and an evil

61 The Qoran, 4:34.
62 Maududi, p.149 on the authority of Al Bukhari.
63 The Qoran, 2:187.
64 Ibid., 33:21, 7:189.
65 Ibid., 9:71.
66 Ibid., 4:24.
way."67 For adulterer and adulteress both, Mohammad provided the punishment of hundred stripes each, once the guilt was proved.68 He also laid down that an adulterer could marry an adulteress or an idolatress alone and no one else and vice versa.69 There was, however, another surah whereby only adulterous wives were mentioned and they were to be kept confined to houses until they died.70 For the slave girls, this punishment was reduced to half.71 However, lest this power was misused, he commanded that those who accused honourable women of adultery, must bring four witnesses in support, failing which they would be punished by eighty stripes. Further, the testimony of such persons would not be accepted afterwards except of those who repented and made amends.72 Such witnesses were practically impossible to collect. And by recommending forgiveness for them in case of repentance, Mohammad allowed such persons to go scot free. But, when a husband accused his wife of

67 The Qoran, 17:32.
68 Ibid., 24:2.
69 Ibid., 24:3.
70 Ibid., 4:15. Explaining this, the commentators say that in early days of Islam, adulterous ladies were literally imprisoned which later on was changed to stoning to death (Levy, p.120). However, according to Muhammad Ali, (Religion, p.753), death was never prescribed by the Qoran since in such a case, how could the punishment be made half for the slave girls as was stipulated.
71 The Qoran, 4:25.
72 Ibid., 24:4-5; also Hughes, pp.476-77; Levy, p.119.
adultery but had no witness except himself, his testimony was to be taken equivalent to that of four persons and along with this he had to invoke the curse of Allah on him if he was telling a lie. The wife could avert punishment in such a case only if she bore a witness before Allah four times that the charges levied by her husband on her were false and by further invoking wrath of Allah upon her if her husband was speaking truth. Here again, the woman was discriminated against. While the man was given the privilege of being equivalent to four witnesses in case of charge of adultery on wife, no such privilege was given to the wife in case of charge of adultery on the husband. Above all, if the man was unhappy with his wife, then, by levying such charges, he was capable of hurting her emotionally.

The Prophet prohibited those men and women from marrying each other who were bound by nature to live together in close relationship. The following relations could not marry each other: mother and son, father and daughter, brother and sister, paternal aunt and nephew, maternal uncle and niece, maternal aunt and nephew, maternal uncle and niece, step father and daughter, step mother and son, mother-in-law and son-in-law, father-in-law and daughter-in-law, wife's sister and brother-in-law (during sister's lifetime) and foster relations.

73 The Qur'an, 24:6-9.
74 Ibid., 4:22-23.
The Qoran legitimized husband’s pre-Islamic right to divorce his wife, without assigning any cause, which undermined the position of women.\textsuperscript{75} The Prophet was, however, liberal in conceding divorces to the ladies too, at their initiation. He allowed divorce even on grounds of mental incompatibility. The ugly Sabit-bin-Qais was repulsive to his wife, the beautiful Jamila. She went to the Prophet and said, "I am not annoyed with my husband nor do I see anything objectionable in his conduct but I don’t love him." She was granted a divorce.\textsuperscript{76} Nevertheless the Prophet did not favour it and emphatically stated that of the many things which God made permissible for men, the most displeasing to Him was divorce.\textsuperscript{77} But considering conjugal differences, it was considered better to wreck the unity of the family than to wreck the future happiness of the couple. Under strained conditions, it was most relieving for the wife to get a separation from the husband. The Prophet, therefore, made a new departure by giving wife the power to seek divorce on reasonable grounds, say, impotence of the husband, cruelty perpetrated by him on the wife or his inability to pay her mahr amount or to provide for her maintenance. For all this, she had to forgo her dower unless she showed solid

\textsuperscript{75} The Qoran, 2:226,228; also Roberts, Robert, The Social Laws of the Qoran, pp.20-21; Kapadia, pp. 191-92.

\textsuperscript{76} BrijBhushan, Jamila, Muslim Women in Purdah and Out of IT, p.66.

\textsuperscript{77} Ameer Ali, Spirit, p.243; Hughes, p.87.
grounds for demanding the separation.78

A man could break the marriage ties by pronouncing *talq* thrice. But the process of this pronunciation was made complicated, spreading it over a period of roughly three months (once every month) known as period of *iddat* or *waiting.*79 This served the dual purpose of allowing tempers to cool down and for pregnancy to be established. If, during this period, intercourse took place even once, the divorce was annulled. In the case of pregnancy, this period of waiting extended till the birth of the child or termination of pregnancy.80 But if the husband decided to repeat *talq* third time too, then he was ordained to free the woman with kindness and retain them "not to their hurt".81 Under such circumstances, maintenance of wife during the period of waiting was the duty of husband.82 Besides, since mothers were required to suckle their children for more than two years, the duty of feeding and clothing a nursing mother rested upon the father of the child. For nursing his child, he was required to provide for

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79 The Qur'an, 2:228. *Iddat* is an innovation made by Islam. In the *Jahiliya* (age of darkness), the divorced woman could remarry immediately after divorce even if she was pregnant and such a child belonged to the new husband (Levy, p.122, n.2; Ameer Ali, *Spirit*, p.246).
80 Ibid., 65 : 4, 2 :228.
81 Ibid., 2 : 231.
82 Ibid., 65 : 1.
the maintenance of his divorced wife too.83 The Prophet went to the extent of saying that even if the marriage had not been consummated or a mahr fixed, the husband should "Provide for them, the rich according to his means, and the straitened according to his means, a fair provision".84 For those, whose marriages were not consummated but where a portion was fixed, he directed to pay "half of that which ye appointed, unless they (the women) agree to forgo it, or he agreeeth to forgo it in whose hand is the marriage tie".85 Thus, Muslim law made divorce a financial burden on the husband requiring him to maintain his wife in prescribed manner at least for a limited period.

To discourage indiscriminate divorces it was provided that once a man divorced a woman, he couldn't take her back lawfully until she married another man, the marriage consummated and then the second husband divorced her. Remarriage in this case could take place after she had three 'courses' following her second divorce from her second husband.86 The Prophet also laid down that for a widow, the period of iddat was four months and ten days and in case of a pregnancy, till the birth of the child. After that, like a divorced woman, she became free to do any thing she liked.

83 The Quran, 2 : 233.
84 Ibid., 2 : 236.
85 Ibid., 2 : 237.
86 Ibid., 2 : 230.
including getting authority to remarry.87 Towards the end of his life, Mohammad made a further change. He forbade the exercise of the power of divorce by men without the intervention of arbiters or a judge.88

The economic right conferred on women raised their status. Meeting their necessities was the responsibility of father before marriage and of husband after marriage. However wealthy the wife might become, the husband was, in no case, absolved of this responsibility. Mohammad also called upon dying husbands to leave behind some wealth for their widows so that they could support themselves even if they didn't get remarried.89

The Qoran granted women very extensive rights of inheritance. After the battle of Uhad, in which one Aws Ibn Samit had fallen, his widow complained to Mohammad that two cousins of her husband claimed his estate and that if they were permitted to have it then she and her three young daughters would be left destitute. Thereupon, the Prophet received the revelation:

Unto the men (of a family) belongeth of a share of that which parents and near kindred leave, and unto the women a share of that which parents and near kindred leave, whether it be little or much—a legal share.

