Kinship and Marriage among Muslims in India

In every community kinship is considered to be a vehicle for understanding the internal mechanism of social structure. The system of kinship is itself a ‘sub-structure’ (Alavi, 1971) or an internal structure within the social structure. Kinship relations are streamlined through ‘cultural mechanism’ which give expression to multidimensional social institutions. They are patterned through culturally defined sets of customs dictated by religion and are inherent in language (Hasnain, 2006).

Patrilineal descent forms the backbone of the Muslim kinship system. It is patrilineal descent around which hinge the functions of families and households as well as rules and regulations regarding marriage. A measure of continuity is provided by patrilineal descent which determines succession and inheritance (Khan, 1994).

The patrilineal kin group among Muslims is termed as biraderi or khandan. ‘Bhaibandh’ is another term used to emphasize the agnic connection between the members of single lineage vis-a-vis other kinds of relationship as for instance, affinity samdava. They say: “We are bhaibandhan whereas they are our samdyan”, to distinguish the agnates and affines respectively. The word biraderi exclusively refers to the lineage in all contexts. Khandan is a term that refers to the biraderi members and their ancestors as a whole in diachronic context.

However, biraderi invariably refers to the agnic group of living members. If biraderi carries the meaning of lineage, the term ghar is applied to denote the family and further it is also used in the sense of a household which forms the main production and consumption unit among Muslims.

The distinction between biraderi and ghar loses its significance in those cases where population of their kin group is small in the village constituted by one or two households of brothers. In such cases where the kin groups are represented by one or two commensal units, the terms biraderi and ghar are interchangeably used. It is referred to as biraderi when it is opposed with other biraderi of considerable genealogical depth. In a very broad sense ghar may have the sense of lineage when lineage is thought of as a residential group.
All the men belonging to one *biraderi* claim single known ancestry no matter however remote. The expression *biraderi* particularizes a kin group as an exclusive descent group, a group of agnatic kin descended from a common ancestor, in which descent is calculable. The significance of the use of this expression is noted on certain ritual contexts as well as in connection with family feuds and rules of exogamy (Ibid: 38).

The depth of *biraderis* in Gulwar (Sunni sect village in Karnataka) ranges from three to seven or even more generations as noted by Khan (1994). Some of the *biraderis* in the village are known by the name of their common ancestor as ‘Meera Patel *biraderi*’, ‘Khond Patel *biraderi*’ or by place from which they have migrated to the present village and established their residence, as ‘Bhosga Patel *biraderi*’, ‘Chigaralli Patel *biraderi*’. The prefixes indicate the village from where the first ancestor came and from whom they have descended (Ibid: 39).

Kinship is an important organising principle in human societies. In the cross-cultural perspective, it varies in its range and significance, being almost all - pervasive in some societies and operating only in the narrow familial domain in others. Impressed by its pivotal position in many simple societies which were the subject of rigorous and penetrating synchronic studies, anthropologists have tended to grant an unusual degree of autonomy to kinship. Its applicability needs to be examined carefully in the context of India. The country’s many religious communities, castes, and tribes in different cultural regions present an extraordinary variety in this analytically distinguishable domain of social life, and the patterns of kinship found (Dube, 1974).

Broadly the treatment of kinship included such features as clan-- especially their mythical origins, totemic associations, and their role in exogamy; other units based on putative kinship; family or household; marriage regulations; customary kinship behaviour; and a list of kinship terms. Exotic customs were particularly recorded (Ibid: 04).

K.P. Chattopadhyay’s ‘*Khasi Kinship and Social organisation*’ (1941) gave an account of the significant features of kinship organisation of Khasi of Assam. The Khasi are matrilineal in descent, inheritance and succession, and matrilocal in residence. They have exogamous clans and a classificatory kinship terminology.
Matrilateral cross cousin marriage is allowed, but there is no Levirate or Sororate. With ultimogeniture the position of the youngest daughter has special significance. She is heiress, continues to live with the mother along with her husband and children, and is the custodian of the rituals and bones of the ling. She has a special position in regard to the land. Other daughters move out after their marriage and birth of one or two children, and establish nuclear family households with their husbands. The status of the husband of the Khudduh (heiress) is markedly different from that of the husband of the non – heiress; the latter is the master of the house he builds (Ibid: 07).

Adrian C. Mayer’s Caste and Kinship in Central India (1960) adopting “village outward” approach, studies kinship in reference to the internal structure of sub-caste or endogamous caste groups. The author emphasizes as fundamental, the distinction between caste and subcaste on the basis of internal and external relations. Thus, “caste” may be viewed essentially in terms of inter-caste relations within the village, but “subcaste” has to be understood in terms of kin ties spread over a region. This is shown by analysing the data gathered in one village. The constitution, organisation, and functioning of kinship unit is sought to be grasped through native categories, with the help of villagers own notions and interactional analysis; though painstaking, this has proved to be rewarding procedure (Ibid: 34).

Leela Dube (1969) presents an analytical study of the impact of matriliny and Islam on each other on the island of Kalpeni. What adds special significance to the study of this society practising matriliny coupled with duolocal residence is its adherence to Islam which in its ideology as well as in its prescriptions, mandates, and injunctions assumes and emphasizes a patrilineal social structure. This combination raises several intriguing problems of adjustment and accommodation between apparently incompatibility principles. The author discusses the form and texture of kinship relationships and kinship units, operating within a matrilineal matrix but with many Islamic influences in the socio-religious sphere.

She examines the possible bases for the fragility of marriage on the Island, with the help of a comparative picture of divorce rates in the various Muslims populations of the world following different principles of kinship organisation. Considering the direction of change, she concludes that Islam, which had so far helped in mitigating
the inherent conflicts of the matrilineal system, would now accelerate the process of such a change by providing ideological support and interest orientation. The idea of a uniform civil code has made the issue of desirability of such a change very complex. Leela Dube (1969) has also studied the manipulations of the people because of the operation of matrilineal and Islamic principles in the inheritance of property on the Island (Ibid: 33).

The kinship system is to be seen as a collection of inter-personal relationships. Social relationships between different kinds of kin involve distinct patterns of social behaviour, of rights and obligations, and of expectations, beliefs and values (Humphrey, 1998:148).

**Model of Social Reality**

A three level model of social reality is proposed for heuristic purposes by Needham (1972). This model was developed in the course of studies into prescriptive systems of kinship and marriage (Needham 1967), but is in principle generally applicable. Briefly, it discriminates the following analytically separable levels of data.

1. **The statistical-behavioural**, which comprises the aggregate consequences of the behaviour of individual members of the society or group in question. In the particular case of kinship, this level is exemplified by demographic, marital, residential and other observed patterns.

2. **The jural**, comprising the normative, legal, moral, religious and analytical statements of the society’s members. Needham likens such phenomena to what Leach (1964: 285) has called the ‘as-if’ descriptions contained in indigenous social theory. The common characteristic of jural data is that they refer to ideals held by the studied people themselves and made explicit by them, though not always verbally or in the form which the ethnographer would himself choose. For example, statements of marriage preference belong to this level.

3. **The categorical**, made up of modes of classification and systems of nomenclature. Kin terminology is perhaps the archetypical example of data at
this level. Moreover Needham (1972) has shown that the phenomenon known to anthropologists as prescription is categorical in character and not as Levi-Strauss (1969) would have it, jural. Categorically data may perhaps be said to differ from jural phenomena by being implicit. That is, they are taken for granted by the members of society and do not seem to them to require the kinds of explanation, justification and idealisation commonly associated with jural statements.

There are, then, three different levels at which marriage ability can be studied. They may choose to examine the prescriptions (if any), preferences or practices of that group. In the past, one of these has indeed tended to be emphasized to the comparative exclusion of the others (Parkin and Stone, 2004).

A ‘classificatory’ kin terminology may be thought of as a structured set or zones or regions which together make up the entire semantic space around an ego, corresponding to the category ‘sub-caste’. Every member of ego’s sub-caste is classifiable into one or other of these zones, at least in principle. Moreover, every zone is leveled with its own distinctive kinship term. The problem is to determine the principle upon which this division of semantic space is based. This is precisely what Dumont set out to do, and it is transpired that there were four such principles. By applying these one after another to the overall semantic territory, it is possible to generate the structure depicted by Dumont. The various stages involved are illustrated in following Figures:

Fig. 3. (a)

Parallel        Cross
3. (b)

![Diagram](image1)

3. (c)

![Diagram](image2)

3. (d)

![Diagram](image3)
11.1 *The structure of the Kondaiyankottai Maravar kin terminology*

The first structural principle, dividing the members of the sub-caste into (in theory equal) halves relative to ego, is the distinction between parallel and cross relatives. This divides the semantic space into two parts shown in diagram (3.a) rejects the terms ‘parallel’ and ‘cross’ on the grounds that they refer to an analytic distinction made by anthropologist which is not conceptualized in this way by the people themselves. He preferred to level these two semantic zones ‘consanguines’ and ‘affines’ respectively.

