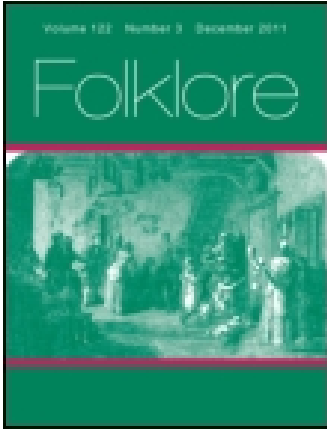


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SOME MATRIMONIAL PROBLEMS OF THE WESTERN BORDER OF INDIA.

BY MAJOR A. J. O'BRIEN, C.I.E., DEPUTY COMMISSIONER, PUNJAB
COMMISSION.

(Read at Meeting, April 19th, 1911.)

THE purpose of this paper is to describe briefly a social system quite dissimilar to our own, and then to show some of the difficulties and problems that arise out of it. We consider our customs, which are the result of the evolution of centuries, as nearly perfect as possible. But a Punjabi man would denounce them as imperfect, and even a Punjabi woman, who, as we shall see, is in a state of subjection, would strongly object to any system which was likely to leave her unmarried for any length of time after she was grown up.

Perhaps the best way of gaining an idea of Punjabi conditions is to call up what one has read of Old Testament life, and of the people and times for which Moses and Hammurabi legislated. But it is also necessary to lay stress on one preliminary point. I do not speak of India; I have no right to speak of the Punjab Province of India; I am not ready to describe all the races and clans of the Western Punjab; I merely venture to set before you a few facts and deductions concerning certain tribes, all Muhammedans by religion, who live in the Western Punjab and on the borders of the Indian Empire. It seems most important to me that no one from India should give the impression that he has any right to speak of India as a whole. Only globe-trotters

on six-week tours can do that. For instance, one such tourist, lecturing on India not long ago, said, among other things, that the English mind dealt with the earth that was as a rule earthy; the Indian mind was precisely the opposite, for it was an intellectual and philosophical mind, and dealt with things of the spirit. Well, this may be the opinion of one who, not knowing the languages of the different Indias, had conversed for six weeks with a few educated Indians, mainly Hindus, generally Brahmins, and mostly Bengalis, but I cannot accept it. To me there are spiritually-minded persons in both England and India, and earthy persons in both England and India, and my paper concerns the earth and pure prose, not poetry or fiction.

There are many nations in India, and there are also many matrimonial systems in India. There are systems which give a lady five husbands, if the joint family estate does not allow for more than one batch of children. There are systems which give her a fiftieth part of a husband, and she may consider herself lucky to be born under such a system and not under one which, starting from exactly the same social structure, ends in the destruction of many female children at birth. But I confine myself to the Muhammedan Pathans, Balochis, and Jats of the Western border, and, perhaps, to prevent the disclaimer already made from going too far, I may say that at least a population as large as that of greater London lives, more or less, under the conditions to which I will refer.

Firstly, there is a marked deficiency of the fairer sex. The districts in which they live are arid, and the domestic burdens that fall upon the women of all ages are very severe. I have been in places where the women have to go five miles each way daily to fetch the water for the day's consumption. Apart from this, the work which their lords consent to do is strictly defined, and those especially who are graziers live placid lives, playing panpipes among the flocks, and not doing much to relieve their womenfolk of toil. It follows

from this deficiency that women are of great value for what is, after all, the main object of mankind's existence, the important sphere of marriage. Now, the Balochis, Pathans, and Jats do not live in the age of civilisation such as we have here, but as strong men armed on the Border, and, till recently, in the Punjab. Men as potential warriors have obtained a predominance, unnatural to our mind, over the other sex. It is sad that the strength that can be put forward to arrest suffragettes can elsewhere be used to dominate over women to the extent of giving absolute power of control over them to their menfolk. It follows that young ladies are never allowed to have a say in their own disposal. They are valued, and no stranger can take an article of value from a person in possession without providing some form of recompense. When, again, he has succeeded in obtaining possession, he is entitled to compensation for any transfer to another, and when he dies his heirs continue to retain possession. In other words, an unmarried girl is disposed of by her father, brother, uncle, cousin, or nearest male relative,—a married woman by her husband on divorce, and a widow by her husband's brother or nearest relation; and, since the number of women is less than that of men, the value of the former becomes appreciated, and, like all values of importance, can be translated into other terms, that is to say, no girl will be handed over by her father except for cash, an exchange, or, as in the case of a property-less person like Jacob, for services rendered.

