



# The Islam Research Group

*The Qur'an as Reportedly Practised and Preached  
by Mohammed: Part 6*

## Marriage to premenarchal girls permitted



## Introductory notes

### Structure

In this series of papers, ten instructions contained within the Qur'an are considered.

Over the centuries the instructions contained within the Qur'an have been the subject of a range of different applications by different Islamic traditions. Surveying the full range of such interpretations is outside the scope these papers. Rather the aim is to present clearly and accurately, on the best evidence available, what one might call 'true' or 'primitive' Islam: what the words of the Qur'an instruct, as it was intended to be understood at the time that it was announced. That is to say the instructions of the Qur'an as it was practised and preached by Mohammed.

To achieve this, and avoid any suggestion of 'cherry picking' or presenting verses out of their original context, in each case the verse or verses containing the instruction will be presented in full within the context of:

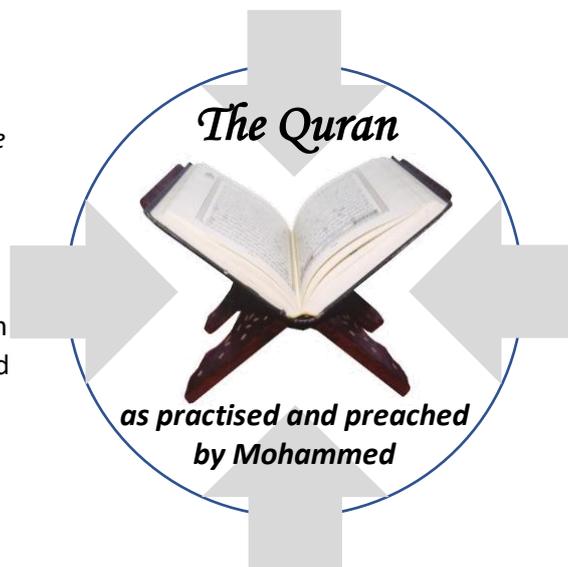
### The circumstances in which the verse was said to have been announced

Any report describing the circumstances in which Mohammed came to announce a verse, the **Asbab al Nuzul** (principally those collected by **Ali ibn Ahmed al Wahidi (d. 1075)**) are given to give it its traditionally understood immediate context.

#### 16 leading translations

The author principally uses *The Study Quran* (2015). However, this translation is cross-referenced with **fifteen other leading English translations** of the Qur'an from a wide variety of traditions, and compared with:

#### related verses of the Qur'an



#### The example of Mohammed

Incidents from the recorded life of Mohammed in the *sira* or *hadith* showing how Mohammed wished the verse to be understood, or how he himself applied it.

#### Sharia application

Rulings on the application of the verse by the founders of the **four major schools of Sharia jurisprudence (Hanifa, Maliki, Shafii and Hanbali)**.

#### Tafsir commentary

Commentary from the major **Quranic commentaries**.

## Sources

Information concerning the life, words and deeds of Mohammed comes chiefly from two sources:

**The sira** are the biographies written about Mohammed in the early centuries after his death. Of these the biography of Mohammed, *Sirat Rasul Allah*, by **Ibn Ishaq**, written about 120 years following Mohammed's death for the Abbasid caliph, is by far the fullest extant source of historical information concerning the life of Mohammed and the establishment of Islam.

Although Ibn Ishaq's biography gives a relatively early and full account of Mohammed's life, Muslims traditionally afford greater prescriptive authority to the **hadith**: accounts of the words and actions of Mohammed, each with a proven chain of narration leading back to one of Mohammed's companions. These tend to be fragmentary, often written with little or no context. The first collections of hadith were collected by jurists to establish authority for their rulings on Sharia law. From the mid-ninth century (about a century after Ibn Ishaq completed *Sirat Rasul Allah*) larger collections were compiled. There are six major collections of hadith recognised by Sunni Islam. All Islamic scholars accept that some hadith are forgeries, and scholars and judges differ over which may be considered authentic. However most treat those contained in the two 'sahih' ('trusted') collections of **Bukhari** and **Muslim** as the most reliable evidence available to Muslims of Mohammed's words and actions.