The second distinction is that of classification by ‘generation’, to retain Dumont’s phrase. As fig. 3(b) shows, the terminology typically distinguishes five generations: ego’s own, the two proceeding and the two following. The use of the term ‘generation’ is not so appropriate, especially in view of the complications introduced, for most other local groups, by eZDy marriage. Instead, in this categorical context, Dumont preferred to use of “terminological levels”. Thirdly, there is classification according to the sex of the referent (i.e. the alter). The effect of this distinguishing principle, which operates at every terminological level, is shown in fig. 3 (c). Finally, fig. 3 (d) show the distinction on the basis of relative age has the effect of dividing ego’s on level into two halves, one senior and the other junior relative to him or her.

One slight complication arises here, because this principle also applies to parallel relatives in the terminological level immediately above that of ego, where age relative to ego’s parents is taken into account (Ibid:191-192).

**Kinship System among Muslim Communities**

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Kinship among Gujjar Bakarwals

The Gujjar Bakarwal is an important tribal community of Jammu and Kashmir. Among them the ideal holds that the marriage of an individual should be arranged by his parents or by his senior relatives in case his or her parents are not alive. The Gujjar Bakarwals avoid marrying the children of the same mother, foster brothers and sisters and sister’s and brother’s children. Furthermore, they also try to avoid marrying their patrilineal descendents. In the past marriage within the boys patrilineal gotra (similar to clan) was avoided and some persons even now avoid marrying their own and their wives’ gotras. However, such restrictions are no longer strictly adhered to and marriages within one’s gotra as well as in one’s mother’s gotra are quite common.

The Gujjar Bakarwals recognise marriage with both parallel and cross cousins to be legitimate. However, instances of such marriages are extremely rare. While such marriages are accorded the status of regular marriages whenever they were occur, they are not considered desirable by the Gujjar Bakarwals as a whole. Ideally, the Gujjar Bakarwals prefer that the first marriage of their children should take place within their community. Thus, as far as possible, they try to arrange the marriage of their children within the community (Khatana in Ahmad [ed], 1976).

Kinship Groups: There are three principal kinship groups among the Gujjar Bakarwals

1) The household (Dera) - The dera (household) is the basic unit among the Gujjar Bakarwals. They count their numbers and describe their grazing and kafila groups in terms of deras. A dera usually comes into existence when a person establishes an independent household, which happens ordinarily after his marriage (Ibid: 104).

2) The lineage – In the state of Jammu and Kashmir the pastures are not allotted to individual families (Deras) or to their heads. On the contrary, they are deemed to be the property of kinship groups whose ancestors had first establish control over them and used them traditionally. These kinship groups are called dada-potre and their rights over pastures and migration routes are
traditionally recognized both by the community as a whole as well as the forest department and the revenue authorities. The *dada-potre* is a group of patrilineally related kinsmen tracing their origin to a common ancestor. The size of this group is extremely variable and may comprise as many as 250 or more persons. The generation depth of a *dada-potre* unit extends into several generations and includes person’s siblings, cousins and distant relatives in addition to uncles (Ibid:107-108).

3) **The Clan**- The entire Gujjar Bakarwal community is divided into a number of clans (*gotras*). Unlike the *dada-potre* unit which is based on actual patrilineal descent, the clan is based on a fiction of common descent. The presence of *gotras* among Gujjar Bakarwals seems to owe itself to their Hindu ancestry. The *gotra* name is usually used by the Gujjar Bakarwals as a suffix to their names. Old Gujjar Bakarwals say that inter-marriages among members of the same *gotra* were avoided in the past, but this does not seem to be true now a days and cases of inter marriage among clan members are not unknown (Ibid:112).

**Kinship among Moplahs**

The diversities found among the Moplahs of Malabar in South India (D’Souza, 1978) have led to different types of kinship organizations and property concepts among them. Some of the kinship organizations are matrilineal and some patrilineal and property concept as a rule are related to these systems. There are three distinct types of kinship systems among the Moplahs: the kinship system of the Arabis which is pattern after the Arabic system; the kinship system of the father-right Moplahs which is patterned after the indigenous patrilineal kinship system; and the kinship system of the mother-right Moplahs which is patterned after the indigenous matrilineal system.

1. **Kinship system of the Arabis**
The kinship system of the Arabis is of the Arabic type. The Arabis live in nuclear family units of husband, wife and children. Woman after marriage goes to live in the house of her husband. The father in the family is the head of the household. Several families tracing descent from a common male ancestor in the male line constitute a clan or sib. These clans are called qabilas, or tribes, after the Arab fashion. The name of their qabilas are typically Arabic as, for instance, Baduba, Barghaiba, Basqaran, Barami and Hafeef. On the other hand, the names of the clans of other patrilineal Moplahs are of the local Malayalam type, such as, Kurikkal, Kooriminnin, Valiamannin, Avunhipurath, Kathiassam-Veedu and Karuthedam. A special feature of the qabilas of the Arabis is that they are not exogamous and among them marriages between children of brothers are the most favoured type of unions. All the qabilas of the Arabis together form an endogamous group although hypergamous types of marriages do occasionally take place between the Arabis and the other groups of Moplahs (D’Souza in Ahmad(ed.), 1976).

2. **Kinship system of the father-right Moplahs**

The Moplahs following the indigenous type of patrilineal kinship system, such as that found predominantly in the interior of South Malabar and scattered everywhere in the regions, live in households of nuclear families like the Arabis. Among them also several families related in the male line constitute a clan or sib. But whereas the clan of the Arabis called qabila, the clan of other Moplahs is called a tharavad. However, what distinguishes a tharavad from the qabila is that, unlike the qabila, the tharavad is exogamous. Among these Moplahs also the father in the family is the head of the household. But on all ceremonial occasions the senior most male member of the patrilineal tharavad who is called karanavar, acts as the head, no matter in which household he lives.

In accordance with clan exogamy, marriages cannot take place between persons who are related in the male line such as the children of brothers although such marriages are the favoured type of unions in Muslim countries in general and among the Arabs in particular. But there is no objections to the children of two sisters or of a brother and a sister, marrying each other as in these cases the marriage partners would belong to different patrilineal tharavads. So it would appear that in the father right Moplahs
acceptance of marriages between the children of two sisters is due to the influence of Islam. But this influence has been ineffectual where the Muslim practice of marrying the children of two brothers is in compatible with the kinship system of the Moplahs.

3. Kinship system of mother-right Moplahs

The mother right Nairs are divided into a number of matrilineal joint families known as tharavad. Only the female members have a permanent interest in the tharavad in the sense that it is their children and their progeny in the female line that become heirs to the rights and privileges accruing from it, while the male members take only a life-interest, for their children belong to their wives tharavad which are quite separate. Since the sisters children belong to the same tharavad they cannot marry each other. But marriages between the children of brothers and sisters can take place. The tharavads are included in the bigger exogamous subdivisions called Kulams which are said to correspond to the original tharavads. Members of the group of tharavads belonging to the same kulam cannot intermarry. The Kulams are again grouped together to form sub caste which are usually endogamous. These sub castes are graded into a social hierarchy and, for the purpose of the marriage, they are subject to the rule of hypergamy whereby a woman is enjoined to marry a man either from her own sub-caste or from a sub-caste which is higher in social status than her own, but never from a lower sub-caste (Ibid: 141-146).

Kinship among the Muslims of Bangladesh

So far as the communities of Bangladesh are concerned kinship systems may vary at various socio-cultural levels. They do not follow a uniform pattern; there are, of course, differences in forms of kinship organization, kinship relations specified by kinship concepts, and their terminological features (Hasnain, 2006).