87 The Qoran, 2 : 232, 234.
88 Ibid., 4 :35; Also see Ameer Ali, Spirit, p.244; Kapadia, p.190.
89 The Qoran, 2 : 240.
90 Ibid., 4:7; Levy, pp. 96-97 on the authority of Baydawi.
Further instructions were given in the same chapter for disposal of the property of a man dying intestate:

*Allah chargeth you concerning* (the provision for) *your children: to the male the equivalent of the portion of two females, and if there be women more than two, then theirs is two thirds of the inheritance, and if there be one (only) then the half. And to his parents a sixth of the inheritance if he have a son; and if he have no son and his parents are his heirs, then, to his mother appertaineth the third; and if he have brethren, then to his mother appertaineth the sixth, after any legacy he may have bequeathed, or debt (hath been paid).*

*Surahs 4:12 and 4:176 also referred to this aspect. After payment of bequests and debts, the son inherited half of the total property and the rest was divided among other relatives. If there were two or more daughters, two-thirds of the property was to be divided equally between them. If only parents survived the deceased, the father would inherit two-thirds of the property and the mother one-third. If, however, there were living children, each of the parents would inherit one-sixth of the property and the remainder would go to the children. If there were no surviving children but only brothers, sisters and parents, then the mother received one-sixth instead of one-third. The wife got one-eighth of her husband’s property if there were children and one-fourth, if there were none. Regarding succession of wife’s property, the husband was entitled to a half of what his wife left behind if she had no child, otherwise he got only one-fourth. If either of the husband or the wife left behind neither parents nor children but distant sister or a distant brother, to the next closest relative the property passed.*

91 *The Koran, 4:11.*
brother (from mother’s side), then each of them shared one-sixth and if they were more than two, then all of them shared one-third. When there were no issue nor parents, then a single sister (of a male deceased) or brother (of a female deceased) was entitled to one-half, two or more sisters to two-thirds and if brother also existed, then they inherited the whole property, the male having double the share of the female. The privilege of making testamentary bequests was provided to women also along with men, though it was limited only to one-third of the total heritage.

From all these Qoranic injunctions, many fundamental principles regarding inheritance have been drawn. The husband or wife was made an heir. Females and cognates were made competent to inherit. Parents and ascendants were given the right to inherit even when male descendants existed. As a general rule, female, might be wife or daughter, was given one half of the share of a male. In other words, wife got half of the share of husband and daughter half of that of the son. No distinction was made between movable and immovable property. Right of will upto limited level was given to women also. There was no concept of the birth right, the right of inheritance arose only on the death of a

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92 The Qoran, 4:12.
93 Ibid.,4:176. Also Muhammad Ali, Religion, p.708, see also pp. 702-07.
94 The Qoran, 4:12.
95 Fyzee, pp. 381-84; Tyabji,F.B., Muhammadan Law, pp.603,822.
certain person. There was no community of property between husband and wife. He retained full possession and control of his belongings and she of hers. Nobody – her father, husband or any other relative – could interfere in her financial matters. If she invested her money in business or earned with her own hand, she was the sole owner of the fruit of her labour. Similarly each woman was absolute master of her share of inheritance. The fact that women were entitled only half of what their men-folk got was taken as an example of low status of women in Muslim society. Nonetheless, this distribution was not considered inequitable by some of the writers. They argued that women had the right to be maintained throughout their life while a man always had the obligation to support her along with other dependants. Besides, since it was almost a matter of religious obligation for every woman to marry, she received inheritance from many sources. She would not only have half as much property as her brother, but would also inherit from her husband, offsprings and other near relatives besides having her own self-acquired property. Thus, she would enjoy a much higher financial standing than her brother. In her husband’s property also, she had the right to enjoy whereas a husband had no legal power to touch his wife’s money or property. If she let him use any part of it, it was only at her instance. In view of all in Islam that

96 Maududi, pp.154-55 and n.1; Brij Bhushan, Muslim Women, p.84; M.M. Siddiqi, pp.48-49.
more often than not, she was better of, this, the economic position of a woman had become so secure economically, than her husband.

In the religious domain, the Qoran propounded male-female equality in matters such as origin of humanity, religious obligations and rewards and punishments. There is nothing in the Qoran to show that the first woman created by God was a creature of lesser worth. Instead, the first human couple was made from a single soul to complement each other. It was envisaged that the noblest creature would be the one who, irrespective of sex, conducted himself the best.\footnote{The Qoran, 7:189, 49:13, 4:1.}

Being born equal, it implied equal treatment wherever possible with regard to reward and punishment. It was observed that God could observe even the smallest good or evil deed done by male or female and the value of every person was based on his/her own actions.\footnote{Ibid., 33:35, 3:195.}

All persons doing good works, irrespective of sex, would be rewarded and those doing evil works would not be acquitted.\footnote{Ibid., 4:124, 16:97, 40:40, 24:2.}

In the realm of worship, the obligations of Muslim men and women were identical. There were five 'pillars' of Islam. The first three were made obligatory for Muslims, rich and poor, male and female. These were: confession of faith, the five compulsory prayers performed daily and fasting (roza) in the month of Ramzan. The remaining two

\begin{itemize}
  \item The Qoran, 7:189, 49:13, 4:1.
  \item Ibid., 33:35, 3:195.
  \item Ibid., 4:124, 16:97, 40:40, 24:2.
\end{itemize}

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'pillars' were made compulsory only for the rich; they were: the hajj (pilgrimage to Mecca) and zakaat (giving of alms). Since the Qoran recognized women's independent rights over property, they were expected to pay alms on their own behalf. Regarding hajj, a woman could not go there alone but if she had resources, she could arrange to be accompanied by a male relative. However, she should not mix with men, as far as possible, while moving around the Kaba. Maududi has narrated many 'traditions' which revealed that during Prophet's time women used to go to Kaba at early hours of the day when it was still dark. Also, when women moved around the Kaba along with men, they did not mix with the latter. 100 With regard to prayers, the Qoran did not forbid women from praying in mosques. There are many 'traditions' which bring out this fact. 101 According to an early 'tradition', Mohammad himself was not averse to allowing women to pray in his company. He declared that they could go to the mosques regularly if their husbands permitted. 102 This is corroborated by another 'tradition' in which the Prophet was depicted disapproving any hurdle placed in the way of women who wished to pray in the mosque. 103 According to these 'traditions', however, many conditions were laid down which

100 Maududi, pp.211-12.
102 Levy, p.131 on the authority of Al Bukhari, X, pp.161, 166.
103 Levy, p.131 on the authority of Al Bukhari, X, p.13 and Tabari, I, 2649.
needed to be observed by women. Firstly, the women were required to go to mosques during 'Night Prayers' and 'Dawn Prayers'. According to Ibn Umar, the Prophet said, "Let the women come to the mosque at night." (Al-Tirmizi; Al-Bukhari).

Secondly, women were to avoid adoration and perfuming themselves while coming to mosques. Otherwise, the Prophet was reported to have declared that their prayers would not be rewarded by Allah (Muaata, Muslim and Ibn Majah).