It is true that, just as in the case of idolatry, the more refined will talk of symbolical representation, the crude act of a father who takes cash from his son-in-law before giving his daughter in marriage being spoken of as a recompense for the toil and burden of her upbringing. This system also leads to a large number of cousin marriages and interbreeding to an extent which, if some English savants are to be believed, ought to have exterminated the tribes. As matrimony is an expensive thing, and families should stick

together, young men are given the first right to claim their girl cousins free or at an economical rate.

So much as regards the maidens. As to a married woman, there is a nearer parallel to England. If she elopes, the partner in her elopement has frequently to pay damages in the divorce court to the aggrieved husband. The difference on the western Border is that the husband will take damages in advance and give a divorce by consent. As to widows, the position is the absolute inversion of the levirate custom. In that the widow had a right to claim the nearest male relative of her husband. With these people it is the nearest male relative who has the right to claim the widow, whom he can either marry or dispose of. To sum up, the situation among the rude people to whom I refer is that no one allows a female relative over whom by tribal law he has authority to pass from his authority, except for some form of value received. But, as in England various problems arise in connection with the social system, so they arise out of the system to which I refer. The facts already stated may seem simple, but events occur to make them complex. There have been problems in the relations of men and women in all societies from the time that Deuteronomy was written, and before, and my purpose is to present to you examples of some of these problems.

I may, perhaps, explain that the settlement of matrimonial disputes occupies a large share of the time of officials in the Punjab, and that unsettled matters of this kind bring in their train murders, assaults, arsons, rick-burning, etc., and the heat engendered by one crime may continue for generations. It is not, therefore, astonishing that the matter has been of interest to me ever since the days when, as a very young Assistant Commissioner, I nearly sentenced an unlucky wight to imprisonment for abduction of a married lady. This is not a criminal offence here, but in a country where men are more violent in their manners, the silver ointment of the divorce court is not

always considered sufficient to salve a wound, and the hero of a romance can be cast into prison for two years. It may seem hard, but it saves murders. It was one of these cases that I was trying, and, as I have said, it nearly ended in a miscarriage of justice. The accused declared that he had married the fair object of dispute with the consent of her uncle, and denied that she had been married before. The complainant, however, brought a parish priest and several other witnesses, who maintained on oath that a previous marriage to himself had been solemnized with pomp a year before in the presence of the whole village. In the absence of a system of marriage registration, the evidence appeared conclusive. Fortunately for myself and the accused, I discovered that I was bound to tour through this particular village very shortly, and, on a sound principle of never deciding till the latest possible minute, I kept the case over till I went there. Now, among Pathans of the Attock district all men are liars, but still men are not such great liars in their own village as they are in the precincts of a law court. The truth came out, therefore, and was found to be as follows:—There had been no previous marriage, and the parish priest and the rest of them were all liars. The alleged husband and the witnesses were hireling knaves put forward by the second uncle of the young lady concerned. On the death of her father her eldest uncle had married her mother, and brought the little girl up to a marriageable age, and had obtained in recompense for his trouble in doing so ten pounds from her chosen spouse, the accused before me. The second uncle had turned up with a demand to share and share alike. His argument, put crudely, was that he was a co-sharer in the property left by his deceased brother, that the girl was property valued at ten pounds, and that he was there to receive five pounds. The other man replied that during all the years of the minority of the child he had had to keep her without assistance from his brother, and that therefore

it was for him to draw the profits. "On the contrary," came the answer, "you took possession of the widow, and looking after the daughter was part of the pleasure of looking after the mother. Pay up, please." The elder brother refused, and, as a Pathan is most tenacious of anything he considers his right, the younger man, to get a bit of his own back, suborned all the witnesses, hired a bridegroom, and produced a parish priest. Witnesses, as you will have gathered, are not expensive.

Thus it will be seen that people adhere with great tenacity to their supposed rights. Laban would have been furious had he been obliged to part with his daughters without receiving their equivalent in labour or cash. Moses, too, laid down a penalty of fifty shekels for an unauthorized elopement. Our law in India rightly refuses to acknowledge these transactions, and many are the subterfuges employed to get what men think should be their due. On the Border, however, where we have not full right of interference, and mainly confine ourselves to keeping deaths from violence at as low a figure as possible, there is more adjustment in accordance with tribal ideas, and with the aid of the tribal leaders,—the elders that sit in the gate, of whom we read in the case of Boaz and Ruth. But it must not be considered that, because a guardian requires compensation for the loss of a young lady in his charge, he does not retain his own ideas as to who is, and who is not, suitable for marriage with his ward. If he is lax on this subject, his relatives, and the chiefs and elders of the tribe, will soon let him know of his shortcomings. Some of the hottest disputes I have heard of have been over matters of this kind. Where strength and valour are of consideration as factors in the position of a tribe as a whole, intermarriage with menials is strongly deprecated, and a tribesman is expected to form an alliance which will lead to a good continuation of the breed. To take a concrete case,—a wandering group of Sweepers, men of the lowest type, pitched their tents of rags

