

## The Book of Marriage: Histories of Muslim Women in Twentieth-Century Australia \*

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Tuesday 24 May 1904 was a bright moonlit night at the railhead of Marree in the northern deserts of South Australia.<sup>1</sup> Yet the brightness failed to uncloak Sher Khan, for the railway guard did not see the thirty-five-year-old camel driver from Kabul step off the 8:40 PM train.<sup>2</sup> Three months earlier, camel owner Moosha Balooch had been engaged to Adelaide Neackmore Khan.<sup>3</sup> Moosha was returning from the Marree post office when he saw Sher Khan at the railway turnstile. Moosha held out his hand. However, instead of shaking it Sher Khan yelled ‘I’ll kill you, I can’t leave you alive’ and shot Adelaide’s fiancé five times – one bullet piercing Moosha’s chest.<sup>4</sup>

Moosha Balooch and Sher Khan both worked in the camel industry that emerged as the main form of transport throughout Australian deserts from the 1860s. As South Asian merchants contracted by Australian colonial firms shipped camels from British India, many workers from what is today Afghanistan, Pakistan, India and Bangladesh travelled to Australian deserts as camel drivers. By marrying these men, many South Asian women, along with British, Irish and Aboriginal women, became part of families spanning the Indian Ocean. In 1901, the federation of the Australian colonies brought increasing government control of Asian mobility

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\* A version of this article was published as Khatun, Samia. ‘The Book of Marriage: Histories of Muslim Women in Twentieth-Century Australia’. *Gender & History* 29, no. 1 (1 April 2017): 8–30. I thank Penny Russell for her

<sup>1</sup> ‘Police Court’, *The Port Augusta Dispatch*, 24 June 1904, p. 2.

<sup>2</sup> I have reproduced names as they appear in settler sources without ‘correcting’ the spelling. ‘Police Court’, p. 2.

<sup>3</sup> ‘Police Court’, p. 2.

<sup>4</sup> Moosha Balooch cited in ‘Police Court’, p. 2. ‘An Afghan Shot’, *The Register*, 25 May 1904, p. 5.

through the new nation, heralding the era of 'White Australia'. Nevertheless, camel routes operated by South Asians continued to describe the contours of non-white livelihoods throughout Australia until the rise of motor cars in the 1920s. In settler vernacular, the diverse Muslims in the camel industry came to be known as the 'Afghans', a designation used by some of the most powerful merchants in the industry.

The shooting in 1904 at Marree was about the marriage of fourteen-year-old Adelaide, the daughter of camel driver Surwah Khan and his white wife. Adelaide's story has been recounted in many histories of Muslims in Australia; Christine Stevens's history of the camel industry contains the lengthiest account. Writing in 1989, Stevens claimed 'Surwah Khan agreed to his fourteen-year-old daughter marrying Sher Khan and the brideprice was set at £150'. Stevens wrote that after 'Sher Khan paid a deposit of £100... Moosha offered Surwah Khan £200 for his daughter. The greedy father accepted the money...word of deceit spread fast...until it reached Sher Khan'.<sup>5</sup> Today 'brideprice' narratives like these feature at the centre of many histories of Muslim women in Australia.<sup>6</sup>

In this article I examine five women's marriages to South Asian men in Australia to make a feminist intervention into the field of Indian Ocean historiography. In this introduction, I challenge the use of 'brideprice' narratives to describe gender relations between Muslim men and women and trace this anthropological category from Australian history books to British colonial texts about Afghanistan, illuminating a larger library of orientalist narratives central to the

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<sup>5</sup> Christine Stevens, *Tin Mosques & Ghantowns: A History of Afghan Cameldrivers in Australia* (Melbourne: Oxford University Press, 1989), pp. 224–5.

<sup>6</sup> The term 'brideprice' first appears in Luise Hercus, 'Afghan Stories from the Northeast of South Australia', *Aboriginal History* 5 (1981), pp. 39-70, here p. 39.

operation of imperial power across the Indian Ocean arena. I propose that people of Muslim heritage and feminist scholars alike need alternative stories about gender relations to those produced for the purpose of buttressing Anglo imperial regimes. In the body of this article I construct a history of marriage explicitly *for use by* people of Muslim heritage to make sense of our lives today spanning across the national, imperial and racial borders of the colonial present. Seeking departure from racist narratives, I shift the focus from ‘brideprice’ to ‘*mabar*’ – the payment named on marriage contracts signed at Australian camel camps. I trace the category of ‘*mabar*’ to the literary/juridical discourse of *Kitab al-Nikah* (Book of Marriage), the Arabic and Persian volumes of historical precedents about marriage once found in legal libraries across South Asia. Arguing that the Muslim intellectual tradition of *Kitab al-Nikah* offers us a model for feminist history writing, I construct an analogous volume for the Australian context. In the following section, I begin by situating my analysis within the geographical framework of the Indian Ocean.

### **Rethinking ‘motion’ in Indian Ocean historiography**

While scholarship about the Indian Ocean world has burgeoned around the analytic of ‘motion’, historians in this field have been slow to respond to feminist calls for ‘gender inflected analyses of mobilities’.<sup>7</sup> As Engseng Ho writes in his study of Hadrami merchants, ‘most were men... a diaspora in the etymological sense of a scattering of seed’.<sup>8</sup> Erasing the women central to the family genealogies and economies spanning the Indian Ocean, Ho’s analysis is consistent with key texts in this field, offering little insight into the life-worlds of women in these

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<sup>7</sup> Georgine Clarsen, ‘Gender and Mobility: Historicising the Terms’, in Gijss Mom, Gordon Pirie and Laurent Tissot (eds), *Mobility in History* (Neuchâtel: Alphil, 2009), pp. 235–41, here p. 236.

<sup>8</sup> Engseng Ho, *The Graves of Tarim: Genealogy and Mobility Across the Indian Ocean* (Berkeley: University of California Press, 2006), p. xxii.

households or the gendered regimes of power that shaped their histories. The result is that leading scholars in this field have implicitly equated masculinity with motion and femininity with stasis. In this article, I rethink the definitions of ‘motion’ that underpin Indian Ocean histories by reading marriage records as an archive of women’s motion.

For Adelaide, like many other daughters in Australian camel camps, marriage was accompanied by a physical move of only a few streets to a new family home. For other women, engagement to South Asian men propelled epic journeys across the Indian Ocean and Australian deserts, negotiating what scholars of legal pluralism have described as a ‘marital patchwork’ of legal systems.<sup>9</sup> As extant marriage contracts confirm, these agreements citing ‘Mohamedan law’ did not require women to convert to Islam. Resisting any easy categorisation as ‘Muslim women’, they all crossed various borders at marriage: some women negotiating tightening national borders at Australian ports, others crossing the racial boundaries between ‘Asiatics,’ ‘Whites’ and ‘Aborigines’ that buttressed ‘White Australia’.<sup>10</sup> Focusing on five such border-crossing women, I argue for the analysis of marriage as a regime of gendered motion in Indian Ocean historiography.

Examining their transformations from daughter to fiancé to wife, I piece together five women’s trajectories to their marriage homes with a particular focus on the *stories* that shaped their motion. Since Michel Foucault’s theorisation of the nexus between knowledge production and power relations, feminist writers and anti-imperial theorists alike have scrutinised how

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<sup>9</sup> Mitra Sharafi, ‘The Marital Patchwork of Colonial South Asia: Forum Shopping from Britain to Baroda’, *Law and History Review* 28 (2010), pp. 979–1009, here p. 979.

<sup>10</sup> See Peta Stephenson, *Islam Dreaming: Indigenous Muslims in Australia* (Sydney: UNSW Press, 2010), p. 141.

stories do work to buttress and justify power asymmetries between colonisers/colonised and husband/wife, amongst other binaries. I suggest that the many, often contradictory stories that each woman was scripted into reveal the overlapping power regimes that she negotiated when marrying a South Asian man. ‘Brideprice’ is usefully thought of as one of the many stories about Muslim marriage articulated to justify power regimes. Hence, next I plot the motion of ‘brideprice’ narratives across the Indian Ocean, highlighting the work that this story does to buttress Western imperialism in contemporary South Asia.

### **The story of ‘brideprice’ and the colonial present**

In concluding that ‘Afghans brought and sold their wives’, Australian historians replicate an orientalist story about gender relations that has circulated across two centuries of Anglo imperial discourse about Afghanistan.<sup>11</sup> As Edward Said wrote, ‘Orientalism is after all a system of citing works and authors’ and Stevens’s account of ‘the Muslims of Afghanistan and the north and west of India’ cites ethnographies spanning from Mountstuart Elphinstone’s writings during the first British mission to Kabul in 1808 to Fredrik Barth’s essays produced from US bases at the Afghanistan-Pakistan frontier during the Cold War era.<sup>12</sup> With Elphinstone’s *Account of the Kingdom of Caubul* laying the foundations of contemporary Western knowledge about Afghanistan, his chapter on women opens with the claim that ‘the Afghauns purchased their wives’.<sup>13</sup>

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<sup>11</sup> Pamela Rajkowski, *In the Tracks of the Camelmen: Outback Australia’s Most Exotic Pioneers* (Sydney: Angus and Robertson, 1987), p. 175.

<sup>12</sup> Edward Said, *Orientalism* (London: Routledge & Kegan Paul, 1978), p. 23. Stevens, *Tin Mosques & Ghantowns*, p. 228, note 357; On Fredrik Barth see Magnus Marsden and Benjamin Hopkins (eds), *Beyond Swat: History, Society and Economy Along the Afghanistan-Pakistan Frontier* (London: Hurst, 2013), pp. 1–16.

<sup>13</sup> Mountstuart Elphinstone, *An Account of the Kingdom of Caubul* (London: Longman, Hurst, Rees, Orme & Brown, 1815), p. 179; Benjamin Hopkins, *The Making of Modern Afghanistan* (Basingstoke: Palgrave Macmillan, 2008), p. 13.

