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## The Discourse of Attire and Adornment of the Dead and their Mourners in Muslim Medieval Legal Texts

Hadas Hirsch, Oranim Academic College of Education, Israel

### Abstract

The article examines the legal discussion of attire and adornment of the dead and their mourners in early Islam, as death rituals often provide insight into cultures and their relationship with both the dead and the living. The role of *fiqh* (jurisprudence) and *fatawa* (formal legal opinion) collections was to accommodate the often abstract law to the community's needs. Together with the frequently hypothetical theoretical discussion, they reflect the community's practices, since the written texts dealt with reality in their determination of what was and was not permitted according to legal norms.

Medieval Muslim legal discussion of the attire and adornment worn by men and women during burial and mourning was aimed at establishing and preserving the patriarchal gender-based hierarchy. The fact that some prohibitions regarding the outward appearance of the two sexes apply only to the living reflects the decrease in the power of gender differentiation at the end of the human existence cycle. For the relatives of the deceased, the mourning period is a transition stage characterized by special markers of clothing and adornment. During the three days of mourning, mourners of both sexes are forbidden to change their clothes, to wear jewelry, or to use scent. However, in all other matters of attire and adornment gender differentiation does exist, since only widows have to continue wearing the outer signs of mourning. They are forbidden to wear colored clothing or use perfume, henna and cosmetics for a period of four months and ten days.

### Introduction

In both past and present societies there is often a dual attitude towards the dead: the body has to be disposed of, but the emotional ties with the dead person remain as before and so need to be related to by way of commemoration for perpetuity (Eliade: 1). In many societies the belief in rebirth and resurrection into a new world that is better than the mortal

one provides consolation to the relatives of the dead, providing a source of hope for better rewards in the world to come in comparison with the trials of this world.

The symbols and metaphors for death express the passage from the material to the spiritual through the use of images of rebirth and resurrection into a new world in which there is both spiritual and material compensation. The images of the world of the dead are borrowed from the material world and concepts of life, apparently in order to make it easier to become more familiar with the nature of a hidden, unknown, and frightening world. The high rate of mortality in pre-modern societies makes the social existence of the dead very concrete, and as a consequence the rites of death and burial as ways through which one separates the dead from the living are one of the important ways in which we learn about the cultural values that fashion the lives of different societies (Gordon and Marshal: 25).

In Muslim societies the obligatory laws of burial and mourning symbolize the fact that all Muslims, irrespective of their socio-economic status, are equal at the time of burial and during the mourning period. Despite the fact that, at the end of their mortal lives, the differentiation between free people and slaves is cancelled, the hierarchical division between men and women remain as present as ever. This situation reflects the centrality of the patriarchal-gendered Muslim jurists' view of the world that continues to exist even when other divisions (e.g., those of status) lose their importance or are cancelled altogether.

In spite of the fact that Muslim sources paint a picture of a two-sex world, the legal discussion includes reference to burial laws involving men with no clear sexual identity – *mukhannathun* (Ibn Manzur: 908; al-Al-Firuzabadi: 155; al-Zabidi: 240-43; Ekins: 10-13; Lane 1980: 614-15, 815). The way Muslim jurists deal with this issue reflects the patriarchal need to preserve the hierarchical gender division of the two recognized sexes (Sanders 1992: 81). The location of the *mukhannathun* in the twilight zone, which is neither male nor female, caused Muslim jurists to choose the strictest of all approaches: applying all the prohibitions involving burial to both men and women, due to the fear of crossing the border that separates the two recognized sexes, consequently harming the patriarchal order.

The research presented below is based on legal literature (*fiqh*) collected in law books (*jur'u al-fiqh*) and legal opinions (*fatawa*) composed by authors of different schools of law from a wide geographical and chronological range. The basic assumption is that the role of the *fiqh* and *fatawa* collections was to accommodate the often abstract law to the community's needs. Together with the frequently hypothetical theoretical discussion, they reflect the community's practices, since the written texts dealt with reality in their determination of what was and was not permitted according to legal norms. Although they were created over several centuries, they reflect the stability of norms and practices mostly in urban societies of the Muslim *mashriq* (east) side by side with local variations. In light of the fact that there is a marked absence of sources from the first period of Islam, there is no better source than the *fiqh* for learning about the social realities of the beginnings of Islam. However, one must be very careful in differentiating between the different levels of reality during different periods and geographical areas reflected in the jurisprudence, as well as paying attention to the differences between populations in relation to the customary law.

