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## REVIEW OF RELIGIONS

JULY 1905.

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# THE REVIEW OF RELIGIONS.

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
نَحْمَدُهُ وَنُصَلِّي عَلَى رَسُولِهِ الْكَرِيمِ

## Divorce.

I have shown in the articles upon *Pardah* and Polygamy that the chief objections against these two institutions arise from their misconception. The same is true of divorce as permitted by Islam. The institution of divorce is as old as marriage itself, and its necessity has been admitted by all nations, civilized as well as savage, with a certain degree of variation as to the ground upon which it should be permitted. A written law on divorce having the sanction of religion is first met with in the Mosaic dispensation. The passage on which the Jewish law of divorce is based occurs in Deuteronomy and runs as follows: "When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her, then let him write her a bill of divorcement, and give it in her hand, and send her out of his house." (Deut. XXIV. 1). The phrase which is translated "some uncleanness" in the Authorised Version is rendered "some unseemly thing" in the Revised Version. The Jewish doctors also did not agree upon the interpretation of the phrase, and accordingly while the cause of divorce was limited by the school of Shammai to moral delinquency, the rival school of Hillel gave it a wider interpretation and accordingly in the latter school divorce was allowed upon causes of trifling importance.

Before considering the limitations imposed by Christianity upon the Jewish law of divorce, it is necessary to see the state of this institution among the Romans. Originally there was much laxity in this respect, the husband treating the wife as property which had passed to his possession by marriage and repudiating her at his will. Even the



law allowed freedom of divorce. But, it is said, so strong was the reaction against the laxity of divorce that for five hundred years there was not a single case of divorce though there was not the slightest hinderance to it. This is, however, a misapprehension. The fact is that divorce cases did not go to public tribunals and accordingly we do not find in history any mention of such cases. Divorces were like marriages matters of private concern. Later on a bill of divorcement was made necessary which was to be given in the presence of seven witnesses, the power of divorce resting both with the husband and the wife.

Christianity at its birth had before it the Jewish and the Roman laws of divorce as then prevailing, and in trying to remedy the evils of the prevalent institutions and putting a check upon the freedom of divorce, it went to the other extreme and imposed limitations which society could not bear. The brief words of the founder of Christianity restricting the power of divorce have, however, found various explanations. "Whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery." (Matt. V: 32). The word fornication occurring here has been variously construed. For many centuries the Church restricted its meaning to antinuptial incontinence concealed from the husband, and did not extend it even to adultery committed after marriage. To this position the Roman Catholic Church sticks to this day, as it places the right to separation between husband and wife not on a cause coming into existence after marriage, marriage being looked upon as absolutely indissoluble, but on invalidity in the contract of marriage itself. Fornication thus was, and is, understood to mean ~~only fornication before marriage and not~~ adultery which can take place only after marriage. Upon this view is based the theory that the man and the woman who are once united as husband and wife can on no ground whatever be separated afterwards in such a manner as to have the right to contract new marriage. But according to another view the words of Jesus are interpreted as meaning adultery. This is the view taken by the English law which does not look upon marriage as utterly indissoluble, but does not allow complete divorce upon any ground except that of adultery. There is a more general view however which takes fornication to include, not



only adultery and every moral delinquency, but even disagreement or any other defect which might necessitate a divorces. A celebrated exponent of this view in England was John Milton who writes: "Christ himself permitted divorce for the cause of fornication, which could not have been, if those whom God had once joined in the bonds of matrimony were never afterwards to be disunited. According to the idiom of the Eastern languages, however, the word fornication signifies, not adultery only, but either what is called any unclean thing, or a defect in some particular which might justly be required in wife . . . . . or it signifies whatever is found to be irreconcilably at variance with love, or fidelity, or help or society, that is, with the objects of the original institution." These are, however, later interpretations necessitated by the actual needs of society. The immediate effect of Christian doctrine upon the institution of marriage was that it was looked upon as absolutely indissoluble, and even when divorce was allowed, it was not a complete one, that is, the divorced parties could not contract new marriage relations. The Greek Church, however, differed in its interpretation of law from the Roman Church and granted complete divorce for the cause of adultery. Even the Roman Church reserved to itself the right of granting a licence for a complete divorce.

It would be seen that in the Jewish law the husband had a right to divorce the wife, but the wife had no such remedy against the husband. Even Jesus did not remove this disability. He, no doubt, limited the cause of divorce to fornication or adultery, but it was the husband who could divorce his wife for adultery on her part while the wife had absolutely no remedy against the husband, however cruelly she was treated. The law of divorce as prevailing in England makes a departure from the rule laid down by the Master inasmuch as against his plain words it gives to the wife the right of claiming a divorce in case she can prove adultery together with ill-treatment on the part of her husband, and so do the laws of other countries where divorce can be obtained by the husband or the wife for various causes. But these laws cannot be taken to be based on the Christian scriptures. The only change made by Jesus in the law of Moses was that the bill of divorcement should not be written by the husband for any cause except adultery on the part of the wife. Clearly enough



the Mosaic law was meant to operate in all other aspects. At any rate, the words of Jesus as given in Matthew on which the whole Christian law of divorce is alleged to be based, do not entitle a woman to claim a divorce if she considers herself to be the aggrieved party. Thus neither the Jewish nor the Christian law recognised the right of the woman to claim a divorce, and both placed the power of divorce exclusively in the hands of the husband.

Besides the Jews and the Christians there were the pagan Arabs whose institutions it was the first object of Islam to reform. The wife among the Arabs of the days of ignorance could be put away at the will of the husband, she being treated merely as property which the husband could dispose of as he liked. Palmer says in his introduction to the translation of the Quran that "the marriage knot was tied in the simplest fashion and untied as easily, divorce depending only on the option and caprice of the husband." That woman was held actually in this position is sufficiently clear from the well-recognised fact that when a person died his wives formed a part of his inheritance and the heir could either retain or reject them. Such were the divorce laws prevailing in Arab society when Islam made its appearance. They varied from the extreme looseness of pagan Arabs who could dismiss their wives at their will to the extreme severity of the Christians who looked upon marriage as an almost indissoluble connection, but strangely enough the woman was in every system deprived of the right to claim a divorce. A perfect law of divorce which should have in view the rights both of men and women, and which should at the same time be a practical law, and actually adapted to the needs of human society, was strongly needed, and this need was supplied by the holy religion of Islam.

Islam saw clearly that divorce could never be dispensed with altogether. In fact no society in the world holds at present a contrary view except the new Hindu sect which resorts to the easy practice of *Niyog* in all cases of difficulty. According to the principles preached by this sect, even adultery does not necessitate a divorce. Indeed it could not when a married woman was at liberty in many cases to have sexual connection with others than her husband and a married man with others than his wife. In cases where there is a disagreement or cruel treatment on the part of the husband, the



remedy suggested by the Arya Samaj is again the same, *viz.*, that the wife when she considers herself to be the aggrieved party, should cease to cohabit with her husband and raise children by having sexual connection with others whom she must of necessity love, the children thus born being considered heirs to the offending husband. Among other people we meet with vast differences regarding the causes of divorce. Followers of the same religion living in different countries and even those living in different states in the same country, have not been able, while basing their doctrines upon the same words, to come to one conclusion as to the causes under which divorce should be granted. \*In England, as stated above, divorce can be granted only on an application by the husband when the wife is proved to be guilty of adultery or an application by the wife when the husband can be proved to be guilty of incest or adultery combined with cruelty to the wife. Judicial separation, however, may be effected for other reasons. In Scotland, marriage can be dissolved at the instance of either party on the grounds of adultery or of desertion, the parties having the right to re-marry, except with the person with whom adultery was committed. An incomplete divorce could also be granted on the ground of cruelty. In Holland divorce can be granted on the grounds of adultery or of wilful and malicious desertion as well as unnatural offences and imprisonment for life. Prussia affords greater facility of divorce. Complete divorce can be granted for the following causes :—(1) Adultery and unnatural offences, illicit intimacy between two persons from which adultery might be presumed being taken as adultery for the purposes of divorce. (2) Wilful desertion or obstinate refusal of conjugal rights. (3) Impotency whether taking place before the marriage or after it. (4) Incurable bodily defects which excite disgust and horror. (5) Lunacy, in case there was no hope of recovery. (6) An attempt on the life of one spouse by the other, or gross and unlawful attack on her or her honour or personal liberty. (7) Incompatibility of temper and quarrelsome disposition, if rising to the height of endangering life or health. (8) Crime punished with imprisonment or false accusation of one spouse by the other. (9) Taking to an ignominious employment or endangering the life, honour trade or office of the other spouse. (10) Change of religion. By the

\*The following facts in this paragraph are taken from the New Volumes of the Encyclopaedia Britannica.



law of Denmark divorce can be obtained for incest, leprosy, transportation for crime or flight from justice after three years, and for exile not due to crime after seven years. In Sweden, complete divorce is granted for adultery. In Russia, it is granted for adultery and incompatibility of temper. In Spain, marriage is indissoluble. In Italy, judicial separation can be obtained on certain grounds, but divorce is not allowed in any form. In France, divorce can be obtained by the husband for the adultery of his wife, but not by the wife for the adultery of the husband unless he introduces his mistress into the home. Divorce can also be obtained for violence or cruelty, for acts, writings or words of one spouse which reflect upon the honour or reputation of the other, and for legal punishment involving corporal confinement and moral degradation. Habitual and groundless refusal of matrimonial rights, communication of disease, refusal to consent to a religious ceremony of marriage, and habitual drunkenness are also considered good grounds for a divorce.