Beginning in the late nineteenth century, the analytic of 'brideprice' came to be yoked to the tale that Afghani men buy and sell women. With the emergence of evolutionary anthropology, 'brideprice' was theorised as a payment common to both 'ancient' European societies in the past and 'traditional' societies at contemporary colonial frontiers.<sup>14</sup> With anthropological discourse organised around stadial narratives of human progress from savagery to civilisation, the category of 'brideprice' is inextricable from notions of progress – a powerful story of collective human motion along the axis of time. With Enlightenment thinkers theorising the status of women as a key marker of civilisational progress from the eighteenth - century, 'brideprice' from the late nineteenth century became one of a constellation of indicators that colonised societies languished at the stages of 'tradition' or 'savagery' far behind British arrival at 'modern' and 'civilised' marriage.<sup>15</sup>

In more recent imperial history, the story of 'brideprice' continues to be produced at the contemporary Afghani battlefield – the very fact of its repetition across two centuries lending it the appearance of unquestionable truth. For example, in a newspaper series coinciding with the period that Australian troops were deployed to Afghanistan in 2001, Australian foreign correspondent Paul McGeough reported that 'bought and sold, denied basic rights, women in Afghanistan are treated only slightly better than farm animals'.<sup>16</sup> As Lila Abu-Lughod has shown, the cry to 'save Muslim women' comprised a key strategy to mobilise Western popular support

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<sup>14</sup> Henry Sumner Maine, *Lectures on the Early History of Institutions* (London: J. Murray, 1875), p. 324; Charles Staniland Wake, *The Development of Marriage and Kinship* (London: George Redway, 1889), p. 452; William Crooke, *The North-Western Provinces of India* (London: Methuen, 1897), pp. 138, 361; W. Francis, *The Nilgiris*, Madras District Gazetteer (1908; repr. New Delhi: Logos Press, 1984), pp. 136, 153, 161.

<sup>15</sup> Kathleen Wilson, 'Empire, Gender, and Modernity in the Eighteenth Century', in Philippa Levine (ed.), *Gender and Empire* (New York: Oxford University Press, 2004), pp. 18–20.

<sup>16</sup> Paul McGeough, 'The Face of Fear Hidden Behind a Veil of Tyranny', *Sydney Morning Herald*, 10 September 2001, p. 10.

for the US-led invasion of Afghanistan in 2001.<sup>17</sup> Part of a discourse that claims that Western military intervention is a means of improving women's rights, accounts of 'brideprice' in Afghanistan have circulated alongside narratives such as 'honour crimes', 'polygamy' and 'forced marriages'.<sup>18</sup>

Feminist thinkers have long played a crucial role in the production of these imperialist narratives about non-White women.<sup>19</sup> Since Gayle Rubin's 1975 essay on 'The Traffic of Women' heralded a new era of feminist intervention into anthropological discourse, many writers have deployed the term 'brideprice' in feminist analyses of marriage.<sup>20</sup> There has however been no shortage of critiques of 'imperial feminism' and the use of anthropological universals to produce 'monolithic' accounts of 'third world women' in need of Western intervention.<sup>21</sup> Writing from South Asian contexts, some scholars have used descriptors from colonised knowledge traditions, including activist Flavia Agnes who has deployed *mahar* and *stridhana* from South Asian legal discourses to devise pro-women outcomes in Indian courtrooms.<sup>22</sup> However, as Abu-Lughod argues, even activists engaged in creative dialogue with non-European epistemes have tended to locate the cause of gendered violence in 'tradition' – situating people at an earlier stage

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<sup>17</sup> Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Cambridge: Harvard University Press, 2013), pp. 30–32; Shakira Hussein, *From Victims to Suspects: Muslim Women Since 9/11* (Sydney: Newsouth Books, 2016), pp. 13–39.

<sup>18</sup> Abu-Lughod, *Do Muslim Women Need Saving?*, p. 142.

<sup>19</sup> See Antoinette Burton, 'Some Trajectories of "Feminism" and "Imperialism"', *Gender & History* 10 (1998), pp. 558–68.

<sup>20</sup> Gayle Rubin, 'The Traffic in Women: Notes on the "Political Economy" of Sex', in Rayna Reiter (ed.), *Toward an Anthropology of Women* (New York: Monthly Review Press, 1975), pp. 157–210. See essays in Srimati Basu (ed.), *Dowry and Inheritance* (London: Zed Books, 2006).

<sup>21</sup> Chandra Talpade Mohanty, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses', *Boundary 2* 12 (1984), pp. 333–58, here p. 334; Lila Abu-Lughod, 'Against Universals: The Dialectics of (Women's) Human Rights and Human Capabilities', in J. Michelle Molina, Donald Swearer and Susan McGarry (eds), *Rethinking the Human* (Cambridge: Harvard University Press, 2010), pp. 69–94, here p. 76; Valerie Amos and Pratibha Parmar, 'Challenging Imperial Feminism', *Feminist Review* 80 (2005), pp. 44–63, here pp. 47–8.

<sup>22</sup> Flavia Agnes, 'Economic Rights of Women in Islamic Law', *Economic and Political Weekly* 31 (1996), pp. 2832–8, here p. 2833.

of civilisational progress.<sup>23</sup> The result is that across a wide range of feminist scholarship today, pro-women arguments remain beholden to imagined trajectories from ‘tradition’ to ‘modernity’ – or progress narratives.

### **Alternatives to orientalist narratives**

Seeking to loosen the grip of progress narratives on feminist thought, I turn to non-European storytelling templates about gender relations. While stories about Muslim women have long been fashioned to buttress Anglo imperial regimes, Muslim women have long told stories to resist and escape power regimes. As Moroccan feminist Fatema Mernissi reminds us, the ingenious use of stories by Muslim women to negotiate husbands’ power over them is perhaps as old as Scheherazade, the legendary storyteller who escaped death for 1001 successive nights with 1001 tales that captivated her captor, her cruel husband King Shahriar.<sup>24</sup> By treating Scheherazade as an archetype of the Muslim women critiquing and negotiating marriage with their stories, Mernissi situates her own feminist writing within a genealogy of stories told by divorced aunts, wives and widows in the maze of upstairs rooms in her childhood home. Drawing inspiration from storytellers from Scheherazade to Mernissi, continuing critiques of marriage by a long line of storytellers from my great great-grandmother Moslema Khatun to my mother Eshrat, in this article I collate a compendium of stories about marriage into Muslim families.

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<sup>23</sup> Abu-Lughod, *Do Muslim Women Need Saving?*, p. 196.

<sup>24</sup> Fatema Mernissi, *Dreams of Trespass: Tales of a Harem Girlhood* (New York: Addison-Wesley Publishing Company, 1994), pp. 12–19.



I begin by examining the marriage contract signed in 1917 by Myrtle Mary at Bourke camel camp. I trace the ‘*mahar*’ payment outlined in Myrtle’s contract to the Muslim literary/juridical discourse of *Kitab al-Nikah* (Book of Marriage). In this section I redeploy this Muslim intellectual tradition to propose a model of feminist historical storytelling – a ‘Book of Marriage’ – that documents the stories shaping women’s trajectories to their marriage homes. Focusing on the Indian Ocean world, I then trace Shamsulnissa’s voyage from Karachi to Western Australia in 1906. Collating legal narratives that shaped Shamsulnissa’s journey, I highlight some power regimes that South Asian women negotiated during the era of ‘White Australia’. Third, I trace Adelaide’s trajectory to her marriage home in Marree. Critiquing stories featuring Adelaide, I show how South Asian men scripted women into employment contracts as well as nationalist plots. Fourth, I recount Lallie’s 500-mile walk across West Australian deserts to marry Akbar Khan in 1928. I illustrate that Aboriginal women sometimes scripted marriages to South Asian men as part of their escape from settler regimes. Finally, narrating Eshrat’s dreams of escape from her marriage in Australia to Bangladesh, I show that contemporary Muslim women’s archives contain narrative pathways out of the ‘prisonhouse of orientalism’.<sup>25</sup>

As Chicana writer and queer theorist Gloria Anzaldúa argued, the dreams of *la mestiza*, or the border-crossing woman, offer a powerful point of departure from the narratives of ‘the gringo, locked in fictions of white superiority’.<sup>26</sup> For my purposes, Eshrat’s dreams of crossing the Indian Ocean to reach a maze of upstairs rooms in her home in Dhaka highlights the chasm between Muslim women’s stories about marriage and the racist stories about marriage contained

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<sup>25</sup> Zakia Pathak, Saswati Sengupta and Sharmila Purkayastha, ‘The Prisonhouse of Orientalism’, *Textual Practice* 5 (1991), pp. 195–218, here p. 195.

<sup>26</sup> Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza* (San Francisco: Aunt Lute Books, 2007), pp. 7, 25–40.

in Australian histories of Muslims. Drawing on Anzaldúa's insights, my methodological argument seeks to answer a number of questions raised by Eshrat's dreams: How do we write histories that we can use today to make sense of the marriage archives of Muslim mothers, grandmothers and grandfathers without having to label loved ones as 'traditional' and 'uncivilised'? If we are to do away with racist progress narratives of savagery to civilisation, how are daughters, sons and granddaughters of South Asians in Australia to make sense of where we have come from and where we are going? In search of answers, next I take a closer look at stories about marriage in Muslim legal discourse.

### I. Myrtle Mary

Born in 1899, Myrtle Mary Dee was the daughter of country storekeepers in the colony of New South Wales. When Myrtle married Morbine Perooz, she moved to 'Perooz camel camp' in the town of Bourke. Morbine had arrived from Peshawar to the Australian colonies around 1893, establishing a camel business with his brother Paleel.<sup>27</sup> It was in the difficult months after Paleel's death that Morbine became involved with Myrtle, a student at Bourke Convent School.<sup>28</sup> A month after Myrtle turned fourteen, she gave birth to Morbine's son.<sup>29</sup> A Catholic priest at Bourke refused to marry the new parents despite the pleas of Myrtle's mother. Three weeks later, a Presbyterian minister united Myrtle to Morbine in holy matrimony.<sup>30</sup>

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<sup>27</sup> 'Pack Camel Days Recalled', *Western Herald*, 17 June 1966, p. 5.

<sup>28</sup> 'Application by an Indian Named Perooz', 4 April 1912, National Archives of Australia, A1/1912/6069.

<sup>29</sup> 'Perooz James Percy', 11 November 1945, National Archives of Australia, A9301/30018.

<sup>30</sup> 'Marriage Certificate of Perooz Khan and Myrtle Mary Dee', 31 March 1913, New South Wales Registry of Births, Deaths and Marriages, 7310/1913.

