

# The Position of Women in Islam

## Introduction

Woman's status in Islam is one of the most controversial and serious issues of our time, not only among Muslim women and those who represent them in the area of women's rights in the Islamic world, but also among fundamentalist Muslims. The reader may find himself confused owing to the large number of books that treat this subject, for the most part, superficially and partially. Some cover Islam's achievements for the woman,<sup>(1)</sup> maintaining that it was Islam that gave the woman her rights and honour,<sup>(2)</sup> while others blame all the disadvantages in the position of Muslim women on Islam.<sup>(3)</sup>

Since in this book we mean by Islam what the Qur'an and Hadith say, we want to treat the woman's position primarily in these two sources. What rights has Islam given to the woman, and what disadvantages has it brought her? Some commentaries of consequence will also be reviewed. We will also cite the opinions of older theologians and jurists (experts on Sharia), and the comments of the contemporary fundamentalists and their attitudes toward the western and eastern critics who uphold the issue of women's rights.

As will be made clear in the following chapters, it will not be possible to cite the Qur'anic references when treating the woman's position in the Sharia (Islamic law). The Qur'an often remains silent when it comes to certain topics, even if the topics have to do with the heart of the Sharia.<sup>(4)</sup> There are also matters that the Qur'an touches upon without describing them in detail.<sup>(5)</sup>

## CHAPTER ONE

### Women in the Qur'an

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Woman appears in the Qur'an in three aspects:

First: As a biological and social being. Second: as a believer. Third: as a character in the biblical salvation narrative.<sup>(1)</sup>

Apart from the wife of Muhammad's uncle Abu Lahab, and Zainab, one of Muhammad's wives to whom the Qur'an alluded,<sup>(2)</sup> the Virgin Mary is the most important female

character in the Qur'an. The nineteenth sura of the Qur'an is named after her, the only female name the Qur'an mentions. The other women whose stories are narrated in the Qur'an are never mentioned by name, rather they were called the wives of their respective husbands. Among them are: Eve, (3) the wife of Imran (Sura Al Imran 3:35), the wife of the governor (Sura Yusuf 12:30), Pharaoh's wife (Sura al-Qasas 28:9), Lot's wife (Sura al-Tahrim 66:10), Abraham's wife (Sura Hud 11:71), and Noah's wife (Sura al-Tahrim 66:10).

What the Qur'an says about the woman as a biological social being can be considered objective, not diminishing any of her rights, though the prevailing theme in this respect is "Men are the managers of women for that God has preferred in bounty one of them over another, and for that they have expended of their property" (Sura al-Nisa' 4:34). The Qur'an pictures Mary's mother as being disappointed over the fact that she gave birth to a "female": "Lord, I have given birth to her, a female- (And God knew very well what she had given birth to; the male is not as the female)-" (Sura Al Imran 3:36). We find in such Qur'anic verses Muhammad's attempt to project the Bedouin concept of the woman onto a biblical episode. (4)

As concerns creation, no distinction in rank is found between man and woman. According to Islam, Adam was the first man, as the Bible also says, "He has created the two kinds, male and female" (Sura al-Najm 53:45), and "O mankind, We have created you a male and female, and appointed you races and tribes, that you may know one another" (Sura al-Hujurat 49:13). God addresses His commands, interdictions and statutes to both sexes. (5)

After this brief treatment of the woman as a biological social being and as a character in the Qur'anic stories, we would like to study woman as a believer in the Qur'an. The Qur'anic verses dealing with woman as a believer constitute the basic element and foundation for her legislative and social position. As we shall see in the following chapters, this subject can be grasped by studying woman's status in comparison with man's in marriage, divorce, witnessing, inheritance, veiledness, and concubinage. Inequality between man and woman, at the expense of the woman, stands out clearly in these chapters, in spite of the attempts of zealous Muslims and European orientalists to explain the texts away. These attempts have often lead to the opposite of what the Qur'an means and what the ordinary Muslim understands. (6) We will cite, whenever there are grounds, the opinions of the theologians and jurists who soften the meaning of both the Qur'an and the Hadith.

Those concerned with the Qur'an and those who read it know well that the judgments mentioned in it concerning women form a good part of it. As it is known, the fourth sura is called "Women", and is one of the longer suras. But before looking into the legislative position of women, we would like to touch once again on the status of women in relation to men.

## CHAPTER TWO

### The Status of Women

There is no Qur'anic distinction between the Muslim and the non-Muslim woman in terms of her status as a biological social being since men are, on principle, in charge of women, and the male is not like the female (Sura Al Imran 3:36). One can understand the prevailing mentality at the time with the aid of the Qur'anic criticisms of the habits of the Meccan idolaters: "Have you considered al-Lat and al-Uzza, and Manat the third, the other? What, have you males, and He females? That were then an unjust division!" (Sura al-Najm 53:19-22). The Qur'an, which condemns the Arab's live burial of girls, conveys to us, at the same time, the prevailing conception of the woman at that time: "And when any of them is given the good tidings of a girl, his face is darkened and he chokes inwardly, as he hides him from the people because of the evil of the good tidings that have been given unto him, whether he shall preserve it in humiliation, or trample it into the dust" (Sura al-Nahl 16:48,59).

If we accept what the Qur'an said about the woman in the pre-Islamic era and what the Muslim historians recorded (trying their best to prove that Islam improved the position of the woman and promoted her from the bottom of the pit to an honourable life), we must admit that Islam was unable to realise a reformation in this arena, for the simple reason that the same conceptions of women still persist in most Islamic countries today. One of the most important reasons for this phenomenon was the pragmatic approach that Muhammad followed, which adopted even the pre-Islamic (Jahili) traditions<sup>(1)</sup> to uphold his own cause. His ultimate goal was not to establish a new moral code, but to achieve a final triumph for the Shahada, which states, "There is no god but Allah, and Muhammad is the Messenger of Allah," and to force the Bedouins to recognise Allah's sovereignty over all the gods.

As mentioned above, the most important Qur'anic verse the jurists cite as proof of the claim that women are inferior to men is: "Men are the managers of women for that God has preferred in bounty one of them over another, and for that they have expended of their property" (Sura al-Nisa' 4:34). Al-Tabari says, "By this God (may He be highly praised) means that men are in charge of their women in chastising and restraining them regarding their obligations for God and themselves."<sup>(2)</sup> He makes further comments, which we will cite: "Ibn Abbas narrated that he said, [Men] are commanders and [the woman] has to obey him in all that God commands her to obey him. Obedience to man is being good to his family." Al-Dhahhak narrated: "Man is in charge of the woman commanding her to obey God. If she refuses, he has [the right] to give her a mild beating, and he had the advantage over her on account of what he provides for her and what he earns." Al-Suddi said, "They should restrain and discipline them."<sup>(3)</sup>

As to the reason why this verse was given, it is said that a man struck a woman, and she came to the Prophet seeking punishment. The prophet passed his judgment between them, and this verse was revealed, "And hasten not with the Qur'an ere its revelation is accomplished unto you" (Sura Ta Ha 20:114). The verse "Men are the managers of

women" (Sura al-Nisa' 4:34) was also revealed.<sup>(4)</sup> Ibn Abbas says in a tradition that by "for that God has preferred in bounty one of them over another," (Sura al-Nisa' 4:34) the Qur'an meant that "God preferred men to women by the former's [sound] mind, dividing of the portions in the booty and inheritance."<sup>(5)</sup>

Muhammad `Abduh "the Reformer" (1905-1949), who was known for his hostile attitude toward blind tradition, has discovered new aspects of man's superiority over women in this verse: "This superiority is based on two factors; the one has to do with nature, while the other has to do with earning. The natural one consists in the fact that man's disposition is stronger, more accomplished, complete, and beautiful. Perhaps it strikes you as odd that man is more beautiful than woman. Beauty has to do with the completeness and perfection of natural disposition. As far as his living body, man is nothing more than an animal, for the physical nature of both is the same. We see the males of all animals more accomplished and more beautiful than the females, such as you see in the rooster and the hen, the ram and the ewe, and the lion and the lioness. The hair of the beard and the moustache is of the characteristics of the perfection and beauty of man's nature, therefore the hairless man is considered imperfect in nature and wishes he could find a medicine that would cause his hair to grow, even if he were used to shaving his beard. In consequence of this, men are strong in character [disposition], perfect in nature, sound in mind, and of sound judgement in the foundation and end of everything. Doctors and scientists say, 'Sound in body, sound in mind.' It follows then that men are perfect in tasks having to do with earning, for they are more capable of earning a living, inventing, and tackling affairs of everyday life. For this reason they have been commanded to stand above women, protect them, and to carry the onus of general presidency in the milieu of the domestic life of the family. For it is vital that every society should have a president to whom people ought to refer in the standardisation of public welfare."<sup>(6)</sup>

Abbas Mahmud al-Aqqad (1889-1964), one of the most renowned Arab men of letters in the twentieth century, sets an enviable record in his attacks on women. He says, "Woman has been engaged in preparing food since mankind started cooking in pre-historic times. She has learned it since childhood in the dwelling-places of the family or the tribe. She likes food and craves for it. Yet after she inherited this occupation for thousands of years, she is still not as good at it as the man who dedicates a few years to it. She keeps up with him neither in the high quality of well-known dishes nor in innovating new varieties of improved ones. She is unable to manage a kitchen in which several females and males work together. The same goes for the craft of embroidery and tailoring, which are among the old-time crafts women practised at home. Women rely on men to make their clothing rather than on themselves." Women, as al-Aqqad claims, have no part in knowledge or scientific thinking, even the well-known women in the field of science could not attain any success but for the support and guidance of the men, "The name of Madame Curie is the first name that is mentioned by those who maintain full equality of the two sexes. Even if it is true that this lady matches first class male scientists, this will always remain an undeniably rare exception. The truth about this specific lady keeps her from being reckoned among the exceptional cases in scientific researches, since she did not work apart from her husband and since her work was neither concerned with invention nor with

innovation."<sup>(7)</sup> As to hypocrisy and double-dealing, these are two inherent characteristics of women: "Female hypocrisy, which can be attributed to women especially, is due to a certain weakness in womanhood that she abides by in every society, and is not imposed on her by manners or laws. She does not part company with it by choice or by force- she may even refuse to do so if the choice was hers... There is a major difference between man and women in sexual intercourse- in most days of her period the sexual desire is separated from the reproduction instinct, whereas the sexual desire for man is never an amusement."<sup>(8)</sup>

This al-Aqqad who is viewed by many people in the east and the west as a genius, believes that woman is a necessary evil, and that she does not possess any talent or virtue at all. "There are none among the estimable ethics of women that are more characteristic of and natural to her femininity than these three qualities: bashfulness, compassion, and cleanliness. She depends on these in her nature or in man's nature. This should have been rather her practice in all the other qualities that men mastered from old... The inborn compassion is not fit for evaluating woman's mercy, since it has to do with what the psychic forces and the power of conscience enjoin on her. It is the comparison between women's and man's compassion for the children of others that is fit as a standard of evaluation. Man could be seen showing compassion for his step-children as much as he does his own, treating them equally even if it were out of courtesy and consideration. Woman, however, behaves differently in her treatment of her step-children; the children sometimes do not escape torture, malevolence, deliberate humiliation, and harm."<sup>(9)</sup> "The primary point of reference regarding morals with women is sexual restraint, which is an instinct that the female animals have in common, and is not a willful act that distinguishes mankind in particular. There are worlds of difference between this sort of sexual restraint and the virtue of bashfulness, which is regarded as a human moral virtue."<sup>(10)</sup>

Regarding the advantages man has over women, Ahmad Shalabi says, "He is taller than she, his bones are bigger, and she weighs less than he does. His muscles are stronger, his brain is bigger than hers, and likewise his heart."<sup>(11)</sup> The sayings of Muhammad concerning women that could be culled from the Hadith do not speak in her favour. There are traditions indicating that Muhammad describes women as though they were deficient in intelligence and understanding. Abu Sa'id al-Jundi narrated: Once the Messenger of God went out to a prayer place to offer the prayer of Greater Bairam or a Lesser Bairam. Then he passed by the women and said, "O women! Give alms, as I have seen that the majority of the dwellers of Hell-fire were you [women]." They asked, "Why is it so, Messenger of God?" He replied, "You curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in intelligence and religion than you. A cautious sensible man could be led astray by some of you." The women asked, "What is deficient in our intelligence and religion, Messenger of God?" He answered, "Is not the evidence of two women equal to the witness of one man?" They replied in the affirmative. He said, "This is the deficiency in your intelligence. Isn't it true that a woman can neither pray nor fast during her menses?" The women replied in the affirmative. "This is the deficiency in your religion," he said.<sup>(12)</sup>

In Islamic theological sources, it is put forward as an evidence of the women's deficient intelligence that there is none among them who was known for being knowledgeable or a genius. "As to the deficiency of intelligence, it is known that women have rarely minds as good as men. Perfection and excellence are rarely and exceptionally found among them. Women of reasoning and good discretion are very few in number. Men of this quality, however, are countless." <sup>(13)</sup> The scholastic expert of fiqh, who showed this magnificent proof of the deficiency of women's minds, could have found the main reason for this in the Hadith of Muhammad: "Do not let [women] into all of the rooms, and do not teach them how to write. Teach them to spin and recite Sura al-Nur." <sup>(14)</sup> Or "Do not let your women live in rooms, do not teach them how to write, and seek assistance against them. Constantly tell them 'No', because 'Yes' tempts them to ask a lot." <sup>(15)</sup>

One who studies the sayings of Muhammad pertaining to women cannot help but question why women were created. "One woman, of 99 women, is in heaven, and the rest of them are in Fire." <sup>(16)</sup> "Fire has been created for the senseless, the women, except for the one who obeyed her husband." <sup>(17)</sup> "Men perish when they obey women." <sup>(18)</sup> "Men are in a good state as long as they do not obey women." <sup>(19)</sup>

Muhammad gives us another reason why men should fear and beware of women: "Beware of women; the first temptation among the Children of Israel was caused by them;" <sup>(20)</sup> "I fear no temptation that would befall my people but for the temptation of women and wine;" <sup>(21)</sup> and "But for the woman, man could have entered paradise." <sup>(22)</sup>

The woman has no right to behave as though she possesses any authority or influence over her husband, for Muhammad "forbade women to talk except by leave of their husbands." <sup>(23)</sup> Also "Women are not allowed to go out except out of necessity, but for the occasion of the two feasts: The Greater Bairam and the Lesser Bairam. They are also not allowed to walk down the roads, but keep to the edges of the street." <sup>(24)</sup> "Women are not allowed to use the middle of the road." <sup>(25)</sup> "Women are not to be greeted nor to greet." <sup>(26)</sup> "A believing woman is the same among women as a white-footed raven among the ravens. Fire has been created for the senseless, and women are the most senseless of all." <sup>(27)</sup> If the woman wanted to clear herself of this charge, she had to serve her husband. <sup>(28)</sup>

In another tradition Muhammad described women as "unclean" creatures. In a Hadith, Muhammad says, "Three things corrupt prayer: Women, dogs, and donkeys." <sup>(29)</sup> "The Messenger of God said, 'A man's prayer is interrupted if a donkey, black dogs, and women pass by him nearby.' So I said, 'What difference is there between the red one, the yellow one, and the white one?' He said, 'My brother, I asked the Messenger of God just as you asked me. He said, 'The black dog is a devil.' " <sup>(30)</sup> In another tradition given by Ibn Abbas, the fire-worshipper, the Jew, and the pig are listed alongside the woman as things that corrupt prayer. The prayer of a Muslim is corrupted if "they pass by him as far as a rock could be thrown." <sup>(31)</sup>

There are several sayings in which Muhammad reduced women to the level of animals. "Woman is a vile beast," <sup>(32)</sup> and "I think that women were created for nothing but evil." <sup>(33)</sup>



It seems that the woman as a source of mischief and evil omen is a rooted concept in Muhammad's mind. This anti-female concept, which goes back to the Jewish traditions,<sup>(34)</sup> accompanies us in all books of Hadith: "Bad omen is in three things: horses, woman, and the home."<sup>(35)</sup>

"The woman has two things to cover her: the grave and marriage.' It was asked, 'Which of them is better?' He said, 'The grave.' "<sup>(36)</sup>

After all these traditions and stories, which make up a small part of the copious Islamic traditions about women, the words of Mahmud Shaltut seem to be pure mockery. He says about the status of women in Islam, "It is a status that the woman had not enjoyed in any divine law, nor in any society that people set up for themselves."<sup>(37)</sup> He adds, "Islam has granted women all that is good, and protected her from all that is evil. The only thing it denied her was the liberty that false culture [namely, the western culture] has pushed her into. That liberty causes the western woman, whenever she retreats to her human conscience, to weep tears of blood over her forfeited respect, misused honour, and lost happiness."<sup>(38)</sup>

## CHAPTER THREE

### Women's Image in Arabic Literature

The conceptions of Muhammad and the experts of Islamic *fiqh* have influenced Arabic literature and shared in the formation of an "imaginative" picture of woman in literature. The reader may possibly ask if this topic is necessary. In fact, we are forced to quote what has been written about women in the writings of the Arab men of letters, because they have not lost any of their popularity, especially those that have been compiled during the Abbasid era and after. There is no escaping the study of such literature if one wants to present a realistic picture of women in Islam.

Attributed to `Ali Ibn Abi Talib is the saying, "Woman is all evil; the most evil thing about her is that she is indispensable."<sup>(1)</sup> "As to the counsel of women, it is a sign of the hour of doom."<sup>(2)</sup> "Woman is not in charge of anything that goes beyond herself; for woman is a sweet basil not a governess. She should not promise by her own honour, nor should you provoke her ambition by asking for the mediation of another [woman]. Never be jealous where jealousy is not proper."<sup>(3)</sup> Al-Jahiz (d. 868) holds the same view as Muhammad regarding the deficiency of women's intelligence as he says, "We have seen women; they are weaker in mind than men, while children are weaker in mind than they are. They are also more stingy than women, and women are the weaker in mind in comparison with men. We do not know of anyone who is more wicked than a child: he is the worst liar, the worst gossip, the most evil of mankind, the least in doing good and the most cruel of all."<sup>(4)</sup> The Ummayyad poet al-Farazdaq compares women to serpents. He says,

They are amiable with their husbands when they withdraw;  
When they go out, they are like snakes.<sup>(5)</sup>

In al-Bayan wa al-tabyin, women are mentioned in the same section as imbeciles, mentally handicapped, and children.<sup>(6)</sup> Ibn `Abd Rabbih quotes the following verses from `Ubada, considered to be the one who knew the most about women:

Ask me about women for I am knowledgeable  
And a doctor of the maladies that women cause.  
If a man's hair grows gray, or if his money decreases,  
He will have no part in their love.  
They desire wealth wherever it is found,  
And the prime of youth is irresistible for them.<sup>(7)</sup>

Ibn `Abd Rabbih is not satisfied with quoting the poems and tales of the Arabs, he also quotes from the proverbs of the prophets: "In the wisdom of David, peace be on him, it is said, 'I found among men one in a thousand, but I found none among all women.'" <sup>(8)</sup> Yet, despite her deceit, unfaithfulness, and other reproachful qualities, women "and especially concubines", are a property that man cannot do without. In describing the ideal concubine, Caliph `Abd al-Malik Ibn Marwan (685-705 A.D.) said, "If you want one for pleasure, take a Berber woman, for bearing children take a Persian woman, if you need one for service take a Christian woman ["rumiyya": also, a Byzantine woman].<sup>(9)</sup> We know also from the proverbs of literary writers that woman increases in evil in her old age, "They said that the end of man's life is better than its beginning; his patience increases, his resistance [to temptation] becomes stronger, his flame dies down, and his trade is made perfect. The end of women's life, though, is worse than its beginning; her beauty vanishes, her womb grows barren, and her morals deteriorate."<sup>(10)</sup> As to her beauty, it is said, "A fair handmaid is coloured by the colour of the sun; in forenoon she is pale, and in the evening she is yellow."<sup>(11)</sup> "Yet, mere beauty is not enough; she must also be smiling and patient, proud among her own folk and humble with her husband, and fruitful."<sup>(12)</sup> "When someone wants to have a strong child, he should make her angry, and then have sex with her."<sup>(13)</sup>

So far we have examined the contents of old books that deal with women. It is natural to assume that Muslim scholars and writers nowadays hold other standards and conceptions about the "gentle sex", but the reality is disappointing. Abbas Mahmud al-Aqqad, who cannot be relegated to the fundamentalist circles, is considered an extremist in attacking and despising women. Al-Aqqad claims that his warped opinions of women are backed up by modern sciences, and he quotes Christian Ehrenfels' apology for polygamy: "Polygamy is necessary for the preservation of the Aryan stock."<sup>(14)</sup> Al-Aqqad's opinion about women will be quoted in the coming chapters, but for now we will give al-Aqqad's "philosophical" analysis of the phenomenon of immodesty amongst women: "This modesty, which is enjoined on woman by morals, exists in women in proportion to how she feels about her husband and how he sees her. If women gather together far away from the eyes of men, they forget about modesty. Then they care for nothing that they would usually observe while they are still in the presence of men. The woman does not cover



herself in the [public] bath, unless she has a defect or for fear that her peers and companions should compete with her." <sup>(15)</sup>

Now if we overlook the romances included in classical Arabic literature in which women appear perfectly equal to their lovers or husbands, we find that both classical and modern writers have a very negative picture of women. This discreditable and troubling issue has been criticised by the Islamic thinker Jamal al-Din al-Afghani (1838-1897 A.D.). The Egyptian writer Qasim Amin, who dedicated the better part of his life to the struggle against the wrong done to women, agreed. The issue of women, as Qasim Amin viewed it, was an issue of civilisation and a social problem that needed to be solved, otherwise any progress in the Egyptian society would only be an unattainable dream. He said, "Women are equal to men, their miserable conditions are due to the injustice of men, who never gave them the chance to act in freedom and in the spirit of responsibility, but rather forced absolute ignorance upon them by all sorts of means." <sup>(16)</sup> The root of this injustice is the ignorance of Muslim scholars of the nature of women. "It is so strange that scholars have outstripped one another in binding and fettering women through all the inhuman laws and ordinances they could imagine, as though she were a devil to be locked up. If fact, they were shamefully ignorant of her circumstances." <sup>(17)</sup>

## CHAPTER FOUR

### Marriage

The Qur'an uses two words to designate the marriage contract: *zawaj* (meaning marriage) and *nikah* (meaning wedlock). The word *nikah* is the most frequently used one in the Sharia. It denotes four things in the Qur'an, according to the experts of Islamic fiqh: marriage, sexual intercourse, bestowal, and marriageable age. As to the first meaning, the Qur'an says, "Do not marry idolatresses until they believe" (Sura al-Baqara 2:221). The same meaning is found in Sura al-Nisa' 4:25, where it says, "So marry them, with their people's leave," and Sura al-Nisa' 4:3, "Marry such women as seem good to you....." Also in Sura al-Nur 24:3, "A fornicator may only marry a fornicatress."

The second meaning of the word *nikah*, which is sexual intercourse, occurs in Sura al-Baqara 2:230, "Until she marries another husband." In this verse the actual sexual intercourse between husband and wife is meant.

The third meaning, marriage of bestowal, is found in Sura al-Ahzab 33:50, "And any woman believer, if she give herself to the Prophet, and if the Prophet desire to take her in marriage, for thee exclusively, apart from the believers." This sort of bestowal is lawful only for the Prophet.