The United States afford a great variety of causes for obtaining a divorce within comparatively a very small area. Adultery is a cause in 46 of these states, desertion in 44, disappearance in 42, cruelty or fear of violence in 40, imprisonment in 38, drunkenness, intemperance or habitual intoxication in 37, impotency in 36, failure to provide in 21, sin before marriage in 13, indignities in 7, insanity in 5, joining the sect of Mother Lee in 3, when divorce has been obtained in another state in 3, living apart in 2, gross neglect of duty in 2, guilty of being a vagrant in 2, refusal of wife to move into a state in 1, turning a wife out of doors in 1, habitual violent temper in 1, public defamation in 1, and any other cause deemed sufficient by courts in 1. One of these states, South Carolina, has no divorce laws at all. In many of them the expenses of obtaining a divorce are not very great, and the same publicity is not given to the suit as in England. Accordingly the number of the decrees of divorce issued is comparatively very great in the United States. It has been asserted that the real motive for divorce in many cases is the desire for marriage to a third person. It is also a fact that "divorces are the most frequent in the most intelligent communities. This fact I demonstrated," says Dr. Foote: "with reliable statistics in an address before the Manhattan Liberal Club in the winter of 1883, and in it I gave reasons therefore which are creditable rather than discreditable to the refinement and morality



of the human family." It is further noticeable that in those states where divorce is granted, the wife can have the same relief as the husband.

My object in referring to the various causes upon which divorce, complete or incomplete, can be granted in Christian countries is to show that no two Christian nations agree as to these causes. Even where divorce can be obtained upon other grounds than adultery, these grounds are by no means the same in all countries, not even in different states in the same country. This is the state of nations which all own the same religion, are at the same stage of advancement, and have an affinity of feeling on most social and moral questions. The question therefore arises, if it is desirable to limit the causes of divorce for all ages and all people. We see that whereas all European and American countries have tried in vain to limit these causes, one state has ultimately found that limitation of these causes is a fatal error and it has, therefore, permitted divorce for every cause which is deemed sufficient by a court of justice. In fact, if it were possible to limit the causes of divorce, we should not have had so much disagreement on this point among those who claim to be most civilized. With true divine foresight, the first change that Islam effected in the existing laws of divorce was that it removed the limit placed upon the causes of divorce. Islam was to be a universal religion and, therefore, it did not limit divorce to any particular cause, but allowed it in all cases where sufficient cause existed, so that the law inculcated by it might be adaptable to the needs of all men in all ages. One society may actually find it necessary to allow divorce for one cause, while another may, with equal justice, find it convenient to disallow divorce for the same cause. Treatment of the wife which may be ordinary in a rustic household may be quite unbearable by a lady of rank and though in the former case no one would ever think of divorce, in the latter it may become actually necessary. And as with different grades in the same society, so with different societies in different grades. If it had been possible to make only one law of divorce applicable throughout the whole world, the law of Jesus Christ, that saving for the "cause of adultery" on the part of the wife, no husband should divorce his wife, would not have thus presumptuously been broken by nations which profess to be his followers.



or if that law had been broken on account of its being too narrow, the civilized states professing Christianity should then have come to an agreement as to the grounds on which divorce should be allowed. It is absurd on the part of Christendom to object to the Islamic law of divorce on the ground that it does not name the causes for which divorce should be allowed, when it is itself unable to do the same. This objection of the West against Islam does not, therefore, deserve to be considered unless all the civilized nations have first agreed among themselves as to the particular causes for which a divorce should be allowed.

That divorce should be allowed for any sufficient cause is, no doubt, one of the healthiest reforms which Islam has introduced into the laws of divorce. But the objection is often advanced against Islam that by its laws the husband is at liberty to divorce his wife without any cause at all. Such an objection arises from prejudice or out of an ignorance of the Islamic law. There is no doubt that Islam does not look upon marriage as absolutely indissoluble but it does regard it as a sacred institution which should not be lightly set aside. It neither underrates nor overvalues divorce. If the Holy Prophet had considered divorce to be permissible even in cases when no sufficient cause existed, why should he have exhorted his followers to resort to it as infrequently as possible. The fact is that divorce is allowed in Islam only when it becomes necessary to remedy an evil which if not checked must lead the society to moral degradation and ruin. The wedded life is sometimes attended with troubles and difficulties which can be removed only by a recourse to the dissolution of the marriage tie. It is only under such circumstances that Islam allows divorce, and even in these cases it enjoins such a step to be taken after much deliberation and thought. *بغض* (الحلال) *الى الله* (الطلاق) is a well-known tradition which means: "Of all the things which have been permitted to men divorce is most hated by God." Could the Prophet allow divorce without sufficient cause in consistence with the principle embodied in this tradition? It is absurd to think so. The authenticity of this tradition is undeniable, while not a single word can be pointed out in the whole Islamic law of divorce contradicting it. Upon this principle is based the law of divorce as sanctioned by Islam. The fact is as I have already pointed out that Islam does not enumerate or limit



the causes of divorce but does not allow divorce without any cause at all.

The next question is in what manner does Islam satisfy itself as to the sufficiency of the cause of divorce. It will be objected that if the individual is left to exercise the power of a tribunal, he would naturally give a verdict in his own favour, and practically there would be no check upon the arbitrariness of his decision. In this connection it must be remembered in the first place that divorce in Islam is like marriage a public and not a private act, and the Qázi or the state has every right to interfere with it. I state this on the authority of the cases decided by the Holy Prophet. If the Indian case-law had been founded on the judgments of the Holy Prophet and not on those of judges who often acted in ignorance of the true Islamic principles, it would have been different from what it is. Among the most authentic traditions which are collected in the famous Bukharee, are those which describe the Holy Prophet declaring divorces null and void on more occasions than one. On one occasion he interfered in the divorce case of Omar's son in which the divorce was treated as null and the conjugal relations of the parties were restored. Of course in such a case one has not to see what was the cause for which such interference was made, for all possible forms of cases could not have come before the Holy Prophet. The important conclusion which follows from this and similar other cases recorded in authentic traditions is that the Holy Prophet, as head of the state, reserved to himself the right of rejecting a divorce, and this fact, it is easy to see, placed sufficient check upon the arbitrariness of individuals to resort to divorce when sufficient cause for the same did not exist.

Out of this right of the state to interfere in cases of divorce which were not in accordance with the Law arose at least one important point. It is clear that among other causes divorce was allowed on the ground of adultery. But this case was attended with one particular difficulty which arose in the time of the Holy Prophet himself. If the proof of adultery on the part of either spouse was complete, divorce followed as a matter of course. But the difficulty was when one spouse was certain of the guiltiness of the



other, but could not produce the necessary proof. Such a case was brought before the Holy Prophet. A man found his wife in the act of adultery and accordingly he charged her with this guilt before the Holy Prophet who decided in accordance with divine revelation that divorce should take place after both parties had taken oath four times, the accuser that he was true and the accused that she was not guilty of the charge. Now the essential point in the decision of the Holy Prophet was that the marriage was dissolved, and this was the law to be observed on all such occasions. It is easy to see that if the husband had been at liberty to divorce his wife without any cause at all, he need not have taken the trouble which he did. He knew that he had no evidence of adultery and that accordingly if he divorced his wife on this ground, his action would not go unquestioned, and therefore he was obliged to refer the matter to the Holy Prophet. It is moreover clear that the Holy Quran would not have given express law on this point if it had considered divorce without cause to be permissible. In fact such a case would never have been brought before the Holy Prophet if it had been usual in his time for the Muslims to divorce their wives without sufficient cause.

We have further evidence from the Holy Quran how the Holy Prophet on some occasions even forbade a divorce. In the well-known divorce case of Zaid and Zeinab, the parties had been for a long time at disagreement, and Zaid ultimately expressed his desire to divorce his wife. What the Holy Prophet enjoined on this occasion is thus recorded in the Holy Quran: *وَاذْكُرْ إِذْ قَالَ لِلَّهِ إِذْ نَعِمَ اللَّهُ عَلَيْهِ وَأَنعَمْتُ* (الاحزاب ٣٧) *وَأَتَىٰكَ إِلَهُكَ*, viz., "And remember when thou didst say to him to whom God had shown favour and to whom thou also hadst shown favour, 'Retain thy wife and fear God.'" (xxxiii : 37). The Divine favour to Zaid was that his heart was opened to accept Islam and the Prophet's favour was that he had treated him with the utmost kindness and married him to Zainab while she and her relatives were averse to this match and desired that the Holy Prophet should himself marry her. But they had to yield to the Prophet's wishes who wanted Zainab only for Zaid. The marriage, however, did not prove a happy one, and the relations becoming more and more strained, Zaid at last thought of divorce as the only remedy. As appears from the Holy Quran, he was at first forbidding



by the Holy Prophet to take such a step and this was the reason of his enjoining him to "retain his wife," *i.e.*, not to divorce her. This injunction to Zaid is coupled with the words "and fear God," showing that divorce even under compulsion was looked upon by the Holy Prophet as a very grave step. From this it is clear that the Holy Prophet at first restrained Zaid from executing a deed of divorce though he was afterwards obliged to give his consent when he saw that their living together as husband and wife had become almost impossible. The divorce case of Omar's son and that of Zaid afford, therefore, sure and certain testimony that the state had the right both to restrain a man from giving a divorce, when it had the reason to do so, and to declare a divorce null and void when dissatisfied with it. The individual, therefore, could not act arbitrarily and the state could impose various restraints upon him. But to warn the reader against any misconception, I may add that the Holy Prophet was not only the temporal head of the state, but also the spiritual leader and lawgiver of the community whose disputes he decided.