and mats within the location of a certain Border tribe, and encamped there for a considerable time. One of the Sweepers proceeded to sell his wife to a tribesman named Kalu for £9 6s. 8d. Kalu kept her with him during the period of *iddat* (*i.e.*, the period during which re-marriage is illegal according to Muhammedan law), but, when the time for a formal marriage drew near, he thought he saw the chance of a deal, and accordingly exchanged her as a relation of his own with a minor girl of another tribe. The father of the minor, however, had calculated on his relatives' objections, and his cousins intervened to stop the girl from going out of the tribe, and prevented ratification of the betrothal. Kalu was full of indignation, and demanded compensation. The minor's father, acknowledging the justice of the claim, through a local headman offered to compromise for £13 6s. 8d. This sum would have given our friend Kalu a clear profit of four pounds, but he was not to be fobbed off with less than the market price of girls of the other tribe, and he clamoured to the defaulter's chief for £20, the prevailing rate. This was his undoing. The chief made certain enquiries, and on discovery of the base origin of the first woman insisted on her return to her own people. Kalu, thus deprived of both the women and his profit, returned to demand justice from his own chief, within whose territories the Sweepers were still living. He claimed that they should refund his money, and suffer punishment for deception. Here, too, he met with no sympathy, for the chief, looking to the small sum paid by Kalu, held that he could not have been deceived, and, further, like the chief of the other tribe, he would not allow members of his tribe to demean themselves by consorting with menials. Thus, while the right of disposal by relatives was freely admitted, and compensation for breach of betrothal was also accepted, alienation from the tribe was hotly resisted, and intermarriage with menials interfered with by superior authority. The end of the matter was that Kalu lost £9 6s. 8d., and had a lesson

in the social laws that govern the society in which he had been placed.

Another subject that leads frequently to difficulties is that of exchanges. If a man requires a lady's hand in marriage, it may not be convenient for him to pay to the father a cash compensation. He may have, however, a sister, aunt, niece, or cousin under his control to exchange for the darling of his heart. Sometimes matters are arranged by a long series of exchanges. A gives to B, who gives to C, who gives to D, who gives to A. Occasionally something goes wrong with the chain. A betrothed girl dies, and much pow-wow and argumentation arise before the matter is readjusted to the satisfaction of the parties. But it will be readily seen that all young ladies are not of the same value. Apart from the mere trifling question of beauty, there is the question of age, for it is obvious that the damsel ready for matrimony is of more value than a little girl betrothed to be married to a little boy when the pair grow up. It therefore happens that exchanges are balanced with additional cash, or, if the position requires it, with a second girl. Now this leads on to great niceties, and occasionally to trouble. Thus, a Biloch of my acquaintance, one Brahim, arranged to exchange his daughter, of a marriageable age, for two girls yet to grow up, daughters of Nibahu. Formal betrothals were made and completed, and the time was coming for Brahim's daughter to be handed over when one of the little children of Nibahu died. At once old Brahim, whom I know in the flesh as a most truculent and obstinate old ruffian, demanded from Nibahu that he should substitute another girl for the deceased. The latter refused, saying that the betrothal of the two girls completed the transaction, and that it was practically Brahim's girl who had died. Brahim, on the other hand, held that his live daughter was worth two live exchanges, and he was going to get his two before he would give up his one. Nibahu and Brahim argued and wrangled over this for years, and Brahim's poor daughter,

already at the mature age of sixteen when the wrangle began, saw herself reach the shelving age of twenty and was still not sent to her mate. She lived to be twenty-five, and nothing happened. As her age drew near to thirty, she began to think she had a right to move in the matter herself, and began a series of clandestine meetings with one Chakur. These things are not easy to conceal in an Eastern village, and there came a day when, to escape with her life from the vengeance of her irate sire, she had to take refuge with the chief of the tribe. This was now a matter that required official interference, because the old ruffian would certainly have destroyed his erring daughter, had he got hold of her, and would have felt himself quite justified in doing so. It is indeed something that we have got to the stage of the chief assisting in adjusting such quarrels without bloodshed. In their hearts many chiefs would like to let Brahim deal faithfully with his daughter. However, the matter was settled by a council of elders, who broke off the Brahim-Nibahu betrothals altogether, fined Chakur a smart sum for his conduct, and ordered the old man to marry off his daughter within two months to any of the tribe except a man of Chakur's clan. It was especially laid down that she was not to marry Chakur, which is very contrary to our own ideas. The Biloch idea in this case ran that, however much compensation Chakur might pay, Brahim could not bear to see him married to the girl after he had wronged, not the girl as we should think, but her father. I think I have mentioned that there are those who gloss over these transactions with finer words, and the council of elders merely mentioned that her marriage must be arranged. Before giving their decision the impress of authority, it was necessary for me to hear all parties. Chakur protested strongly that he had made his private bargain with the old man to keep his inamorata in exchange for his sister now and the prospective chance of any two daughters his wife and he might have, but this was denied and overruled. The old man, who I have already