Thirdly, they should stand separately behind the rows of men, the place considered best for women by the Prophet (Al Tirmizi, Al Bukhari and Nasai). Hazrat Umar even provided separate doors for women in the mosques (Abu Daud). Fourthly, they should not raise their voice during prayers. Even if Imam was to be told about an error, while the men were to say "Subhan Allah", the women could only tap their hands (Al Bukhari and Abu Daud). Fifthly, though the Prophet himself used to take his daughters and wives to the Id congregations, yet the Id and Friday prayers in mosques were made optional for women (Al Tirmizi, Ibn Majah and Abu Daud). All these restrictions show that the men were given preferential treatment. Even amid the serene atmosphere of a mosque, a woman was not regarded as a devotee but only as a woman.

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104 Maududi, pp.210-12.
105 Roy, p.113. There are writers who don't subscribe to this view. Thus, Bevan, Jones, (p.250) quoting Mohammad as having said that "Best Mosque for women is their own houses", comment that women were not allowed to go out of their houses even for prayers, much less for anything else.
In Mohammad’s days, women participated openly in congregations. His own wife Khadija played decisive role in early Islam. It was she, who stood at the fountain of this 'Faith', supported her husband, kept alive his enthusiasm, consoled him in defeat and rejoiced with him in success. Fatima, the daughter of Mohammad, was another protagonist. She lectured openly to the mixed gatherings of both sexes, often in the courtyard of her house and some times, in the public mosque. Ayisha, another wife of Mohammad played an important role in the propagation of his religion. It is said that two-third of the 'Faith' was narrated by her which was incorporated in the form of hadith. Thus, theoretically, within the sphere of religion equal status was granted, to men and women in Islam.

The Qoranic position on purdah (veiling of women) is ambiguous. Did Mohammad advocate purdah at all, as we take it today, and if so, was the veiling of women meant only for the female relatives of the Prophet or it was an essential attire for all pious Muslim women? Relevant ayats are:

O ye who believe! Enter not houses other than your own without first announcing your presence and invoking peace upon the folk thereof. That is better for you, that yet may be heedful.

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108 Levy, p.132.
109 The Qoran, 24:27.
And if ye find no one therein, still enter not until permission hath been given. And if it be said unto you: Go away again, then go away for it is purer for you.

Tell the believing men to lower their gaze and be modest. That is purer for them.

And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms, and not to reveal their adornment save to their own husbands or fathers or husbands' fathers or their sons, or their husbands' sons, or their brothers or their brothers' sons or sisters' sons, or their women, or their slaves, or male attendants who lack vigour or children who know naught of women's nakedness. And let them not stamp their feet so as to reveal what they hide of their adornment.

As for women past child-bearing, who have no hope of marriage, it is no sin for them if they discard their (outer) clothing in such a way as not to show adornment. But to refrain is better for them.

O, ye who believe! Enter not the dwelling of the Prophet for a meal without waiting for the proper time, unless permission be granted you. But if ye are invited... when your meal is ended, then disperse. Linger not for conversation... And when ye ask of them (the wives of the Prophet) anything, ask it of them from behind a curtain. That is purer for your hearts and for their hearts.

It is no sin for them (thy wives) to converse freely with their fathers, or their sons, or their brothers, or their brothers' sons, or the sons of their sisters or of their own women, or their slaves.
O Prophet! tell thy wives and thy daughters and the women of the believers to draw their cloaks close round them (when they go abroad). That will be better, so that they may be recognised and not annoyed.

These ayats indicated that a woman must not exhibit her adornments, except those which were apparent, to anybody other than her near relatives which were identified and described therein. Men and women should look downwards while speaking with members of other sex. Both men and women should be modest in their behaviour. The women were to cover their bosoms. The list of men, a married woman could converse with, was given. All of them were incorporated within prohibited degree, as per the Qoran for purpose of marriage except the eunuchs and children too young to be conscious of difference of sex. No man other than a near relative was entitled to step into a house either when there was no response to call or when he was asked to go away. Whenever a woman was to go out of the house, she was to cover herself with a cloak so that she would be recognized as a respectable woman and not a lewd one and therefore, nobody would think of molesting her. But it was not necessary for a middle-aged woman to cover herself, since her youth and charm were on the decline, provided she did not have the desire of showing her adornment. Besides, regarding himself, the Prophet requested his followers not to make familiar use of his house and not to enter it except by his permission. If they had any request to make to his wives, they were to ask it from behind a

116 The Qoran, 33:59.

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After going through these *ayats*, Maulana Abul Ala Maududi held that purdah was established by the Prophet in his own days as an Islamic institution even though the word *naqab* (veil) is not mentioned in the Qoran. He ordered both sexes to hide the parts of the body called *satr*. Above all, he enjoined on women to hide their faces from the other people through a veil, which was made regular part of their dress outside the house, to obviate sexual anarchy and emotional dispersion in the society. However, uncovering of face under genuine need, say, visiting a doctor, appearing before *Qari* for witness or in the case of a fire or war, was permitted. The Prophet had not given the woman an absolute command in respect of covering the face as in respect of covering the *satr* and hiding the decorations because such covering did not restrain her from attending to the needs of life. It seems that veiling and segregation of women developed out of the Qoranic precepts, though their subsequent forms and rigidity were not in consonance with the original intent.

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117 Baydawi’s comment is, "It is related that Umar said, O Apostle of God there come into thy house men who may be simple or wicked. It were well if you commanded the veil for the mothers of believers. This verse was then revealed." (Levy, p.125).

118 *Maududi*, pp.184-203; The *Qoran*, 33:59, 24:60.

119 *Satr* means that part of the body which is to be kept covered. For men it is the part of the body between the pit of the stomach and the knee. For women, it is the whole body except the face and hand (*Maududi*, p.177).
The other important institution resulting from the seclusion of women is the harem. The Arabic word 'harem' simply means the 'women's quarters'. It denoted the apartments in the house or the palace reserved for the female members and children of the family. The *zanana* or harem was unknown during Mohammad's time. The houses or dwellings of the early Muslims were not divided into male and female units within a kinship cluster of families. Such an idea was totally inconceivable and impracticable in the tents of the nomadic desert dwellers. Their houses consisted of a room or two around a common space, open or roofed, the latter being used by the clan for congregations and deciding important matters. It is considered that the early Muslim institutions like *shura* came into being out of such social background only. But, the Prophet's sayings regarding veiling contained within them the germs of future genesis of harem as an institution.

Mohammad found slavery as an essential element of society of his times. He struck at the very root of it by dispensing with the practice of keeping prisoners of war. According to his command, when the war ceased and peace was established, all war-prisoners would have to be set free. Then, like a free man, the slave, on his marriage, was

120 Cooper, pp. 25-27; also Hughes, p. 163.
121 Mazhar-ul-Haq Khan, pp. 34-35.
required to provide for the *mahr* which he must earn by his own labour. Such a *mahr* would become the property of the wife's owner if she was a slave. The Qoran gave permission to the free Muslim man to marry his own slave girl, if she was of his own faith, with the permission of her folks. He should also give her *mahr* in kindness. In fact, by making marriage compulsory for slave girls, as was for free women, Mohammad checked two pre-Islamic evil practices viz. sexual misuse of slave girls by masters and forcing them into prostitution for monetary gains. The reflection of the abolition of prostitution appeared in the very Qoranic *ayat*. The Prophet said:

> Force not your slave girls to whoredom that ye may seek enjoyment of life of the world, if they would preserve their chastity.