The concept involving kinship in Ratanpur are atmiya, kutum, and sariik. The term atmiya is pervasive throughout Bangladesh and, refers to all kinds of relatives-consanguinal, affinal and fictive. Bertocci (1970) used the concept of atmiya to indicate all consanguinal and affinal kinsmen.
The term *kutum* has a special meaning. It is used by the villagers to indicate only the affinal kinsmen. The term *sariik* is used to include all the *Bari* members particularly related, sharing the property of their ancestors. The kinsmen that are referred to as *sariik* fall within the bounds of *gushti*. The villagers categorised two types of *atmiya*, *nikat atmiya* and *dursamparka atmiya*. The former includes all the kinsmen closely related through father’s and mother’s lines. The latter includes all the kinsmen distantly related, may be detached relatives of mother’s lines and the collaterals having marital ties (Ibid: 40).

Kinship amongst the Muslims of Bangladesh permits patrilateral cousin marriage and marriages can be made within the *gushti* or lineage. But it is not a rule for structured Kinship. In practice, the principle of exchange has entered the picture, combined with the principle of appropriation. Marriages are made freely outside the *gushti*. As a result, ‘structured kinship’ has dissolved. Kinship among Bangladeshi Muslims is ‘unstructured’.

Marriages with FBD or a member of the *gushti* are no longer the rule. Marriages are determined by strategies rather than rule. In the language of Levi- Strauss, the spouse ‘is determined by other mechanisms, economical or psychological’. The current practice is to marry a person of equivalent social and economic status. A new kind of loose groupings has taken form, a loose network of intermarrying households of similar wealth and status. Households that belong to such a network are known as mutual *shambandis*. *Shambandis* are not a patrilineal kindred. Like *rishtedars* in Punjab, links between them are affinal. Structured kinship has dissolved. For Pakistan this may well be the face of the future, for it is already a growing tendency in urban Pakistan (Ibid: 73).

Genealogical information known as ‘*shajra nasab*’, (family tree) is often recorded in Pakistan by genealogists and is referred to by informants when information is sought. The main purpose of such ‘family tree’, however, is to prove a family’s pedigree for marriage purposes, since marriages are supposedly contracted only between ‘good’ families. In so far as genealogical memory is concerned, beyond the village level social and group relations are not articulated in the idiom of unilineal descent, and there exists no explicit ramifying segmentary system expressing relations between the
village lineages in such an idiom of descent. In Kangra, for example, Parry’s (1979) data indicate that while clans and sub clans are putatively based on common descent, actual genealogical links are traced only at a localized level (Madan, 2004).

It must be stressed, therefore, that biraderi does not simply imply a kin relationship. Consanguineous kinsmen are known as Rishtedar and this term is extended to include their spouses as well. Rishtedars are either nazdik (close) or dur (far), and a distinction is also made between sakke (real) and classificatory kin (Ibid: 125).

In this vein, Dumont’s (1957) studies of kinship terminology, gift giving and cross cousin marriage in South India have brought out the importance of marriage alliance as a principle of kinship that is on par with descent. But, for north India, he avers that the kinship terminology does not deliver the system of marriage, as it were (Dumont 1966). The analysis of traditional texts proved the ideological structure of Hindu kinship. Thus, the domain of kinship was viewed as an expression of the values that were associated with the caste system (Burghart 1983; Das 1977; Dumont 1962). The fact of the Islamic conquest and its repercussions have still to be investigated. The political uses of cross cousin marriage in South India and the exceptional pattern of parallel cousin marriage prevalent in a royal lineage of Sri Lanka in the past have been documented by Trautmann (1981).

However, both Dumont and Trautmann are salient about the marriage practices of the Muslim groups in the subcontinent. Have Muslim ruling lineages, too, realized the potential of marriage among cousins in the political realm? And does kanyadan (gift of a daughter) constitute an “Indian culture of kinship’ (Trautmann 1981: 27), with Muslims, too, sharing in this civilizational conception? While appreciating that the meaning of marriage between cousins or the gift of a daughter varies with the cultural context, there is a need to investigate the characteristic marriage pattern of Muslim rulers in this regard insofar as cousins were not proscribed as spouses among Muslims (Ibid : 405).

Structured kinship, whether based on exogamy or endogamy, is based on control exercised by men over the circulation of women in marriage. Women are treated as commodities and chattels, exchanged or appropriated for the purpose of perpetuating
male-controlled lineages and clans. In structures based upon patrilineal kinship, control over the procreative powers of women is essential for perpetuation of lineages and clans. Beyond that, control over the circulation of women also establishes social bases of powers that are exercised over members of the kin groups by men who are in charge of panchayats.

Kinship is, therefore, very much about power. Men who control kin groups have a large stake in the continued subordination of women, which is a means towards subordination of the entire group. Educated men want to marry educated women, the rich want to marry glamorous women, businessmen want to establish affinal ties with powerful bureaucrats, the not-so-well-off want a wife who can hold a good job and earn money to underpin the meager family budget. There is a pronounced trend therefore in the urban milieu in Pakistan for the constraints of structured kinship to erode, but, finally, in our patriarchal society, despite these changes, the initiative in the choice of a spouse still remains with men (Madan, 2001).

The notion of the closer kinship of paternal than maternal relatives derives from the idea that bones are a more important part of the person’s substance than flesh, as the latter cannot exist without the former but the former can without the latter, and ultimately from the conceptualization of the reproductive process according to which it is the father’s sperm from which the child’s bones and sinews grow within the mother’s womb while its flesh grows later from the mother’s blood.

Also consistent with this view of the reproductive process is the notion that kinsmen, both paternal and maternal ones, are more closer than genealogically equidistant kinswomen and any connection traced through a man is closer than one traced through a woman. Expressed in terms of the relative value ascribed to agnation and cognation, it means that of two genealogically equidistant links the agnatic one is considered closer than the cognatic one; a genealogically closer cognatic link is, however, always closer than a more distant agnatic link (Holy, 1989).

Marriages between close kin are seen as being to the advantage not only of the married couple but also of their parents. (Ibid: 52).
The effort to preserve the property of the family has often been explicitly mentioned by the actors themselves as their motivation for marriages between patrilateral parallel cousins (Ibid: 62).

In the men’s view, the marriage between patrilateral parallel cousins is the best, not only because of the practical advantages mentioned before but also because it is the easiest one to negotiate and arrange. Being brothers, the fathers of both spouses are equal in status and either of them can initiate the marriage negotiations. In any other type of marriage it is always the boy’s father who is expected to suggest the marriage of his son to the father of the girl (Ibid: 59).

Norms are a poor guide to social practice. People may say that they subscribe to the norm of joint living, but when they are old enough to give practical shape to their volitions they may still prefer to stay in nuclear households. The evidence presented in these contributions is unmistakably clear that, while the large majority of the Muslims live in simple or nuclear households, the incidence of joint families among them either compares with the average incidence for the country as a whole or, in fact, shows a higher tendency (Ahmad, 1976).

The family is a smallest and most basic sociological unit based on descent and filiations. Extending outwards from this basic unit, people operate in a number of larger kin groupings which too have descent and affinity as their constituent basis. The extent of elaborateness and longitudinal depth of these groupings varies widely from society to society. Thus, kinship relations in western societies are largely closest within the family but tend to become defuse and attenuated beyond. On the contrary, the web of extra-familial kinship groupings in African and Asian societies remains elaborate. Among Hindus, the web of extra familial groupings tends to be quite elaborate, and the same pattern replicates itself among Muslims.

Ali (1992) in his study discerns three groupings = Chauba, a patrilineal kin grouping functioning more or less as a Sub-lineage, bangsha, a lineage, and khel, a grouping of descendents tracing descent from a common ancestor- as the principal kin groupings among the Assamese Muslims and suggest that in their structure they are quite similar to the same groupings among Hindus. D’Souza (1976) refers to tharavads and Kulams
as the principal extra familial kin groups among the Moplahs, and Khatana (1992) notes the presence of the *dada potre* as an important extra familial kin grouping among the Gujjar Bakerwals. Likewise, Aggarwal (1976) and Mines (1976) describe an elaborate and ramifying structure of extended kinship groups which resemble those found among the general population in the areas they have studied. These wider kinship, groupings are not a *motley* accretions of kin but perform critical functions in ordering property relations, distribution of inheritance and regulating marriage regulations as they do among other religious communities, particularly Hindus, in India (Ahmad, 1976).