Just before Myrtle turned eighteen, she was part of another marriage ceremony. In January 1917 at Perooz camp, Myrtle and Morbine signed a marriage contract citing ‘Mohamedan law’ that specified a payment called ‘*mabar*’. Like the many white women who married Muslim men in Australia, Myrtle not only negotiated settler marriage laws, but also Mohamedan law – an orientalist discourse produced at the interface of British common law and *shari’a* systems. Of the many stories that shaped women’s trajectories through their marriage homes, definitions of licit sex – or marriage – were some of the most powerful. Here I examine the definition of marriage that underpinned Myrtle’s 1917 contract with Morbine. Then, tracing the category of ‘*mabar*’ to the *shari’a* episteme, I propose a model of feminist history analogous to the literary/juridical genre of *Kitab al-Nikah* (Book of Marriage).

### **Marriage in ‘Mohamedan Law’**

Myrtle and Morbine’s contract specified that ‘I Perooz shall pay to the said Myrtle Mary Dee on demand at any time now and hereafter the sum of £10 as ‘*mabar*’ or marriage consideration according to the Mohamedan law’.<sup>31</sup> *Mabar* is a compulsory transfer of property from husband to wife in Muslim legal traditions, forming part of the larger circuit of gendered motion defining the marriage contract.<sup>32</sup> However, Morbine’s agreement to pay this amount ‘on demand,’ did not necessarily mean that £10 was physically transferred to Myrtle’s purse. As historian Kecia Ali shows, contracting marriage in Muslim legal traditions set in motion not physical entities but rather relationships of dominion (*milk*).<sup>33</sup>

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<sup>33</sup> Ali, *Marriage and Slavery in Early Islam*, p. 12.

<sup>31</sup> 'Marriage Contract of Morbine Perooz and Myrtle Mary Dee', 14 January 1917, Bourke Public Library, Alan Barton Collection.

<sup>32</sup> Kecia Ali, *Marriage and Slavery in Early Islam* (Harvard University Press, 2010), p. 12.

<sup>33</sup> Ali, *Marriage and Slavery in Early Islam*, p. 12.

While English ‘dominion’ is a central concept in liberal thought, Arabic ‘*milk*’ is a key category in Muslim legal traditions – both describing the asymmetrical power relation between a person and their property, amongst other relations.<sup>34</sup> In contracting marriage, while a relationship of dominion (*milk*) over the *mabar* amount moved to Myrtle, in exchange, *milk* over her sexual organs moved to Morbine. In her critique of marriage, Ali argues that sex is only licit in Muslim legal traditions if men possess a type of gendered *milk* over a woman’s sexual organs. However, as she points out, marriage does not transform women into property.<sup>35</sup> The range of relations described by ‘*milk*’ in legal discourse spanned the wide semantic usage of this word describing asymmetrical relationships between Allah/Muslim, person/commodity, master/slave and, as Ali shows, husband/wife. With Myrtle’s contract confirming that some women at Australian camel camps were scripted into this circuit of *milk* relations, next I take up Kecia Ali’s call for closer attention to the discursive practices in which this story was embedded.<sup>36</sup>

### ***Kitab al-Nikah***

Prior to European imperial expansion across the Indian Ocean, the category of ‘*mabar*’ was theorised in the legal discourse of *shari’a* – an Arabic word literally translating to ‘the way to water.’ Central to *shari’a* legal systems was an expanding library that jurists consulted and added to as they arbitrated between legal and illegal courses of action. As historian Wael Hallaq has written, ‘*Shari’a* was not only a judicial system and a legal doctrine whose function was to regulate social relations and resolve disputes, but a discursive practice that structurally and

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<sup>34</sup> John McLaren, A. R. Buck, and Nancy E. Wright, ‘Property Rights in the Colonial Imagination and Experience,’

<sup>36</sup> Ali, *Marriage and Slavery in Early Islam*, p. 24.

in John McLaren, A. R. Buck, and Nancy E. Wright (eds), *Despotic Dominion: Property Rights in British Settler Societies* (Vancouver: UBC Press, 2005), pp. 1-21, here pp. 2-3; See also Muhammad Wohidul Islam, 'Al-Mal: The Concept of Property in Islamic Legal Thought', *Arab Law Quarterly* 14 (1999), pp. 361-8.

<sup>35</sup> Ali, *Marriage and Slavery in Early Islam*, pp. 50-52.

<sup>36</sup> Ali, *Marriage and Slavery in Early Islam*, p. 24.

organically tied itself to the world around it in ways that were vertical and horizontal, structural and linear, economic and social, moral and ethical, intellectual and spiritual, epistemic and cultural, and textual and poetic, among much else'.<sup>37</sup> The earliest *shari'a* libraries comprised of the Quran and volumes of Prophetic precedent detailing the acts and words of Muhammad. With the growth of Islam, scholars developed methodologies for determining the legal course of action – or *shari'a* – in novel situations. The new works of jurisprudence (*fiqh*) they penned became the third corpus of texts in *shari'a* libraries.<sup>38</sup> Ordered into 'books' on various topics, each volume of *fiqh* included a *Kitab al-Nikah* (Book of Marriage), which contained a chapter on *mahar*.

Concurrent to the spread of Islam to new lands, volumes of *Kitab al-Nikah* were penned with every new work of *fiqh*. The growth of the *Kitab al-Nikah* genre was propelled by laypeople's questions and jurists' answers. For example, in a *shari'a* court in Delhi, during the reign of Sultan Firuz Shah (d. 1388), disputing parties questioned whether marriage payments in addition to *mahar* were legal.<sup>39</sup> Consulting existing *Kitab al-Nikah*, the judge answered that money or sweets paid according to community expectations were legal, although appropriations of these payments by others were illegal.<sup>40</sup> As Hallaq has shown, legal narratives produced in *shari'a* courts were collated into volumes of precedent and added to *shari'a* libraries for future consultation.<sup>41</sup> Accordingly, this legal/illegal narrative about one fourteenth-century marriage in Delhi remains

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<sup>37</sup> Wael Hallaq, 'What Is Shari'a', *Yearbook of Islamic and Middle Eastern Law* 12 (2005-2006), pp. 151-80, here p. 156.

<sup>38</sup> Wael Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), pp. 122–49.

<sup>39</sup> Zafarul Islam, 'The Fatawa Firuz Shahi as a Source for the Socio-Economic History of the Sultanate Period', *Islamic Culture* 60 (1986), pp. 97-118, here pp. 108–9.

<sup>40</sup> Islam 'The Fatawa Firuz Shahi', pp.108-9.

<sup>41</sup> Wael Hallaq, 'From Fatwās To Furū: Growth and Change in Islamic Substantive Law', *Islamic Law and Society* 1 (1994), pp. 29–65, here p. 31.

in *Kitab al-Nikah* held in libraries in Aligarh, Patna and London.<sup>42</sup> Expanding in the process of a question/answer dialogue with the libraries it was housed in, the *Kitab al-Nikah* literary genre was a growing archive of historical precedents produced by real marriage disputes – a compendium of stories penned by jurists that profoundly shaped Muslim women’s trajectories.

Following the establishment of East India Company rule over Bengal from the late eighteenth century, orientalist scholars invented a new relationship to *shari’a* libraries. The introduction of a new **legal hierarchy with British administrators and judges at the top** marked an epistemic break in the *shari’a* system.<sup>43</sup> Funded by the Company, the first *Kitab al-Nikah* that orientalist scholars translated into English was contained in *Al-Hidaya* (The Guide) – a *fiqh* text penned in 1159. Starting with the English publication of this text (*Hedaya*), in 1791, the English codes produced for use in the colonial courts of British India came to be known as ‘Mohamedan law’ and circulated across a wider imperial terrain beyond British India.<sup>44</sup>

In 1917 in the Australian inland town of Bourke, when Myrtle contracted a marriage citing ‘Mohamedan law’, she was inserted into a story that can be traced to the *Kitab al-Nikah* that emerged with Islamic jurisprudence. However, this tale of dominion (*milk*) was only one of many stories that shaped Myrtle’s life. After all, when Myrtle gave birth, the definitions of licit sex articulated by her mother, the Catholic priest and the Presbyterian minister powerfully shaped her trajectory at this vulnerable juncture. Myrtle’s lived experience suggests that many stories shaped the trajectory of each woman who married a Muslim man. For historians

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<sup>42</sup> Islam, ‘The Fatawa Firuz Shahi’, p. 98, note 5.

<sup>43</sup> Bernard Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), pp. 57–75.

<sup>44</sup> John Strawson, ‘Islamic Law and English Texts’, *Law and Critique* 6 (1995), pp. 21-38, here p. 29.



critiquing power relations, the question is how and why these stories were told and enforced. Four years after marrying according to settler law, why did Morbine and Myrtle sign a contract citing Mohamedan law? Did Myrtle ever demand her *mabar* entitlements, or Morbine his rights to sexual intimacy? Did settlers tell the story of this marriage differently from South Asians? In 2004, why did a politician claim in Australian Parliament that ‘Myrtle was sold into wedlock to an Afghan’?<sup>45</sup> What stories did Myrtle tell about her days and nights with Morbine as she moved across the racial borders dividing Bourke?

I propose that the answers are contained in a history book entitled *The Book of Marriage* – a multi-authored compendium of historical precedents that continues to expand to this day. Analogous to books of *fiqh* with the same name, *The Book of Marriage* is both like and unlike *Kitab al-Nikah*. Like *Kitab al-Nikah*, it resides within a library of knowledge that is not underpinned by the progress narratives central to orientalist thought. The historical discourse I am proposing, like *Kitab al-Nikah*, is a repository of stories that powerfully shaped women’s trajectories through their marriage homes.

Unlike *Kitab al-Nikah* however, *The Book of Marriage* is a feminist text that was not produced to enforce the schema of gendered *milk* defining marriage. Rather, it contains stories told for the purposes of challenging the range of dominion relations women negotiated when marrying. While *Kitab al-Nikah* contains narratives exclusively penned by jurists, *The Book of Marriage* includes tales told by a much wider range of storytellers. Some say that for each woman who contracted marriage citing Muslim legal traditions, it contains mention of every narrative

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<sup>45</sup> Commonwealth of Australia, *Parliamentary Debates: Official Hansard* 1 (2004), p. 24694.

that she was ever scripted into – critiquing stories that buttressed power regimes and highlighting stories that did not. Others say that housing all the stories that Muslim widows, divorcees and wives articulated to negotiate difficult marriages, *The Book of Marriage* contains all 1001 tales that Scheherazade told over 1001 sleepless nights. It is beyond the scope of this article to prove the existence of this growing volume. Rather, in the remaining space I offer some additional entries to *The Book of Marriage* from the Australian context.