said was a crude and horrid old man, instead of using euphemistic words as to her matrimonial arrangements, replied to my query as to what was to happen to her,—“I shall sell her elsewhere.” I have said that he was a horrid old man, and disclaim any responsibility for his conduct. I could only hope that she would have a happier life once away from him, and, as he was a trans-border man, I had no authority to say more. The proceedings before me had saved her life, and that was much.

Now it has been found advisable to leave the decision of the matrimonial disputes, in the districts where exist “the elders that sit in the gate,” to such leading men, but their decisions, not based on legal forms, are apt to miscarry. For instance, it was decided that, in consequence of some wrong done, Suleiman should arrange to give Taggia a girl in marriage, or, if he could not do so, pay £25 in default. Now it so happened that Taggia had seen a nice young girl whom he wished to marry and whom he had ascertained from her father would not cost him more than the sum mentioned. He therefore set about to disapprove of and cast aspersions against all the girls produced by Suleiman, who, poor fellow, went as far as from here to Aberdeen to produce satisfactory brides. The matter came eventually within my ken, and, when I left, Taggia was still unmarried and had not, so far, committed any murder. The case, however, was unsettled, and it shows a problem that may arise.

I will now turn to the problem of appropriation by relations. The Bible is so much read from the point of view of religion, doctrine, and morals that its importance as a study of comparative sociology is frequently not appreciated. The case of the daughters of Zelophehad, of the family of Gilead, of the tribe of Manasseh, is one of great interest.¹ These girls went to Moses, and obtained from him a decision that daughters were to inherit in cases where a man died sonless. Later on the elders of their

¹ *Numbers*, cap. xxvii., v. 1-11; cap. xxxvi.

family took alarm at the possibility of property belonging to the tribe going elsewhere when these girls married, and it was decided that they were to have freedom of choice and marry whom they thought best, but that they must marry within their own family. In the end there does not seem to have been very much choice, for we read that "Mahlah, Tirzah, and Hoglah, and Milcah, and Noah, the daughters of Zelophehad, were married unto their father's brother's sons, . . . and their inheritance remained in the tribe of the family of their father." This instance is constantly paralleled in the districts to which I refer. Many tribesmen, as is natural with people who hold that women are themselves a form of property, refuse to admit that women can themselves hold property, and others, while permitting a widow to retain her husband's share, or daughters to hold to their father's inheritance like the daughters of Zelophehad, take it away from them promptly on marriage or re-marriage.

These follow their own customs, though nominally Muhammedans in other respects. But others have been prevailed upon to stick to the law of their own religion, and with them women have the rights of inheritance in varying proportion. Here again, as in the case of the family of Gilead, this leads to male relatives resenting the chance of the land going elsewhere, and curing the difficulty by marrying their near relations themselves. This practice, as I have already said, is also due to the fact that cousins have to pay a less sum, or nothing, to the guardians of the girls. But difficulties arise in this apparently straightforward matter. Young ladies left orphans frequently have many relations, and it is difficult for them, if of more or less the same status, to adjust the matter between them. In the case of horses or cows settlement may be arrived at by each owning a leg or two in proportion to their rights, which means that each keeps the animal for a greater or less period, but the tribesmen to whom I refer at least have the virtue of objecting to polyandry. So troubles arise in this

