

The Rights of Non-Muslims in Mughal Law after Akbar Shah's Din-i Ilahi Movement

Hafız Aamir Ali *

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Abstract: This article examines Akbar Shah's approach to religious and social reforms during his rule in India. The second section of the article discusses Akbar Shah's religious movement, known as 'Din-i Ilahi', and compares the scope of this movement with the different views expressed by Abū al Fazl and Mawlānā 'Abd al-Qadir Badayuni. The third section analyses the impact of Akbar's religious tolerance on state policy, with a particular focus on the authorisation of non-Muslims to construct places of worship and the provision of state support for religious celebrations. The final section provides a detailed analysis of Akbar's social reforms, with a particular focus on the prohibition of sati (the practice of widows committing suicide by throwing themselves on their husbands' funeral pyre) and marriage reforms. Akbar's reforms are regarded as an exemplar of a more inclusive approach to religious and cultural diversity in India. As part of these reforms, there has also been a legal transformation regarding the rights of non-Muslims. This transformation deserves to be examined from a socio-legal perspective. Ekber's practices, such as allowing non-Muslims to build places of worship and providing state support for religious celebrations, are indicative of his inclusive approach to governance.

Keywords: Akbar Shah, Din-i Ilahi, Religious tolerance, Social reforms, Sati prohibition.

* Dr., Bağımsız Araştırmacı / Independent Researcher, Islamabad/Pakistan, ORCID: 0000-0002-8861-8635, E-mail: hafizaamirali@gmail.com

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Ekber Şah'ın Din-i İlahi Hareketi Sonrası Babür Hukukunda Gayrimüslimlerin Hakları

Özet: Bu makale, Ekber Şah'ın Hindistan'daki yönetiminde dinî ve toplumsal reformlara yönelik yaklaşımını ele alır. İkinci başlık altında, Ekber Şah'ın "Din-i İlahi" olarak bilinen dini hareketi hakkında tartışmakta ve bu hareketin kapsamı, Ebü'l Fazl ve Mevlânâ Abdülkadir Badayuni'nin farklı görüşleri karşılaştırmaktadır. Üçüncü bölümde, Ekber'in dini hoşgörüsünün devlet politikası üzerindeki etkileri incelenir; özellikle gayrimüslimlere ibadet yerleri yapma izni verilmesi ve dini kutlamalara devlet desteği gibi konular ele almaktadır. Son bölümde, Ekber'in gerçekleştirdiği sosyal reformlar, özellikle sati (dul kadınların kocasının cenaze ateşine kendilerini atarak intihar etmeleri) uygulamasının yasaklanması ve evlilik reformları, detaylı bir şekilde incelenmektedir. Ekber'in bu reformları, Hindistan'daki dinî ve kültürel çeşitliliğe yönelik daha kapsayıcı bir yaklaşımın örneği olarak değerlendirilir. Bu reformlar kapsamında gayrimüslimlerin haklarında da hukuki bir dönüşüm yaşanmıştır. Bu dönüşüm sosyo-hukuki bir bakış açısıyla ele alınmayı hak eder. Ekber'in gayrimüslimlerin dini ibadet yerleri yapmasına izin vermesi ve dini kutlamalara devlet desteği sağlaması gibi uygulamalar, onun kapsayıcı yönetim anlayışının bir göstergesidir.

Anahtar Kelimeler: Ekber Şah, Din-i İlahi, Dini hoşgörü, Sosyal reformlar, Sati yasağı.

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Etik Bildirim / Complaints :

info@diha.org.tr

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Introduction

Akbar Shah (1542-1605), the third Sultan of the Mughal Empire, is regarded as one of the most influential and innovative leaders in Indian history. During Akbar's tenure, the empire underwent a significant political and cultural transformation. The period of Akbar's rule is regarded as a pivotal point in Indian history, characterised by the unification of the multi-religious and multi-cultural structure of the Indian subcontinent and the implementation of significant social and religious reforms.

Akbar Shah's approach to governance was predicated on a philosophy of religious tolerance and social reform. One of the most significant aspects of this philosophy was Akbar's religious movement, known as 'Din-i Ilahi' (Religion of God). The Din-i Ilahi was a religious understanding that sought to appeal to the diverse religious communities in India while also uniting different religious beliefs. However, this movement was met with a range of responses, including both positive and negative criticism. While Abul Fazl, one of Akbar's close advisors, regarded Din-i Ilahi as a novel religious synthesis, Mawlānā Abdul Qadir Badayuni perceived this movement as a departure from traditional Islam.

During Akbar's tenure, significant alterations were also made to the policies of the state. The rights granted to non-Muslims reflected Akbar's inclusive and tolerant approach to governance. Furthermore, Akbar's social reforms were also noteworthy. In particular, the prohibition of *sati* practice and the implementation of reforms to marriage laws had a profound impact on the social structure of India. These reforms underscore the significance of Akbar not only as a ruler but also as a social reformer.

This article will analyse Akbar Shah's religious and social reforms in order to assess how he transformed the multi-religious and multi-cultural society in India. It will also examine the impacts of this transformation during and after his reign, as well as the rights of non-Muslims in Mughal law after the emergence of Din-i Ilahi.