The interpretation of this *ayat* is a subject of controversy as to whether prostitution was abolished or not.

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124 The Qoran, 4:25,3. On the authority of Aghani, XIV, p.110, Levy, (pp.111-12) opined that in such a case, the man had to emancipate her first before seeking her "free consent" which was a pre-requisite for marriage.

125 Ibid., 24 : 32.

126 Ibid., 24 : 33.

127 From the qualification attached with the word 'if' appearing in this *ayat*, Levy, (p.118), opined that in Arabia "Prostitution was too firmly established to be at once removed". However, Muhammad Ali, (Religion, p.662, n.1) considered it total "misinterpretation of the Quranic word". As per him, "This would lead to the evident conclusion that if they do not desire to keep chaste, they may be compelled to prostitution which is self-contradictory." He, therefore, interpreted the *ayat* to mean that since "it is the very nature of woman, whether free or slave, that she would remain chaste, slave girls who are under the control of their masters, should not be compelled to prostitution by not allowing them to marry".
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Nonetheless, the plain reading of this along with ayat 24:32 makes it clear that by giving the injunction for slave girls to get married, the Prophet indicated that he was against prostitution.

Connected with it was the question of concubinage; a regular connection with a female who did not possess the legal status of a wife. The Qoranic expressions in some ayats indicate its existence.¹²⁸ But these expressions were early Mecca revelations and were superseded by the reforms introduced at Madina. When the clear injunction was given that all slaves should be married, the practice of concubinage died its own death. Later on, the Prophet himself made concubinage unlawful for men:

> And so are the virtuous women of the believers and the virtuous women of those who received the Scripture before you (lawful for you) when ye give them their marriage portions and live with them in honour, not in fornication, not taking them as secret concubines.¹²⁹

It was provided that if a master took his own slave for a concubine by virtue of his right of ownership and she begot children from him, she was then termed as Umm Walad and her children by him were free, though her children, if any, from any other man continued to be slaves and property of her master.¹³⁰ It was also provided that he could not sell,

¹²⁸ The Qoran, 23:5-6, 70:29-30.
¹²⁹ The Qoran, 5:5; see also Ameer Ali, Spirit, p.247.
¹³⁰ Before Islam, the usage followed was "The child followed the womb". It was the sweet will of the master to recognize such children as his own or not. If he accepted them, then they were free. Otherwise, they too continued to be his slaves (Levy, pp.78-79 and n.8). See also Hitti, P.K, History of the Arabs, p.76. For definition of Umm Walad, see Hughes, p.655.
pledge or give her away as a gift. He could demand service from her and could give her in marriage to another man even against her will.\textsuperscript{131}

The Qoran and the \textit{hadith} made it a commendable act for masters to free slaves as a penalty for certain misdeeds done by themselves or as a fulfilment of the desire of slaves to be free, if they were worthy of it.\textsuperscript{132} The \textit{Umm Walad} became free alongwith her children from him on the death of the master.\textsuperscript{133} The slave who became possession of one with whom he was related, either through ascendant or descendant, was free. For example, if a father who was a free man got his slave son by a master's bequest, then the son was free. A slave could also be freed by the promise of the master, verbal or in writing, to free him/her after his death. Such slaves were classified as \textit{Mudabbar}.\textsuperscript{134}

With all these rights to woman, the Prophet still placed the man at a higher pedestal and maintained man's supremacy over woman. He propounded that basically a man was made superior to a woman by \textit{Allah}.\textsuperscript{135} He was made the provider of the family with responsibility to earn a living.

\begin{flushright}
\textsuperscript{131} Levy, pp.80,111 on the authority of the Khalil Ishaq and E. Sachau.
\textsuperscript{132} The Qoran, 4 : 92, 5 : 89, 24 : 33.
\textsuperscript{133} Levy, p.80 on the authority of Khalil Ishaq and E. Sachau; Banaji, D.R., Slavery in British India, pp.228-29.
\textsuperscript{134} Levy, p.80; Banaji, p.228.
\textsuperscript{135} The Qoran, 2 : 228.
\end{flushright}
for the family and arranging for it the necessities of life. Hence, a man was superior to a woman. He was given authority to admonish and punish his wife. He was also given the unilateral power to divorce while a woman was allowed this only in exceptional circumstances and that too, after sacrificing her mahr rights. The property rights of a woman were half of those of a man. In the matter of marriage, a man was allowed polygamy, while the woman had to follow monogamy. Besides, a man could marry a non-Muslim (Kitabia) while a woman could not do so. A wife was to obey her husband implicitly. As testimony before a Qazi, the evidence of two women was taken as equal to that of a man. The supremacy was also expressed clearly in the description of paradise. In the material heaven prepared for the men of this faith, even the poorest man was rewarded with seventy two beautiful brides, termed as hurris. Besides possessing these heavenly spouses, a man might renew his marriage with

136 The Qur'an, 4:34. In interpreting this passage, commentator Baydawi of the thirteenth century, whose word is held valid by Sunnites to the present day, enumerated different ways men were considered superior to women. Men were superior in mental ability, good counsel, in their power for performance of duties, for carrying out divine commands. Hence, to men had been confided prophecy, religious leadership, saintship, pilgrimage rights, the giving of evidence in law courts, the duties of the Holy war, worship in mosque on Friday, in having privilege of electing chiefs, in having bigger share in inheritance and an upper hand in divorce (Levy, pp.98-99,132 on the authority of Ibn Khaldun).

137 The Qur'an, 5:5, 60:10.

138 The Qur'an, 4:34.
The wives who had preceded him into elysium (in Greek Mythology, place of ideal happiness). To the Muslim women, paradise offered no such allurements. She would dwell, as she dwelt on earth, one of many wives.139

The Qur'an gave a special treatment to the Prophet and his family. Against allowing maximum four wives to a Muslim man, in general, he himself married ten more women after Khadija, his first wife and also sought Qur'anic sanction for the same.140 He repudiated a long established custom of regarding an adopted son as equal to a real son in all respects, when he married Zeyd, the divorced wife of his own adopted son.141 He ordained that nobody should marry his widows though he wanted his followers to marry widows and protect orphans.142

139 Gallichan, pp.44-45.
140 The Qur'an, 33: 50. Different reasons were given by the supporters for such action on the part of the Prophet. As per E.W. Lane, (Modern Egyptians, Chapter III, "On Civil Laws"), this might be because of Prophet's desire to have a son. See also The Qur'an, 33: 40. According to W. Sheowring C.W. Thies, (Religious Systems of the world, p.256), this might be because of the magnanimity of the Prophet to protect the widows of his persecuted followers. Ameer Ali, (Spirit, pp.233-38), besides giving both these reasons, further wrote that by marriage alliance, the Prophet united the warring tribes and brought within them some degree of harmony.
141 The Qur'an, 33:4, 33:37. Also see Levy, pp.100-01; Baig, p.8.
142 Ibid., 33:53.
SPREAD OF ISLAM

Mohammad took to arms and brought the whole of Arabia under his sway before his death in 632 A.D.. After him, Islam embarked on an era of change. The conquests in battles transformed a small religious community into a mighty political empire. People of different races came within the fold of Islam; a majority of them were Arabs, Persians, Turks, Mongols, Hebrews, Romans, Egyptians and Afghans. Along with them, they brought their respective beliefs and customs as well.