matter also. To give a concrete case,—in one family whose matrimonial difficulties came to my notice, there were four brothers. The eldest died, leaving two sons, and the second died, leaving a widow and two daughters. The widow was married almost at once to the fourth brother, so they can be eliminated from our discussion. We are thus left with one uncle, Bahadur, two brothers Kabul and Umar, and two sisters, Sohagan and Sahib. In other words, two marriageable young ladies and three possible claimants. You can see that here at once are the makings of trouble, and, as a matter of fact, there was a great deal of trouble. The uncle, being older and stronger than his nephews, who were aged 18 and 16, thought that he would settle matters his own way. He could not, of course, marry his niece Sohagan, aged 15, but he could and did exchange her for the daughter of one Shadi. He tried to placate Kabul by betrothing him to Sahib, then aged ten only, and left Umar out of count as a youngster. This was all right for the uncle, but the nephews objected strongly. They argued that two boys and two girls should form two pairs, and that, as children of the elder brother, they had a prior right over the younger brother. Both were quite grown lads, as the East understands these things, and, while Umar objected to getting no bride at all, Kabul disliked having to wait and watch a child grow old enough to change betrothal into marriage, instead of being able to marry the fifteen-year-old Sohagan at once. They also had the further objection against their cousin going out of the family. In these tribes, and in many throughout India, Persia, and Arabia, cousins marry cousins without much apparent effect on the breed. Abraham married his half-sister, Isaac his cousin, and Jacob cousins doubly linked with himself, and yet the Israelites must have been a fine nation at one time. Then, again, Sohagan was disappointed at having to marry a man old enough to be her father, instead of the young cousin she knew so well. The best way, think our uncivilized friends,

to settle disputes is the shortest, and after Bahadur's own marriage had been solemnized with Shadi's daughter, (as his second wife, by the bye), Shadi was put out of the way by murder on the eve of his marriage with Sohagan. Both Kabul and Umar were tried by a tribunal applicable to the Border areas before my predecessor. Kabul was acquitted by the council of elders, and Umar, aged sixteen, was sentenced to a long term of transportation. Kabul celebrated his release by taking Sohagan and eloping with her across the river Indus. He had formally to renounce his alliance with Sahib. [Jews after the time of Jacob, and Muhammedans, alike have the prohibition against marrying a second sister during the lifetime of a first.]

Now you can see that Bahadur made a muddle of his settlement of the question. He has a wife now, and so has Kabul, but one man is dead, and Umar is in jail. Besides,—and here comes the point in accordance with tribal usages,—Shadi is dead, but his family is not. Shadi parted with a young lady of his family, and made her a portion of the family of Bahadur, but no young lady of Bahadur's family has joined that of Shadi. The mere death of Shadi does not abate the claim of his relations. If Shadi himself is dead, he has other relatives to receive a recompense in marriage. Bahadur tried to shift the onus on to Kabul, who had taken Sohagan, but Shadi's family said that was no concern of theirs. It was he who had married their girl, and it was he who must effect the settlement. Bahadur thought the position was very hard on him. He had one wife, and would not have gone to the expense of a second one, had he not got her on a simple exchange. Besides, he might have taken the widow instead of his giving her to his fourth brother, if he had known of this pow-wow. There was all the makings of a fresh set of murders, and so intervention by authority was necessitated. The council of elders convened by me as arbitrators settled matters by arranging the marriage of

Sahib to one of the small male relatives of Shadi. It was not a perfect solution, because Umar will come out of jail some day, and, unless placated, will not be deterred by his imprisonment from further violence, if he thinks he has been wronged. However, fourteen years is a long time, and it is something to have kept down murders for the present.

I must make quite clear again before I go further, that even on the Border we do not do more than assist in arriving at a settlement by consent, and that in the Punjab proper we do not uphold these assumed rights of man in any way. A very large portion of the litigation and crime in the Punjab is due to this refusal of ours to uphold the customs of the people in this respect. If a daughter elopes to the equivalent of Gretna Green, we refuse to follow Moses' example and pass a decree for fifty shekels in favour of the father against the husband. Similarly, we do not uphold the right of a man to marry his brother's widow whether she wishes it or not. Moreover, the customs of these tribes who are nominally Muhammedans frequently clash with the Muhammedan law. Custom ordains with some tribes that a widow should simply pass on into her husband's brother's possession with the rest of the property of the deceased. Muhammedan law has enjoined the *iddat*, a period of three months and ten days, during which re-marriage is illegal after the death of a husband, or after divorce. Consequently, a recalcitrant woman who wishes to run counter to all the traditions of her race may refuse to pass on to her brother-in-law, and our courts in the Punjab will support her, unless the brother-in-law can prove a formal marriage after the period of *iddat* has elapsed. My hearers will have no doubt that the Government is right in taking this attitude, but what I have to point out is that, wherever law clashes with custom, a community is liable to take other steps to get the better of that law which in its eye is an unfair one. Hence

we find that in the Punjab there are many ways of dealing with a contumacious sister-in-law. She may be harassed with a complaint of stealing jewellery, or her father, brothers, and cousins may be charged with riot, assault, mischief, and several other offences in connection with the occasion when the brother-in-law went to them to ask for her, and was told in the politest of polite vernaculars to get out. These cases may not be successful, but they swell the volume of crime, real or alleged, of the province. The contingency of the brother-in-law in his rage cutting the lady's nose off, or addressing her uncle or father or lover with a hatchet, is one which is always possible. I will give a concrete example of a somewhat amusing type of an instance of the clashing between custom and Muhammedan law.

