
The Islamaphobe's Glass House

Refuting the Claim that
Prophet Muhammad was a
Pedophile

Ibn al-Hashimi

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Disclaimer

In this book, I will address Islamaphobes. A great many of these Islamaphobes identify themselves as Jews and Christians. However, I recognize that these Islamaphobes only make up a small percentage of the Jews and Christians overall. Although the Islamaphobes may well be the loudest voices amongst the Jews and Christians in the West, I recognize that they are only self-appointed leaders of the faith, and they do not represent the vast majority of well-meaning Jews and Christians. The Quran, while it does criticize some Jews and Christians (as well as some Muslims), nevertheless recognizes that not all Jews and Christians are alike. The Quran declares:

Not all of them are alike: Of the People of the Book (Jews and Christians) are a portion that stand for the right. They rehearse the Signs of God all night long, and they prostrate themselves in adoration. They believe in God and the Last Day; they enjoin what is right, and forbid what is wrong; and they strive with one another in hastening to good works. They are in the ranks of the righteous.

(Quran, 3:113-114)

In the process of defending my religion against Jewish and Christian Islamaphobes, I pray that I do not offend well-meaning Jews and Christians in the process. I apologize in advance for any unintended harshness on my part. In the words of Saladin:

Victory is changing the hearts of your opponents by gentleness and kindness.

Any good that I bring is from God Most High; only the faults are mine.

Ibn al-Hashimi

Introduction

The Glass House

Islamaphobes claim that Prophet Muhammad (peace be upon him) was a pedophile, arguing that he married Aisha (peace be upon her) when she was too young. Islamic Law (*Shari'ah*), say these critics, condones pedophilia by allowing marriage to children. Most of these Islamaphobes come from Jewish and Christian backgrounds. Yet, the truth is that these Jews and Christians live in a great big glass house; in this book, we will throw stones at this house and completely shatter it. Islamic Law (*Shari'ah*) does in fact allow *some* nine year old girls to be married. But as we shall prove in this book, Jewish Law (*Halacha*) sets the minimum age of marriage at three years of age, whereas Christian Law asserts that the absolute minimum age of marriage is seven years old.

First, we will cite the Jewish and Christian Law from a theological standpoint. Then, we will establish the historical proof that Jews and Christians routinely married their daughters off at an extremely young age—younger than Aisha (peace be upon her). After this, we will cite numerous examples of Christian prophets, saints, popes, kings, royals, and nobles who either themselves married girls of such a young age or who actively condoned it.

After having dealt with the Jewish and Christian criticism, we will shift our focus to the rest of the world, proving that marriage at such a young age was something considered normal in *all* ancient civilizations. We will cite so many examples from so many cultures that it will leave the staunchest Islamaphobes at a loss for words. Finally, we will look at the Islamic Law, the Prophet's marriage to Aisha (peace be upon her), and the medico-legal aspects of pedophilia.

The honest reader will become convinced, the stubborn opponent will be routed, and the truth-seeker will be guided to the path of Islam. God Willing.

Ya Allah (O God), sharpen my pen and make my task easy.

Age of Marriage Under Jewish Law

The Jewish website, *Jewfaq.org*, says:

The minimum age for marriage under Jewish law is 13 for boys, 12 for girls; however, the kiddushin [betrothal] can take place before that, **and often did in medieval times.**

(JewFaq.org, <http://www.jewfaq.org/marriage.htm>)

The age of twelve approximates the commencement of puberty. According to Jewish Law, marriage at this age is not just allowed, but rather it is actively *encouraged* and fathers are advised to quickly wed their pubescent daughters. We read:

One passage that would echo long and loud for Ashkenazic Jews throughout the Middle Ages held that a man who marries off his sons and daughters **near the period of puberty** (samukh le-firkan) will receive the scriptural blessing: “you shall know that your tent is in peace” (Job 5:24), 101 evidently understood to mean that if one’s children were married, they would not succumb to sexual temptation” (Biale, 1997:p49-50)[95]

(G.U.S.: A World Reference Atlas, <http://www2.rz.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/MIDDLEEASTOLD.HTM>)

So Jewish Law allows men to marry twelve year olds, whom today would be considered “child brides”. But the plot thickens! Even the age limit of twelve is not absolute. Rather, twelve years old is merely the age at which a girl can *herself* decide to get married. Before that, however, her father can have her married off, without her permission.

We read from the website of the *Special Rapporteur* to the United Nations:

According to Jewish religious law (*halacha*), which in Israel confers validity on the marriage of Jews conducted within its borders, it is possible to marry a young

girl **of any age**, but the girl herself may decide to marry only when she has reached the age of 12 and a half.

(U.N. representative, <http://www.right-to-education.org/content/age/israel.html>)

The authoritative Jewish website, *AskMoses.com*, says:

What is the minimum age of marriage according to Jewish law?

by Rabbi Naftali Silberberg

...In ancient (and not so ancient) times however, marriage was often-times celebrated at a rather young age. Although we do not follow this dictum, technically speaking, a girl may be betrothed the moment she is born, and married at the age of three. [Shulchan Aruch, Even HaEzer 37:1.] A boy may betroth and marry at the age of thirteen. [Shulchan Aruch, Even HaEzer 43:1]

(AskMoses.com, <http://www.askmoses.com/article.html?h=573&o=2488>)

The Talmud recommends that a daughter be given in marriage at around the age of twelve (i.e. the commencement of puberty), but Jewish fathers were historically allowed to marry their daughters off even before that age. Surprisingly, the wife could be as young as three years old. According to Jewish Law, such marriages were officially sealed by the man having sex with the baby. We read:

In the ancient world, Jewish law seemed to require an act of intercourse for a betrothal to be recognised. The Mishnah said: "**A girl three years old and one day may be betrothed by intercourse [...]**" (Mishnah, Nid. V. 4). Maimonides (A. D. 1180) states: "If she is three years and one day old she may be betrothed by an act of intercourse, with the consent of her father. If she is less than that, and her father has her betrothed by an act of intercourse, she is not betrothed" ([1972:p18][78]). Edwardes (1967a:p168)[79]: "The early-marriage tradition of Israel found acceptance in Christendom, whose precocious children bedded and

wedded at or **even before puberty...At the time of St. Paul, girls were married at puberty or a little before.**

(G.U.S.: A World Reference Atlas, <http://www2.rz.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/MIDDLEEASTOLD.HTM>)

Although twelve was set as the *recommended* age, Jewish fathers were marrying their daughters off well before that. We read:

Although the Talmud recommended that a daughter be given in marriage when *na'rah*, between the ages of twelve and twelve and a half, a father could marry her off well before that time...16th century Jewish history reveals a prevalence of girl "child" marriage, many of whom were between 12 and 14 years of age (Lamdan, 1996)[86]

The early marriage age may be attributed to several factors: an attempt to prevent the temptation of sexual relations before marriage; the effort to arrange the best possible match both socially and economically; the insecurity of diaspora Jews during the age of expulsions from Spain and Ottoman expansion, moving them to establish ties that would assure the children's financial future; and the desire to raise a new generation of Jews as quickly as possible to assure the continuity of their people.

(G.U.S.: A World Reference Atlas, <http://www2.rz.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/MIDDLEEASTOLD.HTM>)

According to many Jewish scholars, a girl should be married off as soon as she hits puberty and no later. The *Jewish Encyclopedia* says:

Age for Marriage

The first positive commandment of the Bible, according to rabbinic interpretation (Maimonides, "Minyan ha-Mizwot," 212), is that concerning the propagation of the human species (Gen. i. 28). It is thus considered the duty of every Israelite to

marry as early in life as possible...Some urge that children should marry as soon as they reach the age of puberty.

(Jewish Encyclopedia,

<http://www.jewishencyclopedia.com/view.jsp?letter=M&artid=216>)

In the journal entitled *Women in Judaism*, we find that Jews were still marrying at the age of puberty up until World War I:

A Daughter's Coming of Age

In earlier days, girls got married at the age of nine...[following the] custom of marrying daughters at age eight to ten...if the maiden does not get married until the age of fifteen she has no hope of marriage, because she would be considered an old maid...At the end of the nineteenth century, despite these regulations, families still married their daughters at the age of twelve and thirteen...On the eve of World War I, the situation changed somewhat for the better when the legal age for marriage was raised to fifteen.

(Women in Judaism: A Multidisciplinary Journal,

<http://www.utoronto.ca/wjudaism/journal/vol3n2/sehayek.html>)

Jewish girls “got married at the age of nine”, a practice which continued up until “the eve of World War I”. Why then are the Jews criticizing Prophet Muhammad (peace be upon him) for marrying Aisha (peace be upon her) at the age of nine? Is this not hypocrisy? Is this not a case of living in a glass house and throwing stones? Why is it that Christian adversaries condemn Muslims but say nothing at all to their Jewish counterparts?

To conclude, we close with the words of Mark E. Pietrzyk:

According to the Talmud, the recommended age for marriage is sometime after twelve for females, and thirteen for males. Marriage below these ages was generally frowned upon. However, a father was allowed to betroth his daughter to another man at an earlier age, and sexual intercourse was regarded as a valid

means of sealing a betrothal. The age limit for betrothal through sexual intercourse was shockingly low. According to the Talmud, “A girl of the age of three years and one day may be betrothed by intercourse.”

(Mark E. Pietrzyk, http://www.internationalorder.org/scandal_response.html)

Age of Marriage Under Christian Law

We have shown how the *Jewish Encyclopedia* says that under Jewish Law girls can marry at the age of twelve or even younger than that; let us now see what the *Catholic Encyclopedia* says of Christian laws with regards to marriage. The *Catholic Encyclopedia* says:

The marriageable age is fourteen full years in males and twelve full years in females, under penalty of nullity (unless natural puberty supplies the want of years [i.e. if puberty occurs before the age of twelve])... The canonical age holds in England, Spain, Portugal, Greece (Ionian Isles excepted, where it is sixteen and fourteen), and as regards Catholics even in Austria. While in some parts of the United States the canonical marriage age of fourteen and twelve still prevails, in others it has been enlarged by statutes.

(Catholic Encyclopedia, <http://www.newadvent.org/cathen/01206c.htm>)

Elsewhere, the *Catholic Encyclopedia* says:

By the common law, the age at which minors were capable of marrying, known as the age of consent, was fixed at fourteen years for males and twelve years for females. Marriages under the age of seven years for both were void, but between seven and the age of consent [14 for males, 12 for females] the parties could contract an imperfect marriage, which was voidable but not necessarily void.

(Catholic Encyclopedia, <http://www.newadvent.org/cathen/09691b.htm>)

Although twelve was the general guideline, Christian fathers were allowed to marry their daughters off even before that. We read:

Medieval Christianity continued to maintain the age of twelve as a minimal age for females to enter into marriage. However, even this low age limit was not absolute. Using natural law logic, Catholic authorities argued that the decisive factor which determined a child's readiness for marriage and sexual relations was

the onset of puberty, and not necessarily age as such. According to one Catholic scholar, "If it could be satisfactorily proved that puberty . . . was actually attained by the boy before the completion of his fourteenth year, or by the girl before the completion of her twelfth year, then . . . the party could enter upon a valid marriage." [1]

(Mark E. Pietrzyk, http://www.internationalorder.org/scandal_response.html)

Similar to Jewish Law, Christian Law differentiated between the minimum age of marriage and the *absolute* minimum age of marriage. Twelve years old was the minimum age of marriage, called the age of *consent*; in other words, a girl had to be twelve years old before should could arrange her own marriage. But the *absolute* minimum age of marriage was in fact *seven* years of age, during which time her father could arrange her marriage without her permission. In the *Journal of Psychology and Human Sexuality*, we read:

Age of Consent: A Historical Overview

Age of Consent throughout history has usually coincided with the age of puberty although at sometimes it has been as early as seven...The Roman tradition served as the base for Christian Europe as well as **the Christian Church itself which generally, essentially based upon biological development, set it at 12 or 14 but continued to set the absolute minimum at seven.** In the past century there has been a tendency to raise the age of consent but the reasons for the change have not always been clear and the issue has been further complicated by the reluctance of many contemporary historians to recognize what the actual age of consent in the past has been. This failure has distorted the importance of biology on age of consent in the past.

(Age of Consent: A Historical Overview,

<http://www.haworthpress.com/store/ArticleAbstract.asp?sid=XH16E3FKBF7Q9P3MKLPC82LUJNKC41U5&ID=87429>)

[1] O'Dea, 1-3; Rush, 30-3

Saint Thomas Aquinas, considered by Catholics to be the greatest theologian of all time, wrote in *The Summa Theologica*:

If the parties are betrothed by another person [i.e. the father] before they reach the age of puberty, either of them or both can demur; wherefore in that case the betrothal does not take effect, so that neither does any affinity result therefrom. Hence a betrothal made between certain persons by some other takes effect, in so far as those between whom the betrothal is arranged do not demur when they reach the proper age, whence they are understood to consent to what others have done.