1. The Introduction of Din-i Ilahi

One of the most contentious aspects of Akbar Shah's legacy is the assertion that Din-i Ilahi, or Akbar, had established a novel religion. The term 'Din-i Ilahi' was first employed by Mawlānā 'Abd al-Qadir Badayuni, and it was subsequently endorsed by all subsequent scholars, who continued to utilise the same designation. However, Abū al Fazl did not employ such a term and referred to Akbar's *sul-i Kullī* as '*Āyīn-i Rahmūnī*'. If

we accept the term '*Āyîn-i Rahmūnī*', it can be understood that Akbar did not introduce a new religion, but sought to adapt some of the tenets of Islam to align with the cultural and environmental context of India. Abū al Fazl also offers a defence of this position. If we accept the term *Din-i Ilahi*, it would appear that Akbar was attempting to create a new religion. Those who employ both terms have put forth arguments of their own.¹

2. Transformations in State Policy towards Non-Muslims Following the Emergence of the Divine Religion

Although Akbar initially governed the state in accordance with Islamic principles, the advent of the *Din-i Ilahi* concept led to significant shifts in the administration.

2.1 Authorisation for the Construction of Temples

The construction of temples was permitted for those who accepted the sovereignty of the Islamic state and lived as *dhimmis*, who were free to worship. Concurrently, the edifices erected by the *dhimmis* prior to this period will be permitted to remain in accordance with established regulations. In Islamic literature, it is stated that non-Muslims were prohibited from constructing new shrines or expanding existing ones in territories conquered by Muslims through military means. Such individuals were prohibited from engaging in public worship or proselytizing their beliefs. A number of legal provisions apply to those who reside in an Islamic country and pay the *jizya* tax. In regard to these laws, 'Umar b. 'Abd al-Aziz issued the following directive in a letter to one of his governors:

"It is imperative that you do not allow a cross to be carried in the open." In the event of encountering an open cross, it is imperative to dismantle and demolish it without delay. It was forbidden for Jews and Christians to ride horses with saddles. It was decreed that no female members of the Jewish or Christian communities should ride a camel with an empty saddle; rather, they were to ride a camel with a saddle called *ukaf*. It is recommended that strong speeches be made and that the *dhimmis* are

¹ Mawlānā Abdu al-Qadir Badaoni's *Muntakhab al-Tawarikh* and Abū'l Fazl's *Akbarnāme* are among the basic works that those working on this subject benefit from the most. Shah Nawaz Khan's *Ma'asir al-umara* and Nizāmeddin Aḥmad's *Tabaqāt-i Akbarī* serve as auxiliary works for easier understanding of the subjects.

advised on these matters. "It is forbidden for any Christian who is subject to your rule to wear a *kaftan*, silk dress, or garment."²

Imam Shafi'i, one of the founders of madhhab, offers the following opinion on this matter: It is not permissible for non-Muslims to construct new churches in any territory that is currently under Islamic rule. Furthermore, they will be prohibited from gathering in locations for the purpose of espousing heretical beliefs and from ringing bells.³ In general, those versed in Islamic jurisprudence are in favour of this view. Nevertheless, some scholars maintain that this directive is not a binding Sharia requirement, but rather a matter of custom and practice regarding the construction of new shrines for non-Muslims. If we accept that this is a matter of custom, it follows that the head of state has the authority to authorise the actions of others.

Prior to Akbar's reign, Muslim rulers did not typically intervene in the maintenance of ancient shrines, except in cases where their condition posed a threat to the state. However, Akbar went even further, allowing the construction of new temples and providing personal support to numerous ones. From the outset, the Mughal policy towards Hindu shrines was distinct from that of their predecessors. The Mughal himself had visited a considerable number of Hindu temples and offered praise for their architectural design. During the reign of Humayun, no pagoda was demolished anywhere.⁴ However, Akbar had some pagodas demolished in the early part of his reign (980/1572) in places like Kangra, Benares, etc.⁵

Nevertheless, after 1575 Akbar Shah changed the policy of the state and allowed all non-Muslims, especially Hindus, to build new temples for worship. As a direct result of Akbar's authorisation and, in some instances, his endorsement, non-Muslims also constructed substantial edifices. As a result of the Sultanate's policy of religious tolerance, Christians were permitted to construct churches in major urban centres such as the capital, Agra, as well as Thatta, Lahore and Cambay. The Jinns constructed their own temples at Saturnjaya and Ujjayn. Additionally, Hindu temples were constructed in

² See Abū Yūsuf, *Kitāb al-Ḥarāj* (Kahire: Selefiye, 1969).

³ Muhammad b. Idris as-Shāfi'i, *Al-Umm* (Beirut: Dar al-Marifa, 1990), 218.