In the eleventh century **Ali ibn Ahmed al Wahidi** (d. 1075) compiled a collection of hadith relating specifically to the circumstances in which individual verses of the Qur'an came to be announced, the **Asbab al Nuzul**. This is widely regarded within Islam as the most authoritative collection of narration hadiths.

## Translation of the Qur'an

All quotations from the Qur'an are, unless otherwise indicated, taken from *The Study Quran* (2015). However, this translation is cross-referenced with the following fifteen other English translations of the Qur'an, representing secular scholarship and the full spectrum of Islamic traditions<sup>1</sup>:

*The Meaning of the Glorious Quran* (1930) by Muhammad Marmaduke **Pickthall**, British convert to Islam;

*The Holy Qur'an: Text, Translation and Commentary* (1934) Abdullah **Yusuf Ali**, a civil servant of the British Raj, said to be the most used English translation;

*The Koran Interpreted* (1955) Arthur John **Arberry**, non-muslim scholar;

*The Meaning of the Quran* (1972) by Syed Abul A'la **Maududi**, the founder of *Jamaat-e-Islami*, the largest Islamic organisation in Asia;

*The Glorious Qur'an* by Abdul-Majid **Dariyabadi** (Indian, d.1977);

*The Holy Quran (Koran)*, Muhammad Habib **Shakir** (the Ahmadiyya Community – a minority Islamic sect - have asserted that Shakir's translation was plagiarised from a translation by a member of their own community, Maulana Muhammad Ali);

*The Holy Qur'an* (1982) by Shaykh Muhammad **Sarwar**, US Shia;

*Al-Quran, A Contemporary Translation* (1984) by **Ahmad Ali**;

*The Noble Qur'an* (1985) by Muhammad Muhsin Khan and Muhammad Taqi-ud-Din al-Hilali (**Khan & Hilali**), said to be Saudi funded and reflecting Wahabi theology;

*The Qur'an, English Meanings* (1997) **Sahih International**, three US born female converts, Saudi published;

*The Meaning of the Glorious Qur'an* (2001) by Grand Shaykh Hasan Qaribullah and Shaykh Ahmad Darwish (**Qaribullah & Darwish**), of Umm Durman University, Cairo;

*The Qur'an With a Phrase-by-Phrase English Translation* (2005) by **Ali Qarai** of the Islamic College of Advanced Studies;

*The Qur'an: A New Translation* (2009) by Maulana **Wahihuddin Khan**, Indian, peace activist, a former member, later critic of *Jamaat-e-Islami*;

*The Clear Quran* (2012) by **Talal Itani**, Lebanese former engineer;

*The Quranic Arabic Corpus*, a collaborative online research project ([corpus.quran.com](http://corpus.quran.com)) administered by the University of Leeds.

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<sup>1</sup> All accessed via QuranX.com

Verses of the Qur'an in chronological order<sup>2</sup>

Principal verse considered in this paper

Meccan surahs	Medinan surahs	Historical context
96	2	The Hirah
73	8	The Battle of Badr
1	3	The Battle of Uhud
81	33	The Battle of The Trench
92	60	
93	4	
103	99	
108	57	
107	47	
105	13	
114	55	
53	76	
97	65	65.4 Divorce period fixed for wives who have not menstruated.
85	98	
106	59	
75	24	
77	22	
90	63	
54	58	
7	49	
36	66	
35	64	
20	61	
26	62	The Treaty of Hudaibiyah
28	48	
10	5	Conquest of Mecca
12	9	
6	110	
31		
39		
41		
42		
45		
51		
18		
71		
21		
32		
67		
70		
79		
84		
29		

<sup>2</sup> There is no consensus on the exact order of Qur'an verses. This is a simplified version adapted from *The History of the Quran* by Allamah Abu Abd Allah al-Zanjani.