Another check placed upon the freedom of the individual in the matter of divorce in Islam lies in the fact that all family disagreements must according to the plain text of the Holy Quran be referred to arbitrators appointed either by the state or by leading and virtuous members of the society. Thus the Holy Quran says: *وان خفتما شقاق بينهما فابعثوا حكما من اهله وحكما من اهلها ان يريد اصالا يوفى بينهما* (which is rendered thus by Rodwell, "And if ye fear a breach between man and wife, then send a judge chosen from his family, and a judge choosen from her family; if they are desirous of agreement, God will effect a reconciliation between them; verily, God is knowing, apprised of all!") (iv: 39). An important question to be settled in connection with this verse is who are the persons included in "Ye" in this verse. Imam Shafai has held that it is the state which should appoint the two judges or arbitrators. Thus Razi says in his learned commentary under this verse: "Shafa'i, may God be pleased with him, has said that it is preferable that the state should appoint two judges and make them arbitrators. And the better course is that one of them should be of the husband's family and the other of the wife's, for their near relatives would be more cognisant of their con-



dition than strangers, and more desirous of bringing about an agreement between them. But it is lawful even to appoint strangers. The advantage of appointing such judges is that the husband and the wife will express themselves freely before the judge who is to represent his or her cause, and disclose all the facts, so that he may be able to form an opinion whether agreement or separation is desired. After this the two judges should gather together and do what they think right, decreeing either divorce or *khula*." The following incident is recorded by the same author: "A man and a woman came before the Caliph Ali, may God be pleased with him, and with each of them there was a group of other people (who may probably have been the near relatives of the husband and the wife). The Caliph ordered them to appoint a judge from the husband's and a judge from the wife's family. (When they were appointed) he said to the judges: 'Do you know what you have to do? It is your duty to see first whether an agreement can be effected. If so, then you should take the proper means to bring about an agreement between the parties. If not, then a separation should be ordered.' This case affords a good illustration of the commandment contained in the Holy Quran with regard to the appointment of arbitrators in all cases of breach between a man and his wife, and it further shows that the state plays an important part in matters of divorce. Whether the Caliph himself appointed the arbitrators or whether he only issued orders for their appointment, does not make any difference. This much is certain that the complaint was lodged before him and the arbitrators acted according to his directions and this confirms the assertion which I made, viz., that Islam requires sufficient cause for divorce and that a man cannot arbitrarily dismiss his wife but that the state can interfere and stop divorce by appointing arbitrators or declaring it null and void after it has been given if it is against the injunctions laid down in Law. Had a man such arbitrary power as is alleged, there would have been no need of appointing arbitrators for he could have dismissed his wife when he liked whether there was any fault on her part or not. But not a single word can be pointed out in the Holy Quran supporting this view. The procedure pointed out by the Word of God is that two judges should bring about agreement between the parties, and in case this cannot be done dissolve the marriage-tie, the disadvantage to be borne by the party in fault,



The procedure adopted in the Islamic law for divorce affords further evidence that the final step can be taken only after a deep deliberation. The act of divorce is not a single act, and nearly three months are required for the completion of divorce. The divorce is to be pronounced thrice, once a month, when the wife is clean. All divorces in which this procedure was not observed were declared to be null and void by the Holy Prophet. There are many advantages in lengthening the period during which the divorce becomes complete. If there is any chance that the parties should come to an agreement, the lengthy period required to complete the divorce would give them every facility for doing it. The slight differences of family life would soon be forgotten or will appear to be very trivial when contrasted with the grave consequences of separation. This procedure is thus described in the Holy Quran:

إِذَا طَلَّقَ مَرَّتَيْنِ فَامْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخْتَا فَا لَا يُقِيمَا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ (البقرة ٢٣٠)

"(The proper procedure for divorce is that) you should divorce your wives twice, but after that, you must either retain them with kindness or put them away with benefit. But it is not allowed you to appropriate to yourselves aught of what you have given to them, unless both fear that they can not keep within the bounds of the laws enjoined by God. And if you fear that they cannot observe the ordinances of God, then no blame shall attach to either for what the wife shall herself give to obtain a divorce. These are the bounds of God: therefore, overstep them not, for those who overstep the bounds of God are evil doers." In this verse besides describing the procedure to be adopted in divorce as above referred to, the Holy Quran commands the husband not only to take away nothing from what he has given her as dowry or anything else which may have been given to her as a gift, but even to give her something more and to confer on her some other benefit when the separation takes place. Elsewhere it says: (النساء ٢٠٠) وَإِذَا طَلَّقْتُمُ امْرَأَتَكُمْ وَهِيَ فِي حَيْضَةٍ فَمَا تُعْطُوا شَيْئًا مِنْ مَالِكُمْ (النساء ٢٠١) (If you divorce a wife) and you have given her a treasure, do not take aught from it." This is not a circumstance to be ignored, for a man would find it very hard to lose his wealth with his wife



and therefore he would never take such a step unless he is obliged to do it. Here we have then another check upon divorce.

Besides, there are moral precepts in the Holy Quran which no true Muslim can ignore. The commandments, prohibitions and permissions of the Holy Quran are as a rule, accompanied with the injunction to fear God and to walk in true righteousness and humbleness of heart before Him. This is in fact the one thing needed, for if a man has not this, the strictest rules cannot hold him within bounds. The Holy Quran, therefore, does not rely solely upon outward regulations, the observance of which does not necessarily lead to that purity of life which all human institutions should aim at. When it lays down an institution, it at the same time requires such inward purity as may restrain a man from the abuse of that institution. In fact, the holy religion of Islam is not satisfied with formal regulations and outward ceremonies which are only the husk of religion, but requires a man to attain to true purity of life which is the kernel, and walk in righteousness in all conditions of life, whether he eats or drinks, or rests or works, or marries or divorces his wife. The essential thing is that he should be fearing God so that he may never knowingly transgress His commandments or injure his fellow beings. No other book in the world, no law whether claiming a human origin or a Divine source, can show the peculiarity which is met with in the sacred book. True righteousness underlies all its commandments, and all its injunctions, permissions, counsels and prohibitions have as their guiding rule the noble injunction that every thing must be done with fear of God and in true righteousness. It is therefore necessary that this fact, of which all other books and laws are devoid, should be taken into consideration in dealing with the institutions and laws laid down by Islam. If it gives certain permissions, it makes them at the same time subject to certain injunctions, and it is not just to lay stress on the possible abuse of the former without considering the latter which make such abuse quite impossible. The Muslims are required to act upon the whole of the Quran and not on certain parts of it only which regulate their social relations.

It should be borne in mind that a man's act of divorcing his wife is termed *تسريح باحسان* in the Holy Quran which means "sending one forth with benefit and kindliness." It uses no such



word as rejecting or dismissing, terms which are ordinarily applied by hostile critics to Muslim divorces. The words which the Holy Book has chosen express its idea of what a divorce should be. If the man acted unjustly and without cause and cruelly turned an innocent wife out of doors, he could not be said to be sending her forth with benefit and kindness. The word *ihsan* used here is really a key to the Islamic law of divorce, for it is in this word that the true description of an Islamic divorce is contained. It really denotes that there should be a goodness or beauty in the act of divorce which cannot be unless the divorce is a step meant for the good of both the husband and the wife. The goodness in the act of divorce consists in this that it should be helpful in removing an evil. Divorce according to Islam is, therefore, rendered necessary and is lawful only when the continuity of the marriage relation is injurious and its dissolution a step for the welfare of both or either of the parties. Had this not been the object of the Holy Quran, it would not have mentioned divorce in the dignified words *تسريح باحسان* "a sending forth in a good and beneficial manner." I have drawn the above conclusion simply by considering the meaning of the word *ihsan* which means a good, comely or pleasing manner and the conferring of a benefit. But the other word *tasrih* used here also leads us to the same conclusion. *تسريح* means *sending forth the cattle or camels to pasture*, and hence it also means sending one forth to a better state, because the cattle is driven to the pasture when it is hungry. Divorcing the wife is, therefore, in the language of the Holy Quran sending her forth to a better state, that is to say, allowing her to seek some better relation when she is under some difficulty which can be removed only by the dissolution of the marriage tie. The words used to indicate divorce here, therefore, signify the removal of an evil from the path of a married couple and the conferring of a benefit upon them, especially the woman, and thus afford testimony to the effect that divorce is meant in Islam to serve as a remedy in cases of conjugal ailments which cannot otherwise be cured, and that, therefore, it is a false charge against the religion of the Prophet that it allows divorce without sufficient cause.