Of course, the similarities in the structure and function of these groupings is not the same among Hindus and Muslims, nor do they enjoy equal significance among both. Khatana (1992) notes that the *gotra* is recognised as an extra-familial kin grouping among the Gujjar Bakarwals it does not any more fulfill its function of regulating marriage as it does among Hindus.

Again, Mines (1976) shows that most Tamil Muslims, as indeed Tamil Hindus, recognise *pangali* to be an important kin grouping, but its significance is greatly modified among the former. ‘Among Muslims the unit has no ritual significance and death pollution is not theoretically recognised’. These differences serve to underscore religious differences, but the presence of identical social groupings equally highlights the fact that, in terms of the structure of family and kinship groupings, the Muslims in India are not necessarily distinguishable from their non-Muslim neighbours. They seem to be a part of a wider cultural complex shared equally by all those who reside in the region as a whole.

The imprint of the regional cultural environment on Muslim kinship and marriage patterns is not restricted to family norms and role relationships alone. It extends to marriage customs and practices as well as to the distribution of inheritance. The *Nikah* ceremony, prescribed by Islam for sealing a marital union between two persons, is uniformly observed by Muslim groups studied by them. However, several contributors note that this ceremony occurs side by side with a series of others social ceremonies which serves to underscore its social and religious significance. For instance, D’Souza (1976) points out that *kalyanam* is by far a more important
ceremony than the *Nikah* for sealing a marital union among the Moplahs studied by him. ‘Although the central and most important ceremony of a Muslim marriage is the ceremony of marriage contract called *Nikah*, for Moplahs’, writes D’Souza, (1976) ‘this ceremony is not sufficient to enable the bridal couple to live as man and wife. The consummation of marriage can take place only after holding another function. This latter function is called *kalyanam*...’ The Moplah word for marriage is used for the *kalyanam* rather than the *Nikah*.

Furthermore, there is evidence that the customs and rituals observed by Muslim communities at the time of marriage are adoptions of the customs and rituals observed generally within the region. Thus Ali (1992) notes that the customs of presentation (*joran*), of singing of songs by women (*bainam*) and of the ritual purificatory baths given to the bride and the groom (*noani*) are easily comparable to similar customs observed by the Hindus of that area. Lambat (1976) notes a similar pattern among the Sunni Surati Vohras of South Gujarat. He admits that while fundamentalist opinion disapproves of the continued observance of typically Hindu customs and ritual observances, they continued to prevail among the Sunni Surati Vohras despite these objections.

The practice of preferential cousin marriages has been recorded as a characteristic feature of Muslims, though Hindu groups too are found to practice certain forms of preferential cousin marriages in some parts of the country. The evidence does not support the contention that preferential cousin marriage is either practised universally among Muslim communities in India or that this preference is always adhered to while arranging marriages.

Khatana (1992) observes that, though different types of cousin marriages do occasionally occur among the Gujjar Bakarwals and are accorded the status of legitimate unions, they are generally disapproved of socially. Others too note that the endogamous unit traditionally tends to be so large as to rule out the possibility of such marriages. On the other hand, Aggarwal(1972) finds that the Meos of Rajasthan are clearly opposed to such marriages, which they consider incestuous, and attempts by fundamentalist groups to encourage such unions on the ground that they are sanctified by religion have so far proved abortive. Like preferential cousin marriages, the
practices of polygamy and divorce to are closely associated with Muslims in India, though, again both of them are fairly wide spread among other religious communities. (Ahmad, 1976; Introduction)

Several social anthropological and sociological studies focussing on Muslim social life have suggested that Muslim familial life exhibits a peculiar synthesis of Islam and Hindu traditions (Hashim, 1970), that the kinship terminology of the Muslims is comparable to that of the Hindus (Vreede-de-Steurs, 1968) and that the marriage customs of the Muslims are often characterized by a curious mixture of Hindu and Muslim rituals (Uddin, 1972). A study of a group of convert Muslims shows that Islam, which is essentially patrilineal in orientation, co-exists along with a matrilineal kinship system (Dube, 1969; Kutty, 1972). (Ibid: 02).

The Muslims taken prisoners by the Ahom king in AD 1532 were the earliest Muslim settlers in the Assam valley. They came to be known as Maria. The traditional occupation of the Marias is brass-working which is practised by many Marias even to this day. Gait (1893; 153) mentions that the descendents of the Muslim prisoners who had chosen to marry Assamese women behaved exactly as the Assamese and there was nothing Islamic about them except their names. It is quite clear from Gait’s observation that these early Muslims settlers in Assam had adapted themselves to the indigenous culture and had lost whatever Islamic moorings they had earlier (Ibid: 03).

The consolidation of Islam in the Assam valley dates from the early part of the seventeenth century. A Muslim saint named Shah Milan, popularly known as Azan Faquir, was the chief source of this consolidation. He is said to have come to Assam during the 1630s and to have promoted and stabilized Assamese Islam which has deviated considerably from the salient principles and practices of the faith as practised in northern India (Malik, 1958). Through his preaching, as well as through those of the other preachers who followed him, a large section of the indigenous population was converted to Islam. Presumably, these preachers were encouraged by the Ahom rulers to engage in missionary work and to propagate the Islamic faith. Gait (1893) believes that the majority of the people who were converted to Islam in Assam were drawn from lower Hindu castes and aboriginal tribes as was the case in eastern parts of Bengal (Ibid: 04).
Nonetheless, among the Muslims the! fiction of ‘everyone being related to everyone else’ within the village is quite strong. They say that they all belong to the same bangsha (lineage). The Muslim community is thus organized like a lineage (Ibid: 17).

Marriage among Muslim

Before the advent of Islam in Arabia, loose unions, promiscuity, polygamy and the uninhibited law of divorce were the order of the day with males, and marriage by purchase, concubinage with slave women were common practices. Women were inherited against their will by the heirs, had no right of Mehr (nuptial gift) since the father regarded the daughter as his personal property, while the guardian exercised unlimited right over minor girl and could take them for himself without price or could, if he wished, sell her to another. The wish of the woman concerned had no place in marriage. Rather, it was the father, brother or male guardian who could force her into any union. The status of legitimacy of the children depended upon the form and type of marriage entered into. Female infanticide was frequently practised, and since in old Arabian law women had no rights of inheritance, they received no part in the father’s estate (Shaukat, 1987).

Prior to Islam, marriage was strictly a contract. This is referred to by Kapadia (1966) as a beena marriage where a woman was free to choose her husband. But soon beena was replaced by baal marriage signifying the dominion of the husband over the wife and in time featuring polygyny, female infanticide, and divorce as a privilege of a man (Kapadia, 1966:198-202). As Prophet appeared on the scene during the prevalence of the baal marriage, he attempted to make marriage a sacrament while retaining its contractual features. Consequently, he discouraged men from divorcing their wives at their whim. In fact, Kapadia (1966) reports that “towards the end of his life [the Prophet’s] he went so far as practically to forbid its exercise by the men without the intervention of arbiters of judge”.

Conversely, however, the Prophet’s own marriages, reportedly to seven or eight women, his Sunnahs supporting the Purdah (seclusion) of women, mild physical beating of the women, and divorce as a privilege of the husband may not have done
much to boost the status and power of women during his time and in subsequent years (Das, 1991).

Marriage is said to be legally established when a declaration is made by one of the contracting parties, and accepted by the other. Thus the pillars of marriage are *Ijab* and *Qubul*, or declaration and acceptance, in the language of the law. The first speech from whichever side it proceeds is *Ijab* (declaration), and the other *Qubul* (acceptance). “Declaration, in the language of law, signifies the proposal made by one of the contracting parties, and ‘consent’, the acceptance of declaration of the other”.

The Shias and Sunnis agree on this condition but the Sunnis insist that the declaration and acceptance should take place at the meeting and that “the acceptance should not be discrepant from the declaration” while the Shias hold that it is not necessary that the acceptance should ‘verbally’ agree with the declaration”. Among the Shias if the guardians use the word “*Zuwwaj to ku*” and the husband answers, “I have accepted the *Nikah*” or when the former says “*Ankuh to ku*” and the latter answers “I have accepted the proposal” the *Nikah* is valid (Shaukat, 1987).

It is interesting to note that under Sunni Law “Marriage contracted in jest (*hazl*) or under duress (*ikrah*) is valid and binding”. The Shias do not agree with them on this issue. The Fatimid Shias clearly declare that: “A man’s marriage is void if it is contracted when he is drunk, or if the declaration is made in jest or by deception, without witness or wali” (Ibid: 85).