⁴ M. L. Roy Choudhury, "Hindu-Muslim Relation During the Mughal Period 1526 to 1707 A.D." *Indian History Congress* 1, no. 9 (1946): 288

⁵ For detailed information see Abdu al-Qadir Badaoni, *Muntakhab al-Tawarikh* (Hansebook, 2020), 980.

cities with a Muslim majority, including Ahmedabad, Agra, and Lahore. Similarly, the Sikhs also constructed a considerable number of new temples in the northern part of the country. Consequently, during Akbar's reign, a considerable number of Hindu, Jainist and Buddhist temples were constructed throughout the Sultanate. Rajah Man Singh, nephew of Akbar's Rajput wife (Choda Bai), brother-in-law of Sultan Jahangir and one of the most authoritative Hindu statesmen of the time, built a magnificent Hindu temple at Brindaband at a cost of five lakh (50,000) rupees. The cost of this undertaking was five lakh (500,000) rupees.⁶

It can be said that the policy of Jahangir, who succeeded Akbar on the Mughal throne, was very complicated in this matter as in other matters. Despite the construction of ten Hindu temples in Benares and a magnificent Hindu temple in Mathura, temples in Mevar, Ajmir and Kengra were demolished by Jahangir's order.⁷ In the 16th century, the Mughals did not destroy any non-Muslim temples on the basis of religious considerations alone. In the tolerant atmosphere fostered by the Mughals, many Hindus contributed to the construction of mosques, and Muslims likewise assisted in the erection of Hindu temples. One notable instance is that of Rajah Man Sing, who spent five hundred thousand rupees on the construction of a mosque in Lahore.

2.2 State Support for Non-Muslim Religious Celebrations

The staging of celebrations, festivities and ceremonial processions was a key aspect of the Sultanate's political and cultural apparatus. These events served to demonstrate the Sultan's power, wealth and glory, thereby reinforcing his authority and prestige. This not only strengthened the link between the people and the sultanate, but also positioned the sultan as a revered and emotionally invested stakeholder in the hearts of the people. Mughal sources indicate that the sultans sought such occasions and engaged in a multitude of rituals and ceremonies, predominantly Islamic traditions but also encompassing Iranian and Indian practices. To illustrate, religious festivals were already in existence; however, Akbar incorporated the Iranian celebration of '*çesine vazen*' (weight celebration) in 1565 and the Iranian celebration of Nowruz in 1582, which persisted until the reign of Aurangzeb. In general, the Mughals held two types of

⁶ Choudhury, "Hindu-Muslim Relation During The Mughal Period", 288-289.

⁷ Nureddin Muhammed Cihangir, *Tüzük-i Cihangiri*. Translated into Urdu by Iqbal Hussein. (Lahore: Al-Faisal Publisher, 2017), 188.

celebrations: those of a religious nature and those of a social or cultural character. Of these, the religious celebrations, including those centred around the offering of sugar and sacrifices, the *Mawlid*, the Miracle Lamp and the celebration of Bairam, are of particular significance. In the field of social and cultural celebrations, a number of notable events were observed, including the celebration of Nowruz, the weighing of individuals, the birth or wedding of princes, the recovery of the sultan from illness, and the celebration of conquest. Hindu religious celebrations such as *Holi*, *Diwali* and *Dussehra* were also observed, albeit with a cultural rather than a religious focus. Akbar and the subsequent Mughal sultans were known to take part in Hindu ceremonies and to offer their support in a number of ways.

In India, both Muslim and non-Muslim individuals engaged in religious observances such as *Holi*, *Diwali*, and *Eid*, or paid their respects. As previously stated, during the reigns of sultans such as Alaeddin Khalaji and Giyaseddin Balaban, participation was observed from the thirteenth century onwards. However, one of the most significant alterations to non-Muslim festivities during the Mughal era was the active involvement and endorsement of the sultans themselves. Some religious celebrations, such as *Holi*, were organised jointly until the end of the Mughal period. In his work *Ayni Akbar*, Abu'l Fazl states that Akbar participated in and supported Muslim festivals and Hindu celebrations such as *Holi*, *Diwali*, *Dussehra*, and *Meccan* celebrations such as *Nowruz* and *Mina Sunday*.⁸ Indeed, Akbar valued non-Muslim celebrations so much that, following the death of his mother, Hindus celebrated *Dussehra*.

Following the death of Sultan Akbar's mother on 4 Rabiulahir 1013/29 August 1604, Akbar and the other viziers in the court observed the practice of shaving their hair, beards and eyebrows in accordance with Hindu custom. Akbar walked several kilometresto his palace, accompanied by his mother's body, which had been transported to Delhi. He participated in the Hindu celebration of *Dussehra* as he had done previously and prohibited the observance of mourning. This tradition of attending Hindu celebrations was continued by the subsequent Mughal sultans. The objective of the state was to foster unity between Hindus and Muslims. In addition to supporting Muslims during festivals, the state also extended its assistance to Hindus on their holy days. In

⁸ Al-Allāmi, *Āyin-i Akbari*, I, Translated into Urdu by Mawlawi Muhammad Fida Ali. (Lahore: Sang-e-Meel Publications, 2015), 410-411.

consequence, the state conveyed the message that Hindus and Muslims were regarded as equals.

3. Some Regulations Made by Akbar

The 16th century was a period of significant and radical change in both Islamic and Turkish history. In this century, following the Arab caliphate, the Ottoman Turks assumed control. Meanwhile, in Iran, the Safavid dynasty, a Turkish ruling house, emerged as the political and spiritual leader of Shiite Muslims. In the final 25 years of the century, the Mughal Turkish sultanate in India reached its zenith. Sultan Akbar began to present himself as the protector and defender not only of Muslims but also of all religions practised in India. Sultan Akbar employed titles such as '*Gazi*' and '*Zill-i Ilahi*' (God's shadow on earth), which had previously been used by Muslim sultans. From 991/1583 onwards, he began to be regarded as the Sultan of the Hindus and even as an *autar* (regent) of God Vishnu. In addition, the Hindu people bestowed upon him the title '*Mahbali*' (all powerful).