The fourth meaning, marriageable age, is in Sura al-Nisa' 4:6, "Test well the orphans, until they reach they reach the age of marrying." <sup>(1)</sup>

Jurists are in unanimous agreement on the fact that nikah means sexual intercourse and that it is used to denote the marriage contract as a figure of speech because the marriage contract is the legal means for having intercourse.<sup>(2)</sup> Nikah is permissible only after the marriage contract, concluded between the bridegroom and the bride (al-`aqidan), and the bride's guardian in the presence of at least two witnesses. Nikah has two elements without which it cannot be fulfilled: the first is al-`ijab (response), which is the utterance coming from the guardian or his substitute, and the second is qubul (consent), which is the utterance coming from the husband or his proxy. Then the husband has to pay a bridal gift and a marriage portion.<sup>(3)</sup> The consent of the bride's guardian is essential for making the marriage contract legal, because "Wedlock cannot be concluded except through a guardian."<sup>(4)</sup> The subject of the marriage contract will be treated in detail later on. Marriage is not a sacrament in Islam as it is in the Catholic church; rather it is a solemn agreement or binding compact that should not be tampered with. The Qur'an says, "You have had intercourse with each other, and they have made a solemn agreement with you" (Sura al-Nisa' 4:21). Wedlock in Islam is based on civil contract, which need not be recorded in writing.<sup>(5)</sup>

## CHAPTER FIVE

### The Rights a Man Acquires over his Wife

Jurists have dealt with the rights of husbands and wives over each other and emphasised the rights of the husband over her wife. Evidence of this fact is the statement of al-Shafi'i: "Wedlock is a sort of bondage [slavery]." She is his slave. A wife ought to obey her husband absolutely in everything he asks of her concerning herself, provided it does not entail disobedience to God.<sup>(1)</sup> There are Hadiths supporting this position: "God does not regard a woman who does not thank her husband, since she cannot do without him."<sup>(2)</sup> "It is not permissible that humans should bow down before humans. If humans were permitted to bow down before humans, the wife would have been commanded to bow down before her husband because of his great right over her."<sup>(3)</sup> `A'isha narrated: "I asked the Prophet, 'Who among people has the greatest right over the woman?' He answered, 'Her husband.' I asked, 'Who has the greatest right over the man?' He answered, 'His mother.'"<sup>(4)</sup> In Ihya' `ulum al-din, we read, "There was once a certain man who set out on a journey after having covenanted with his wife that she should not come down from upstairs to downstairs. Her father was downstairs. When he fell ill, the woman sent for the Messenger of God asking his permission to go down to see her father. The Messenger of God said, 'Obey your husband.' The father died. She tried again to get permission from him to see her father, but he said again, 'Obey your husband.' Her father was buried. The Messenger of God sent a message to her that her father was forgiven on account of her obedience to her husband."<sup>(5)</sup> In al-Ghazzali's opinion, the obedience of the wife to her husband is one of the pillars of faith. "If the woman performs her five [prayers], fasts her month, keeps her genitalia [remains chaste] and obeys her husband, she enters the heaven of her Lord."<sup>(6)</sup> Al-Ghazzali attributes this narrative to Muhammad. In another narrative, `A'isha said, quoting Muhammad, "A girl asked the Messenger of God, 'O Messenger of God, what right does a husband have over his wife?' He said, 'If he was covered from the

parting [of his hair] to the bottom of his feet with matter [or pus], and she licked him, she still has not thanked him enough.' "<sup>(7)</sup> Ibn Abbas narrated, "A woman from Khath'am came to the Prophet of God, and asked him, saying, 'I am not a virgin, and I want to be married off. What is the right of the husband [over the wife]?' He answered, 'The right a husband acquires over the wife is that she should not keep herself away from him [even] if they were on the back of a camel and he desired her and tried to take her. It is his right that she should not give anything belonging to his house except by his permission; if she does so [without his permission], she will be guilty and he will get the reward. It is his right also that she should not fast voluntarily except by his permission; and if she fasts and goes hungry and thirsty, it will not be accepted of her. If she goes out from his house without his permission, the angels curse her till she comes back to his house or repents.' "<sup>(8)</sup> In a weak tradition Muhammad is said to have stated that "the woman is nearest to her Lord's Face when she is in the innermost part of her home. Her prayer in the courtyard of her house is better than her prayer in the mosque, and her prayer in her home is better than her prayer in the courtyard of her house, and her prayer in her chamber is even better than her prayer in her home."<sup>(9)</sup>

Perhaps this stress on keeping the woman confined to her chamber stems from the statement of the Prophet of Islam: "The woman has ten nakednesses; when she marries the husband covers one nakedness, and when she dies the grave covers all ten of them."<sup>(10)</sup>

Al-Ghazzali lists the rights a husband acquires over his wife as follows:

The rights a husband acquires over his wife are numerous. The most important are two: The first is protection and covering, and the second one is desisting from demanding anything that is beyond the needful, and refraining from what he earns if it were from an unlawful source. This was the way of women in the past. When a man would go out of his home, his wife and daughter would say to him, "Beware of ill-gotten gain; we can endure hunger and hardship, but we can by no means endure the Fire." A man in the past went on a journey. His neighbours resented his departure, and said to his wife, 'Why do you consent to his travelling although he left you no provision?' She replied, "I have known my husband as an eater, not as a provider, and I have a God that provides for me. The eater will perish and the Provider will remain." One of the duties of the wife is not to squander his money but keep it. The Messenger of God said, "She is not allowed to feed [people] from [the provision of] his house except by his permission, barring damp food that is about to rot. If she feeds by his approval, she receives the same reward as he. If she feeds without his permission, he receives the reward and she the guilt." Her parents have the obligation to teach her good conduct and pleasant treatment of the husband.

Some of the rights he acquires over her are:

She should keep her husband's honour in his absence, seek his pleasure in all her affairs, not deal unfaithfully with him in terms of herself or his money, and not go outdoors except by his permission. When she goes out by his permission, she should be shabbily dressed and should seek secluded areas, keeping away from the streets and the market-places, and should be careful not to let a stranger hear her voice or recognise her. On her errands, she should not let herself be known to her husband's friends, but rather conceal her identity from anyone she thinks knows her or vice versa. Her main concern ought to be how to mind her affairs and manage her home, eager to perform her prayer and her fasting. If her husband's friend happens to ask for permission [to come in] while her husband is not there, she ought not to inquire or answer his question out of jealousy over herself and her husband. She should be content with the provision God gives her husband, promoting her husband's rights over her own and her family's rights, observing cleanliness of her body, ready always to let him enjoy her whenever he desires, having compassion for her children, being protective over them, refraining from cursing the children or contradicting her husband. Muhammad said, "Both I and a woman with burnt cheeks, such as these, will be in heaven-- a woman who was hated by her husband, locked herself up, and tended to her daughters until they married [or died]." He also said, "God has forbidden all mankind from entering heaven before me, yet I will look to my right and behold a woman will go ahead of me to the gate of paradise. Then I will say, 'Why is this one going ahead of me?' And it will be answered, 'O Muhammad, this is a fair and beautiful woman who cared for orphans and was patient with them till they reached their destiny, and God thanked her for this.' " The accepted standard of behaviour from her is that she should not boast over her husband for her beauty, or despise him for his ugliness. Then I knew she was a godly woman who had a husband for whom she adorned herself.

She should practice good behaviour and keep herself secluded in her husband's absence, and to return to playfulness and exhilaration [which bring pleasure] in her husband's presence. She is not to hurt her husband by any means. Mu`ads Ibn Jabal narrates, "The Messenger of God said, 'Whenever a woman hurts her husband, his wife of the wide-eyed houris says, "Do not hurt him. May God fight you [or damn you]! With you he is a passer-by, who is about to leave you to come to us.' " [\(11\)](#)

The Hanafite jurist al-Kasani sums up man's rights over his wife in this statement: "He has the right to look at her and touch her in her lifetime, because intercourse [which is established already as his good right] is beyond looking and touching. And since it [i.e. intercourse] has been established as lawful, then looking and touching are established as so after the same manner. It is disputable, however, whether to take pleasure in her apart from the sexual organs when she has her menstrual period or in child-birth. Among these rights is "the possession of pleasure", which means that the husband has the exclusive right to all of her body for the purpose of pleasure, or the possession of herself or her soul

as a right for self-gratification, an opinion which is agreed upon by all our theological leaders, for the purposes of intercourse cannot be fulfilled without these.<sup>(12)</sup> Among these rights is keeping her locked and confined, which means the right to forbid her from going out in public. This is based on God's command to "house women" (Sura al-Talaq 65:6). The command to "house" them actually forbids a woman from going out and showing herself in public, because the command to do a certain thing forbids one from doing its opposite. Were she not forbidden from going out in public, she would be a temptation, and parentage of the children would be in doubt, for this makes a man suspicious and causes him to deny his parentage.<sup>(13)</sup> The man has the right to forbid his wife and daughters from going out so that there should be no temptation, and because of the danger of "the disorder of parentage."<sup>(14)</sup>

At the end of this chapter I would like to present a list of a woman's duties to her husband as quoted from a book recently published in Arabic. These are the things she should not do:

1. She should avoid standing on the balcony.
2. She should conceal herself while welcoming men at the door.
3. She should not go out after she has used perfume.
4. She should wear her dresses long and not imitate unbelieving women.
5. She should not speak in a loud voice.
6. She should not walk in the middle of the road.
7. She should not mingle with men or shake hands with them.

The author then lists in brief what she should do in the following:

1. Speak softly and honourably when you are walking.
2. Walk by the side of the road, and keep away from the middle.
3. Beware of standing by the door to welcome guests.
4. Do not go out of your home frequently for unnecessary things.
5. Do not lower your veil outside your house under any circumstances whatever.
6. When you stand in the balcony, take care what you wear.
7. Beware of shaking hands with strange men. Don't travel without a guardian relative. These two actions are abominations and are the pitfalls of the women of our time.
8. Watch not to waste your time uselessly; so praise [God] and ask for His pardon frequently in an inaudible voice.
9. Avoid turning around and always look down.
10. You are weak and in need of your Lord's mercy; so raise your hands up to Him constantly asking for His pardon for your guilt, and for health for your good deeds.<sup>(15)</sup>

## CHAPTER SIX

### The Rights a Woman Acquires over her Husband

Muhammad said in his final address, "And now, people, you acquire certain rights over your wives, and they do you. The right you acquire over them is that they should not let someone you hate sleep in your beds, and not to commit a manifest obscenity [or adultery]. If they do [commit it], then God has given you permission to leave them alone in their beds and give them a beating, though not too hard. If they give over, they get their provision and clothing with kindness; I command you good-will for your wives, for they are your captives<sup>(1)</sup> that do not own anything of their own. You have taken them by the faithfulness of God, and made their sexual organs lawful for you by the words of God."<sup>(2)</sup>

`Abdullah Ibn `Amr Ibn al-`As narrated: "The Messenger of God said to me, 'O `Abdullah! Have I not been informed that you fast daily during the day and offer prayers every night throughout the Fast?' `Abdullah replied, 'Yes, O Messenger of God!' The Prophet said, 'Don't do that; fast for few days and then give it up for few days, offer prayers and also sleep at night, as your body requires, and your wife has her rights.' "<sup>(3)</sup> Hakim Ibn Mu`awiya al-Qushayri, quoting his father, said, "I said, 'O Messenger of God, what is the right that the wife of any of us acquires over him?' He replied, 'To feed and clothe her, if you yourself have food and clothing. Do not slap her on the face, nor utter obscenities to her, nor desert her except inside the house.' "<sup>(4)</sup>

Protection by the husband is one of the rights that the woman acquires. Muhammad said, "I warn you about the right of the two weak ones: the orphan and the women."<sup>(5)</sup> Sexual intercourse is another right she has over him, because it is the duty of the husband as long as he has no excuse. Malik holds this same opinion.<sup>(6)</sup> If he travels for any reason or for any necessity, she must forego this right no matter how long his journey lasts. But if he has no substantial excuse, and makes excuses for not having intercourse several times, then they can be separated [by law].<sup>(7)</sup> If he has a free woman for wife, he has to sleep with her once every four nights, and if he has four wives, each of them receive one night every four nights.<sup>(8)</sup> He should treat his wives justly. Muhammad said in the Hadith, "If a man has two wives, and he shows favour to one against the other, he will come on the Resurrection Day with a limp."<sup>(9)</sup>

## CHAPTER SEVEN

### The Importance of Marriage in Islam

Marriage, according to the Qur'an, is a desirable thing: "Marry the spouseless among you, and your slaves and handmaidens that are righteous" (Sura al-Nur 24:32). It is the religious tradition (sunna) of the Prophet Muhammad: "Wedlock [nikah] is my tradition in religion; whoever does not apply my law has no part with me. Marry, because I will



vie the nations in number by you. Whoever has the ability to marry, let him marry, and whoever has not the ability, let him resort to fasting; for fasting is as good as castration."<sup>(1)</sup> Marriage is also half of the faith: "When the servant marries, he completes half of his religion; so let him fear God in the remaining half."<sup>(2)</sup> According to the jurists it is an obligation when one has a strong desire; namely one is guilty if he has a desire for a certain woman, is financially able to fulfill it (in marriage), but does not marry. He has committed a cardinal sin.<sup>(3)</sup>

Muhammad has prohibited celibacy.<sup>(4)</sup> In Hadith we read: "There will be none in paradise but have two wives; he will be able to see their legs even if they are behind seventy garments."<sup>(5)</sup> In Musnad of Ahmad Ibn Hanbal, it says, "Our tradition [sunna] is wedlock. The most evil among you are those who are celibate, and the vilest among your dead are those who are celibate."<sup>(6)</sup> Muhammad once asked a man named `Akaf if he was married, the man replied, "No, by God." He asked, "Do you have a concubine?" The man answered, "No." Muhammad asked, "Are you well off?" He said, "Yes." Muhammad said, "You are, then, a brother of the devils. And if you are a Christian, you are also their brother."<sup>(7)</sup> But if you are one of us, our life-style is giving in marriage."<sup>(8)</sup> Muhammad aroused men's interest in marriage because women bring blessing and wealth: "Marry women because they bring possession"<sup>(9)</sup> and "Two prostrations by a married man are better than seventy by someone who is single."<sup>(10)</sup>

We learn from the stories of tradition that marriage is not only the law of Muhammad, but the law of all the prophets, as well. "Whoever embraces my religion, and the religion of David, Solomon, and Abraham let him marry so long as he can; otherwise let him fight for the cause of God. If he is martyred [dies in war], God will wed him to the wide-eyed houris. The only exception to this is that if he attends to his parents or if he is under binding obligation to people."<sup>(11)</sup> So the one who does not marry exposes himself to the curse of God and the angels: "The curse of God and of angels and of all the people is upon anyone who lives in celibacy-- there is no celibacy after John, the son of Zachariah."<sup>(12)</sup>

The most important reason for marriage is bearing children. Jabir narrated, "While we were returning with the Messenger of God from a certain incursion, I started driving my camel fast, as it was a lazy one. A rider came behind me... Behold the rider was the Prophet himself. He said, 'Why are you in such haste?' I replied, 'I am newly married.' He asked, 'Did you marry a virgin or matron [a previously married woman]?' I answered, 'She is a matron.' He said, 'Then, [seek to beget] children! Children, O Jabir.' "<sup>(13)</sup>

It seems that in oriental societies it is a tradition and a part of their history to despise and suspect celibates! Anyone who does not marry exposes himself to all sorts of accusations. Ibrahim Ibn Masarra narrated, "Tawus said to me, 'Get married or else I will say to you what `Umar said to Abu al-Zawa'id: "The only thing that keeps you from marrying is impotence or lasciviousness." ' "<sup>(14)</sup>

## CHAPTER EIGHT

### The Importance of Marriage from the Viewpoint of the Jurists

The jurists say: "The only worship that has been instituted since the time of Adam till now, which will continue in paradise, is wedlock and faith."<sup>(1)</sup> Ibn Humam says about the relationship of wedlock to worship, "It is the closest thing to worship; so that occupying oneself with it is better than abandoning it for mere worship."<sup>(2)</sup> The importance and high position that the jurists place on wedlock (nikah) lie in its being "A cause for the existence of Islam and the Muslim." It is, therefore, preferred to worship and fighting (Jihad). It is the cause of the existence of the Muslim and Islam, while Jihad only furthers Islam.<sup>(3)</sup> In Radd al-muhtar, the author says, "It has been preferred to Jihad. Both of them are the cause of the existence of the Muslim and Islam, because the result of the marriage of one single Muslim is much more than the result of fighting. In Jihad you only kill and subdue non-Muslims."<sup>(4)</sup>

Moreover, there are "other interests regarding wedlock, such as keeping women and oneself from fornication. Wedlock is the only means of obtaining pleasure."<sup>(5)</sup> There are others, as well, who claim that wedlock is a religious obligation just like fasting, praying, and the other requirements of faith; so that any who abandon it, being capable of paying the marriage portion, supporting a wife, and having intercourse, is considered guilty of sin. Shafi'i, however, thinks it is merely permissible, just like selling or bargaining. They infer that it is a religious duty or obligation from the fact that one is enjoined to abstain from fornication. They say, "Since abstaining from fornication is a religious imperative, and since this can only be attained by wedlock, then that which is the only means to attain to a religious imperative, is also an imperative."<sup>(6)</sup> The jurists, however, think that nikah cannot possibly mean lust; if it were so, they argue, the Prophet, who married more than one wife, should have sufficed himself with one wife.<sup>(7)</sup> Yet, it seems that there is no real agreement among the jurists that nikah is a religious obligation or duty. Those who disagree on the issue of having to marry as an incumbent religious obligation quote Sura Al Imran 3:39, "The angels called him [Zachariah] while he was standing praying at the shrine: 'God gives news of John, who will confirm word from God, masterful yet circumspect [hasur, i.e. celibate], and a prophet [chosen] from among honourable people.' " "This Qur'anic statement points out the celibacy of John as a merit worthy of praise. Hasur means someone who does not have sexual relations with women in spite of being able to do so. If nikah was a religious obligation, then John wouldn't have been praised on the account of abandoning it; since abandoning an obligation is worthy of blame rather than praise."<sup>(8)</sup> Al-Sarakhsi rejects this view and argues that "nikah is the tradition of Muhammad, while celibacy was the tradition of John. A Muslim has to follow the tradition of Muhammad."<sup>(9)</sup> The consensus of jurists agree that the increase of the nation is for the public good, since Muhammad will boast over the rest of the nations on the Day of Resurrection because of the large number of his nation."<sup>(10)</sup>

## CHAPTER NINE

### Marriage from the Viewpoint of the Sufis

The Sufis have contradictory attitudes toward marriage which keep us from drawing general conclusions. Yet the mystical (Sufi) Islam, contrary to the rigid orthodox Islam with its theoretical content, was able to shape different and wide-ranging sectors of the Islamic societies with its own mould. It was able to do so through its diversified nature that blended with the social background of the country. It is worth noting, therefore, the positive and the negative opinions of the Sufis on marriage.

Those who elevate the value of marriage to the level of absolute duty base their position on the Hadith and the evident Qur'anic fact that God never mentioned an unmarried prophet in His Book. They said, "John married but did not have sexual relations. He did that to receive the high status [of a married man] and to carry out the tradition. It was also said [that he did so] in order to keep himself from looking [lustfully]. As regarding Jesus, he will get married when he comes back to earth and will have children."<sup>(1)</sup> In a hadith mentioned by Ghazzali, Muhammad says, "If you receive a man whose religion and trust you approve of, marry him off. If you do not do so, a temptation there will be in the land and a great corruption."<sup>(2)</sup> According to a weak hadith, Muhammad said, "He who marries for God, and marries someone off for Him, is worthy of God's patronage."<sup>(3)</sup> In a tradition by Ibn Abbas, Muhammad says, "The piety of the pious one shall not be made complete until he marries." Al-Ghazzali comments on it, saying, "Maybe he made a part of piety, but the more evident explanation is that he meant that one should not yield one's heart to overwhelming lust except through marrying. Piety shall not be made complete except by the emptiness of heart."<sup>(4)</sup> He ascribes to Ibn Mas'ud the following statement: "If I had only ten days left of my life, I would like to marry so that I should not meet God single." Mu'ads Ibn Jabal narrated that "two wives of his died by the great plague, and he too was afflicted with it. He said, 'Marry me off; I hate to meet God single.' "<sup>(5)</sup>

It was related that a servant [of God] among the ancient nations excelled his contemporaries in worship. His good worship was thus described to the prophet of his time: "What a good man he is! It is only that he leaves out a part of the tradition." The servant was distressed when he heard it, and asked the prophet about it. The prophet said, "It is marriage that you left out." The servant was distressed again and said, "I do not forbid it, but I am poor and am dependant on people." He replied, "I will marry you to my daughter." So the prophet married him off to his daughter.<sup>(6)</sup> Bishr Ibn al-Harth said, "Ahmad Ibn Hanbal has been preferred to me for three reasons: He seeks that which is lawful for himself and for others, whereas I seek the same for myself only; that is due to his numerous marriages, and my few marriages. And because he has been appointed an imam to the public."<sup>(7)</sup> It is said that Ahmad married the second day after his wife, the mother of his son `Abdullah, died, and said, "I hate to stay single for one night." Bishr Ibn Yaminiya said, "Ali was the most devout among the Companions of the Messenger of God, yet he had four wives and seventeen concubines. Wedlock is a standing tradition and one of the qualities of prophets." It has also been said, "The superiority of the

married one to the single one is the same as that of the one who goes out to war (Jihad) to him who stays behind."<sup>(8)</sup>

It is not surprising, however, to find opinions in the Sufi literature that are antagonistic to marriage, since withdrawal and abstinence from the world are of the most important pillars of the Sufi ethics. It has been pointed out in the previous chapter how some jurists proved that wedlock is not an obligatory duty by means of the Qur'anic verse that speaks of John as being celibate and one of the "honourable" (Sura Al Imran 3:39), yet those who support marriage argued that he married but did not consummate the marriage. As to Christ, there is an ample number of traditions that speak of his marriage after his second coming. Such tales and justifications try to establish marriage as an institution in Islam, on the one side, and to justify Muhammad's harem, on the other side. The Qur'an is not sufficient to prove God's aversion to marriage, and since there is no sound tradition that suggests that, the ascetic quotes, above all, the weak tradition that says, "As to the words that were given as warning against marriage, Muhammad said, 'The best man after the two hundred is the light, sandal-shod man who has neither family nor children.' He also said, 'There will come a time upon people when the perdition of man will be by the hands of his own wife, parents, and children; they will taunt him for his poverty and demand of him that which he cannot bear. So he will enter upon things that destroy his religion and make him perish.' "

One tradition says, "The lack of children is a cause of abundance, and the abundance of children is a cause of poverty." Abu Sulayman al-Darani was once asked concerning wedlock, he said, "Enduring without them is better than enduring them, and enduring them is better than enduring the Fire."<sup>(9)</sup> He said also, "The one who is alone enjoys the sweetness of work and the emptiness of heart that the married one cannot enjoy." He said once, "I saw none of our companions who married and remained in his first status." He said also, "If anyone seeks these three things, he is relying on this world: Livelihood, marrying a woman, or the books of Tradition."<sup>(10)</sup> Al-Hasan said, "If God wishes good for one of His servants, He occupies him with neither family nor possessions." Ibn Abi al-Hawwari said, "A certain group of people debated concerning this hadith, and they settled on the supposition that it does not exclude them, but means that he could have them, provided that they do not occupy him." This is a reference to the statement of Abu Sulayman al-Darani: "Whatever family, possessions, or children that divert you from God, will be inauspicious for you." All in all, no one has been quoted as forbidding wedlock (*nikah*) categorically, except when there is a condition. As to commending wedlock, it has also been quoted as being commended under a condition.<sup>(11)</sup>

## CHAPTER TEN

### The Characteristics of an Ideal Wife

Considering the importance of marriage, it was natural for jurists to describe the favourite characteristics of the wife carefully, so that the ideal goals of marriage, as they view

them, should be achieved. These desirable characteristics that a wife should possess could be summed up as follows:

1. The woman should be less in age than the man, so that she should not age quickly and be unable to conceive. She should be less in esteem, power, honour, and money since men are to support women (Sura al-Nisa' 4:34) and protect them. We read in narrated traditions of Muhammad that he said, "A woman is married for four things, i.e. her wealth, her family status, her beauty, and her religion. So you should marry the religious woman [otherwise] you will be a loser."<sup>(1)</sup> "Do not marry women off for their comeliness; their comeliness may lead them to perdition. Do not marry them off for their possessions; their possessions may lead them to domineer. Marry them for their religion. A black, believing slave is better than a beautiful free woman who does not believe."<sup>(2)</sup> The woman should not be tall or gaunt, short or ugly, or have bad manners. She should not be old or have a child from a previous marriage. She should not be a slave if the man can marry a free woman.<sup>(3)</sup> Al-Jaziri, however, keeps silent on the issue of the good characteristics a man should possess in order for him to be an ideal husband for his wife!

A younger wife is the tradition (sunna) of Muhammad. "The Messenger of God married me when I was seven years old" `A'isha said, (Sulaiman says six), "and consummated the marriage with me when I was nine years old."<sup>(4)</sup> Muhammad died when she was eighteen years old.<sup>(5)</sup> Muhammad's marriage with `A'isha has always been a problem for the jurists, for they do not unanimously agree on the marriageable age of the girl:

Concerning the issue of consummating the marriage with [a girl under age], it was said that she should not be slept with before she attains puberty, but it was said in al-Bahr al-ra'iq that she can be slept with at the age of nine. The majority of Imams are of the opinion that the issue of age plays no role in this respect, and that the criterion is that the woman should be physically fit and big enough to accommodate men, and consequently there would be no fear that she would get sick if she is copulated with, even if she has not reached the age of nine. But if she is thin or gaunt and cannot bear sex, and is in danger of getting sick, her husband is not allowed to sleep with her, even if she is of age- this is the sound opinion."<sup>(6)</sup>

In a book entitled al-Furu' we read the following, "The best state for a woman is between the age of fourteen and twenty. Her maturity is made perfect at thirty, and she stops at forty, and declines after that."<sup>(7)</sup>

2. Besides youth, she should preferably be a virgin. Muhammad said, "Seek virgins; they are sweeter of mouth, have more productive wombs and can be contented with the least."<sup>(8)</sup> When Jabir told him he married a matron, he said to him, "Why not a virgin that you should play with her?"<sup>(9)</sup> This inequality between the virgin and the matron also manifests itself through Muhammad's own treatment of his wives. Anas Ibn Malik narrated, "If Muhammad marries a virgin he stays with her seven days. If he marries a matron he stays with her three days. This is the tradition."<sup>(10)</sup> Marrying a matron is

permissible if a man is in need of doing so; for example if he has children who need to be raised up by someone who is used to raising up children, or if he is old to a degree that puts a young virgin off and thus intimacy between them will not endure.<sup>(11)</sup>

3. The jurists not only touched upon the qualities an ideal wife should possess, but went so far as to list the offensive characteristics and faults she should not have. Man's defects that forbid or abolish his marriage are basically these three: madness, castration, and incontinence. Yet woman's defects are enumerated and accounted for in detail. The main defections of woman are seven: madness, elephantiasis, leprosy, cornu, breathing difficulties, and lameness.

Madness is the corruption of mind to the extent that one's decisions becomes erratic owing to passing incapacity and not due to fainting bouts, in which one's decision-making remains the same.

Elephantiasis is the disease that causes stiffening of the organs and rending of the flesh. It is not the same as losing energy, having nodes in the face or roundness of the eyes.<sup>(12)</sup>

Leprosy is white spots that appear on the surface of the body due to the domination of phlegm.

Cornu is a bony protrusion in the vagina that prevents sex. But if it does not prevent sex, marriage may not be dissolved because there is still a possibility of enjoyment, but it is also acceptable to dissolve marriage because of it in keeping with the outward meaning of the tradition.

Lameness is still debatable whether it could be included among the causes of divorce; but it is certain that it dissolves marriage in case it makes the woman an invalid.

According to some, blockage of the vagina is one of the defects that involve divorce. This may be correct if it prevents sex to start with, as it deprives [the man] of enjoyment when it is impossible to remove it, or when it is possible but [the woman] refuses to submit to medication.