(The Summa Theologica of St. Thomas Aquinas,
<http://www.newadvent.org/summa/5043.htm>)

In other words, pre-pubertal marriages arranged by the father are recognized by the Church. Once the girl reaches puberty, she has the option of nullifying the marriage. However, there is a big catch to this: if the man has sex with the pre-pubertal girl, then she can no longer nullify the marriage. Catholic popes argued that even if marriage took place before twelve years of age *and before puberty*, then such a marriage would still be binding by the law. We read:

Sexual intercourse which took place before marital age limits or puberty was not necessarily illicit or sinful. On the contrary, some popes ruled that intercourse below the age of twelve/fourteen had the effect of sealing a marriage contract, as long as such intercourse took place after the age of discretion, which was seven.
[2] Once intercourse had taken place, the marriage could not be annulled.

(Mark E. Pietrzyk, http://www.internationalorder.org/scandal_response.html)

This is a very important point, and shatters the glass house that the Christians live in. The popes—who, due to the backing of the Holy Ghost, are considered infallible when they issue such religious edicts—ruled that a girl could be married off after the age of

[2] Rush, 32-34.

seven, before the age of consent. In other words, she could be married against her will. If the husband had sex with her (even against her will), then this sealed the marriage and the girl could not annul the marriage. In the twelfth century, Pope Alexander III ruled:

If a girl of tender age is betrothed and delivered to her husband, and afterwards desires to marry a different man, her petition is not to be granted if her husband swears that he has had carnal knowledge of her even at the early age of eleven or twelve. [3]

The Christian scholars ruled that even if a seven year old girl had sex before reaching the age of puberty, the fact that she had sex proves that she was mature enough to be married. In other words, the minimum criteria to marry a girl is that a man can have sex with her. When a man wants to marry a young girl, all he has to do is marry her and then have sex with her. In a very circular logic, the sex he had with her will validate his marriage and prevent an annulment. Christian Law therefore dictates that it does not matter how young a girl is, or whether or not she has attained the age of puberty; all that truly matters is that her husband can penetrate her and have sex. Once he does this, nobody can oppose or annul the marriage.

C. Yandell writes in "Carpe Corpus: Time and Gender in Early Modern France":

In canon law, puberty normally determines marriageable age, although the minimum age for marriage is seven years, "the age of reason", when a child is deemed capable of consent. The lawyer Estienne Pasquier notes that the *Digest* compiled by Justinian specifies fourteen years for men, twelve for women, but, he adds, if one is capable of carnal cohabitation before this age, marriage is permitted.

(Carpe Corpus: Time and Gender in Early Modern France, by Cathy Yandell
p.37,

http://books.google.com/books?id=YXs1A_xAXp8C&pg=PA37&lpg=PA37&dq

[3] Quoted in John Fulton, *The Laws of Marriage* (New York: E. and J.B. Young, 1883), 112.

[=noblewomen+married+early&source=web&ots=q6KGHQigfa&sig=0Pv95S0Z7pBtjVz9GZHBuWc53ho#PPP1,M1\)](https://www.google.com/search?q=noblewomen+married+early&source=web&ots=q6KGHQigfa&sig=0Pv95S0Z7pBtjVz9GZHBuWc53ho#PPP1,M1)

We read further:

Thus even for very young partners, the act of intercourse bound the two of them together for life. As one Catholic scholar has written, “carnal relations between the parties seemed to indicate sufficient maturity and made up for the defect of years.” [4] Sexual intercourse below the age of discretion (seven) was not a crime, but merely “invalid,” and thus, inconsequential, as under Jewish law. [5]

Parents arranged marriages for their pre-pubescent children during the Middle Ages for a variety of dynastic, economic, and cultural reasons. [6] Such marriages were usually consummated at the age of twelve. Although physicians warned of the dangers of impregnating very young girls and implored husbands to wait until the wife reached the age of at least fourteen, such warnings usually went unheeded, and the Catholic Church continued to bless marital bonds with twelve-year-old girls. [7]

Although technically the consent of the child was necessary for a marriage to take place, the child was usually not in a position to challenge his or her parents and resist an unwanted union. This led to a number of abuses which went unchallenged by the Church. In 1526, the Dutch scholar Erasmus complained,

“It is no uncommon case, especially in France, for a girl of scarce ten years to be married and a mother next year. . . . It seems portentous, and yet we sometimes see it, especially in Britain and Italy, that a tender child

[4] O'Dea, 8.

[5] For an example, see Charles Edward Smith, *Papal Enforcement of Some Medieval Marriage Laws* (Port Washington, NY: Kennikat Press, 1940), 142-44.

[6] V.H.H. Green, *Medieval Civilization in Western Europe* (London: Edward Arnold Ltd., 1971), 184-85

[7] William J. Fielding, *Strange Customs of Courtship and Marriage* (New York: The New Home Library, 1942), 166-68.

is married to a septuagenarian [i.e. a man in his seventies]. . . . Yet Church laws do not rescind such nuptials” [8]

In later centuries, some Christian commentators would denounce sexual relations with young girls as being equivalent to rape. In the sixteenth century, canonist Egidio Bossi argued for this interpretation on the grounds that a child could hardly be considered as being in a position to give consent. However, he recommended that the age of consent be fixed at only six or seven years of age. [9]

At the Council of Trent in the sixteenth century, there was some discussion among the Church leadership about possibly raising the age for marriage. Cardinal Charles De Guise of Lorraine, France, advocated raising the age of marriage for women to twenty and for men to twenty-five. The bishop of Cordia, Spain, argued for the ages of twenty for women and twenty-two for men. However, the majority of those on the Council were opposed to raising the age for marriage on the grounds that adolescents would be tempted to commit fornication unless they were permitted to marry. The conservatives prevailed: the age limit remained at twelve for females and fourteen for males. [10]

(Mark E. Pietrzyk, http://www.internationalorder.org/scandal_response.html)

In a paper published at a symposium on Byzantine Studies, we read:

Baptism, usually at birth, was the fundamental rite of incorporation into the body of Christ and the Church...Betrothal, **sometimes as early as the age of five**, marked another stage in the child's social incorporation.

(Byzantine Studies: 2006 Spring Symposium,
http://www.doaks.org/byz_2006_symposium_abstracts.html)

[8] Quoted in G.G. Coulton, *Medieval Panorama* (New York: MacMillan, 1944), 639.

[9] "Rape and Marriage in the Medieval Canon Law," in James A. Brundage, ed., *Sex, Law and Marriage in the Middle Ages* (Brookfield, Vermont: Ashgate, 1993), 67.

[10] O'Dea, 4-6

Aisha (peace be upon her) was around the age of puberty when she married. Christians criticize the Prophet's marriage to her on the grounds that she was too young. Yet, Christian Law not only allowed girls to marry at the age of puberty, but rather it was *encouraged* by the Church to marry at this young age. In an article entitled "The Practice and Theory of Marriage in Roman North Africa", we read:

Other canons require that lectors, upon reaching puberty, should either marry or take vows of celibacy.

(The Practice and Theory of Marriage in Roman North Africa,
<http://people.vanderbilt.edu/~james.p.burns/chroma/marriage/huntermar.html>)

In the article entitled "Marriage: Laws and Customs", we read:

Legal Age for Marriage

Roman law gave the minimum age for marriage as that of puberty which was 14 for boys and 12 for girls; these remained the legal age for marriage until the late 19th Century in Britain...There is however evidence that child marriages were reasonably common in North West England in the 16th century...

(Marriage: Laws and Customs, <http://www.isle-of-man.com/manxnotebook/famhist/genealogy/marr.htm>)

In an article entitled "Law, Sex, and Christian Society in Medieval Europe", we read:

Ordinary people who chose not to devote their lives to ascetic observances were often advised that their best defense against the ever present urge to copulate was to marry early. For this reason, St. Chrysostom warned parents to see to it that their children married soon after they reached the age of puberty.

(Law, Sex, and Christian Society in Medieval Europe,
<http://www.pinn.net/~sunshine/book-sum/medev11.html>)

When girls neared the approximate age of puberty, they were considered marriage material. These pre-pubescent and pubescent girls were *routinely* married off to men who were the same age as their *grandfathers*. We read:

Christian canon law followed Roman law in setting the minimum age of marriage at twelve for females and fourteen for males. The logic behind these marital age limits was that these were the approximate ages of puberty for both genders, indicating readiness for procreation. In ancient Rome, among both pagans and Christians, marriage at an early age was frequent. Betrothals often occurred even before puberty, although the consummation of marriage through intercourse usually did not take place until after the girl's first menstruation. Very often, the age of discrepancy of marriage partners was great. According to one historian, "the matching of a man with a woman young enough to be his daughter or even granddaughter was generally accepted." [11]

(Mark E. Pietrzyk, http://www.internationalorder.org/scandal_response.html)

[11] Treggiari, 102; John C. O'Dea, *The Matrimonial Impediment of Nonage* (Washington, DC: Catholic University of America Press, 1944), 1.

Historical Age of Marriage in Western Countries

Age of Marriage During Biblical Times

It is ironic that Christian missionaries attack Prophet Muhammad (peace be upon him) for his marrying Aisha (peace be upon her) at such a young age, but we find that this was the normal age of marriage during *Biblical* times. *Theology.edu*, a website maintained by a reputable Christian ministry, clearly mentions in an article entitled “Ancient Israelite Marriage Customs” that the age of marriage was around the age of puberty:

The wife was to be taken from within the larger family circle (usually at the outset of puberty or around the age of 13) in order to maintain the purity of the family line.

(Jim West, ThD; <http://www.theology.edu/marriage.htm>)

In the book entitled *Life in Biblical Israel*, a Christian priest writes:

It is safe to assume the bride was considerably younger than the groom, and childbearing would have begun shortly after puberty.

(Life in Biblical Israel, p.58,

http://books.google.com.pk/books?id=OtOhypZz_pEC&dq=life+in+biblical+israel&pg=PP1&ots=k_Uryl4rgv&sig=gbiH8WI_FNKI7tA9nMra9m3LcLo&prev=http://www.google.com.pk/search?hl=en&q=Life+in+Biblical+Israel+&btnG=Google+Search&sa=X&oi=print&ct=title&cad=one-book-with-thumbnail#PPR2.M1)

In the book *Ancient Jewish Epitaphs*, we read:

For Jewish women—as for women in antiquity generally—marriage was often entered into early. We do not have many inscriptions recording the age at which women were married, but the few who record it mention ages ranging from 12...

(Ancient Jewish Epitaphs, p.103-104,

<http://books.google.com/books?id=F549XluX9DQC&pg=PA104&lpg=PA104&d>

[q=average+age+of+marriage+ancient&source=web&ots=YzZVYI4Ok6&sig=JmuMAO3YgRnYQFVLOcsHCuQDFd8#PPA103,M1\)](https://www.google.com/search?q=average+age+of+marriage+ancient&source=web&ots=YzZVYI4Ok6&sig=JmuMAO3YgRnYQFVLOcsHCuQDFd8#PPA103,M1)

[Age of Marriage in Rome](#)

According to *About.com*:

In Ancient Rome...young girls were often married off when they were between the ages of twelve and fourteen.

(About.com, <http://marriage.about.com/cs/teenmarriage/a/teenmarriage.htm>)

In the book entitled *The Age of Marriage in Ancient Rome*, we read:

Traditionally in pre-modern societies, AAFM [age at first marriage] for girls corresponded with the visible onset of puberty. In these early societies, high mortality rates demanded an offsetting high-birth rate. As a result, younger marriages were required to facilitate population growth.

(The Age of Marriage in Ancient Rome, <http://osdir.com/ml/education.publications.bryn-mawr-classical-review/2006-05/msg00028.html>)

In a scholarly article about the Roman Empire, we read that marriage would oftentimes precede the onset of puberty:

Durry (1955a/b/c, 1956)[48] had argued that Roman girls were married before puberty, that puberty was not important in fixing the age of marriage, and that such early marriages **were consummated before puberty**...

Taking into consideration epigraphic and literary material, Hopkins concludes that "[w]hether pre-pubertal or not, girl's age at marriage was by our standards very young and marriages were generally immediately consummated" ...

At least one author believed that a girl "should be married and deflowered as soon as she reaches puberty (i.e., the socially determined age of puberty)..."

Psychohistorians[66] cite Rouselle (1988:p33) in arguing that Roman misconceptions about the hymen "could only be the result of girls being deflowered before puberty", being lawfully married before puberty.