Persian women had very low social status. They had degraded moral values. There was no recognized law of marriage and even if there was any, it was mostly, ignored. In the absence of any fixed rule in the Zend Avesta with regard to the number of wives a man could possess, the Persians practised polygamy besides keeping a number of concubines. Adultery was common and it was not considered a crime which would attract penalty. Term marriages or temporary unions, like muta marriage, were also prevalent. Seclusion of women was in vogue. They were guarded very closely in their harems. Even in the

143 The prevalent Persian saying like 'women and dragon are dangerous creatures, fit only to be destroyed' is suggestive of their attitude towards women [Afif, (Text), p.352]


145 Gallichan, p.237.

146 Gallichan, pp.209,236-37.
inscriptions and sculptures of ancient Persia, reference to a woman was avoided. The Persians were notorious for sodomy. The only positive attitude, however, was towards the mothers and grand-mothers who were greatly respected.

The Turks, in general, gave their women a fair measure of freedom. Marriage in ancient Turkey was a matter of negotiation and arrangement and not of capture as was among the Arabs and some Eastern tribes. But they too were polygamous; like all the martial races of the ancient times which sought pleasure in warfare, extension of territory, capture of women, slaves and spoils. The respect for mother was observed by them also.

The Society of the Mongols was based on patrilinear clans (obok). Different clans from a common ancestor were considered as kin. Inter-marriages among such clans were not


148 Khuda Bukhsh, p.102.

149 Rawlinson, III, p.220; Gallichan, p.217.

150 The Turks along with Mongols and Manchus are known as Tartars. For detailed study see Erskine, W., History of India under the Two First Sovereigns of the House of Taimur, I, pp.9-11, 533-36.

151 Gallichan, pp.139,161; Abbott, Jacob, Makers of History - Genghis Khan-Life and Conquests, p.55.

152 Gallichan, p.151.
permitted. A group of kindred clans was known as *yasun*.

Clans of different *yasun* mutually agreed for exogamous marriage. At times exogamy was observed by forcefully taking a girl of other *yasun* as bride.\(^{153}\) Polygamy was practised by those who could afford it and they kept concubines too.\(^{154}\) But the first wife of a ruler was the chief wife. She enjoyed a special status. She alone had the right to sit on throne by the side of the ruler. Only her children had the right to inherit the ruler's worldly empire.\(^{155}\) In matters of legitimacy, the children of a concubine had the same status as those of a legal wife.\(^{156}\) When fathers died, the sons took over their widows except their own mother. Similarly, the living brothers took over the widows of the deceased brothers. But this rule was not followed always.\(^{157}\) Adultery was punishable with death.\(^{158}\) The women were not

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\(^{154}\) Yesukai, father of Changez Khan had two wives, Yulun Eke and Suchigil. Changez Khan himself had five wives besides five hundred 'accessory wives and servant-maids' (Prawdin, Michael, *The Mongol Empire*, pp.28,61,229; also Hoang, Michel, *Genghis Khan*, pp.91-92,97; Kennedy, Pringle, *History of the Great Moghuls*, p.42).

\(^{155}\) Changez Khan's first wife Bortei enjoyed this privilege (Prawdin, pp.63,86,88; Morgan, p.40).

\(^{156}\) Phillips, p.27.

\(^{157}\) Han-Sadeh, the widow of Taimur's son, Jahangir was remarried to Miran Shah, her brother-in-law. But Changez Khan's mother Yulun Eke remarried to Munlik, her husband's friend, an outsider after Yesukai's death [Prawdin, pp.51,485; also Phillips, p.23].

\(^{158}\) Kennedy, p.42; Prawdin, p.94.

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confined to houses and enjoyed quite a bit of freedom and authority. They lived the same outdoor life as their male counterparts. The highest duty of women was to work for the upliftment of their husbands. They were solely responsible for management of their households including family-flocks, herds and possessions. This duty included works like milking cows and preparing milk products, cooking, preparing stores for winter, driving carts, setting up and dismantling tents, sewing clothes and footwears, upbringing and educating children. Another important duty was to keep their respective husbands' things always ready to enable them to march to the battle field in no time at the call of the Khan.¹⁵⁹ The women were also expert riders and learnt the art of shooting with bow.¹⁶⁰ They accompanied their husbands in wars and worked as their auxiliaries.¹⁶¹

¹⁵⁹ Prawdin, pp. 94-96; Morgan, p.40; Spuler, Bertold, The Mongols in History, p.9.
¹⁶⁰ Phillips, p.32.
¹⁶¹ For Changes? Khan's mother and wives in the battle field, see Abbott, pp.54-55,237. Also see Ameer Ali, A Short History of the Saracens, p.383 (hereafter cited as Saracens); Spuler, p.9.
They played significant role in politics as advisers, regents or as participants in court machinations supporting the cause of their respective wards.\textsuperscript{162} Being the martial race, however, the Mongols showed no compassion towards the ladies of their enemies. They not only inflicted insults but also did not spare them in the merciless killings which followed each of their victory, might be in Khwarizm, Balkh, Ghazni, Herat, Persia, Baghdad or any other place.\textsuperscript{163}

The Hebrews had patriarchal society where the women were legally under the control of their husbands. They had no right of inheritance. They were debarred from commercial and

\begin{itemize}
\item They played significant role in politics as advisers, regents or as participants in court machinations supporting the cause of their respective wards.\textsuperscript{162}
\item Being the martial race, however, the Mongols showed no compassion towards the ladies of their enemies. They not only inflicted insults but also did not spare them in the merciless killings which followed each of their victory, might be in Khwarizm, Balkh, Ghazni, Herat, Persia, Baghdad or any other place.\textsuperscript{163}
\end{itemize}

\textsuperscript{162} Changez Khan was frequently advised by his mother Yulun Eke and wife Bortei in many of his political moves. Turakina, widow of Ogatai, worked as regent from 1241-46 A.D. till she succeeded in getting her son Kuyuk Chosen as Khakan. From 1248-51 A.D. Kuyuk's widow Ogul Gaimish worked as regent. Suyrukuk Tonii, widow of Tuli (youngest son of Changez Khan), showed great political acumen. She manoeuvred to snatch the Khanate from family of Ogatai when her son Mongu was chosen the Khakan in 1251 A.D. and regent Ogul Gaimish was executed (Prawdin, pp.28-30,43,64-66,91-92, 98-99, 275-78, 286-88,290-93,297,487-88; also Spuler,pp.19-21; Morgan,p.40; Phillips,p.85; Kennedy,p.22).