The Hindu populace, comprising all social classes and castes, exhibited such profound attachment to the Sultan that they would refrain from partaking in their morning repast until they had beheld his countenance. Those who were awaiting the sultan's arrival outside the palace would immediately prostrate themselves upon seeing his face.⁹ The sultan had made the Hindu and Muslim populations equal in order to demonstrate that the state was responsible for ensuring the prosperity of all its subjects, thereby fostering greater unity between Hindus and Muslims. For this reason, both Hindus and Muslims recognised Akbar as their ruler and founder.

3.1 Sati Reform

In addition to the fundamental reforms he introduced into the social life of the Muslims, Akbar also made radical changes to the daily life and lifestyle of the Hindus. For the Hindu population, Akbar's revolutionary regulations encompassed a number of significant reforms, including those pertaining to *sati*, the age of marriage, freedom of conversion, and the provision of education. It is evident that individuals born into a free state are constrained by the traditions and laws of their forefathers and the society in which they reside. Every society has its own set of rules, and some of these may be

⁹ Badaoni, *Muntakhab al-Tawarikh*, 511-512.

perceived as reasonable and rational by those within the society, while being regarded as tyrannical by others. For Indian women, *sati* represents a particularly salient example of this phenomenon. *Sati* is defined as the act of self-sacrifice in which a woman enters the funeral pyre of her husband and burns to death.¹⁰

The practice of *sati* is observed in India due to a combination of religious beliefs and social pressures. Those who practised *sati* were regarded as sacred and held in high esteem. Furthermore, it is commonly held that the families of widows retain a respected position within society.¹¹ It is postulated that the rationale behind the inception of this tradition was to avert the possibility of women falling into the hands of enemy forces following the demise of their husbands, who were typically of noble status, in combat. Initially, this tradition was a personal sacrifice, but it was subsequently accepted and practised by the general public. Another reason for this is that it is common for Hindus to marry off girls at a very young age. The objective is to prevent the young girl from killing her old husband by poisoning him. Despite the Muslim rulers' intention to abolish this irrational practice following when they came to power in India, they were unable to fully eradicate the *sati* tradition due to the Hindu perception of this as an infringement upon their religious freedom and the potential for rebellion.

Nevertheless, the state authorities were granted the prerogative to decide whether or not this custom could be carried out. Nevertheless, state officials were also instructed to refrain from readily authorising this practice. The renowned Arab traveller Ibn Battuta, who visited India during the reign of Muhammad Shah Tughluq in 734/1334, provides a detailed account of this policy of the state as follows: "If a Hindu dies within the borders of the Sultan of India, permission must be obtained from the Sultan for cremation."¹² Despite the efforts of Muslim rulers, this tradition continued among Hindus, especially in villages far from the government. In his travelogue, 'On Hindus Burning Themselves',¹³ Ibn Battuta presents a separate chapter dedicated to the three instances of

¹⁰ Ali Gül, *Ansiklopedik Hinduizm Sözlüğü*, (İstanbul: İz Yayınları, 2018), 348.

¹¹ Hüsne Hilal Şahin, "Ekber Şah ve Dinî Reformu" (PhD thesis, Ankara University Institute of Social Sciences, 2014), 110-111.

¹² Ibn Battuta, *Rihletü Ibn Battûta*, vol. 3 (Rabat: Akademiyya al-Memleke al-Maghribiyya, 1417/1996), 100.

¹³ Ibn Battuta, 100.

sati that he personally witnessed. Ibn Battuta states that upon witnessing the burning alive of three women, he fainted and nearly fell from his horse.¹⁴

As Ibn Battuta was not Indian, he found the scene peculiar, yet it was a common occurrence for all, regardless of religious affiliation, who observed it. Although it was not a strict rule for widows to burn themselves, it had become a deeply entrenched cultural practice. Seydi Ali Reis, the Ottoman captain-general who arrived in India during the reign of Humayun Shah, lists the burning of widows by Hindus among the unusual customs of India. Abū'l Fazl states that the lives of widowed women who did not perform *sati* would continue with various difficulties. In Abul Fazl's words, 'if the widowed women do not accept to be burnt to death voluntarily and say *sati* as a *riya*, then the life of those women would be so sad that death would be a better remedy compared to their suffering.'¹⁵ This suggests that Hindu women perform *sati* for five reasons:

1. Subsequent to the bereavement of her spouse, the woman in question lapses into a state of unconsciousness, during which her relatives retrieve her and proceed to ignite her.
2. Such women enter the fire of their own will, motivated by a deep love for their deceased husbands.
3. They sacrifice themselves out of shame.
4. Such people do not shun away from the prospect of suffering burns as a result of adherence to established traditions and customs.
5. The individual in question was set on fire by her husband's relatives without her consent.

From the outset, the Mughals had opposed this custom and every subsequent Sultan had endeavoured to abolish it completely. Sultan Humayun was the first to attempt to put an end to this practice, seeking to prohibit it entirely. Despite the desire of some

¹⁴ Hafiz Aamir Ali, "İbn Battuta'nın Gözünden Hindistan", *Selcuk University Journal of Seljuk Studies*, no. 17 (January 2023): 71-96.