(Janssen, D.F.; Oct 2002. G.U.S.. Volume I: World Reference Atlas. Interim Report. Amsterdam, The Netherlands, http://www2.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/HISTORYCHHS.HTM#_Toc26337172)

In the article "The Age of Roman Girls at Marriage", we read:

In fact menarche (onset of menses) was not always a pre-condition of marriage; nevertheless marriages were usually consummated immediately...they (pre-pubertal marriages) were not exceptional and were condoned.

(The Age of Roman Girls at Marriage, <http://links.jstor.org/sici?sici=0032-4728%28196503%2918%3A3%3C309%3ATAORGA%3E2.0.CO%3B2-Q&size=LARGE&origin=JSTOR-enlargePage>)

The age of seven was in vogue:

Around AD 530, and at least as far back as the reign of Augustus, the legal minimum age of marriage for girls was 12 and for boys 14 (Hopkins, p313n22)...At least for the aristocracy, early ages are frequently mentioned. Betrothal could take place within a poorly defined period before this age; **at least it must be assumed that a minimum legal age of seven was in vogue** (p313n23)[49] ... Plutarque (historian, philosopher), and Soranus (doctor, practising at Rome), both Greeks, implied that early marriage (12 or before) and defloration would occur...

(Janssen, D.F.; Oct 2002. G.U.S.. Volume I: World Reference Atlas. Interim Report. Amsterdam, The Netherlands, http://www2.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/HISTORYCHHS.HTM#_Toc26337172)

The great Roman leader Augustus fixed the minimum age of marriage at ten years old:

Roman children of the aristocracy married youngest (Hopkins, 1965:316ff; 1983[57]:p94; Weaver, 1986:p156)[58]. Roman marriage arrangements usually began with a betrothal, which was possible before age ten[59], at least in the case of the aristocracy, or when political gains were in vogue (Balsdon, p87, 275n18)[60]. **Augustus (AD 9) had fixed the minimum age at ten** (Rawson, 1986:p21)[61]...

(Janssen, D.F.; Oct 2002. G.U.S.. Volume I: World Reference Atlas. Interim Report. Amsterdam, The Netherlands, http://www2.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/HISTORYCHHS.HTM#_Toc26337172)

Age of Marriage in Greece

In the Ancient Greek civilization, the time to marry was at the onset of puberty:

Flacelière (59) also mentioned that girls could marry as soon as puberty hit.

(Daily Life in Greece at the Time of Pericles, [http://links.jstor.org/sici?sici=0075-4269\(1966\)86%3C250%3ADLIGAT%3E2.0.CO%3B2-W](http://links.jstor.org/sici?sici=0075-4269(1966)86%3C250%3ADLIGAT%3E2.0.CO%3B2-W) ,
<http://www.richeast.org/htwm/Greeks/marriage/marriage.html>)

WomenInTheAncientWorld.com says:

Athenian men married out of a sense of civic duty and put off the fateful day until the age of 30 or more, at which time they married girls of half their age whose youth made them more easily controlled.

(*WomanInTheAncientWorld.com*,
<http://www.womenintheancientworld.com/women%20in%20ancient%20egypt.htm>)

[Age of Marriage in Christian Europe](#)

In an article about Medieval times, Molloy College's website says:

Women were marriageable right after puberty, marriage arrangements were made while they were in infancy; they were wed at the age of twelve or fourteen to men in their twenties or thirties.

(Molloy College, http://www.molloy.edu/sophia/med_ren/med_text.htm)

Puberty was linked to virginity, a highly sought after quality. We read in Judith M. Bennet's book *Singlewomen in the European Past*:

As Anthony Molho persuasively illustrates, the cultural imperative to marry young women soon after they reached sexual maturity even prompted many Florentine fathers to falsify their daughters' ages to give them more time to negotiate a favorable marriage.

(*Singlewomen in the European Past*, p.44,

http://books.google.com/books?id=l6YNQ4uUvZ0C&pg=PA44&lpg=PA44&dq=nobility+married+early&source=web&ots=K6CD_RPNNC&sig=rug6ZIFREdsmFAKkjPIboKsd2KI)

The History at Minnesota website indicates that the average age of marriage just 500 years ago was only 12.7 (<http://www.hist.umn.edu/~rmccaa/NAHUAEN3/outline.htm>) This is an average, meaning that many girls were getting married much younger than that. Why then are the Christians up in arms about Prophet Muhammad (peace be upon him) who married Aisha (peace be upon her) more than 1,400 years ago?

Revered Christian Figures

Christian Saints

We have already clearly established that Jewish and Christian Law allowed for girls to be married off at such a young age. We have also shown that such marriages were not only allowed, but encouraged; they were in fact the norm. Yet perhaps a Christian polemicist would argue that the matter is not about what the masses did but what the leaders did; after all, Prophet Muhammad (peace be upon him) was the leader of the Muslims, not just any follower. To refute this point, we first point to the Christian popes who sanctioned such early marriages and actively encouraged them. But to further weaken their spurious argument, we will cite the example of numerous Christian saints who married young girls. Therefore, if the Christians attack Prophet Muhammad, then let them first throw stones at their own revered heroes. Let us begin:

1. Saint Augustine: Saint Augustine, who is credited with having formulated Christian theology, betrothed himself to a **ten year old girl**, and this was when he was thirty-one years of age. He waited two years for her body to mature, after which she moved into Saint Augustine's at the age of twelve. How is it then that the Christians attack Prophet Muhammad (peace be upon him) for marrying Aisha (peace be upon her) when she was nine or ten, when their venerated Saint Augustine himself betrothed a ten year old girl? We read:

One such example of betrothal between a mature male and young girl is that of St. Augustine (354-439 A.D.). At the age of thirty-one, Augustine betrothed himself to a ten-year-old girl.

(Mark E. Pietrzyk, http://www.internationalorder.org/scandal_response.html)

2. Saint Agnes: Another very famous Christian figure in history, Saint Agnes—who is known as the patron saint of chastity—fielded marriage proposals when she was younger than **twelve years old**. Yet suddenly the Christians turn their noses up when we Muslims say that Aisha (peace be upon her) fielded marriage proposals at a similar age. *Domestic-Church.com* says:

Saint Agnes' name means chaste or pure in Greek and lamb or victim in Latin. She has always been regarded by the Church as a special patroness of purity. Agnes was martyred early in the persecution of Diocletian, who began his persecution of Christians in March of 303. She was only twelve or thirteen years old at the time of her death (accounts differ). Even at that young age, her wealth and beauty had attracted the attention of the young noblemen of Rome, who competed with each other for her hand in marriage.

(Domestic-Church.com, <http://www.domestic-church.com/CONTENT.DCC/19980101/SAINTS/STAGNES.HTM>)

3. Saint Hedwig of Andechs: Saint Hedwig is revered by the Christians as the patron saint of orphans. She was married off at the age of **twelve** to Henry I of Silesia.

4. Saint Rita of Cascia: She is considered by Christians to be the patron saint of hopeless causes, and was betrothed at the **age of twelve** to a man named Paola Mancini.

5. Saint Mary of Jesus Crucified: She was betrothed at the age of **thirteen**.

6. Saint Elizabeth of Portugal, patron of the Third Order of St. Francis, was married off at the age of **twelve**.

7. Saint Joseph, the supposed foster father of Jesus, was in his nineties when he married the **twelve year old** Mary. Some claim that Joseph was in his thirties—and not his nineties—but the fact remains that he was a grown man who married a twelve year old.

And there are many other examples from amongst the venerated Christian saints...

[Christian Kings, Royals, and Nobles](#)

The Christian royals were marrying girls as young as **nine**, according to an article written by Professor Lynda Garland of the University of New England:

Child brides, whether Byzantines or foreign princesses, *were the norm* rather than the exception, especially from the late twelfth century. Irene Ducaena, wife of Alexius I Comnenus, was twelve at her marriage, and empress before she was fifteen; the Byzantine princess Theodora, Manuel's niece, was in her thirteenth year when she married Baldwin III of Jerusalem; and Margaret-Maria of Hungary married Isaac II Angelus at the age of **nine**.

(Professor Lynda Garland of University of New England, <http://www.roman-emperors.org/aggiefran.htm>)

It should be noted that these Christian kings, royals, and nobles married with the blessing and sanction of the Church. As such, the countless examples that we will provide serve as a strong proof against the Christians and their insincere criticisms of Prophet Muhammad (peace be upon him). In this article, we will only provide a few of the many examples, as follows:

1. **King Richard II**, at the age of thirty, married a French princess named **Isabella** who was only **seven** years old at the time.
2. **Duchess of Milan, Bianca of Savoy**, was married off at the age of **thirteen**.
3. **Theodora Comnena** was married off at the age of **thirteen** to **King Baldwin III**, who was more than double her age.
4. **King Adronikos I Komnenos**, the valiant Christian leader of the Byzantine Empire, married the **twelve year old Agnes of France** when he was sixty-four years old.
5. **King Denis of Portugal** married the **twelve year old Saint Elizabeth of Portugal**.

6. **Girolamo Riario**, Lord of Imola and Forli, married the **nine year old Caterina Sforza**.
7. **Jeanne III of Navarre** was wed at the age of **thirteen**.
8. **Giovanni Sforza** married the **thirteen year old Lucrezia Borgia**.
9. **King Haakon VI of Norway** married the **ten year old Queen Margaret**.
10. **Count Agness of Essex** was betrothed at the age of only **three years old** and married off at the age of twelve to a man who was almost fifty years of age.
11. **Prince Edward of Wales** married the French king's daughter, **Isabella**, who was only **seven** years old.
12. **Romanos II** married **Bertha** (renamed Eudokia), the daughter of the King of Italy, when she was only **four years old**!
13. **Stephen Milutin**, the Kral of Serbia, married **Simonis**, the daughter of Emperor Andronikos II, when she was only **five years old**. At the time of the marriage, Stephen Milutin was fifty years old.
14. **Edward I** married the **nine year old Eleanor of Castile**.
15. **Richard of Shrewsbury**, King Edward IV's son, married the **five year old Anne Mowbray of Norfolk**.
16. **Mary Stewart** married **Henry VIII** when she was only **six**.

And there are many other examples...

Perhaps a Christian polemicist would argue that these Christian royals were individuals and do not represent Christianity. Yet, this argument is weakened when we take into account that no royal marriage was validated without the consent and approval of the

Christian Church! Papal consent was a prerequisite of the time. To illustrate this, we can look at the example of the marriage of Prince Edward to the young Isabella:

Given that twelve was the canonical age for marriage, and that in 1298 the Pope had stipulated that she should marry Prince Edward as soon as she reached that age, these dates are viable. In the same document of June 1298, the Pope describes Isabella as being 'under seven years', which places her birth at any time from 1291 onwards. Furthermore, the Treaty of Montreuil (June 1299) provided for Isabella's betrothal and marriage to take place when she reached the respective canonical ages of seven and twelve. So she must have reached seven before May 1303, and twelve before January 1308.

(Isabella,

http://bookshop.blackwell.co.uk/jsp/bobuk_editorial/ongoing_features/choice/extra_act_isabella.jsp)

It is safe to say that if Prophet Muhammad (peace be upon him) had been Christian, then the Church itself would have sanctioned his marriage to Aisha (peace be upon her)! But because the Prophet (peace be upon him) is Muslim, the Church instead has levied allegations of “pedophilia” against him! This is the two-faced nature of the Crusader bigots.

Jewish and Christian Prophets

1. Abraham: When the ignorant Christians condemn Prophet Muhammad (peace be upon him) for marrying a young girl fifty years younger than him, they are actually attacking the Prophets in their Bible as well. Do they not recall the story of Prophet Abraham (peace be upon him) who, according to the Bible, slept with Hagar (peace be upon her) who was sixty or seventy younger than him? If the Christians have an issue with Prophet Muhammad being in his fifties, do they not say anything when Prophet Abraham was in his eighties? We read:

Sarai his wife took her Egyptian maidservant Hagar and gave her to her husband to be his wife. He (Abram) slept with Hagar, and she conceived...So Hagar bore Abram a son, and Abram gave the name Ishmael to the son she had borne. Abram was **eighty-six years old** when Hagar bore him Ishmael.

(Genesis, Chapter 16, verses 1–4, 15–16, NIV)

2. David: We read in the Bible that King David lay beside a young virgin, by which was meant a girl who had just attained the age of puberty. We read:

When King David was **old and well advanced in years**, he could not keep warm even when they put covers over him. So his servants said to him, ‘Let us look for **a young virgin** to attend the king and take care of him. **She can lie beside him** so that our lord the king may keep warm.’ Then they searched throughout Israel for a beautiful girl and found Abishag, a Shunammite, and brought her to the king.