## The Qur'an on the *Iddah* (divorce period)

In {**2.228-8**} the Qur'an prescribes that a man's declaration of divorce is not irrevocable until he has declared the divorce (*talaq*) on three occasions and a period (the *iddah*) following the first declaration of *talaq* has expired, within which his former wife has had three menstrual cycles.

### 2 'The Cow'



Related verses

**228.** Divorced women shall wait shall wait by themselves for three courses and it is not lawful for them to conceal what God has created in their wombs, if they believe in God and the Last Day.

And their husbands have better right to restore them during that time if they desire to make peace. The women are owed obligations the like of which they owe. In an honourable way.

And men have a degree over them.

And God is Mighty, Wise.

**229:** Divorce is twice. Then keep [her] honourably or release [her] virtuously.

It is not lawful for you to take aught from what you have given [your wives], except that the two should fear that they would not uphold the limits set by God.

So if you fear that they will not uphold the limits set by God there is no blame upon the two in what she may give in ransom.

These are the limits set by God; so transgress not against them. And whosoever transgresses against the limits set by God, it is they who are the wrongdoers.

**Surah 65** adds further rules, including the establishment an *iddah* period for situations where the woman does not menstruate.



### Surah 65 'Divorce'

4. As for those of our women who no longer await menstruation, if you are unsure, then **their waiting period is three months, as it is for those who are yet to menstruate.**

But as for those who are pregnant their term is until they deliver.

And whoever reverences God, he will appoint ease for his affair.

### Translation notes

The majority (nine) of the alternative English translations considered include the word 'yet' in the second category of person whose *iddah* is set three months, ie "*Those who have not yet menstruated*"<sup>3</sup>. This indicates that they regard this verse as referring to people whom one would expect will menstruate at some time: realistically girls who have not yet had their first period.

Of the seven of the translations considered that do not include the word 'yet', three place the lack of menstruation in the past tense:

Corpus: "...the ones who not [they] menstruated"

Shakir: "...those too who have not had their courses"

Sahih International: "...those who have not menstruated"

and four in the present tense:

Pickthall "...those who have it (menstruation) not"

Yusuf Ali: "...those who have no courses"

Sarwar: "...those who do not experience menstruation"

Khan & Hilali: "...those who have no courses"

Although of these Khan & Hilali also adds the explanation in parentheses "(i.e. they are still immature)"

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<sup>3</sup> Maududi, Talil Itani, Wahihuddin Khan, Ahmad Ali, Arberry and Dariyabadi, with Ali Qarai using the form "*Those who have not yet had menses*".

It is suggested that the translation by Corpus an online cooperative project including a large number of translators – has produced a particularly unnatural and tortuous form of words which may well indicate a discussion on how to interpret the verse with an unresolved outcome.

To a non-Arabic reader it seems a fair conclusion to draw that the original Arabic text does not include an equivalent to the English word 'yet' and that therefore the verse is capable of literal application to any female that has not menstruated; but also that the meaning ordinarily given to the verse is that it applies to girls who have not yet menstruated on account of their youth.

## Narration circumstances

Al Wahidi includes two similar accounts dealing with the announcement of **{65.4}** each with different chains of transmission. These are:

ASBAB AL NUZUL

*Narration  
Hadith*

Compiled by  
Ali ibn Ahmed  
Al Wahidi  
(d.1095)

[*Isnid (chain of transmission)*] "... Kallad ibn al-Numan ibn Qays al-Ansari said:

*'O Messenger of Allah, what is the waiting period of the woman who does not menstruate and the woman who has not menstruated yet? And what is the waiting period of the pregnant woman?'*

*And so Allah, exalted is He, revealed this verse".*

**Al Wahidi** on 65.4 (1)

and

*"When the waiting period for divorced and widowed women was mentioned in Surah al-Baqarah, Ubayy ibn Ka'b said:*

*'O Messenger of Allah, some women of Medina are saying: there are other women who have not been mentioned!'*

*He asked him: 'And who are they?'*

*He said:*

*'Those who are too young [such that they have not started menstruating yet], those who are too old [whose menstruation has stopped] and those who are pregnant'.*