It is further a condition that the witnesses shall hear the words of both the contracting parties together. Hence, it cannot be contracted in the presence of two sleepers who have not heard the words of both the contracting parties, nor of two persons so deaf that they cannot hear; but the objection does not extend to a person who is dumb or tongue tied if he can hear (Ibid: 87).

Another factor contributing to the publicity of the marriage is the *Valimah* (marriage feast) thrown at the husband’s house when the bride is initially taken there. The Prophet’s emphasis on the *Valimah* feast is well known for the same purpose (Ibid: 89).
Like in most Indian communities, marriage among Surati Vohras of Gujarat is looked upon as essential for both males and females. Parents are said to be ‘not free’ unless they see their daughters and sons happily married. Marriage is also looked upon as a Sunna and therefore it is regarded as an obligation which must be fulfilled. Furthermore, all daughters are said to be par gaheri, literally meaning ‘for someone else’s house’. This belief compels parents to get their daughters married as soon as they reach marriageable age and a suitable match can be found for them. Formerly, the age at marriage was extremely low (Ahmad, 1976).

Marriage is looked upon by the Muslims as sunnah and it is regarded as an important obligation which must be fulfilled. They say without marriage he/she would not reach jannath (heaven), however pious he or she may be, for not having performed the important obligation as Muslim. Only physically and mentally handicapped persons who cannot carry on the day-to-day activities remain unmarried (Khan, 1994).

A chora or pora (boy) becomes an admi (full-fledged man) only after his marriage. A chori or pori (girl) acquires the status of baiku (woman) consequent upon her marriage. Thus, a boy or a girl will not acquire social personality until marriage. Married males and females are the once who gain ritual significance to participate in all the rituals and are considered to bring good omen. The unmarried are thought of as immature and the widowed are believed to bring bad omen and hence do not gain any ritual significance.

Parenthood further crowns the status of married partners. Especially, the production of a son to perform the propitiation of the agnatic ascendants spirits is considered most important. A man or woman who is known to be incapable of begetting children is treated with only outward conformity to the rules and has little influence. For this men are seen to marry for the second time just because they could not beget sons to the first wife. According to the villagers, a boy is ready for marriage as soon as he is strong enough to do a man’s work on land. That is when he can manage all the agricultural operations on the field and is able to derive bullock-cart. Unmarried girls are noticed and become the targets of comment and gossip. If they remain unmarried too long, their respectability and reputation are thought to be in danger. One year after puberty or around fourteen is considered to be appropriate age for a girl to marry.
Now the situation is changing and the age at marriage especially of girls has increased over the years (Ibid: 78).

**Mate Selection**

There are various patterns operating in the Muslim community in the sphere of selecting the mate. First, among these is one where the mate selection is done by the parents, without obtaining the consent of their children, who are directly involved in it. This may be termed as “traditional pattern” of mate selection. The second form of mate selection is one in which the marital partner is selected by the parents in consultation with the person who is going to get married. The third one in which a person himself or herself takes the initiative and makes marital choice with parental approval. These two (second and third) patterns may be called ‘mixed pattern’. Fourth form of mate selection may be considered as one where individual makes marital choice without parental approval (Jain, 1986).

**Structure of Preferences**

The Surati Vohras are an endogamous group and they practise endogamy strictly. However, among them there are no restrictions relating to sapinda, gotra and village exogamy as have been widely reported for most Hindus and some Muslim groups. Since marriages are arranged by parents among the Surati Vohras and they take place according to customary rules, it is absolutely necessary to understand the structure of endogamous units within the group and the bases upon which they are founded. It is possible to identify three endogamous units or marriage circles among the Surati Vohras. These marriage circles are those of kins or relatives, those of khandans and those of inter-marrying villages. These circles are not mutually exclusive, but do sometimes overlap.

**Circle of kins:** When a man starts looking for a partner for himself, his first choice is from among his father’s brother’s daughters, or his father’s sister’s daughters, or his mother’s brother’s daughters, or his mother’s sister’s daughters. If he cannot find an eligible partner within this circle of cousins, his choice is next extended to his second cousins. He can marry either his father’s cousin brother’s daughter, or his father’s cousin sister’s daughter or his mother’s cousin sister’s daughter. If he still cannot find
a partner, he will next bring more distant relatives into the orbit of eligible marriage partners.

**Circle of Khandan:** Besides the circle of kins or relatives, there is the circle of families bearing the same or similar surnames. These families, usually referred to as *khandans*, are favoured as in-laws above *khandans* bearing other names. It seems that the principal bases of *khandan* rank are wealth and Islamic education and possession of these elements elevate some *khandans* above the others. Originally, landholding used to be the principal criterion for arranging marriages outside the circle of kins.

**Circle of Villages:** Aside from the kins and the *khandan*, the village constitutes the third circle of marriage. People do not usually like to leave their village and go to another village in their search for eligible partners. Only when no eligible match can be found in one’s own village would one decide to look for a match in a village with which marriage ties already exist (Ahmad, 1976).

Patrilateral parallel cousin marriage, i.e. the marriage of a man to the daughter of his father’s brother, or to a kins women is referred to by the same term as the genealogical father’s brother’s daughter (FBD). The explanations of FBD marriage range from those who see it as psychologically motivated, through those who see it as functional in attaining various practical goals, to those who see it as instrumental or the reproduction of the social structure of which it is itself a part (Ladislav, 1989).

Since the mid-1950s there have appeared a number of studies concerned with a phenomenon which became known as ‘preferential patrilateral parallel cousin (or FBD) marriage’ (Barth 1954: 164; Ayoub 1959: 266; Murphy and Kasdan 1967: 2). As a first step in defining this phenomenon precisely, it is apposite to ask what are its discriminating features, and how can one recognise a ‘preferential patrilateral parallel cousin marriage’ as such? This is a question to which the corpus of writing devoted to its analysis and explanation does not give a very good answer. There are usually three kinds of data which are taken as manifestation of the preferential FBD marriage:

1. The actor’s statements to the effect that such a marriage is a particularly good one or a better one than other marriages, or that it is particularly desirable.
2. The existence in the given culture of the rule which stipulates that a man has a right to marry his FBD and that no other man can marry her unless her FBS chooses not to exercise his right or expresses his consent to her marriage to another man.

3. A pattern of contracted marriages such that the number of men who actually marry their patrilateral parallel cousin is significantly higher than it would be if their marriages were random, and which thus indicates that the asserted preference is actually enacted in behavioural practice (Ibid:1-6).

FBD marriage is recognised by the actors themselves as a meaningful category of marriage is abundantly attested by the widely prevailing notion that it is the ideal or best form of marriage or that it is at least a good or desirable marriage; in brief, it is attested by the preference for this type of marriage widely expressed by the actors themselves all over the Middle East and the adjoining areas of Muslim Africa and Asia (Ibid: 15).

When marriage preferences are graded, or when a first genealogical patrilateral cousin is a more preferable spouse than a more distant cousin or a woman of the same lineage, it would probably be more accurate to talk of two different preferences rather than one: one for lineage endogamy and one for the patrilateral parallel cousin. Even if an FBD is preferred because she is a lineage member, this does not make the preference for the former simply for the latter (Ibid: 20).

The occurrence of marriages with cross cousins, matrilateral parallel cousins and other kin can be reconciled with the lineage endogamy theory only when it is assumed that marriages with cousins other than patrilateral parallel ones are not preferred any more than the marriages among strangers. The assumption underlies, for example, Rosenfeld’s analysis of the marriage pattern of Moslems and Christians in an Arab village in Isreal. He categorises marriages as parallel cousin marriages, clan marriages (which include classificatory parallel cousin marriages), intra-village marriages and inter-village or stranger marriages. According to him they are preferred in this order (1957: 35-42), and his statistical analysis clearly indicates that such preference is to a remarkable extent enacted in behavioural practice (Ibid: 21).
Child marriages have known to exist and to some extent still exist among Muslims in India. They exist specially among Muslims of the less progressive states of Uttar Pradesh, Bihar and Rajasthan. Among the Meos of Rajasthan child marriages of females are quite common. In Kerala among Moplahs, pre-puberty marriage was the rule. Among Gujjar Bakarwals of Kashmir, betrothal of a child marriage takes place at the age of seven or eight while the consummation of Marriage takes place much later. Also there seems to exist the practice of *gauna* among them. In this group child marriage takes place but consummation takes place after *ruksati* ceremony is performed. The marriage of a girl is performed around 12-16 years, but the consummation takes place around 20-22 as this age is considered by parents to be a proper age for their daughters to undergo the strains of child bearing in the conditions of a transhumant way of life of Gujjar Bakarwal (Mistry, 2001).