\textsuperscript{163} Kennedy,pp.13,15,16,28,41-42,74-75. He has also quoted that once Changez Khan was asked as to what, in his view, was the greatest happiness of life. His reply was, "...to vanquish your enemies, to chase them before you, to rob them of their wealth, to see those dear to them bathed in tears, to ride their horses, to clasp to your bosom their wives and daughters." (Ibid., p.20). In another incident, Ogatai once intended the Uirats to marry their daughters to men of other tribes. But Uirats immediately betrothed them. At this, Ogatai ordered all girls above seven of that tribe, including those married during the year, to be collected. They numbered 4000. He chose best of them for himself, his officers and the brothels, the remaining were sent to his soldiers to be scrambled for in front of their fathers, husbands and brothers (Ibid.,p.22). See also Hoang,pp.229,240,247.
political activities. They were required to cover their bodies fully and also to support veil. A Hebrew husband could divorce his wife for any reason while the wife did not have any right to seek divorce. However, except for some pressing reasons, such as adultery or sterility, the Hebrew community did not favour divorces. They disapproved adultery, especially on the part of married women for which they prescribed death penalty. Sex relations on the part of the bachelors were also considered a sin. Virginity was a must for a 'bride-to-be'. Violation led to severe punishment including death penalty. Virtually for all sex offences, infringement by women was viewed more seriously than that committed by the men. 164

The women among other Eastern nations like Assyrians, Athenians and Romans were equally degraded. 165 But, in Egypt, she enjoyed very respectable and high position. She moved freely without purdah. Marriage appeared to be a legal contract where all her rights were guarded. She had right to divorce. Monogamy was generally practised except among the royalty. She was free to follow any career. All properties descended on the female line and she could manage them of her own as per her own wish. 166

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164 Humphrey, Edward et al. (ed.), The Webster Family Encyclopedia, VII, pp. 33-34.
The social life of the Pathans of Afghanistan revolved round the family, the clan and the tribe. *Pukhtunwali* or *Pushtunwali* i.e. the code of Pathans guided their way of life. They were very proud people and were very sensitive with regard to their *Zan* i.e. women. Chastity and seclusion of women was rigidly observed. So much so that they avoided talking of women, whether of their own or of anyone else. The women were totally confined to their houses and were a part of the background only. They had no role to play in the daily life of the community. It was taken as a dishonour for a married Pathan women to work, for whatever reason, for any one else other than her husband. The Pukhto proverbs like 'For a woman either the house (*kor*) or the grave (*gor*)' and 'Husband is another name for God' summed up the secluded and dependent life of the Pathan women. The women were conceptualized in two types, *mor* or mother and *tor*, literally meaning 'black'. The *mor* or the mother held high respect in that society. On the other hand, where the chastity of a woman was compromised and the honour of her close agnatic kin - father, husband or brothers - was at stake, she was considered a *tor*. In such a case, both the actors, particularly the woman, were killed by the closest male kin as per the Pathan code. The tribal custom of 'money for the head' (*sar paisey*) or 'bride-price' suggest that the daughters were literally bought and sold. Another tribal custom shows that a boy's mother booked a girl at the time of her birth and it was considered to be a formal engagement. Backing out from this at a later date involved all revenge.
In the beginning, Arabs dominated the Islamic fold. Later on, the Persian influence transformed character of Islam. Slowly, the cultural heritage of Persia percolated into every facet of Muslim life. During the eleventh century, Persian influence was replaced by the Turkish ascendancy.

The need of the hour was to adapt the Islamic ordinance to new conditions which were not contemplated by the Prophet. The first effort in this regard was the collection of the 'traditions' of the Prophet practised during the time of four Caliphs with the intention to get solutions to most of the problems out of them. A woman once came to Abu Bakr claiming her share of inheritance from her deceased grandson. The Caliph pronounced the judgement that as per the Qoran, she could not receive any share. Thereupon, Mughira, son...

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There were six popular books of 'traditions': (1) Abu Abdullah Mohammad bin Ismail Al Bukhari, a Persian who collected 6,00,000 'traditions' of which he rejected all but 7276. (ii) Muslim bin Hajjaj of Khorasan (204 A.H. to 260 A.H.) who collected 3,00,00 of them but kept only 4000 'traditions'. (iii) Abu Daud of Seistan (202 A.H. to 275 A.H.) having 4800 'traditions' (legal 'traditions') (iv) Kitabus Sunan of Ibn-i-Majah (209 A.H. to 333 A.H.), 4000 'traditions' (legal 'traditions'). (v) Jammy by Abu Mussa Mohammad Trimidhi of Tirmidh (vi) Al-Mujtaba by Abu Abdur-Rehman Nasai of Khorasan (214 A.H. to 303 A.H.) whose 'traditions' were about rituals. These 'traditions' were so important that throughout the reign of Seljukides and decline of Abbasids, particularly in India and Iran, they superseded even the Qoran (Ahmad, S.M.(com.).Islam in India and the Middle East, pp.146-51).
of Shoba, got up and said, "I have seen the Prophet granting one-sixth share to a grandmother." This was recorded and accordingly, judgement was delivered. The Shariat was elaborated and interpreted theoretically, by different schools of interpretations, keeping in mind the requirements of the people and the necessities of the time. The judgements delivered by Muftis (Juris Consults) were accepted as rules for Qazis for deciding similar cases in future. Two groups, Shia and Sunni, emerged within Muslim community with distinct approaches towards Islamic developments.

The different schools explained the Qoranic commands regarding women in their own way. For example, muta marriage was forbidden by all schools except the Akhbari Shias. Similarly, the minimum dower fixed by different schools did not tally with one another. While Shafiites and

169 Shushtery, p.461.

170 There were four main Schools basing their interpretation on different Principles, viz. Abu Hanafi on *istehsan* (equity), Malik on *istislah* (consideration of public interest), Shafi on *qiyas* (analogy) and Hanbal on 'traditions'. Besides these, there were many other schools but they did not become popular (Shushtery, pp.464-66; Levy, pp.165-86).


172 Husain, Sheikh Abrar, *Marriage Customs Among Muslims in India*, pp.4-5; Ahmad Ali, Meer, *Husain, the King of Martyrs*, p.216; Levy, p.171.

173 Ameer Ali, *Mahommadan Law*, pp.317-18,398-404; Levy, p.247; Fyzee, pp.112-13,115. It is asserted that the Qor'an (4:24), regulated and sanctioned the practice of muta marriage.
Shiites had no fixed minimum, the Malikis fixed it at three dirhams and the Hanafis at ten dirhams.174 The minimum dower fixed by the law could hardly be deemed to be an adequate provision for the wife. Hence the check which dower was supposed to have on the reckless divorces by husbands, lost its meaning. Regarding slave girls, inspite of the Qoranic acceptance of the marriage of a free man with a female slave, the Hanafi code forbade a free man from marrying his own or his son's female slave and a (free) woman from marrying her male slave.175 When a wife swore of chastity against the charge of adultery levied by her husband, the marriage was still considered annulled as per Shafiites, though, as per Hanafis, this was a case which would be decided by a judge.176 There was wide difference between Sunnite and Shiite laws of inheritance also. While the Sunnite law of inheritance kept intact the ancient tribal structure and made agnates the most important heirs, the Shiite law placed cognates on an equal footing.177

174 Dirham is a word derived from Greek. It is the name of the silver coin, 2.97 grams in weight (Houtsma, M.T. et al. (ed.), Encyclopaedia of Islam, I, p.978. 10 dirhams have been valued at 6S.8 d. and 3 dirhams at 2S. (Fitzgerald, V, Mohammad Law, An Abridgement, p.63).