One Hassu, husband already of a lady named Khanzadi, ("the chieftain's daughter"), fell in love with another fair one, Bakthbhari ("full of fortune"). The latter was already, unfortunately, the wife of Allah Baksh ("the gift of god"), but the smiles of Hassu prevailed, and the pair skipped across the river and remained quiet for a time. Later on, Hassu, thinking the lady worth the price, paid thirty pounds of our money, and arranged that her husband should divorce her. Directly this was done he foolishly returned to his village. By custom he had paid his price and had secured his article. But by Muhammedan law the period of *iddat* had to intervene, and, before the three months and ten days could elapse, further complications ensued. Either the lady had got bored with Hassu during the period of honeymoon and exile, and there was another suitor in the offing, or her relatives stirred her up with the argument that the man who could pay thirty pounds to the husband might surely be squeezed to the extent of a tenner or so in aid of the family fortunes. Anyway, before the three months expired, she retired to her mother's house. Consider now the position of Hassu. He had paid thirty

pounds for Bakthbhari, and there was the lady happily returned to the bosom of her family. Legally he could do nothing. He was not married to her, and so could not sue for restitution of conjugal rights, nor could he run in any handsome young suspect. He was legally helpless, but, as custom was on his side, he was not daunted. He arranged with his first wife Khanzadi to act for him, and she responded manfully with a petition in a criminal court of riot and assault against thirteen persons. She stated that seven ladies of Bakthbhari's family had met her, pulled her hair, disarranged her bonnet, and otherwise maltreated her in true feminine manner, and that, when she protested, several male relatives of the same woman had bundled her home in the most brutal and pushing manner. The case seems inconceivable to English spectacles, but let us remember that English law is comparatively definite and sufficiently binding to make custom so strong that no one can protest. However, Hassu managed to harass thirteen persons into a court, and, though it is regrettable to say that the other side held out and no settlement was arrived at, he helped to discourage future generations of widows from striking out independent lines for themselves. My readers will perhaps at once seize on the curiosity of the fact of a wife aiding a husband to obtain a co-wife and a rival, but here again Eastern and Western ideas are in conflict. The Western lady is above all ornamental. The Eastern has to be useful or explain the reason why, and there are many relaxations for an elderly woman if a young co-wife can be found to do the drudgery for her.

My object, however, is to show how the refusal of authority to acknowledge ancient customs, however wrong in our eyes, leads to an increase of different forms of crime. Apart from the riot case, which thus came to nothing, further time had to be spent by the courts in binding over the parties concerned to keep the peace, because Hassu might have soothed his angry feelings with a shrewd

blow on Bakthbhari's jaws, or she might have invited him to a reconciliatory banquet at which arsenic might have played a part.

However, although the custom obtains no legal support, it is impossible to prohibit a young man from giving pecuniary gratification to his would-be father-in-law, or a husband from accepting an inducement to give up his wife in a land where divorce is simple and easy. The difficulty of checking this kind of practice leads to difficulty in interfering with more disreputable conduct. Anything in the form of kidnapping or abduction is suppressed, if detected, as sternly as infanticide or suttee, or other practices which India would gladly re-introduce if left alone.

It is a regrettable fact that in the Punjab there is still a regular flow of women, married and unmarried, adult and minor, into areas where the supply is insufficient. The women remain, and cash is taken away, and this disreputable traffic is called by the terrible name of slave-dealing by the police. A number of sections in the Indian Penal Code are directed against it, and altogether the majesty of the law is "up agin it." Like smuggling and bribery, however, it is difficult to suppress, because all the parties concerned are, or consider themselves to be, gainers. The purchaser obtains for a moderate price that which is scarce or dear in the local market, and so he is content; the seller gets his money, and he is content; and the woman is content enough because she is usually disposed of above her previous station. Hence it is not easy to stop unless, as in the parallel cases of smuggling or bribery, something happens to annoy one or other party to the bargain. As a typical instance, I may give an account of a butcher's wife who left her home in the eastern districts with a Jat Sikh on a tour of discovery. Once in the Western Punjab he broke it to her that she might find a happy permanent home in a well-to-do household if she agreed. She had no objections, and, with the aid of a cattle thief with whom the