Among the Muslims rarely marriage takes place between the members of very highly and very low caste groups, in such marriages, wealth, income, occupation, education etc. are generally taken into consideration (Ali, 1992)

Love matches disturb the hierarchical order and threaten the traditions that permit parents to exact obedience from their children for life. Worse, they may create a situation in which the marital tie becomes stronger than that between a man and his natal family (Haris, 2006: 131).

The Muslims are an endogamous group and they practise endogamy strictly. The selection of his spouse is actually done in much narrower range. It is indeed narrowed down to such an extent that when we speak of the group as being endogamous, what is actually implied is that there are many small endogamous units within the endogamous framework of the entire group. Further, the preferences for spouse belonging to each one of these units are systematically structured. Since marriages are arranged by parents among the Muslims and they take place according to customary rules, it is necessary to understand the structure of endogamous units within the group and the basis upon which they are founded. Ideally speaking, all Muslims are marriageable to one another.
However, among the Muslims of Gulwar in Karnataka, Khan (1994) saw tendency of the so called ‘Patelan’ to intermarry amongst themselves and to maintain a tightly knit endogamous nature of their circle of so called Patel biraderis. The Patels clearly express that they marry only amongst themselves. They constitute some lineages (biraderis) in Gulwar. For them, all Muslims who are not Patels are thought to be inferior and are called a ‘Mulia’ or ‘Mullani’. In Gulwar, Mullanis are constituted by patrilines of not more than three generations depth. For such of those descent groups who are categorise under the rubric of Mullan, the Patels say that their ancestry (Khandan) are inferior to them. Khandan is a quality inherent in the blood and hence they say Mullanis are different from us and we are different from them. They think low of Mullanis and refer to them as belonging to low birth (Khan, 1994).

The relatives who are potential mates to each other are joked at by others. It is an accepted thing to tease boys and girls about their cross-cousins, and the teased boy or girl reacts with shyness and mock anger. Sometimes these kinds of teasing result in a quarrel between the two families. In some cases, right from childhood, the cross-cousins are teased by the relatives of both sides as potential husband and wife. That is how the villagers use to comment upon Bashu Patel Mali Patel’s daughter who is about five years old and his sister’s son, aged about seven years when they were seen playing together. Thus, even before a person thinks of his marriage, whom he would marry and who is appropriate for him is speculated by the parents and relatives.

It would be surprising if a person marries outside when he has a suitable cross-cousin or any such close relative whom he could have married. Such instances would mean either of two things to the people. Either the parents of the boy and the girl are not in good terms or the boy’s parents might have gone out to grab more dowry which they could not have got from their relatives. Conversely, it could also mean that the girls’ family when it is rich and well off when compared to that of the boy’s that it went outside its relational network to obtain an equally rich or richer and well-established son-in-law (Ibid: 92).

When the preference is stated “marry a closed relative”, the cross cousins (MBD and FZD) may simply be one sub type of the more generally phrased reference. If one cannot find an eligible mate within the circle of cross-cousin, his choice is next
extended to his second cousin. If he still cannot find a partner, he will bring more
descent relatives into the orbit of eligible marriage partners.

Because marriage within the circle of related people, i.e., kin, is the most favoured
form of marriage. It is significant to note that the most important social groups for any
division in the village are his immediate circle of kinsmen who act together and who
regard themselves as risthedar. Kin groups are formed around the expectations of
mutual assistance and support. Such circles of relatives play a significant role as
effective social groups beyond family and biraderi.

It is close and frequent kin marriages which help to produce such cohesive groups.
Therefore, there is significant merging of affinal kin with the kin of the common
blood. Kinship among Muslims thus implies very strongly the necessity of marriage.
Kinship among Muslims demands co-operation and dependability. When these exist,
closer kinship can be further reinforced by well-arranged marriages and when they
donot exists, such kinship as existed is denied and forgotten (Ibid: 100).

Different terms are used to refer to a first marriage and to subsequent marriages. The
first marriage is always known as Mangalam (marriage), while a subsequent union is
usually referred to by women as Firiyam Vekkal (literally, keeping a husband) and by
men as Kanoth (local term for Nikah).

A divorced woman, who has attained puberty, has to wait for three menstrual periods
before she can remarry. This regulation, which is in accordance with the Islamic law,
aims at confirming that the woman is not with child by the previous husband. In case
she is found to be pregnant she can marry only after the delivery. The law prescribes
that a man may remarry his divorced wife only after she has been married and
divorced by another man. In cases where a divorced couple wish for a reunion a man
is arranged who would marry the woman and then divorce her after sleeping with her
for one night. This procedure, known as Voyyath, also contributes a little to the high
frequency of marriages and divorces. Sometimes if a woman has already married
another man the latter may be coaxed by her former husband to divorse her on
payment of a cash sum. Relations with a former husband amounting to adultery also
sometimes drive away a woman’s current husband. Sometimes a woman who agrees
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for a remarriage with her former husband may ask her current husband not to visit her again. In such cases it is likely that the man may refuse to divorce her and compensation in cash may become necessary (Humphrey, 1998).

The Islamic injunction of compulsory waiting of three menstrual periods for remarriage does not hold good for girls who have not attained puberty. Such a girl can be remarried on the same day she is divorced. But if it is known (through female relatives or friends) that the girl has been deflowered, she has to wait for the prescribed three months even if she has not attained puberty. A man is not bound by any restrictions for a remarriage after a divorce. He is also under no obligation to give any reason for divorcing a wife (Ibid: 185).

**Retention of previous Customs by Some Muslims**

Indian Muslims have adopted numerous rites and customs of the soil which are not to be found among Muslims elsewhere (Nadwi, 1972: 11).

The Meos claim Rajput ancestry but this claim is largely unsubstantiated. The Meos have been economically and politically dominant in Mewat, being, in fact, the rulers for a long time. Dominant ruling groups are known to have elevated themselves in the caste hierarchy. It, however, seems reasonably safe to assume that the Meos were converted to Islam from Hinduism—the predominance of Hindu rituals in their ceremonies, their Hindu names, the magnitude of their inter-dependence with the Hindu caste structure, and some historical evidence, all tend to support this belief (Aggarwal, 1976).

Patrilocal residence is preferred by the Meos for all newly married couples (Ibid:271). Descent is traced among Meos through the male line, i.e., through once father, father’s father, and so on. Only the males occupy positions of a permanent nature in the family. The place of women in their families of procreation is at best tenuous. The terms of reference—and often even the term of address—used for women is that of their native village and their parent’s *gotra or pal*, such as ‘the one belonging to such and such a *gotra* or village’. In other words, a woman retains her parental *gotra* even after marriage. Her affiliation with her husband’s family is enhanced if and when she bears sons (Ahmad, 1976).
The only restriction is that a father and a son are not allowed to marry women of the same village. In other words, a man may not marry a woman from his mother’s or stepmother’s village (Ibid: 278).

Both cross and parallel cousin marriages are avoided by the Meos. There is no definite rule regarding the degree of removal of the cousin whom one must avoid marrying. Any person with whom a cousin relationship can be traced cannot be married. In recent years, attempts were made in Mewat by some individuals to break this rule. The entire Meo caste is divided into thirteen exogamous *pals* and sixty seven *gotras*. The practice was to avoid marrying into one’s own, one’s mother’s, one’s mother’s mother’, and one’s daughter’s or sister’s *gotra*. But this practice has been modified greatly in recent years and now one has to avoid marrying into one’s own *gotra* only (Ibid: 278).

The basic unit of the kinship system within the village is household (*Ghar*) both because it is primarily a grouping of kin and because all other kinship relations emerge from it. (Fortes, 1958; Sharma, 1973) (Ibid: 334).