## II. Shamsulnissa

On 28 February 1907, seventeen-year-old Shamsulnissa departed Karachi for Western Australia.<sup>46</sup> With Shamsulnissa in the passenger saloon of the *SS Century*, 516 camels travelled in the ‘tween decks’ with fifty South Asian workers.<sup>47</sup> Based in Karachi, Shamsulnissa’s family of Afghani traders had good working relationships with governments in British India, Australia and Afghanistan.<sup>48</sup> Like Shamsulnissa, many South Asian women from well-connected merchant families continued circulating the Indian Ocean during the era of ‘White Australia’. Collating legal narratives that Shamsulnissa was scripted into highlights how some power regimes shaped South Asian women’s Indian Ocean crossings.

Shamsulnissa was the daughter of Bibi Ismat and Tagh Mahomed, the younger brother and partner in the firm Faiz & Tagh Mahomed, Camel Proprietors and Carriers (F&T). As F&T established itself as one of the most prosperous South Asian companies in the Australian camel business, Faiz and Tagh arranged a future marriage between their eldest children in Karachi:

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<sup>46</sup> ‘The Great Camel Deal’, *Sunday Times*, 19 April 1908, p. 3.

<sup>47</sup> ‘Camels from India’, *Evening News*, 8 April 1907, p. 4.

<sup>48</sup> ‘Statutory Declaration by Faiz Mohamed,’ c.1898, Noel Butlin Archives Centre (NBAC), Australian National University: Papers of Elder Smith & Co. LTD (ESCo.), 8/68/55.

Ghulam and Shamsulnissa. However, on 10 January 1896, while eleven-year-old Ghulam and five-year-old Shamsulnissa were likely still asleep in Karachi, their futures were thrown into uncertainty. As dawn was breaking across the West Australian goldfields, Tagh Mahomed was murdered at Coolgardie mosque.<sup>49</sup>

As Faiz departed for British India, Tagh's remains crossing the Indian Ocean in a 'leadern coffin', the family must have grappled with a number of questions: Who would inherit Tagh's assets? What did the future hold for Tagh's daughters Shamsulnissa and Kamernissa?<sup>50</sup> When the grieving family gathered at Karachi, Faiz proposed some answers. Declaring he intended to honour Tagh's plans for his eldest daughter, Faiz announced Shamsulnissa and Ghulam's future marriage as part of a larger story plotting future prosperity. At a moment of terrible uncertainty, Faiz's announcement met with 'great rejoicing'.<sup>51</sup>

The Karachi Family Court interpreted Tagh's will citing 'Mohamedan law'. It was executed in Australian courts citing this settlement 'approved in India' and Faiz was appointed as the legal guardian of Tagh's daughters.<sup>52</sup> The estates of Shamsulnissa, Kamernissa and their mother Bibi Ismat were to be invested in the Australian camel business and annual sums remitted to Karachi.<sup>53</sup> Not everyone was happy with the settlement. Bibi Ismat's brother and legal attorney, Abraham Mohamed, claimed that Australian courts should interpret Tagh's will

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<sup>49</sup> 'Murder at Coolgardie', *The West Australian*, 11 January 1896, p. 4.

<sup>50</sup> 'The Murder of Tagh Mahomet', *Kalgoorlie Miner*, 13 January 1896, p. 2.

<sup>51</sup> 'Astounding Allegations', *Sunday Times*, 19 May 1907, p. 13.

<sup>52</sup> 'Supreme Court', *The West Australian*, 30 July 1897, p. 3.

<sup>53</sup> 'Tagh Mahomet's Will', *Kalgoorlie Miner*, 30 July 1897, p. 3.

according to ‘English law’ not ‘Mohamedan law’.<sup>54</sup> As speculated by the press, settler law may have delivered more assets into the control of Abraham Mohamed, another trader in the Australian camel industry.<sup>55</sup> As historians have shown, litigants frequently engaged in ‘forum shopping’, exploiting fissures between legal discourses seeking advantageous outcomes.<sup>56</sup> Despite Abraham Mohamed’s challenge, Australian colonial courts upheld Mohamedan law.

In 1900, Faiz departed for Karachi having secured permission from the West Australian government to import camels. However, on 1 January 1901, six separate British colonies federated into ‘White Australia’, a settler dominion independent from British rule. As the new Commonwealth Parliament introduced pieces of legislation that sought to restrict the movement of Asian merchants, workers and their capital, the terrain of family politics was transformed for many South Asians. In Karachi, workers had loaded 500 camels onto a steamer when Australian officials cabled Faiz Mahomed ‘that the importation of camels into Western Australia is strictly prohibited’.<sup>57</sup> Leaving the camels in Karachi, Faiz returned to Perth in 1902, suing the West Australian government for ‘breach of contract’. He claimed damages of £13,463.<sup>58</sup>

Shamsulnissa’s inheritance of £3600 was part of a much larger sum of non-white capital circulating the Indian Ocean that the regime of ‘White Australia’ brought to a halt. Faiz permanently left Australia in May 1905, handing over the camel business to his son Ghulam.<sup>59</sup> In

<sup>54</sup> ‘The Estate of the Late Tagh Mahomet’, *The Norseman Pioneer*, 3 October 1896, p. 1.

<sup>55</sup> ‘The Estate of the Late Tagh Mahomet’, p. 1.

<sup>56</sup> See articles introduced by Elizabeth Kolsky, ‘Maneuvering the Personal Law System in Colonial India’, *Law and History Review* 28 (2010), pp. 973–8.

<sup>57</sup> ‘Importation of Camels’, *The Daily News*, 22 March 1901, p. 3.

<sup>58</sup> ‘Faiz Mahomet vs. The Government’, *The Daily News*, 14 June 1905, p. 3.

<sup>59</sup> ‘Tagh Mahomet’s Will’, p. 3. ‘Transfer of Power of Attorney from Faiz Mahomet to Ghulam Mahomet’, 20 April 1904, NBAC: ESCo, 8/68/79.

October 1906, news reached Ghulam in the West Australian goldfields that Abraham Mahomed was shipping 500 camels from Karachi, having secured government permission.<sup>60</sup> Abraham's plans to 'swell his bank balance' also included a bid for guardianship over Tagh's daughters. On 7 March 1907, Ghulam departed for Karachi, most likely intending to marry Shamsulnissa.<sup>61</sup>

The betrothed children of Faiz and Tagh crossed the Indian Ocean without meeting. Seventeen-year-old Shamsulnissa landed in Western Australia on 22 March 1907 with Abraham Mahomed and his younger sister Bachi Bibi.<sup>62</sup> They stayed in Perth in the house of Nellie Mahomed - Abraham's white wife. Observing Shamsulnissa, Nellie began suspecting she was 'acting under the coercion and in fear of the said Abraham Mahomed'.<sup>63</sup> Approaching the police, Nellie stated that 'I surprised my husband by discovering the said Shamsulnissa and himself together in a bed he had placed on the kitchen floor'.<sup>64</sup> Nellie claimed that Abraham replied that he had acted 'out of revenge to Faiz Mahomed and Goolam... affianced husband of Shamsulnissa'.<sup>65</sup> Highlighting the vulnerability of women embroiled in property battles, Abraham's likely assault of Shamsulnissa comprised one of his many challenges to Faiz and Ghulam's legal claims of *milk*.

Settler responses to Nellie's allegations reveal another set of legal narratives that Shamsulnissa was scripted into in Australia. On 30 April 1907, police arrived at Nellie's house

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<sup>60</sup> Gulam Faiz Mahomet, 'Suggested Importation of Camels', *The West Australian*, 20 October 1906, p. 2.

<sup>61</sup> Mahomet, 'Suggested Importation of Camels', p.2. 'Ghulam Mahomet's Certificate of Exemption from Dictation Test', 7 March 1907, National Archives of Australia, K1145:1907/39.

<sup>62</sup> 'Passenger List of SS Century', 20 March 1907, State Records Office of Western Australia, A457: 36/170.

<sup>63</sup> Nellie Mahomet cited in 'Astounding Allegations', p. 13.

<sup>64</sup> 'Astounding Allegations', p. 13.

<sup>65</sup> 'Astounding Allegations', p. 13.

with a doctor who took Shamsulnissa into a private room for the two-finger test.<sup>66</sup> Consisting of the insertion of fingers into a woman's vagina, this methodology for constructing women's sexual history was routine procedure in rape trials in colonial India and Australia alike.<sup>67</sup>

Common law systems systematically put raped women on trial rather than their male attackers, in what Pratiksha Baxi has described as 'state sanctioned assault'.<sup>68</sup> With Dr Gertrude Mead's certificate declaring Shamsulnissa's sexual organs as '*virgo intacta*' police did not charge Abraham Mohamed.<sup>69</sup>

While police, doctors and the press did not hesitate to construct Shamsulnissa's sexual history, Australian judges disagreed on whether they could produce legal/illegal narratives about South Asian women. On 3 May 1907, when Abraham appeared in the Supreme Court of Western Australia seeking to be appointed the legal guardian of Tagh's daughters, Justice Burnside challenged the original appointment of Faiz as Shamsulnissa's guardian. He ruled 'that the decree of July 29, 1897, made by Justice Stone was bad', declaring that 'the wards were not then, and never had been, within the jurisdiction of the court and the judge had no power to appoint a guardian or remove Faiz Mahomed from an office he had been improperly appointed'.<sup>70</sup> Hearing that Shamsulnissa was waiting outside court chambers, Burnside refused to admit the testimony of a 'prohibited immigrant' and ordered her immediate return to British India.

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<sup>66</sup> 'The Antics of Abraham', *Sunday Times*, 16 June 1907, p. 8.

<sup>67</sup> Elizabeth Kolsky, "'The Body Evidencing the Crime": Rape on Trial in Colonial India, 1860–1947', *Gender & History* 22 (2010), pp. 109–30, here p. 111; Amanda Kaladelfos, 'Crime and Outrage' (unpublished doctoral thesis, University of Sydney, 2010), pp. 20–47.

<sup>68</sup> Pratiksha Baxi, *Public Secrets of Law: Rape Trials in India* (New Delhi: Oxford University Press, 2014), p. 86.

<sup>69</sup> 'The Antics of Abraham', p. 8.