Most of the existing studies on dress in early Muslim societies focus on living people rather than on the attire of the dead and their mourners. An even smaller number of studies

deal with an analysis of textual findings from a gender perspective (Darawsha; al-'Ubaydi: 1980a and 1980b; al-Adnani; Ibrahim; Stillman; Hsu). Accordingly, this article presents the principles involving the attire of the dead and their mourners in early Muslim societies as formulated in medieval Muslim legal sources. A gender-based analysis of these principles will allow us to demonstrate the connection between gender, sex, and dress, and show how patrilineal-patriarchal societies use clothing to structure the interactions and status of both men and women in those dangerous zones where male and female spheres of action overlap.

The power of those gendered distinctions through different elements of clothing and adornment might be illustrated in a bell graph with asymmetrical lower ranges. The left side of the graph is early childhood, which is nearly free of any gender limitations in this respect. When infancy has passed and gender differentiation appears the picture changes, and with it the formation of the graph of gender distinction by means of appearance. The peak of the graph is the period of sexual maturity and fertility, and it is then that gender limitations are imposed in full force through the components of outward appearance. The rules for outward appearance in old age, at the time of burial, and in the afterworld show a decline in the force of gender distinctions, although there is no return to the level of childhood.

### **The Preparation of a Body for Burial**

Funeral ceremonies provide the living with a ritual of departure from the dead, and treatment of the body by relatives suggests a halfway situation between two worlds for the dead person. An example of this is the washing of the body, the use of perfuming materials and the cutting of hair and nails – all typical of life, as opposed to the sealing of the body's pores. In many societies the rituals of parting from the dead are scant and simple, while those involved with transferring the deceased to the world of the dead, i.e., his/her preparation for burial, are longer and more complex (Van Gennep: 154).

Early Muslim concepts of death and what follows it, e.g., the deterioration of the body as opposed to the survival of the spirit and its passage into the spiritual world, were influenced by ideas common before the appearance of the Prophet Muhammad in earlier societies in the Arabian Peninsula. At the same time, Islam redefined the mutual relations between life and death, ruling that life was sacred because God granted it to humankind. Islam, like other monotheistic religions, and in contrast to Arab pre-Muslim ideas, adopted the view that the fate of people in the world to come depended upon the mercy of God and was determined by deeds carried out in life (Abdesselem: 911-12).

We learn from the Qur'an that God controls the lives of people in this world and in the world to come; he invests them with the spirit of life and takes their lives away – evidence of his greatness and humanity's absolute dependence upon him (Welch: 184-85; Reinhart: 34; O'Shaughnessy: 1). The Qur'an, however, does not present an organized approach to death and the philosophical and theological activity that took place in this area after the Prophet is what created, based on qur'anic declarations, an organized Muslim theology of death (Welch: 195; Haddonfield: 5-6). According to Jewish and Muslim traditions, the lack of proper burial was and still is one of the greatest humiliations for human beings, and was interpreted as a sign of exclusion from one's community (Zaman: 30-31).

The importance of burial attire can be understood from a tradition referred to in Ibn Abi Dunya (died 894), which notes that the deceased should be buried in their best clothes because this will be what they will be wearing on the day of resurrection (706). As late as 700 years later al-Suyuti (died 1505) cites a list of traditions which emphasize the obligation of dressing the body in good clothes (80-82). For example, a dead person was buried in clothes provided by *bayt al-akfan* (the house of shrouds) – an interesting concept not referred to in other sources, possibly describing a place where minimal clothing was distributed to the needy in order to cover their nakedness. At nighttime the deceased comes back to complain to those who buried him about his miserable clothes, demanding to be dressed in the shrouds of paradise (*kafan al-janna*). As proof he leaves them his original burial clothes in the *bayt al-akfan*. According to another tradition, a man whose wife had died does not see her in his dreams among other women and, in answer to his queries, the women tell him that his wife is ashamed to be seen in society because he had been miserly with the burial clothes.

