



 Research Article

MARRIAGE ISSUES IN BERUNI'S "HINDISTAN" AND MARGHINANI'S "AL-HIDAYA"

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ABSTRACT

This article discusses the marriage issues in Beruni's "Hindistan" and Burhan al-Din al-Marghinani's "al-Hidaya". Family and marriage issues have gone through certain stages in all nations until they acquired certain moral and spiritual criteria to one degree or another. It is mentioned in the work "Hindistan" that the people living in the mountains from the Panchhar region to Kashmir considered it necessary and obligatory to multiply with their biological brothers and take one wife. In our article, we also aimed to do a comparative analysis of the issues of family and marriage among Indians mentioned in the work "Hindistan", and the methods of solving this issue among Muslims, based on the work "al-Hidaya" by Burhan al-Din al-Marghinani.

KEYWORDS

Beruni's "Hindistan", Marghinani's "al-Hidaya", marriage, issues, biological brothers, spiritual criteria.

INTRODUCTION

Abu Rayhan Beruni's work "Hindistan" is remarkable for the fact that it contains information on various fields of science known in his time. Among these are the religions and religious laws that are known and practiced by Hindus. The work "Hindistan" is structurally composed of eighty chapters, seventeen of which are devoted to religious topics. These are: Chapter 2 – "Description of Hindu concepts about God", Chapter 5 "On the state of souls and their migration from one body to another through

intercourse in the world", Chapter 6 "On Mahshar, the reward of heaven and the place of punishment in hell", Chapter 10 "On the Source of Religious Guidance and Law in the Hindus and the Abolition of Certain Sharia Rulings", Chapter 11 "On the Beginning of Worship of Idols and Their Description", Chapter 12 "On the Vedas, Puranas and Religious Books of the Hindus", Chapter 61 "On the Lords of Time According to Sharia and Astronomy and Other Related Matters", Chapter 65 Chapter "About Sacrifices", Chapter 66 "About Hajj

and Visiting Holy Places”, Chapter 67 “About Alms and Property Tax”, Chapter 68 “On Foods and Drinks Considered Halal and Haram”, Chapter 69 “Questions of Marriage and Pregnancy among Indians”, Chapter 70 “On Lawsuits” Chapter 71 “On Punishment and Atonement”, Chapter 72 “Inheritance” issues and the right of the deceased in his inheritance”, chapter 73 “About fulfilling the rights of the deceased in relation to his body and the rights of the living in relation to their bodies”, chapter 74 “About fasting and its types”[1, 43-48].

In our article, we aimed to do a comparative analysis of the issues of family and marriage among Indians mentioned in the work “Hindistan”, and the methods of solving this issue among Muslims, based on the work “al-Hidaya” by Burkhanuddin al-Marginani.

THE MAIN FINDINGS AND RESULTS

It is known that each nation regulates the issue of family and marriage on the basis of specific laws and regulations. In addition, each nation has its own religious image, style and custom. In this place, those who obey the Sharia and claim to follow God’s orders have a special place. In the work “Hindistan” information is given about the custom of marrying children from a young age, which existed among Indians at that time. According to him, the boy’s father and the girl’s father get engaged and fulfill their marriage vows[1,357]. In this, the Brahmins perform the sacrificial ceremony, and the parents give alms to the Brahmins and rejoicing ceremonies are held “... dowry is not determined between sons and daughters, (but the young man) gives gifts of dowry and cash for the wife according to his own needs” [1, 357.]. According to Indian custom, the bridegroom does not take back what he gives under any circumstances. But the wife can return it with her consent.

In Islam, unlike Hindus, dowry is determined in the marriage ceremony[2, 59-62.]. The given dowry (cash, real estate, etc.) cannot be returned in any case[2, 63-68.]. But the woman can give back at will.

In Hindu marriage, nothing but death can separate husband and wife. Because there is no divorce among the Indians[1,357.]. Islamic Shari'a defines the ways and requirements for the annulment of marriage between husband and wife by legal means [2, 139-143.].