*And so this verse ['And for such of your women as despair of menstruation'] was revealed".*

**Al Wahidi** on 65.4 (2)

## Related verses in the Qur'an

Three sexual relationships are approved in the Qur'an:

- ❖ marriage, in which the Qur'an affords men superior rights to women<sup>4</sup> in that a man:
    - is permitted to have up to four wives, **{4.3}**;
    - may, subject to some formalities, divorce his wife as of right, **{2.228-8}** above; and
    - is permitted to strike his wife to enforce her obedience where other sanctions fail **{4.34}**;
  - ❖ sex with 'those one's right hands possesses' **{23.1-5, 70.29-32, 33.50, 4.24}**<sup>5</sup>
- and
- ❖ the sensual reward for pious Muslim men of houris in paradise (many verses including **{44.54}** and **{52.20}**).

Consequently, all the sexual relationships permitted by the Qur'an are presented in terms of male dominance over women in which women's autonomy is either restricted or entirely absent.

The permissibility of marriage between men and young girls accords with this overall context.

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<sup>4</sup> See *The Quran as it was Practised and Preached by Mohammed: Fact Files for Factphiles: 8: Inferior rights for women in marriage and divorce.*

<sup>5</sup> See *The Quran as it was Practised and Preached by Mohammed: Fact Files for Factphiles: 9. Sex is permitted with those one's right hands possess.*

## The Example of Mohammed

The historical record describes Mohammed himself as undergoing a marriage ceremony with his second or third wife, Aisha, when she was only six or seven years old and consummating it when she was either nine or ten. Aisha was the daughter of Abu Bakr, one of Mohammed's closest friends and the first caliph following Mohammed's death.

Ibn Hashim (d. 833), whose biography of Mohammed preserved the bulk of Ibn Ishaq's earlier *Sirat Rasul Allah* added a postscript to it concerning Mohammed's wives<sup>6</sup>. It contains the following excerpt concerning Aisha:



*"He married Aisha in Mecca when she was a child of seven and lived with her in Medina when she was nine or ten. She was the only virgin that he married. Her father Abu Bakr married her to him and the apostle gave her four hundred dhirrams."*

Four of the six standard collections of hadith, including the two collections that are considered the most authoritative - Sahih Bukhari and Sahih Muslim - each include almost identical hadith describing Mohammed and Aisha's *nikah* marriage ceremony and citing her age at that time as six years old, and her age on moving into Mohammed's house as nine years old.



[Isnid: "...Narrated Aisha:]

*"The Prophet engaged me when I was a girl of six (years). We went to Medina and stayed at the home of Bani-al-Harith bin Khazraj. Then I got ill and my hair fell down.*

*Later on my hair grew (again) and my mother, Um Ruman, came to me while I was playing in a swing with some of my girl friends. She called me, and I went to her, not knowing what she wanted to do to me. She caught me by the hand and made me stand at the door of the house. I was breathless then, and when my breathing became alright, she took some water and rubbed my face and head with it. Then she took me into the house. There in the house I saw some Ansari women who said:*

*'Best wishes and Allah's Blessing and a good luck.'*

*Then she entrusted me to them and they prepared me (for the marriage). Unexpectedly Allah's Apostle came to me in the forenoon and my mother handed me over to him, and at that time I was a girl of nine years of age."*

**Sahih Bukhari** (5.58.234)

Essentially the same hadith is found in **Sahih Muslim** (8:3309);

**Sunan Abu Dawood** (41: 4915) and **Sunan Ibn Majah** (1876)

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<sup>6</sup> Located at page 792 of the 29<sup>th</sup> OUP edition of Guillaume's translation of the *Life of Mohammed*.

The same ages (six and nine) are also reported in other hadith contained in the collections of Bukhari (5.58.236); Muslim (3896 and 5158) and Majah (1877).

A further hadith adds the detail, presumably to emphasise her youth, that Aisha took her dolls with her to Mohammed's house.