Words preceding those whose significance has just been considered lead us to the same conclusion. In describing the procedure which



should be adopted in divorce, the Holy Quran after saying that divorce should be pronounced twice—and it would still be incomplete—suggests two alternatives, *viz.*, *أو تسريحاً باحسان*, *i.e.*, “After that retain them with gentleness or (if you cannot do it) send them forth with benefit and kindness.” Of the two alternatives that suggested first is not that they may be divorced, but that they should be retained and treated with gentleness. The second alternative is, therefore, only to be adopted when the first fails altogether. In other words, a man should divorce his wife only when on account of some fault of his or hers, the continuation of the marriage relations, which is described by the Holy Quran as treating the wife with gentleness, has become impossible. On another occasion too the Holy Quran speaks of divorce in exactly identical words. It says: *وإذا طلقتم النساء فبلغن أجلهن فامسكوهن بمعروف أو سرحوهن* *i.e.*, “And *بمعروف* ولا تمسكوهن ضراً (البقرة ٢٣٢) (the incomplete divorce being meant), and when you divorce women, (the incomplete divorce being meant), and they have reached the prescribed time, then retain them (and treat them) with gentleness, or (if this becomes impossible) put them away with kindness and generosity; but do not retain them in such a manner as to harm or injure them and be unjust towards them.” (ii: 231). What a true and noble principle of divorce is given in these words. On no account is the home to be a place of constant quarreling and unceasing dissensions. In these few words we have three injunctions; firstly, that the wife should be treated with generosity and gentleness, *i.e.*, slight faults on her part should be overlooked and small points of difference with her should be passed over unnoticed, this being the significance of the word *ma'rúf* as given in Lane's Lexicon; secondly, when she cannot be treated in this manner, then the proper course is to have a separation which is attended with some benefit to the woman, and the husband is still enjoined to show generosity to her; thirdly, the injunction to continue the marriage relation is subject to the condition that the wife should be treated with kindness, and on no account is she to be harmed or injured or treated unjustly, in other words, to be held in a galling bondage. The truth is that if married life is not attended with the necessary happiness, it is much better for both parties that they should be separated than that they should be compelled to remain yoked to each other



against their wishes and convenience. Life in such a case becomes not only a misery for them, but its injurious effect would also extend to the offspring, because it would be the offspring not of love, but of hatred. Therefore in every case where the breach becomes irreparable and the parties cannot treat each other with gentleness and generosity, the Holy Quran orders a separation, because separation in such a case would be in the interests of humanity and virtue. It is a most serious mistake to compel uncongenial married people to live together, and this is the reason that the law of the Holy Quran affords comparative facility for divorce, though, to guard against a too free recourse to it, it at the same time strongly disapproves of the conduct of those who unnecessarily resort to it.

The Holy Quran lays great stress that the final step in the dissolution of marriage should be taken as infrequently as possible. It advises the men particularly to bear hardships against their inclinations rather than break the tie of marriage. Thus it says commanding men: *وَعَا شَرَوْهِنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ يَكُونَ خَيْرٌ لَكُمْ فِيهِ تَكَرُّهُنَّ أَوْ لِيٍّ*, i.e., "Deal kindly with your wives: for if you are discontented with them, haply you hate a thing which if you suffer to remain, surely God will place abundant good in it" (iv : 23). In this verse men are enjoined, if they are the discontented party, not to cut the marriage tie, and they are advised to overcome their dislike, which, if they do, they are promised to be rewarded with abundant good. Further on in the same chapter, the Holy Book says: *وَالزَّوْجَ الَّذِي يَخَافُ أَنْ يُبْذَلَ بَيْنَهُمَا مَالُهُمْ*

*نَشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَصْلَحَا بَيْنَهُمَا صَلَاحًا وَإِلَّصَاحًا* خيروا حضرت الانفس الشح وان تحسنوا وتتقوا فان الله كان بما تعملون خبيراً . . . . . وان يتفرقا يغن الله *كله من سعته* وكان الله واسعا حكيماً (النساء ١٢٨—١٣٠) "And if a wife fear ill usage or aversion on the part of her husband, then shall it be no fault in them if they can agree with mutual agreement, for agreement is best. Men's souls are prone to avarice; but if you deal (with your wives) with kindness and generosity, and show righteousness in your dealings, then verily your actions are not unnoticed by God! . . . . . But (if agreement cannot be brought about in any way) and they separate, God will compensate both out of His abundance, for God is Bountiful and Wise." (iv : 128—130). I have



italicised the words, "agreement is best," in the above quotation as showing the trend of the teachings of the Holy Quran. Can the Quran be said to advocate unlicensed divorce in face of the statement made by it that even when the breach has actually occurred, the best thing that the parties can do is to come to an agreement. It is only when agreement can in no way be effected and the breach threatens the permanent peace of the family that permission is given for divorce. It is further clear from the concluding words of the passage quoted above that Almighty God has allowed divorce for the welfare of the parties and not for the harm of any one of them, for it is stated that separation in a case where agreement cannot be brought about would place both in a better position by contracting new marriage relations: God will compensate both out of His abundance, as the Holy Quran says. In fact throughout the Holy Quran the first remedy suggested is an agreement, and divorce is permitted only when all possible means have failed to bring about an agreement. On the two occasions quoted above, the preference given to agreement is indicated by mentioning it first and mentioning divorce as the alternative to be adopted when nothing can be done in the way of effecting a reconciliation. Here we are told in the plainest terms that even if a breach has taken place, the best course to be adopted is to come to an agreement. On another occasion where in cases of a breach between husband and wife, the appointment of two judges from the two families is enjoined, such prominence is given to the bringing about of an agreement that the alternative of divorce is not so much as mentioned, though the power of the judges evidently extends to that. Anyone who refers to the various occasions on which divorce is permitted will, therefore, be convinced that the Holy Quran far from allowing unlicensed divorce, enjoins, even when a breach has taken place, that every possible method to bring about an agreement should be first taken, failing which divorce is permitted.

I have produced sufficient testimony from the Holy Quran showing that not only is divorce permitted in Islam on sufficient ground, but that even when the cause for it exists, the course recommended by the Holy Quran is that divorce should not be resorted to unless all means to bring about an agreement have failed. This evidence hardly needs to be supplemented from the traditions, but it may not be out of place to add here a few well-known traditions showing



that divorce can only be resorted to under compulsion when there is no other remedy for the evil. In one of these to which I have already referred it is said: *البغض الحلال إلى الله* لطلاق "Of the things permitted the most hateful in the sight of God is divorce." Another tradition says: *أيما امرأة سالت زوجها لطلاق في غير ما باس فكرام الجنة* *i.e.*, "Whichever woman shall demand of her husband a divorce without there being any injury to her, shall ever remain a stranger to the fragrance of paradise." Another saying attributed to the Prophet is: *لعن الله الذواقين والذواقات* "The curse of God is upon the men and women who are quick in marrying and quick in divorcing for the sake of carnal enjoyment." Another version of this tradition is *ان الله لا يحب الذواقين والذواقات* "Verily God does not love those men who frequently contract new marriages, nor those women who do so." The author of the *Hujjat-ul-Baligha* says that such men and women are effectually adulterers and adulteresses.

Another objection commonly raised against Islam is that according to the Islamic law of divorce women have no right to demand a divorce. How this misconception has arisen, I cannot say, but even Mr. Dilawar Husain notwithstanding his claim to Islamism makes the same mistake, and puts it as his chief objection against the Islamic law of divorce that while it gives unrestricted power to the man to divorce his wife, the woman has no right to demand a divorce from her husband or has no means to compel him to grant it even though she is cruelly treated. This objection from the pen of Mr. Dilawar Husain shows conclusively that this gentleman is as ignorant of the Islamic law of divorce as of the Islamic laws of *pardah* and polygamy. It is rash to object to these institutions without informing oneself of their true nature and extent. If there were no other indication in the Islamic law, that a woman has as much right to claim a divorce as a man to give it, the traditions quoted in the preceding paragraph would show it clearly. One of these traditions says that "the woman who shall demand a divorce without there being any injury to her, shall ever remain a stranger to the fragrance of paradise." From this it is evident that a woman can demand a divorce, for she is enjoined in strong words not to demand it unless she has sufficient cause. Another tradition quoted above is still more conclusive. *ان الله لا يحب الذواقين والذواقات* said the Holy Prophet to restrain



those who were too lax in the matter of divorce. Men and women who resort to divorce too much are spoken of in one and the same sentence, and their conduct is equally disapproved. As men could abuse the institution of divorce so could women too, and hence the ذوا قين, men who marry and divorce again and again, and the ذوا قات, women who marry and get divorced again and again are mentioned in the same breath. Of course it needs no argument to show that if women can possibly abuse the institution of divorce like men, they can like them make a right use of it. No clearer proof than this is needed of the right of women to obtain a divorce for any sufficient cause,

But the fact is that in the vast majority of cases when the dissolution of marriage becomes necessary, it is neither the man nor the woman in whose hands the power is placed. It would be admitted that the different causes of divorce do mostly merge into the one great cause of disagreement and breach between the husband and the wife, and if there is no breach, there will never be need for a divorce. ~~Now in all cases of breach the Holy Quran has pointed out a procedure~~ to be followed which if observed would serve two useful purposes, viz., a right use of discretion will be made in allowing or withholding divorce and the parties would at the same time be saved the immense trouble and expenses of going into courts, which latter course instead of bringing about an agreement only widens the breach, and puts an end to all chances of reconciliation. This procedure which I have already referred to is based on the text of the Holy Quran. We are told in the Holy Quran (iv : 35) that in all cases when a breach is feared two judges should be appointed, either by the state or by leading members of society, one from the family of each party, who should try to bring about an agreement between them, and failing that give a verdict for their separation. This verse shows the falsity of both charges, viz., that Islam places the whole power of divorce in the hands of the husband and that the wife has no remedy at all. The fact is that both husband and wife have the same power and the same remedy, and hence the interdiction to both sexes against an abuse of the system.