There are no other defects that a woman can have apart from these seven.<sup>(13)</sup>

In another tradition, Muhammad said to Umm Salim as she was looking at a certain woman, "Smell her shoulders and take a look at her heels."<sup>(14)</sup>

4. Beauty is a quality that should not be neglected when looking for a wife. A weak tradition teaches us that looking at a beautiful woman sharpens and strengthens eyesight.<sup>(15)</sup> As mentioned previously, man marries a woman for either of three things: for her beauty, her family status,<sup>(16)</sup> or for her religion.<sup>(17)</sup>

`A'isha narrated, "The Messenger of God betrothed a woman from Kalb [tribe]. He sent me to look at her, and asked me, 'How did you see her?' I said, 'I saw no use in her.' He



replied, 'I saw a mole on her cheek that caused each of your hairs to stand on end.' I said, 'There is no secret hidden from you.' "(18)

5. It is also agreeable that her bridal gift should be appropriate. Muhammad said, "The marriage that has the greatest blessing is the one that is suitable to provide for." (19)

6. Yet being "fertile" is the most important quality a woman must have. Ma`qil Ibn Yasar narrated, "A man came to the Prophet and said, 'I fell in love with a woman of great beauty and family status; but she does not conceive, shall I marry her?' He replied, 'No.' The man came to him again, and the Prophet forbade him. He came to him a third time, so the Prophet said, 'Marry the amiable, fertile one; for I will vie the nations in number by you.' "(20) Al-Jaziri says, "It is better that she [the wife] be fertile; because a barren one cannot carry out the function of reproduction which is necessary for human society." (21) We conclude this chapter by quoting the first benefit of marriage that occurs in Ihya' `ulum al-din:

Children: They are the original purpose of marriage for which it has been established, and it is for perpetuating offspring so that the world would not be empty of mankind. Lust, however, was created as a stimulating motivation, as is the case with male animals in the production of seed, and the female ones that make cultivation possible. Thus they are gently led to produce a brood through copulation. The same principle is used in scattering grain, which birds lust after, in order to trap them into the net. The eternal power [of God] was not incapable of forging people afresh without cultivation or copulation, but Wisdom required that effects should be dependant on causes, though these causes can be done without, so the power [of God] should be manifest, the wonders of His creation should be made complete, and to accomplish the foreordained purposes of [divine] will. It is a safeguard from the calamities of lust, in that none of them wished to meet God unmarried. In the achievement of offspring, there are four aspects of closeness: The first is being in agreement with the love of God by achieving offspring to preserve mankind. The second is seeking the love of the Messenger of God by increasing the cause of his boasting. The third is seeking the blessing of one's good offspring after one dies. The fourth is seeking intercession by the death of a young child, in case this child dies before his father. (22)

## CHAPTER ELEVEN

### The Marriage Contract in the Islamic Shari'a

After studying the position of marriage and the characteristics of the ideal wife, we would like to quote from the sources of jurisprudence (*fiqh*) how the marriage contract is concluded, and the conditions necessary for it. Wedlock under ordinary circumstances is the tradition of Muhammad, as mentioned previously, which is established by the

narrated traditions of Muhammad and his personal behaviour in this area. The Hanafites hold that wedlock can be a religious obligation, a duty, a tradition, as well as a prohibited and abominable thing. Wedlock is a religious obligation for the person who is sure to fall into fornication if he does not marry. It is a duty, as well, when someone is eagerly desirous of it to the extent that he fears falling into fornication. It is a sure tradition for those who have the desire and are moderate. Yet, wedlock is prohibited if it is sure that illegal gain will ensue from it, and it is an abominable thing when the person feels so but is not sure of it.<sup>(1)</sup>

Nikah has two elements without which it cannot be fulfilled: the first is al-‘ijab (response), which is the utterance coming from the guardian or his substitute, and the second is qubul (consent), which is the utterance coming from the husband or his proxy.<sup>(2)</sup> As regards the conditions for wedlock, which are listed by some jurists among the elements of wedlock, they are usually mentioned in minute detail. We will, therefore, list them briefly.

The first condition pertains to the form. There are certain terms used to conclude wedlock. Some of them are spoken, such as "I marry you," "I wed myself to you," or "I marry you to my daughter." Some are by indirect declaration of intent (kinaya), such as "I give myself to you," or "I make myself a freewill offering to you." The second condition is called the union of session or gathering (ittihad al-majlis), which necessitates that the two parties involved in the marriage contract should be in one place, since there is no wedlock through recommendation or in writing. This latter condition can be rendered invalid in case the contract is concluded on the back of a moving animal for example, or if the contract is concluded while the two parties are walking. Then it is not binding by reason of the changeability of place. If the marriage is concluded on board a ship, however, while it is sailing, the contract is valid since a ship is considered a place.<sup>(3)</sup>

Wedlock is valid only in the presence of witnesses. The least number of witnesses required for wedlock is two people. One alone will not do. They don't have to be men; they can be one man and two women. Yet it is not valid by women only, there must be a man with them.<sup>(4)</sup>

There is a unanimous agreement on prohibiting marriage with mothers, daughters, sisters, paternal aunts, maternal aunts, and nieces. Grandmothers are included with mothers, and granddaughters, even if they be far related, are included with daughters. The analogy applies for the maternal and paternal aunts of both parents, the daughters of nephews and nieces, if they are truly related. There is a general agreement, as well, on prohibiting marriage with foster mothers and foster sisters. Those who follow the literal meaning of the text (ahl al-zahir) and most of the Kharijites advocate it, but most of Islam prohibits it, which is the right stance. There is agreement also on prohibiting mothers-in-law, step-mothers, daughters-in-law, and step-children. There is an agreement, likewise, on prohibiting marriage with two sisters, but disagreement on prohibiting marrying two sisters who are under the control of one's right hand as a marriage of enjoyment. There is a disagreement on prohibiting marriage with a woman and her aunt. All those who disagree on any point that has been a matter of controversy among the older generations

of the nation in respect of wedlock- such as prohibiting or permitting a certain woman, or a certain controversial condition of wedlock- such as the witnesses, the terminology, and the guardian- do not rank with the unbelievers.(5)

In addition to what has been mentioned previously, Muhammad prohibited his companions and all the people from ever marrying his wives after him.(6) The Qur'an says, "It is not for you to hurt God's Messenger, neither to marry his wives after him, ever; surely that would be, in God's sight, a monstrous thing" (Sura al-Ahzab 33:53).

All opinions and interpretative judgments regarding whether the guardian should obtain the permission of the bride concerning marriage are irreconcilable, and what they call isti'dsan [asking permission] is in fact a mere formality since her silence, if she is a virgin, is her permission. So her crying can be considered as silence, which is a sign of agreement, since crying indicates extreme shyness!(7) Nevertheless, if a father marries his daughter to a suitable husband wedlock is established, even if the daughter dislikes the man, and regardless of her age, because a father can marry off his young and crazy children and virgin daughters without their permission.(8) A guardian, as well, can marry off a virgin or a crazy girl without her permission. A grandfather can do the same. The contract is rendered invalid only owing to impotence and castration.(9) Competence (or compatibility) is one of the important conditions for marriage. Competence is defined as equality of the man with the woman, which has six aspects in the view-point of the Hanafites: family status, Islam, profession, freedom, religion, and possessions.(10) Competence has to do with man, not the woman, since Muhammad married women of different family status and denominations, yet none of them were compatible with him.(11) A man who has a free Muslim father is not the same as a man whose father and grandfather are free Muslims. A woman can be divorced if she marries a man who is not her equal, even if her guardian receives a bridal gift that indicates his assent.(12)

When performing the marriage contract, the bridegroom must pay a bridal gift or a marriage portion in the presence of the bride's guardian. It is preferable to fix the bridal gift (mahr) during the contract, yet this is not a necessary condition for the validity of the contract. As soon as the bridal gift is agreed upon, the bridegroom has to pay mahr al-mithl, which is a sum of money that suits the living circumstances and differs according to the bride's family status and descent. It also differs according to her mental state, age, and beauty. If the man wants to dissolve the contract, he has to pay back half of the bridal gift.(13)

## CHAPTER TWELVE

### Polygamy

The Qur'an says, "If you fear that you will not act justly towards the orphans, marry such women as seem good to you, two, three, four [at a time]; but if you fear you will not be equitable, then [marry] only one or what your right hands own, so it is likelier you will not be partial" (Sura al-Nisa' 4:3). Polygamy was a widespread phenomenon in pre-

Islamic times, just as it was with the Semitic peoples of the time.<sup>(1)</sup> Muhammad restricted the number of wives to four. The concubines will be treated in a separate chapter. The old interpreters understood the permission in this verse as the largest number imaginable in a legal marriage: "Do not marry off but from one to four, and add no more. If you are afraid you will not deal fairly, if you marry more than one, then marry one only or those your hand controls so that you will not act unjustly."<sup>(2)</sup> Polygamy is one of those Qur'anic judgments that could not affirm their existence among the Islamic nations, for most Muslims are married to one wife. It is not only that economical obstacles hinder men from doing that, but, we should not forget, it is due to the social problems this practice creates. Marrying another wife is a disgrace to the family of the first one. Moreover, moderate Muslims attempted to interpret this verse in such a way that suited the requirements of the time. Qasim Amin, for example, held that a Muslim could infer from Sura al-Nisa' 4:3 that polygamy is forbidden, since justice to all wives, which the Qur'an stated as a stipulation for this sanction, is impossible.<sup>(3)</sup> Yet, a scrupulous Muslim, who feels called to defend and justify all that was written in his honourable book, quotes from the "old" and the "new" to prove the divine wisdom underlying polygamy. Al-Sabuni says, "Polygamy is an age-old institution, but it was an unorganised chaos before Islam. It was liable to fancy and enjoyment, but Islam made it a means of excellent life. The fact that everybody should know is that polygamy is one of the things that Islam boasts about, since it was able to solve a difficult problem that is considered one of the most complicated ones that nations and societies today suffer from. There is no solution to this problem except by going back to the judgment of Islam and adopting its system."<sup>(4)</sup> The reasons and justifications that Muslim writers give suggest that polygamy has been enjoined only to honour and favour women. "What shall we do when the balance is upset and the number of women becomes many times more than men? Shall we deprive women of the blessing of marriage and motherhood; and thus let her walk the way of whoredom and vice, as it happened in Europe owing to the increase in number among women after the last world war? Or shall we solve this problem by noble ways that preserve the woman's honour, the family's purity and the wholeness of society? Which is more honourable and more ethical, that woman should be bound with a holy bond in which she joins another woman under the shelter of a man in a legal, noble manner, or that we let her become a mistress or a girlfriend of that man, the relationship between them then being sinful and evil?"<sup>(5)</sup>

Sayyid Qutb adds the following in his commentary:

In case the wife is barren and the husband still has his natural desire, there are only two ways he can go:

1. Either to divorce her in order to replace her with another one able to meet man's natural desire to have children.
2. Or to marry another one and still keep his relationship with the first wife. Some impertinent men and women may undiscerningly prefer the first option. Yet, 99 wives (at least) will heap curses on that person who advises the husband to do that, and thus destroy their homes for no apparent reason. One rarely finds a barren

women having any more desire to remarry, but you find often that the barren wife is more secure and relaxed with the little children that the other wife conceives for her husband. They fill the house with activity and joy for her, no matter how miserable she is in her own deprivation.<sup>(6)</sup>

When reading this sort of defence of polygamy, which sounds ridiculous, it isn't easy to think a great scholar such as Sayyid Qutb did not know about adoption, or did not ask himself what could be done if the man himself is impotent! What is the place of the intimate love relationship between husband and wife? Modern scholars and thinkers do not stop in their defence of polygamy at the "text" and the "reality" only, but they are keen on backing up their viewpoint by the European ideas they hear or read. Al-Sabuni tells us for example: "Christian Germany, whose religion forbids polygamy, has chosen and she found no better choice than that which Islam had already chosen. So Germany permitted polygamy so as to protect the woman from taking prostitution as a profession; which results in onerous damages, the leading one of which is the large number of bastards."<sup>(7)</sup> It is, of course, unnecessary to add that the Germans have not heard of such a decision. Thus, it appears that Islamic apologists are allowed to circulate lies to further their own cause.

He also quotes (without giving any reference) what a "German female university professor" said: "The solution for the problem of the German woman lies in permitting polygamy. I prefer to be one among ten wives of a successful man than to be the only wife of an insignificant, unsuccessful man. This is not my opinion alone, but the opinion of all the women of Germany."<sup>(8)</sup>

Mr Sabuni claims that the German youth conference (held in Munich, Germany in 1948) recommended polygamy as a solution for the problem of the increase of women and the lack of men after the Second World War.<sup>(9)</sup> Aqqad also, quoting one time from the philosophers, and another from the western writers known for their racial tendency, tries to cue the reader in on the universality of polygamy. He says, "Westmark thinks that the matter of polygamy has not been resolved yet in the west as being illegal in all western laws. This issue will be tackled again and again every time the conditions of modern society become harder, in terms of family problems. He wonders in his above-mentioned book, "Will monogamy be the last and only system of the future?" He answers himself, saying, "This question has been answered by different opinions. Spencer thinks that monogamy is the last marital system, and that every change in system must lead up to this end. Dr Le Bon believes that European laws will eventually endorse polygamy. Professor Ehrenfels, however, goes to the extreme of saying that polygamy is necessary for the preservation of the 'Aryan race'. Westmark comments that polygamy gains the upper hand when matters go the way they are supposed to take."<sup>(10)</sup> The most important of these arguments, listed in the writings of Muslim writers in defence and for the justification of polygamy, can be summed up in four points:

1. They claim that the number of women in the world exceeds that of men; it passes the ratio of four to one.<sup>(11)</sup> Polygamy, then, is the best solution for this predicament.
2. They argue that the period of fertility with man extends to the age of seventy and beyond. Yet, fertility stops with women at the age of fifty or so. So polygamy is a must, since the earth should be populated through reproduction and diffusion.<sup>(12)</sup>
3. They talk about actual cases of man's desire to satisfy his natural function (sexual relations) whereas the wife is averse to it due to age or sickness. Polygamy is the sole solution to this problem.<sup>(13)</sup>

Other things that should be added to the list of special cases for which polygamy is allowed are the prolonged menstrual period of the woman, which prevents the husband from having sex with her, or the strong desire of the adult man for nikah, which cannot be quenched by a single woman, so that man is left with a need for marrying more than one wife to relieve his [agonising] soul.<sup>(14)</sup> Islam has permitted such men to realise their desire within a legal frame so that Satan should not lead them astray.<sup>(15)</sup> As to Muhammad Rashid Ridha, he does not list any special cases, but starts off with an assumption that man's nature makes it impossible for him to be satisfied with one woman.<sup>(16)</sup>

4. The problem of barrenness. On reading the books of modern Muslim scholars and writers who put forward and explain the problem of barrenness in defence of their claim that polygamy is an absolute imperative, one perceives that this is the most powerful argument they have. One should not be astonished at this, since children or the assurance of progeny is the reason for the existence of nikah (which was originally sexual intercourse, or, by way of generalisation, marriage). If we study the biography of Muhammad, we see that the Muslim is in no need of citing social problems, special cases, the decisions reached by "the Conference of Munich", or what a female German professor said to justify polygamy. Muhammad himself, about whom the Qur'an says, "you have a good example in God's messenger" (Sura al-Ahzab 33:21), was the leading example in proving that polygamy in Islam is an established tradition, and not a special revelation. The Messenger of God said, "Whatever I command, that you should adopt, and whatever I forbid you, that you should give over."<sup>(17)</sup> Sunna (or tradition) is of course the second source of the Islamic Sharia, "of which if someone is ignorant, has no guide in the thick darkness of doubt."<sup>(18)</sup> This "guide" says about himself, "Marry, for the best person of this [Muslim] nation [i.e., Muhammad] of all other Muslims, had the largest number of wives."<sup>(19)</sup>

Moderate Muslims, who noticed the faults and imperfections of the Islamic Sharia, have tried to reform the religious system and reconcile it with the requirements of the twentieth century. The first attempt of this kind was that made by the great reformer and thinker Jamal al-Din al-Afghani (1837-1897). He cautioned not to apply this verse because it is impossible to "deal fairly" if a man has more than one wife.<sup>(20)</sup>

At the turn of the century there arose a discussion among the liberal circles about polygamy, which still stirs a wave of anger and indignation. Arab writers, such as the



Egyptian writer Nawal al-Sa'dawi and the Moroccan professor Fatima Marnisi, treated this subject in their writings, which were no less severe than the European social studies in the way they criticise society.

As to the legal position of polygamy in the Islamic world, it now falls under the punishment of law in Turkey and Tunis. In Egypt a law was passed in 1979 that added more restrictions on polygamy in preparation to abolishing it altogether. This law had been suggested by the late president of Egypt, Anwar al-Sadat. The Islamic fundamentalists dubbed it "the law of Jihan al-Sadat". This law stated that a woman can call for divorce once her husband marries another in case of her being pregnant, and that she has the right to keep the house, as well.<sup>(21)</sup> There are some who think that it is disobedience to God, however, to interpret the verse of polygamy in modern terms.<sup>(22)</sup>

## CHAPTER THIRTEEN

### Temporary Marriage of Enjoyment

Marriage of enjoyment (or pleasure) differs from the conventional marriage in that its aim is not having a regular marital life and begetting children, but to enjoy sexual relations in a "legal" way. The man who practises such a marriage is often someone who spends a long time abroad for any reason, and thus marries a woman temporarily. The period of marriage is limited to the time when the husband leaves the country, and then the marriage is automatically dissolved.

The traditions relating to marriage of enjoyment indicate that Muhammad warranted such practice for his friends especially during the raids (maghazi). Yet, 'Umar Ibn al-Khattab strongly opposed it, as he said, "The Messenger of God permitted mut'a [marriage of enjoyment] three times, and after that he forbade it. By God, if I find that anyone practises mut'a, while being married, I will stone him with rocks, unless he brings me four witnesses that the Messenger of God permitted it after he had forbidden it."<sup>(1)</sup> A tradition in Bukhari claims that he prohibited it.<sup>(2)</sup> Still, it is a bone of contention between many jurists. It is narrated that 'Imran said, "We practised the tamattu' [marriage of enjoyment] in the life-time of the Messenger of God, and then the Qur'an was revealed <sup>(3)</sup> [regarding tamattu'] and somebody said what he wished [regarding the same] according to his own opinion."<sup>(4)</sup>

Regardless of the disputes on the details of mut'a in the Sunni schools of thought, one can say that it is equal to fornication, yet the Shiites turned it into some sort of legal marriage. The Sunni jurisprudence, however, allows mut'a, even if it doesn't call it by name. For example, a man may agree to marry a woman in addition to his marriage contract, and bind themselves to divorce as soon as the term they fixed is finished.<sup>(5)</sup>

Since the Sunni schools of thought all agreed that mut'a was cancelled and prohibited on the basis of traditions narrated about Muhammad,<sup>(6)</sup> we would like to treat the subject within the Shiite jurisprudence. According to the Shiites, the legality of mut'a is

established in both the Qur'an and the Hadith, and in the traditions about their infallible Imams. Their Qur'anic proof is: "and wedded women, save what your right hands own. So God prescribes for you. Lawful for you, beyond all that, is that you may seek, using your wealth, in wedlock and not in licence. Such wives as you enjoy thereby, give them their wages appportionate; it is no fault in you in your agreeing together, after the due appportionate. God is All-knowing, All-wise. Any one of you who has not the affluence to be able to marry believing freewomen in wedlock, let him take believing handmaids that your right hands own; God knows very well your faith; the one of you is as the other. So marry them, with their people's leave, and give them their wages honourably as women in wedlock, not as in licence or taking lovers. But when they are in wedlock, if they commit indecency, they shall be liable to half the chastisement of freewomen. That provision is for those of you who fear fornication; yet it is better for you to be patient. God is All-forgiving All-compassionate" (Sura al-Nisa' 4:24,25).

Abu `Abdullah from Ja`far al-Sadiq (the sixth Imam of Twelver Shiism) narrated the following about nikah of enjoyment: "God had made it lawful in His Book, and by the mouth of His Prophet, so it is lawful till the day of Resurrection." One day Abu Hanifa said, "O Abu Ja`far, such as you say that, even though `Umar prohibited and forbade it?" He replied, "Even if he did so." He said, "I adjure you by God not to make lawful that which `Umar has declared prohibited." He answered, "You follow the saying of your friend [ `Umar ], but I follow the saying of the Messenger of God. What your friend said is untrue." Then, `Abdullah Ibn `Umar came forward and said, "Does it go well with you if your wives, daughters, sisters, and cousins do this?" But Abu Ja`far avoided him when he mentioned his wives, daughters, and cousins.<sup>(7)</sup>

`Abdurrahman narrated: I heard Abu Hanifa asking Abu `Abdullah concerning mut`a, for which he answered, "Which of the two mut`as are you asking about?" He replied, "I have already asked you concerning the mut`a of Pilgrimage, now tell about the mut`a of women in general; is it legitimate?" He answered, "Praise be God! Have you not read the Book of God Most High? It says, 'Since you have thereby sought enjoyment with them, give them their marriage portion as is stipulated.' " Abu Hanifa said, "By God! It is as though I have never read this verse before."<sup>(8)</sup>

In a tradition ultimately related by `Ali, Abu Hanifa said to Ja`far Ibn al-Nu`man, "O Abu Ja`far, what do you say concerning mut`a; is it lawful?" He replied, "Yes." He asked again, "Then what keeps you from commanding your women to practise it and earn money for you?" Abu Ja`far answered, "Not all professions are desirable, even if they were lawful. Certain folk have certain lots in life and certain social status. But what do you say, Abu Hanifa, concerning [new sweet wine]; don't you claim that it is lawful?" He answered, "Yes." Abu Ja`far asked, "What keeps you then from letting your women stay at taverns selling wine and earning money for you?" Abu Hanifa said, "Tit for tat; and your arrow penetrates even more." The Abu Ja`far said to him, "The verse in Sura al-Ma`arij [70] speaks of prohibiting mut`a, and the tradition of the Prophet also cancelled it." Abu Ja`far replied, "Abu Hanifa, Sura al-Ma`arij is a Meccan Sura, and the verse pertaining to mut`a is Medinan, and your tradition is anyway doubtful and bad." Abu Hanifa said to him, "The verse pertaining to inheritance, as well, speaks of cancelling

mut`a." Abu Ja`far answered, "Wedlock has been already established without inheritance." Abu Hanifa asked, "Where do you deduce that from?" Abu Ja`far answered, "If a Muslim man marries a woman of the people of the Book, and then dies, what do you say about her?" He answered, "She does not inherit from him." He said, "See, wedlock is established without inheritance," and they departed.<sup>(9)</sup>

The Suni schools of thought consider mut`a as abolished on the grounds of Sura al-Mu`minun 23:5, which says, "Believers will succeed! ...who guard their private parts except with their spouses and whomever their right hands may control, since then they are free from blame." Nevertheless, the Shiites claim that this verse is Meccan and that it has been revealed before mut`a was allowed.<sup>(10)</sup> It seems that the Shiite interpretation is more in harmony with historical reality, since in many credible traditions (that the Sunnis hold as genuine) we have indication of the fact that Muhammad not only allowed marriage of enjoyment, but commanded his friends to practise, as well.<sup>(11)</sup> Jabir Ibn `Abdillah narrated that "mut`a will remain forever."<sup>(12)</sup> Ahmad Ibn Hanbal said in Musnad, "God has given permission for the practice of mut`a, and the Messenger of God made it a law."<sup>(13)</sup> It is evident from the stories related about Muhammad's friends that they had a hard time trying to understand this permission and adapt it to the morals prevailing at that time. Such a fact is vouched for by the above-mentioned statement of `Umar.