*"A'isha ... reported that Allah's Apostle married her when she was seven years old, and **she was taken to his house as a bride when she was nine, and her dolls were with her**; and when he (the Holy Prophet) died she was eighteen years old."*

**Sahih Muslim** (8.3311, with similar hadith at 3309 and 3310)

The chains of narration for all the cited hadith include Hisham ibn Urwa who was the grandson of Aisha's sister Asma, and who claimed to have received information from his father, her nephew.

Some hadith describe Mohammed having married Aisha following a dream in which the Angel Jabril appeared to him with a roll of green silk including Aisha's picture and saying: *"This is your wife"* (Sahih Bukhari 5.58.235 and 9.87.140) or *"This is your wife in this world and the next"* (Hadith Tirmidhi 1644).

Bukhari contains a hadith suggesting that Abu Bakr was initially reluctant for the marriage to take place:

*"The Prophet asked Abu Bakr for `Aisha's hand in marriage.*

*Abu Bakr said:*

*'But I am your brother.'*

*The Prophet said:*

*'You are my brother in Allah's religion and His Book, but she (Aisha) is lawful for me to marry.'"*

**Sahih Bukhari** (7.62.18)

Aisha's age is now contested by some, although the sources for it are many, unchallenged until very recent times, and represent the traditional, orthodox Islamic record of Mohammed's life.

## Islam After Mohammed

The century after Mohammed's reported traditional death in 632 saw Arab armies conquer large parts of the Byzantine Empire in the Middle East and North Africa, most of Spain, the whole of the Sassanian Empire (Persia), large tracts of central Asia and as far east as Sindh (in modern Pakistan).

It is debatable how 'Islamic' these armies were. For sixty years until the building of the mysterious Dome of the Rock in Jerusalem they left no identifiably Islamic monuments and continued to mint coins with crosses on. Up to the Abbasid revolution in 750 there was no Islamic book written and the words Muslim, and Qur'an were not mentioned in the chronicles of the people they conquered: other than a contemptuous account of four books of the Qur'an by a Christian official, John of Damascus.