According to Indian custom, if the wife's husband dies, she is not allowed to touch the second earth. At that time, the latter was considered preferable, because if he did not do so, his life would be in torment[1,358.]. In Muslims, it is possible to enter into a new marriage relationship after the annulment of the Sharia marriage, either due to divorce or due to the death of the husband.

And in the case of Indian kings, after their death, according to the picture, their wives are randomly fornicated (Zino (Arabic) - having illegal sex with a foreign woman) in order to prevent them from falling, it was customary for women to burn them whether they wanted to or not. They did not leave any of them alive. They did not kill him unless he was old or had a child and his children were sure to save him from making mistakes. Men have the right to marry from one to four wives, and more than four are forbidden. The work does not provide information about when the rule of limiting the number of wives to four was introduced. However, the number of wives allowed for different castes varied (A Shudra cannot have more than one wife, a Vaishya two, a Kshatriya three, and a Brahmin four)[5,522].

In Jahiliyat Arabs, the custom of not limiting the number of wives to men continued until the advent of Islam[4,520.]. This custom is prohibited by the Qur’anic

verse (Surah “Nisa”, verse 23) [7]. In Islam, a free man has the right to have up to four wives, and a slave has the right to have two wives[2,22-23]. As outrageous as this instruction of Islam may seem today, this law was a positive step for its time. Before Islam, in the tribes living in the Arabian Peninsula, while men could marry several wives at the same time, women’s rights were not completely protected due to the unlimited number of divorces. As a result, if the husband wanted, the woman had to remain at his disposal for life.

In Hindu marriage laws, marrying strangers is preferable to marrying relatives, and distant relatives are preferred over close relatives. Also, it is forbidden to marry the daughter-in-law and the great-granddaughter, and it is also forbidden to marry the mother, grandmother and the mother of these two. Relatives who have lost their parents on both sides are prohibited from marrying their sisters, their daughters, uncles, aunts, and the daughters of these two as above [1, 358.].

In Jahiliyat Arabs, it was a custom to combine sisters in one marriage, and the husband's children owned and even married a widowed stepmother [4, 529.]. In the Islamic religion, such works are prohibited in fiqh works, including “al-Hidaya” in the section “Women whose marriage is forbidden” in the “Book of Marriage”[2,10-11], and their shari'i sources are indicated (Surah “Nisa”, verse 23) [7.].

Some Hindus say that the number of wives a man can marry depends on his caste. It was considered proper for each caste to marry members of their own caste or castes below it, and it was not considered proper for a person of a lower caste to marry a person of a higher caste. Children belong to their mother's caste, not their father's. For example, if a brahmin's wife is a brahmin, the child born will be a gham brahmin, and if the wife is a shudra, the child will also be a shudra. Brahmins were

not generally forbidden to cross caste, but they did not do so and did not marry women from other castes [5, 624-636.].

In Islam, there is a concept of equality in marriage, that is, that the future groom should be worthy of the girl financially and spiritually. In this regard, the Prophet, peace be upon him, said that women should be married only to people who are equal to them[2,43.]. In addition, equality in lineage, religion and property is also considered.

Family and marriage issues have gone through certain stages in all nations until they acquired certain moral and spiritual criteria to one degree or another. It is mentioned in the work “Hindistan” that the people living in the mountains from the Panchhar region to Kashmir considered it necessary and obligatory to multiply with their biological brothers and take one wife.

Even in the pre-Islamic period of Jahiliyyah, the Arabs had the custom of a son marrying his father's wife or a father's son's wife, and several people were married to one wife. In some tribes, a child born of such a marriage was given on the woman's instructions to a man of her choice, or such a child was left with the mother in connection with the mother's lineage. The dangerous side of such “marriages” is that, on the one hand, it is impossible to determine the original surname of the child and, as a result, it spoils the human race due to mixed blood, and on the other hand, if a girl is born as a result of this type of marriage, the person identified as the father often kills the girl child [4,529.].

In the case of a woman's fetus, Islam has put into practice the rule of self-observation, not entering into another marriage for three months from the time of dissolution of the marriage in order to determine her lineage without doubt[2, 325.] (Surah “Nisa”, verse

228) [7.]. This custom was also known to the Jahiliyat Arabs, but most of the tribes did not follow it. Only the Ismaili tribes living in the northern parts of the Arabian Peninsula followed.

