

## MARRY HIM, THEN MARRY ME: NIKAH HALALA AND MALAYALAM MOVIES

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### ABSTRACT

Patriarchy tries to perpetuate inequality undergone by women from time to time and religion always lends a hand to it in accomplishing its intention. Sacred stances function as patriarchal tenets that become instrumental in the female subordination. Patriarchy reshapes and reinterprets religion which favors its ascendancy. Male dominated society uses religion as a tool to control and bully the women. The paper tries to analyze the representation in Malayalam movies of a practice called nikah halala according to which a couple who underwent a divorce cannot remarry unless the woman marries another man truthfully, and then her second husband dies or divorce her. But like the laws regarding triple talaq, polygamy, women inheritance etc have been misinterpreted; the teachings on nikah halala too had been distorted to safeguard the vested interests of male section of society. The movies Kasavuthattom, Alif, Kilichundan Mampazham, Mosayile Kuthirameenukal and Ghoshayathra have depicted this custom in detail, though Muslim lots are not much familiar with this system in their ordinary living.

**KEYWORDS:** Nikah Halala, Patriarchy, Divorce, Female Subordination

### INTRODUCTION

The word halala had not been used in Quran, it seems to have been originated from the word halal which means lawful. It means a process in which a definitely divorced lady can again become 'halal' (lawful) for her husband. Islam made the two-strike rule essential whereby a man is allowed to divorce and remarries the same woman again only two times. If the man divorces his wife for the third time, it would amount to an irreversible divorce and it would be impermissible for the man to marry the same woman again unless and until she marries another man, consummates the marriage, and the man dies or of his own will divorces her. Islam introduced this to prevent making a charade of the sacred institution of marriage and of the rights of women, where the man divorces his wife and marries her again and again. The term Halala is when a man has irrevocably divorced his wife, and they (or some people) intentionally plan and arrange for another person to provisionally marry the (divorced) wife, so that the wife can again become legal for the first husband. This intentional plotting and planning for arranging the temporary marriage of the divorced wife with another person to calculatedly outwit the Laws of Islam and make her legal for her first husband is what is known as Halala. However, if a woman who was divorced with three talaqs marries another man truly, without any tricks, and if her husband dies or if she is divorced due to dissension, etc, it is halal for her to marry her previous husband again.

Though it is not a common custom in Kerala, Malayalam cinema has made it a theme in many movies and thus has played a pivotal role in creating the notion that if a man divorces his wife and wants to remarry, the wife should be given in marriage to someone else on the promise that he will divorce her the next morning. This is a mockery of the custom where women are denied any freedom to speak and are trafficked as cattle.

In *Kilichundan Mampazham*, a sheer instance of nikah halala is shown. Moidutty Hajji is the rich landlord of the village. He marries for third time while his first and second wives are there already. His second wife Maimoona was married to Kalandhar. Kalandhar divorced his wife Maimoona saying that biriyani was much hot and spicy. This shows the nature of men who distort Islamic laws for their advantage and consider women as their commodity. Islam does not approve of triple talaq or talaq said in anger. But, for getting this fact, their divorce was acknowledged. Kalandhar repents his reckless activity and wants to get Maimoona back. As per the Islamic law it is possible only if Maimoona is married to someone else and is divorced after the consummation of marriage. So he asks his friend Moidutty to help him by nikah halala in the hope that Moidutty will divorce her soon after the marriage. But, Moidutty gets attracted by the beauty of Maimoona and refuses to divorce her. Kalandhar tries all ways to get her back but Moidutty is adamant in his decision. Though it was portrayed in a humorous way, the movie sheds light on this custom.

In the movie *Ghoshla yathra*, Naseema is divorced by her husband Jamal due to the compulsion of his father which he meant as a reprisal to Naseema's father. Naseema's sister in law was engaged to Rafeeq, but when more money was offered he broke it off to marry Shakkeela, the divorced sister of Naseema. Naseema is penalized for this dishonesty from her father's side. Later Shakeela committes suicide, finding it difficult to adjust with the licentious nature of Rafeeq. Then their parents begin to rethink Naseema's plight and decide to give her in marriage to Jamal. But Jamal's father insists that as per Islamic law, Naseema should be married to another person before going back to Jamal. A broker comes with the option of idakkett (nikah halala) for money. It is often reminded that whoever marries through nikah halala, and whoever compels him to commit that for his dear friend or so, are cursed by God. Naseema's people find Abdu, the deserted husband of Shakkeela, as the person to do this sham marriage. Naseema is given in marriage to abdu, who comes another day to divorce her. But Naseema gets exasperated at that marriage business and she requests Abdu not to divorce her. And she goes with Abdu.