175 Levy, p.105.

176 Ibid., pp.120-21 and n.1.

177 Tyabji, pp.898,926-29; Fitzgerald, p.145. An agnate is a person related to the deceased through male links only i.e. son's son or son's daughter, father or father's father (Fyzee, p.395). A cognate is a person related to the deceased through one or more female links i.e. the daughter's son or daughter's daughter, mother's father or father's mother's father (Tyabji, pp.605(5) and (6). Also see Fyzee, p.396).
Shiites, thus, raised the position of daughter’s children from class III to class I.\footnote{Tyabji, p.926.} Imam Husain was son of Prophet’s daughter. Therefore, the Shiite law, apparently, paid special attention to this relationship and made the interpretation such that all females, howsoever remotely related, inherited on the analogy of inheritance by a daughter or a sister. This right to women was, probably, the most important legal reform introduced by Islam.\footnote{Khuda Bukhsh,p.82 on the authority on Aghani,X,p.54.}

Notwithstanding the incorporation of non-Arab practices and changing interpretations of different schools affecting the position of women adversely, there were examples of great women in every walk of life from the early days of Islam. The roles played by Khadija and Fatima are well known. Similarly, Aiysha (grand daughter of Caliph Abu Bakr and niece of the Prophet’s wife Ayisha) never wore the veil even though her husband insisted on it.\footnote{Khuda Bukhsh,p.82 on the authority on Aghani,X,p.54.} There was no check on remarriages of women. Aiysha (niece of Ayisha) got married thrice, each time getting a big amount of dower. Atiqa, belonging to one of the noblest families of Mecca also married three times. Sukaina, a grand-daughter of Fatima married several times.\footnote{Tyabji, p.926.}
times and made complete freedom of action a condition-
precedent to her marriages. She was the leader of fashions and set the tone for cultured society of her age. Her house was the meeting place for poets, scholars, jurists and other distinguished people of both sexes. Her overflowing generosity towards learning and her appreciation of scholarly pursuits left deep impact on the intellectual development of the Islamic people. Women enjoyed freedom of choice of husband. There is a case, on record, of a widow of the Caliph (Saffah) who married a private gentleman of distinguished lineage, though poor. The freedom of divorce was also there. Umm Salma left her husband when she found that he had connections with a slave girl.

The women had freedom of education. They flocked to the sermons of the Caliphs and other disciples. They studied Theology and Law and many of them educated their children without any outside help. Rabia-ur-Rai, one of the greatest jurists of early Islam was educated by his mother. The right of women to pray in the mosques continued to be recognized till the third century A.H.. Afterwards, it fell

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181 Khuda Bukhsh, pp.82-83.
182 Imtiaz Ali (ed.), p.54; Ameer Ali, Saracens, pp.201-02.
183 Khuda Bukhsh, p.83 on the authority of Aghani, IV, p.89.
184 Levy, p.93 on the authority of Aghani, IV, p.89.
185 Umar is said to have appointed Qoran-reader especially for ladies at public worship (Levy, p.126 on the authority of Tabari, I, 2649; Imtiaz Ali (ed.), p.53).
The jurists expressly acknowledged the woman's right to bind her husband, before marriage, not to take a second wife during her lifetime. The famous Sufi saint Rabia was so popular that she invited the jealousy of men who argued, "since a woman on the path of God becomes a man, she can't be called a woman". Shuhda, another lady, was known for her profound knowledge of hadith. The narration of the 'traditions' at the time of their compilation was mainly done by the ladies. Among the Prophet's widows, Hafsa, daughter of Umar, the second Caliph, narrated 60 pieces; Ayisha, 164 pieces (Bukhari and Muslim, while Raw gave credit to her for 2200 pieces); Zainab, several other pieces, and Safiyya and Umm-Salma narrated 10 and 378 pieces respectively. Shafi, one of the great interpreters of Muslim Jurisprudence, learnt the elements of Jurisprudence from a lady named Syeda Nafisa.

187 Khuda Bukhsh, p.83. The reason for this were two fold: firstly, the disapproval by the Qazi as Von Kremer held and secondly, because of apprehension of father and husband lest their women-folk should, by some lapse of conduct, disgrace them amid the degenerating social values (Levy, p.131).

188 Khuda Bukhsh, p.83.


190 Ibid., p.133; Ameer Ali, Spirit, p.255.

191 Shushtery, p.461.

In the field of public affairs, their influence was evident. During Umayyad’s time, Umm-ul-Banin, the queen of Walid I, possessed great influence over her husband and frequently interfered in affairs of the state. During the early Abbasids, women wielded great influence on the state-affairs. Umm-Salma, the queen of Abul Abbas Saffah, the first Abbasid Caliph, had such an influence over her husband that he decided nothing without her advice. Khaizuran, the consort of Mahdi, the third Abbasid Caliph, had so much influence that courtiers, powerful dignitaries, ministers, poets and scholars flocked to her. She was revered for her generosity towards the poor and the needy. Zubaida, the wife of Harun-al-Rashid, had much influence in administration and her tomb is venerated even to this day. Qatr-un-Nada, mother of Caliph Muqtadar, held the reigns of government with perfection as the mother-regent.¹⁹³

In cultural sphere, many women were keenly interested. They remained engaged in poetry, singing, dancing, fashions and games for their own amusement. Princesses and ladies of rank gave musical programmes.¹⁹⁴ The famous singers of the time were Baze, a contemporary of Harun-al-Rashid; Neem and Ubaydah-at-tamburia, of the times of Mamun besides Mutasim, Olayya, Zatul, Khal, Rayya, Soda and Sahiqa, who were adept musicians of the Abbasid dynasty.¹⁹⁵

¹⁹⁵ Ibid., pp.456-57; Shushtery, pp.590-91.
influenced the world of fashion too. Zubaida, as referred to earlier, introduced jewelled girdles, jewelled shoes and sedan chair. Olayya, the half sister of Harun-al-Rashid, introduced head dress.\textsuperscript{196} Women of the middle class also were, culturally, awakened. They used a head ornament, a kind of fillet set in jewels. They also used anklets and bracelets. Different types of cosmetics were also in use.\textsuperscript{197} Women played different kinds of games and thus kept them amused.\textsuperscript{198}

The women of this period possessed military skill as well. For instance, Zainab, the grand-daughter of Hazrat Ali and sister of Husain, showed her skill while guarding her nephew from the Umayyads after the butchery at Karbala.\textsuperscript{199} During battles, they helped in various ways. At times, they fought actively in battles. During Mansur’s time, two of his lady cousins fought in the Byzantine war clad in mail. Safaih, Umm-Salet, Umm-Saleem were some of the ladies who distinguished in this field.\textsuperscript{200} Apparently, there existed some sort of military training for women. They were taught not only the use of arms but also horse

\textsuperscript{198} Zaidi, S.M.H., \textit{The Muslim Womenhood in Revolution}, p.15.
\textsuperscript{199} Ameer Ali, \textit{Spirit}, p.250.
Turkhan Khatun, the wife of Saad II, Atabeg of Shiraz, was known for her accomplishments. After the death of her husband in 1260 A.D., she ruled the principality as mother-regent for her infant son with wisdom and tact. She patronized art and learning and made her court "one of the most polished and cultured in that unhappy age when the gloom of night had settled on Western Asia". Another princess of the Atabeg family was Aiysha Khatun. She ruled Shiraz soon after Turkhan Khatun. She encouraged poets and scholars. These two ladies, Turkhan and Aiysha did a lot for beautifying and embellishing Shiraz. Ibn Khallikan's Biographical Encyclopaedia is full of instances of women belonging to the lower ranks of society, reading, reciting and improvising.