We gather from the Shiite traditions that those who seek the "enjoyment of women" are bound by no numerical limitation. Abu `Ubaid narrated that: He mentioned for him the mut`a [and asked] whether it was one of the four [women]. He answered, "Marry a thousand of them; they are hired."<sup>(14)</sup> The justification that the Shiites give for the marriage of enjoyment is strange. They say that it was warranted for the single man so that he could keep himself restrained (chaste). Abu al-Fath Ibn Yazid narrated: I once asked Abu al-Hasan concerning mut`a, and he answered, "It is lawfully and absolutely warranted for those who are married, as to those who are not, they should keep themselves restrained by mut`a, but if the latter do get married, they are not in need of it, yet it is still warranted for them if they are away [from home]."<sup>(15)</sup> The reference here is made to the phrase "keep themselves restrained" occurring in Sura al-Nisa' 4:6, which is utterly irrelevant to the issue of mut`a even according to the best known and oldest Shiite interpretations.<sup>(16)</sup> It is strange also to know that not all women are fit for mut`a! There are conditions and a description that women have to meet in order to be suitable. The first of these conditions is that the woman has to be a chaste believer. Abu Ja`far was once asked concerning mut`a, and he answered, "mut`a today is not the same as it was before; they were believers then, but today they are not, so ask them."<sup>(17)</sup> Abu Sara narrated: I asked Abu `Abdillah about it [meaning mut`a], and he said to me, "It is lawful; so only marry a chaste woman, for God Most High said, '...who guard their private parts' (Sura al-Mu`minun 23:5). So do not place your private part where you do not trust your dirham!"<sup>(18)</sup> Whoever wants to marry a woman according to the marriage of enjoyment has to molest her. If she responds with wantonness, then she is not chaste."<sup>(19)</sup> Muhammad Ibn Abi al-Fudhail narrated: "I asked Abu al-Hasan concerning the wanton beautiful woman; whether it is permissible for a man to enjoy her for a day or more." He said, "If she was known as a prostitute, then she should not be enjoyed or married."<sup>(20)</sup>

As regards the stipulations for mut`a marriage, they are summed up as follows: Fixed time and fixed hire. Aban Ibn Taghlib narrated: I said to Abu `Abdillah, "What should I say to the woman when I am left alone with her?" He replied, "You should say, 'I marry you for enjoyment according to the Book of God and the tradition of his Prophet, knowing that you inherit nothing and no one inherits from you, for such and such days. And if you like, for such and such years, for such and such dirhams.' You should fix the price that you agree upon, whether little or much. If she says yes, then she accepts; she is your woman and you are worthy of her." I said, "I am ashamed to mention the condition pertaining to the days." He replied, "It is more damaging for you [if you don't do so]." I asked, "How is that?" He answered, "Unless you stipulate [the days], your marriage would be binding, and you will have to pay her alimony during the days of `idda [40 days after divorce], and she would inherit from you, and you would not be able to divorce her except according to the divorce of the Sunna [or tradition]." (21)

The jurists say that it is unlawful to enjoy a Jewish or a Christian woman. Al-Hasan al-Taflis said, "I asked al-Ridha, 'Can a Jewish or a Christian woman be married for enjoyment?' He answered, 'Enjoying a free believing woman is more favourable to me, and she is more irreproachable than they are.'" (22)

## CHAPTER FOURTEEN

### Divorce

Divorce, in the terminology of the jurists, is "the abolition of the bond of marriage." (1) Only the man is entitled to initiate divorce. Divorce was known in the Arab Peninsula before the lifetime of Muhammad, and it meant a final and immediate dissolution of the marriage contract. The Qur'an, however, introduced new regulations that were not known to its contemporaries. (2)

The judgments regarding divorce occurring in the sources of fiqh can be summarised as follows: Only the man has the right to divorce, and he does not have to give any reasons. (3) Yet it is regarded as abominable, even forbidden by the Hanafites. The Qur'anic basis for divorce comes in the two verses: "Divorce is [pronounced] twice; then honourable retention or setting free kindly" (Sura al-Baqara 2:229), and "O Prophet, whenever you [and other Muslims] divorce women, divorce them when they have reached their period" (Sura al-Talaq 65:1). As to the Hadith, we find evidence for the permissibility of divorce in what `Abdullah Ibn `Umar narrated: that he had divorced his wife while she was menstruating during the lifetime of God's Messenger. `Umar Ibn al-Khattab asked God's Messenger about that. The Messenger of God said, "Order him [your son] to take her back and keep her till she is clean and then to wait till she gets her next period and becomes clean again. Then if he wishes to keep her, he can do so; but if he wishes to divorce her he must do so before having sexual intercourse with her. This is the prescribed period [number of days] which God has fixed for the women meant to be divorced." (4)

Hanifite jurists hold that divorce can be one of the following three: excellent, good, or hateful (the one effected at once). The excellent one is when a man pronounces his wife divorced one time while she is clean, having abstained from having intercourse with her since her previous menstruation, with the intention of remarrying her. The good divorce is when a man pronounces his wife divorced three times; on the first, the second, and the third menstruation respectively, while she is clean, having not had intercourse with her. As to the hateful, or atypical divorce, it is to divorce one's wife twice or three times during her menstruation all at once.<sup>(5)</sup> A free woman should be pronounced divorced three times, and a bondwoman twice. Hateful divorce is also permissible.<sup>(6)</sup>

In order for divorce to be effective, no goodwill or proper prayer are required. It is effected by the man's saying, "You are divorced," or "I have divorced you." If a man says, "You are divorced from here till Syria," it is one revocable pronouncement of divorce. If he says, "You will be divorced in Mecca [or at Mecca]," her being divorced will be in effect in all other countries. And if he says, "You are divorced before I marry you," it will be no divorce at all. However, if he says "You are divorced if I do not divorce you," or "until I divorce you," or "when I have not divorced you" and she keeps silent, then divorce is in effect. But if he says, "You are divorced unless I do not divorce you," or "if I have not divorced you," she will not be divorced till her death.<sup>(7)</sup> The jurists are in agreement that divorce can be effected not only through explicit pronouncement, but by implication or in writing as well.<sup>(8)</sup> Accordingly, a man can say, "Start on your legal period," "Cleanse your womb," or "You are one [time]!" Jurisprudents have gone into detail in regard to this point.<sup>(9)</sup> If a man pronounces his wife divorced one time, he has the right to have her back during her legal period without her permission. It is enough for him to say, "I have returned to you," or "I retain you."<sup>(10)</sup> It seems that man's right to have his wife back had been misused during the lifetime of Muhammad: a man would divorce his wife and "return" to her before her legal period was over in order to divorce her afresh, thus forcing her to pay him back the bridal gift he had given her. This compelled Muhammad to correct this situation, so that we now read in the Qur'an: "When you divorce women, and they have reached their term, then retain them honourably or set them free honourably; do not retain them by force, to transgress; whoever does has wronged himself. Take not God's signs in mockery! .....Fear God, and know that God has knowledge of everything" (Sura al-Baqara 2:231-232), and "If he divorces her finally, she shall not be lawful to him after, until she marries another husband" (Sura al-Baqara 2:230). In confirmation of this judgment, the Hadith has it that: "Rifa'ah's wife said to the Messenger of God, 'Rifa'ah divorced me finally, and `Abd al-Rahman married me after him. But what he has [namely his penis] is as [limp as] the border of the garment [this means he was impotent].'" The Messenger of God asked, 'Do you perhaps want to return to Rifa'ah?' She said yes. But he said, 'No, not until you enjoy intercourse with [ `Abd al-Rahman], and he with you.' "<sup>(11)</sup>

The Dutch orientalist Juynboll states that Muhammad meant to provide a settlement for women through the Qur'anic statement "until she marries some husband other than him [in between]."<sup>(12)</sup>

Jurisprudents of all schools of thought believe that a man is not obliged to state any reason if he divorces his wife.<sup>(13)</sup> Yet some modern writers and scholars claim the contrary. Al-Sabuni says, "If all means of reconciliation between the spouses fail, then divorce is inevitable. One of the necessities that make divorce permissible is suspicion on the part of the husband of his wife's behaviour. For example, if he knows that she cheated him [by committing adultery], will he let her spoil his offspring and ruin his life, or will he divorce her? There are other reasons such as impotence or any other sickness that renders it impossible to have an intercourse, any contagious disease that can be transmitted to the other partner, or any of these various similar reasons. God, high to be praised, made it imperative in His law that divorce should be effected over two separate times in between two periods of cleansing [from the menstruation], as the holy Tradition indicates. If the husband desires to retain her, he can, and if he still wishes to divorce, he then can effect the divorce finally. Only a couple that should not remain wedded, for the good of the family and their own good, will be divorced after all this consideration and long-suffering."<sup>(14)</sup> Often Muslim writers boast about the Islamic law permitting divorce and the judgments of divorce. They claim that Christianity, and its man-made laws that prohibit divorce except on the basis of adultery, place conditions on it that rendered it next to impossible, which contradicts human nature.<sup>(15)</sup>

We conclude this chapter with the assertion of al-Aqqad: "The law of the holy Qur'an includes both the divine and the secular aspects of life. All the religious sanctity it includes falls under the fact that marriage was supposed to be stripped of its social and sexual benefit, so that worship of God should prevail against the wills of the spouses."<sup>(16)</sup>

## CHAPTER FIFTEEN

### The Women's Portion of the Inheritance

Inheritance has a close relationship with family law in that it transfers a dead person's "legacy" to his next of kin. Determining which one is entitled to inherit (namely the heirs) depends largely on the family system. According to pre-Islamic Arabs, men only had the right to inherit. This had its basis in the patriarchal system, which remains a feature of the Islamic Sharia.<sup>(1)</sup>

The Qur'anic basis for regulating the laws of the Sharia in regard to inheritance is found in Sura al-Nisa' 4:11: "God charges you, concerning your children: to the male the like of the portion of two females, and if they be women above two, then for them two-thirds of what he leaves, but if she be one then to her a half; and to his parents to each one of the two the sixth of what he leaves, if he has children; but if he has no children, and his heirs are his parents, a third to his mother, or, if he has brothers, to his mother a sixth, after any bequest he may bequeath, or any debt. Your fathers and your sons- you know not which out of them is nearer in profit to you. So God apportions; surely God is All-knowing, All-wise."



In regard to widows: "And for you a half of what your wives leave, if they have no children; but if they have children, then for you of what they leave a fourth, after any bequest they may bequeath, or any debt. And for them a fourth of what you leave, if you have no children; but if you have children, then for them of what you leave an eighth, after any bequest you may bequeath, or any debt" (Sura al-Nisa' 4:12).

The same rule applies to witnessing; for women appear in the scale of obligations as "half human", in that they receive half of what a man does. Yet old commentators, and some modern Muslim writers as well, claim that this position is an improvement in the status of women, as they possessed no inheritance in the pre-Islamic society until the following was revealed: Al-Suddi narrated, " 'God instructs you concerning your children: a son should have a share equivalent to that of two daughters'- The people before Islam used to give neither females nor young boys any inheritance. A man could not make his son his heir unless the latter went to war. `Abd al-Rahman, the brother of Hassan the poet, died and left behind a woman named Umm Kuhha, together with five sisters. The heirs came to take his possessions, so that Umm Kuhha complained to the Prophet. Thereupon God, may he be blessed and uplifted, revealed this verse: 'If the women [left behind] are more than two, then two-thirds of whatever he leaves belongs to them; yet if there is only one, then she has half.' Then he said concerning Umm Kuhha: 'while they [your widows] will have a fourth of anything you leave provided you have left no child. Should you have a child, then they will have an eighth.' " <sup>(2)</sup>

Ibn Abbas narrated: "Both possessions and will belonged to the parents and the next of kin. God abrogated of this what He wished, and gave the male a double portion of the female." <sup>(3)</sup>

The Qur'an seems to have attempted to correct the position of women in regards to inheritance, but it did not succeed. We cannot actually expect it to enforce a complete equality between men and women. Ibn Jarir al-Tabari, whose commentary ought to be considered the oldest one to reach us without distortion, is content to recount the traditions of the revelation of the verse without commenting on them. But a person who lived in the same era as al-Tabari found the virtues of man in the implications of this verse and the things that make him superior to women. This person is the philosopher and commentator Fakhr al-Din al-Razi. He says:

No doubt that the woman is less able than man for several reasons: Firstly, she is unable to go out and be seen, since her husband and relative forbid her to do this. Secondly, she is weaker in mind and gullible. Thirdly, whenever she mixes with men, she comes under accusation. So if her inability is proven to be more [than man's inability], she should have a bigger portion of inheritance, but if she is not less able, then nothing but equality [should do her justice]. What is the moral in making her portion half the portion of man? <sup>(4)</sup>

Al-Razi answers his question, saying: The answer to this includes several points: Firstly, women go out less because man provides for her, and man goes out more because he is

the provider for his wife. Naturally, the one who goes out more is in greater need of money. Secondly, man is more complete than women in terms of physical nature, intelligence and religious position; such as competence for judgment and leadership. Also the testimony of a woman is half the testimony of a man. Under such circumstances, men should be favoured with a bit more. Thirdly, woman is deficient in intelligence and given to much lust, thus if she is given a lot of money, her corruption will be great. The poet said: "Emptiness, youth and newness are all a great corruption to a person." God said, "Man [that is mankind] waxes insolent, for he thinks himself self-sufficient,"<sup>(5)</sup> yet the condition of man is otherwise. Fourth, owing to the perfection of his intelligence, man expends money on commendable things in this life, and [things worthy of] a generous reward in the afterlife; such as assisting relations, aiding the needy, and supporting orphans and widows. Man is able to do all this because he mixes with people a lot, whereas the woman does not necessarily do so, and hence her inability.<sup>(6)</sup>

Finally, al-Razi, who is known for his intellectual interpretation of the Qur'an, brings up a tradition proving that the Qur'anic rule for the inheritance of women is somehow an eternal one: It was narrated that Ja'far al-Sadiq, the sixth Imam of the Shiites, was asked regarding this issue. He answered, "Eve took a handful of wheat and ate it. She took another handful and hid it, and another one she gave to Adam. When she made her portion two times the portion of man, God turned the matter against her, and thence the portion of woman has become half the portion of man."<sup>(7)</sup> Al-Nasafi says, "The verse, 'God instructs you concerning your children: a son should have share equivalent to that of two daughters,' refers to when there are a son and two daughters in the family; then [the son] gets two shares, and the daughters each get a share. Yet when there is only a son or two daughters, the son gets all the money and the two daughters get two-thirds."<sup>(8)</sup>

The Qur'an itself, however, is in desperate need of reform in this regard owing to the great progress humanity has made inequality between the sexes. This is the problem of the Muslim jurist or thinker today. As a Muslim he thinks that his holy Book was brought down (unzila) from Heaven and is authored by Allah. Therefore he cannot afford to admit any fault or failure in it; he is rather obliged to defend it against what people call "the insult to woman". So he claims that what people call an insult to woman, is in fact an honour to her. "There are still some people today who consider the humanity of woman to be less than the humanity of man, and that because of this her portion in inheritance and testimony are half that of the man's. They say that this is the judgment that the ancestors passed, borne out by the Qur'an: "To the male the like of the portion of two females" (Sura al-Nisa' 4:11), and "If the two be not men, then one man and two women" (Sura al-Baqara 2:282).<sup>(9)</sup> The truth is that woman's share of inheritance is not based on the supposition that her humanity is less than that of the man, but is based on woman's nature and public life.<sup>(10)</sup>

The weak point of Shaltut, and of the rest of modern scholars and jurists interested in justifying verses of the Qur'an that cannot be reconciled with the modern age, is that they assume circumstances that can only exist under the Islamic Sharia. So when Shaltut speaks of the woman's role in public life, he means that she is not capable of providing for her family and, thus, increases the burden placed on her husband. Finally, Shaltut

considers that "on this basis, a woman is more fortunate than man in the Islamic point of view" because she is able to keep her entire share of an inheritance for herself, while a man must use his share to support his family.<sup>(11)</sup>

## CHAPTER SIXTEEN

### The Legal Testimony of Women

In Islam, a woman's testimony is worth half the testimony of a man's, as both the Qur'an and the Hadith state. The Qur'an says, "...if the two be not men, then one man and two women, such witnesses as you approve of, that if one of the two women errs the other will remind her..." (Sura al-Baqara 2:282). Muhammad accounted for this rule by the deficiency of woman's intelligence: Once the Messenger of God went out to a prayer place to offer the prayer of Greater Bairam or Lesser Bairam. He passed by the women and said, "O women! Give alms, as I have seen that the majority of the dwellers of Hell-fire were you [women]." They asked, "Why is it so, Messenger of God?" He replied, "You curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in intelligence and religion than you. A cautious sensible man could be led astray by some of you." The women asked, "What is deficient in our intelligence and religion, Messenger of God?" He answered, "Is not the evidence of two women equal to the witness of one man?" They replied in the affirmative. He said, "This is the deficiency in your intelligence. Isn't it true that a woman can neither pray nor fast during her menses?" The women replied in the affirmative. "This is the deficiency in her religion," he said.<sup>(1)</sup>

Commentators quote this hadith to support the fact that the woman's testimony, in Islam, is worth half of man's testimony.<sup>(2)</sup> The commentator Fakhr al-Razi speaks of the "forgetfulness of woman" referring to her being "damp and cold in essence".<sup>(3)</sup>

Ibn Qayyim al-Jawzi justifies the import of Sura al-Baqara 2:282 by saying:

Our leading scholar Ibn Taymiyya, may God show mercy upon him, said, "The divine instruction, 'If there are not two men [available], then one man and two women [may serve] as witnesses from anyone you may approve of, so that if either of them should slip up, then one woman may remind the other,' indicates that the testimony of two women in the place of one man is for the purpose of reminding one another in case one of them slips up. In fact, people usually slip up in such matters. The Prophet referred to this when he said, 'As to the deficiency of their intelligence, the witness of two women are equal to the witness of one man.' Thus he made it clear that dividing their testimony after such a manner is due to the deficiency of their intelligence, not of their religion. Thus it is known that 'The righteousness of women is the same as that of men, nevertheless, their intelligence is less than theirs.' So in such matters as bearing witness, slipping up is not to be feared usually. Women's testimony is treated in

this respect as having half the value of men's; their testimony is accepted separately. It depends on things they see, touch, or hear with no need for much intelligence. Conception, the beginning of the month, giving birth, menstruation, or defects under a dress, these are not easily forgotten and it does not need a perfect mind to recognise them, like the meanings of the sayings that they listen to [for instance, the confession of faith, etc...] which have sensible meanings and have long been used in general."<sup>(4)</sup>

One of the issues subject to heated debate is when should the testimony of a woman be valid. There are traditions affirming that `Umar Ibn al-Khattab and `Ali Ibn Abi Talib said that a woman's testimony in matters like divorce, marriage and hudud (punishments set by the Qur'an, such as cutting off a thief's hand) has no consideration whatsoever.<sup>(5)</sup> As to the deficiency of intelligence referred to in the Hadith, it is not meant (as the expositor of al-Bukhari claims) as a reproach to them, as it is inborn, but the emphasis on the point serves as a warning against being allured by them.<sup>(6)</sup>

The old expositors observed (in the texts treating the testimony of the woman in Qur'an and Hadith) the deficiency of woman's intelligence, and argued in many ways that this is true. They said that it is due to the abundance of humidity in her disposition or the origin of her creation. Modern Muslims, however, try to interpret and justify the texts "scientifically". It seems that Muhammad `Abduh and his disciple Muhammad Rashid Ridha are of the few who refer the Qur'an's demand for two women in place of one man to the fact that woman was not specialised in a specific field of practical life, rather than deficiency of her intelligence. The issue is her weak memory when it comes to things that are not a part of her field of specialisation, such as financial transactions and commerce.<sup>(7)</sup>

Some trying to escape the accusation of being primitive or woman-haters emphasise that women are under the influence of emotions, unlike men, which God kindly took into consideration. Take, for instance, what al-Aqqad said:

The crux of the problem of testimony is justice and the protection of rights and interests, which has conditions based upon principles and the insurance of precaution on a proper basis. The principle that concerns us here is the prevention of interference of emotions, when the emotions dictate in cases of love, hate, and the relationship between relatives and strangers. It is not a just judge who, when faced with this principle, equates the two sexes in terms of their response to the senses. The principle a just judge should observe here, out of concern for people's rights, is to know that women cannot control their emotions as men do, and that he should stand for protecting the truth and stopping injustice. He is not allowed to make this a cause for gaining a greeting or a compliment from some clubs. In the past, people used to indulge themselves in these kinds of greetings and compliments in a certain sector of society, while all the other sectors were permeated with all sorts of grotesque injustice to powerless men and women.<sup>(8)</sup>

The belief that woman is controlled by emotions, which is supposed to make her less fair and objective, has become the favourite argument given by Muslim jurists and writers at the present time.<sup>(9)</sup> Shaltut, for example, speaks of cases when only the testimony of men is supposed to be accepted. These are the cases that arouse a woman's uncontrollable emotions. Yet, they are of the opinion that a woman's testimony can be accepted in cases concerned with [the shedding of] blood, if this is the only way that guarantees the truth and if the judge trusts her. There are some, however, who accept her testimony in both cases.<sup>(10)</sup> Sayyid Qutb refers the "slipping up" of woman (Sura al-Baqara 2:282) to many causes:

This may have arisen from inexperience in the subject of contract, which may cause her not to comprehend all its details, to the extent that the matter won't be as clear in her mind. It may arise from the impulsive nature of the woman, because the biological function of motherhood is certainly apt to put a psychological demand on the woman, while bearing witness to a contract in [such] transactions requires a great amount of freedom from impulse.<sup>(11)</sup>

## CHAPTER SEVENTEEN

### The Position of Concubines in Islam

Islam admits that man has the right to possess concubines along with his wife, or wives, to fulfil his sexual needs. Islam presents a number of women that a Muslim man cannot marry, but it excludes "the ones under the control of one's right hand" from this list: "Forbidden to you [in marriage] are your mothers and [own] daughters, your sisters, your aunts paternal and maternal, your brother's daughters, your sister's ... and [already] wedded women, save what your right hands own. So God prescribes for you. Lawful for you, beyond all that, is that you may seek, using your wealth, in wedlock and not in licence. Such wives as you enjoy thereby, give them their wages apportionate; it is no fault in you in your agreeing together, after the due apportionate. God is All-knowing, All-wise" (Sura al-Nisa' 4:23,24).

We read in the commentary of al-Tabari that "the ones under your [right hand's] control" refer to the women captives that have been separated from their husbands through their captivity, thus becoming lawful for anyone under the control of whose right hand she may fall without any divorce from her first husband.<sup>(1)</sup> Abu Qulaba narrated, regarding the verse "Nor [should you marry] any [already] married women, except the ones under your [right hand's] control. Every married woman is unlawful for you except any concubine you possessed while she was already married to a husband on the battlefield; she is lawful for you as long as you give her time to be cleansed."<sup>(2)</sup> He also said, when asked about the meaning of the verse that allows a man to have intercourse with a woman captive even though she is married,<sup>(3)</sup> that this interpretation is based, no doubt, on the traditions of Muhammad regarding captive women. Abu Sa'id al-Khudri narrated: "On the day of Hunain, the Messenger of God sent a detachment to Awtas. They arrayed for

the battle, fought them, conquered them and took some women captives from them. Yet, some of the friends of the Messenger of God were hesitant [to have sex with them] on account of their unbelieving husbands. Then God revealed: 'Nor [should you marry] any [already] married women.' "(4) Some other commentators interpret "except the ones under your [right hand's] control" as being the women of the people of the Book.(5) Al-Tabari comments on the verse: "This should include all the married women, whether their marriage is considered according to us as valid or not, in which case if we marry them we will be committing fornication; except those whom we buy and keep under the control of our right hands as the Book of God permits, or those whom we are allowed to marry according to the same. The women that God permitted us to marry are all free women except those who are forbidden us owing to close family relation or relationship by marriage. Of the concubines, all those we capture from the enemy [are permitted us], except the ones who fall under the category of those who are illegal for us to marry and the married women of the people of the Book. Capturing these women makes them lawful for the captors after they have been purified and after having brought the truth of God out."(6)

Since the relationship between a man and concubines has nothing to do with the issue of marriage, and they theoretically don't have the rights and competence that free women enjoy, we don't find a separate chapter on them in the sources of jurisprudence. This can be explained by the fact that they aren't regarded as persons, but as possessions belonging to their owner, as was the case in the Old Testament.(7) Therefore, they cannot marry their owners legally. Yet, a slave-owner has the right to marry his female slave off without her permission-- he then acts as her owner, not her guardian. As for the children of that slave, they are slaves like their mother, whether their father is a freeman or a slave, since they belong to their mother's owner. It is true that the Sharia allows a Muslim to enjoy [sexual relations with] all his slave women, provided that they be Muslims [or of the people of the Book] and unmarried, yet it emphasises the great difference between this kind of marriage and regular legal marriage. As long as the man remains the owner of the slave woman, they argue, this same right of ownership prevents him from marrying her. If he wants to marry her, he has to pay her a marriage dowry (sadaq). As to children of the slave from her owner, they are as free as the other children of the man in all respects.(8) A man has the right to marry someone else's slave, if she is a believer, as long as her owner approves of it. The Sharia, however, places additional conditions on this sort of marriage, since the children coming from this marriage have no freedom.(9)

## CHAPTER EIGHTEEN

### How a Man Should Discipline his Wife

The permission to beat a woman in the case of rebelliousness is based on the Qur'an and the Hadith. "Admonish those women whose rebelliousness you fear, and leave them alone in their beds, and [even] beat them [if necessary]. If they obey you, do not seek any way [to proceed] against them" (Sura al-Nisa' 4:32). Modern jurists and writers have done their best to weaken this verse by interpreting "rebelliousness" as disobedience and



adultery, where beating would be the last means a man can resort to in order to keep the woman from committing that heinous deed.<sup>(1)</sup> The old jurists and commentators, however, were more realistic and frank. Al-Shafi'i, for example, holds that a man has the right to beat his wife, but abstaining from it (namely from beating) is better.<sup>(2)</sup> The other verse that is used to prove the permissibility of beating is Sura Sad 38:44, "Take in thy hand a bundle of rushes, and strike [your wife] therewith, and do not fail in thy oath.' We found him a steadfast man. How excellent a servant he was! He was a penitent." The person spoken of here is the prophet Job.

Qatada narrated: "Job's wife disobeyed him. So the prophet of God (Job) swore that he would give her a hundred lashes if God healed him."<sup>(3)</sup> Al-Jassas says, "There is an indication in this verse that a man can beat his wife for the sake of discipline, otherwise Job wouldn't have sworn to beat her, and God wouldn't have commanded him to do so after he had sworn. In addition to mentioning and permitting the beating of women in the Qur'an on the grounds of rebelliousness (in the verse that says, "Admonish those women whose rebelliousness you fear... beat them"), the story of Job indicates that she could be beaten for a reason other than rebelliousness. The verse that says, "Men are the managers of the affairs of women," (Sura al-Nisa' 4:34) means the same as the story of Job. This is because it was narrated that a man beat his wife during the lifetime of Muhammad, and her family wanted a requital. So God revealed, "Men are the ones that should be in charge of women because some have been favoured more than others."<sup>(4)</sup> The judge Ibn al-'Arabi says, "The command to beat here is a permissive one." He also refers to the aversion it involves: Muhammad said, "I hate that a man beats his female slave when in anger, and perhaps has intercourse with her on the same day."<sup>(5)</sup>

Beating should not be intense (mubarrih), as the jurists proved from the hadith pertaining to the permissibility of beating women. Sulayman Ibn 'Amr Ibn al-'Ahwas narrated: "Ubai told me that he witnessed the address of departure of the prophet. He thanked God and praised him, and started preaching, saying, "I command you good-will for your wives, for they are captives to you that do not own anything, unless they commit a manifest obscenity [or adultery]. If they do [commit it], then God has given you permission to leave them alone in their beds and give them a bearable beating."<sup>(6)</sup> Al-Sabuni says that this saying of Muhammad indicates that it is permitted to beat a woman for reasons of chastity (or decency).<sup>(7)</sup> As to the point that beating should not be intense or painful, it means "that you should not break her bones or leave a bruise."<sup>(8)</sup> In spite of the fact that there are many hadiths that relate how hateful it is to beat women,<sup>(9)</sup> it seems that the jurists and the expositors in all ages (even in our days) chose the traditions that permit and prefer disciplinary punishment of women; such as "A man should not be asked why he beats his wife,"<sup>(10)</sup> which is now quoted frequently by the majority.