Plainer words than the above are however contained in the Holy Quran itself showing that where a woman is the sufferer, she can



have a divorce. The following two verses which prove this have already been quoted in another connection : *وان امرأة خافت من بعلها نشوزا او اعراضا فلا جناح عليهما ان يصلحا بينهما صلحا والصلح خير . . . . . وان يتفرقا يغن الله كلا من سعته* (النساء ١٢٨ . . . ١٣٠) which Rôdwell renders as follows: "And if a wife fear ill usage or aversion on the part of her husband, then shall it be no fault in them if they can agree with mutual agreement, for agreement is best. . . .

. . . . But if they separate, God can compensate both out of His abundance" (iv : 127, 129). Mark the words, *if a wife fear ill usage or aversion on the part of her husband*. Does it not show gross ignorance of the Holy Quran to say that the wife cannot have a divorce, however cruelly she may be treated. This is true of the English law to which Mr. Dilawar Husain wants to take us, for according to that law however cruelly the wife may be treated by the husband, she cannot obtain a divorce. But the verse of the Holy Quran, which I have quoted above gives the right to the wife to obtain a divorce when she fears ill-usage or aversion on the part of her husband.

I need not here refer to the cases which came before the Holy Prophet and in which women obtained a divorce on the ground of incompatibility of temperament, desertion, cruelty of treatment, impotency, &c., for the Holy Quran gives them this right in the plainest words. It is a matter of shame for those who without ever reading the Islamic law or the Holy Quran assert that woman is treated as a slave or as the property of the husband in Islam. In thus interpreting the Muslim law, I do not make any departure from older authorities, for all learned Muslim doctors have always held this opinion. Nor is it true that the woman cannot obtain the divorce except through a court of justice. The actual procedure which should be adopted, I have already stated. I may further add that women have always been obtaining divorces out of courts of justice. Bukharee states this of so early a time as that of the second Caliph, Omar, as can be seen by a reference to the chapter on *khulâ*, which means a divorce obtained by a woman. In fact so clear are the injunctions of the Holy Quran on this point that the law could never have been otherwise. Mark the commandments given below : *وعاشرهن بالمعروف* "And consort with your wives with gentleness." *فامسكوهن بمعروف* "Retain them with



kindness.” ولا تمسكوهن ضاراً لتعتدوا ومن يفعل ذلك فقد ظلم “And do not retain your wives by constraint so as to be unjust towards them. He who doth so, doth in fact injure his own soul. And do not treat the signs of God lightly ” (iv. 231). In this verse not only are men forbidden to retain their wives by constraint, *i.e.*, against their will when they demand a divorce on sufficient grounds, but it is further added that these commandments are signs of God and should not be lightly treated. Husbands alone are not addressed here, but even the rulers who can by their interposition mend the evil and prevent further injustice. When we are told that these injunctions should not be lightly treated, there is in fact a further injunction that breach of the rules laid down in this matter should be looked upon as a serious offence, and that proper steps should at once be taken to relieve the injured party and punish the evil-doer. A tradition of the Holy Prophet says: لا ضرر ولا ضرار فى الاسلام “There shall be no harming, injuring, or hurting, of one person by another, in the first instance, nor in return or requital, in El-Islam ” (Lane’s Lexicon, P. 1775). If Islam does not allow one person to harm, injure or hurt another, certainly it cannot allow the husband to harm, injure, or hurt his wife. Nay, in respect of the kind and gentle treatment of the wife, it goes further and expressly enjoins: خيركم خيركم باهله “The best of you is he who is best in his treatment with his wife.” These clear injunctions from the Holy Quran and the traditions will, I hope, leave no doubt in the reader’s mind as to the futility of the objections advanced against the law of divorce in Islam, and will convince him further that it is the most perfect law of divorce. As Christendom becomes more and more awake to the erroneousness of the Christian doctrine, it would ultimately see that the only divorce law which can satisfy the needs of human society and become a practical law is the law of the Holy Quran.

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## Sell on Islam, I.

Edward Sell is awake again and has commenced a series of articles on Islam with the May number of the Madras Christian College Magazine. I have read the first two articles of this series and they are, I think, discreditable to any honest writer in the present advanced



stage of the study of comparative religion. The Revd. gentleman has, during the few years since he wrote his *Faith of Islam*, attained a higher degree in divinity, and this is justified at least by his increased animosity against Islam. In these articles Mr. Sell has given vent to his bitter hatred against Islam and its founder by putting down some common-place and oft-refuted objections against Islam, the absurdity of which has seen even been by the Christian writers. In his first article, while describing the state of Arabia before the appearance of the Holy Prophet, he lays stress on the point that causes had already come into existence which helped to transform the Arabian society and that the Holy Prophet had brought nothing new. In the very beginning of his article he says: "Muhammadan historians call the period before the advent of Muhammad in Arabia 'the time of ignorance,' and thus contrast it with the age of enlightenment and culture which they allege that he introduced; but under Christian and Jewish rulers parts of Arabia were as civilized as they have ever since been. For two centuries before the birth of the Arabian Prophet, the Arabs had been brought into contact with the Jews, and Christianity, even in an imperfect form, had been a civilizing influence. The art of writing was well-known and that of poetry flourished. The poems of the pre-Islamic period show perfection of form and considerable skill in execution. It is true that the spread of Arabic and its extended use as a language in which to write of history, philosophy and other branches of learning, is due to Islam, but it is not correct to suppose that there was no Arabian literature in the so-called time of ignorance." "The doctrine of Unity was not an idea which Muhammad brought to the Arabs as a truth hitherto unknown and unrecognised." "Whether if he had not been brought into contact with Judaism, his monotheism would have been so strong is perhaps doubtful; but there is no doubt that such intercourse largely developed the Semitic bias of his character." "Islam claims to be the outcome of a special revelation: in reality it established itself on the older traditions and usages of the Arab people and on ideas borrowed from Jewish and Christian sources." "Muhammad was not the first Arab to protest against idolatry and to profess a belief in the Unity of God. Shortly before he began his mission, the Hanifs are said to have found the religious consolation they needed in the *Millah*, or religion of Abraham. Several of them became Christians, others remained Unitarians.



Muhammad in his later years professed that his mission was to restore to the Arabs the religion of their ancestor Abraham." "At the beginning of the sixth century, the state of Arabian society was on the whole irreligious, and its political disintegration was imminent. . . . He (Muhammad) saw that only on a new religious basis could his country become united and strong. . . . Whatever happened it was necessary that Mecca should be the religious and the national centre of the new age. Such, then, was the state of society, when Muhammad, imbued with the higher teaching of the Hanifs and acquainted more or less with Jewish thought, felt himself called to his prophetic mission."

This is what Mr. Sell has to say as to the pre-Islamic state of Arabian society and the conditions favourable to the spread of the mission of the Holy Prophet. In the first place he objects to the pre-Islamic period being called "a time of ignorance," as the Muhammadan historians usually call it. Arabia before the appearance of the Holy Prophet was, according to him, as much an enlightened and civilized a country as after him, and the reason given is that the pre-Islamic poems were a model of perfection, that the art of writing was known, and, perhaps the most important of all, that the civilizing influence of Christianity, "even in an imperfect form," had been at work. The Revd. gentleman is deceived, or if he is not self-deceived, he deceives the public—when he says that the pre-Islamic Arabians were an enlightened and civilized people because they could make good poetry. Passionate love for poetry to the exclusion of all other branches of learning is a proof that the nation is yet in its infancy so far as civilization is concerned. The bards of Arabia had their representatives among all people who had not advanced out of a state of savageness. But Mr. Sell, very amusingly indeed, regards the Arab's love for poetry as a proof of great enlightenment and civilization without even considering that, however fine the language and rich the imagery, their poetry described only feats of bravery on the field of battle, deeds of liberality and hospitality, rugged scenes of nature, the nobility of their camels and horses, beauty of woman and deeds of chivalry done for her sake.

To show that the pre-Islamite Arabs were actually an enlightened people as he calls them, Mr. Sell ought to have shown their progress



in different branches of learning and sciences, in sociology, morals, politics and religion. Had he the least acquaintance with Arab history, he could have seen the absurdity of his statement, for they were among the most backward people in all these matters. I do not mean to deny the virtues of the pre-Islamic Arab, his hospitality, his passion for liberty, his valour and bravery, his faithfulness to the tie which bound him to his tribe, his generosity and many other manly qualities. But civilization does not mean an occasional display of these and such-like qualities only, and even these virtues were more than counterbalanced by evils of a baser sort. If the traveller was likely to receive hospitality at the door of a Bedouin, he was as likely to be plundered of all that he possessed and even to be stripped naked. If there was attachment for tribe, it had also its abuse with it, for the slightest injury to an individual involved the whole tribe in war, and the claim was not deemed to have been satisfied until sometimes the whole tribe had been swept away. Passion for revenge was very strong. But not on these considerations can it be decided whether the pre-Islamic Arabs were an enlightened and civilized people or an ignorant and barbarous nation which had not yet seen the light of civilization. The sparks of light in the midst of the Cimmerian darkness which prevailed over the Arabian peninsula do not entitle us to take that people as a civilized and enlightened people.