The movie *Alif* also shows the predicament of Muslim woman whose voice is unheard or whose rights are suppressed maneuvering religious principles. Fathima is divorced by Abu for not giving her property in his name and alleging that she is sick. Atta asks the priest who comes in company and makes a claim that he does not do anything against the principles of the Quran or the Shareea, "is changing wife as we change shirts the teaching of Shareea". He gives her triple talaq which is against the teachings of Islam and he marries another woman. Fathima gets a government job and Abu wants to get her back. He gets tired of his second wife and he finds that if he remarries Fathima he can live on her income. So he comes with the priest and his other friends to ask her to marry. She reminds them that according to Shareea, he can marry her again only if she is married to someone else and he divorces her. For that too they find a solution. She will be married to his cousin and will be divorced in the morning. Then Fathima reminds them that prophet had forbidden such marriage. She also raises a question regarding the iddah period during which she confirms that she is not carrying. The priest says that Abu has made such an adjustment with his cousin that he will not touch her and it is only a sham marriage.

In the movie *Kasavuthattom*, Jameela and Abu had fall in love and want to marry. But when a proposal comes from Musliyar, a rich landlord, she is given in marriage to him. In Islam, bride's consent is compulsory, yet her father and brother does not seek her consent, and she is compelled to live as the wife of this aged man who has four children already. Musliyar does not consummate his marriage with Jameela, as he wants to be faithful to his wife's memories. He denies her

rights as woman and wife saying he wants a woman to look after his children and not to satisfy his physical needs. But he develops a suspicion over Jameela of which she is innocent. But instead of giving her a chance to prove her virtuousness, he gives her triple talaq. Jameela returns to her home and she meets Abu again. This time too they decide to marry, but misfortune comes in the form of Musliyar again. He realizes his mistakes and comes back to claim Jameela. Jameela's brother and father, who are blinded by the immense wealth of Musliyar do not heed to her objections and decide to marry her off to Musliyar. But as per Islamic law, Musliyar can marry her, only after she is married and divorced by another man. For this, they decide to hire a man, who will marry her and divorce her after one night. This man turned out to be none other than Abu. Abu has been given instruction to stay in the room with Jameela the whole night, but not to consummate their relation, which itself is against the instruction of Islam. And no one even thinks about the pain of Jameela nor asks her consent. In the morning Qazi and others comes to demand divorce but Abu shows relentlessness. He bursts, 'You marry a woman when you want. Then you throw her away when you get angry with her. Don't consider her livestock. Is this the law of Islam?' He is thrashed mercilessly. Jameela begs Musliyar to spare Abu and in the end they are left free to live their own life.

In the movie *Mosayile Kuthirameenukal* the custom of Nikah halala is portrayed but it is merely to develop the story. The story takes place in Lakshadweep and the heroine Iza demands Akbar Ali to marry her in order to make her 'halal' for her husband, who later proved to be a rogue. Akbar Ali marries Iza, but before he can pronounce talaq, police comes to arrest Akbar Ali, for hunting whale, which he had done in order to help Hashim, Iza's former husband to find 'Mahar' money demanded by Iza's father. Akbar Ali rejects to give second and third talaq as he finds out the treachery of Hashim. Akbar Ali is imprisoned but he breaks the jail to convince Iza of his innocence and pronounces Talaq. Unlike in other movies, no one lingers on the religious aspects of the Nikah Halala. It is presented as a customary thing and no one expresses any repulsion or horror over it.

## CONCLUSIONS

Nikah Halala was a custom made in Islam in order to bring to a standstill, the custom of divorcing woman according to the whims and fancies of men. The stringent rule was applied to convince men that it is not easy to get back their wives once they give talaq to her in anger or in drunken state. But later, like almost all other religious customs, this too had been warped in order to sustain the patriarchal society. In *Ghoshayatra*, *Kasavuthattam* and *Kilichundan Mampazham*, the heroines are not consulted before the divorce and interim marriage was held. They are just victims of male dominated society, who interpreted laws to suppress women and to deny them their rights. But in *Mosayile Kuthirameenukal*, the heroine demands the hero to do interim marriage in order to facilitate her reunion with her former husband who divorced her in sudden wrath. In *Alif*, the heroine, Fathima questions the priests who recommend nikah halala to her.

The study on the custom of nikah halala and its validity becomes relevant in the present scenario where the legitimacy of nikah halala is questioned by Muslim women themselves in the court. Lot of Muslim women organizations have come forward demanding the abolition of Nikah Halala. The depiction of this practice in movies has, in a sense, paved the way for a feeling that nikah halala done for a day with a selfish motive is the permissible thing among Muslims, while the religious side of the issue grew inconsequential in due course of time.

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