<sup>70</sup> 'Tagh Mahomet's Will', *Kalgoorlie Miner*, 11 June 1907, p. 6.

Abraham was in court again within a month, his counsel including Justice Stone – Burnside’s ruling having caught the attention of legal professionals.<sup>71</sup> Representing Faiz Mahomed, Richard Haynes proposed that Abraham had in fact assaulted Shamsulnissa and that the medical assessment was wrong. Haynes argued that Dr Mead had not examined Shamsulnissa but rather Bachi Bibi – Abraham having switched the young women.<sup>72</sup> After the hearing, police accompanied Dr Mead once more to Nellie’s house where Abraham was ‘weeping and wailing at the prospect of such a scandal’.<sup>73</sup> Whether or not the cries of her likely tormentor reached Shamsulnissa in the room where ‘the doctress was ready to make the necessary examination’, presses reported that ‘Shamsulnissa point blank REFUSED!’ to be examined.<sup>74</sup>

On 18 July 1907, Shamsulnissa’s fiancé Ghulam Mahomed returned to Western Australia.<sup>75</sup> The day before she departed from Perth, a fight broke out between Ghulam and Abraham Mohamed; Shamsulnissa remained caught in an inheritance dispute exacerbated by the regime of ‘White Australia’.<sup>76</sup> In crossing the Indian Ocean, Shamsulnissa navigated a maze of narratives that she was scripted into by various others – South Asian uncles and Australian judges bitterly contesting who had the authority to script her future. However, Shamsulnissa might have narrated her own journey to her sister Kamernissa later, if not her mother Bibi Ismat, in refusing to allow Dr Mead’s examination, she ‘point blank’ refused to be inserted into any more settler narratives. The last detail we have about her from archival records is that seventeen-

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<sup>71</sup> ‘Tagh Mahomet’s Will’, p. 6.

<sup>72</sup> ‘The Antics of Abraham’, p. 8.

<sup>73</sup> ‘The Antics of Abraham’, p. 8.

<sup>74</sup> ‘The Antics of Abraham’, p. 8.

<sup>75</sup> ‘Passenger List of Paroo’, 18 July 1907, National Archives of Australia, K269/23.

<sup>76</sup> ‘Correspondence from Collector of Customs Fremantle to Department of External Affairs Melbourne’, 15 November 1907, National Archives of Australia, A1:1907/10940.

year-old Shamsulnissa left Australia with twenty-two-year-old Ghulam, their fathers having scripted their marriage while they were both children in Karachi.<sup>77</sup>

### III. Adelaide

Adelaide Neackmore Khan was born on 8 March 1890 in the city of Adelaide.<sup>78</sup>

Daughter of Ellen Khan *née* O'Brien and camel driver Surwah Khan, she spent her first days in one of the travellers' cottages on Little Gilbert Street adjoining the Adelaide mosque.<sup>79</sup> Most of Adelaide's childhood was spent in Marree. During family visits to Adelaide, the mosque compound boasting a pond with '350 fish – gold, silver and red' was a focal point.<sup>80</sup> On 17 February 1904, a month before she turned fourteen, Adelaide was engaged to camel merchant Moosha Balooch at one of the cottages on Little Gilbert Street.<sup>81</sup> However, the celebrations ended when settlers began throwing stones at the house shattering the windows.<sup>82</sup> Since that day, settlers, Aboriginal people and South Asians have told and retold stories about Adelaide's marriage.<sup>83</sup> Here I outline some stories told by South Asian men that shaped Adelaide's trajectory to her marriage home.

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<sup>77</sup> 'Correspondence from Collector of Customs Fremantle to Department of External Affairs Melbourne'.

<sup>78</sup> 'Birth Certificate of Adelaide Neackmore Khan', 8 March 1890, South Australian Registry of Births, Deaths and Marriages, 456/235.

<sup>79</sup> 'Birth Certificate of Adelaide Neackmore Khan'.

<sup>80</sup> 'Afghans in Adelaide', *The Advertiser*, 13 May 1903, p. 5.

<sup>81</sup> 'Was It Marriage or Betrothal?', *The Advertiser*, 26 February 1904, pp. 4–5.

<sup>82</sup> 'Was It Marriage or Betrothal?', pp. 4–5.

<sup>83</sup> For Aboriginal language accounts see Hercus, 'Afghan Stories from the Northeast of South Australia', p. 49; Peter Austin, Luise Hercus and Philip Jones, 'Ben Murray (Parlku-Nguyu-Thangknyiwarna)', *Aboriginal History* 12 (1988), pp. 115–88, here pp. 145–56.



Moosha Balooch was from Balochistan, a border region between British India and Afghanistan where his family had a history of service to the British imperial army.<sup>84</sup> Arriving as a camel driver, by 1902 Moosha was managing a South Australian government camel depot near Marree.<sup>85</sup> Moosha's family prospered in an era when state governments (formerly known as colonial governments) continued to contract with South Asians to maintain the camel transportation network whilst nationalist legislation erected racially exclusive borders. In this precarious context Adelaide's father arranged her marriage to government employee Moosha. As part of marriage negotiations Surwah Khan secured himself a position managing Moosha's camels for 'two pounds a week'.<sup>86</sup>

However, many South Asians disapproved of the match. Shortly after his engagement, Moosha was told that Sher Khan, a younger Afghani camel driver, had previously been engaged to Adelaide.<sup>87</sup> Whether or not Surwah Khan actually negotiated an earlier contract with Sher Khan in 1902, claims that this agreement had been breached began circulating after Adelaide's engagement to Moosha. As Sher Khan confided to his friend Rahim Bukhsh in Adelaide, 'my friends give me the shame calling me all sorts of names ...through this girl'.<sup>88</sup> It was men from Afghanistan in particular who mocked Sher Khan and Rahim Bukhsh from Punjab replied 'I can't do anything about this as they are your country people'.<sup>89</sup> Agreeing that Rahim Bukhsh best not intervene, Sher Khan lamented 'they won't stop it for me... Moosha will have to shoot me

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<sup>84</sup> 'Out Among the People', *The Advertiser*, 30 June 1937, p. 25.

<sup>85</sup> 'Land Allotments', *The Advertiser*, 11 December 1902, p. 2.

<sup>86</sup> Letter from Surwah Khan to Police Commissioner, 8 April 1906, State Records of South Australia, GRG 5/2/99/1906/202.

<sup>87</sup> Moosha Balooch cited in 'Police Court', p. 2.

<sup>88</sup> 'Circuit Court', *The Port Augusta Dispatch*, 22 July 1904, p. 3.

<sup>89</sup> 'Circuit Court', p. 3.

or I will shoot Moosha'.<sup>90</sup> Before Moosha departed for Marree, another merchant Gunny Khan warned him 'look after yourself'.<sup>91</sup>

Based in Broken Hill in New South Wales, Gunny Khan was a merchant and Afghani nationalist operating extensive camel lines throughout Australia.<sup>92</sup> From the 1890s, 'camel kings' such as Moosha Balooch and Gunny Khan were increasingly divided according to their alliances to British India or Afghanistan, in step with wider imperial developments. After the Durand Line was drawn by treaty in 1893, this imperial-national border demarcating the boundary of Afghanistan from British India increasingly featured in the politics of Australian camel camps.<sup>93</sup> Particularly with the appointment of Habibulla Khan as the king of Afghanistan in 1900, nation building rhetoric began appealing to the Afghani diaspora throughout the world to return.<sup>94</sup>

Attuned to nationalist calls across the Indian Ocean, Gunny Khan drew distinctions between 'Afghans' and 'British Indians' particularly when responding to white nationalists. For example, on returning to Broken Hill after Moosha and Adelaide's engagement, Gunny Khan interjected in press debates about 'Afghans' by protesting settlers' use of the category. He insisted that 'in Broken Hill it would be impossible to find a dozen men who are Afghans', writing 'I call the people who belong to the State of Afghanistan Afghans'.<sup>95</sup> Insulting people

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<sup>90</sup> 'Circuit Court', p. 3.

<sup>91</sup> 'Police Court', p. 2.

<sup>92</sup> Gunny Khan, 'The Camels', *Western Herald*, 15 October 1890, p. 2; Phillip Jones and Anna Kenny, *Australia's Muslim Cameleers: Pioneers of the Inland. 1860s - 1930s* (Adelaide: South Australian Museum, 2007), p. 84.

<sup>93</sup> Mohamed Hasan Musakhan, *Islam in Australia: 1862-1932* (Adelaide: Mahomet Allum, 1932), pp. 28–9.

<sup>94</sup> Jawan Shir, 'Nationalism in Afghanistan: Colonial Knowledge, Education, Symbols, and the Junket Tour of Amanullah Khan, 1901-1929' (unpublished master's thesis, James Madison University, 2012), p. 34; Shah Mahmoud Hanifi, 'Quandries of the Afghan Nation', in Shahzad Bashir and Robert Crews (eds), *Under the Drones: Modern Lives in the Afghanistan-Pakistan Borderlands* (Cambridge: Harvard University Press, 2012), pp. 83-101, here pp. 93–5.

<sup>95</sup> Gunny Khan, 'The Camel Nuisance', *Barrier Miner*, 23 May 1904, p. 2.

from Balochistan and other border regions of British India, he wrote that ‘on the borders of Afghanistan there are many savage tribes, whose only law is force’.<sup>96</sup> Situating Afghani nationals alongside British imperialists in a schema of civilisational progress, Gunny Khan’s letter published on 23 May 1904 claimed ‘these are gradually being conquered and civilised by England and Afghanistan, and it is not fair to call these savages Afghans’.<sup>97</sup>

The night after Gunny Khan’s letter was published, drawing a border between ‘savages’ and ‘civilised’ across camel camps, Sher Khan arrived to Marree railway station on the 8:40pm train. Cloaked by shadows that moonlit night, the younger man from Kabul awaited Adelaide’s fiancé from Balochistan with a loaded gun, shooting Moosha Balooch five times across an imagined border between Afghans and British Indians.<sup>98</sup> A few months later when Sher Khan was tried for ‘shooting with intent to kill’ at Port Augusta, Gunny Khan was appointed as Sher Khan’s interpreter. Moosha protested this appointment, testifying ‘Gunny Khan is not my friend’.<sup>99</sup> Not only did Gunny Khan operate camel lines in direct competition with Moosha, he had a reputation as an ‘unreliable interpreter’ having taken on many other camel merchants through this role in settler courtrooms.<sup>100</sup>

At first Sher Khan pleaded ‘not guilty’. However, he changed his plea to ‘guilty’ as evidence mounted against him, strategising with Gunny Khan to construct a story featuring Adelaide. The court typist recorded that Sher Khan ‘had, he explained, received great

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<sup>96</sup> Khan, ‘The Camel Nuisance’, p.2.