(1 Kings, Chapter 1, verses 1–4, NIV)

3. Isaac: According to the Judeo-Christian tradition, Prophet Isaac (peace be upon him) was forty years old when he married Rebecca (Rivka) who was only **three** years old at the time! And it should be remembered that Prophet Isaac is considered by the Jews to be one of the most important of Prophets, and Rebecca is one of the four matriarchs of the Jews. What is interesting to note is that just like there are some defeatist Muslims

who deny that Aisha was nine years old when she was married, there are also some defeatist Jews who deny that Rebecca was three years old when she was married. We refer the reader to the following defeatist website made by contemporary Jews who seek to deny what their classical scholars say on the matter:

<http://www.jewishlegends.com/displayExp.php?rumor=122>

In this article, the Jewish writers admit that they are taught in Jewish schools that Rebecca was three years old when she was married:

We all came home from school saying that Rivka was three years old when she got married, and most of us had a hard time believing it. Our teachers explained that people in those days matured faster, so 3 years old then was not what 3 years old is now. What they did not tell us (probably because they did not know), is that there is another opinion that says that she was 14.

(JewishLegends.com,

<http://www.jewishlegends.com/displayExp.php?rumor=122>)

How oddly similar is this claim made by these Jewish defeatists (“another opinion that says she was 14”) to the claim made by some Muslim defeatists who claim that “another opinion says that Aisha was nineteen years of age.” Jewish apologists further the following argument:

Rivka, shortly before her marriage (Bereishit 24:16), is called NA'ARAH, which

for a young playful girl, as stated earlier is "*Jariyah*". "*Bikr*" on the other hand, is used for an unmarried lady, and obviously a nine year old is not a "lady".

(Understanding-Islam, <http://understanding-islam.com/related/text.asp?type=question&qid=375>)

Both sites (Jewish and Muslim) engage in some simplistic mathematical arguments in order to find discrepancies in dating. In fact, both groups use similar methodology to question the historicity of these early marriages. What is not similar, however, is the amount of ink wasted attacking Prophet Muhammad (peace be upon him) on the one hand and on the other hand the silence on Prophet Isaac's marriage to the three year old Rebecca. The Zionists lead the charge in the attacks against Prophet Muhammad (peace be upon him), so should we now expose their hypocrisy? If they argue that their classical scholars were wrong for saying that the forty year old Prophet Isaac married a three year old, then logic and fairness dictate that the Muslims are also absolved because they too have defeatists who simply deny that Aisha was nine at the time of marriage!

4. Jesus: And if the Christians wish to stick a spear in our hearts by attacking Prophet Muhammad, then what of Prophet Jesus's mother Mary (peace be upon her) who was only *twelve* years old when she was betrothed to the *ninety* year old Saint Joseph? The *Catholic Encyclopedia* says:

The priests announced through Judea that they wished to find in the tribe of Juda a respectable man to espouse Mary, then twelve to fourteen years of age. Joseph, who was at the time ninety years old, went up to Jerusalem among the candidates.

(Catholic Encyclopedia, <http://www.newadvent.org/cathen/08504a.htm>)

According to the "Oxford Dictionary Bible" commentary, Mary was twelve years old when she became pregnant. As for the age of Saint Joseph, the traditional opinion was that he was a ninety year old widower at the time. It has only been very recently that suddenly the defeatists have sought to deny this, claiming that Joseph was "only" in his thirties. Whether or not Joseph was in his thirties or nineties is largely inconsequential, since the fact is that he was a grown man who married a twelve year old girl. In any case,

the Christian East still accepts the idea that Saint Joseph was in his eighties and that Mary was twelve. An Eastern Orthodox website says:

An Elderly Joseph

The New Testament Apocrypha speak of Joseph as an elderly man, a widower with adult children, who was quite reluctant to be included among those from among whom a protector for Mary would be chosen. Although the Apocrypha were not included in the canon of Scripture their importance is great and much in evidence in the liturgical texts of some of the great Feasts.

However the Gospels too give evidence for an elderly Joseph. For example he is no longer mentioned after Jesus' trip to the temple as an adolescent. Note also that as Jesus was dying upon the Cross He asked John to look after His mother. That would have been unnecessary - and even insulting to Joseph had he been alive. But as an elderly man he would have reposed well before Jesus' crucifixion at the age of 32-33. Mary, however, would only have been in her middle age...

The Christian East's pic,3tWES90N-0y3iWES90N-0yS,-,PV-3k WE0yF3ofS,-,tWES90NyP03 JWE

brothers in the East first. In any case, even if we accept the claim that Saint Joseph was in his thirties when he was betrothed to Mary (peace be upon her), does this change the fact that Mary was twelve years old?

The priest of Saint Mary's Catholic Church said: "Mary's husband is believed to be around 36. Mary was only 13 when she married Joseph. When she first was arranged with Joseph, she was between 7 to 9 years old." So even the Western Christians believe that a grown man well into his thirties married a young girl and impregnated her. If the Christians of today are shocked at Aisha's age, then should they not be equally shocked by the age of Mary? But we find that they are hypocritical in their attitude towards the Muslims, and we know this is only because the people hate to accept the Truth, and we recognize that all the Prophets were maligned and criticized by the disbelieving people. God will deal with them just like God dealt with all those who maligned the Prophets.

Historical Age of Marriage in Non-Western Countries

[Age of Marriage in Egypt](#)

In the article “Marriage in Ancient Egypt”, we read:

Marriage contracts do not generally tell the age of the parties, but we know from other documents that marriage almost always occurred after sexual adulthood. The average age for girls to enter puberty was 12 to 13, and around 14 for boys... we find documentation of brides being as young as 8... It was not all together uncommon for older men who had usually lost their wife to either death or divorce to marry very young "women". Qenherkhepeshef, a scribe from Deir El Medina for example married a 12 year old girl when he was 54.

(TourEgypt.com, <http://www.touregypt.net/featurestories/marriage.htm>)

Age of Marriage in India

Jack Goody is a fellow of St. John's College in Cambridge. In his book *The Oriental, the Ancient, and the Primitive*, we find that girls were married off very early in Indian households:

Srinivas writes of the days in India when 'pre-pubertal weddings were the rule' (1984:11): a girl had to be married 'before she came of age.' The father of a girl was obliged by Hindu law and by custom of the country to marry her before she attained puberty, though cohabitation was often delayed, an average of three years...

(*The Oriental, the Ancient, and the Primitive*, p.208.

<http://books.google.com/books?id=CZQRMZo956QC&pg=PA207&lpg=PA207&dq=age+of+marriage+ancient+japan&source=web&ots=5WGazdlO6f&sig=rVrtOggFs6yteb0Rks251bg-k4#PPP1,M1>)

And it is well-known that such early marriages remain prevalent in India today.

Age of Marriage in Russia

In Russia, girls were being married off during childhood just some one hundred years ago. We read:

DeMause (1990)[8] pointed to “child marriage [being] widespread in Russia well into the nineteenth century.”

(G.U.S.: World Atlas, http://www2.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/RUSSIA.HTM#_Toc82813007)

Age of Marriage in China

In Pre-Industrial China, girls were married around the age of puberty, or even before the onset of puberty. We read:

Prepubertal Betrothal / Marriage

In the period till 771 BC, menarche indicated marriageable age...In 1855, Huc[10] commented that “[n]othing is more common than to arrange a marriage during the infancies of the parties, or even before their birth”... According to Fei (1939:p40)[14], arrangements for marriage were made at age six or seven... The usual age for affiancing children [i.e. betrothal] was between seven and fourteen (Baber, 1934:p134)[15]. For an elaborate description of the custom of infant betrothal as practised before 1911 in the conservative I-ch’ang districts, see Han-yi and Shryock (1950)[16]... **Most Lolo groups marry at puberty, although “some Lolos marry quite early, even at the age of four to five years”** (Siang-Feng Ko, 1949:p491-2)[22], or are betrothed as infants (LeBar et al., 1964). In general, **“The age of puberty is a major juncture for youngsters of all nationalities.** However, many of the minority nationalities [of China] encourage the marriage of their children before they mature, and thus follow the footsteps of the older generations”[23].

...Among the turn-of-the-century Taiwanese, the practice of *minor marriage* combined with a highly competitive marriage market drove the age of the brides downward, below puberty (Ying-Chang and Wolf, 1995:p793)[24]

(G.U.S.: World Atlas, http://www2.huberlin.de/sexology/GESUND/ARCHIV/GUS/CHINA.HTM#_Toc85469111)

[Age of Marriage in Mongolia](#)

The ancient Mongols married off their daughters at a very young age. Even today, it is very common to see Mongol girls being wedded at the age of four or five years of age:

Among the Ordos Mongols, children are sometimes betrothed even before birth. This custom, called *e ndege in swie* (“Match-making before birth”), is thought by the Mongols to be of very nacent origin. [...] the actual age of marriage today [1938] varies a great deal, from four or five years to sixteen or seventeen, the average or ordinary age being fifteen (p66).

(G.U.S.: A World Atlas, <http://www2.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/MONGOLIA.HTM>)

Age of Marriage in Australia

The traditional Aborigines similarly married their daughters off during childhood:

In traditional Aboriginal society marriages are significant to the forging of alliances, and often betrothal arrangements are made when the prospective bride is very young, or possibly even unborn. A man may not marry until he has undergone a significant part of the lengthy initiation process: thus, at marriage a man will be in his twenties or even thirties. Often a man's first wife is the widow of an older man, and his subsequent wives may be much younger...

Among **Yuwaaliyaay** people, [...] infant betrothal appears to have been the norm"[28]. Among the aborigines of the Wheelman tribe a baby girl is betrothed to a youth or man; he "grows" her, or supports her growing up (Hassell, 1936:p682)[29]...Calvert[32] mentions that "[...] a female child is betrothed, in her infancy, to some native of another family, necessarily very many years older than herself. He watches over her jealously, and she goes to live with him as soon as she feels inclined".

Spencer and Giller ([1927, II:p469-70) also mention betrothal of **Aranda** girls "many years before the is born". Radcliffe-Brown (1913:p184)[33] states that "marriages are arranged before children are born". Provis writes in Taplin (1879:p93) of the **Streaky Bay South** aborigines that there can sometimes be seen "the incongruous spectacle of a little child betrothed to a grown man. The girl is called his *Kur-det-thi* (future wife). **They sleep together, but no sexual intercourse takes place till the girl arrives at the age of puberty**".

Schürmann writes in Woods (1879:p222)[34] of the **Port Lincoln** tribe that "long before a young girl arrives at maturity, she is affianced by her parents, to some friend of theirs, no matter whether young or old, married or single". Howitt (1904:p197) for the **Wolgal** tribe reports that "a girl is promised as a mere child to some man of the proper class, he being then perhaps middle aged or even old".

Betrothal occurred when “quite young”, states Bonney (1884:p129)[35]. Child betrothal and marriage is noted for **Arnhemland** (Webb, 1944:p65)[36]. “A child a year old will sometimes be betrothed to an old man, and it will be his duty to protect and feed her, and (unless she is stolen by some one else) when she is old enough she becomes his wife...The **Yolngu** practiced prenatal betrothal (Money

Age of Marriage amongst Native Americans

The practice of marrying girls at a young age was prevalent amongst Native American populations as well, as we read in an article entitled “Living Arrangements Among Native American Elders”:

Marriage was considered essential among all Navajos with polygamy, divorce, levirate and sororate being practiced. Marriages were traditionally not based on romance but were arranged with **the girls being married soon after puberty.**

(Living Arrangements Among Native American Elders,
http://www.pop.psu.edu/general/pubs/working_papers/psu-pri/wp9605.pdf.)

We read further:

A Delaware Native American girl **who reached puberty** may have had her [marriage] union prearranged by her parents.

(WeddingDetails.com, <http://www.weddingdetails.com/lore/native.cfm>)

The first menstrual cycle was seen by the Native Americans as the coming of age, and after a ceremony, the young girl was ready for marriage:

This following are accounts for the coming of age rituals of first young women followed by that of the young men. The first occurred when the girl had her first menstrual cycle... When this celebration [i.e. the coming of age] was complete, joy of being accepted as a woman remained with the young girl as well as five vertical red and black stripes painted onto her cheek. These strips would be eventually removed and when the last of them was gone the young girl would be ready for marriage.