There is still a difference of opinion, however, among scholars about the definition of "rebelliousness," which gives a man the right to resort to beating as a last means. "Most jurists define legal rebelliousness [nushuz], which allows a man to beat his wife in order to remove that rebelliousness, in certain ways, such as disobeying a man in bed, and going out of the house without his permission. Some consider a woman's abstaining from ornaments, provided that the man wants it, as rebelliousness. They say, 'He may also beat

her for neglecting her religious duties; such as ablution, praying...' It appears that rebelliousness is a general thing that includes all sorts of disobedience caused by recalcitrance and disdain."<sup>(11)</sup> It is strange that jurists consider beating women as a legal means of forcing them to have intercourse. It is stranger still that Muslim writers in the twentieth century try to justify this weird apology by the alleged discoveries of psychology in Europe. Antagonism to women and blind bigotry caused one of them (who claimed to be quoting a European scholar) to assert that "woman takes pleasure in being controlled by the man due to her instinctive obedience to him. The more he beats her, the more she admires him! Nothing saddens a woman more than having a husband who is always kind and loving."<sup>(12)</sup> Muhammad Zaki `Abd al-Qadir says that "women like difficult men, who can break their [the women's] will by their own will. Even though they scream... in their heart of hearts they feel the pleasure of their weakness against the strength of their men."<sup>(13)</sup> A few years ago, a progressive professor wrote that "beating should be [used] when a woman indulges in rebelliousness, spreading misery in her home, to her children and relatives, and to her husband. No one should think that beating has a brutal aspect, as there are women who beat their husbands, and others do not allow their husbands to approach them [physically] except after they have given them a thrashing, to cause them to bleed. This has been pointed out by psychological studies on perversion."<sup>(14)</sup>

Imam Muhammad `Abduh attacks the so-called "imitators of the west who disdain the legality of beating women but do not feel the same way about the woman who snubs her husband and treats him haughtily, putting him under her thumb, even though he is the head of the house." He asks, "What corruption is it that will spread on earth when a righteous man is permitted to reduce the arrogance of a certain woman and bring her down from her conceited rebelliousness by beating her hand with a stick or slapping her on the face? If this is too much for their ethics, then their ethics have become refined to the point of nonexistence. In fact, many of their western leaders beat their cultured, educated wives, whether dressed or naked. This has been practised by their wise men, scholars, kings, and princes, since it is a necessity that the majority of people cannot do without in honouring these educated women. How then could a necessity in a general religion, which suits both rural and urban societies and all sorts of people, be condemned?"<sup>(15)</sup>

The great reformer Muhammad `Abduh adds: "The legality of beating women is not reprehensible, as far as reason and instinctive nature are concerned, so that it would need explanation. This is a needful procedure when the environment and morals are corrupt. It is permitted when the woman's return from her rebelliousness depends on it. But if the environment is good and women are receptive to advice and responsive to admonition, or give up [their evil ways] when deserted, then beating should be done away with. Each case has a judgment that suits it in the [Islamic] legislation, and, at any rate, we are instructed to be lenient and fair with women, and to retain them with decency or send them away with decency. The hadiths that speak of the instructions dealing with women are numerous."<sup>(16)</sup>

Scholars are painstaking in emphasising that not all women should be beaten. There are women (the majority) who do not need to be disciplined by beating. Yet, some say there is a divine wisdom in beating women, otherwise the Qur'an wouldn't have given it as a solution to family problems. This last point makes it impossible for a Muslim to reject beating utterly, so the Muslim is at a loss, not knowing how to defend or justify it. He may justify it by the usage of beating as disciplinary punishment in the military and in schools, or compare beating with wars that keep order in the world!

There are others, still, who try to break with marital rights and try to lift themselves above the head of the house and reject the dictates of their own nature. These lay marital life open to deterioration and decay; therefore the Qur'an laid out for such women two familiar ways of correction and discipline to curb them and bring them back to their natural position. Civilised Muslims have misunderstood this sort of remedy and described it as a dry desert-like remedy that doesn't suit civilisation, which demands that honour and respect be paid to the wife.

Islam was not intended for a certain generation, region, or environment. It is a guidance and a legislation to all generations, regions, and environments. In fact, physical punishment for deviates and perverts, who do not learn by exhortation or abandonment, is required by natural instinct and is determined by the social system.

Nature has handed this [practice] down from father to son, as it has handed it down among the nations to the rulers. But for it, no family or nation would live right. Physical wars, which are based on weapons of iron and fire between civilised nations at the present time, are only an example of this disciplinary punishment that awaits aggressors. The divine laws perceive the phenomenon of war and fighting as follows: "If one of them should oppress the other, then fight the one who acts oppressively until they comply with God's commandment," and "If God did not defend [lit. push] some men by means of others, the earth would be ruined; but God possesses bounty [for everybody in] the universe."

Again, the truth is that those who are reluctant about the legislation of the Qur'an in this respect only flatter the emotions of a specific environment of women that we and everybody know. Such people pretend in their presence that they are keen on protecting women's honour and dignity, and on putting her on a level that displays her in an extraordinary way.<sup>(17)</sup>

The writer and philosopher Abbas Mahmud al-Aqqad does not lag behind the great reformer Imam Muhammad `Abduh in his arguments; he is even more forthright and gives more illustrations. He thinks it is right for a man to beat his wife when he is angry, to correct whatever mistake she makes. "Beating is not always a positive thing [to do] in every case and with every woman. Yet, beating is permitted since some women accept discipline only through it. The objections to beating made on the part of modern-day

pedantics should be treated as a skirmish in political manoeuvres, not as a real discussion of the affairs of life and morals. There is only one consideration that validates the objection to beating as a punishment. Since God did not create women to be disciplined by beating, when nothing else seems to work. Anyone holding this view is oblivious to the fact that beating is approved as a disciplinary measure in the army and at school. So [this action is taken against] soldiers and pupils, whom we honour and respect, assuming the objection hinges on honour and respect. The superiors of these [soldiers and pupils] have more means of physical and moral punishment, deprivation and reward, that husbands do not have in the limited domain of the home." (18)

Al-Aqqad's thoughts concerning beating women can be summarised by this statement: There are some women among them that cannot be disciplined except by beating; and there are even some neurotics who crave beating just as some patients crave some sorts of torture. The following is a quotation from the same author:

Women themselves may make fun of these babblers [he means women's rights activists] who are only at home at parties and in nightclubs. Women know for sure that beating a disobedient and rebellious wife is not as appalling as it is claimed to be in the nightclubs and parties. There might be some elegant ladies who frequent those places of amusement who know more about this than the "ladies' men" with their false "courtesy". They know, as others also do, that those women do not hate it [beating] or think it evil. (19)

Mr Ahmad Shalabi has the same difficulty in understanding the opponents of beating women "especially since beating is applied as a means of correction and disciplinary punishment only when it will bring about good results. It is ridiculous to imagine that there is no member of mankind who is not capable of being corrected by being beaten. Or why don't those people object to the punishment of beating in the army?" (20) We don't know what they might say if they knew that the punishment of beating has now been cancelled in the army and schools in some countries, and that modern psychology has proved that beating does not rehabilitate the mentality of a person, but ruins it, whether the victim is a child or a woman!

## CHAPTER NINETEEN

### Women in Hell and Paradise

Muslims often repeat the hadith that says: "Paradise is under the feet of mothers," in order to prove the high position women enjoy in Islam. It is very hard to tell whether this tradition is true or not (it has not been found in trustworthy writings). Yet, we have a number of Hadiths that occurred in the major acceptable books of hadith (al-Sihah) indicating that women are the smallest minority in paradise. `Aran Ibn Husain narrated that the prophet said, "I looked about in paradise and found that the poor constitute most of its dwellers, and I looked about in hell and saw that women constitute most of its

dwellers." <sup>(1)</sup> Abu Huraira narrated: "We were at his place [Muhammad's] and the people either boasted or reminded one another. He said, 'Men in paradise are more than in hell.' "<sup>(2)</sup> A weak hadith tells us: "Out of 99 women, one is in paradise and the rest are in hell." <sup>(3)</sup> Muhammad explains why by saying: "I have seen you being the majority in hell because you curse frequently and are ungrateful to your husbands." <sup>(4)</sup> `Abdullah Ibn `Amr narrated: "O women! Give alms and ask pardon [from God] frequently, as I have seen that the majority of the dwellers of hell were you." "One of them asked, 'Why, Messenger of God, are we the majority of the dwellers of hell?' He replied, 'You curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in intelligence and religion than you.' "<sup>(5)</sup> Imara Ibn Huzaima narrated: "While we were with `Amr Ibn al-`As on a pilgrimage or an `Umra, he said, "While we were with the Messenger of God in this mountain path, he said, 'Look! Do you see anything?' We answered, 'We see ravens; one is white-footed with red legs and peak.' The Messenger of God said, 'No woman will enter paradise unless she is like this raven in comparison to the rest of the ravens.' "<sup>(6)</sup> A rare hadith has it that Muhammad said, "A believing woman is the same among women as a white-footed raven among the ravens. Fire has been created for the senseless, and women are the most senseless of all." <sup>(7)</sup> Al-Imam al-Qurtubi is said to give the following to explain the allegation that women are a minority among the dwellers of paradise: "Women are the least [in number] among the dwellers of paradise due to their inclination to passion, the passing enjoyments of life, and indifference to the afterlife; which is all caused by the deficiency of their intelligence and gullibility." <sup>(8)</sup>

If we take into consideration the hadiths concerning the dwellers of paradise the proportion of men to women will change drastically since they state that the dwellers of paradise will inherit their wives and concubines! Abu Umama narrated: "The Messenger of God said, 'Everyone that God admits into paradise will be married to 72 wives; two of them are houris<sup>(9)</sup> and seventy of his inheritance of the [female] dwellers of hell. All of them will have libidinous sex organs and he will have an ever-erect penis.' "<sup>(10)</sup>

The sayings of Muhammad make it clear that the believer will be given special sexual power in paradise. Anas narrated: In paradise the believer will be given the power of such and such for intercourse. The Messenger of God was asked, "Will he be able to bear that?" He answered, "He will be given the power of a hundred [men]." <sup>(11)</sup> In Muhammad's imagination, the believer will not only be favoured with wives and concubines, but also "if he desires children they will be conceived for him, born, and grow teeth in one hour as he desires." <sup>(12)</sup> This point, however, is debatable. Some scholars hold that there will be intercourse in paradise but there will be no giving birth to children. Ishaq Ibn Ibrahim narrates: "If a believer desires a child in paradise, he will have it at once, but he won't desire so." Some attribute to Muhammad that he said, "The dwellers of paradise will have children there." <sup>(13)</sup>

Another hadith says, "Men will enter into paradise after a short conversation with God. They will go to their dwelling-places where their wives will welcome them. Their wives will ask them about the secret of their glamorous beauty which they did not possess before they left their dwelling-places. They will answer them, saying that they have sat down with their Lord, and therefore they have the right to it." <sup>(14)</sup> There are many other

hadiths emphasizing the continuity of marital life in paradise, or the enjoyment of the [male] believers with the male and female slaves. So if Muhammad claims, in spite of the stories he related concerning the large number of wives and concubines in paradise, that women are the least among the dwellers of paradise, the reason would be that their men perished in hell because they were enticed by them [the women]. Muhammad said, "But for the woman, man would have entered paradise,"<sup>(15)</sup> and also, "Obeying them is [the cause of] their destruction."<sup>(16)</sup>

## CHAPTER TWENTY

### The Veil

Even though the veil has become one of the problems of the hour in the Islamic world and Europe, historically it cannot be considered an obligation that the Qur'an or Muhammad imposed on women.<sup>(1)</sup> It is certain, however, that the veil was used at first as a sign to distinguish the free woman so that none should molest her thinking her to be a slave.<sup>(2)</sup> In the Arabic language, it means "a covering, or anything that separates between two things or keeps something from something else."<sup>(3)</sup>

Muslims cite two verses from the Qur'an to prove that the veil is obligatory. The more common verse is: "And say to the believing women, that they cast down their eyes and guard their private parts, and reveal not their adornment save such as is outward; and let them cast their veils over their bosoms, and not reveal their adornment save to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women, or what their right hands own, or such men as attend them, not having sexual desire, or children who have not yet attained knowledge of women's private parts; nor let them stamp their feet, so that their hidden ornament may be known. And turn all together to God, O you believers; haply so you will prosper" (Sura al-Nur 24:31). The reason this verse was revealed is said to be that Asma', the daughter of Murshid, was at a certain place in Banu Haritha, and the women kept coming into the place where she was without any covering, so that the bangles round their legs showed, likewise their bosoms and hair locks. Asma' said, "How ugly this is!" Then God revealed: "Tell believing women....."<sup>(4)</sup> It is said also that the reason for revealing this verse was the following story that 'Ali Ibn Abi Talib related: "A man passed one day during the lifetime of the Messenger of God through the streets of Medina. He looked at a certain woman and she at him. Then the devil whispered to both of them that they looked at each other only because they liked one another. The man kept walking alongside a wall, looking at her, and behold another wall hit him and his nose was split. He said, 'By God, I shall not wash the blood till I come to the Messenger of God and tell him what happened to me!' He went to him and told him his story. The prophet said, 'This was the punishment for your guilt.' Then God revealed, 'Tell believers to avert their glances.....' "<sup>(5)</sup>

One of the important terms in this verse is "nakedness", which is the genitalia. The word comes originally from 'ar, meaning shame, since it is shameful or disgraceful to show



these private parts. Therefore, women in general are called "nakedness". Arabic also has the word 'awra', which means "a rude or vulgar word".<sup>(6)</sup> Muhammad said, "A woman should not look at the nakedness of [another] woman, and the man should not look at the nakedness of [another] man." 'A'isha said, "I have never looked at or seen the private parts of the Messenger of God at all."<sup>(7)</sup> Scholars classify the nakedness of both sexes in four categories:

- 1- The nakedness of a man with another man.
- 2- The nakedness of a woman with another woman.
- 3- The nakedness of a man with a woman.
- 4- The nakedness of a woman with a man.<sup>(8)</sup>

The nakedness of a man with another man is between the navel and the knees. A man is not allowed to look at the nakedness of another man between the navel and the knees, but he is allowed to look at anything else. Muhammad said, "No man should look at the nakedness of another, and no woman should look at the nakedness of another."<sup>(9)</sup> The majority of jurists are in agreement that the area between the navel and the knees is the nakedness of man, as is evidenced by many hadiths. Malik said, "The thigh is not a nakedness." The opinion of the majority is backed up by the tradition of Jurhud al-Aslami. He said, "The Messenger of God sat at our place and my thigh was bare. He said, 'Do you not know that the thigh is a nakedness?' "<sup>(10)</sup> Another tradition says, "Do not expose your thigh and look not at the thigh of anyone, whether alive or dead."<sup>(11)</sup>

The nakedness of a woman with another woman is the same as the nakedness of a man with a man, namely from the navel to the knees, and it is permissible to look at anything else. This excludes the *dsimmi* and unbelieving woman who are treated in a different section later on.

The nakedness of a man with a woman needs a more detailed explanation. If the man is closely related to the woman (*maharim*), such as the father, the brother, the maternal and the paternal uncles, then his nakedness would be anything between the navel and the knee. And if he were a "stranger", his nakedness would also be the same as before. Yet another opinion says that all the body of man is nakedness, and that the woman ought not to look at it. Inasmuch as he is not allowed to look at her, she is not allowed to look at him. The first opinion, however, is more favoured as the correct one. But if the man is her husband, then there is no nakedness at all on the grounds of His saying: "Save from their wives and what their right hands own, then being not blameworthy."<sup>(12)</sup>

As to the nakedness of a woman in relation to a man, all her body is considered a nakedness according to the most creditable opinions, which are the opinions of the Hanbalites and the Shafi'ites. Ahmad Ibn Hanbal has already stated this when he said, "Every part of the woman is a nakedness, even her fingernail."<sup>(13)</sup>

Malik and Abu Hanifa both hold that a woman's body is a nakedness, but for the face and the palms of the hands. Each opinion has its own proofs which will be briefly listed later in the chapter.

While the Hanafites and the Malikites maintain that the face and the palms are not nakedness,<sup>(14)</sup> the Hanbalites and the Shafi'ites refer to the Qur'an, the Sunna, and the daily practice as their points of reference.<sup>(15)</sup> The disagreement is now about the zina (ornament, or charm) which each madshab (school of thought) interprets in a different way.

Zina is divided into two sorts: natural and acquired.<sup>(16)</sup> The face is part of the natural zina (here it would be translated charm); it is the origin of beauty and the source of temptation and seduction. As to the acquired zina (ornament), it is the clothes, the beautifications, and the dyes that the woman puts on herself to improve her appearance. The advocates of this view back up what they say from the Qur'an and the Hadith. In this they hold that it is not permissible to look at the face of a woman for fear of temptation, since temptation caused by the face is greater than that caused by the feet, the hair, or the legs. Therefore, if all agree that it is forbidden to look at the hair, legs, and feet, then it is more appropriate not to look at the face, as it is the origin of beauty, the source of temptation and the place where danger hides.<sup>(17)</sup>

Let us now see how the scholars and jurists think the "veil" should be. Al-Tabari narrates a story in his commentary on the authority of Ibn Sirin: "I asked `Ubaida al-Salmi about the verse 'to draw their cloaks close around themselves.' He took up a mantle he used to cover himself, and veiled himself with it covering his whole head till it reached the eyebrows, and covered his whole face with it and stuck out his left eye from the left side of his face." Ibn Abbas narrated a similar story.<sup>(18)</sup> The conditions that make a veil legal are listed by al-Sabuni in nine articles:

- 1) The veil should cover the whole body on account of the divine injunction "to draw their cloaks close around themselves." A cloak is a long and loose-fitting garment that covers the whole body.
- 2) The veil should be thick, not thin, since the purpose of the veil is to cover. If it does not cover, then it cannot be called a veil, as it does not block the vision and does not hinder looking. `A'isha narrated, "Asma', the daughter of Abu Bakr entered upon the Messenger of God wearing a thin garment, and the Messenger of God turned away from her."<sup>(19)</sup>
- 3) The veil itself should not be an ornament or flamboyant with attractive colours that catch the attention. As the verse says, "and not to display their charms except what [normally] appears of them." The meaning of "what [normally] appears of them" is that which appears unintentionally. So if this is ornament in itself, it should not be worn, and it is then not called a "veil" because a veil should keep the ornament from being seen by strangers.
- 4) The veil should be loose, not tightly fitting, and should not reveal the body, or emphasize the nakedness, or manifest the parts of seduction or temptation of the body. The Messenger of God says, "Two sorts of dwellers of hell I have not seen: A folk that had whips like the tails of cows with which they beat the people, and women that are

dressed yet naked, tempting and twisting, their heads are like the tilting heads of camels. These will not enter paradise and will not find its wind, for its wind is to be found at such and such distance." Another tradition says, "...its wind is to be found at the distance of five hundred years." (20)

The meaning of "dressed yet naked" is that they are dressed on the outside but naked in reality, because they wear clothes that do not cover the body, or conceal nakedness. Since the purpose of clothing is to cover the body, if the clothing does not cover the body, the one wearing it is considered naked. As to "tempting and twisting" it meant those who tempt the hearts of men by twisting their bodies with seductive walking and swaggering. The meaning of "heads of camels" is that they comb their hair on top of their heads so that it would be like the heads of camels. This expression was one of the prophet's miracles.

5) Clothing should not be scented in such a way that it would arouse men, for the prophet said, "Every eye that looked has committed adultery, and if a woman perfumed herself and passed by a seated group of men, she is such and such [namely a prostitute]." (21) Another tradition says, "If a woman perfumed herself and passed by a group of people intending to let them smell her perfume, she is [to be considered] a prostitute."

Musa Ibn Yasar narrated: A woman passed by Abu Huraira and her perfume wafted strongly. He asked her, "Where are you going?" She answered, "To the mosque." He said, "And you have put on perfume?" She said "Yes." He said, "Go back and wash, for I have heard the Messenger of God saying, 'God does not accept the prayer of a woman who went out to the mosque with her perfume wafting strongly, until she goes home and washes herself.'" (22)

6) The clothing should not have any similarity to men's clothing, or anything men would wear. Abu Huraira narrated: "The Prophet cursed the man who wears woman's clothing, and the woman who wears men's clothing." The Hadith says, "The prophet cursed those men who are in the similitude [assume the manners] of women and those women who are in the similitude [assume the manners] of men." This refers to women who imitate men in their clothing and appearance. (23)

The awesome legal façade that has been bestowed upon the veil has not lost any of its prestige in our day. On the contrary, contemporary jurists and writers are now more skilful and tactful in inventing excuses defending the veil. Any Islamic thinker is convinced that the veil is inevitable if one wants to establish and maintain a clean society, (24) as the veil keeps man from falling into temptation. (25) This logic is based on the conception of women as the source of temptation and evil, while the "poor" man plays the role of the victim. Then, this evil, that arises as soon as a man meets a woman, has to be repelled. Mustafa al-Ghalayani, a hater of women, sees in "this age that increased only in evil and corruption" a proof that confirms his call for the Islamic veil. He claims that "the veil is indispensable, because you won't find twenty people among a hundred, to whom you can talk as human beings." (26) The veil has been imposed on woman in order to prevent temptation, and to preserve society, as she is responsible for

the crises that befall families. Al-Sabuni says, "No intelligent person would doubt that the immorality and immodesty of women cause the so-called 'marriage crisis', since a lot of young men avoid marrying because they find it easy to gratify their desires. They do not find themselves in need of marriage, which leads to the destruction of the country and portends its disastrous ruin. Extramarital sex and the breakup of houses is nothing but an outcome of such a despicable display of women's charms." (27)

Here and now, we have the right to ask the Muslim who accepts these statements of al-Sabuni: Is it at all reasonable to accuse woman of being the source of temptation and of being responsible for family crises, while claiming at the same time that Islam requires woman to wear the veil only to protect her chastity, virtue, honour, and to preserve her noble character from those who have weak hearts and sick consciences, who lie in wait for her to do her harm?

## CHAPTER TWENTY ONE

### The Circumcision of Girls

Even though circumcision has no Qur'anic basis, it has become an important obligation among Muslims. Yet, it does not have the same importance that is given to other rituals and traditions. According to the majority of Muslims, circumcision is the introduction into Islam and the sign of belonging to it. (1) Jurisprudents claim that circumcision has a great benefit that outweighs the pain resulting from it. The reason underlying circumcision is to remove the foreskin since it collects a lot of excrements underneath it that can lead to fatal diseases, such as cancer. Thus circumcision is a preventive procedure. (2)

All this applies to men. But what is the reason underlying the circumcision of girls, which is applied in some Islamic countries? The first reason is the statement of Muhammad: "Circumcision is a law for men and a preservation of honour for women." (3) The second reason lies in the supposition that circumcision makes a woman more enjoyable, provided that it is practised moderately. Umm `Atiyya the Ansarite narrated that a woman used to circumcise in Medina, and the Prophet said to her, "Do not overdo it, because this makes woman more favourable and it is more agreeable for the husband." (4) As to the third reason why a female should be circumcised, it is to "diminish her lust", and to "tone down the sexual desire of the woman." (5)

Al-Mawardi tells us how female circumcision is performed: "It is performed by cutting a piece of flesh over the vulva topping the entrance of the penis [that is the vagina]. It is homologous to a kernel or the crest of a rooster. One should cut the upper part of it, and not completely remove it." (6) Al-Shafi'i and most of his followers hold that circumcision is obligatory, as well as `Ata', one of the old scholars. Ahmad and some of the Malikites hold that it is obligatory, while Abu Hanifa says that it is obligatory, yet it is not a ritual obligation. One Hadith says that it is sin to discard it. The Shafi'ites say that it is improper [to do such a thing] to women. Most scholars and some Shafi'ites hold that it is

not obligatory.<sup>(7)</sup> Jurisprudents say that the circumcision of men, namely removing the foreskin, is a prophylactic procedure that keeps the body healthy. Female circumcision, they say, is otherwise, since removing the clitoris helps only to reduce the libido of the woman but does not do away with it, which is for the common good of society, and for her own good as well.<sup>(8)</sup> It can also preserve the woman's dignity and honour.<sup>(9)</sup>

As we mentioned previously, the main reason for the circumcision of girls, according to the jurists, is to restrain lust or the sex drive. For the girl nowadays is exposed to all kinds of temptations, they argue, which lead to depravity and corruption in society.<sup>(10)</sup> Lastly, we learn from Shaltut that women accept circumcision willingly to honour their husbands, as they also hate to look at that part of the flesh that would increase the enjoyment of man when removed.<sup>(11)</sup>

## CHAPTER TWENTY TWO

### Subordination of the Woman to her Husband in the Religious Rites

In this present age, which has witnessed the most violent conflicts concerning the issue of women in the Islamic world and the equality of the sexes as far as the religious commandments are concerned, Muslim writers emphasise that "giving the commandments to both man and woman, and equalising them in terms of promises and threats, the Qur'an has admitted the humanity of woman and has given her a responsibility."<sup>(1)</sup> Equalising the faith of women to that of men proves this fact, since a woman has the right to command what is proper and prevent dishonour.<sup>(2)</sup> Islam has not only determined her competence to faith and worship, but also her entrance into paradise, if she does good, and her punishment, if she does evil- in this case being completely equal to man.<sup>(3)</sup> The participation of woman with man in faith and worship has become one of the favourite and common arguments in this century.