There are four stages of burial rituals in Islam – the washing of the body, dressing it in burial clothes, prayer during the funeral, and burial with one's face turned to Mecca – all extensively discussed in the *fiqh* and not in the Qur'an, which does not deal with burial laws (Campo: 265). The legal literature extensively discusses the instructions for washing the body and dressing it in appropriate attire because the grave is seen as a temporary station. The dead have to be prepared for the day of resurrection, when they will be spared or doomed according to their deeds in this world. We learn about the preservation of the social hierarchy in regard to gender from al-Sarakhsi (died 1090), who maintained that if there is a need to bury a number of bodies in a common grave, the first to be buried facing the *qibla* (the direction of prayer to Mecca) will be the male, next the *ghulam* (youth), then the *khuntha* (those with no clear sexual identity), and lastly the women.

When people depart this life they remain subject to the same world of concepts and values that ruled their life, and in the case of Muslim societies, these are patriarchal concepts. Those concepts are expressed in the instructions formulated by the Muslim jurists in regard to the burial of both sexes and in the many exceptions imposed on the burial of women.<sup>1</sup> The guiding principle is that what was forbidden for men and women in life is also forbidden to them after death, and what was permitted in life is also permitted in death. In other words, gender distinctions between men and women are preserved in burial laws, and there is an appropriate way to bury men and another to bury women. At the same time, there are components of self-adornment that are appropriate only for the living. As a rule, the laws about preparing the body for burial stipulate that the bodies of men and women must be washed at least three times in water and scented materials<sup>2</sup>, their hair must be groomed, and they must be dressed in new or clean clothes, with three articles of clothing for men and five for women, since their nakedness is greater. It is forbidden to even loosen

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<sup>1</sup> Ethnographic evidence about burial rituals in modern Muslim societies shows that many of the principles formulated in the legal sources, such as the washing and perfuming of the body, the sealing of the pores, giving preference to the color white, and burial in a number of pieces of clothing are still preserved; there are other practices, however, influenced by time and place (see further: el-Aswad; Mathewson: 36; Granqvist 1965: 62-63).

<sup>2</sup> Washing the corpse was not an original Islamic practice, but became so later on (see Halevi 2007: 68-69).

women's burial clothes when their bodies are put in the grave, for fear of exposing their forbidden parts (a practice allowed for men). Men cannot be buried in silk clothes or in clothes colored in yellow-orange hues (*al-mu'asfar*) – something forbidden to them in life, but it is unclear whether this also applies to women.

Clothing for burial had social, economic, and religious value in the early Islamic period, as they came in a variety of materials and colors, thus conveying personal style, economic status, and ideological commitment (Halevi 2004: 85). A similar picture is glimpsed from the Cairo Geniza, as the most expensive item in the burial process was the shrouds (Goitein: 263).

No mention is made in the legal sources of the manufacture of burial clothes, and in the *hisba* guides there is no reference to them being sold in the markets.<sup>3</sup> Apparently Muslims prepared their burial clothes themselves, whether they were used or new. When new burial clothes were purchased, they had to be bought with the dead person's money, and men usually purchased the burial clothes for their women. If the deceased did not leave enough money to buy burial clothes, the state's coffers (*bayt al-mal*) would purchase one article of clothing for him (the minimal necessity), which would cover his whole body (though it was permitted to bury in less in certain cases). If there was a shortage of clothing, the nakedness (i.e., the sexual organs) had to be covered first, then the head and, if necessary, the legs were to be covered with leaves, branches, and weeds. When there were many dead people and insufficient clothing for burial, as happened in the *Uhud* (a name of a place) battle (in 624), it was permitted to bury two bodies, and even three, wrapped together in the same piece of clothing.