Sikh had connections on the cattle-passing side, she was disposed of to a yeoman farmer in what the latter took to be lawful wedlock. Twenty pounds formed the pleasant sum which the Sikh took back with him. The farmer decked his spouse out with the ornaments and finery befitting her station, and she lived happily with him for some months. She appears, however, to have kept up correspondence with her friends, and it happened that another Jat Sikh from her part of the world, travelling with a Sweeper girl, from whom he also was prepared to part if inducements offered, brought a message to the cattle thief aforesaid. This message ran,—“Please give to bearer the article in deposit with you.” The deposit not being there, he was sent on to the farmer’s house, where he and his lady friend passed themselves off as friends of the housewife. They were received hospitably, and entertained for two days. The third day is proverbially the day for guests to depart, and they did so, but in the night and taking the woman with them. She also took with her the nice ornaments given by the farmer. The latter was a man of substance, and on discovering his loss pursued hotly. The deceitful fair was tracked from place to place, until she was found in the Central Punjab happy and contented in the house of one of her own butcher caste, not her original husband. The proverb goes, “Like mates with like, the hawk with the hawk, the pigeon with the pigeon,” and the stoutest farmer is not to the butcher’s daughter the same as a butcher of sheep and goats. Nothing is more curious here than the quiet manner of acquiescence in the inevitable, and she returned without demur to the man who, she admitted, had the best right to her.

Now, here we have a case in which the executive officer and the police authorities would clearly demand that several persons should end in jail as a result of their nefarious actions. What offences, however, will the lawyers admit to have occurred? The original Jat Sikh might have been

run in for abduction, but this could only be on the complaint of the original husband, who had not yet heard of his wife's whereabouts. The accusation of kidnapping was bound to fail, as the woman was of mature age and also a willing party. No charge of cheating could lie where a man takes his chance in bargaining with an outsider. As to the lady's disappearance from him, the farmer did not want to have her punished for stealing his jewellery because she had returned to him. Moreover, ornaments presented to a woman become hers, and it is hard to punish a woman for going away wearing her own property. The second set of wicked people equally get off scatheless. The lady returned with them, no doubt, but of her own will, and to go to the home to which she really belonged. If she did not reach it, that was her fault, not theirs. No charge of stealing or receiving stolen property could lie where, as has been seen, the ownership of the jewels probably rested with the woman. Thus, even in a case in which a woman is abducted, sold, and re-abducted, it may well happen that no one becomes entangled in the meshes of the law. Theft is always hard to check, but, when the thing stolen is a sentient being and is willing to be stolen, to be sold by the thief, to remain with the purchaser, to be stolen again by another thief, and to return to the purchaser if he proves his power to recover, it is difficult to know how to tackle the problem.

There is a well-known story of a Highland shepherd who sold his dog to an American, but repented of the bargain when he heard of its destination. Till then he had always found that the dog would return to him. So, too, it is a common trick of cattle thieves in the Punjab to sell a man a bullock, and to remove it from him after a respectable interval. When it comes, however, to a position in which woman's wiles are added to the wits of the thieves, all that can be said is "caveat emptor."

To revert again to an account of tribal justice across the

Border,—one Gamu cast eyes at the wife of Mitha Khan ("the Sweet Lord"), and deflected her from the path of strict virtue. This was a matter which caused Mitha to cry out for justice, and the sense of the tribe decided that Gamu should give Mitha Khan his sister and pay a fine of £13 6s. 8d. in compensation for his victim's wounded feelings. When the award was duly complied with, his love was to be his for ever, but meanwhile, pending adjustment, she was sent back to the house of her husband, who no longer wished to dye his hands in her blood. The marriage of the sister presented no difficulties, but the raising of the fine did, and Gamu was sore troubled. After some time he collected £10 13s. 4d., and handed this sum over to Mitha Khan. He then suggested that the lady might be made over to him, and the trifling balance adjusted later. But Mitha was perfectly happy with his two wives, and in no hurry to part with one. He merely smiled, and professed his willingness to do the right thing the very moment his full tale of cash was received. It was the turn then of poor Gamu to search for justice. But the chiefs and the elders would not help him. Alas! wherever he went he was told that a bargain was a bargain, and that he must find the extra £2 13s. 4d. before the transaction could be considered a complete one. The £2 13s. 4d., small as it seems to us, was a large sum to Gamu; and for some time longer he had the mortification of seeing Mitha Khan flush of cash and in control of his dual household. Verily, the way of transgressors is hard!

As I have suggested, the simple fact of a parent not letting his daughter leave the ancestral home except for a solatium to the old man's grief at parting with her, leads on to all sorts of other claims, some admitted and some refused. It led in one case to a stepson claiming disposal of his half-sister in preference to the mother who bore her. The mother would have admitted the preferential right of her own son, but objected to the claim of her stepson. He

had, however, the unanswerable reply from the tribal point of view that he, and he alone, was heir to the landed property of her late lamented husband, and with the land go all other appurtenances.