The Meo code of marriage prohibits a man from marrying within his lineage (*thamba*) and clan (*pal/gotra*) and within the village. They do not marry among cousins, follow certain prohibited degrees and the rules like wife takers and wife givers. However in recent years, the kinship rites like wife takers and wife givers and Matrilateral cross cousin marriages are breaking. Wherein one form of cross cousin marriage Matrilateral i.e. marriage with MBD is allowed now. According to *Riwaz - i -Am* (J. Wilson, *Codes of Tribal Customs of twenty one tribes*, Lahore, 1882) of the Meo tribe a man may not marry:

a. A woman of his own *gotra* or *pal*;

b. A woman of the village his mother belonged to, even though of a different *gotra*;

c. A woman of the village his father’s mother belonged to;

d. Any woman whose relationship with him is close enough to be traceable;

e. The daughter or descendant through males for two generation of a woman of his own *gotra*;

f. A woman of inferior caste;
g. A woman undergoing a *iddat*;

h. A non-Meo woman or a woman of different religion or of another caste;

i. The sister of his wife during his wife’s lifetime; and

j. A woman whose relations are traced through consanguine kin.

Meos still follow the rule of clan exogamy, they are not particular about the *four gotra* rules now (Chauhan, 2003).

The marriage among Muslims is a social contract as well as a religious obligation. According to Islam, it is one of the principle bases of society, which provides means for upliftment. Therefore, marriage is a social institution.

**Classification of Marriage**

In the Muslim community, marriage can be classified into the following categories:

1) Valid marriage (Sahih)

2) Void marriage (Battil)

3) Irregular marriage (Fasid)

Valid marriage: In the Muslim community, a marriage is considered to be valid, which conforms to all the religious and legal requirements.

Void marriage: If the performance of marriage violates certain prescribed prohibitions, namely affinity, fosterage, consanguinity etc it is called a void marriage (Singh, 1990)

Irregular marriage: Irregular marriage means that marriage, which is contracted under some temporary prohibitions. Such marriages are recognised neither lawful nor unlawful.

The above classification is based on the Sunni community code. But in the Shia community, there is some difference about the above division. According to the Shia law, there is no separate recognition of irregular or invalid marriage. These are all included in the category of void marriage (Madani, 1993).

A reading of Holy Quran and Ahadis reveals that in Islam marriages can be of the following types-----
1. Batil marriage (void marriages)
2. Fasid marriage (Irregular marriages)
3. Miscellaneous Prohibited marriages
4. Valid marriages

A brief description is ventured below:

1. **Batil Marriage (void marriage)**
   a) To marry idolatresses
   b) To marry forbidden relations
   c) To marry married women who have not been divorced

2. **Fasid Marriage (Irregular marriages)**

   Holy Quran and Ahadis do not approve of certain marriages but if the cause of the irregularity is removed, then the marriage gets approved or regularised. For example, Holy Quran permits maximum of four wives at a time (Holy Quran 4/3). But if a Muslim takes a fifth wife, it becomes Fasid marriage. But if his one wife dies or he divorce one of the four wives, the fifth marriage become valid. Again, Holy Quran (4/23) forbids certain marriages. If, for example, one marries the sister of one’s wife, it is Batil marriage. But if the wife dies or she is given divorce, then this marriage becomes valid. Thus certain marriages not approved by Holy Quran and Ahadis, get approved if the cause of disapproval is removed.

3. **Miscellaneous Prohibited Marriages**

   Besides Batil and Fasid marriages, there are certain marriages which are not approved of these are:
   a) Muhrim marriages
      
      Hadis 3278 to 3285 prohibits one to marry or even to give the proposal to marry when one is on pilgrimage.
   
   b) Shighar Marriages
      
      Hadis 3295 to 3301 prohibits shighar marriages, i.e. man gives his daughter in marriage on the condition that the other gives his daughter to him in marriage.
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c) Age differences

Holy Quran and Ahadis do not approve of marriages with great age difference. But such marriages do not become void.

d) It appears that earlier neither Holy Quran nor Prophet Muhammad were in favour of Mutah Marriages (i.e. temporary marriage for the period of time).

e) A divorcée

A woman divorced by her husband cannot re-marry her husband till she is married to another man and he has a sexual intercourse with her and then he abandons her and she completes her iddat.

4) Valid Marriages

Holy Quran and Hadis consider those marriages to the valid marriages which fulfil various conditions. These conditions are:

1) Both male and female are Muslims.
2) One can support a wife. (Hadis 3231)
3) Both give consent – consent of both parties, especially of the girl, is essential in a Muslim marriage. Hadis 3303 to 3308 inform that Allah’s Messenger decreed that a girl should not be married “until her permission is sought”. However, there can be an exception to this rule. Hadis 3309 to 3311 reveal that if the girl is not full grownup then the father or guardian of the girl can give the hand of his daughter or dependent in marriage.
4) Both are almost of the same age.
5) They do not fall under prohibited range. (Holy Quran 4/23)
6) Women have been divorced, if married.
7) There are not more than four wives living. (Holy Quran 4/3)
8) Neither is on pilgrimage. (Hadis 3278)
9) Is not a shighar marriage. (Hadis 3295-3301)
10) The dower (Mehr) has been settled and preferably paid. To settle and give dower is a must (Hasnain, 2006).

Impediments to Marriage

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Sura 4,26 ff. “Marry not women whom your fathers have married; for this is a
shameful and hateful, and an evil way. Though what is past may be allowed.
Forbidden to you are your mothers and your daughters, and sisters, and your and
sister’s side, and your foster- mothers, and your foster-sisters, and the mothers of your
wives, and your step daughters, who are your wards, born of such wives to whom you
have gone in; but if ye have not gone in unto them, it shall be no sin in you (to marry
them); and the wives of your sons who proceed out of your lions. And ye may not
have two sisters at the same, except where it is already done. Verily God is indulgent
and graceful. Forbidden to you also are married women except those whom your right
hands possess. This is besides this is allowed to you.”

From these verses we see Muhammad forbids the marriage of a person with the
following relations,

(a) mother, (b) Daughter, (c) sister, (d) aunt, (e) niece, (f) foster- mother, (g)
foster-sister, (h) mother-in-law, (i) step daughter (conditionally), (j) daughter-
in-law, (k) two sisters at the same time.

**Marriage Restrictions**

The Islamic law provides certain restrictions and limitations where marriage is
concerned. One such restriction is the law that a Muslim woman cannot marry a
‘kithabian’ (non Muslim) while a Muslim man can marry a Kithabia. Kithabia is a
man/woman who believes in a religion revealed through a book (other than the
Koran) but not in idolatry or fire worship. Presently love marriage and intercaste
marriage do occur. There is always an initial rejection and eventual submission. In
practice, intercaste and interreligious marriages are not accepted, unless he/she is
converted to Islam. If their children should get access to the mosque, then both
parents should be Muslim (Ibid: 58).

**Ceremonies and Rites among Muslims**

From time immemorial certain ceremonies and rites have been associated with the
institution of marriage and these rites and ceremonies have differed from society to
society in different epoch. The religious and social practices attached to the institution of marriage are called ceremonies or rites.

Among the Shia in India two distinct types of marriages are found to exist side by side. The first is the Sharai (strictly religious) form of marriage and the second is the Urfi customary form.

The “Sharai” Marriage (Strictly Religious)

This type of marriage is completely in accordance with the principles of Islam regarding marriage. The Sharai marriage requires no Rusum (ceremonies) as the holy prophet observed in the marriage of his own daughter Hazrat Fatima Zehra. In this form of marriage, only simple directions of religion are observed. The nature of such marriage is always simple and sober. The bride, bridegroom and the Mujtahid (religious teacher) are necessary. There may or may not be persons at the time of the Nikah. A welcome feature of the Sharai marriage is the comparatively small amount of mehr. Generally, Muslims think that it is better to pay the amount of mehr at the time of the marriage but according to the custom, in most cases it is not paid at the time of Nikah: Among the Shias, relatively more Sharai than Urfi marriage takes place.

The ‘Urfi’ Marriage (customary form)

The Urfi marriage is most common among the wealthy sections of the Shia community i.e., the Nawab, Wasi- qadars (Royal Pensioners) and ex-zamindars, etc. The Urfi marriage is celebrated among the Shias with elaborated ceremonies. Generally, many people accompany the marriage party, and a large number of people assemble at the bride’s place also. There is provision for music, dance and fire-works as well. Usually the amount of Mehr is in thousands or lakhs, which is not possible for bridegroom to pay at any time in his life, and in practice rarely paid to the wife.