The legal volumes did not ignore the economic aspects of clothing the dead. It was stipulated that one should not exaggerate in this expenditure, and it was even permitted to launder clothes for burial. According to tradition Abu Bakr (the first khaliph) gave instructions to wash his clothes for his burial. In response to a question from 'Aysha (the beloved wife of the prophet Muhammad) about this, Abu Bakr said that the living need new clothes more than the dead (Ibn Anas: 399). From al-Nawawi (died 1277) we learn that in the thirteenth century burial attire reflected one's economic status despite the jurists' stipulations: "If the deceased is rich he will be buried in the most expensive ways [of dress], if he is average [he will be buried] in the average way and, if he is poor, he will be buried in the lowest way [of dress]" (195).

There are special virtues attributed to burial in clothes belonging to people with a special status in Islam. At the top of the list are the clothes of the Prophet Muhammad. The eleventh century Ibn Hazm (died 1064) relates that when 'Abd'allah bin Ubay, head of the *munafiqun* (the hypocrites), died, his son came to the Prophet and asked him for a shirt in which to bury his father. Muhammad gave the son his personal clothing, so signifying that he has forgiven his father for not choosing Islam. During the Fatamid period, the *khila* (a

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<sup>3</sup>*hisba* – another kind of legal source whose purpose was to direct and instruct the *muhtasibun* so that they could act as guides for those granted the positions. It includes a discussion on the ethics of merchants and tradesmen, as well as instructions about supervising public morality, including outward appearance (see Ghaban: 396; Cahen and Talbi: 486; Buckley: 101, 104-106).

prestigious coat worn by rulers) was a much sought after piece of clothing for burial, because the Shiite Fatamid rulers were thought to bear a special blessing. The pieces of clothing decorated with *tiraẓ* (special embroidery) were famous for having a special importance during this period, and were said to protect the dead on the Day of Judgment because they were adorned with the khaliph's names that were invested with holiness (Sokloy: 75; Sanders 2001: 227).

Two categories of the dead are not subject to the laws of purification for burial which are incumbent upon most Muslims – the *shuhada'* (martyrs) (Kohlberg: 204) and those who have died in *ibram* (a holy state in which pilgrims to Mecca exist). The bodies of those who have fallen in battle, mostly men, are not washed, their clothes are not changed, and they are buried exactly the way they looked when they departed from this world. According to the jurists these *shuhada'* will present themselves before God on the Day of Resurrection “colored the color of blood and smelling of musk” (Ibn Qudama: 333). The bloodstained burial clothes of the fallen are silent testimony to their special status on the Day of Judgment. Their weapons, however, have to be taken away from their bodies as must clothing made out of fur or hide which is unsuitable for use as a shroud, perhaps because they were often worn by idolaters. These instructions were designed to bestow a special status on those who fell in battle both in the eyes of God and of humans. The reward for the *shuhada'* is Paradise, but only the *shuhada' al-ma'raka* (those who died during battle) earn the right to enter the gates without having their bodies purified and dressed in clean clothes. Their death is the death of the Holy, and thus they need no earthly purification.

As stated earlier, those who die in *ibram* are also not subject to the rules of purification. Their bodies have to be washed in water and *jojoba*, but without camphor or any other form of scent, and they are to be buried in the clothes of *ibram*. A male *muhrim* (a holy state in which pilgrims to Mecca exist) will be buried with his face and head uncovered, and a *muhrima* (female) with only her head and not her face covered, as was the practice among men and women in a state of *ibram*. Those who support burial in *ibram's* clothes for someone who died while still in *ibram* claim that the state of holiness is not cancelled by death, and so it is forbidden to perfume and dress the body in stitched clothing or to groom its hair. Others claim that the *ibram* is cancelled with the death of a person (Ibn Hazm: 149; Ibn Qudama: 332-334; al-Nawawi: 129; al-Shirazi: 131).