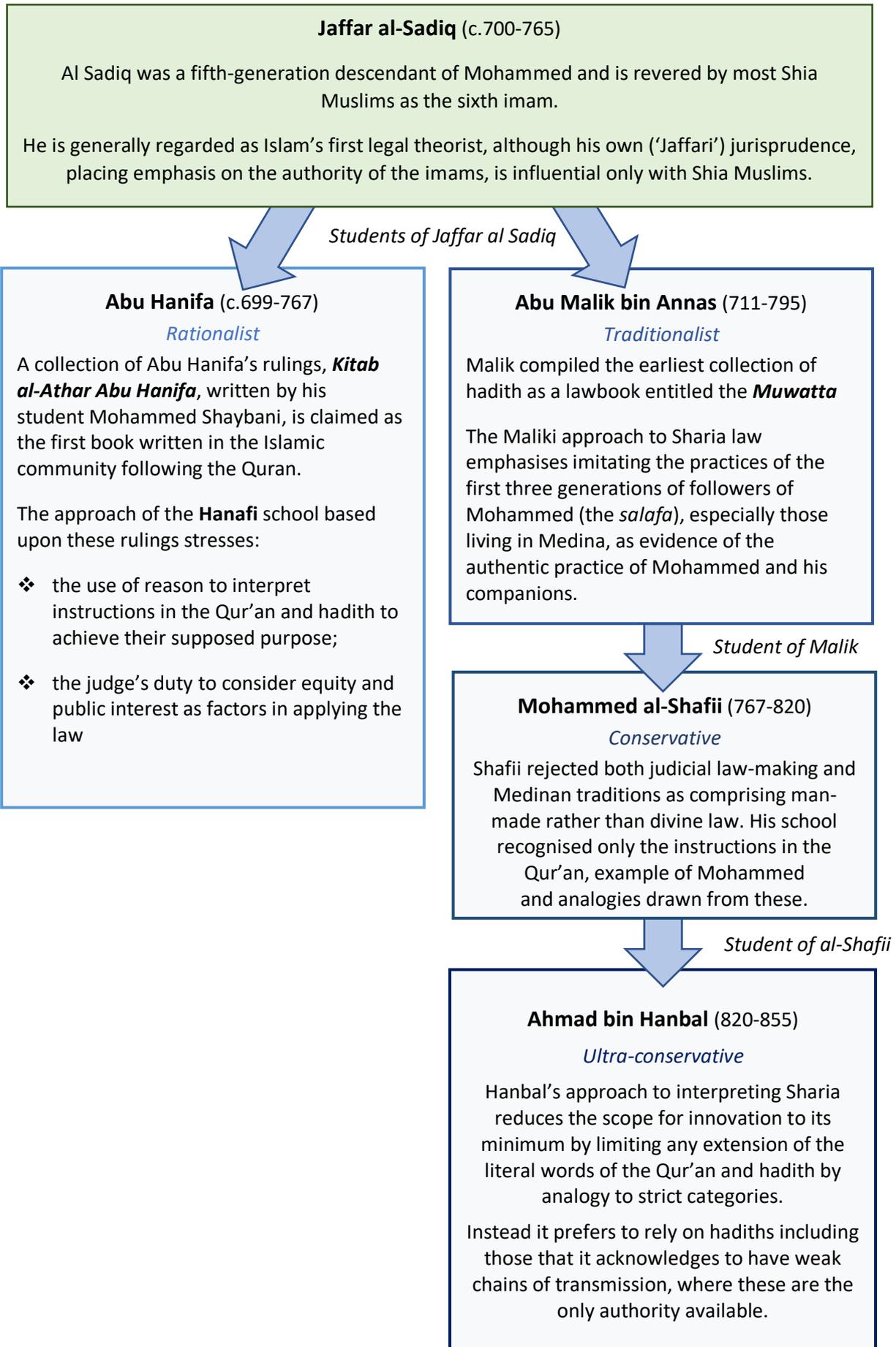
According to the traditional Islamic narrative this was a period of brutal and bloody power struggles amongst Mohamed's most followers that commenced even as Mohammed was being buried and included his closest companions. Later doctrinal differences would emerge between the parties that would become Sunni and Shia Muslims, but in the beginning there was no sign that the differences were driven by any issue of any doctrine beyond the issue of who possessed the authority to lead the community.

See *Who Wrote the Qur'an?* On the IRG website

## The four great Sunni *Sharia* jurists

Following the establishment of the Abbasid Caliphate the earliest known attempts to arrange the Quran's instructions into a legal framework were made. Today the vast majority of Muslims follow one of the four schools of *Sharia* law (*fiqh*) that developed from the approaches of Abu Hanifa, Abu Malik ibn Anas, Mohammed ibn Idris al Shafii, and Ahmad ibn Hanbal

## The four great Sunni Sharia jurists



## The four great Sunni jurists and sex with premenarchal girls

In *Kitab al-Athar Abu Hanifa*, Shaybani recorded a judgment from Abu Hanifa addressing the scenario that a girl were to have her first menstrual period during the iddah, making it unambiguously clear that his understanding of the verse was to regulate the divorce, and therefore recognise the marriage, of premenarchal girls.

Muhammed [Shabani] said:



*“Abu Hanifa informed us from Hammad that Ibrahim said:*

*‘If a man divorces his wife **and she is a girl and she is not menstruating**, let him reckon her iddah by months. However if she then menstruates before the months are over, she should not reckon her iddah by months but by menstrual periods.’”<sup>7</sup>*

The pre-eminent Shafi'i legal text is *Umdat al Salik* (the *Reliance of the Traveller*) by Ahmad ibn Naqib al-Misri (completed 1368) explicitly confirms on three occasions the permissibility of marriage to premenarchal girls.