As to learning and sciences, perhaps even Mr. Sell would admit that no trace of them was to be found among the Arabs before their conversion to Islam with the single exception of poetry which as I have shown above is not lacked in society even in its infancy. The art of writing was known, but the events were not recorded and we do not meet with even the rudest conception of the science of history. The genealogical and historical facts of pre-Islamic Arabia of which we can claim any knowledge were handed down in poems to posterity and a retentive memory helped to preserve them and to save them from being lost altogether. I do not know of a single prose composition dating from the pre-Islamic times. Philosophy, mathematics, science, &c., were quite unknown and they were in fact utterly inconsistent with the nomad condition of the Arab hordes.

Politically the condition of Arabia was so bad that it defied all attempts at civilization. There was no government at all. Each tribe



had its own head, and that too for the purpose of leading it into war with another tribe. Government in the true sense of the word was not known to them. Might was right and he who could wield the sword with greater skill and strength could also exercise authority. But the tribe, the family and the individual all burned for independence and did not submit to authority so long as they could. The conditions were, in short, most unfavourable for a political union which only could make civilization possible. Muir, who is in no way slower than Sell to lay hold of facts unfavourable to Islam, but who displays far more accurate knowledge of Arab history and Arab conditions than he, writes in his introduction to the "Life of Muhammad": "The first peculiarity, then, which attracts our attention is the sub-division of the Arabs into innumerable bodies, governed by the same code of honour and morals, exhibiting the same manners, speaking for the most part the same language, but each independent of the others; restless and often at war amongst themselves; and even where united by blood or by interest, ever ready on some insignificant cause to separate and give way to an implacable hostility. Thus at the era of Islam the retrospect of Arabian history exhibits, as in the kaleidoscope, an ever-varying state of combination and repulsion, such as had hitherto rendered abortive any attempt at a general union." To this state of constant warfare and political disintegration, the Holy Quran refers on more occasions than one. Mark for instance, the following verse : *وَإِذْ كُنْتُمْ أَعْدَاءً فَأَلَّفَ بَيْنَ قُلُوبِكُمْ فَأَصْبَحْتُمْ بِنِعْمَتِهِ إِخْوَانًا وَكُنْتُمْ عَلَى شَفَا حُفْرَةٍ مِنَ الْأَرْضِ فَأَنقَذَكُم مِّنْهَا (ال عمران ١٠٣)* 'And remember God's goodness towards you, how that when you were enemies, He united your hearts so that by His favour you became brethren. Then you were really on the brink of the pit of fire (*i.e.*, in constant warfare) and Almighty God saved you from it.' (iii : 99.)

It should, however, be borne in mind, and I think Mr. Sell is not quite unaware of the fact though he feigns ignorance of it, that when the Muhammadan historians refer to the pre-Islamic period in Arabia as the "time of ignorance," they refer not so much to its ignorance in the domain of literature and art or learning and sciences, as to its ignorance of all social and moral laws and its ignorance of true religion. Considered from this point of view the question is so plain that even Mr. Sell can not have any objection to it. Whatever the value of



their poetry, it did not give them any social, moral or religious law. Sell admits the prevalence among them of the inhuman practice of burying daughters alive and even of polyandry. The ties of marriage were very loose, the husband having the right to reject his wife at any moment he liked. The position of women was very low. At times they were treated as part of the husband's property. They formed part of inheritance and were taken possession of by the heir with the other effects of the deceased. Hence followed the inhuman practice of a step-son marrying his step-mother, a practice which the Holy Quran abolished. Fornication prevailed to an enormous extent. Drunkenness was common and gambling raged to such a high degree that a man after losing all his property did not hesitate to stake his freedom, which being lost, he became a slave. Certainly such a society did not deserve to be called a society, so utterly lacking were all social and moral laws. It is only out of spite for Islam that Mr. Sell dares call it a civilized society and question the applicability of the title "time of ignorance" to a period when all these inhuman practices and immoralities prevailed to such an extent as to make the Arabs quite a lawless people.

The religion of the pre-Islamic Arabs affords still clearer evidence of their ignorance and their savage notions regarding the supernatural. In one word their religion may be described as deep-rooted idolatry and gross fetishism. They worshipped not only idols, 365 of which were kept in the sacred shrine at Mecca, but they also worshipped the powers of nature, the sun, the moon and the stars. They even worshipped "stocks, stones, trees and shapeless masses of dough." "When they found a fine stone they adored it, or, failing that, milked a camel over a heap of sand and worshipped that." Human sacrifices were not unknown. Before undertaking a task the will of the gods was found out by divination by arrows. Notwithstanding all these superstitions, the Arabs were an irreligious people. There were those among them who did not believe in a future life and held Epicurean views. Those who believed in a future life, tethered a camel to the dead man's grave to die of hunger to carry the dead man on the day of resurrection. "There was a weird superstition too," says Bosworth Smith, "among them, that the soul of the dead hovered over his grave in the form of an owl, and that if the person



had been murdered, it might be heard crying 'Oscuni,' 'Oscuni,' that is, 'give me drink, give me drink;' nor would it cease doing so till the blood of the murderer had been shed." It is often asserted that the Arabs believed in God too, but the fact is that such belief was no more than an assertion. The deities and the idols had all their functions and were worshipped for the attainment of different objects, but not so God who was simply supposed to preside over the minor deities to whom He had entrusted all mundane affairs. The national cult was only a strongly rooted idol-worship and gross fetishism.

Such was the religion and such the social and moral condition of Arabia, and none but a Christian Missionary whose spiritual faculties have been benumbed by the worship of a dead man can deny that it was the time of ignorance. The social, moral and religious atmosphere of the pre-Islamic Arabs was darkened with lawlessness, immorality and superstition. In this gloomy night, dark and dense clouds hung over the Arabian soil, and the Arab love of poetry, if it had any value, was like a dim star that shone through some broken cloud. It is the clever genius of Mr. Sell which seeing this star in all the gloom represents it as the meridian sun.

Mr. Sell refers repeatedly to the wholesome influence of an imperfect Christianity, prevailing in Arabia, but it is a moot point if Christianity even in a perfect form has been a civilising influence in the world. Grave doubts have been entertained by honest thinkers on this point, and so far as history reveals the state of the Christians of even the second century, it is more repulsive than attractive. Or, if any conclusion can be drawn from the immorality now prevailing in Christian countries, it would be anything but favourable to Mr. Sell's position. One influence of Christianity is no doubt generally admitted, *viz.*, that it has introduced the evils of drunkenness, gambling and prostitution wherever it has gone. I am not in a position to say whether the large prevalence of gambling and drunkenness in pre-Islamic Arabia was due to the influence of Christianity, but certain words reported to have been spoken by the Caliph Ali show that it was. Bosworth Smith writes on the authority of Dozy: "And the Khalif Ali was not far wrong when he said of a tribe in which Christianity seemed more than elsewhere to be the dominant religion, The Taglibites are not Christians; they owe nothing to Christianity



except the custom of drinking wine.'” There were Christian poets in the times of ignorance, and their poems furnish conclusive evidence that they were at least as deeply immersed in the prevailing vices of gambling, prostitution and drunkenness as their pagan neighbours. No less a biased writer than Muir is obliged to admit “that the Christianity of the seventh century was itself decrepit and corrupt. It was disabled by contending schisms, and had substituted the peurlities of superstition for the pure and expensive faith of the early ages.” It is not my business to account for this division in the camp of Christianity. Sell is certain of “the good influences at work which led to a number of non-Christian Arabs, known as Hanifs, wholly discarding idolatry and worshipping Allah only.” Had the writer ascribed the views of the Hanifs to the influence of Judaism, his assertion would have been plausible, but to attribute it to the influence of Christianity is altogether beside the mark. Christianity, especially at the date of which the writer is speaking, was itself ignorant of the name of Allah, as the God it worshipped was only a mortal and it was about Jesus and his divinity that all the controversies between the different sects were going on. Christianity preached not Allah, but Jesus, while the Hanifs never acknowledged Jesus as their God. It was for this reason that Christianity never made any deep impress upon the Arab character. It preached a dead man as God who had by no means any superiority over their favourite and ancestral idols.\* Thus in spite of Christianity, Arabia remained what it was, and instead of its savageness being softened by the alleged good influence of Christianity, it only degenerated on account of the evils which it imbibed from it.