In the ninth century Ibn Sa'd (died 845) in *Kitab al-Tabaqat* (the book of classes) relates that the body of the Prophet was washed in a shirt three times, perfumed and dressed in three pieces of white clothing, and like many other practices attributed to the Prophet these practices became *sunna* – a model for imitation. Together with this Ibn Sa'd presents a list of contradictory traditions concerning the quality and prestige of the clothes in which the Prophet was buried. According to another tradition attributed to 'Aysha, the Prophet was buried in the following articles of clothing: “three articles of white clothing made from cotton thread that did not include a shirt or head covering” (Ibn Hazm: 119; Ibn Anas, 399; al-Sarakhsi: 73).

As a general rule articles of clothing preferred for men's burial are made of white cotton or linen, but wool of different types is also permitted.<sup>4</sup> Men are supposed to be buried in three articles of clothing that do not include a *qamis* (shirt) or '*amama* (head covering), and there are those who add a *sirmal* (an undergarment) and an *izar* (a piece of cloth for the lower part of the body), while the upper article of clothing needs to be the most attractive. Those who oppose the dressing of men's bodies in a *sirmal* claim that it is meant for covering the sexual organs while walking and that this is unnecessary at the time of burial. In the opinions of those who support the binding of an '*amama* to men's heads one has to let its tassels fall over the face in contrast to the practice in life where the tassels fall backwards. Al-Nawawi (died 1277) points out that if one adds a *qamis* and '*amama* to a man's body, one has to do so under the *thiyab* (an upper garment) because these articles of clothing are meant as decoration – a practice unnecessary in death.

It is recommended that the two layers of men's underclothing be perfumed with *hanut* (embalming fluid for perfuming the body) and camphor. Al-Sarakhsi (died 1090) explains why the burial clothes have to be perfumed: "Because he wears the burial clothes in order to present himself before God. In his life, when he dressed for Friday or for a festival he perfumed himself, and so his burial clothes should be treated like this after his death" (60).

Women are buried in five articles of clothing: a *dara'* for the body, a *khimar* for the head and face, and three other coverings for the body – *lifafa*, *mantaqa*, and *rida'*. Al Nawawi explains that the difference in the number of articles of burial clothing for women comes from the difference in the definition of what constitutes nakedness for the two sexes. A contemporary of al-Nawawi, Ibn Qudama (died 1223), adds that it is undesirable for women to be buried in clothing colored in yellow/orange hues or in silk. In his opinion, silk was permitted for women during their lifetime to adorn themselves for their husbands, and is no longer needed after their deaths. There are differences of opinion over whether the faces and palms of dead women should be covered, since during their lifetime these parts of the body were not considered nakedness.

In matters concerning the burial of the *mukhannathun*, the jurists decreed that what was applicable to a *mukhannath* during his life also continues after his death, and that the laws of burial that apply to him are those that are obligatory for women but not forbidden to men; thus, in no way can there be a legal infraction.

### The Mourners' Outward Appearance

Different societies deal with the cognitive and emotional aspects of death through mourning rituals, including typical clothing worn by the mourners (Hazan: 70). The mourning period is a period of passage for the living, which begins with separation rites from society, such as the avoidance of certain kinds of clothing and adornment, and ends with ceremonies of rejoining society such as shaving off one's hair and disposing of the

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<sup>4</sup> According to al-Ghazali, wearing of the *ihram's* simple white clothing is supposed recall the pilgrimage shrouds of believers because the journey to Mecca involved many hardships during the Middle Ages and not all the pilgrims to the city succeeded in getting there or returning healthy and whole. As it is incumbent upon someone who makes the pilgrimage to change his mode of dress before reaching Mecca, it is also incumbent on him, before he meets his maker, to look different from what he looked in this world (see I: 350).

mourning clothes. During this period the dead person and the mourners are both a part of a group that is at the liminal stage between the world of the living and that of the dead. Demands made of the mourners change according to the degree of their relationship with the deceased, and in many societies the most stringent demands are made upon the widow or widower. During the transition stage of the mourning period, mourners in many pre-modern cultures would wear black, rip their clothes, and cover themselves with ash and dust – practices that are familiar to us from the Biblical period (Bastl: 369).