(Native Americans,
http://edf3.gallaudet.edu/diversity/BGG/RitesofPassage/native_american.htm)

The Aztecs married their daughters off “well before the age of puberty”:

“Most [Aztec] girls were married (cohabiting) well before the age of puberty” (McCaa, 2003)[3]. Girls among the ancient Aztec (Nahua) married before age 15, and in many cases before 12 (McCaa, 1997; cf. 1996, 1994)[4]: “Children became adults upon marriage, and most children above the age of 10 years were married (or widowed, separated or abandoned)”. Females married very young, according to the narrative evidence from the *Book of Tributes* (Cline, 1993:p31-2)[5]. Quantitative analysis of these data places the average for females below the age of thirteen

(G.U.S.: A World Atlas, <http://www2.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/AZTEC.HTM>)

The various South American tribes practiced early marriage, and this practice continued well into the 1500s. It is sometimes referred to as a “rearing marriage”, i.e. the husband raises his wife from childhood. We read:

Sumner (1906:p382) [29] cited reports that of child marriage where “girls of ten are mothers”[30]. Child betrothal is reported among the **Guaraní** of the Paraná River. “In some cases little girls were given to grown men, who lived with their child wives, probably in the house of their future parents-in-law” (Métraux, 1948)[31]. Child betrothal is also reported among the **Caingúá**, but the girls were said to remain with their parents, who receive presents from their prospective sons-in-law (*ibid.*)...

For the **Samaraka**, “[i]n the past, girls were formally betrothed (*kiiá*) well before puberty, and “betrothal in the womb” was an accepted practice, while today mean age at betrothal is only a year or two below age at marriage and child betrothal is unknown” (Price, 1975)[33]. Among the **Warao**, “[t]here were boys who were betrothed to little girls who had not yet reached puberty” (Heinen, [1988])[34]. Among the Brazilian **Yanomamo**, “[p]arents may also betroth their children while they are still infants” (Early & Peters, 1990)[35]. Among the **Cuna**, the

premarital four-day debut ceremony is even sometimes given before puberty in the parents' zeal to insure their daughter's having it (Stout, 1947:p34). As for the **Asang**, "[a] girl at a very early age, between eight and nine, is betrothed to a young man, who at once takes up residence in the house of her parents, whom he assists until [...] [she] is old enough to be married, when, without ceremony, they are recognized as man and wife (Pim and Seeman, 1869:p306-7)[36]...

The **Aikaná** practiced betrothal in childhood, marriage took place after menarche (Becker-Donner, ?:p280)[38]. The same was formerly so in the **Makurap** (p290). The **Bororo** practised rearing marriage (Levak, 1973:p77-8)[39].

(G.U.S.: A World Atlas, <http://www2.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/SOUTHAMERICA.HTM>)

Age of Marriage in Africa

Amongst the various tribes of Africa, we find that the practice of marrying off girls at the age of puberty and even before that was very common.

Rohlf's reported mothers of ten or twelve at fesan (cited by Sumner, 1906:p382)[156]. The Akan custom of "Asiwa"[157] (infant betrothal) had almost become the principal form of getting married until it was abolished, in 1918, by the Okyeman Council[158]...

Among the Fanti, children could be betrothed before they were mature. The Masai practiced fetal and infant betrothal. Infant betrothal was further said to be practiced by the Azande, and Mbuti. Childhood betrothal was practised among the Dogon. Yao girls would be betrothed as infants or small children. Betrothal before birth or in early infancy was usual among the Kuranko. Among the Ewe, children would be betrothed in childhood or before birth. Among the Tshi-speaking people, a girl was publicly advertised for marriage at puberty (age 11-12) by being paraded through the streets decked out in ornaments. Lateral betrothals frequently took place before puberty and sometimes before birth.

Among the Yoruba-speaking peoples, girls of better class were almost always betrothed when children, frequently when infants, the husband in futuro being sometimes an adult, sometimes a boy. Among the Konkomba, a girl was betrothed to a man of more than twenty years of age, sometimes to an elder who may give her away for marriage.

Among the Ethiopian Galla, marriages were often arranged by betrothal at a very young age. In the Uganda protectorate, "[a]t any stage of its infant life a child may be betrothed to some other infant or to one many years older than itself". Among the Somali, infant betrothal may have been common in the past. Among the Mambwe / Amambwe (Zambia), betrothal was common in childhood. Among

the Yahgan, little girls were betrothed to adult men; sometimes parents agree to unions between little boys and girls. The Ila child was sometimes betrothed at age four, or even earlier. Among the Mouktélé (Northern Cameroon), children were betrothed in infancy, somewhere around age six. Among the Bangwa (Western Cameroon), a baby was betrothed at birth, or in infancy. Among the Bali (Western Cameroon), betrothal, but not marriage, of children could take place before menarche or puberty.

The Fang were sometimes married before birth. Koalib girls were betrothed at eight or nine years of age, and at twelve or thirteen the marriage was consummated. Nuba men begin courting at age twenty and generally get betrothed to a girl child. Among the Azande, infant betrothal was the rule. As for the Tshidi Barolong (South Africa), infant betrothal is practiced. Among the nomadic Fulani children were betrothed at ages seven to ten in the case of girls, and from three to ten in the case of boys. The Shuwalbe Fulani practiced infant betrothal between boy and girl. Infant betrothal and adoption marriage among the Mbaise Igbo.

Traditionally, betrothal in infancy or childhood was customary in Benin Kingdom and among the Northern Edo. In case of the Igbira of Northern Nigeria, betrothal often took place in childhood. Among the Igala, betrothal could occur at age four to five. Among the Utonkon-Effium Orri, betrothal of girls occurred at birth. Among the Luo, child betrothal or marriage could take place. Childhood betrothal was noted for the Shambala. The Nkundo girl could be betrothed in infancy. In Tanzania, immature girls could also be betrothed, but infant betrothal occurred only in mock fashion...

Among the African Marutze, the children “are often affianced at an early age, and the marriage is consummated as soon as the girl arrives at maturity[162]. The Negroes of the Gold Coast, according to Bosman, often arranged for the marriage of infants directly after birth[163]; whilst among the Bushmans, Bechuanas, and Ashantees, children are engaged when they are still in the womb, in the event of their proving to be girls[164]...

In Ethiopia, marriage occurs between age 12 and 15. Hausa women were married just before puberty (villages) or after (rural dwellers), to adolescents some seven years older. A Tuareg girl may have been married by age seven or eight. Fang children were sometimes married before birth. In pre-1900 Nubia, girls were married at the age of from eight to ten years. G/wi girls were married at age 7-9, boys at about 14-15. Among the Kung, eight and nine-year-old brides would be married to teenaged husbands. Bela would have been married before puberty. Among the Kabyles, a father could marry his daughter before she has reached puberty. Among the Igala (Northern Nigeria), the marriageable age was eight to ten for girls...

Today[167], “very little country data exist about marriages under the age of 14, even less about those below age 10”. In Ethiopia and in parts of West Africa, marriage at age seven or eight is not uncommon. In Kebbi State, Northern Nigeria, the average age of marriage for girls is just over 11 years, against a national average of 17[168]. A 1991 UN Population Cart indicates legal ages of marriage of 9 in Morocco (males, with parental consent, compared to 21 for females) and 6 for Ghana (both sexes, with or without consent)[169].

(G.U.S.: A World Atlas, http://www2.huberlin.de/sexology/GESUND/ARCHIV/GUS/AFRICA.HTM#_Toc86519743)

In many parts of Africa, girls continue to get married upon the commencement of puberty. UNICEF recently surveyed six African countries:

A recent study by UNICEF in six Western African countries showed that 44 per cent of 20-24 year old women in Niger were married under the age of 15. The need to follow tradition, reinforce ties among or between communities, and protect girls from out-of-wedlock pregnancy were the main reasons given.

(UNICEF, <http://www.unicef-icdc.org/publications/pdf/digest7e.pdf>)

Age of Marriage Under Hindu Law

Due to the situation in Kashmir, many Hindus harbor ill will towards Muslims. As a consequence, some of them attack Prophet Muhammad (peace be upon him) by accusing him of being a pedophile. Yet, a quick look at the Hindu religious texts is enough to refute them. In the Hindu religious scripture known as the *Manu-smriti*, we read:

Gautama (18-21).— A girl should be given in marriage before puberty.

Vashistha (17.70).— Out of fear of the appearance of the menses, let the father marry his daughter while she still runs about naked. For if she stays in the home after the age of puberty, sin falls on the father.

Bodhayana (4.1.11).— Let him give his daughter, while she still goes about naked, to a man who has not broken the vow of chastity and who possesses good qualities, or even to one destitute of good qualities ; let him not keep the maiden in his house after she has reached the age of puberty.

(Manu IX, 88; <http://www.payer.de/dharmashastra/dharmash083.htm>)

In an article entitled “Child Marriage in Nepal”, we read:

In the ancient Hindu scriptures of 400 to 100 BC, there are strict moral laws that enjoin the father to marry off his daughter at a very young age. These religious texts indicate that the best age for a girl to get married is between 8 and 10.

It has been also mentioned that a girl should not wait for marriage more than three years after attaining puberty, and if she is not given by then in marriage by her father, the texts even instruct her to get married on her own. Such religious texts (the *Bishnu Sutra* and *Gautam Sutra*) direct the father to marry his daughter within three weeks of attaining puberty, and no later.

By 200 BC, the rules for a daughter's marriage seems to have become even more strict. The religious texts of that time contain strict moral laws that enjoined the

father to marry off his daughter before she reaches puberty. Sage Manu of that age has categorically written in his treatise, *Manu Smriti*, that if a girl remains unmarried after reaching the puberty, the father has failed in his duty towards her. Similarly, another sage, Parasara, said that the parents or guardians of a girl in who reaches puberty before marriage will definitely go to hell. Such rules imposed by the "holy ones" had their effect upon the religious population, and the

stated: "To a virtuous, pure husband the girl should be given while she is still immature; even from an unworthy man she should not be withheld if she has attained womanhood."

The strict injunction regarding marriage before the commencement of puberty gains additional force from the fact that disregard of it is represented as accompanied by evil consequences for the father. While Manu is content to characterize the father as blameworthy [2] who does not give his daughter in marriage at the proper time, it is stated in *Vasistha*: "For fear of the commencement of puberty, let the father give his daughter in marriage while she is still going about naked. For if she remains at home after the marriageable age, sin falls upon the father." [3]

...Observance [of child marriage], at least among the Brahmans, became essential and fundamental for orthodox Hinduism.

(Encyclopedia of Religion and Ethics, pp.522-523,

http://books.google.com/books?id=INJI4FGeLpYC&pg=PA523&lpg=PA523&dq=manu+ix+a+girl+should+be+given+in+marriage+before+puberty&source=web&ots=7WP3uyXj9V&sig=HN-O7gG0ya_0QTuwCvEUjGPOG_Y#PPA522,M1)

Age of Puberty

Range of Puberty

I have firmly established the fact that marriage at or around puberty was the norm amongst ancient (and not so ancient) civilizations. Yet, perhaps an Islamophobic polemicist might argue that the average age of puberty was twelve years of age, whereas Aisha (peace be upon her) was only nine or ten when she moved into Prophet Muhammad's house. Yet, this argument could be weakened easily. Yes, the *average* may well have been twelve years, but surely the reader should know what the word "average" means! Both *mean* (average) and *median* indicate values which are in the *middle* of a *range* of numbers. Therefore, if some girls attain the age of puberty at twelve, then others are having their periods at nine and still others at fifteen. *LiveScience.com* says:

There is a range, and this has been part of the problem of establishing the "normal" age of puberty. Girls might enter full-blown puberty anytime between ages 9 and 15.

(LiveScience.com, http://www.livescience.com/health/070904_bad_puberty.html)

So, girls will go through "full-blown puberty" at various ages, anywhere from between nine and fifteen years of age. *HealthTouch.com* says:

Puberty usually starts between ages 8 to 13 in girls

(HealthTouch.com,

http://www.healthtouch.com/bin/EContent_HT/cnoteShowLfts.asp?fname=07103&title=PUBERTY+IN+GIRLS+&cid=HTHLTH)

Even if we look simply at menarche, we can see that the age varies greatly. A medical journal on *Cambridge.org* says:

The variable age at menarche was normally distributed with an age range of 7–24 years.

(Cambridge.org,

journals.cambridge.org/production/action/cjoGetFulltext?fulltextid=10260

HerWord.com says:

Don't be surprised if your nine-year-old daughter will have her menarche that early.

(HerWord.com,

<http://www.herword.com/healthdesk/others/changes10.28.03.html>)

Range of Puberty Varies With Location

It is well-known that the average age of puberty differs from one population to another and from one race to another. It is therefore likely that while girls living in European countries tend to enter “full blown puberty” at around age twelve, whereas Arabian girls living a thousand years ago most likely went through this same process at a much younger age. Climate and altitude may affect the average age of puberty. It has been demonstrated in numerous studies that girls living near the equator have menarche earlier than those living farther away from it. Some scientists attribute this to the warmer climate, whereas others attribute this to additional factors such as exposure to light.

HerWord.com says:

There was a study conducted showing that girls who live in countries close to the equator started their menstruation earlier.

(HerWord.com,

<http://www.herword.com/healthdesk/others/changes10.28.03.html>)

The book *Women and Health Psychology* says:

Many factors have been reported to affect age at menarche and/or the regularity of menstruation—[such as] climate, altitude, race, height, weight, hereditary, stress/psychological factors, light, and nutrition.