¹⁵ Allāmī, *Āyin-i Akbarī*, 295.

women to engage in *sati*, they were not permitted to do so.¹⁶ Sultan Akbar attempted to abolish this practice through both coercive and persuasive means. The edict prohibiting *sati* is as follows: "If a Hindu woman wishes to be cremated with her husband, she should not be prevented from doing so; however, if she does not wish to be cremated, she should not be forced to do so against her will."¹⁷

Ebü'l Fazl Âyîn-i Akbarî also included this among his instructions. The *kûtval* (the local administrator of a city or town) was instructed that "no woman shall be compelled to perform *sati* against her will."¹⁸ This prohibition was extended to Rani Damayyam, who was similarly prevented from performing *sati*.¹⁹ Indeed, when Rani Damayanti was informed that she was to be compelled to perform *sati* against her will, Sultan Akbar himself rode a horse to the scene and intervened to save her life.²⁰ It was common practice for a girl widowed at a young age to remarry a Hindu man whose husband had died instead of performing *sati* (995/1587).²¹

Their objective was to halt the *sati* incidents without resorting to the use of state power. The risk of inciting rebellion among the Hindu population, on the grounds of interference with their religious practices, was a significant concern. Akbar was the first to take action to halt the practice of *sati*, laying the foundation for subsequent rulers to eradicate it entirely.

Subsequently, Sultan Jahangir enacted a more stringent penalty, namely the death sentence, for those who practised *sati*. However, Sushil Chaudhury argues that these prohibitions were merely enshrined in state edicts, and that the practice of *sati* persisted among the populace.²² Indeed, Sultan Jahangir himself recorded in his memoirs that following the demise of Rajah Bahu Sing in the city of Dekkan, his two wives and eight

¹⁶ Mohammed Shamsuddin, "A Brief Historical Background Of Sati Tradition in India", *Religion and Philosophical Research* 3, no. 5 (2020): 56.

¹⁷ Badaoni, *Muntakhab al-Tawarikh*, 540.; Sushil Chaudhury, "A Note on 'Sati' in Medieval India", *Indian History Congress* 2, no. 26 (1964): 81.

¹⁸ Cevat İzgi, "Kûtval", *The TDV Encyclopedia of Islam*, vol. 26, (Ankara: 2002), 503-504.

¹⁹ Allāmī, *Âyîn-i Akbarî*, 1, 579.

²⁰ Allāmī, *Akbarnama*, vol. 2, 42.

²¹ Badaoni, *Muntakhab al-Tawarikh*, 528.

²² Chaudhury, "A Note on Sati", 81-82.

concubines committed *sati* as a gesture of devotion and loyalty.²³ In his memoirs, Padishah Jahangir stated that the motivation behind women's *sati* was the woman's love for her deceased husband, her father's respect, or to avoid causing embarrassment to her sons-in-law.²⁴ After Jahangir, Shah Jahan, who ascended the throne of the Mughals, strictly prohibited *sati* and ordered the education of the children of widows. Subsequently, in 1663, Emperor Aurangzeb issued an edict to the entire country, explicitly banning the practice of *sati* and ordering state officials to enforce this prohibition.²⁵ It can be reasonably asserted that the Mughals employed a multifaceted approach to eradicating the custom of *sati*, utilising both incentives and coercion. Nevertheless, it is evident that an edict could not eradicate centuries-old traditions and customs. Furthermore, given the vast expanse of India, even if this situation changes in urban areas, it is probable that it will persist in rural regions. Consequently, the most effective approach would be to gradually phase out these traditions.

3.2 Regulations on Marriage and Circumcision

Historical records usually include information pertaining to the birth and marriage of princes and princesses. In the case of the Mughals, Babur himself and subsequently Gulbeden Begum provided information regarding their marriages and offspring. Both the father and daughter provided information about the Timurid princes in their memoirs. According to Baburname and Hümâyunnâme, the average age for marriage in the Timurids was eighteen for boys and fourteen for girls, with some exceptions.²⁶ Akbar himself had married numerous Hindu women, both free and concubines. However, the age of women at the time of marriage is not recorded by any historian of the period. It can be stated with certainty that the age of marriage among Hindus was even younger.

To illustrate, in 1641 in the capital Agra, Banarasi Das The Ardhakathānaka,²⁷ a merchant of the Jainite religion, aged approximately fifty-five, states in his memoirs that he had at least four marriages at a very young age. Banarsidas was married at the age

²³ Cihangir, *Tüzük-i Cihāngîrî*, vol. 2, 164.

²⁴ Cihangir, vol. 1, 113.

²⁵ Chaudhury, "A Note on Sati", 82.

²⁶ Shadaba Bano, "Age of Marriage in Pre-Colonial India", *Indian History Congress*, no. 64 (2003), 596-597.