Even though death might act as a catalyst for expressing strong emotions, for mourners in many patriarchal societies external signs of mourning practices were defined by men as typical of women. According to these perceptions, women externalized their emotions because of their inability to control them, as opposed to men who maintained decorum and cool-headedness. Therefore men allowed women to express their sorrow in external, symbolic ways, but permitted themselves only restricted feelings of sadness during the accepted days of mourning.<sup>5</sup> The jurists feared that wailing women would upstage the poised and contemplative Muslim men who had already submitted to God's judgment and now yearned to enact an orderly and predictable funerary rite (Halevi 2004: 142).

It is the Islamic practice to have three days of mourning during which the relatives of the deceased are forbidden to wear jewelry, change clothes, or use perfume – but a widow has to obey these laws for a period of four months and ten days. During this period, on the basis of *Surat al-baqara* 234, widows are neither allowed to adorn nor beautify themselves. The laws of mourning widows reflect the desire to establish unique Muslim mourning practices, different from pre-Muslim ones. Widowers are not mentioned at all in the Qur'anic verses dealing with mourning, as is also the case with later legal literature that includes no reference to laws of mourning for widowers of any category, certainly not in regard to restrictions on outward appearance. This is also the case in relation to external signs of mourning (except for the three days of mourning) regarding the deaths of family members of the first order who are not spouses, such as brothers or parents. This intentional disregard stands in contrast to the detailed sections of the law under the heading of *al-mutawaffa 'anha zanjuha* (those whose husbands have died). The end result of all this is that outward appearance has importance in the preservation of the gender hierarchy typical of patriarchal structures during the period of mourning as well.

The purpose of the restrictions involving outward appearance placed upon widows was to prevent them from establishing contact with men. These restrictions signal men that that a woman is a widow and forbidden to them during the period of mourning, because she may be pregnant with the child of the deceased. Thus, the dead patriarch remains in power and controls his wife's life for at least four months and ten days, and even longer, if she is pregnant. The patriarchal world sees supreme importance in the relationship of the offspring to the father's family. The patriarchal presumption is that widows present a threat to the existing social order because their sexuality is left without a patron, and therefore need to be

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<sup>5</sup> As Lior Halevi shows, many Muslim communities (except Kuffa and some others) tried to dissuade women from lamenting for the dead in a violent manner. Although the Babylonian Talmud confirms the same point of view, it does mention the basic Ishmaelite lament as a rite worthy of imitation, but without its violent interpretations (see 2004: 34-36).

subject to the authority and supervision of men (Jansen: 221). The masculine viewpoint is that these women might tempt them, thereby raising questions of paternity. It is also feared that widows with status and property will enter the male public sphere and act as patrons rather than those subject to patronage.

The laws governing the outward appearance of mourning widows apply to all sectors of women alike: “In the matter of the mourning of widows . . . there is equality between a free woman, a slave, a non-Muslim woman with a protected status (*dhimmiyya*), a Muslim, a young woman and an older woman” (Ibn Qudama: 185). In the framework of the hierarchal gender division, women were divided into different categories that have unique characteristics regarding outward appearances, creating clear borders between free Muslim women and concubines, Muslim and non-Muslim women with a protected status, and young and older women. The laws governing mourning widows indicate that in case of unsupervised sexuality all women are equal.

Al-Nasa’i (died 915) discusses a tradition negatively describing the customs of mourning women during pre-Islamic times (*jabiliyya*): “Those whose husbands have died go into a modest house, wear the most contemptible clothes and do not touch perfume until a year (of mourning) has passed” (168). Women’s mourning customs in Islam have been defined in complete opposition to the practices of the *jabiliyya*. For example, the mourning period of a Muslim widow was shortened from a year to four months and ten days, perhaps in order to allow her to get re-married and bring new children into the world. Similarly, the custom of moving into a modest house during the mourning period was forbidden. Restrictions upon the use of perfume and clothing did, however, remain in place, undergoing a process of Islamicization. Ibn al-Jawzi (died 1200) opposed the practices of ripping clothes and slapping cheeks by mourning women, as was the practice in the *jabiliyya*, arguing that this was inherited from Satan. Ibn Taymiyah (died 1328) repeatedly expressed his strong opposition to *jabiliyya* women’s mourning practices, which included tearing out hair from one’s head, scratching one’s face and removing the *rida’* (an upper cloth) and only leaving the *qamis* (a shirt). Undoubtedly, those local and pre-Muslim practices continued to exist and the legal struggle against them was unsuccessful.