(Women and Health Psychology,

http://books.google.com/books?id=pK9RGVrvQAEC&pg=PA74&lpg=PA74&dq=menarche+climate&source=web&ots=ILfZwgFzEO&sig=8ZZxn7Dvhzm2HH3cQTBh9_K-mss#PPP1,M1)

This phenomenon is not limited to menarche, but also applies to the whole of puberty. In the book *Women: An Historical, Gynecological, and Anthropological Compendium*, we read:

The average temperature of the country or province is considered the chief factor here, not only with regard to menstruation but as regards the whole of sexual development at puberty.

(Herman H. Ploss, Max Bartels and Paul Bartels; *Woman: An Historical, Gynecological, and Anthropological Compendium*, Volume I, Lord & Bransby, 1988, p.563; http://www.biblioz.com/lp25762280577_207.html)

Whether or not it is climate, latitude—or some other variable that affects menarche—is a hotly debated (and politicized) topic, but the point is that there are many factors which would contribute to an altered age of puberty. Therefore, it is not at all implausible that the average age was much younger in Arabia one thousand years ago. There is absolutely no way that anyone can disprove the idea that puberty began much earlier back then, since it is known that the average age fluctuates from one time to the other. In fact, the historical evidence supports our claim that the average age of puberty was much younger during the time of the Prophet (peace be upon him).

Just within the last one hundred years there has been a dramatic change in the average age of puberty, so one can only imagine the great change that could have taken place within the span of one *thousand* years! The historical literature does indeed suggest that the average age of puberty was much younger in Eastern countries. The *Cambridge World History of Food* says:

Albrecht von Haller (1775), for example, claimed that **girls in the southerly regions of Asia, where the climate was warm, were marriageable in their eighth year and gave birth in their ninth or tenth year**; conversely, women in Arctic regions did not menstruate until age 23 or 24. This view was shared by other eighteenth-century writers, most notably J.F. Freind (1738), Herman Boerhaave (1744), and Montesquieu (1751).

(The Cambridge World History of Food, p.1455,
<http://books.google.com/books?id=tAnsCn0A3rcC&pg=PA1455&lpg=PA1455&dq=average+age+of+puberty+climate&source=web&ots=MQwdFaBliY&sig=G->

[wJ-pPjE3b0hrx8KYyNRKTuVxE#PPA1454,M1](http://www.pj.e3b0hrx8KYyNRKTuVxE#PPA1454,M1))

It is generally accepted that historically girls in Eastern civilizations reached puberty before their European counterparts, which was one of the reasons that marriage oftentimes took place a few years earlier in the Orient. *The Southern Medical and Surgical Journal* says:

It is allowable to infer that early marriage in oriental countries (which has generally, but without any proof, been ascribed to precocious puberty)

(The Southern Medical and Surgical Journal, p.41,

http://books.google.com/books?id=QpwCAAAAYAAJ&pg=PA41&lpg=PA41&dq=russia+puberty+marriage&source=web&ots=8yfAFiQxuK&sig=6Z4em89heFtlZG_Zyjf_ar5GE8s)

In any case, it is altogether unnecessary to prove the point that menstruation occurred earlier in ancient Arabia. We could even rely on the normal ranges provided for girls today in Europe, and we find that the ranges always include nine, and Aisha (peace be upon her) was either nine or ten when she moved into the Prophet's house. We do not need to establish that the *average* age of puberty back then was nine, but rather we merely need to demonstrate that nine years old was within the normal *range* of puberty, which it most certainly was and still is.

Age of Puberty in Ancient Arabia

[Age of Sexual Maturity in Ancient Arabia](#)

We have provided categorical proof that such early marriages took place in all ancient (and not so ancient) civilizations, including the Jewish, Christian, Hindu, Roman, Greek, Russian, African, Native American, Mongolian, Chinese, Indian, Egyptian, and Australian civilizations, among others. But perhaps the most relevant is the seventh century Arabian civilization, so here we shall cite proof that sexual maturity took place very early in the days of the Prophet (peace be upon him). Ustadh Ayman bin Khaled cited a number of examples in Bassam Zawadi's article, as follows.

Imam al-Shafi'i said in *Siyar A'lam al-Nubala'* (Vol.10, p.91):

During my stay in Yemen, I have come across girls at the age of nine whom menstruated...

Imam al-Bayhaqi also narrated the words of Imam Shafi'i in *Sunan al-Bayhaqi al-Kubra* (Vol.1, p.319):

I have seen in the city of Sana'a a grandmother while she was twenty-one. She menstruated at the age of nine and gave birth at the age of ten.

Ibn al-Jawzi narrated similar stories from Ibn U'qail and U'bad al-Mahlby in his *Tahqeeq fi Ahadith al-Khilaf* (Vol.2, p.267). So the fact is that girls were sexually active at the age of nine, and they were turning into grandmothers before most people alive today would have their own children! Therefore, because this was the cultural norm back then, no blame can be put on Prophet Muhammad (peace be upon him). It is unacceptable to judge an ancient figure based on today's standards; we must judge him based on what was the norm back then.

Age of Marriage Under Islamic Law

Marriage of Immature Girls in Islam

Islamic Law (*Shari'ah*) allows for a marriage *contract* (*nikah*) to be drafted years before the marriage itself is actually enacted. In other words, the marriage contract is drawn up, but the contract is not *executed* until a later date. So even though the marriage contract can be drafted, the girl will not be “handed over” to the husband until many years afterwards. In other words, a father can marry his immature daughter off to a man before she comes of age, but the husband may not consummate the marriage until after she attains maturity.

Under Islamic Law, there are certain *shuroot an-nifaadh* (conditions required for the *execution* of the contract): for consummation of marriage, one of these conditions is that both parties are mature enough for marriage. If this condition is not met, then the marriage contract remains *mauqoof* (suspended) and has no actual practical effect, i.e. the consummation of marriage is delayed until the girl becomes mature enough for that. In the example of Prophet Muhammad (peace be upon him) and Aisha (peace be upon her), the marriage contract was signed when she was immature, but only took effect until after she attained maturity. This is why Aisha (peace be upon her) remained in her father's house for three years after the marriage contract was drafted.

Shaykh Salih al-Munajjid said:

The fact that it is permissible to marry a young girl does not mean that it is permissible to have intercourse with her; rather that should not be done until she is able for it. For this reason, the Prophet (peace and blessings of Allaah) delayed the consummation of his marriage to ‘Aa’ishah...Al-Dawoodi said: ‘Aa’ishah (may Allaah be pleased with her) had reached physical maturity (at the time when her marriage was consummated). [Sharh Muslim, 9/206]

(source: <http://www.islamqa.com/index.php?ref=22442&ln=eng>)

Islamic legal terminology is what confuses many Non-Muslims; they hear that Abu Bakr (peace be upon him) married his daughter Aisha (peace be upon her) to Prophet

Muhammad (peace be upon him) when she was only six or seven years old; at that time, she was an immature girl. However, the marriage was not *consummated* until years afterwards. Therefore, the reality is that the Prophet (peace be upon him) was just betrothed to Aisha (peace be upon her) when she was an immature girl, but the marriage was only consummated once she became a mature adult.

Annulment

Under Islamic Law, there is a concept called *khiyar al-buloogh*, which means “the option of puberty”. It means that while an immature daughter’s marriage can be arranged by an elder, she has the right to annul the marriage at the age of puberty if she is not compatible with her husband. Ustadh Ayman bin Khaled stated:

[According to] *Tuhfat Al-Muhtaj* and *Al-Umm*...the father has the right to have his daughter—who is pre-pubertal—married without her permission. However, in case this man is incompatible [with her], then she has the right to annul this marriage. [The] Hanafi *madhab*, for example, says she has the choice [to annul the marriage] when she reaches puberty [*khiyar al-buloogh*].

(Ustadh Ayman bin Khaled, Admin of *Multaqa Ahl al-Hadeeth*)

Separation

Annulment via *khiyar al-buloogh* is limited to the age of puberty. However, *khula* is always an option available to a female of *any* age, and this is a right given to women in the Quran itself. The scholars differ on whether or not *khula* is a separation [i.e. revocation of a marriage as if it never happened] or a divorce. Maulana Muhammad Yousaf Taibi wrote:

The scholars have also differed on the matter whether *Khula* is a divorce or cancellation of *Nikah* (marriage). But the fact is, whatever name you give it, its commands will remain the same.

(Maulana Mohd. Taibi, <http://www.themuslimwoman.com/marriage/khula.htm>)

In other words, the end result is the same: the man and wife will no longer be husband and wife. This author takes the view that *Khula* is separation [i.e. cancellation] and not divorce. Shaykh Nayif al-Hamad, presiding judge of Rimah District Court (in Saudi Arabia), declared:

The *Khul'* separation is a revocation of marriage & not a divorce

...It is deemed to be a revocation of the marriage and not a divorce...

Ibn `Abbâs said: "*Khul'* is a separation and not a divorce" [Related by Ahmad.

Ibn Hajr said: "Its line of transmission is authentic." *al-Talkhîs al-Habîr* (3/231)].

Someone asked Ibn `Abbâs about a man who divorced his wife twice, then she made *khul'* with him; can he marry her again? Ibn `Abbâs replied: "Yes, Allah mentions divorce at the beginning and at the end of the verse and mentions *khul'* in between." [Related by `Abd al-Razzâq (11771)].

Ibn al-Qayyim said: "This is the school of thought of Ibn `Abbâs, `Uthmân, Ibn `Umar, al-Rubayyi` and her uncle. In fact, it was never related by any Companion that *khul'* is a divorce." [*Zâd al-Ma`âd* (5/197)].

Ibn Khuzaymah said: "It was never established that *khul'* is a divorce [*al-Talkhîs al-Habîr* (3/231)].

This is the opinion of Ibn Taymiyah. He gives strong support for this opinion in *Majmû` al-Fatâwa* (32/289).

(Shaykh Nayif al-Hamad,

http://islamtoday.com/show_detail_section.cfm?q_id=194&main_cat_id=8)

In any case, regardless of whether or not *khula* is a divorce, the fact is that a woman has the right to remove herself from any marriage. Admittedly, it is not permissible for a woman to seek a revocation of her marriage if nothing is wrong with the marriage. (What kind of a person would divorce her husband if nothing was wrong?) However, if

something is wrong with her marriage (i.e. if the marriage causes her some hardship or harm), then she has the right to seek *khula*, according to Islamic Law (*Shari'ah*).

Shaykh Abdur Rahman al-Ajlan, a lecturer at the Grand Mosque in Mecca, declared:

A woman should not ask for a divorce without a legal or valid reason as long as she can manage to live with her husband. Our Prophet (peace be upon him) said: "Any woman who requests her husband to divorce her without a valid reason will not smell the scent of Paradise."

However, if a proper marital life has become impossible between the two or **if it has become simply unbearable for her, then it is permissible for her to ask for divorce**. Allah says: "But if they separate, Allah will provide abundance for each of them from His all-reaching bounty."

(Shaykh Abdur Rahman al-Ajlan,

http://islamtoday.com/show_detail_section.cfm?q_id=186&main_cat_id=8)

The proof that it is allowed for a Muslim woman to seek *khula* comes from an authentic Prophetic narration, as follows:

The wife of Thabit ibn Qays came to the Prophet and said: "O Messenger of Allah, I do not find any fault with Thabit ibn Qays in his character or religious commitment, but I do not want to commit any act of kufr after becoming a Muslim." The Prophet said to her: "Will you give back his garden?" Because he had given her a garden as her dower. She said: "Yes." The Prophet said to Thabit: "Take back your garden, and divorce her."

(Narrated by al-Bukhari, 5273)

Shaykh Salih al-Munajjid commented on this *hadeeth*:

From this case the scholars understood that if a woman cannot stay with her husband, then the judge should ask him to divorce her by *khula*'; **indeed he should order him to do so.**

(Shaykh Salih al-Munajjid, Islam-qa.com, <http://islamqa.com/en/ref/26247>)

According to the Hanbalis, Shafi'is, and Malikis, a judicial decree can separate a man and woman, even against the wishes of the husband. We read:

According to all schools except the Hanafis a wife may obtain a judicial decree of divorce on the grounds of some matrimonial offense—*e.g.*, cruelty, desertion, failure to maintain—committed by the husband.