²⁷ For acquaintance with the tefaruuat of the book see Eugenia Vanina, "The Ardhakathanaka by Banarasi Das: a Socio-cultural Study", *Journal of the Royal Asiatic Society* 3, no. 5 (1995).

of eleven, and he states that he was the same age as his wife. Additionally, he notes that two of his sisters were married at the age of ten.²⁸ Abū'l Fazl indicates that, in general, the age of marriage for girls among Hindus is not considered appropriate to be less than eight and more than ten.²⁹ While the precise age of marriage for girls is not clearly discernible from this information, it is certain that they were married at a very young age.

In 990/1582, Akbar implemented certain reforms pertaining to marriage. In accordance with the recently introduced legislation, the minimum age for marriage is set at sixteen for boys and fourteen for girls.³⁰ The rationale behind the introduction of this legislation was the observation that children born at a young age were particularly vulnerable. Abū'l Fazl elucidates the rationale behind the sultan's prohibition of marriage at a young age, citing the concern that such marriages would result in the loss of the rationale behind this legislation was the belief that marriage at a young age would result in greater harm than benefit, as it would be a blessing from Allah.³¹ To implement this law, the couple intending to marry was required to certify their age before the *kutval* (administrator).³² Furthermore, it was stipulated that the consent of not only the parents but also the groom and bride should be obtained for marriage.³³ However, Badayuni records that instead of implementing this law, the officials appointed by the state were complicit in bribery, accepting substantial sums of money from the people.³⁴

Akbar Shah himself had initially followed this law and married his sons when they reached this age. The three princes, Shahzade Selim, Shahzade Murad and Shahzade Danyal, were aged sixteen, seventeen and sixteen respectively when they were married. Abu'l Fazl also asserts that no member of the dynasty was married before reaching the age specified by law.³⁵ Sultan Jahangir's princes Hosrow, Parviz, Hurram and Shahriyar, for example, were married at the ages of fifteen, sixteen, eighteen and fifteen,

²⁸ Banarsidas, *The Ardhakathānaka*, English translation; Mukund Lath (Jaipur: Half a Tale 1981), 16.

²⁹ Allami, *Āyin-i Akbari*, vol. 2, 281.

³⁰ Badaoni, *Muntakhab al-Tawarikh*, 498.

³¹ Allami, *Āyin-i Akbari*, vol. 2, 369.

³² Badaoni, *Muntakhab al-Tawarikh*, 551.

³³ Şahin, "Ekber Şah ve Dinî Reformu", 109.

³⁴ Badaoni, *Muntakhab al-Tawarikh*, 551.

³⁵ Shadaba Bano, "Age of Marriage in Pre-Colonial India", *Indian History Congress*, no. 64 (2003), 598.

respectively. It is also noteworthy that Mughal women often married at a late age or remained unmarried.³⁶ Another significant reform introduced by Akbar Shah pertained to the practice of marriage within the family.³⁷ In the twenty-eighth year of his reign (1582), Akbar issued a decree that prohibited marriage with the daughters of close relatives, including uncles, aunts, and other extended family members. The rationale behind this prohibition was the perception that the girls' inclination towards marriage was minimal.³⁸

Abu al-Fazl himself cites the following statement by Akbar Shah as a justification for this prohibition: "Marriage to strangers is preferred because it facilitates the transition from unfamiliarity to familiarity." "No matter how many marriages to a known person, it is still shameful."³⁹ Nevertheless, this law was not taken into consideration by the general public or members of the dynasty themselves. Akbar's eldest daughter, Shahzadeh Khan Khan Khan, married her cousin Muzaffar Hussain Mirza in 1594, at the age of twenty-five. Another daughter, Shahr-un Nisa, married her cousin, Shahrukh Mirza, in 1594. Jahangir's daughters Bihar Begum and Shahzade Perviz b. Jahangir were both married to their cousin Tahmuras b. Daniyal b. Akbar Shah.⁴⁰ It is notable that Shahzade Perviz b. Jahangir was married to a cousin, which is a practice that was not uncommon during this period.⁴¹

In our opinion, Akbar's policy of allowing marriages between Hindus and Muslims with individuals from other classes and castes than their own relatives or society, and the integration of society, may have been a way of facilitating social integration. Given the prevalence of Hindu-Muslim marriages in certain regions of India, and the issuance of an edict by Jahangir himself, banning such marriages upon his ascension to the throne, it is evident that the practice was not uncommon.⁴²

³⁶ The reason for the late marriage of Mughal women was the lack of suitable men for them. The dynasty is quite interesting for the marriage of women. Bano, "Age of Marriage in Pre-Colonial India", 599-600.

³⁷ Because cousin marriage is quite common in the Indian subcontinent, especially among Muslims.

³⁸ Badaoni, *Muntakhab al-Tawarikh*, 449.

³⁹ Allami, *Āyin-i Akbari*, vol. 2, 368.

⁴⁰ Bano, "Age of Marriage in Pre-Colonial India", 599.

⁴¹ Cihangir, *Tüzük-i Cihângîrî*, vol. 1, 202.

⁴² Cihangir, *Tüzük-i Cihângîrî*, vol. 2, 139.