Islam has introduced a kind of equality in this field, to say the least, but what they call one time "equality" and another time "religious responsibility" includes some things that cause many doubts as to the validity of these claims. Regardless of the Friday prayer, which is required only of the men, and the invalidity of women's fasting and prayer, which Muhammad considered as part of the deficiency of their religion,<sup>(4)</sup> woman still needs the permission of her husband to perform certain rites. This is very common since she exists basically to please him and pay him his due. Muhammad said, "I swear by the One who holds Muhammad's soul in His hands! A woman does not pay God His dues until she has paid the dues of her husband."<sup>(5)</sup> Muhammad is reported to have allowed women to go to the mosque at night: "Allow women to go to the mosque at night."<sup>(6)</sup> Another hadith says that they are allowed to attend the Friday Prayer at the mosques as long as their presence does not cause any temptation.<sup>(7)</sup> But a woman should ask her husband's permission before she goes out of the house, all the while knowing that he is not supposed to refuse her permission: "If the wife of any one of you ask permission to go to the mosque, he should not forbid her."<sup>(8)</sup> So then, the woman is supposed to perform

her prayers at home. This has become general tradition in the Islamic world so that one may think that mosques are for men only, even if there is no clear text to this effect. As to fasting, which is one of the five pillars of Islam, the woman needs the permission of her husband in order to practise it: "Abu Huraira narrated that the Messenger of God said, 'No woman can fast a day of Ramadan, while her husband is there, without his prior permission.' " <sup>(9)</sup> The Muslim scholars believe that it is "hateful" for a woman to fast of her own accord without the permission of her husband, and that she sins if she fasts without his permission. Al-Nabawi, in his exegesis on Muslim, said that the reason for this prohibition is that the man has the right to enjoy the woman sexually at all times, and that she should obey him at once. She should not abandon him by volunteering to fast or for any other religious obligation. <sup>(10)</sup> A saying attributed to the Prophet says: "Any woman who fasts without the permission of her husband, and he desired her for a certain thing but she refused, God will record three major sins against her." <sup>(11)</sup>

This may help us understand the attitude that prevailed in the Middle Ages, and still continues today in some circles about woman and her duties. Muhammad allowed women and female slaves to slaughter animals for ritual purposes: "a woman slaughtered a sheep with a stone, and when the Prophet was asked about it, he said, 'Eat it.' " <sup>(12)</sup>

## CHAPTER TWENTY-THREE

### The Prophet Muhammad and his Wives

We understand from early hadiths that Muhammad had a special inclination to women. For example, he said, "Two things of this world I cherish: women and perfume, prayer being the comfort of my eye." <sup>(1)</sup> Al-Hasan al-Basri narrated: The Messenger of God said, "The only two things I cherish of the life of this world are women and perfume." <sup>(2)</sup> The same thing has been narrated by `A`isha in different versions: "The Prophet of God liked three things of this world: Perfume, women, and food; he had the [first] two, but missed food." <sup>(3)</sup> We may understand the following hadith better in the light of these stories: Many men reached perfection [in character] but none among the women reached perfection except Mary, the daughter of Imran, and Asia, Pharaoh's wife. And the superiority of `A`isha to other women is like the superiority of tarid [a meal of bread and meat] to other kinds of food. <sup>(4)</sup> Another tradition says, "There was nothing liked by the Messenger of God like horses." <sup>(5)</sup> There was nothing cherished by the Messenger of God like horses. <sup>(6)</sup> This explains why there will be horses in heaven. <sup>(7)</sup> "These four are of the traditions of the Messengers [of God]: shyness, wearing perfume, brushing the teeth with siwak, and wedlock." <sup>(8)</sup> A woman is the best object of enjoyment of this world: "Life is an object of enjoyment, and there is nothing better in the pleasures of the world than a good woman." <sup>(9)</sup> The conditions [or descriptions] of a good wife, however, are: She should bring delight to her husband whenever he looks at her, and obey him whenever he commands her to do something. <sup>(10)</sup> Scholars accounted for Muhammad's many wives and his inclination to women by saying that he had a superior sexuality, as the Prophet himself stated: "I was the least man in sexuality till God brought down on me the kafit." <sup>(11)</sup> "Whenever I seek it I find it." <sup>(12)</sup> Another tradition says: "The Messenger of God



said, 'Gabriel met me with a pot, of which I ate, and I was given the kafit [sexual ability] of forty men.' "(13) Salma narrated: "In one night, the Prophet had intercourse with his nine wives (who were to out-live him). When he would come out each time he would say, 'Pour water for me.' He would wash before having sex with the following one. I asked him 'O, Messenger of God, isn't one time of washing enough for you?' The Prophet replied, 'This is purer and better.' "(14)

We would now like to study Muhammad's wives and the major incidents that happened in the house of the Prophet, depending on the sources recognised by the majority of Muslims. In spite of the fact that the sources provide us with contradictory information about the number of Muhammad's wives,(15) we can still say that they were thirteen women, plus Maria the Copt. Muhammad married these women and lived with them for a certain period of time. Apart from these, there were twelve or thirteen women that Muhammad married, but with whom he did not spend a long period of time.(16) There are still other women that he married, but with whom he never consummated his marriage, plus the one who bestowed herself upon him.(17)

## CHAPTER TWENTY FOUR

### Muhammad's Wives in the Order in Which They Were Married to Him

1. **Khadija Bint Khuwailid:** Muhammad's first wife. He married her in 595 A.D. (25 years before the Migration);(1) she died three years before the Migration(2) and ten years after he claimed prophethood.(3)
2. **Sawda Bint Zam`a:** Muhammad married her in the month of Ramadan ten years after he claimed prophethood, after the death of Khadija and before he married `A`isha,(4) or some months before the Migration,(5) depending on the sources. Opinions agree that she was Muhammad's second wife.(6) Yet the question is whether he slept with `A`isha first or Sawda. Some believe that he married `A`isha first, but had intercourse with Sawda first, as `A`isha was too young.(7)
3. **`A`isha Bint Abu Bakr:** Muhammad married her in the month of Shawwal, three years before the Migration, ten years after he claimed prophethood, according to the tradition of `A`isha herself.(8) He had intercourse with her in the month of Shawwal, eight months after the Migration.(9) She was the only virgin among Muhammad's wives.(10)
4. **Hafsa Bint `Umar:** The Messenger of God married her in the month of Sha`ban, 31 months after the Migration,(11) or in the third year after the Migration, or one month(12) or two(13) before Uhud.
5. **Zainab Bint Khuzaima:** Her husband died in the battle of Uhud, so Muhammad married her.(14) This was 31 months after the Migration.(15)
6. **Ummu Salama:** One tradition says that Muhammad married her three years before the Khandaq raid, in the sixth year after the Migration(16) and the wedding was performed in Shawwal four years after the Migration,(17) or three years after Badr.(18)

7. **Zainab Bint Jahsh:** It is not possible to determine when Muhammad married her. It was either in Dsu al-Qa`da or Sha`ban in year 5 or 3 A.H.<sup>(19)</sup> We will study the marriage of Muhammad and Zainab Bint Jahsh in a separate chapter.
8. **Juwairiyya Bint al-Harith:** She was taken captive during the raid of Banu al-Mustaliq and was part of the spoils. No one knows when this battle took place exactly. So the dates given for her marriage to Muhammad are the fifth or the sixth year after the Migration.<sup>(20)</sup> Ibn Hisham claims that Muhammad bought her from Thabit Ibn Qais, set her free, and later married her.<sup>(21)</sup>
9. **Safiyya Bint Huyay:** She was among the spoils of Khaibar (one of the famous Jewish tribes), which was conquered in the sixth year A.H., and was chosen for Muhammad.<sup>(22)</sup>
10. **Ummu Habiba:** Stories say that the Negus of Ethiopia gave her to Muhammad as a wife.<sup>(23)</sup>
11. **Maria, the Copt:** al-Muqawqas, king of Egypt, sent four female slaves to Muhammad and Maria was one of them.<sup>(24)</sup> She reached Medina in the seventh year after the Migration.<sup>(25)</sup> Only Khadija and Maria gave birth to male children among all of Muhammad's wives.
12. **Maimuna Bint al-Harith:** Muhammad married her in the seventh year after the Umra of al-Qadha.<sup>(26)</sup> She was the last one the Messenger of God married.<sup>(27)</sup>
13. **Rayhana:** She was not of the "mothers of the believers," in spite of her respectable position in the house of Muhammad.<sup>(28)</sup> When the Prophet attacked Banu Qurayza, he took her captive since it was necessary for him to have a selection of each spoil.<sup>(29)</sup> Muhammad offered her Islam but she refused. Yet it is said that she espoused Islam later.<sup>(30)</sup>

## CHAPTER TWENTY FIVE

### Muhammad's Wives in the Books of al-Sira

**1. Khadija Bint Khuwailid:** Muhammad married Khadija Bint Khuwailid when he was 25 years old.<sup>(1)</sup> She was a merchant and enjoyed a high position among the people. She hired men for her business and competed with others. She was a forty-year-old widow when she married him.<sup>(2)</sup> She offered to let Muhammad go out as a merchant with one of her mercantile caravans to Syria.<sup>(3)</sup> Muhammad was offered the chance of marrying her, but he was not sure of himself and said, "I possess nothing whereby I can marry."<sup>(4)</sup> Khadija, however, took the initiative<sup>(5)</sup> and expressed her desire to marry him.

Muhammad married no one else till Khadija died.<sup>(6)</sup> One tradition says that Khadija said to her sister, "Go to Muhammad and make a mention of me to him." Her sister went to Muhammad, and he answered her according to God's will. They made an agreement that the Messenger of God would marry her. Khadija's father was given wine to drink. When he was overcome by wine, they called Muhammad and her father wedded them as he was intoxicated. Muhammad gave him a suit of clothes, so when he woke up, he asked, "What is this suit?" They answered, "This is the gift of your son-in-law, Muhammad." He grew angry and picked up his sword, as Banu Hashim also did. Afterward they were

reconciled.<sup>(7)</sup> Khadija gave Muhammad all his children, except for Ibrahim: al-Qasim, al-Tayyib, Zainab, Ruqayya, Umm Kalthum, and Fatima.<sup>(8)</sup> Ibrahim, however, was the son of Maria, the Copt.<sup>(9)</sup> She was fair-skinned, curly-haired, and beautiful. `A'isha narrated: "When Ibrahim was born, the Messenger of God came to me and said, 'See how much he resembles me!' I said, 'I see no resemblance.' The Messenger of God said, 'Don't you see how white and robust he is?' I replied, 'Anyone would turn white if he received so much semen.' "<sup>(10)</sup> As to al-Qasim, al-Tahir and al-Tayyib, they perished in Jahiliya [the period preceding Islam], while all his daughters lived, attained Islam and migrated with him.<sup>(11)</sup> Strange things were told concerning Ibrahim, of all of Muhammad's children. These reports were told about him by Muhammad himself. Muhammad said, "Had Ibrahim lived, he would have cancelled the tribute that all the Copts pay."<sup>(12)</sup> When he died at the age of sixteen months, Muhammad said that he would continue to be nurtured in paradise.<sup>(13)</sup> Al-Suddi narrated: "I asked Anas Ibn Malik whether the Prophet prayed over his son Ibrahim. He answered, 'I don't know. May the mercy of God fall upon Ibrahim. Had he lived, he would have been a righteous man and a prophet.' "<sup>(14)</sup>

**2. Sawda Bint Zam`a:** She was the first woman Muhammad married after the death of Khadija. He married her after her husband's death. Muhammad sent a message of proposal to her in Ramadan in the tenth year after the Migration, before his marriage with `A'isha. According to `A'isha, "It was Sawda Bint Zam`a and the Messenger of God did not lie with her much. Knowing my importance to the Messenger of God, she was afraid he would leave her, so she said, 'O Messenger of God, give the day allotted to me to `A'isha [from now on], and you are under no obligation to me.' The Prophet accepted it and this verse was revealed: 'If some woman fears abuse or desertion by her husband, it should not be held against either of them if they should try to come to terms: coming to terms is best.' "<sup>(15)</sup> Al-Nu`man Ibn Thabit al-Taymi said, "The Messenger of God said to Sawda Bint Zam`a, 'Start your legal period [i.e., you are divorced].' So she waited for him on the road, and said, 'O Messenger of God, I do not love [the relationship with] men; I rather love to be resurrected among your wives, so please take me back.' The Messenger of God took her back."<sup>(16)</sup>

**3. `A'isha Bint Abi Bakr:** She was Muhammad's third wife. `A'isha herself narrated, "The Messenger of God married me in Shawwal in the tenth year after of his prophethood, three years before the Migration as I was six years old. I was nine years old when he consummated the marriage with me.<sup>(17)</sup> Ibn Hisham holds that "Muhammad married her when she was seven years old and consummated the marriage with her when they were in Medina when she was nine years old. The Messenger of God did not marry any other virgin but her.<sup>(18)</sup> `A'isha narrated, "The Messenger of God married me when I was still playing with the girls. I did not know that the Messenger of God married me until my mother took me and locked me up in the house. Then I realised that I was married."<sup>(19)</sup> There is another tradition by `Atiyya: "The Messenger of God proposed to `A'isha Bint Abi Bakr while she was a little girl. Abu Bakr said, 'O Messenger of God, can a man marry his brother's daughter?' Muhammad replied, 'You are my brother in my religion.' So he [Abu Bakr] married her off for the chattel of a house, fifty [dirhams] worth, or so."<sup>(20)</sup> "I was playing with the girls during the lifetime of the Messenger of

God. The Messenger of God came to me when I was playing with the girls, and asked me, 'What is this, `A`isha?' I said, 'The horses of Solomon.' He laughed." (21)

`A`isha said, "I am held superior to the wives of the Prophet for ten things." She was asked, "What are they, mother of believers?" She replied, "He did not marry any virgin but me, he did not marry someone whose parents were migrants [that is from Mecca to Medina] but me. God revealed my innocence [of adultery] from heaven, and Gabriel brought him my image in a piece of silk and said, 'Marry her; she is your wife.' So I used to bathe with him from the same receptacle. He never did that with anyone else but me. He used to pray while I was lying between his hands, which is something that he never let any of his other wives do. The inspiration used to come down upon him while he was with me. He passed away when he was in my bosom during the night when he was supposed to have intercourse with me, and he was buried in my home." (22)

Once `A`isha asked the Prophet, "Who will be your wives in paradise?" He answered, "You will be one of them." (23) We learn from the stories that `A`isha was Muhammad's favourite wife. `Amr Ibn al-`As asked him, "O Messenger of God, who is your favourite among people?" He replied, "`A`isha." `Amr said, "I meant male ones." He answered, "Her father." (24) And lastly, we mention the following, "The superiority of `A`isha to other women is like the superiority of tarid [a meal of bread and meat] to other kinds of food." (25) Another tradition says that he died before he had enough of tarid. (26) `A`isha was eighteen years old when the Prophet died. (27)

**4. Hafsa Bint `Umar:** It was `Umar, Hafsa's father, who wedded them, and the Messenger of God gave her 400 dirhams. Before she married him, she was married to Khanis Ibn Huzafa al-Sahmi. (28) Salim narrated, according to Ibn `Umar, "When Hafsa was widowed, `Umar met `Uthman and offered her to him. `Uthman said, 'I have no need of women.' He met Abu Bakr and offered her to him, but he kept silent. He was angry at Abu Bakr. But shortly afterward the Messenger of God proposed to her and married her. Later `Umar met Abu Bakr and said to him, 'I offered my daughter to `Uthman but he refused my offer, and offered her to you but you kept silent!' Abu Bakr said, 'It was the Prophet. He mentioned something about her, and it was a secret and I disliked to divulge a secret.' " (29)

`A`isha narrated: "The Messenger of God liked sweets and honey. Whenever he performed the afternoon prayer, he would visit his wives and have intercourse with them. Once he went to Hafsa and was delayed there more than usual. I asked about that, and I was told that a woman gave her [Hafsa] a pot of honey, from which she gave the Messenger of God to drink. So I said, 'By God! I am going to trick him.' I told the incident to Sawda and said to her, "When he comes to you, he will try to have intercourse with you. Then say to him, "O Messenger of God, have you eaten euphorbia?" He will answer you, "No." So say to him, "Then what is that bad smell?" [The Messenger of God disliked to smell bad.] So he will say to you, "Hafsa gave me honey to drink." Then say to him, "The bees that produced it must have licked euphorbia." I will say likewise and Safiyya as well.' He came to Sawda and she said to him, 'Have you eaten euphorbia?' He said, 'No.' She said, 'What is this bad smell then?' He answered, 'Hafsa gave me honey to

drink.' She said, 'The bees that produced it must have licked euphorbia.' When he came to me, I said the same and Safiyya said the same. Later when he came to Hafsa, she said to him, 'O Messenger of God, shall I give you a drink from it?' He replied, 'No. I don't need it.' Sawda said, 'Praise be to God. We managed to prevent him [from delaying].' And I told her to keep silent." (30)

**5. Umm Salama:** Her name is Hind Bint Abi Umayya. Muhammad visited her after the death of her husband and the completion of her legal period [of cleansing]. He asked her if she would marry him. (31) He had heard that she refused many men and that she had no desire for them. So he asked her, "What is it that keeps you [from marrying], Umm Salama?" She replied, "I have three characteristics: I am old, with a child, and jealous." He said, "As to jealousy that you mentioned, I will call on God to take it away from you. As to old age, I am older than you; and as to the child, leave him to God and His Messenger." (32)

`A'isha said, "When the Messenger of God married Umm Salama, I was deeply grieved because she was said to be so beautiful. I spoke nicely to her till I was able to see her. When I saw her, I found out she was much more beautiful and fair than I had heard. So I mentioned this to Hafsa [the two of them were in league]. She said, 'No by God! This is nothing but jealousy. She is not as [beautiful as] they say.' So Hafsa spoke nicely to her till she was able to see her, and then she said, 'I have seen her; she is not as [beautiful as] you said. She is just beautiful.' I saw her later, and I swear by God that she was as Hafsa said, and it is I who was jealous." (33)

`Abd al-Rahman Ibn al-Harith narrated, "The Messenger of God was on some of his travels, and took with him on this specific journey Safiyya Bint Huyay and Umm Salama. The Messenger of God approached Safiyya's hawdaj [camel litter] thinking it was Umm Salama's. This was Umm Salama's day [on which Muhammad was supposed to have sex with her]. So the Messenger of God started to talk with Safiyya which provoked Umm Salama to jealousy. When the Messenger of God knew it was Safiyya, he came to Umm Salama, who said, 'You talk with the daughter of the Jew on my day, you who are the Messenger of God?' She later said, 'But I regretted what I had said, and kept asking for pardon for it.' She said, 'O Messenger of God, it was only jealousy that caused me to do this.'" (34)

**6. Umm Habiba** (Ibn Abi Sufyan's widow): She was the wife of `Ubaid Allah Ibn Jahsh who migrated to the land of Ethiopia, where he adopted Christianity and died. Umm Habiba remained in her religion. (35) She said, "In my sleep I saw my husband, `Ubaid Allah Ibn Jahsh, in the worst and most contorted shape, so I was appalled. I said, 'By God, he has surely changed!' When he woke up he said, 'Umm Habiba, I considered [the issue of] religion and came to the conclusion that Christianity is the best religion.' So I said, 'By God, it can't be the best for you!' I told him about the dream, but he cared nothing for it and took to wine till he died. I saw in my sleep as though he came to me and said, 'O mother of believers,' so I was terrified, and took it to be that the Messenger of God will marry me. As soon as my legal period was finished the messenger of the Negus came knocking at my door asking for admission. It was a slave named Abraha

who attended to his clothes and ointment. She entered in and said, 'The king says to you that the Messenger of God wrote him to give you to him in marriage.' I said, 'May God carry good tidings to you.' The slave said, 'The king says to you that you should appoint a guardian to wed you.' " So she sent for Khalid Ibn Sa'id Ibn al-'As and appointed him guardian, and gave Abraha two bracelets of silver, two bangles that were round her legs, and silver rings that were round her toes out of joy at what she heard. When it was night, the Negus ordered Ja'far Ibn Abi Talib and the Muslims that were there to come. On their arrival, he said, "Praise be to God, the Holy, the Peace-Maker, the Believing, the Sovereign, the Powerful, and the Mighty. I bear witness that there is no god other than Allah and that Muhammad is the Servant and Messenger of Allah, and that he is the one who was foretold by Jesus son of Mary. Now then, the Messenger of God wrote me to give him Umm Habiba Bint Abi Sufyan in marriage. I answered him positively and gave her four hundred dinars as dowry. Then he poured the dinars into the hands of the people. Khalid Ibn Sa'id spoke and said, "Praise be God, whom I thank and lean on for help and victory. I bear witness that there is no god other than Allah and that Muhammad is the Servant and Messenger of Allah, who was sent by Him with the guidance and the religion of truth to help him overcome all religions to the chagrin of idolaters. Now then, I have answered what the Messenger of God asked, and have given him Umm Habiba Bint Abi Sufyan."

He paid the dinars to Khalid Ibn Sa'id Ibn al-'As. They wanted to rise up, but he said, "Sit down; it is the tradition of the prophets that people eat at their wedding." He called for food, they ate and dispersed. Umm Habiba said, "When the money came to me, I sent for Abraha, who gave me the good tidings, and said to her, 'I gave you what I could that day, but I had no money in my possession. Here are fifty; take them and use them.' But she refused. I brought out all that I said I would give her, but she gave it back to me and said, 'The king made sure that I do not burden you with anything; for I am the one responsible for his clothes and ointment, and I follow the religion of Muhammad, the Messenger of God, and I have surrendered to God. The king has also ordered his wives to send you all the perfume they have.' The next day she brought me alone juniper and amber, and a great deal of civet. I went to the Prophet with all this; he used to see it on me and with me and did not complain.' Abraha said, 'What I request of you is to greet the Messenger of God from me, and to tell him that I followed his religion.' She treated me kindly and equipped me [for the journey]. Every time she entered my room she would say, 'Do not forget what I need of you!' So when I came to the Messenger of God, I told him how the speech was and how Abraha dealt with me. The Messenger of God smiled and, when I passed on her greetings to him, he said, 'Peace be upon her, the mercy of God, and His blessings.' " [\(36\)](#)

**7. Zainab Bint Jahsh:** Muhammad's marriage with Zainab Bint Jahsh was the strangest and most critical one. We know from the stories told about her that she was a beautiful woman. Muhammad had wedded his adopted son Zaid Ibn Haritha to her in spite of her displeasure with it, for she said, "O Messenger of God, I don't like this for myself, as I am a Kuraishite widow." [\(37\)](#)



Muhammad Ibn Yahya Ibn Hayyan narrated, "The Messenger of God came to Zaid's house seeking him. [Zaid was then called Zaid Ibn Muhammad]. Perhaps the Messenger of God missed him at that time, that is why he said, 'Where is Zaid?' He went to his house seeking him and, when he did not find him, Zainab Bint Jahsh stood up to [meet] him in a light house dress, but the Messenger of God turned away from her. She said, 'He is not here, Messenger of God, so please come in; my father and mother are your ransom.' The Messenger of God refused to come in. Zainab had hurried to dress herself when she heard that the Messenger of God was at her door, so she leapt in a hurry, and the Messenger of God was deeply moved by her when she did that. He went away muttering something that was hardly understandable but for this sentence: 'Praise be to God who disposes the hearts.' When Zaid came back home, she told him that the Messenger of God came. Zaid asked, 'You asked him to come in, didn't you?' She replied, 'I bade him to, but he refused.' He said, 'Have you heard [him say] anything?' She answered, 'When he had turned away, I heard him say something that I could hardly understand. I heard him say, "Praise be to God who directs the hearts." ' Zaid went out to the Messenger of God and said, 'O Messenger of God, I learned that you came to my house. Did you come in? O Messenger of God, my father and mother are your ransom. Perhaps you liked Zainab. I can leave her.' The Messenger of God said, 'Hold on to your wife.' Zaid said, 'O Messenger of God, I will leave her.' The Messenger of God said, 'Keep your wife.' So when Zaid left her, she isolated herself and finished her legal period. While the Messenger of God was sitting talking with `A`isha, he was taken in a trance, and when it was lifted, he smiled and said, 'Who will go to Zainab to tell her the good news that God wedded her to me from heaven?' The Messenger of God recited, 'Thus you told someone whom God had favoured and whom you yourself have favoured: "Hold on to your wife."' "(38) `A`isha said, "I heard a great deal about her beauty and, moreover, about how God wedded her from heaven, and I said, 'For sure she will boast over this with us.' Salama, the slave of the Messenger of God, came out running and I told her about that. She gave me some silver jewellery for her." (39) Zainab Bint Umm Salama narrated, "I heard my mother, Umm Salama, say, 'I once mentioned Zainab Bint Jahsh and asked for God's mercy upon her soul, and narrated some of the things that happened between her and `A`isha. Zainab said, "By God, I am unlike any of the wives of the Messenger of God; he was given them in marriage by dowries and needed guardians to wed them. As for me, it was God who wedded me to the Messenger of God and revealed the scripture on my account; Muslims will continue to read with no change or alteration- 'Thus you told someone whom God had favoured.' " Umm Salama said, "The Messenger of God found her desirable and used to visit her frequently. She was a good woman and used to fast regularly, did good and gave her money away to the needy." ' "(40)

The traditions tell us that Muhammad sent Zaid to propose to her. Anas narrated: "When the legal period of Zainab Bint Jahsh was finished, the Messenger of God said to Zaid Ibn Haritha, 'I have none that I can trust, other than myself, but you. Go to Zainab and propose to her for me.' So Zaid went off and came to her while she was leavening dough. Zaid said, 'When I saw her, she became greater in heart, and I could not look at her since I knew that the Messenger of God mentioned her. So I turned my back on her and said, "O Zainab, rejoice; the Messenger of God has mentioned you." ' She said, 'I shall do nothing until I ask the advice of my Lord.' She rose up and went to pray [or to her

mosque]. Then the verse was revealed: 'Once Zaid has accomplished his purpose with her, We married her off to you.' Then the Messenger of God came and entered without permission." [\(41\)](#)