In the Islamic religion, the imposition of strict requirements in determining the lineage was related to a direct threat to the human race. According to experts, the lack of strict restrictions on family and marriage can lead to the destruction of the human race and eventually to its extinction. For this reason, in the religion of Islam, the categories that can be entered into marriage relations have been strictly defined: “Do not marry the wives that your fathers married! If it happened before, (if you are married, Allah will forgive). Indeed, this is an ugly and abominable act” (Surah Nisa, verse 22), “For you, your mothers, your daughters, your sisters, your aunts, your brothers’ daughters, your sisters’ daughters, your nursing mothers, your nursing sisters, your mother-in-law’s daughters of your wives who had sex with you (it is forbidden to marry these listed women) - if you did not have sex with your wives (if you divorced them and married their daughters born from their previous husbands), then it is a sin for you. Also, it is forbidden for you to marry your sons from your pink belt to their wives and marry your sisters (i.e. marrying one without divorcing another). Unless it happened before (Allah forgives). Indeed, Allah is Oft-Forgiving, Most Merciful” (Surah An-Nisa’, verse 23).

In addition, the Prophet, peace be upon him, said: Those who suck from one breast and become mahram; There are also hadiths that say, “They are like those who are mahram for the reason of being born from the same womb” [2,16.].

The following conclusions can be drawn from the comparison of the rules of marriage and family

relations in India, given in the work “Hindistan”, with the laws established in the Islamic religion:

- Regardless of which part of the earth and in which eras, following which religion and religious visions, humanity strives to be within the framework of moral criteria characteristic of universal values (establishing a family on the basis of marriage, ensuring women’s property interests in marriage, dowry);

- serious attention is paid to the issue of ensuring the continuity of the human race (in Hindus, the principle of marrying strangers is preferable to marrying a relative, in Muslims, the concept of mahram has been introduced);

- Adultery, which undermines the institution of family and marriage, is intolerance towards illegal intimacy between a man and a woman (in Hindus, in order to save their wives from adultery, they throw them into the fire after the death of their husbands, Islam imposes serious punishments for adultery, including the death penalty);

- limiting the number of wives in order to end the practice of men owning an unlimited number of women in society (in Hindus, the number of wives for different castes is from one to four, in Muslims up to four for a free man, up to two for slaves);

-introduction of the institution of divorce, annulment of family and marriage relations within the framework of the law (in the work “Hindistan” it is mentioned that there is no divorce in Indians, the rule of triple divorce is implemented in Islamic law (Jahiliyat (pre-Islamic period) Arabs had the concept of divorce. However, since the number of divorces was not limited, husbands did not divorce their wives and tormented their wives for a lifetime) [2, 139-143]).

In the field of family and marriage, while Hindus and Muslims have certain things in common, there are also some things that differ from Muslims, and they are as follows:

- Hindus do not have the custom of setting a dowry during the marriage ceremony (but the young man gives a dowry and cash gifts for the wife according to his devotion);

- annulment of marital relations by legal means - there is no concept of divorce (for this reason, a woman whose husband died must throw herself into the fire (This custom was called “sati” and according to it, widows were burned. Sources say that this custom was first practiced in Kshatriya families and that it was not very popular at all) [5, 624-636.]);

- it is not allowed to divorce and start a new family (usually, if the wife's husband dies, she cannot touch the second land, she must remain a widow for the rest of her life without touching the land, or throwing herself into the fire and burn herself);

- for prostitution, that is, adultery is not severely punished (it was considered by the kings as a means of filling the treasury).

CONCLUSION

These are the conclusions obtained from a brief analysis of the common and different aspects of the rules existing in the family and marriage issues of the Indians during the time when Abu Rayhan Beruni lived. In the words of Hazrat Abu Rayhan Beruni, the purpose of mentioning such bad habits and injustices is so that the goodness of the right path is known and the badness of the wrong path becomes more visible in comparison to it.

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