<sup>97</sup> Khan, ‘The Camel Nuisance’, p.2.

<sup>98</sup> ‘Police Court’, p. 2.

<sup>99</sup> ‘Police Court’, p. 2.

<sup>100</sup> ‘An Afghan Vendetta’, *The Advertiser*, 6 January 1905, p. 7.

provocation' for shooting Moosha, 'as he had been (by Afghan law) married to the girl, Adelaide Nakemor, daughter of Surwah Khan, and that Moosha Balooch had stepped in and supplanted him'.<sup>101</sup> Sher Khan's legal team 'appeal[ed] to the Judge to deal leniently with him', claiming Sher Khan 'had provided [Adelaide's] parents with £200 to educate her. Moosha Balooch however took the girl away'.<sup>102</sup>

It is unclear what marriage payment Sher Khan's defence evoked by citing 'Afghan law'. With Islamic jurisprudence coexisting with multiple other legal epistemes across South Asia, in early twentieth-century Afghanistan *walwar*, *toyana*, *peshkash*, *shirbaba*, *qalin*, *malpreg* were some of the marriage payments in circulation in addition to *mabar*.<sup>103</sup> While the claim may have been that Sher Khan paid £200 *mabar* to school Adelaide, his lawyers did not have Adelaide's property rights in mind in constructing this narrative. Rather, aiming to lessen Sher Khan's sentence, their defence suggested that his rights to Adelaide had been breached, characterising Moosha as an actor against 'Afghan law'. With settler courts increasingly unsympathetic to claims of legal pluralism, Sher Khan was sentenced to '10 years with hard labor,' understood as 'a heavy sentence' by one settler newspaper.<sup>104</sup>

During the months of the trial, the bullet that pierced Moosha's chest narrowly missed his heart and was removed from his back.<sup>105</sup> He survived. On 8 April 1906, a Methodist minister

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<sup>101</sup> 'Circuit Court', p. 3.

<sup>102</sup> 'Afghan Shooting Case', *The Register*, 20 July 1904, p. 5.

<sup>103</sup> Mohammad Hashim Kamali, *Law in Afghanistan: A Study of the Constitutions, Matrimonial Law and the Judiciary* (Leiden: Brill, 1985), pp. 84–6.

<sup>104</sup> 'A Heavy Sentence', *Norseman Times*, 22 July 1904, p. 3.

<sup>105</sup> 'Police Court', p. 2.

married Adelaide and Moosha at Marree camel camp.<sup>106</sup> Examining Adelaide's trajectory from daughter to fiancé to wife shows that some South Asian men scripted daughter's marriages to secure their livelihoods and establish relationships with power brokers in a precarious industry. Men also scripted women into Afghani nationalist narratives as the distinctions between 'Afghans' and 'British Indians' were drawn in response to both white nationalism and imperial developments in South Asia.

Since settlers began stoning the cottage on Little Gilbert Street at Adelaide's engagement, stories about her have appeared in English print repeatedly. Over time, settlers fused Sher Khan's defence narrative with other South Asians' stories about Adelaide into a tale that historians began labelling as 'brideprice' from the 1980s. If the narrative of *mabar* was ever articulated to demand Adelaide's dues, it did not make it into the public record. Rather, the stories that circulated were those told in the service of property battles and nationalist projects – both settler and South Asian.

#### IV. Lallie

In the winter of 1926, Lallie Matbar travelled to Mount Morgans in a truck driven by her fiancé Akbar Khan.<sup>107</sup> Lallie's mother Jirrgulu insisted that her family accompany her. So the young Aboriginal woman rode with relatives – elders from her Wongatha family living in the

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<sup>106</sup> 'Marriage Certificate of Adelaide Neackmore Khan and Moosha Balooch', 8 April 1906, South Australian Registry of Births, Deaths and Marriages, 227/102.

<sup>107</sup> Pamela Rajkowski, *Linden Girl: A Story of Outlawed Lives* (Perth: University of Western Australia Press, 1995), p. 72.

eastern goldfields of Western Australia.<sup>108</sup> Born in Karachi, Akbar Khan had arrived with his father in the Australian colonies around 1894 as a fourteen-year-old camel driver.<sup>109</sup> Akbar later invested in a motor lorry when they ‘cut into the camel trade’.<sup>110</sup> Known to some as Jack Akbar, by 1924 he delivered supplies throughout the region from his shop at Mount Morgans.<sup>111</sup> While Lallie’s family agreed to her marriage to Akbar, according to settler law in Western Australia, Aboriginal women needed government permission to marry non-Aboriginal men. To negotiate a marriage across three legal epistemes, in late July 1926 Lallie’s family accompanied the couple to Mount Morgan’s police station.<sup>112</sup>

During the era of ‘White Australia’, government regimes sought to control Aboriginal people’s most intimate relations. In Western Australia, the Aborigines Act 1905 (WA) defined ‘any person being the offspring of an aboriginal mother and other than aboriginal father’ as ‘half-caste’.<sup>113</sup> According to this legislation, the legal guardian of all ‘half-caste’ girls and boys under sixteen was the Chief Protector of Aborigines – a post held by Auber Octavias Neville from 1915.<sup>114</sup> Consistent with the global rise of eugenics discourse in the 1920s and 1930s, Neville constructed plans for ‘half-caste’ women’s systematic marriage to white men, seeking to ‘merge them into our white community and eventually forget that there were any Aborigines in

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<sup>108</sup> On Wongatha history see Craig Muller, ‘The “Allurements of the European Presence”: Examining Explanations of Wongatha Behaviour in the Northern Goldfields of Western Australia’, *Aboriginal History* 38 (2014), pp. 59–87.

<sup>109</sup> ‘Marriage Certificate of Jack Akbar and Lali Matber’, 1928, South Australian Registry of Births, Deaths & Marriages, 315/707.

<sup>110</sup> ‘Walked 500 Miles to Marry’, *News*, 22 November 1928, p. 26.

<sup>111</sup> ‘Walked 500 Miles to Marry’, p. 26.

<sup>112</sup> Rajkowski, *Linden Girl*, p. 72.

<sup>113</sup> Section 2, Aborigines Act 1905 (WA).

<sup>114</sup> Section 8, Aborigines Act 1905 (WA).

Australia'.<sup>115</sup> This regime outlawed intimacies between 'Asiatics' and 'half-castes'. Aiming to absorb so-called 'half-caste' children into 'White Australia', police systematically captured and removed children from their Aboriginal mothers, imprisoning them at 'half-caste' institutions. Collating stories that Lallie told shows how some Aboriginal women scripted marriage to South Asian men to escape settler regimes.

Lallie Matbar was born in a creek bed just like her mother Jirrgulu before her.<sup>116</sup> The children of a white father, Lallie and her brother Snowy spent their childhood with Jirgullu in the 1910s. As Lallie's grandson David wrote in a poem in 1992, Jirgullu 'raised them in desert, the place of the *Tjukurpa*' – a word he translates as 'the Dreaming'.<sup>117</sup> An episteme as complex as *shari'a*, the literary/juridical discourse of *Tjukurpa* (Dreaming) is an archive of stories about animals and people travelling great distances. Crisscrossing the Australian mainland, many Dreaming narratives are tales of pursuit and escape along routes known as 'Dreaming tracks' in the field of Aboriginal history.<sup>118</sup> Through Wongatha country as elsewhere, the epic Dreaming tracks connecting waterholes map long-distance routes of Aboriginal mobility.<sup>119</sup> However, by the time that Lallie and Snowy were learning their first *Tjukurpa* stories from Jirgullu, many settler institutions were surveilling 'half-caste' children.

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<sup>115</sup> Auber Neville cited in 'Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities' (Canberra: Commonwealth Government Printer, 1937), p. 11.

<sup>116</sup> Rajkowski, *Linden Girl*, p. 23, note 8.

<sup>117</sup> 'Lallie's Mob by D. J. Akbar', reproduced in Rajkowski, *Linden Girl*, pp. 272–3.

<sup>118</sup> Dale Kerwin, *Aboriginal Dreaming Paths and Trading Routes: The Colonisation of the Australian Economic Landscape* (Brighton: Sussex Academic Press, 2010), p. 102.

<sup>119</sup> Samia Khatun, 'Beyond Blank Spaces: Five Tracks to Late Nineteenth-Century Beltana', *Transfers: Interdisciplinary Journal of Mobility Studies* 5 (2015), pp. 68–86, here pp. 80–82.

From these surveillance records, historian Pamela Rajkowski has pieced together that Lallie was pregnant in 1926 when her family accepted Akbar's marriage proposal.<sup>120</sup> Driving to Mount Morgan's police station with Lallie and her family, Akbar applied for permission to marry Lallie. However, Lallie had long been on Constable Samuel Perk's list of children for removal to Moore River Native Settlement, a 'half-caste' institution near Perth.<sup>121</sup> Outnumbered, Perks did not attempt to capture Lallie that day. However, he declared Lallie's relationship with Akbar illegal, citing the Aborigines Act 1905 (WA).<sup>122</sup> The drive away from the police station must have been a sad one as they realised that Lallie, pregnant and unmarried, would now be under closer police surveillance.

Following this meeting, Akbar hired a lawyer to petition Neville.<sup>123</sup> In contrast, Jirrgulu fled from settler law. Taking Lallie to Mount Margaret, Jirrgulu began an escape from police pursuit across deserts inscribed with older stories of escape and pursuit. As Christian missionaries at Mount Margaret recorded, 'Lallie and her brother Snowy Bradley...arrived from Linden' in early September 1926.<sup>124</sup> With 'their faces blackened with charcoal because they were part-white...Jirrgulu brought them to Mount Margaret in the hope that they would not be caught and sent to Moore River Settlement'.<sup>125</sup> On 7 October 1926 at Mount Margaret mission, Lallie went into labour at dawn, giving 'birth to a premature three-and-a-half pound baby'.<sup>126</sup> Hewas

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<sup>120</sup> Rajkowski, *Linden Girl*, p. 60.