I come now to the most important point in this discussion, *viz.*, whether circumstances had already arisen in Arabia, that is to say,

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\*The Holy Quran refers to this contention on the part of the idolators of Mecca. Thus it says: **وقالوا اهلنا خير ام هو ما ضربوه لك الا جد لا بل هم قوم** (الزخرف ٥٨) *i.e.*, “And they, (*i.e.*, the unbelievers from among the idol-worshippers) said, ‘are our gods better, or he, (*i.e.*, the son of Mary who is spoken of in the previous verse)? They have proposed this instance to thee only in the spirit of dispute, for they are a contentious people.” (XLIII, 58). This contention which the Holy Quran puts into the mouth of the unbelievers shows clearly that Christianity preached not the worship of God but the worship of Jesus, a man, and as the Arabs worshipped angels also, they believed their gods to be superior to the god which Christianity preached.



before the appearance of the Holy Prophet, which brought about, in the words of Bosworth Smith, "the most complete, the most sudden and the most extraordinary revolution" which the world has ever seen, and it was only by chance that the Holy Prophet also preached in favour of it, or whether the revolution was one which was never anticipated before by the deepest thinkers and it was the work solely of one master mind whose magnetic power brought about unheard of wonders. I have already described the state of society whose transformation was wrought by the Holy Prophet, and I would now consider the attempts made previous to the appearance of the Holy Prophet to bring about a general union among the warring tribes of Arabia and to reform their social, moral and religious laws. After the Arabians became settled in their idol-worship and fetishism, three different religious movements, one after another, had spent all their efforts to convert the Arabs, *viz.*, Judaism, Christianity and the movement set on foot by the Hanifs. While the first two of these made stupendous exertions for the purpose and had even the authority of governments at their back, the third was a meagre attempt and had more the nature of individual conviction than a systematized organization, but its consideration becomes all the more important because of the alleged influence which it had on the Holy Prophet.

As to Judaism first. About seven hundred years before the Holy Prophet, the Jews were settled in Arabia. These early exiles had probably sought a refuge here from the severe persecutions of Nebuchadnazzar, and they settled in Khaibar which they continued to hold till the time of Omar. Later still an even greater migration of the Jews took place when they were expelled from Palestine in the times of Titus and Hadrian. After they had settled here, they began to propagate their religion which being purely monotheistic was far superior to the fetishism and idol-worship of the Arabs. The Israelites were moreover related to the Arabs who were descendants of Ishmael. Therefore they could not be treated like other foreigners. Nor were their first attempts at proselytism unsuccessful. Being descended from the same ancestor, the two nations had much in common. Had Judaism any inherent power, the conversion of Arabia to the Jewish religion would have been an easy task. But while the Jews succeeded at an early date in making conversions from the tribes of Kenanah,



Harith, Ibn Kaab and Kendah, their progress seems afterwards to have stopped. "When Zoo Navas, a king of the Hymiar dynasty . . . . . embraced Judaism, he vastly increased their numbers by compelling others to accept that faith. At that time, the Jews had great security and power in Arabia, possessing there many towns and fortresses." (Syed Ahmad Khan). But Judaism, with the government of one of the best provinces of Arabia in its hands, and with great resources and organised efforts for conversion, could not bring about any change in the religion of the Arabs and they remained as immersed in ignorance and superstition after they had come into contact with Judaism as before it.

Then came Christianity. In the third century after Christ when the Eastern Church was split up into sections and abuses had found their way into it, those who suffered persecution found like the Jews a refuge in Arabia, and settled in Najran. The missionary efforts of Christianity have always proceeded on an organised system. But in Arabia, that land of religious liberty, as Christian writers have called it, Christianity did not fare well, though it held temporal authority in some provinces, and though the influence of the court of the Roman Emperor at Constantinople and that of the Court of Najashy in Abyssinia was considerable. The kingdom of Ghassan to the North and the kingdom of Hira to the North-East were both Christian. The South also had long been subject to a Christian monarchy. Thus Christian influence was dominant on all sides and, there is no doubt, missionary effort was spent in addition. Thus Christianity had full five centuries to propagate itself in Arabia before the advent of Islam. The way to it had already been paved to a certain extent by the influence of Judaism. But the result was a hopeless failure. "After five centuries of Christian evangelization," says William Muir, "we can point to but a sprinkling here and there of Christian converts; the Beni Harith of Najran; the Beni Hanifa of Yemama; some of the Beni Tay at Tayma; and hardly any more."

Two of the most powerful religions of the world had thus tried their lot and signally failed in converting Arabia. But immediately before the appearance of the Holy Prophet, certain persons who accepted neither the Jewish nor the Christian principles strongly pro-



tested against the idolatry and fetishism of Arabia and confessed their belief in the unity of God professing to follow the Abrahamic faith. This was in fact the last human attempt at the conversion of Arabia. The Hanifs while fully respecting the traditions of the Arabs sought to establish the doctrine of unity. Whether due to any foreign influence or not, the movement was essentially indigenous and its aim was to interfere with as few customs of the Arabs as possible. In fact, they wanted to go no farther than the abolition of idolatry. But they also failed, and at the appearance of the Holy Prophet the whole nation was plunged in the ignorance and darkness in which it had been for many centuries before.

The idolatry and lawlessness of Arabia had thus stood proof against every attempt at reform. All possible means had been tried. The pure monotheism of Judaism with its minute rules, the doctrine of incarnation taught by Christianity with the easiness it afforded and the Abrahamic faith of the Hanifs with all its respect for the ancient usages, all proved equally useless. Never was reform so hopeless in the case of any other nation of the earth. And the Arabs retained their strong conservatism in spite of the fact that their religious beliefs and their laws were so low when compared with those of the people who sought to reform them. To any one who might stand up to reform this stubborn people, the previous history of Arabia and of the reform movements was a sufficient warning to refrain from the task. Even Muir has admitted all this in plain words. He says: "During the youth of Muhammad, the aspect of the Peninsula was strongly conservative; *perhaps never at any previous time was reform more hopeless.*" (Italics are mine). "Causes are sometimes conjured up to account for results produced by an agent apparently inadequate to effect them. Muhammad arose, and forthwith the Arabs were aroused to a new and a spiritual faith; hence the conclusion that Arabia was fermenting for the change, and prepared to adopt it. To us, calmly reviewing the past, pre-Islamic history belies the assumption. After five centuries of Christian evangelization, we can point to but a sprinkling here and there of Christian converts; the Beni Harith of Najran; the Beni Hanifa of Yemama; some of the Beni Tay at Tayma; and hardly any more. Judaism, vastly more powerful, had exhibited spasmodic efforts at proselytism; but as an active and converting agent, the Jewish faith was no longer operative. In fine,



viewed in a religious aspect, the surface of Arabia had been now and then gently rippled by the feeble efforts of Christianity; the sterner influences of Judaism had been occasionally visible in a deeper and more troubled current; but the tide of indigenous idolatry and Ishmaelite superstition, setting strongly from every quarter towards the Kaaba, gave ample evidence that faith and worship of Mecca held the Arab mind in a rigorous and undisputed thralldom." On another occasion the same writer remarks: "The prospects of Arabia before the rise of Muhammad were as unfavourable to religious reform as they were to political union or national regeneration. The foundation of Arab faith was a deep-rooted idolatry, which for centuries had stood proof, with no palpable symptom of decay, against every attempt at evangelization from Egypt and Syria." It is, therefore, an incontestible fact, and it is admitted even by hostile writers, that not only no circumstance had arisen in Arabia which should have brought about a change in the condition of Arabia, but that circumstances had actually arisen which had made reform more improbable than ever, and had made it impossible for mere mortal efforts to bring it about.

Sell has asserted that in reality Islam "established itself on the older traditions and usages of the Arab people and on ideas borrowed from Jewish and Christian sources," and that accordingly its claim that it is based on a special revelation is not true. But the question is that if it was possible for a man to bring about a mighty revelation in Arabia by borrowing ideas from Jewish and Christian sources and Arab customs, why did all these movements themselves signally fail? It was for several hundred years that both the Jews and the Christians spent all their efforts, with even the authority of governments at their back, to preselytise Arabia, but they failed. Similarly a Unitarian religion combined with due respect for ancient Arab customs and usages and a claim to restore the faith to Abrahamic purity was preached by the Hanifs, but fared no better and was the shortest lived of all. Had there been any inherent power in the alleged Jewish and Christian sources and Arab customs, why should they have failed, and one who only borrowed from them succeeded? Is it not wonderful that words which being preached by the Jews and the Christians for hundreds of years could not purify a single life, wrought when preached by the Founder of Islam, the most remarkable transfor-



mation in the lives of a whole nation within less than a quarter of a century? Does it not show clearly and conclusively that if the words were the same, the whole difference lay in the sources. In the one case, they proceeded from a mortal and impure source and hence their utter ineffectiveness and inability to bring about a purity in the lives of those to whom they were preached. In the other, they proceeded from a mighty source, a pure and Divine fountain-head, and hence the mighty magnetic power which they displayed in raising a nation from a state of gross immorality to one of sublime purity. Judaism, Christianity and Hanifism preached the same unity of God as did Islam, but there was an essential difference in the sources from which they drew their material and this is apparent from the wonderful difference in the results. If Sell and Muir are not atheists and believe in an all-knowing and powerful God who ordains all things according to His own Divine will, they must admit that the source from which Islam drew its teachings was higher and purer than that from which the Jews and the Christians drew theirs. And yet they deny the Divine source of Islam and deny that it is based on a Divine revelation. Was it not ordained by God that Judaism, Christianity and Hanifism should all fail and that Islam coming after all of them should succeed? Consider that if it were simply the man Muhammad who borrowed a story here from the Jews and a story there from the Christians, he could not have succeeded while the Jews and the Christians working for hundreds of years had failed. Consider that while they had temporal authority at their back, he had none. Nay he was single and persecuted. Consider also that whereas the people never turned against the Jews and the Christians when they preached their religions, and showed a spirit of tolerance, the whole nation rose up against a single man when he began to preach Islam, and not only those among whom idolatry had taken a deep root became the enemies of this preacher of unity and purity, but even the Jews and the Christians sided with them and showed the strongest opposition to him. With enemies on all sides, and all human efforts directed against him, could he have converted a single man and brought him to the path of virtue if it were not that his words had a heavenly magnetism in them? The Christians have spent too much time and labour, and they have spent it in vain, in showing that such and such a story in the Holy Quran corresponds with another found in an earlier Jewish or



Christian writing. The sources of Islam are not determined by any alleged correspondence, but by the effect which its teachings had. If the Jewish and Christian writings were the source from which Islamic teachings and principles had been taken, their effect should have been at any rate inferior to that of the originals from which they were taken. But the inability of Jewish and Christian teachings to bring about a pure transformation in the lives of a people whom Islam only within a few years changed so entirely is a conclusive proof that the source of Islam was far purer and higher than the Jewish and Christian writings.