(Encyclopedia Britannica, <http://www.britannica.com/eb/article-68932/Shariah#196917.hook>)

The judge and the court are to be the protectors of the rights of women. They are entrusted with the right to dissolve any marriage, and are commanded to do so when there is any harm being done to the wife, even if the husband refuses to grant *khula* to his wife. Abu az-Zubayr of *IslamicAwakening.com*, a senior student of knowledge, explained:

She [the wife] has the Shara'i right to demand a khul' and [if] the husband refuses, she goes to the judge...the judge looks at the situation and forces separation, **even if the husband does not like it.**

(Abu az-Zubayr, IslamicAwakening.com)

Maulana Muhammad Yousaf Taibi wrote:

It is not essential to seek khula through court; the two parties can separate through mutual agreement. **But if the husband does not agree, then the wife can contact the court.**

(Maulana Mohd. Taibi, <http://www.themuslimwoman.com/marriage/khula.htm>)

Shaykh Ibrahim al-Khudayri issued the following *fatwa* (religious edict):

Question:

Is (the) muslim qazi (judge) permitted to invoke the proceedings of khula (divorce) on the unilateral initiation of (a) woman living away from her husband in the absence of her husband?

Answer:

Praise be to Allaah.

Yes, that is permissible, because the qaadi (judge) has the authority to separate husband and wife and thus end the marriage if it is impossible for them to maintain a stable marriage and if the wife is being harmed by her husband's neglect, whether it be sexual, economic or social. The qaadi should study each case on its own merits and look into the circumstances surrounding each case. The husband's absence has no effect on the validity of the annulment.

(Shaykh Ibrahim al-Khudayri, Islam-qa.com, <http://islamqa.com/en/ref/12179>)

A wife can seek *khula* for a variety of reasons; one of these reasons could be that she simply does not like him. (From this, we can see that the Islamaphobes have painted a very inaccurate portrait of Islam; unlike Christianity, Islam does not force a wife to stay in a marriage that she dislikes.) Shaykh Salih al-Munajjid said:

...It is permissible to seek a divorce, [for reasons] such as disliking her husband, not being able to stay with him or disliking him because of his immoral ways and indulgence in haraam actions, etc., [and] there is nothing wrong with her seeking divorce.

(Shaykh Salih al-Munajjid, Islam-qa.com, <http://islamqa.com/en/ref/26247>)

Shaykh Ibn Jibreen listed some of the reasons that a wife may seek *khula*:

If a woman dislikes her husband's treatment of her – for example, he is over-strict, hot-tempered or easily-provoked, or gets angry a lot, or criticizes her and rebukes her for the slightest mistake or shortcoming, then she has the right of *khula'* [female-instigated divorce].

If she dislikes his physical appearance because of some deformity or ugliness, or because one of his faculties is missing, she has the right of *khula'*.

If he is lacking in religious commitment – for example, he doesn't pray, or neglects to pray in *jamaa'ah*, or does not fast in *Ramadaan* without a proper excuse, or he goes to parties where *haraam* things are done, such as fornication, drinking alcohol and listening to singing and musical instruments, etc. – she has the right of *khula'*.

If he deprives of her of her rights of spending on her maintenance, clothing and other essential needs, when he is able to provide these things, then she has the right to ask for *khula'*.

If he does not give her her conjugal rights and thus keep her chaste because he is impotent (i.e. unable to have intercourse), or because he does not like her, or he prefers someone else, or he is unfair in the division of his time [i.e., among co-wives], then she has the right to ask for *khula'*.

And Allaah knows best.

(Shaykh Ibn Jibreen, <http://islamqa.com/en/ref/1859>)

Although it is true that a woman cannot seek *khula* without any reason, she can do so if she has a reason for that. Shaykh Salih al-Munajjid declared:

The Prophet (peace and blessings of Allaah be upon him) said: “Any woman who asks her husband for a divorce when there is nothing wrong, the fragrance of Paradise will be forbidden to her.” Narrated by al-Tirmidhi and classed as *saheeh* by al-Albaani in *Saheeh al-Tirmidhi*.

What is meant by something wrong is hardship which compels her to seek a separation.

Asking for divorce when there is no problem that would compel a woman to do that is haraam, and some scholars regarded it as a major sin, such as Ibn Hajar al-Haytami in al-Zawaajir.

From the hadeeth quoted above it may be understood that it is permissible for a woman to ask for a divorce if there is some hardship or harm that will be caused if the marriage continues.

(Shaykh Salih al-Munajjid, Islam-qa.com, <http://islamqa.com/en/ref/99870>)

The Islamaphobes claim that Islamic Law (*Shari'ah*) allows a girl to be placed in a marriage that would cause her hardship or harm. Yet, the truth is that the Islamic Law gives every woman the right to have her marriage dissolved if the marriage is causing her hardship or harm! This applies to a female of *any* age. Such is the beauty of the Islamic religion. Therefore, if her father marries her to someone, and she cannot reasonably tolerate that marriage, then she can simply seek a *khula*. Ustadh Ayman bin Khaled wrote:

If the woman is in a situation—that she cannot stand whom she got married to—she can always ask for divorce through *khulu'*, and if the husband refuses and there is harm on her [from the marriage], the judge can [and should] divorce her.

(Ustadh Ayman bin Khaled, Admin of *Multaqa Ahl al-Hadeeth*)

Shaykh Abdullah Nasir al-Sulami, professor at the Higher Juridical Institute in Saudi Arabia, declared:

If a woman hates her husband and cannot live with him any more due to his bad manners or due to his lack of performance of his religious duties, or if she feels that she can not fulfill her duties towards him, or if he treats her improperly, causing continuous baseless disputes for her, or fails to provide her with

necessary food, clothing or accommodation, or if he is impotent, unjust to his wives in a polygamous situation, or does not fulfill his obligations according to their marriage contract, then she can redeem herself [i.e. seek khula] by refunding the dowry already paid by her husband upon marriage so that she can be freed [from the marriage].

The lawfulness of such an act is mentioned in the Qur'an and Sunnah. Allah says: "If you indeed fear that they will not be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom."

Ibn `Abbâs said: "The wife of Thâbit b.Qays came to the Prophet (peace be upon him) and said: 'O Messenger of Allah, I do not dishonor his morals or his religion but I do not like any act of disbelief in Islam.' The Prophet (peace be upon him) said: 'Would you return to him his garden?' She said: 'Yes.' The Prophet (peace be upon him) then told Thâbit: 'Take over your garden'" [*Sahîh al-Bukhârî*]

This woman requested to be separated from her husband to avoid any failure in her duties towards him because she hated him.

...The husband should...willingly divorce her, and he will be rewarded for that, but if he refuses, she can redeem herself.

At that time she has to give back his money then she can have the *khul`* by decree of an Islamic judge or relevant Islamic authority in your area.

(Shaykh Abdullah Nasir al-Sulami,

http://islamtoday.com/show_detail_section.cfm?q_id=193&main_cat_id=8)

The conclusion of our discussion is that a father may marry his daughter off before she becomes mature, but the marriage contract is not executed until after she becomes mature. Meanwhile, she has the right to annul the marriage using *khiyar al-buloogh*, or if that does not apply, then she can seek *khula* at any time she wants. Therefore, for all practical purposes, the "marriage" arranged by the Muslim father is similar to the

Western concept of betrothal; a father betroths his daughter to a man, but she will eventually be able to accept or reject this marriage, using the options of annulment and *khula*, as applicable. Once her marriage is terminated, the woman is free to marry any man of her choosing; Muslim wives are allowed to remarry as many times as they wish.

[Christian Law Prohibits Divorce](#)

The Islamic Law (*Shari'ah*) is actually much more “progressive” than the Christian Law. As we have seen in the section above, a woman under Islamic Law can seek a divorce (*khula*) simply because she does not like the husband. However, Biblical law prohibits a woman from seeking a divorce from her husband. According to the Catholic and conservative Protestant view, neither divorce nor remarriage is allowed. Some conservative Protestants allow divorce, but prohibit remarriage. Mainstream Protestants limit divorce to cases of adultery or abandonment; in other words, a woman is stuck with her husband even if she dislikes him, or if he is abusive towards her! In an earlier chapter of this book, entitled “Age of Marriage Under Christian Law”, we saw how Christian Law allows girls as young as seven be married off; if the husband has sexual intercourse with her, then she can no longer annul the marriage nor divorce him. Contrast this to the Islamic Law (*Shari'ah*) which allows a woman to seek a separation (*khula*) herself at *any* age!

[Marriage of Immature Girls is the Exception, Not the Rule](#)

Under Islamic Law, the general principle is that girls should not be married off whilst they are immature and under the age of accountability. This is because they are too young to make an informed decision by themselves. Marrying them without their consultation would be considered oppression.

Shaykh Faraz Rabbani declared:

Marrying her off like this would in almost every case be a major sin, because of the harm, contravention of law, etc.

(Shaykh Faraz Rabbani, SunniPath.com)

However, there is an exception: fathers are allowed to marry their immature daughters off if they fear that delaying the marriage would mean losing out on a great opportunity. If the girl receives a very good marriage proposal—and the father fears that this proposal would be lost if the decision is delayed—then he is allowed to marry her off despite her young age. Because this is done with the intention of safeguarding the benefit of the girl, it is not seen as a form of oppression. Imam an-Nawawi said:

They (the parents) should not marry her off before she reaches puberty if there is no obvious interest to be served that they fear will be missed out on if they delay it...In that case [if there is a benefit that would be lost with delay] it is preferable to go ahead with the marriage because the father is enjoined to take care of his child's interests and not to let a good opportunity to slip away.

In fact, in most instances in which young girls were married off before maturity, it was in order to ensure that the girl did not lose out on a marriage proposal from a powerful man. This situation may not be applicable to today's society, but it used to be the case in ancient times that a king or prince would wish to marry a daughter of another king or prince. Therefore, the marriages would be arranged when the girl was still immature. This practice was prevalent in Christian Europe for many hundreds of years.

This may seem odd by today's cultural mores, but it was the societal norm back in ancient (and not so ancient) civilizations. One king would ask to marry another king's daughter; the girl's father did not want to lose out on such a good marriage proposal, so the marriage would be solemnized even when she was a child. (Another added benefit of these marriages was to strike an alliance between the two kingdoms.) Similarly, Abu Bakr (peace be upon him) didn't want to lose out on the Prophet's proposal, since after all, who would be better for his daughter than God's Prophet? (Furthermore, the Prophet wished to seal an alliance through this marriage; delaying the alliance would mean putting the fledgling Muslim polity at risk.)

It should be kept in mind that although Islam allows for such a provision, this only applies to the situation where a father thinks that delaying the marriage would lead to the girl missing out on a great opportunity. Otherwise, Islam does not at all encourage marrying off daughters at such a young age. As Shaykh Salih al-Munajjid said:

It is preferable for a guardian *not* to marry off his daughter when she is still young unless there is a valid reason for it.

Marriage of Immature Girls in Other Religions

It should be noted that many Western Islamaphobes try to criticize Islam for allowing fathers to marry their immature daughters off in such a way. Yet, this is another case of the Jews and Christians throwing stones from their glass house. The Jewish Talmud, for example, allows fathers to marry off their immature daughters. Just like Islamic Law, the Talmud does not *recommend* fathers to do this, but the provision is there. We read:

Although the Talmud recommended that a daughter be given in marriage when *na'rah*, between the ages of twelve and twelve and a half, **a father could marry her off well before that time**...16th century Jewish history reveals a prevalence of girl "child" marriage.

(G.U.S.: A World Reference Atlas, <http://www2.rz.hu-berlin.de/sexology/GESUND/ARCHIV/GUS/MIDDLEEASTOLD.HTM>)

Unlike Islamic Law, however, Jewish Law allows husbands to have sexual relations with immature girls. The authoritative Jewish website, *AskMoses.com*, says:

What is the minimum age of marriage according to Jewish law?

by Rabbi Naftali Silberberg

...In ancient (and not so ancient) times however, marriage was often-times celebrated at a rather young age. Although we do not follow this dictum, technically speaking, a girl may be betrothed the moment she is born, and married at the age of three. [Shulchan Aruch, Even HaEzer 37:1.]

(AskMoses.com, <http://www.askmoses.com/article.html?h=573&o=2488>)

Mark E. Pietrzyk writes:

According to the Talmud, the recommended age for marriage is sometime after twelve for females, and thirteen for males. Marriage below these ages was generally frowned upon. However, **a father was allowed to betroth his daughter to another man at an earlier age**, and sexual intercourse was regarded as a valid means of sealing a betrothal. The age limit for betrothal through sexual intercourse was shockingly low. According to the Talmud, “A girl of the age of three years and one day may be betrothed by intercourse.”