Muhammad's marriage with Zainab Bint Jahsh was the reason why some of the Qur'anic verses were "revealed". One of these verses is the "verse of the curtain", which can help us understand what kind of curtain [Arabic hijab means either curtain or veil] was meant by Muhammad at first. Sulaiman Ibn Harb narrated, quoting Hammad Ibn Zaid, quoting Ayyub Ibn Abi Qulaba that Anas said, "I know about this verse, 'the verse of the curtain', more than anyone else. When Zainab was given to the Messenger of God, he held a banquet on the night he married Zainab, invited the people and served them a meal. He wished that they leave afterward, because his mind was set on his bride. He stood up to let them know he wanted to leave, so some left. He stood up once more, but some stayed. He stood up a third time, and then they all left. So he entered his house [where the bride was] and Anas followed him, but he prevented him [from coming in] by letting down the curtain and said, "You who believe do not enter the Prophet's [private] quarters unless an invitation had been extended to you for a meal, though still without watching how it was prepared. However once you have been invited, then go on in; and once you have been fed, then disperse, not indulging in conversation. That has been disturbing the Prophet and he feels ashamed [to tell] you so. Yet God is not ashamed [to raise] the Truth. Whenever you ask [his wives] for any object, ask them for it from behind a curtain." [\(42\)](#) The people arose and he let the curtain down." [\(43\)](#)

Another tradition by Anas says: "The Messenger of God held a banquet for Zainab and fed the Muslims bread and meat. Then he went out to the quarters of the mothers of believers to greet them and bless them, and be greeted and blessed by them. He used to do that in the morning following his consummation of marriage. He and I returned together. When we reached Zainab's house, we found two men indulging in conversation at one side of the house. On seeing them, the Messenger of God returned from his house, when the two men saw this, they hurried away. I cannot remember whether it was I who told him that they left or someone else. As soon as he entered the house, he let the curtain down between him and me, and God revealed the verse of the curtain." [\(44\)](#)

One tradition says that Muhammad said, "The most generous among you is the one who will be the closest in catching up with me." [\(45\)](#) So his wives used to act generously toward everything. The Messenger of God meant alms-giving when he said that, and Zainab was a choice woman who used to give alms to the people, and was therefore the closest in keeping up with him." [\(46\)](#)

`A'isha narrated: "May God show mercy on Zainab Bint Jahsh; she has received in this world an honour that no one else received- namely that God married her off to His Prophet in the world and expressed this in the Qur'an, and that the Messenger of God said to us when we were around him, 'The fastest one in keeping up with me is the most generous one among you,' and then the Messenger of God gave her the good news that she was the fastest one in keeping up with him and that she will be his wife in paradise." [\(47\)](#)

`Urwa narrated, quoting `A'isha concerning the latter: "When Zainab Bint Jahsh died, she [<`A'isha] started to weep and remember Zainab and ask the mercy of God on her soul. `A'isha was asked why she wept, and she answered, 'She was a good woman.' I said to her, 'My aunt, which of the wives of the Messenger of God was his favourite?' She replied, 'I did not have a lot of him. Zainab Bint Jahsh and Umm Salama, however, had a [special] place in his [heart]. They were the most favoured by him after me as far as I know.'" <sup>(48)</sup>

**8. Zainab Bint Khuzaima** (who was called "the mother of the poor"): She was the divorcee of al-Tufail Ibn al-Harith. She was known in the Jahiliya as "the mother of the poor". She was married to Muhammad in Ramadan 31 months after the Migration, remained eight months with him, and passed away at the end of the month of Rabi' al-Awwal. The Messenger of God prayed over her and had her buried in al-Baqi'. <sup>(49)</sup> Muhammad Ibn `Umar narrated that he asked `Abdullah Ibn Ja'far about her age when she died. He answered that she was thirty years old, or so. <sup>(50)</sup>

**9. Juwairiyya Bint al-Harith:** `A'isha narrated: "The Messenger of God fell upon the women of Banu al-Mustaliq, took one fifth of them and distributed them among the people. He gave the horse one portion and the man two portions. So it happened that Juwairiyya Bint al-Harith fell to the lot of Thabit Ibn Qais Ibn Shammās the Ansarite. She had been married to her cousin Safwan Ibn Malik Ibn Judsaima Dsu al-Shifr, who was killed. So Qais offered to free her for the sum of nine ounces [of gold]. Now she was a lovely woman; all who saw her were struck by her loveliness. So while the Messenger of God was at my place, Juwairiyya came asking him concerning the offer that was made her to be freed, and as soon as I saw her, I hated that she had come to the Prophet and knew that he would see in her exactly what I saw. She said, 'O Messenger of God, I am Juwairiyya Bint al-Harith, the master of his people, and you know that I fell to the lot of Thabit Ibn Qais, who offered to free me for nine ounces [of gold]. So please help me to be freed.' He said, '[Do you want] something better than this?' She asked, 'What is it?' He said, 'That I pay your ransom for you and marry you.' She replied, 'Yes, Messenger of God.' The Messenger of God said, 'This is done.' The news was spread around and the people said, 'The in-laws of the Messenger of God are made slaves!' So they freed all Banu al-Mustaliq that were captured by them, around a hundred, just because of his marriage with her. I do not know of any woman who was more of a blessing to her folk than her. This is a result of the raid of al-Marisa'." <sup>(51)</sup>

The traditions make it obvious to us that Muhammad's wives ridiculed him and said that he married her out of pity and to show his graciousness. So Juwairiyya said, "O Messenger of God, your wives boast over me. They tell me that the Messenger of God has not married me." He replied, "Have I not paid you a costly marriage dowry? Have I not freed forty of your folk?" <sup>(52)</sup>

Abu Qulaba narrated that the Prophet took Juwairiyya Bint al-Harith captive, and her father came to the Prophet and said, "The like of my daughter should not be taken captive. It is beneath my dignity to have something like this done to me; so release her and let her go." Muhammad replied, "Wouldn't it be better if we give her the choice?" He

said, "Yes, and you have done what you ought to." So her father went to her and told her, "This man has given you the choice, so do not dishonour us." She replied, "I have chosen the Messenger of God." So he said, "You have surely dishonoured us."<sup>(53)</sup>

The traditions attest that she enjoyed the treatment of a wife since he covered her under the curtain and divided things equally between her and the rest of his wives.<sup>(54)</sup>

**10. Safiyya Bint Huyay Ibn al-Akhtab:** "When the Messenger of God raided Khaibar, and God gave him their possessions as booty, he took away Safiyya Bint Huyay and one of her cousins from al-Qumus, and ordered Bilal to carry them to his own camel. [The Messenger of God had a choice of every booty and Safiyya was one of those who were chosen in the battle with Khaibar.] The Prophet offered her freedom if she chose God and His Messenger, so she surrendered [adopted Islam], was freed by him, was married to him, and her dowry was her freedom. He saw in her face, near her eyes, a green scar, and asked, 'What is this?' She answered, 'O Messenger of God, I saw in a dream a moon from Yathrib that fell in my lap, and I related this to Kinana, my husband. He said, "You like to be under that king who hails from Yathrib, don't you?" He hit me on the face, and I started to count my legal period.' The Messenger of God had not left Khaibar till she was cleansed of her menses. The Messenger of God went out of Khaibar before he consummated the marriage with her. When the camel was brought near the Messenger of God to go out, he put out his leg for Safiyya so that she could put her feet on his thigh, but she refused and rather put her knee on his thigh. The Messenger of God covered her, carried her behind him, put his raiment upon her back and face and then pulled it tightly under her legs and took her as one of his wives. When he reached a house called Tabar, six miles away from Khaibar, he turned to it wanting to consummate the marriage with her. Nevertheless, she refused, even though he was eager. On coming to al-Sahba', which is four leagues away from Khaibar, the Messenger of God said to Umm Salim, 'You must tend your friend and comb her.' The Messenger of God wanted to consummate the marriage with her there. Umm Salim said, 'But we have neither tent nor pavilion.' So she took two covers or raiments, hung them to a tree, combed her and perfumed her there. Umm Sinan al-Aslamiyya said, 'I attended the wedding ceremony of the Messenger of God and Safiyya; we combed and perfumed her. She was the sort of woman who looks brilliant when she is adorned. I have not found a better smelling ointment than that night. Before we were aware of it, we heard someone saying, "The Messenger of God is consummating the marriage with his wife; we have plucked the hair over her under a doom palm." The Messenger of God went forward to her, and she stood up to meet him [we had told her to do so], we went out and left them together, and the Messenger of God consummated the marriage with her there and spent the whole night with her. We passed by her in the morning when she was about to wash. We took her along till we were hidden from the soldiers. She did what she needed to do and washed herself. I asked her about what she saw in the Messenger of God, and she told me that he was so pleased with her that he did not sleep the night, but kept on talking to her and said to her, "Why did you do that when I wanted to enter upon you [marry you] in the first house?" She answered, "I feared for you because the Jews were near." This endeared her more to the Messenger of God.' When the morning came he held a banquet for her there. The banquet consisted of nothing else but pressed dates and the only bowls they had were animal

skins. The people there and they all went on their journey till they reached al-Qasiba which was 16 miles away." (55)

Abu Huraira narrated: While the Messenger of God was consummating the marriage with Safiyya, Abu Ayyub spent the night at the door of the Prophet. When the Messenger of God woke up and he said, "Allahu akbar," there was a sword with Abu Ayyub. Abu Ayyub said, "O Messenger of God, she was a newly married woman, and you killed her father, brother, and husband, so I did not feel secure about you with her." The Messenger of God laughed and said, "It all went well." (56)

**11. Rayhana Bint Zaid:** `Umar Ibn al-Hakam narrated: "The Messenger of God freed Rayhana Bint Zaid Ibn `Amr Ibn Khunaqa. She had been married to a loving and honouring husband. She said, 'I shall never have a husband after him.' She was beautiful. When Banu Quraiza were taken captive, the booty was shown to the Messenger of God, and she was among the captives that were shown him so he commanded her to be set aside. He used to have a choice from each booty. She herself narrated, 'When I was set aside, he chose me and sent me to the house of Umm al-Mundsir Bint Qais for some days till he had the captives killed and the spoils distributed. Then the Messenger of God entered upon me, and when I was too shy to meet him, he called me and sat me between his hands. He said, "If you choose God and His Messenger, the Messenger of God will choose you for himself." I said, "I choose God and His Messenger." So when I surrendered, he freed me, married me, and gave me twelve ounces [of gold] as a bridal gift as he would do with his wives. He consummated the marriage with me in the house of Umm al-Mundsir, and he used to distribute for me as he did all his wives, and commanded me to be veiled.' The Messenger of God was fond of her and he granted her all she asked for. She was told, 'Had you asked the Messenger of God for Banu Quraiza, he would have freed them.' She answered, 'He reclined with me after he had already distributed the booty.' He reclined with her frequently and she remained with him till she died. He buried her in al-Baqi`. He married her in Muharram, six years after the Migration." (57)

Muhammad Ibn Ka`b narrated: "Rayhana was among those God gave him as captives. She was a beautiful woman. When her husband was killed, she was taken captive and became the choice of the Messenger of God in the battle with Banu Quraiza. When the Messenger of God gave the freedom to choose either Islam or her religion, she chose Islam. Then the Messenger of God freed her, married her and had her veiled. She was strongly jealous over him once, which made him divorce her one time while she was still at her place. She could not bear that and wept profusely, then the Messenger of God entered on her when she was in that state and remarried her. She remained with him till she died." (58)

**12. Maimuna Bint al-Harith:** She was the last woman the Messenger of God married. This took place the seventh year during Umrat al-qadhiyya. `Ali Ibn `Abdillah Ibn Abbas narrated: When the Messenger of God wanted to go out to Mecca in the year of the Qadhiyya, he sent Aws Ibn Khuli and Abu Rafi` to al-Abbas who wedded him off to Maimuna. Their camels went astray and they had to spend some days till the Messenger



of God reached them with slices of meat and found that they had bound their two camels together. They went with him to Mecca where Muhammad sent for al-Abbas and mentioned what happened to him. Maimuna surrendered herself to the Messenger of God. The Messenger of God came to the house of al-Abbas and proposed to her from al-Abbas who wedded her to him. The importance of this marriage lies in the question whether a Muhrim can marry during the Pilgrimage, since the traditions have it that Muhammad married Maimuna while he was muhriim (that is, abstinent while on a pilgrimage).

## CHAPTER TWENTY SIX

### Muhammad's Further Attempts to Marry

1. **Al-Kilabiyya:** She was called Fatima Bint al-Dhahhak or Amra Bint Yazid al-Kilabiyya. (1) Narrators gave contradictory stories about the reason why Muhammad left her. In a tradition by `A'isha we read the following, "When she was brought in to him after marriage, he approached her, and she said, 'I take refuge with God from you.' The Messenger of God said, 'You have taken refuge with the Great One; go back to your family.'" (2) Some claim that Muhammad left her due to vitiligo alba (a mild leprosy), (3) and some said that she lost her mind after she refused him. (4)
2. **Asma' Bint al-Nu'man al-Kindiyya:** Ibn Abbas narrated: "The Messenger of God married Asma' Bint al-Nu'man, and she was the most beautiful and elegant woman of her time. When the Messenger of God began to marry foreign women, `A'isha said, 'His attention is now so drawn to the foreign ones that they nearly turned his face away from us.' When the wives of the Prophet saw Asma', they envied her and said to her, 'If you want to have favour with him, take refuge with God from him as soon as he enters upon you.' So when he entered, took away the veil, and stretched out his hand to her, she said, 'I take refuge with God from you.' He replied, 'Go back to your family.'" (5) Abu Usaid narrated: "The Messenger of God married a woman from Baljun, and ordered me to bring her. I brought her and stationed her in al-Shawt behind a blade of a henna flower in a square house. I came to the Prophet and said to him, 'I have brought your wife to you.' He went out on foot and I walked with him. When he reached her, he fell down on her to kiss her (the Messenger of God used to lean to the back and then kiss), so she said to him, 'I take refuge with God from you.'" (6) Muhammad was told that she was deceived and that she was quite young, but he never took her back." (7)
3. **Qutaila Bint Qais:** Ibn Abbas narrated: "When Asma' Bint al-Nu'man took refuge with God from the Prophet, he went out and his face showed an immense anger. Al-Ash`that said to him, 'Let this not bother you, Messenger of God. Shall I give in marriage one that is more beautiful and honourable?' He asked, 'Who?' He replied, 'My sister Qutaila.' He said, 'I marry her.' So al-Ash`that left for Hadramawt and carried her. And when he had left Yemen, he learned that the Prophet died, so he took her back to his country and turned away amongst those who turned away." (8)



4. **Malika Bint Ka`b al-Laithi:** The Prophet married Malika Bint Ka`b who was known for her resplendent, magnificent beauty. `A`isha entered to her and said, "Are you not ashamed of marrying the killer of your father?" So she took refuge with God from him, and the Prophet divorced her among her folk, who said to him, "O Messenger of God, she is still young and she was deceived, so please take her back." But he refused.<sup>(9)</sup>
5. **Bint Jundub:** The Messenger of God married Bint Jundub. Muhammad Ibn `Amr said, "Our friends deny that and hold that the Messenger of God never married a woman from the tribe of Kinana."<sup>(10)</sup>
6. **Sana Bint al-Salt:** Muhammad married her but she died before she reached him. `Abdullah Ibn `Ubaid narrated: "A man from Banu Sulaim came to the Prophet and said, 'O Messenger of God, I have a daughter who possesses beauty and intelligence that none else possesses but you.' So the Prophet was about to marry her, but the man said, 'And another, O Messenger of God, who has never been afflicted with a disease while she was with me.' The Prophet said to him, 'We have no need of your daughter. Have you come to take away her sins? There is nothing good in a possession that cannot be humiliated, and a body that cannot be afflicted.' "<sup>(11)</sup>

**Women Muhammad married but with whom he did not consummate the marriage, or women who had given themselves to Muhammad:**

1. **1. Laila Bint al-Khatim:** Ibn Abbas narrated: "Laila Bint al-Khatim came to the Prophet while he had his back facing the sun, and tapped on his shoulder. He said, 'Who is this? May the lions eat him.' (He used to say this many times.) She replied, 'I am the daughter of the one who feeds the birds and competes with the wind. I am Laila Bint al-Khatim and have come to you offering myself. Marry me.' He said, 'Your request is done.' So she returned to her people and told them that the Messenger of God married her. They said, 'What a bad thing you have done! You are a jealous woman and the Prophet is a polygamist. You may feel jealous over him and he would then call upon God against you. So ask him to release you.' Thereupon she went back to him and said, 'O Messenger of God, release me.' He said, 'I release you.' Later Mas`ud Ibn Aws married her."<sup>(12)</sup> `Asim Ibn `Umar Ibn Qatada narrated: "Laila Bint al-Khatim bestowed herself upon the Messenger of God, and he accepted her. She used to ride her mule in an obscene manner, as she was also ill-mannered. She said, 'No by God! I shall not let Muhammad marry an Ansarite woman in this district. By God! I shall go to him and bestow myself upon him.' She went to the Prophet while he was standing with one of his friends, and he was not aware of her till she laid her hand on him. He said, 'Who is this? May the lion eat him!' She replied, 'I am Laila, the daughter of the master of his people; I have bestowed myself upon you.' He said, 'I have accepted you; go back until my command reaches you.' She went back to her people, who said to her, 'You are a woman who cannot bear adversaries [wives], and God has made it lawful for his Messenger to marry whomever he wills.' She returned to him and said, 'God has made women lawful for you and I am a woman

- of a lashing tongue and I bear no adversaries.' She asked him to release her, and he did." (13)
2. **Umm Hani' Bint Abi Talib:** Ibn Abbas narrated: "The Prophet asked Abu Talib for the hand of his daughter, Umm Hani', in marriage in the Jahiliya. But Hubaira proposed to her and married her. The Prophet said, 'My uncle, you married Hubaira off and left me out!' He replied, 'My nephew, we have become related to you by marriage, and the dignified man rewards [or is the reward of] the dignified man.' Afterwards, she surrendered [adopted Islam] and Islam separated her from Hubaira. Then the Messenger of God proposed to her personally. She said, 'By God! If I loved you in the Jahiliya, so how much more in Islam! But I am a woman with children and I hate that they would hurt you.' The Messenger of God said, 'The best women who ride on horseback are the women of Quraish; they are tender to their little children, and take good care of their husband's possessions.' (14) Abu Salih, the guardian of Umm Hani', narrated: "The Messenger of God proposed to Umm Hani', Abu Talib's daughter, who said, 'O Messenger of God, I am the mother of orphans, and my children are young.' So when her children attained puberty, she offered herself to him, but he said, 'No, not now,' because God revealed to him: 'O Prophet, We have permitted you [to deal with] your wives to whom you have given their allotments, and anyone your right hand controls whom God has given you [as captives] and your paternal uncles' and aunts' daughters, and your maternal uncles' and aunts' daughters who have migrated along with you', (15) and she was not among those who migrated. Another said, 'She bore for Hubaira Ibn Abi Wahb, Ja'da, 'Umar, Yusuf, and Hani'.' " (16)
  3. **Dhaba'a Bint Qirt Ibn Maslama:** Ibn Abbas narrated: "Dhaba'a Bint 'Amir was married to Haudsa Ibn 'Ali al-Hanafi, from whom she inherited a great amount of money after his death. 'Abdullah Ibn Jud'an al-Taymi was an impotent man. She asked him to divorce her, and he did. Hisham Ibn al-Mughira married her, and she gave him Salama, who was one of the best Muslims. Hisham died and she was widowed. She was one of the most beautiful and well-mannered women among the Arabs. When she sat down she would occupy a great part of the floor, and her body would be covered with her long hair. Her beauty was described to the Prophet, he asked her son, Salama Ibn Hisham Ibn al-Mughira, for her hand. He said, '[Wait] till I ask her permission.' (Meanwhile the Prophet was told that she had grown old.) Her son went to her and told her that the Prophet asked her hand from him. She asked him, 'What have you said to him?' He answered, 'I told him [to wait] till I ask your permission.' She said, 'Would someone need permission when the Prophet is the one involved? Go back and wed me to him!' So he went back and told the Prophet, but the Prophet kept silent." (17)
  4. **Safiyya Bint Bashshama:** Ibn Abbas narrated: "Muhammad proposed to Safiyya Bint Bashama Ibn Nadhla al-'Anbari, who was taken captive. The Messenger of God gave her the choice and said, 'Whom do you desire: me or your husband?' She said, 'Nay, my husband.' So he sent her away and Banu Tamim cursed her." (18)
  5. **Umm Shuraik Bint Ghaziyya:** 'Ali Ibn al-Husain narrated: "The woman who bestowed herself upon the Prophet was Umm Shuraik. 'Ikrima mentioned in a tradition of his that she was the one meant by the verse: 'And any believing

- woman who bestows herself upon the Prophet, provided the Prophet wants to marry her; such is exclusively for you and not for [other] believers.' " A tradition by Munir Ibn `Abdillah al-Dawsi says: "She is the one who bestowed herself upon the Prophet. She was from the Azd tribe. She offered herself to the Prophet, and she was beautiful but a little old. She said, 'I bestow myself upon you and give myself to you as a free gift.' The Prophet accepted her. `A`isha said, 'There is nothing good in a woman when she bestows herself upon a man.' Umm Shuraik said, 'This is I.' Then God called her "the believing" when He said, 'And any believing woman who bestows herself upon the Prophet.' When this verse was revealed, `A`isha said, 'Indeed, God hastens to do what you desire.' " <sup>(20)</sup>
6. **Khawla Bint Hakim Ibn Umaiyya:** Hashim Ibn Muhammad narrated, quoting his father: "Khawla Bint Hakim was among those who bestowed themselves upon the Messenger of God, and he put her off. She used to serve the Prophet. `Uthman Ibn Maz`un married her and died while she was still alive." <sup>(21)</sup>
  7. **Umama Bint Hamza Ibn `Abd al-Muttalib:** Ibn Abbas narrated: "The Messenger of God was constrained to [marry] Hamza's daughter, but he said that she was his step-sister [or sister by nursing] and that this kind of relationship is forbidden. So the Messenger of God married her off to Salama Ibn Salama and the Prophet used to say, 'Have you been rewarded by Salama?' " <sup>(22)</sup>
  8. **Khawla Bint al-Hudsail:** al-Sharqi Ibn al-Qatami narrated that the Messenger of God married her but she died on the way before she ever reached him. <sup>(23)</sup>
  9. **Shurafa Bint Khalifa:** `Abd al-Rahman Ibn Sabit narrated: "The Messenger of God proposed to a woman from the tribe of Kalb and `A`isha was sent to look at her. She went and, after she came back, the Messenger of God said to her, 'What did you see?' She replied, 'I saw nothing of value.' The Messenger of God said to her, 'I have seen something of value; I have seen a mole on her cheek that causes every hair of yours to stand on end.' <sup>(24)</sup> She said, 'O Messenger of God, there is no secret hidden from you.' " Mujahid said, "The Messenger of God used not to propose again once he was refused. Once he proposed to a woman and she said, 'Ask my father's permission.' She found her father and he gave her permission. Later she met the Messenger of God and told him, but he said, 'We have found ourselves another mantle.' " <sup>(25)</sup>

## CHAPTER TWENTY SEVEN

### The Story of Muhammad's Marriage to Zainab Bint Jahsh as the Qur'an Expositors See it

Muhammad's marriage to Zainab Bint Jahsh has become a profound problem for the old expositors, and needs justification and explanation due to the strange incidents involved. <sup>(1)</sup> These incidents are not in harmony with the ethics and conventions that Muhammad introduced to mankind, as Muslims claim. But before we delve into the opinions and the arguments that the expositors used to justify what happened, it is worthwhile to quote here what Ibn Sa`d and al-Tabari said concerning this story:

Muhammad Ibn Yahya Ibn Hayyan narrated, "The Messenger of God came to Zaid Ibn Haritha's house seeking him. Perhaps the Messenger of God missed him at that time, that is why he said, 'Where is Zaid?' He went to his house seeking him and, when he did not find him, Zainab Bint Jahsh stood up to [meet] him in a house dress,<sup>(2)</sup> but the Messenger of God turned away from her. She said, 'He is not here, Messenger of God, so please come in; my father and mother are your ransom.' The Messenger of God refused to come in. Zainab had hurried to dress herself when she heard that the Messenger of God was at her door, so she leapt in a hurry, and the Messenger of God liked her when she did that. He went away muttering something that was hardly understandable but for this sentence: 'Praise be to God who disposes the hearts.' When Zaid came back home, she told him that the Messenger of God came. Zaid asked, 'You asked him to come in, didn't you?' She replied, 'I bade him to, but he refused.' He said, 'Have you heard [him say] anything?' She answered, 'When he had turned away, I heard him say something that I could hardly understand. I heard him say, "Praise be to God who disposes the hearts." ' Zaid went out to the Messenger of God and said, 'O Messenger of God, I learned that you came to my house. Did you come in? O Messenger of God, my father and mother are your ransom. Perhaps you liked Zainab. I can leave her.' The Messenger of God said, 'Hold on to your wife.' Zaid said, 'O Messenger of God, I will leave her.' The Messenger of God said, 'Keep your wife.' So when Zaid left her, she finished her legal period after she had isolated herself from Zaid. While the Messenger of God was sitting and talking with `A`isha, he was taken in a trance, and when it lifted, he smiled and said, 'Who will go to Zainab to tell her that God wedded her to me from heaven?' The Messenger of God recited, 'Thus you told someone whom God had favoured and whom you yourself have favoured: "Hold on to your wife." ' `A`isha said, 'I heard much about her beauty and, moreover, about how God wedded her from heaven, and I said, "For sure she will boast over this with us." ' Salama, the slave of the Messenger of God, hurried to tell her about that. She gave her some silver jewellery that she was wearing."<sup>(3)</sup>

Zainab used to boast over the wives of the Prophet and say, "Your families married you off, but it was God who married me off from above seven heavens."<sup>(4)</sup> Expositors are in unanimous agreement that this incident that took place between Muhammad and Zainab on the one hand, and between Muhammad and Zaid on the other hand was the reason why this verse was revealed: "Thus you told someone whom God favoured and whom you yourself have favoured: 'Hold on to your wife, and heed God,' while you kept to yourself what God had disclosed and you dreaded people's [opinions], although it is more correct for you to dread God. Once Zayd has accomplished his purpose with her,<sup>(5)</sup> We married her off to you so that there would be no objection for believers in respect to their adopted sons' wives once they have accomplished their purpose with them. God's command must be done!" (Sura al-Ahzab 33:37).