*“A guardian may not marry his prepubescent daughter to someone for less than the amount typically received as marriage payment by similar brides, nor marry his prepubescent son to a female who is given more than the amount typically received. If he does either of these the amount stipulated is void and the amount typically received is paid instead.”<sup>8</sup>*

*“A waiting period is obligatory for a woman divorced after intercourse, **whether the husband or wife are prepubescent**, have reached puberty, or one has and one has not”.<sup>9</sup>*

*“The waiting period for a woman who does not menstruate, whether prepubescent or post menopausal, is three months...”<sup>10</sup>*

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<sup>7</sup> 466

<sup>8</sup> M 8.2

<sup>9</sup> N 9.2

<sup>10</sup> N 9.9

## Tafsir (Commentaries on the Qur'an)

Of the two earliest tafsir, the author has been unable to source a complete English translation of **Tafsir al Tabari** and the tafsir of **Tustari** (a ninth century sufi) contains no commentary on **65.4**.

Ibn Kathir's classical Quranic commentary refers to both the hadith referring to the narration of the **65.4**. Based upon those and his understanding of the meaning normally given to the verse he wrote:



(c.1360)

Most widely  
used Quran  
commentary

*“Allah the Exalted clarifies the waiting period of the woman in menopause. And that is the one whose menstruation has stopped due to her older age. Her `Iddah is three months instead of the three monthly cycles for those who menstruate, which is based upon the Ayah in (Surat) Al-Baqarah. see **2:228**.”*

***The same for the young, who have not reached the years of menstruation. Their `Iddah is three months like those in menopause. This is the meaning of His saying; (‘and for those who have no courses..’).***”

## Conclusion and Comment

Muslims believe that the Qur'an:

- contains the verbatim words of God,
- is intended to be prescriptive, to guide mankind as to the social order that God wishes; and
- may never be reviewed or amended.

The ordinary interpretation reading of the Qur'an {65:4} is that it regulates divorce law for women who have ceased to have periods (due to pregnancy or age) or girls who have yet to menstruate due to their youth. Divorce procedures for premenarchal girls implies as a necessity endorsement of the marriage of such girls.

A possible alternative explanation that has recently been proposed for this verse is that it makes arrangements that cater for adult women who suffer from primary amenorrhea (the absence of menstruation in adult women who have never menstruated).

This interpretation seems unlikely to be the originally intended meaning, for the following reasons:

1. The Qur'an rarely makes exceptions in its rules for illness and disability. So:
  - ❖ in {9.91} fighting is excused to those who are weak and sick, making no reference to other disabilities that make fighting impractical such as blindness or the absence of limbs;
  - ❖ the Qur'an makes no allowance for those who lack limbs in the physical requirements for praying or performing ritual ablutions;
  - ❖ and the sharia provisions contain no reference to mental illnesses.

It would be a remarkable exception to this presumption of physical and mental health that in a verse that carries a meaning that applies to all females, would have been intended to carry a far less obvious meaning to accommodate a condition that (at the present time) affects less than 1% of women.

2. This is a novel interpretation that conflicts with:
  - the two accounts of the narration of the verse, collected by al Wahidi, that it was a response to questions about the *iddah* period for "*Those who are too young [such that they have not started menstruating yet], those who are too old [whose menstruation has stopped]*"; and
  - the interpretation consistently given to 65.4 by jurists and commentators that it relates to "*the young, who have not reached the years of menstruation*";

which were, to the best of this writer's knowledge, unchallenged for fourteen centuries.

Moreover the permissibility of marriage to young girls is in keeping with the overall presentation of sexual relationships within the Qur'an and the example of Mohammed as it is recorded in the sira and numerous of the most authoritative hadith, again unchallenged until very recent times.

Modern public opinion has developed a particularly strong abhorrence of the sexualisation of children by adults. Under the Sexual Offences Act 2003 any sexual intercourse with a girl under the age of thirteen would constitute rape.

**Consequently making the greatest possible allowance for different social conditions prevailing in Mohammed's time, the Qur'an, given its plain and originally intended meaning and as practised and preached by Mohammed are inconsistent with modern values concerning the protection of children.**