A question that remains open is whether the mourning clothes were special or whether there were only general assumptions about what was forbidden to wear. In the *Musnad* of Ibn Hanbal (died 855), a non-canonical *hadith* collection, the concept *thawb al-hiddad* (black mourning clothes) is only referred to once (Matlub: 86; Lane 1980: 526). According to this tradition, Asma’ bint ‘Isa, the wife of Abu Bakr, relates that when Ja’far bin Abi Talib, the Prophet’s cousin, was killed in a battle against the Byzantines in 629, Muhammad said: “My mother (apparently this is what Muhammad called Ja’far’s mother, since he himself grew up in her house), wear the clothes of mourning for three days (as is the practice in Islam) and afterwards do what you want” (Ibn Hanbal: 438). This concept, mentioned only in the *Musnad* of Ibn Hanbal, apparently reflects the process of the development of mourning customs, including later customs such as the wearing of blue or black clothing and blackening one’s face (Tritton: 659-60).

Descriptions of mourning clothes are generally absent from the legal literature, but there are very detailed references to the kinds of clothes that mourning widows are forbidden to

wear: clothes colored in hues of *al-mu'asfar* (yellow or orange) that has both color and scent, and other colors whose aim is to adorn women. Ibn Qudama (died 1223) notes that mourning widows are forbidden to use a *niqab* (a covering for the head and sometimes the face) to cover the face, since their situation equals that of women in *ihram*. The legal directive concerning the prohibition on maintaining any relationships with men during the *haji* and the period of mourning is, one can assume, the explanation for the permission given to women not to cover their faces in public places, the opposite of what is otherwise demanded and expected.

Our legal sources are in full agreement that widows are permitted to wear *thawb al-'asab*, and there are different explanations about the nature of this attire. Some claim that this is an overcoat of Yemenite origin whose exact character is unknown (Ibrahim: 325), while others suggest that it is a type of plant whose origin is in Yemen, used to color spun thread before it is woven; the clothes made using thread of this color are not defined as a form of decoration (Ibn Qudama: 169). One can assume that this is an article of clothing in conservative colors, cut in a way that emphasized woman's curves. Clothes of Yemenite origin were considered to be especially prestigious and so, perhaps, only women who were financially better off could purchase them for the mourning period, while others had to be satisfied with obeying the prohibitions on wearing certain types of dress (see Khalifa).

Al-Nawawi describes the appropriate dress for a widow thus: "The (widow) wore the clothes of sadness and used no adornment" (187). He makes it clear that, according to Malik (died 795) and al-Shaf'i'i (died 820), *libas al-buzn* (dress of sadness), a concept not referred to in other sources, was a form of attire colored black, dark green or blue, not for the purposes of decoration but for those of sadness – clothes that did not flatter the woman's outer appearance. Another interesting comment made by al-Nawawi is that attractive widows do not purposely have to make themselves look ugly and neglect their outward appearance during the mourning period. The jurists apparently believed that one should not purposely make it more difficult for attractive women in mourning, despite the fact that they are beautiful even without the use of cosmetics and perfumes, and that the directives about not improving their outward appearance during this period are sufficient. Obeying rules about outward appearance aimed at preserving hygiene and modesty was also an obligation for mourning women, thus they had to dress in clothes that covered their private organs that were not allowed to be exposed to view, cut their nails, pluck out their pubic hair, shave their armpits, and comb their hair.