Origin of Social Customs Regarding Urfi Marriage: After the Advent of Muslims in India, the Sharai marriage acquired new forms in conformity with the regional and class differences of country. Staunch follower of religion pronounces these customs as innovations and deviations from the tenets of religion, destroying its austerity. The
Urfi marriage contains all the requisite elements of marriages and in addition something more. When we consider the social background of the Urfi marriage customs, we find the same trend working as the purpose of each one of these customs and ceremonies is to proclaim the marriage publicly. These ceremonies may be divided into two sections.

Those that have a wide public range and are associated with the processions, music, bands and fire-works. They are mainly for the public, although the near relatives and friends take part in them. Those that are celebrated only by the near relatives or very intimate friends are generally held in the form of chalas (feast given to the married couple by the near relatives) after the marriage for an intimate get together of the near relations (Hussain, 1976).

The Shia law recognises two kinds of marriage namely:

1. **Nikah (permanent)**
2. **Mutaa (temporary)**

A Shia male may contract a Mutaa marriage with a woman professing the Mohammedan, Christian, or Jewish religion, or even with a woman who is a fire-worshiper, but not with a women following any other religion. A Shia woman cannot contract a Mutaa marriage with a non Shia.

1. It is essential for the validity of a Mutaa marriage that
   
   a) The period of cohabitation fixed and this may be a day, a month, a year or a term of years, and
   
   b) That some dower should be specified and if the amount of the dower is not specified the contract is void. But if the dower is signified and the term is not fixed the contract, though void; may even operate as permanent marriage.

2) The Mutaa marriage is subject to four essential conditions which are:

   a) The oral offer and acceptance.
   
   b) The eligibility of the partners to marry one another.
c) The fixation of a definite period for the conjugal relationship.

d) The specification and payment of the Maher (i.e. dower, payable from the man to the women for such a union)

3) The offer and acceptance should be preferably in Arabic but may be in any other language which the parties can pronounce and understand without difficulty.

The Form of the Offer and Acceptance

The women shall say:
“I give myself in marriage to thee for ... days, month, or years, in consideration of ..... Mehr (i.e. dower).

The man shall say:
“I accept the marriage for ..... days, months or years, in consideration of ..... Mehr (i.e. dower payable by me)

This offer and acceptance shall be willingly and clearly repeated thrice by both parties.

The contract may then be written down, if so desired.

Witnesses may be present, if so desired, but are not essential:

At the end of the stipulated period, the contract shall automatically cease to be operative, unless the parties agree to renew it for a further period or enter into a contract of Nikah. The husband has the right to terminate the marriage anytime, by remitting the remainder of the period.

4) A man and woman shall be deemed eligible for Mutaa if:

a) Both of them are true believers or the wife is one of the “people of the Book” (Jews, Christians and Magians), provided she abstain from repugnant practices e.g. idolatry, immodesty, eating flesh of swine, drinking alcoholic beverages, etc.

b) The woman should not be married to another man or observe iddat.

c) The woman should not be within the prohibited degrees of relationship as prescribed by law in the case of Nikah.

5. There is no minimum or maximum limit to the period.
6. There is no minimum or maximum limit to the dower.

7. The parties may, by mutual consent, make any further conditions, terms or restrictions provided they do not contravene the commands of Islam, e.g. the parties may agree to inherit from each other, in the event of death, for normally under a Mutaa the husband and wife are not entitled to inheritance and only their children are entitled to inheritance and cannot be deprived thereof. The parties may restrict themselves not to perform actual intercourse.

8. On the termination of the period the wife shall have to observe a waiting period of 45 days or two menstrual courses, whichever is longer.

9. If the husband dies before the end of the stipulated period the wife shall have to observe the waiting period (iddat) for four months and ten days.

10. During the currency of the marriage and during the waiting period the husband shall be liable to provide maintenance for the wife.

11. If the wife is discovered to be pregnant, she shall not be eligible for marriage to another man until the child is born and the husband shall be liable to maintain her upto the end of her confinement.

12. The children shall be under the guardianship of the father, just like those of Nikah.

13. The children of a Mutaa marriage shall have the rights of inheritance as the children of a Nikah marriage.

14. It is not forbidden but is undesirable to marry a virgin without her father’s consent.

15. It is not forbidden but undesirable to marry a woman of loose character or of unchaste way of life. But if person marries such a woman, he shall have to prevent her from cohabiting with any other man, and he shall not marry her until she has abstained from adultery and repented (Ibid: 171-174).

Almost all marriages in Pakistan are arranged marriages. The two families directly or indirectly, i.e. through a go-between, establish contact with each other. Usually the boy’s family takes the initiative in stating the process. The details of the process vary.
In rural areas the village barber (Nai), in conjunction with his wife, acts as the
matchmaker because he travels among villages and knows the eligible individuals
(Das, 1991).

Marriages are preferred within one’s own Khandan, religion, zat, quom, beraderi, and
general socio-economic class.

An attempt at creating a hierarchy of preferences in terms of structural affiliations and
identities should look like the following:

1) *Khandan* (includes first and second cousins)
2) *Biraderi* “Effective”
3) *Biraderi* “at large”
4) *Zat, Quom*
5) *Sect*
6) *Religion* (Ibid: 47)

In Iran, there are a number of ways in which bride for a prospective bridegroom can
be found. More often than not, a spouse is sought within the extended family network.
There is proverb which says that the hands of first cousins are united in marriage in
heaven (Behnam, 1968: 100). Aside from traditional attitudes, marriage is often a
mechanism through which families maintain and expand their power, as well as solve
interfamilial conflicts (Behnam, 1968: 100). Endogamy is also motivated to keep
property within the family (Khazanh, 1968:121) (Ibid: 79).

In some parts of the country, *shirbaha* must be paid to the bride’s parents. This might
be compared to the bride price found in other parts of the world. Although, literally,
this means payment for that milk which girl has taken from her mother, it, in fact,
means compensation for the expenses the parents have suffered in raising the girl and
preparing her for marriage. It is also considered as a counterbalance to the dowry
which girl’s parents must provide. *Shirbaha* has never been more than a custom,
therefore, it never formalised into law. Today it seldom occurs, and when it is found,
it is usually in rural area (Ibid: 81).
Marriage is regulated by the Iraqi Personal law No 188, 1959 and its amendments, Law of 1963 and Law No. 21 of 1978, which are based upon Islamic Sharia “laws”

Certain conditions are required by the law in order to have binding marriage contract. Among these conditions are those which are connected with the conclusion of a valid contract—conditions of ineligibility marriage prohibition, the dowry, age of marriage etc. with regard to the contracting parties. They should be:

1) Adult that is of age 18 years and over.
2) Sane, the insane and the drunk are not eligible to conclude marriage contract.
3) Freedom of choice, Marriage concluded under the threat or by force is illegal and not valid. To prevent marriage by force, the law demanded that marriage outside the court is illegal.
   Inspite of the fact that the Iraqi society does not recognise slavery, the Iraqi Law prohibits the slaves from concluding a marriage contract; their master is the one who has the right to do so.
4) The two parties should understand the meaning of the marriage words.
5) The contract must be concluded in a meeting between the two individual parties, either in person “Hakekatan” or by delegating their willingness and acceptance by letter or telephone “Hukmen”.
6) They must agree on all the terms of the offer.

In addition to the above conditions, there are certain regulations concerning marriage prohibitions. They are either perpetual taboo or temporary. The perpetual taboos are:

1) Being a blood relative in a condition which prohibits the marriage. A person can’t marry any descendants or ascendants, any sibling of their ascendants, and any ascendants of the brother or sister or their father and mother’s siblings.
2) Affinity or marriage relatives such as ascendants of the wife or husband after the wedding. Any descendants of both the husband and wife before or after the wedding.
3) The man is prohibited to marry his foster mother and her descendants or ascendants, his foster or adopted daughter or his ascendant, his wife’s foster ascendants and descendants or wives of his ascendants and descendants.


**Conclusion:** Kinship is an important organizing principle in human societies. Patrilineal descent forms the backbone of the Muslim kinship system. Furthermore, there is evidence that the customs and rituals observed by Muslims at the time of marriage are adoptions of the customs and ritual observed generally within region. In India, Muslim familial life exhibits a peculiar synthesis of Islamic and Hindu traditions. Marriage is said to be legally established when a declaration is made by one contracting parties, and accepted by the other. The practice of preferential cousin marriages (parallel and cross) has been recorded as a characteristic feature of Muslims. Among the Muslims rarely marriage take place between the members of very high caste and very low caste groups, in such marriages, wealth, income, occupation, and education are generally taken into consideration.