In the thirty-second year of Akbar Shah's reign (995/1587), a law was enacted regulating single marriage and banning second marriages for men without sufficient justification. The rationale provided for this prohibition was the belief that "a man should have one wife, for God is one."⁴³ Abul Fazl articulates the rationale for this prohibition through Akbar's own words: "It is a man's inclination to desire more from a woman."⁴⁴ Nevertheless, a second marriage could be performed in the event of infertility.⁴⁵ It is also likely that the practice of bride price was abolished. This reform on marriage may have been influenced by Christian teaching, but it was also a challenge to implement fully. This was primarily due to the fact that Akbar himself had numerous marriages, as did the prominent statesmen who accompanied him, including Abu al-Fazl, Sheikh Mubarak, Mawlānā Badayuni, and Rajah Man Sing. It seems likely that Akbar was aware of this and would often tell women that they had devalued themselves by entering into multiple marriages.⁴⁶ His law was well received by Hindus and Christians, who also permitted only one marriage. Given Akbar's impartiality towards his subjects, it seems reasonable to conclude that he would have enacted the same law for Muslims.

3.3 Law on Circumcision of Male Children

The practice of circumcision among male children is a tradition that can be traced back to the Semitic/Abrahamic religions, namely Judaism, Islam and Coptic Christianity. However, evidence suggests that this practice has existed since prehistoric times and is not confined to a specific geographical area. In the Torah, circumcision of male children is identified as a sign of the covenant between God and the generation of Abraham.⁴⁷ This practice was subsequently adopted by the Children of Israel. In the first book of the Torah, Genesis, this command was explicitly given to the Children of Ishmael.⁴⁸

⁴³ Badaoni, *Muntakhab al-Tawarikh*, 529.

⁴⁴ Allami, *Âyin-i Akbari*, vol. 2, 369.

⁴⁵ Şahin, "Ekber Şah ve Dinî Reformu", 109.

⁴⁶ Allami, *Âyin-i Akbari*, vol. 2, 369.

⁴⁷ Salime Leyla Gürkan, "Sünnet", *The TDV Encyclopedia of Islam*, vol. 38 (Ankara 2010), 155-157.

⁴⁸ The condition of the covenant I made with you and your progeny is this: All the men among you will be circumcised. You must be circumcised. Circumcision will be a sign of the covenant between us. Every male child eight days old shall be circumcised, even slaves born in your house or bought from a foreigner who is not of your lineage. This will continue throughout your generations to come. (Torah, Genesis, 17/10-14.)

According to this book, Abraham was ninety-nine years old when he was circumcised. Ishmael, his son, was thirteen years old when he underwent the procedure.⁴⁹ Additionally, both Luke⁵⁰ and John⁵¹ attest that within Judaism, it was customary to circumcise the child on the eighth day, even if it coincided with the Sabbath. According to Jewish tradition, Jesus (pbuh) was circumcised on the eighth day of his birth.⁵² However, St. Paul strongly opposed this practice,⁵³ writing in his letters that it is more important to fulfil God's commands than to undergo such a superficial act.⁵⁴ In Islam, circumcision occupies a significant position. While there is no explicit command regarding circumcision in the Qur'an, its importance is elucidated in numerous hadiths. In a hadith narrated from Abu Hurayrah (may God be pleased), circumcision is described as being part of nature.⁵⁵ In other religions in India, circumcision is not considered necessary, and there is no mention of it in their holy books. Hinduism, Jainism, Buddhism and even Sikhism all make clear that circumcision is not an appropriate practice.⁵⁶

Akbar Shah issued an edict in 999/1591, introducing regulations regarding the age of circumcision for boys. As circumcision was not a practice observed in Indian religions,

⁴⁹ Abraham was ninety-nine years old when he was circumcised. His son Ishmael was circumcised at the age of thirteen. (Torah, Genesis 17/24-25.)

⁵⁰ The Holy Bible, Luke, 1/59.

⁵¹ The Holy Bible, John, 7/23-24.

⁵² On the eighth day, when it was time to circumcise the child, He was called Jesus. Bible, Luke, 2/21.

⁵³ Was one circumcised when called? Let him not try to remove it. Was another called uncircumcised? Let him not wish to be circumcised. Neither circumcision nor uncircumcision matters. The important thing is To keep the commandments of God. Let everyone remain in the state in which he was called. (Bible, First Letter to the Corinthians, 7/18-20.)

⁵⁴ Bible, Letter to the Romans, 2/25-29.

⁵⁵ Some of the things befitting the human soul from birth are the following: Washing and rinsing the mouth with water, inhaling water into the nose and cleansing it. Cutting the moustache (or shortening it), cutting the nails, removing the hair from the armpits, removing the hair from the skirt, and circumcision; Muhammad bin Ismā'il al-Bukhārī, *Al-Jāmi al-Sahih*, Kitab al-Libas, , 1st edition, (Beirut: Dāru Taqwī al-Najāt, 2001), Hadith 5889, 160.

⁵⁶ The following poem by the poet Baghat Kebir in the Sikh religious book Granth Sahib shows this; 'Circumcision is performed out of love for women; I do not believe in it, O Brothers of Destiny. If Allah had wanted me to become a Muslim, it would have cut itself. If circumcision makes a man a Muslim, what about the woman?' Sri Granth, Guru Granth Sahib, (English translation; Kulbir Singh Thind), Singh Sahib Sant Singh Khalsa, MD Hand Made Books, Arizona, Poem no; 477/16-17.)

the edict applied solely to the Muslim population.⁵⁷ In accordance with the edict issued during the reign of Akbar, the child to be circumcised had to have reached the age of twelve years.⁵⁸ In accordance with this edict, a child who has reached the age of twelve may undergo circumcision if they express a desire to do so. Conversely, if the child does not wish to be circumcised, they will not be circumcised. The rationale behind this legislation is elucidated as follows: "How can a circumcision be obligatory for a newborn infant when it is incapable of fulfilling the fard?" Abul Fazl also provides the following directive to the administrators on this matter: "Do not circumcise those under the age of twelve."⁵⁹ Nevertheless, no impediment was imposed on those above this age. This legislation was largely disregarded by the populace, and to this day, Muslim boys are typically circumcised within the first month of life.