During this period it is forbidden to use any ointments or perfumes on the hair or body whose purpose is decorative or aromatic, but only oils for the body and hair whose purpose is to maintain feminine hygiene. It was believed that the scent of perfume arouses sexual appetite at a time when women are forbidden to others. A delicate scent may be used after purification from menstrual bleeding. Using the same argument, the jurists forbade mourning women from wearing jewelry, coloring their hair and the palms of their hands with henna, using face cosmetics such as different shades of powder, and tattooing their faces and palms (al-Nawawi: 187). More complicated is the use of *kuhl* (an antimony used for darkening the eyelids) for both decorative and therapeutic purposes. Most traditions forbid the use of *kuhl* by mourning women, while some allow it when there is fear of doing damage

to the eye or even causing blindness. In any case the recommendation is to use *kuhl* at night and remove it during the day.<sup>6</sup>

## Conclusion

Commonly, people are first identified by being male or female, a definition that refers to outward appearance and behavior that is the result of a normative gender determination in the context of time and place. From the discussion above we can see that the goal of medieval Muslim jurisprudence dealing with men's and women's attire during burials and mourning was to establish and preserve the patriarchal gender-based hierarchy.

Two burial ceremonies in Islam are directly connected to outward appearance – the washing of the body and its dressing in burial clothes. Washing and dressing are activities typical of life but they receive special significance in regard to the dead, since the appropriate treatment of the outward appearance of the body prepares the dead for their resurrection, when they will stand before their maker who will seal their fates forever – in Paradise or Hell. The bodies of two categories of believers do not need preparation for burial: *shuhada'* who fall in battle and believers who die while still in *ibram*.

The laws governing the preparation of men's and women's bodies for burial preserve the characteristic gender standards suitable for men and women during their lifetime. The bodies of both sexes are washed and perfumed, but their burial attire is different: women are buried in five articles of clothing, men in three that are not made of silk or colored in shades of yellow, and *mukhannathun* are buried the way women are. There are prohibitions regarding the outward appearance of both genders at burial, reflecting decreased gender differentiation at the end of the human lifecycle.

For the relatives of the deceased the mourning period is a transition stage characterized by special markers of clothing and adornment. The mourners enter the stage of mourning through rituals of separation, including the avoidance of certain types of articles of clothing and decoration. During the three days of mourning, mourners of both sexes are forbidden to change their clothes, wear jewelry, or use scent. Subsequently, gender differentiation reappears since only widows have to continue wearing the outer signs of mourning. They are forbidden to wear colored clothing and to use perfume, henna, and cosmetics for a period of four months and ten days, during which time they are still forbidden to others. Widows of all sectors and socio-economic statuses must not beautify or decorate themselves, while the laws governing hygiene and modesty remain obligatory.

From the discussion of the laws governing clothes and decoration during women's longer period of mourning, we can learn about Muslim jurists desire to determine norms of unique outward appearance of widows in Islam, which are different from those of the

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<sup>6</sup> A certain level of continuity of norms set down in the legal sources can be found in modern Muslim societies, as we can see in ethnographic studies. Since the need to demonstrate mourning is related to women, they avoid any adornment including cosmetics, wearing jewelry and the use of henna and only wear simple, modest clothing in modest colors (see Abu Lughod: 190; el-Aswad: 237; Lane 1963: 533; Granquist 1931: 290).

*jabiliyya*. As pre-Muslim mourning customs reappear and are defended in the legal sources themselves, it is clear that some of them continued to exist despite the jurists' opposition.

The legal discussion of attire and adornment during burial and mourning in pre-modern Muslim societies is an example of the high value placed on one's outward appearance in those societies. The juristic discussion of these principles is significant, as this is a reflection of the patriarchal connection between sex, gender, and clothing. Despite a decline in the force of gender distinctions in old age and at the time of burial, as may be illustrated by the bell graph, the discourse of the dead and mourners' outward appearance continues to be gendered.

Dress and adornment are used to construct the interactions between men and women and to reaffirm the patriarchal gender-based hierarchal status and spheres in the twilight zone of the emotional distress of death and mourning. This is a case study of pre-modern traditional societies in which components of outward appearance are used by male jurists as a means of socialization based on gender distinctions in outward appearance existing from childhood to death.

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