Muhammad's marriage to Zainab, who was the wife of his adopted son, led to many accusations against Muhammad. The dissimulators said, "Muhammad prohibits the wives of the son while he himself marries the wife of his son Zaid."<sup>(6)</sup> `Abdullah Ibn `Umar narrated: "We have always called him [namely Zaid] Zaid Ibn Muhammad."<sup>(7)</sup> So this charge that the dissimulators, among others, levelled against Muhammad necessitated the revelation of yet another verse: "Muhammad is not the father of any of your men, but [he

is] God's Messenger and the Seal of the Prophets. God is Aware of everything!" (Sura al-Ahzab 33:40). `Abdullah Ibn `Umar said, "We only called him Zaid Ibn Muhammad till the verse 'Muhammad is not the father of any of your men' was revealed." (8)

### **The interpretation of the verse by Muslim expositors:**

Muslim expositors explain the verse (Sura al-Ahzab 33:37) as follows: Remember, Muhammad, when you said to Zaid,(9) "Hold on to your wife, and heed God in regard to her, and do not divorce her owing to necessity or offering her haughtiness as excuse." (10) In fact Zainab Bint Jahsh appealed to the Messenger of God when he saw her, as is told, when she was under the bond of his next of kin, so God placed in his heart aversion toward her when he knew that the heart of his Prophet was so stricken by her. So Zaid wanted to leave her and he told the Messenger of God. The Messenger of God said to him, "Hold on to your wife" even though he desired him to be finally divorced from her so that he could marry her, "and heed God" namely fear Him in the duty you owe Him for your wife.(11) A tradition by Wahb, "Ibn Zaid said, 'The Prophet had married Zaid Ibn Haritha to Zainab Bint Jahsh, his cousin, and the Messenger of God went out one day seeking him. On Zaid's door was a curtain which the wind moved to show her unveiled in her chamber. The heart of the Prophet was filled with admiration for her. When this happened, she became undesirable to the other [namely to Zaid], who came [to the Messenger of God] and said, "O Messenger of God, I want to leave my wife." He replied, "Did she do anything to arouse your suspicion?" He said, "No! She did nothing to arouse my suspicion at all, O Messenger of God, and all I have seen from her was good." Then the Messenger of God said to him, "Hold on to your wife, and heed God." This is why God said, "Thus you told someone whom God had favoured and whom you yourself have favoured: 'Hold on to your wife, and heed God,' while you kept to yourself what God has disclosed." [This means that] you hid in yourself that you would marry her if he leaves her." (12)

`Ali Ibn Husain narrated: "God, may He be blessed and exalted, had made known to His Prophet that Zainab will be one of the wives, so when Zaid came to him complaining of her, he said, 'Heed God, and hold on to your wife.' But God said, 'You kept to yourself what God has disclosed.' " `A'isha narrated: "Had the Messenger of God kept to himself any part of the Book of God that was inspired to him he would have kept 'You kept to yourself what God has disclosed and you dreaded people's opinions], although it is more correct for you to dread God.'" (13)

Al-Hasan said, "None of the verses that were revealed to him was more burdensome to him than this: 'You kept to yourself what God has disclosed. And you dreaded people's [opinions], although it is more correct for you to dread God.' The Prophet of God dreaded what people would say." (14) There only remains Ibn Kathir (A.D. 1373) among the old expositors who rejects the oldest traditions about the incident that took place between Muhammad and Zainab. He does that without resorting to any modification or justification to his claim. He says, "Ibn Jarir and Ibn Hatim related many stories in this regard which we discard on the grounds of being incorrect." (15) Ibn Kathir, however, who contests the accuracy of those stories claiming that they are incorrect, finds no fault in

citing a late tradition that says: " 'You kept to yourself what God had disclosed' means that God told you, Muhammad, that Zainab will be one of your wives and therefore you said to him " 'Hold on to your wife.' " <sup>(16)</sup>

The greatest problem that faces al-Razi is the "dread of the Messenger of God," since the Qur'an says, "You dreaded people's [opinions], although it is more correct for you to dread God." But this does not point out that the Prophet dreaded the people and did not dread God, it rather means: "God alone is worthy to be dreaded, and you should not dread any of the people together with him. So dread Him alone." <sup>(17)</sup> It is no secret that this interpretation of al-Razi has not been known before him, and that it was, no doubt, a product of his imagination.

Al-Zamakhshari, on the other hand, treats other aspects in his analysis of the story. `A'isha narrated:

Had the Messenger of God kept anything to himself of what has been revealed to him, he would have kept this verse hidden. If you ask, "What then did God want him to say when Zaid told him he wanted to leave her, knowing that it was improper for him to tell him to do so because he wanted to marry her?" I would answer, "It seems that God, may He be exalted, wanted him to hold his peace or to tell him, 'You know better what to do,' so his inward [intention] should not be contradictory to his outward [expression], since God requires of the Prophets that their inward [intentions] and outward [expressions] be equal, that they should be firm in [pursuing] matters, responding according to circumstances and persisting on a settled course. In the Hadith, when the Messenger of God wanted to kill `Abdullah Ibn Abi Sarh, and when `Uthman interceded for him, `Umar said, "My eye was facing yours, will you make a gesture with your eye so that I should kill him?" Muhammad replied, "The prophet should not give orders through an eye-gesture; their inward [intention] and their outward [expression] is the same." If you say, "How did God reprove him for refraining to express something that he disapproved of expressing? The Prophet would not disapprove of expressing something unless it is worthy of disapproval for him and the people talk only against that which is considered loathsome to the intellects and habits. And why has He not reproved him concerning the same matter, ordering him to repress [his] lust and quell [his] soul to keep it from desiring and chasing after Zainab? Why has He not kept His Prophet free from anything that would attach fault to him and expose him to gossip?" I would say, "How often a man is cautious about something and is ashamed to let people know about it, while it is inside him allowable, appropriate, absolutely lawful, indisputable, and God finds no fault in it! And perhaps entering into that which is allowable serves as a ladder whereby one can attain duties that leave a great effect on religion for which a man is rewarded. Unless he is cautious regarding this many people spread rumours about him, except those who have favour with God, knowledge, religion and God-given



insight into the true state of affairs and into their essence, not their outward appearance. Do you know that when they would feast in the houses of the Messenger of God, reclining in their seats, not [showing desire] to leave, indulging in conversations, and the Messenger of God would be hurt by their sitting feeling upset by their speech, but constrained by shyness? Had the Messenger of God revealed what was hidden in his breast, and commanded them to disperse, they would have found it difficult [to receive] and there would be some defamatory talk. This is like man's ambition for certain objects, such as a woman. It is a desire not characterised by ugliness in intellect or in religion, since it is not one of free choice. Also achieving what is allowable through legal means is nothing ugly; namely proposing to Zainab and marrying her without Zaid's suggestion that the Messenger of God marry her, or to console him for leaving her knowing firmly that Zaid's soul was not attached to her at all, but was rather indifferent to her, and at the same time the soul of the Messenger of God was so attached to her. It was not offensive among them that a man would relinquish his wife for his friend so that the latter could marry her. When the Migrants entered Medina, they were consoled by the Helpers [al-Ansar] in everything, to the extent that if a man had two wives, he would relinquish one of them to the Migrant. So then, the matter was allowable on all sides, and it was not offensive at all. It also has not hurt or demoralised Zaid or anyone else. On the contrary, it has been the source of goodness; to mention only one of them, a cousin of the Messenger of God [that is Zainab] secured herself [a marriage with] a close relative and high honour. As to the general good in his saying, "so that there would be no objection for believers in respect to their adopted sons' wives once they have accomplished their purpose with them," God should rather have reproved His Messenger when he kept it to himself by saying to him, "Hold on to your wife, and heed God." Since God approves for him only conformity of conscience and outward [expression], and standing firm in the issues of truth so that the believers would follow his example and not be ashamed of fighting for their rights, even if it is bitter [to do so].<sup>(18)</sup>

Muslim writers have added nothing to the list of apologies that al-Zamakhshari (A.D. 1144) and al-Razi (A.D. 1209) presented, as they use the same arguments trying to interpret this story, and even defend it. They believe that it involves hidden wisdom that the understanding of mankind is not yet mature enough to fathom.<sup>(19)</sup> We also observe a bizarre agreement between the rigorists, who call themselves traditionalists, and those who maintain reform and progress. Muhammad Husain Haikal, for one, in the course of "refuting" the claims of V. Vacca in the Encyclopaedia of Islam regarding Zainab, speaks about a "glorious deed" of Muhammad, which the orientlists and missionaries have turned into a romance. He says, "As to Zainab Bint Jahsh, who has been wrapped up by orientlists and missionaries in an imaginary picture of romance and infatuation, true history judges that [Muhammad's act with] her was one of the glorious deeds of Muhammad. Being the perfect example of faith, he applied to her the Hadith that says,

'Man's faith is not made perfect till he loves for his brother what he loves for himself.' It is enough to destroy the story that it was he who betrothed her to his adopted son, Zaid."<sup>(20)</sup> The scholar Haikal does not fail to add that "we could have spared him all these sayings by saying, 'Let it be true!' Why would this detract from the greatness, message, and prophethood of Muhammad? The laws that bind [ordinary] people have no power over the luminaries, so how much more the messengers and prophets! Hasn't Moses seen a dispute between two men; one was from his sect and the other from the enemy's sect, so he thrust the enemy and killed, committing an unlawful murder? So Moses broke the law, and was not subject to it. Yet this did not detract from his prophethood or message, and did not diminish his greatness. The way Jesus broke the law [of nature] was even greater than Moses, and thus with Muhammad and the rest of the prophets. For his condition is not bordered by a certain limit of power or desire, he rather went beyond the laws of nature by his birth and life!"<sup>(21)</sup>

Putting all these points aside, let us ask Muslims to find the relation between the murder that Moses committed, on the one hand, and the birth of Jesus from a virgin, on the other hand, and the relation between these two people and the story of Muhammad and Zainab! The strangeness of the matter lies in the fact that the scholar Haikal presents Muhammad's giving Zainab in marriage to Zaid as a cogent argument to refute the claims of his opponents who hold that the matter was merely romance and infatuation! It is unbelievable that Haikal has no knowledge of the fact that "the heart of the Prophet was deeply moved by her after her marriage with Zaid"<sup>(22)</sup> which is found in trustworthy Islamic reference books. Al-Sabuni, however, excludes any love affair or romance from this marriage, as he says, "How can a man give a virgin woman to [another] person, and then desire her after she is deflowered?"<sup>(23)</sup> Al-Sabuni attacks the fraudulent "orientalists" and "missionaries" who claimed that God reproved Muhammad for his hidden desire for Zainab. Yet, these "slanders" of the orientalist and missionaries have already been listed in Tabaqat Ibn Sa'd and al-Tabari's works, as they have been quoted in the books that were written after them. Ibn Sa'd and al-Tabari were neither the enemies of Islam nor "fraudulent orientalists". They did not know that Muhammad only married her to cancel and abolish the act of adoption.<sup>(24)</sup> This argument was not known at all at the time of al-Tabari!

On the other hand, there are some Muslim fundamentalists and writers whose work wins the favour of fundamentalists, who discovered a further virtue in the Prophet- his fondness for women! The Prophet has proven through this fondness that he was a man in the full meaning of the word.<sup>(25)</sup> It was `A'isha `Abd al-Rahman who was the first to express this argument.<sup>(26)</sup> Her frankness is to be considered a criticism of the writers who endeavour to rid the Messenger of all human feelings. She comments on what Haikal said in regard to the Prophet's marriage with Zainab, "Am I then right in saying that Dr Husain Haikal was wrong in his attempt to defend the Messenger? Indeed, when he denied the Messenger's fondness for Zainab and refused the fact that he was attached to her, he cast upon the matter many dark shades of suspicion that would make us believe that this attachment was forbidden for the Messenger and a flaw that we should free him from. This has nothing to do with the matter at all. It is just human nature that is subject to passions it cannot drive away. So it rises high in nobility and self-control, determining to

continue refraining from what God permitted in order to escape the gossip of the people. But God insisted that His Messenger should embark on such a marriage that has been permitted by law and necessitated by the general good, which is 'that there would be no objection for believers in respect to their adopted sons' wives once they have accomplished their purpose with them.' The other private good was that Zainab should secure herself [a marriage with] a close relative, of high honour, and become one of the mothers of believers. Hence God reproved him when he kept it to himself by saying, 'Hold on to your wife, and heed God.' Since God approves only conformity of conscience and outward [expression], and standing firm when it comes to the issues of truth so that the believers would follow his example and not be ashamed of fighting for their rights, even if it is bitter [to do so]."<sup>(27)</sup>

## CHAPTER TWENTY EIGHT

### Muhammad's Marriage with the Mothers of the Believers in the Islamic Polemics

It is natural for a Muslim to be confused and ask himself how his prophet married eleven women while the Qur'an permits a man to marry up to four women. Each Muslim is required to take his Prophet as an example, so he should marry since the Tradition demands this: "Wedlock is my tradition."<sup>(1)</sup>

A young woman in Egypt asked Sheik Mahmud al-Ghurab in the 1960's, "What is the rationale in permitting the Prophet to marry more than four women? If we account for this by [seeking] abundant offspring, [we find] that he did not have any children from some of them, and if we account for this by saying that God wanted to give him pleasure, the answer would be that the status of a prophet is higher than that. I know why he married one who was the wife of his adopted son, as the Qur'an says, "We married her off to you so that there would be no objection for believers in respect to their adopted sons' wives....." But I do not know why he married the others or for what rationale. Yet it is hard for me to comprehend that, since this kind of research is attained only by scholars and researchers. So, will you answer me, sir, in sufficient detail. Yours respectfully."<sup>(2)</sup>

Sheik Mahmud al-Ghurab speaks at the beginning of his letter about an issue that "has been tackled by many words and has been a stumbling block for many." He says, "Every act he [Muhammad] did was for a rationale, whether we know it or not. This issue is one of his private matters. This means that after he restricted men to four wives, he himself could marry many women beyond that number. But if one follows the origin of legislation, he will find that the Prophet was more restricted in this matter than anyone else in his nation. Yet, he did not have a special legislation to limit him in this matter." Let us read first how al-Ghurab explains this:

It is common knowledge that before restricting the legal number of wives to four, every man was allowed to marry as many wives as he wanted, be he a prophet or an ordinary man. Then came the restriction of the legal

number of wives and the Prophet commanded all those who had more to keep only four and leave the rest. He also instituted divorce and exchanging a wife for another. As to the wives of the Prophet himself, God gave them freedom of choice: "O Prophet, tell your wives: 'If you are wanting worldly life and its attraction, then come on! I will let you enjoy them and dismiss you in a handsome fashion. However if you are wanting [to see] God and His Messenger, as well as having a home in the Hereafter, well God has prepared splendid payment for the kindly women among you.' " (3) They chose the second option and were therefore honoured and called "the mothers of believers". He was restricted to believing women only as wives and was forbidden from divorcing them or exchanging them for others. This involves a strict restriction in relation to what has been permitted to his nation. God says concerning this, "O Prophet, We have permitted you [to deal with] your wives to whom you have given their allotments, and anyone your right hand controls from what God has given you [as captives] and your paternal uncles' and aunts' daughters, and your maternal uncles' and aunts' daughters who have migrated along with you, and any believing woman who bestows herself upon the Prophet... No [other] women will be lawful for you later on nor may you exchange them for other wives, even though their beauty may entice you, except for someone your right hand controls." (4)

Sheik Mahmud al-Ghurab confuses things that do not belong together. The verse that speaks of giving the freedom of choice to Muhammad's wives, for instance, was not exclusively addressed to Muhammad or limited to his wives, but it was a warning and an admonition to them so that they should not burden him by seeking the attraction of this life. (5) Despite the fact that Sura al-Ahzab 33:28-32 do not form any legal intervention in Muhammad's marital life, Sheik al-Ghurab is unaware of, or ignores the fact that Muhammad married his last wife in "the year of Pilgrimage", namely several years after the revelation of this verse. (6) So then, "spending the years of his youth with the widow Khadija, coupled with the fact that all his wives were matrons [previously married women], except for `A'isha, are held by modern Muslims to be the strongest proofs that Muhammad's preoccupation was not women." (7) Al-Sabuni speaks about two significant points that played the essential role in Muhammad's marriage with his wives. These two points, he says, "drive away the accusation from the honourable Prophet and throw a stone into the mouth of every mean slanderer." They are as follows:

FIRSTLY: The honourable Messenger did not marry several women except after he reached old age, namely after reaching the age of fifty.

SECOND: All his pure wives were widows or previously married, except for `A'isha, who was a virgin. From these two points we realise the insignificance of this accusation and the invalidity of that charge which the grudging orientlists have directed toward him. (8)

Despite the pride of the Muslim scholars in the true humanity of the "Messenger of God", as is evident from his marital life, (9) they submit an account of how he married his wives

that is incompatible with reality and with Muhammad's human nature. If we accept what they write in this regard and believe the reasons they give in explanation of polygamy in the household of the Prophet, his marriage with Khadija was the only marriage that could have been entered into out of human motives. They claim that he wouldn't have married `A'isha unless his father offered her to him,<sup>(10)</sup> which is a distortion of the oldest traditions that reached us in this regard.<sup>(11)</sup> Others, however, believe that Muhammad sought to build a rapport between him and Abu Bakr through this marriage. "The Messenger's relationship by marriage with Abu Bakr was the greatest boon and reward for him in this life, as it has also been the best means of spreading Muhammad's pure traditions, marital virtues, and the judgments of his law; especially those pertaining to women."<sup>(12)</sup> Building a relationship by marriage has also been the reason for marrying Hafsa, the daughter of `Umar, since he wanted to reward his other minister, `Umar,<sup>(13)</sup> and he married her out of pity for her,<sup>(14)</sup> as well.

As for his marriage with Zainab Bint Khuzaima, it was a reward for her charitable services to the poor.<sup>(15)</sup> He married Umm Salama, as modern writers claim, out of appreciation for her devotion to her children and her judicious opinion at the battle Hudaibiya.<sup>(16)</sup> The secret underlying his marriage with Juwairiyya was his wish to free her people from captivity after the Muslims had conquered their fortresses. He married her so as to release her people for a dower, thus she became the greatest blessing to her people.<sup>(17)</sup> Safiyya Bint Huyay belongs to this category of women who have been married to the Messenger of God for strategic reasons.<sup>(18)</sup> Muhammad Rashid Ridha says that he married Safiyya to rescue her from being humiliated, as she was the matron of her people. "The people of good judgment among the Companions told the Messenger of God, 'O Messenger of God, she is the matron of Banu Quraiza and al-Nadhir and is not fit for anyone but you.' He favoured their opinion and refused to let her suffer the humiliation of slavery by her inferiors, so he chose her, freed her, and married her so as not to let someone of her descent and grandeur be enslaved. He also sought to build relations with the Children of Israel [through this marriage, perhaps this would alleviate their enmity with him]."<sup>(19)</sup>

As to Umm Habiba, he married her to reward her faith.<sup>(20)</sup>

Muhammad Rashid Ridha admits that he could not find any basis for Muhammad's marriage with Maimuna. "I could not find any reason or basis for his marriage to Maimuna. It has been said, however, that Abbas, his uncle, interested him in her. She was the eldest sister of Lababa Ummul Fadhl. He performed the marriage contract with her by her permission."<sup>(21)</sup> Al-Sabuni did not miss the rationale of Muhammad's marriage to Maimuna. "His marriage with her obviously shows how kind he was to her and how honourable and friendly he was to her clan that backed and helped him."<sup>(22)</sup>

There remain the two slaves, Maria and Rayhana. Muslim writers did not provide us with the reasons or the rationales that led to the Messenger's marriage with them.

Al-Sabuni summarised so-called rationales or underlying reasons that modern writers connect with Muhammad's multiple marriages under four headings:

FIRST: The didactic rationale.

SECOND: The legislative rationale.

THIRD: The social rationale.

FOURTH: The political rationale.<sup>(23)</sup>

**FIRST: The didactic rationale:**

The chief end of the Messenger's polygamy was to produce some female teachers for women, who would teach them legal judgments. This is because women are half of society and they have been commanded to keep the same religious obligations that are imposed on men.

Many of them were too shy to ask the Prophet about certain legal matters, especially those concerning them, such as menstruation, childbirth, ritual impurity, marital affairs, among other judgments. Every woman needed to overcome her natural shyness whenever she wanted to ask the Messenger of God concerning any of these matters. So these wives [of the Prophet] became teachers and Hadith narrators who transferred the guidance of the Prophet, and were known for their intelligence.

**SECOND: The legislative rationale:**

This rationale is apparent and can be easily discerned- namely to abolish some detestable pre-Islamic observances, of which the heresy of adoption is an example.

Zaid was his adopted son. The Prophet wedded him to his cousin, Zainab Bint Jahsh al-Asadiyya. She lived with him for a while, but their relationship did not last long because it deteriorated. She used to speak harshly to him and look down upon him since he was a slave before the Messenger of God adopted him, while she was an honourable woman of noble descent.

Because God willed it, Zaid divorced Zainab, and God commanded His Messenger to marry her in order to abolish "the heresy of adoption," thus levelling Jahiliya to the foundations. But the Prophet dreaded that the dissimulators and godless people would say, "Muhammad married his daughter-in-law". So he delayed till he was severely reproved by God, who said to him, "...and thou wast concealing within thyself what God should reveal, fearing other men; and God has better right for thee to fear Him. So when Zaid had accomplished what he would of her, then We gave her in marriage to thee, so that there should not be any fault in the believers, touching the wives of their adopted sons, when they have accomplished what they would of them; and God's commandment must be performed" (Sura al-Ahzab 33:37).

This marriage, then, was for the sake of legislation, and was by the command of the Wise, the Aware. Praise be to Him whose wisdom is too lofty to be grasped by the



[human] minds and understandings. God expressed the truth when He said, "You have been given only a smattering of knowledge."

### **THIRD: The social rationale:**

This rationale appears very much in the Prophet's marriage with `A'isha, the daughter of Abu Bakr, who was his first minister, and with the daughter of his second minister, al-Faruq (`Umar). Later he linked himself with Quraishites by marrying many of their women, which connected these tribes and clans in a close bond, gathering all hearts around him in belief, honour, and veneration for him.

### **FOURTH: The political rationale:**

The Prophet married some women to unite the hearts around him and bring the tribes closer to him. When a man marries a woman from a certain tribe or clan, a relationship is created by that marriage. Naturally they rush to his aid and protection. His marriage with Juwairiyya was an example of this.<sup>(24)</sup>

We may say at the conclusion of this chapter that there is no great disagreement between the Muslim fundamentalists, who were known for their antagonism and aggressiveness, and the moderate Muslims, who were known for their reformation and openness when it comes to Muhammad's marital life. They all agree that Muhammad did not marry any of his wives for human motives, except for Khadija perhaps, and that his purpose was rather to reward them, protect them from sin, or for political and legislative reasons, as al-Sabuni said. We notice that both parties were more keen on giving the affairs an ideal presentation than on abiding by the historical objectivity.<sup>(25)</sup>

## **Conclusion**

We tried in the previous chapters to show the status of woman in Islam, and her rights and duties toward her husband and society. In this endeavour we depended on recognised Islamic sources, namely the Qur'an, the Hadith, and the writings of the jurists. From time to time we quoted the opinions of modern Muslim scholars and authors so that the reader would be aware of their "modern" arguments, proofs, and exposition of the topics discussed.

Now that we have reached the end of the book we can say that women in Islam do not enjoy a status which the "European woman would like for herself."<sup>(1)</sup> Despite the fact that Muhammad introduced many reforms to the position of Arab women in the Arabian Peninsula and despite the fact that Islam does not deny at all that the female has a soul and a mind, she still remains half a human being in the Qur'an, the Hadith, the sources of jurisprudence, and even in the works of modern Muslims. The reason for her existence is to serve her husband and obey his commands unconditionally and unreservedly. She also has to bear him children and hide herself from the public, as though her very existence were a shame. Since Islam teaches that the Qur'an is a book revealed to Muhammad by

God, and that its judgments are the best imaginable ones, which are all-inclusive both in terms of time and place, one finds it difficult to interpret the Qur'an rationally as Muhammad `Abduh tried to do. It is also next to impossible to reconcile and incorporate it into the requirements of the present time; especially since a large portion of the verses is so distinct in meaning, that there is no room for reinterpretation. So the believing Muslim, who feels obliged to deliver his honourable book to the modern society, has no other choice than to justify and account for the Qur'anic judgments and statements when they conflict with the actual reality. The same goes for the Qur'anic verses that devalue woman, compared to modern understanding, and compel the Muslim scholar or writer to check if there is a hidden rationale underlying these statements. The greatest of these rationales is "God wants only good for woman." So when it comes to the fact that the testimony of the woman is half the testimony of man, they say that God knew that she would have no experience in the fields of life and that He wanted to spare her the temptations and dangers. As to beating the rebellious wife, it is not a directly lawful act, otherwise God would not have listed it as the last means of reclaiming her. Polygamy, however, was instituted in Islam by the foreknowledge of God, who knew that the West would establish polygamy as a legal act, which is actually supposed to have happened in Germany!<sup>(2)</sup> The writings of both fundamentalist and open Muslims at the present time are full of these various arguments and examples.

At the end one needs to add that there is no expected harmony between the texts and judgments of the Sharia that deal with women, and reality in the Islamic countries. In other words, it is unfair to claim that every Muslim treats his wife, daughters, or the whole female sex according to what the jurists determined, and are still determining! Even if the woman still lives under the shadow of the Sharia and under the control of men, yet we see at the same time how the influence of Sharia is languishing, even disappearing in some places, in the fury of a relentless war between it and atheism and the liberation movements. Rigoristic Islam is not alone in trying to mould society according to its concepts and ideals, leaving its stamp on all different societies. The other extreme can be observed as well. The Islamic fundamentalists' refusal to let go of obsolete social norms and values causes anti-religious and even atheistic attitudes to develop, and their contempt for women is causing an anti-male feminist movement to develop.

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