Conclusion

In conclusion, the reign of Akbar Shah in India was characterised not only by military and political developments, but also by religious and social reforms. Akbar's religious movement, known as 'Din-i Ilahi', reflects his endeavour to create unity and harmony among the various communities in India by uniting disparate religious beliefs. The Din-i Ilahi may be regarded as both a synthesis that sought to integrate into the social and religious structure of the period, and as an approach that encouraged religious diversity in India.

Akbar's policies, such as permitting non-Muslims to construct places of worship and providing state support for religious observances, demonstrate his commitment to an inclusive approach to governance. Akbar's social reforms, particularly the prohibition of the *sati* practice and the introduction of marriage reforms, significantly transformed the social structure in India. These reforms addressed social injustices and promoted a broader understanding of social equality and justice. These initiatives have earned Akbar a prominent place in history, not only as a ruler but also as a reformer.

In conclusion, Akbar Shah's religious and social reforms constitute an important turning point in India's history. These reforms were influential in shaping the social and

⁵⁷ Badaoni, *Muntakhab al-Tawarikh*, 540.

⁵⁸ Allami, *Āyin-i Akbarī*, vol. 2, 361.

⁵⁹ Allami, *Ayin-i al-Akbarī*, vol. 1, 579.

cultural structure both during and after his reign. Akbar's reformist approaches demonstrate his leadership qualities and his efforts to increase the harmony of the multi-religious society in India.

Kaynakça | Bibliography

Abū Yūsuf. *Kitāb al-Ḥarāj*. Cairo: Selefiye Edition, 1969.

Ali, Hafiz Aamir. "İbn Battuta'nın Gözünden Hindistan". *Selcuk University Journal of Seljuk Studies*, no. 17 (January 2023): 71-96.

Badaoni, Abdu al-Qadir. *The Muntakhab al-Tawarikh*, Hansebook, 2020.

Banarsidas. *The Ardhakathānaka*. Translated by Mukund Lath. Jaipur: 1981.

Bano, Shadaba. "Age of Marriage in Pre-Colonial India". *Indian History Congress*, no. 64 (2003): 596-602.

Chaudhury, Sushil. "A Note on 'Sati' in Medieval India". *Indian History Congress 2*, no. 26 (1964): 81.

Choudhury, M. L. Roy. "Hindu-Muslim Relation During the Mughal Period 1526 to 1707 A.D.". *Indian History Congress 1*, no. 9 (1946): 282-296.

Cihāngir, Nūreddīn Muhammad. *Tüzük-i Cihangiri*. Translated into Urdu by Iqbal Hussein. Lahore: Al-Faisal Publisher, 2017.

El-Allāmī, Abū'l Fazl. *Āyīn-i Akbarī*. Translated into Urdu by Mawlawi Muhammad Fida Ali. Lahore: Sang-e-Meel Publications, 2015.

El-Allāmī, Abū'l Fazl. *Akbarnama*. Vol. 1. Terhan: Messasa-yi Tahkikāt Farhangi, 1952.

Al-Bukhari, Muhammad bin Ismā'īl. *Al-Jāmi al-Sahih*, Kitab al-Libas. 1st ed. Beirut: Dāru Taqvi al-Najāt, 2001.

Al-Shafī'i, Muhammad b. Idrīs. *Al-Umm*. Beirut: Dar al-Marifa, 1990.

Vanina, Eugenia. "The Ardhakathanaka by Banarasi Das: A Socio-cultural Study." *Journal of the Royal Asiatic Society* 3, no. 5 (1995).

Sri Granth. *Guru Granth Sahib*. Translated into English by Kulbir Singh Thind. Arizona: Singh Sahib Sant Singh Khalsa, MD Hand Made Books.

Gül, Ali. *Ansiklopedik Hinduizm Sözlüğü*. İstanbul: İz Yayıncılık, 2018.

Gürkan, Salime Leyla. “Sünnet”. *DİA (The TDV Encyclopedia of Islam)* 38 (İstanbul: 2010): 155-157.

Ibn Battuta. *Rihlet-ü Ibn Battûta*. Rabat: Akademiyetül Memleketül Maghribiyye, 1417/1996.

Izgi, Cevat. “Kütvâl.” *DİA (The TDV Encyclopedia of Islam)* 26 (Ankara: 2002): 503-504.

Shamsuddin, Mohammed. “A Brief Historical Background of Sati Tradition in India”. *Religion and Philosophical Research* 3, no. 5 (2020): 44-63.

Şahin, Hüsne Hilal. *Ekber Şah ve Dini Reformu*. PhD thesis, Ankara University Institute of Social Sciences, 2014.