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## Failure of the Brahmo Samaj.

The death of Babu Protap Chunder Mozumdar, the head of the Brahmo Samaj after Keshub Chunder Sen and his right hand man during his life, has given the already tottering building of the Brahmo Samaj another heavy blow. Though the deceased gentleman did not occupy the ministerial chair, yet his strong connections with Keshub combined with his own masterful intellect and the high reputation which he enjoyed gave him an uncontested position as the leader of the Samaj. He worked silently and patiently for the cause of Brahmoism, but his end was in sorrow and despair because of the gradual declining of the Brahmo Samaj. In an article contributed to the East and West in his last days, he strongly advocated a reconstruction of the Brahmo Samaj. "Keshub Chunder Sen's intimate followers are some of them," he wrote, "spiritually minded men, but their mutual differences and disesteem are so ineradicable that the whole movement has often been at the brink of utter ruin by the ill-feeling of its so-called apostles." Long experience at last taught the representative of a creed which hated all outward forms that spirituality could not be sought apart from forms and ceremonial. It was under this conviction that he wrote that "the present reconstruction binds all worshippers so hard and fast to Keshub's forms and ritual, that the freedom of spirit in the old sense has more or less to be abandoned."

Since its birth the Brahmo Samaj has been working under the leadership of men who were intellectually among the greatest sons of



India. Its foundation was laid by Raja Ram Mohan Rai, and the work was taken up after him by Keshub Chunder Sen and Davendra Nath Tagore whose names are held in great honour and respect by all educated Hindus. Though Mozumdar may not have been equal to these dignitaries, yet in his own time he enjoyed the repute of his great predecessors. But in spite of these mighty intellectual forces, the Brahmo Samaj has never influenced the thoughts and ideals of large numbers of the people of this country, and it is practically a failure now. If an intellectual religion could ever prosper, circumstances so highly favoured the growth of Brahmo Samaj that it ought to have been a sure success. But the inherent demerits of the Samaj, serious defects in its basic principles, combined with the lack of true heavenly magnetism in its leaders which mere intellectual advancement could never bring about, have ultimately brought the Samaj to sure failure.

The inherent defect in the fundamental principles of the Brahmo Samaj lies in the fact that it denies divine revelation, and hence it is an entire stranger to the highest divine blessings upon man and perfectly ignorant of the close union with God to which His righteous servants can attain. This is the reason that it is devoid of true spirituality, lack which has been felt by its chief advocates, and at last admitted to be the cause of its rapid decline and the growing disfavour in which it is held. This Brahmoistic tendency is manifested at the present day to a greater or less degree by every religion which claims to have been based originally upon a Divine revelation, Islam as interpreted by the Ahmadiyya being the only exception. All such religions are, therefore, fast losing their hold upon educated mind. For, it is argued that if God spoke to men in days past, He must speak to them now also. But if He does not speak now, He never spoke before. Applying this argument to the denial that Divine revelation is granted to any at the present day, the Brahmo Samaj came to the logical conclusion that Almighty God has really never spoken to men. Accordingly if God never revealed His existence or will to men, human reason must supply the deficiency, and religion must be based on rational principles. Starting from this point which gives the supremacy to reason and not to God, the Brahmo Samaj has at last come to the conclusion that it is utterly devoid of that spirituality in its hankering after which it rejected revelation and sought the help of reason. In



fact, there is nothing but dry words in a religion which cannot bring a man so near to God that he should enjoy the blessing and highest Divine favour of being spoken to by Him in response to his earnest and humble supplications and prayers. Even more devoid of spirituality than the Brahmo Samaj is the Arya Samaj with whom religion is not a seeking after God and a striving after righteousness, [but a glorying in empty words and abusing the sacred leaders of humanity, while the Brahmo Samaj, with whatever error there may be in its principles, speaks reverently of the great and righteous men of all ages and countries, and has at least a yearning to find out the truth though its energy is at present misdirected. This other Samaj is, therefore, destined to meet even a worse failure than the Brahmo Samaj, for a religion which is devoid of spirituality and which does not establish true connection with God can never prosper.

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## Missionary Papers.

Most of the Missionary papers in India teem with hasty scribbles, meant to fill up the pages, but pretended as edifying the reader. Their abuses and attacks must, therefore, be passed over in silent contempt, but a remark now and then may help to remove a misconception. The *Nūr Afshân* has in its issue of June 23rd two editorial notes on the *Review of Religions*. In one of these, the Christian writer has to find fault with an article on polygamy appearing in these pages. It need not be wondered at that he bases his attacks on one out of the four long articles which have appeared from March to June in these pages without ever reading the other three and without reading perhaps even the fourth in its entirety, for whatever the arguments in favour of the institution, he must oppose polygamy, and thus do what even Jesus Christ durst not do. I must state it clearly that the views expressed in the *Review of Religions* are those of the editor if the articles are not signed, and the missionaries should show their Christian charity in abusing the writer, and not the Promised Messiah, for what they find distasteful or unpleasant in these pages. I wonder if the writer knew what he wrote. He blames me of carping and cavilling instead of replying to the arguments of Mr. Dilawar Husain. I leave that point to the reader.



The *Nur Afshan* has stated two objections in this note which he would not have done if he had read my articles. "The argument based upon the needs of some *men*," he says, "would be equally applicable to women, and a defense of polyandry might be set up with equally good reason." This objection I had refuted in the very first article by showing in the first place that while polygamy helped society in the attainment of the objects of marriage, polyandry was subversive of this sacred institution. I showed that reasons for polygamy are reasons against polyandry. Again, while in a polygamous family, the father and the mother of every child are as distinctly known as in a monogamous family, in a polyandrous family the actual father is never known, and thus the grand object of the institution of marriage fails. But Christian logic does not go with reason. In the second place I showed that if men have sometimes the need to take more women than one as wives, the same need cannot be generally felt by women. The need of men was shown by me to be based on the ground that various kinds of disabilities attend women as a rule, as menstruation courses, pregnancy and delivery, and then they are not fit for conjugal relations. Had the writer shown that in the case of the Christians these disabilities had been transferred to men, he might have been right in saying that from my arguments for polygamy, "a defense of polyandry might be set up with equally good reason." If such a thing has anywhere happened, or if it is likely to happen, I will change my opinion and advocate the cause of polyandry, for then there would be no valid objection against this form of marriage. The Holy Quran of course allows polygamy and prohibits polyandry on the ground that women and not men bear children, and if the revered gentleman proves this to be wrong, he will have done a valuable service to the cause of Christianity, and inflicted a serious blow on the truth of Islam. I wait for a reply on this point, and request the gentleman to be a little more considerate when he sits down to pen his objections.

Again, I quoted verses of the Holy Quran which require the Muslims to treat their wives with equality and justice, but the writer without ever reading the Holy Quran declares authoritatively that "the law of Divorce in the Holy Quran nullifies the passages alluded to" in this statement, for that law according to this learned writer



“does not grant equality in the right of women” to obtain a divorce from their husbands. I am glad that I have to deal with this objection in a paper in which I have fully explained the Islamic law of Divorce. So I refer the reader to that article to see the absurdity of this objection. Meanwhile I challenge the editor of the *Núr Afshan* to produce a single passage from the Gospels in which the right to divorce should have been given to women even for adultery on the part of the husband. The critical faculties of these objectors seem to have been so badly blunted that they do not consider whether their objections do not apply with equal and even greater force to their own principles. If they were to bear this in mind, much of their time and paper would be saved. The following words of Dr. Starr in which he condemns the whole missionary system in bold words, should especially be read by the Christian missionaries. Speaking of the sending out of missionaries to foreign lands, the professor said :\* “It is all a mistake. An African living in an African hut after an African fashion is likely to be a better man than he would be after the Anglo-Saxon introduced his religion, his surface civilization, and his rum. We think we are the chosen of God . . . . . We are the most meddlesome race that ever existed. We meddle at home, we meddle abroad, and we meddle everywhere, and it is the almighty dollar that is the reason for our meddling. That is the watch-word of the Anglo-Saxons. Our missionary work is simply meddling.”



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\*The Truth Seeker.