The most powerful and dramatic instance of rude men's claims that the men of the household alone have the right to dispose of their female relations in marriage that has come to my notice is one in the trans-Border Zakka Khels, Pathans who are not under our rule, though we occasionally have to chastise them for misdemeanours. There was once a Zakka Khel, Nur Mahommed, who took to himself a wife and had a small son Musa. While this son was yet an infant, Nur Mahommed was murdered by his brother Ahmed, who, naturally, took his brother's widow to wife. Ahmed only enjoyed his wedded happiness for a year or two, for he was murdered by one Palya, who also seized what he could of Ahmed's goods, including his widow. The marriage was solemnized with the proper rites of Muhammedan law, and they would have lived happily ever after but for the fact that the erstwhile infant Musa grew to the age of sixteen. On arrival at man's estate, when a lad puts on turban and trousers instead of running about with bare locks and a loincloth, and is entitled to be killed in any raid, and to kill, Musa squared up to his stepfather and demanded from him £24, the price of his mother. Palya pooh-poohed the lad, and tried to put him off by telling him to go and get the price from Ahmed, who had taken her from Musa's father. "That won't do," replied Musa. "You have in your possession one of our family, and you have paid no member of our family for her. I am the representative of my father, Nur Mahommed, and will trouble you to hand over." £24 was the standard compensation for wives in the Zakka Khel country, and it would have been well for Palya had he admitted the claim. £24 will wipe out an indignity, but, without that, to see a lady of one's family in the possession of another is more than any Pathan can

stand. The indignity had to be wiped out in blood, and Palya joined the two previous husbands under the ground, while Musa, after wiping his dagger, set about to find a sale for his mother elsewhere.

This brings me to the end of my instances. I might, of course, go on for ever,—explaining how the system of exchanges leads sometimes to a boy of ten being married to an elderly young lady of eighteen, and how the necessity of finding a bride for one's son leads occasionally to the betrothal of a damsel before her birth even. But I imagine that I have written enough to bring before you a picture of the state of affairs among the people with whom I have lived for fourteen years. No doubt, the picture I have drawn will startle some, but it must be remembered that people, as a rule, approve of themselves and the lives that they and their ancestors have spent. I may tell, to illustrate this, a pleasing story of a Tibetan girl, who came with imploring cries to the tent of a Political Officer. With tears she related how her stern parent wished to marry her off, but she, disapproving of the match, had fled with her own beloved. The Political Officer, melted by the tears of the beautiful girl,—Tibetans, unlike ordinary Indians, are beautiful in English eyes,—promised to send for all concerned, and to try and patch up matters. The girl, however, would not be reassured till he went out to console her beloved. He went out, and found *two* young men standing sheepishly. *They were her beloved.* In Tibet young ladies have to marry a family of brothers, and she had disapproved of one family and found in another her heart's desire.

We may wonder how Indian women of certain classes put up with the constant seclusion and immurement that they are subjected to. But those who for generations have been secluded take a pride in their seclusion, and thank God that they are not like other women, who show their faces impudently and shamelessly before men. We find difficulty in understanding it, but there the feeling is, and I will give

a strong example of it. In Kangra, where the bluest of blue-blooded Rajputs live, a fire occurred in a Rajput's house, when none of the males of the household were at home. The serving maids all escaped with ease, but the two Rajput ladies in the house preferred to remain inside and burn to death to going out and being seen by other men.

So, again, certain native papers record with obvious approval instances of the suicide of women on the death of their husbands, and there is no doubt that there would be plenty of genuine suttees, did not all who abet the sacrifice stand the chance of the severest punishment. Of course the prohibition of suttee for so long has to some extent dissipated the desire for it, but it is impossible to bring up generations after generations of high-class Hindu ladies in the belief that they should hasten to join their lords in the next world, without finding that a number to this day regret bitterly the necessity of remaining alive. Life is dear, and many did object in the past, but more took a pride in doing the right thing as understood by their community.

After all, all change to be of value must be slow in movement. Our Revolution was far more successful and bloodless than that of the French. The present position of the fair sex in this country has only been achieved after centuries of gradual change. Christianity has done much, and the age of chivalry did more, but the mediæval times held women in greater subjection than at present.

So, too, we must see glimpses of a better time in the western Punjab in the refusal of some widows to marry their brothers-in-law, and in mothers taking cash for their daughters in preference to letting their stepsons collect for themselves.

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