<sup>121</sup> Anna Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1940* (Nedlands: University of Western Australia Press, 1992), pp. 199–221.

<sup>122</sup> Rajkowski, *Linden Girl*, p. 75.

<sup>123</sup> Rajkowski, *Linden Girl*, p. 77.

<sup>124</sup> Rajkowski, *Linden Girl*, p. 77.

<sup>125</sup> Rajkowski, *Linden Girl*, p. 77.

<sup>126</sup> Rajkowski, *Linden Girl*, p. 77.



stillborn. Six days later Perks arrested Lallie, charging her for breaching several sections of the Aborigines Act 1905 (WA).<sup>127</sup>

Grieving her child whilst imprisoned at Moore River, Lallie escaped three times. Sometimes alone, sometimes with others, she began scripting epic flights across unknown deserts without Jirrgullu.<sup>128</sup> Each time she was recaptured. In November 1927 Lallie made her final escape from Moore River.<sup>129</sup> As Lallie told the press later ‘I went on foot for hundreds of miles searching... [for Akbar Khan], and found him by enquiring at the camps of blacks to see if he had passed’.<sup>130</sup> Lallie’s own account of escape diverges significantly from the route Rajkowski has reconstructed from police records.<sup>131</sup> Raising her age to ‘nearly 24’ and omitting how Akbar amongst others aided her escape, Lallie told her story carefully negotiating the labyrinth of legal/illegal narratives contained in the Aborigines Act 1905 (WA).<sup>132</sup> Lallie narrated to the press that, learning from Jirrgullu that Akbar was headed for the West Australian border town of Eucla:

I went from Laverton through Kalgoorlie to Balladonia, walking, and staying at the camps of blacks on the journey...at last I got to Eucla, after having been two months on the track. The distance, as the crow flies, from Kalgoorlie to Balladonia is 200 miles, and from Balladonia to Eucla 300.<sup>133</sup>

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<sup>127</sup> Rajkowski, *Linden Girl*, pp. 133–4.

<sup>128</sup> ‘Aborigine Before Court’, *News*, 11 October 1928, p. 21.

<sup>129</sup> ‘Aborigine Before Court’, p. 21.

<sup>130</sup> ‘Walked 500 Miles to Marry’.

<sup>131</sup> Rajkowski, *Linden Girl*, pp. 191–202.

<sup>132</sup> ‘Walked 500 Miles to Marry’.

<sup>133</sup> ‘Walked 500 Miles to Marry’.

When Akbar reached the border in his truck heading for South Australia, Lallie recounted 'I persuaded him to take me'.<sup>134</sup>

Arriving in Adelaide the couple found refuge at one of the cottages adjoining the mosque on Little Gilbert Street.<sup>135</sup> Lallie married Akbar on 23 May 1928 at a civil registry in Adelaide, travelling soon afterwards to Farina camel camp to contract a marriage according to Mohamedan law at the house of camel owner Gool Mohamed.<sup>136</sup> However, with Akbar maintaining correspondence with friends in Western Australia, it was not long before government bureaucrats learned Lallie's whereabouts.<sup>137</sup> Police arrested the couple in early October 1928, charging both Akbar and Lallie for breaching the Aborigines Act of 1905 (WA).<sup>138</sup> Their journey back to Western Australia under arrest must have been a devastating one.

With newspapers condemning the waste of 'good money... to separate two dusky lovers,' on 8 November 1928 the city court of Perth upheld the validity of Lallie and Akbar's marriage.<sup>139</sup> Lallie was 'released on her husband's bond of £500', Akbar Khan signing a contract with Neville agreeing to 'prevent the said Lallie Akbar from returning to Western Australia'.<sup>140</sup> When the couple returned to Adelaide by steamer, the *News* reported that 'two smiling brown faces peered over the rail towards the shore'.<sup>141</sup>

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<sup>134</sup> 'Walked 500 Miles to Marry'.

<sup>135</sup> Rajkowski, *Linden Girl*, p. 202.

<sup>136</sup> 'Marriage Certificate of Jack Akbar and Lali Matber', 1928, South Australian Registry of Births, Deaths and Marriages, 315/707. Rajkowski, *Linden Girl*, p. 205.

<sup>137</sup> Mona Wilson interviewed in Daniel Browning, 'Nomads: The Aboriginal Descendants of the Afghan Camel Drivers', *Awaye* (Radio National, 18 July 2009).

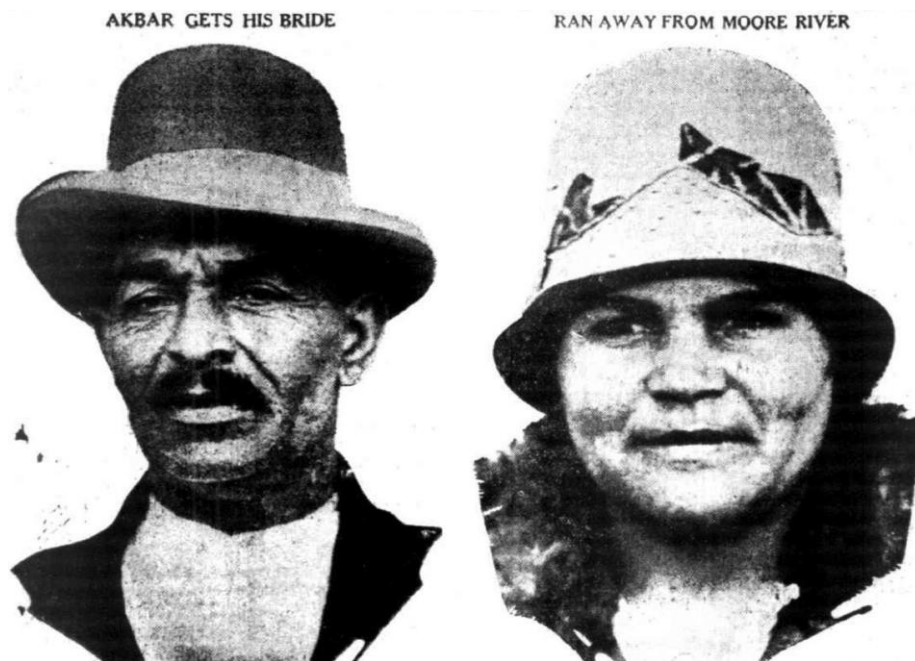
<sup>138</sup> 'Aborigine Before Court', p. 21.

<sup>139</sup> 'Not Allowed to Love!', *Mirror*, 13 October 1928, p. 3.

<sup>140</sup> 'Indian and Halfcaste', *Chronicle*, 17 November 1928, p. 57.

<sup>141</sup> 'Walked 500 Miles to Marry', p. 26.

Lallie's marriage to Akbar offered some respite from settlers' regimes of racial persecution. Their eldest daughter Mona Wilson recalled in 2012, 'that was the time they ...took all the Aboriginal children away. So we were little Muslim kids weren't we? Can't touch us'.<sup>142</sup> Raising four children at the Murray River town of Renmark, Lallie continued to try to return to Wongatha deserts with Akbar's help. As Jirgullu was ageing, on 15 June 1939 she wrote to Mount Margaret Mission that she longed 'to go home sweet home'.<sup>143</sup> However, Neville refused to grant her re-entry to Western Australia.<sup>144</sup> Jirgullu died while Lallie was trying to return.<sup>145</sup>



**Figure 1:** Akbar Khan and Lallie Matbar, *Mirror* 10 Nov 1928, 1.

<sup>142</sup> Whirling Dervish Media, 'Mona Akbar Interview' (2012), <<https://www.youtube.com/watch?v=KEgB8LxuP2g>>.

<sup>143</sup> Lallie Akbar cited in Rajkowski, *Linden Girl*, p. 256.

<sup>144</sup> Rajkowski, *Linden Girl*, pp. 258–60.

<sup>145</sup> Morgan, *A Drop in the Bucket*, p. 91.

Eventually, Akbar's adherence to legal/illegal narratives diverged significantly from Lallie's approach to power regimes. As Mona recalled in an interview with historian Peta Stephenson, 'I was supposed to marry one of Gool Mohamed's son's... but then I went and got pregnant'.<sup>146</sup> Akbar insisted that fifteen-year-old Mona leave the home and give the baby up for adoption. As their children remembered for years, the course of action that Akbar scripted Mona into was very difficult for Lallie who had spent a lifetime escaping regimes separating mothers from their children.<sup>147</sup> While Mona was away giving birth, Lallie left Akbar Khan in 1946, returning to Jirgullu's country with her younger daughter Shirley.

Smearing charcoal on her children in 1926, the escape that Jirgullu began scripting across Wongatha deserts, Lallie continued and extended for the rest of her life far beyond her birth country, adding to a much older archive of epic tales of escape. When Lallie visited Mount Margaret where her first child with Akbar Khan was buried, missionaries informed police that she had returned to Western Australia.<sup>148</sup> Neville had retired. However, the new Commissioner of Native Affairs began a file observing the movements of fourteen-year-old Shirley Akbar, renewing the cycle of state surveillance that continues to persecute many Aboriginal women today.

## V. Eshrat

With the 1791 English translation of *Al-Hidaya (The Guide)* in Calcutta, British orientalist commenced an epistemological invasion of *shari'a* libraries that ultimately sought to dismantle an

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<sup>146</sup> Mona Wilson cited in Stephenson, *Islam Dreaming: Indigenous Muslims in Australia*, p. 132.

<sup>147</sup> Stephenson, *Islam Dreaming: Indigenous Muslims in Australia*, p. 131.

<sup>148</sup> Rajkowski, *Linden Girl*, p. 264.

entire discursive system that many people across South Asia used to make sense of their lives. A few years later, whoever the women were who Mountstuart Elphinstone encountered during the military expedition to Kabul in 1808-09, regardless of how they storied their lives, the East India Company official inserted them into stories that lay the foundations of orientalist knowledge about Afghani women. Since then, two centuries of Anglo military interventions have fuelled a growing corpus of English-language knowledge about Afghani women at battlefronts. While these orientalist narratives continue to structure most Australian histories of Muslim women, I have argued in this article that many alternative storytelling templates can be found in the knowledge traditions of colonised people.