Simultaneous to this exalted position, the condition of Muslim women also suffered a successive degradation. This downfall became quite glaring by the thirteenth century. There were many factors responsible for this. The foremost among them was the negative role of the theologians of Islam. Though themselves having well-stocked harems, yet,

201 Ameer Ali, Saracens, p.455.
202 Imtiaz Ali (ed.), p.60. A number of petty feudal lords ruling in Western Asia as Prince-Governors were known as Atabegs.
203 Ibid.
204 Caliph Umar is usually credited with having been the first to appoint QazJs to assist him in discharging duty of settling disputes (Levy, p. 338).
outside their little paradise, they showed contempt for the worldly things and the 'levity of the fair sex'. They interpreted many of the Qoranic commandments related to women against the interests of the women and in favour of men. They also twisted the meaning of the hadith deliberately so as to depict women as down-trodden and mean and hence, for the most part, fit only for hell.

The gradual decline of the old Arab aristocracy also dealt a serious blow to the dignity of Muslim women. The mixed race which replaced them lacked both purity of descent and the refinement of feelings. There is not a single instance in the beginning of the Caliphate, of a son of a concubine succeeding to the Caliphate. But, mother's descent was totally ignored subsequently. Consequently, the rule of the mistresses and courtesans set in, overshadowing the legitimate wives. The slave trade also led to the degradation of the position of women. After the shifting of the Caliph's seat to Baghdad, numerous girls were brought to Baghdad to be sold as slaves. It became a profitable business to purchase young women, to train them in music and

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205 Khuda Bukhsh, p.85.
206 Ibid.. Baydawi, while commenting on surah 16:11 of the Qoran, adduced a hadith and explained thereby that while innumerable men had attained religious perfection with the resultant reward of paradise, only four women have ever done so (Levy, pp. 129-30).
207 Khuda Bukhsh, p.85.
dance and then to sell them at fabulous prices to rich merchants. The house of such merchants became dens of sensual pleasures. Simultaneously, the Persian vice of sodomy gradually expanded to an extent that by the time of Caliph Harun-al-Rashid, it no longer was taken as a vice at all. It is informed that a boy, who became the centre of jealousy between his sons, had to be shut up in the seraglio, fearing his abduction.

The emergence and expansion of the institutions of polygamy, purdah and harem also led to the degeneration of the status of Muslim women. The Arabs conquered large territories. In order to control these multitude of vanquished races, they required large military establishments. For this, they needed to enlarge their population rapidly. Consequently, they propounded polygamy resulting in marriages even with non-Arab women. This not only destroyed the purity of the race but also resulted into an effeminate race of bastards and rule of mistresses and concubines. With such moral laxity all around, the Muslim men of the age insisted on the fidelity of their women and sought to get that by force by putting restrictions on them.

208 Khuda Bukhsh, pp. 89–90.
209 Ibid., p. 103; Thomas, P., Indian women through the Ages, p. 249.
210 Khuda Bukhsh, 93, also see pp. 90–92, 94, 95.
This resulted into the gradual development of purdah and harem. Al-Mutawakkil (847-861 A.D.), the last of the Abbasids, decreed the segregation of the sexes at feasts and public ceremonies. Finally Abbasid Caliph Qadir (991-1030 A.D.) forbade women's entry to mosques, colleges or to

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211 P. Thomas, p. 249. There are different views about the origin of purdah. To some, purdah owes its origin to Al-Hakim, the Fatimid Caliph of Egypt who made the wearing of veil compulsory for the women in his kingdom. Since he swayed spiritual power in Persia too, it became a permanent injunction throughout the Muslim world including India [S. M. Ahmad (com.), p. 145]. Qurratulain Hyder, on the other hand, considered its origin during the reign of Umayyad Caliph Walid II (743-749 A.D.) when the Arab ruling class was thoroughly corrupted and the respectable citizens began to segregate their women. According to her, it was the difference between the professional entertainer and the responsible housewife which laid the foundation of system of purdah (op. cit., p. 191). Still another authority opines that purdah took form in the second century of the Islamic era, first among the rich and the powerful as a status symbol and then percolating among the less affluent through emulation. He relates the development much to the influence of Byzantine and Persian customs, with whom the Arabs came in contact in the new territories conquered by them (Mikhail, Mona N., Images of Arab women, p. 3).

212 No precise date can be given for origin of the system of the harem. Khuda Bukhsh considered its origin sometimes between the end of the Umayyad rule and the Caliphate of Harun-al-Rashid. Levy seemed to be agreeing to this view since as per him, the system was fully developed by the time of Caliph Harun. Lal also agrees to this. According to Qurratulain Hyder, it originated during the reign of Umayyad Caliph Walid II (743-49 A.D.). As per Mikhail, like purdah, the system found its origin in second century Hijra. (Khuda Bukhsh, p. 87; Levy, p. 127; Lal, K.S., Early Muslims in India, p. 141 (hereafter cited as Early Muslims); Qurratulain Hyder, p. 191; Mikhail, p. 3).

appear in public without supporting a burqa. By the end of the Abbasid Caliphate in the middle of the thirteenth century, the segregation of women was so complete that the propriety of public visibility of female hands or feet was hotly discussed by the Ulema.

The foreign Muslim immigrants to India during medieval period comprised of the Arabs, the Turks, the Afghans, the Mughals and the Persians. They were further joined by a multitude of Indian Muslims who were the Hindu converts to Islam and formed the majority of Muslim population in India. The different immigrant groups had their own distinct cultures as also concept about women, as already discussed above. They retained their racial and tribal identities and ethnic customs and traditions, and also imbibed the traditions of the other group, in due course, because of pressures, promiscuity and interactions. The Indian Muslims also did not change their social set up and outlook with the change of

216 Yasin, Mohammad, A Social History of Islamic India, pp.1-13.
217 Ahmad, Imtiaz (ed.), Caste and Social Stratification Among Muslims in India, p.13; Lal, K.S., Growth of Muslim Population in Medieval India, p.204, also Early Muslims, p.114.
their religion. The position of Hindu women was no good during the time and the Hindu converts carried with them their general attitude towards women to the Muslim fold.

The immigrants tried to adjust the social and religious structure of Islam to Indian conditions. These new interactions on the Indian soil led to further adjustment and emergence of the Indianized Muslim culture.

Thus, Islam came to India in a changed form, after being influenced by the Persian, Turkish and other foreign ideologies. The general status of Mohammadan women was on the wane at that time. The ensuing assimilation of Hindu-Muslim cultures under Indian conditions did not promise much change for the better in the status of the Muslim women in India.

218 Compare Mandelslo's statement: "All the Mahumetans (Muslims) of these parts (i.e., of Hindustan) may be said to profess the same Religion; but they have among them certain superstitions, and particular Manners of life, whereby they are distinguished into several sects, though it may be also alleged, that they are to be accounted rather so many Nations than (than) different sects." (p.65) Also see Yasin, pp.3,14.

219 For the condition of Hindu women Altekar, A.L., The Position of women in Hindu Civilization and Thomas, P., Indian Women Through the Ages, provide a good reading.