In offering Myrtle's, Shamsunnissa's, Adelaide's and Lallie's histories as additions to a compendium titled *The Book of Marriage*, I have outlined a model of feminist history analogous to the Muslim intellectual tradition of *Kitab al-Nikah*. Treating marriage records as an archive of gendered motion, I have pieced together stories about marriage for the purposes of challenging the many, overlapping power regimes shaping women's trajectories. Offering my mother Eshrat's story as one more entry to *The Book of Marriage*, I conclude by demonstrating that for people of Muslim heritage, interpreting marriage archives using Muslim narrative traditions offers glimpses of an entire episteme that today structures some of our most significant dreams.

When Eshrat was a child in East Pakistan, a palm reader saw travel over water written on her hand and it was after marriage that my mother began imagining futures across the Indian Ocean. Eshrat's father Mirza Abdul Sattar was a scholar of Persian and Arabic, trained in Calcutta during the 1930s. In the 1960s, he built a house in Dhanmondi in the city of Dhaka on

land granted to his wife Zobaida, an English teacher employed by the Pakistani government. Eshrat departed from the house on road no. 15 in Dhanmondi when she married. She returned there when my father travelled to the United States and Saudi Arabia to train and work respectively. In 1990, Eshrat departed from the Dhanmondi house when she left Bangladesh for Australia as a married woman with children.

By then, entry into Australia was no longer scripted according to the regime of 'White Australia'. However, new visa systems were reinventing the border regimes of the prosperous settler offshoots of the British Empire. In Australia, following the release of the FitzGerald Report in 1988, immigration officials began issuing permanent residency visas based on a class-based points system measuring 'human capital'.<sup>149</sup> In 1990, travelling by air, Eshrat was classed as a 'dependent' on her husband's 'professional category visa'. That year, many miles below Eshrat's Qantas jet, forty-seven women without visas, some with their children, crossed the Indian Ocean on boats, only to be imprisoned at Australian shores.<sup>150</sup> They were amongst the Cambodian refugees whose arrival saw the Australian government formulate a new policy of mandatory detention of asylum seekers arriving by sea. Navigating these new gendered, class-based definitions of legal/illegal motion across the Indian Ocean, Eshrat's entrypoint to 'Multicultural Australia' was Sydney airport.

After a decade of married life in Sydney, as ongoing public hysteria about 'boat people' alongside Australian involvement in wars in Iraq and Afghanistan transformed narratives about

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<sup>149</sup> James Jupp, *From White Australia to Woomera: The Story of Australian Immigration* (Port Melbourne: Cambridge University Press, 2007), p. 33.

<sup>150</sup> '20m Boat Brings 118', *Sydney Morning Herald*, 2 April 1990, p. 5; 'Navy Rescues Boat People', *Sunday Herald*, 3 June 1990.

‘Asians’ and then ‘Muslims’, Eshrat began to dream of escape on a sweltering spring day in 2002. At the time I was a student making a short film for a class and happened to ring my mother whilst testing audio equipment. By chance, I recorded Eshrat’s recollection of her dream. Crossing an ocean in her sleep, Eshrat dreamt that she was at the foot of the stairs of the Dhanmondi house in Dhaka. Unable to find her footing up the narrow stairs, she cannot reach the upstairs rooms she once inhabited. Her deceased father stands nearby watching. They were close. ‘Why have you built these stairs like this?’<sup>151</sup> Eshrat asks her father, ‘they are so steep’. ‘Yes’, he admits quietly. Saying ‘they really are designed very badly’, he offers no real answers. After narrating her dream, Amma pleaded with me ‘Does this mean I will never find my way home?’ I too had no answers.

After another decade, after many attempts to leave both her marriage and Australia, one autumn afternoon in Sydney in 2011 Eshrat dreamt that a guide would show her the way home. At the time I was a history student despairing at the failure of Australian history books to offer adequate precedents for the contemporary experiences of South Asian migrants. I asked Eshrat if I could record her dream. Crossing an ocean in her sleep, she dreamt that she was walking with her husband through Dhanmondi streets after rain. She loses him when crossing the road to avoid muddying her sari. Recognising that she is near the Dhanmondi Lake, Amma assures herself ‘if I enter the lake grounds using another gate, I will soon reach that bridge I know and I can find my way to the Dhanmondi house’.<sup>152</sup> Alone, she begins her search for the entrance. ‘Sparkling with light’, my mother explained that ‘the scenic lake area’ draws in anyone walking

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<sup>151</sup> Eshrat to author, October 2002. Translation by author. Original recording held by Samia Khatun.

<sup>152</sup> Eshrat to author, April 2011. Translation by author. Original recording held by Samia Khatun.

past, particularly ‘near the house of Sheik Mujibur Rahman’ – the founding father of the Bangladeshi nation. ‘I didn’t enter through that gate though’ Eshrat said.

Alone, she is lost when she meets a girl ‘about twelve or thirteen years old’. Amma tells her ‘I am headed to road no. 15 – the one renamed 8A’. The girl says ‘I am also going that way, to road no. 19. Let’s walk together’. Amma and the girl try entrance after entrance. Eshrat told me that ‘at the first entrance there is a big lock on the gate. The next gate is by a mosque and a *janaja* (funeral) is underway. That way is blocked. Past five or six different gates, some locked, some grilled shut, there is an open gate’. Entering the grounds, Eshrat narrated ‘finally I am able to get onto the no. 8 bridge and over the water’.

Amma knows the way from there. Reaching a ‘shining high wall’ past the first two houses on road no. 15, Eshrat is wondering ‘can’t I get in there?’ when in the corner she sees a ‘hidden entrance’. Eshrat told me ‘I quietly slip in and on the other side in the courtyard I find my mother. Amma is playing badminton with her colleagues’ – teachers from the Eden Girls College in Dhaka. Eshrat is surprised that her deceased mother Zobaida is not entirely happy to see her after so many years. Amma explained gently that it was as if Zobaida was saying: ‘You? You left your children there and came here?’ Zobaida nevertheless invites Eshrat in. Amma climbs the stairs to Zobaida’s high-ceilinged room in a building that seems both very old and new. Beautifully arranged, the room has a sewing machine, a table for reading and a bed covered in a biscuit-coloured velveteen spread, similar to a spread Zobaida once brought back from England. Zobaida’s room ‘leads into another room’ and Amma suggested ‘perhaps it is the room prepared for me’. Eshrat awoke from her dream with her future in sight. Packing some



belongings, Amma told my father 'I am happy to be leaving this house for the last time'. She died a few days later.

Guiding her across difficult borders, Eshrat's final dream exposes the gap between contemporary Muslim women's stories and the narratives contained in orientalist histories of Muslim women. Her dreams of crossing the water render visible what both Indian Ocean scholarship and Australian histories often efface: Non-white women move. They not only cross multiple borders, they story their travels. Disciplining these stories into progress narratives of 'tradition' to 'modernity' does not do justice to the archives of border-crossing women.

Rather, Eshrat's dreams are better interpreted as pages belonging to a still-expanding volume titled *The Book of Marriage*. Without reproducing the racist logic of progress narratives, this alternative history of marriage is an archive of precedents that people of Muslim heritage today can use to see patterns and continuities between diverse women's experiences of crossing racial, national and imperial borders. For example, like Shamsulnissa's unhappy journey to 'White Australia', Eshrat's dreams of escape from 'Multicultural Australia' reveal that Australian national narratives do not contain the answers to many South Asian women's questions. Like the early twentieth-century Afghani nationalist narratives that Adelaide was scripted into, Eshrat's dream gently warns border-crossing women that contemporary South Asian nationalist narratives do not signpost the way forward. Instead, like the story Lallie scripted back to Jirgullu's country, Eshrat's dream suggests that a more fruitful strategy is returning to and continuing the stories told by loved ones who escaped power regimes. Most importantly, interpreting Myrtle's marriage

archives alongside Eshrat's dream-archive illuminates a pathway to the libraries whose ruins belie colonised geographies.

For in my reading of my mother's dream today, I can see Eshrat was searching for the way to the water (*shari'a*) from where she knew her way home – a legal route out of her marriage and into a happier home. For like many, many women before her, she sought escape from the maze of narratives spanning from South Asia to Australia. Yet, if it was *shari'a* that Eshrat sought out of her marriage and Australia, why couldn't her father answer her questions about the narrow stairs in 2002? Not only did he build the house Amma longed to return to, my grandfather after all spent the last decade of his life absorbed in his Persian and Arabic texts. However, as we have seen many fathers, just like legal guardians, historians, state bureaucrats, police officers, journalists, legal professionals and doctors, not to mention military invaders, embedded in gendered power relations with women, have long systematically produced inadequate narratives featuring Muslim women.

I do not know much about the guide (*al-hidaya*) who finally did show Amma the way, only that she was twelve or thirteen years of age in April 2011. Who was she? After reaching Zobaida's upstairs room, when Amma asked the girl her address, her guide mumbled 'in time, all in good time' before slipping away. Since Amma's last dream, I have often wandered the labyrinth of Dhanmondi roads named and renamed in search of road no. 19, wondering where that girl lives. Is she from one of the propertied families inhabiting the towering flats of Dhanmondi today, or does she sleep on the kitchen floors and storerooms where domestic maids dream of return to their village? What was her name? And how did she know the way?

By the logic of dreams, if the guide (*al-hidaya*) knew the way to the water (*shari'a*), then the search for her will lead to the library central to the *shari'a* episteme. For this reason, when I find her, I expect she will be in a library somewhere on road no. 19 in Dhanmondi. It will be quite different to Mirza Abdul Sattar's library - for he didn't know the answers to Eshrat's questions. No, I believe that whilst browsing another such library, the girl found a hidden entrance into another chamber - past the illusion that no answers exist beyond orientalist narratives, past volumes containing Muslim men's unsatisfactory answers to generations of women, and through a concealed entrance into another vast library. For in this inner chamber resides a history titled *The Book of Marriage*. I believe that browsing this volume, before she met my lost mother circling Dhanmondi Lake, the girl read Eshrat's story containing directions that 'at the first entrance there is a big lock on the gate. The next gate is by a mosque and a *janaja* (funeral) is underway. That way is blocked. Past five or six different gates, some locked, some grilled shut, there is an open gate'.<sup>153</sup> I can see now that soon I will meet a woman who will remember that once when she was younger, that is how she guided Eshrat across the water, so that my Amma could slip past the wall to once more greet her Amma.

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<sup>153</sup> Eshrat cited in Samia Khatun, 'The Book of Marriage: Histories of Muslim Women in Twentieth-Century Australia', *Gender & History* 29 (2017), p. 24.