(Mark E. Pietrzyk, http://www.internationalorder.org/scandal_response.html)

Similarly, Christian Law allows fathers to marry off their immature daughters. Saint
twelsoES9,PV--3 WF9,--KSS3bWEF9,--KSS3WES9-,PV-3tWES90NyP03rWK9Fhw alor VS90,PV-3tWES

Pope Alexander III ruled:

If a girl of tender age is betrothed and delivered to her husband, and afterwards desires to marry a different man, her petition is not to be granted if her husband swears that he has had carnal knowledge of her even at the early age of eleven or twelve. [12]

Other than Jews and Christians, we find that many Hindus join the bandwagon to attack Prophet Muhammad for his marriage to Aisha. Yet, it seems that Jewish, Christian, and Hindu Islamaphobes all hire the same architect to build their giant glass house. Judaism, Christianity, and Islam discourage fathers to marry their immature daughters off, even if the provision exists. On the other hand, Hindu Law goes one step further and actively *encourages* fathers to marry their immature daughters off. In the Hindu religious scripture known as the *Manu-smriti*, we read:

Vashistha (17.70).— Out of fear of the appearance of the menses, let the father marry his daughter while she still runs about naked. For if she stays in the home after the age of puberty, sin falls on the father.

Bodhayana (4.1.11).— Let him give his daughter, while she still goes about naked, to a man who has not broken the vow of chastity and who possesses good qualities, or even to one destitute of good qualities ; let him not keep the maiden in his house after she has reached the age of puberty.

(Manu IX, 88; <http://www.payer.de/dharmashastra/dharmash083.htm>)

In conclusion, Islam protects the rights of a female more so than Judaism, Christianity, and Hinduism. Judaism allows a man to have sex with a three year old girl. In Christianity, a man can have sex with a seven year old immature girl, which subsequently invalidates her right to annul the marriage. Hinduism actively encourages a father to marry off his immature daughter, even when she is running around in diapers. Islam, on the other hand, allows a father to contract a marriage on his daughter's behalf, and this

[12] Quoted in John Fulton, *The Laws of Marriage* (New York: E. and J.B. Young, 1883), 112.

provision is given only if it serves the child's benefit. The husband cannot have sex with her until she becomes mature. Meanwhile, the wife has the right of annulment and divorce, as applicable (see relevant sections above).

As for Prophet Muhammad (peace be upon him), he did indeed marry Aisha (peace be upon her) when she was immature, but the marriage remained suspended until she came of age, and it was only then that the marriage was consummated. As such, no blame can be put on Prophet Muhammad (peace be upon him).

Consummation of Marriage

Under Islamic Law (*Shari'ah*)—like Jewish and Christian Law—marriages are sealed after they are *consummated* (i.e. when the couple has sexual relations). Some Muslims think that the minimum age for marriage under Islamic Law is either nine years of age or menarche (onset of menses). But this is not correct; in fact, Islam sets *no* minimum age limit. Rather, Islamic Law follows this simple dictum:

A man may have sex with his wife when she becomes sexually mature enough such that she is not harmed from having sex in any way whatsoever.

This is actually the most beautiful and all-encompassing rule of all. The Islamic scholars agree—by consensus (*Ijma*)—with the above stated dictum. In other words, the *only* hard-and-fast rule with marriage is that a man may have sex with his wife so long as she is sexually mature enough that it does not harm her in any way *whatsoever*.

The consequences of this simple dictum are profound. Let us take the example of a fourteen year old girl who has passed the age of menarche (i.e. she has had her menses); it might be, however, that she has matured slowly, and therefore, she is still not ready to have sex. If having sex would bring harm upon her (in any way *whatsoever*), then it is considered forbidden (*haram*) for any man to consummate with her, despite her post-menarchal age. A man can only have sex with a girl if she is ready for that. Under Jewish and Christian Law, the focus is on if the man can have sex with her. Under Islamic Law, however, the focus is on the female: can she have sex without any harm being brought upon her?

Shaykh Abdul Aziz ibn Ahmad ad-Durayhim, a well-renowned Islamic scholar, was asked about marriage to such a young girl. In response, he said:

With respect to what we have said about the legal validity of such a marriage, that refers [only] to the validity of the contract itself. As for the effects [i.e. execution] of the marriage—such as privacy, intimacy, and sexual relations—that is another matter entirely. Such things are permitted only if the girl is able to handle such a

relationship without any harm whatsoever coming to her. Otherwise, it is prohibited. This is because the Prophet (peace be upon him) said: "There shall be no harm nor the causing of the harm." It can also be seen in the very conduct of the Prophet (peace be upon him). He did not consummate his marriage with Aisha for a number of years on account of her young age.

Shaykh Abdul Wahhab at-Turayri wrote:

The lawfulness of consummating a marriage at such an age is contingent on the maturity of the girl and that no harm would come to her.

Imam an-Nawawi said:

With regard to the wedding-party of a young married girl at the time of consummating the marriage, if the husband and the guardian of the girl agree upon something that will not cause harm to the young girl, then that may be done.

The marriage contract between Prophet Muhammad (peace be upon her) and Aisha (peace be upon her) was drawn up when she was only six or seven years old. But it was not *executed* until three years later at which point in time she had become sexually mature such that she was capable of having sexual relations without any harm coming to her *whatsoever*. Yes, Aisha (peace be upon her) was only nine or ten years old when she consummated the marriage, but the reader should keep in mind that Prophet Muhammad married Aisha 1,400 years ago, which was a very, very, very long time ago. It may be difficult for people today to associate nine or ten year olds with sex, but this is because the average human lifespan is now well into the eighties. Yet, as we know:

Human life expectancy was in the 20s a thousand years ago.

(Guardian, <http://www.guardian.co.uk/commentisfree/story/0,,2214930,00.html>)

It should be no surprise then that a woman who would die in her twenties would marry at a very young age. If people didn't marry early, then they *certainly* would *die* early, and this would create a problem for the propagation and survival of the human species. Early marriage was necessary in order to counter incredibly high mortality rates. If women

were not married at an early age, then they would not have enough years of child-bearing left, and slowly the human species would have died out.

Today, the average age of marriage in the West is around twenty-five. Yet, in the ancient world, people would *die* around this age. This is the problem with applying today's situation and super-imposing it on olden times. It simply does not work. People today cannot fathom ten year old girls having sex, but people 1,000 years ago could not imagine a society in which everyone waits in their twenties to get married. It is hubris to judge all of humanity with our subjective—and ever changing—cultural norms.

Puberty

Many well-meaning Muslim laypersons have furthered the idea that a man may not have sex with a pre-pubertal girl. This statement can be true or false, depending on what is meant by it. We must first define what is meant by the term “puberty”. Shaykh al-Islam Ibn Taymiyyah warned the Muslims that when they debate about topics, they should first define the terms they use clearly; he further explained how sometimes two people will seem to be saying opposite things, even though the same thing is being said in different ways.

The confusion occurs because “puberty” is defined differently in the English language and in Islamic legal terminology. According to the English language, the definition of puberty is:

The time when a child's body becomes sexually mature

(Kernerman English Multilingual Dictionary)

If we use *this* English definition of puberty, then we agree that this is the precondition for consummating a marriage: according to Islamic Law (*Shari'ah*), a girl's body must be sexually mature enough such that no harm will come to her from having sexual intercourse. However, Islamic legal terminology defines “puberty” (*buloogh*) in a different way: a girl is said to have attained the age of puberty when she has her first period (menarche), regardless of if she is sexually mature or not. Menarche is *not* a condition for marriage; sexual maturity *is*. Therefore, when Islamic scholars insist that it is not necessary for a girl to have reached the age of puberty, they merely mean to say that she does not have to be post-menarchal. However, all Islamic scholars agree that a girl's body must be sexually mature. In other words, a girl *must* have reached puberty according to the English language, but not necessarily post-pubertal (*baligh*) according to the Islamic legal terminology.

Muslim laypersons should stop claiming that menarche (onset of periods) is the minimum age for the consummation of marriage; Islamic scholars do not agree to this, and such a

belief would create huge problems. After all, there are some girls who menstruate *way* before they go through the other stages of puberty. In other words, just because a girl has had her first period, this does not mean that her body is sexually mature. Wikipedia, for example, says:

Menarche [onset of first period] may occur at an unusually early age, preceding thelarche [breast development] and other signs of puberty. This is termed isolated premature menarche.

(Wikipedia, <http://en.wikipedia.org/wiki/Menarche>)

To give an example, there may be an eight year old girl who menstruates but who has not developed any of the other signs of puberty; her body may remain sexually immature. According to Islamic legal parlance, such a girl—who menstruated at an early age before her body becomes sexually mature—would technically be considered post-pubertal (*baligh*). Yet, from an Islamic perspective, it would be strictly forbidden (*haram*) to have sex with her, since her body has not matured enough to handle sexual intercourse.

On the other hand, take the example of a fourteen year old girl who has gone through other stages of puberty, *except* for menstruation: she has developed large breasts, her sex organs are developed, etc. According to Islamic legal parlance, such a girl would **not** be considered post-pubertal (*baligh*), since she has not menstruated yet. Who then would be fitter for sexual intercourse: the eight year old girl with immature sex organs or the fourteen year old girl sexually mature sex organs? In fact, there are some girls who don't get their first period until they enter their twenties! A medical journal on *Cambridge.org* says:

The variable age at menarche was normally distributed with an age range of 7–24 years.

(Cambridge.org,

journals.cambridge.org/production/action/cjoGetFulltext?fulltextid=10260)

So if we demanded stubbornly that a girl must pass through menarche before consummation can take place, then this would create the unusual situation where we were allowing some post-menarchal seven year olds to be married, whereas forbidding some pre-menarchal twenty year olds from this! Therefore, the Islamic Law (*Shari'ah*) does not want this absurdity to occur, and that is the reason that menarche is not used as an indicator of a girl's readiness for sex.

In fact, doctors would agree that a girl who menstruates is not necessarily ready for sex, whereas a girl whose body is sexually mature *is* ready for that. Once again, because Islamic scholars use menstruation as an indicator of the onset of puberty (*buloogh*), it is therefore not very productive to use the Islamic definition of puberty (*buloogh*) to delineate a girl's readiness for sex. A girl may technically be post-pubertal (*buloogh*) from an Islamic perspective, yet not be ready for sex. On the other hand, another girl may technically be pre-pubertal from an Islamic perspective, and yet be ready for sex; after all, some girls become sexually mature but have delayed menarche.

Mufti Maulana Husain Kadodia explained:

In reality, puberty has two usages. The first usage is with regards to physical development, whereas the second usage is with regards to menses. For (sexual) intercourse, developmental puberty is a precondition. Whereas for other rulings—such as being ordered to pray—the menses usage applies.

(Maulana Mufti Husain Kadodia, www.Ask-Imam.com)

This is a very meaningful quote to understand, so let us elaborate on it. Basically, there are two usages of the word “puberty”. The first usage of the word “puberty” [i.e. sexual maturity] is a precondition for the consummation of marriage. On the other hand, the second usage of “puberty” [i.e. menstruation] has to do with the age of accountability, not marriage. Once a girl reaches the age of puberty/accountability, then prayer (*salah*), fasting (*sawm*), almsgiving (*zakah*), and other religious duties become mandatory on her. A person under the age of accountability, on the other hand, would not be punished for

failing to uphold these religious duties. When Islamic scholars use the term “puberty” (*buloogh*), they are only referring to this second usage of the term.

It would be dangerous to use menarche (onset of periods) as a precondition for sex; as we have discussed, some girls who have their menses are not sexually mature, and some sexually mature girls do not have their menses until after many years. Therefore, the idea that puberty is a precondition for sexual intercourse can be true or false, depending on how we define “puberty”. If we use the English definition of the word, then it would be correct to say that puberty is a precondition for sexual intercourse. If we use the Islamic legal definition, however, then we should know that this is in reference to the age of accountability and has nothing to do with marriage.

The Islamaphobes paint the picture that Islam allows a grown man to pierce his penis like a lance into the underdeveloped vaginal opening of a sexually immature girl. Yet, this is a horribly inaccurate depiction. A girl's body must be sexually mature such that she can withstand sexual intercourse without any harm coming to her *whatsoever*. For example, the vagina cannot be small and improperly developed; otherwise, a man's penis would damage it, creating lacerations and other vaginal injuries. According to Islamic Law, if a girl is sexually immature such that it would cause harm to her if she engaged in sexual intercourse, then it is forbidden (*haram*) to have sex with her. I noticed that an Islamaphobic site posted a *fatwa* (religious edict) from Shaykh Salih al-Munajjid in which at the beginning of his ruling he said:

Marrying a young girl before she reaches the age of adolescence [puberty] is permitted in *Sharee'ah*; indeed it was narrated that there was scholarly consensus on this point. (a) Allaah says (interpretation of the meaning):

“And those of your women as have passed the age of monthly courses, for them the 'Iddah (prescribed period), if you have doubt (about their periods), is three months; and for those who have no courses [(i.e. they are still immature) their 'Iddah (prescribed period) is three months likewise” [al-Talaaq 65:4]

In this verse we see that Allaah has made the 'iddah in the case of divorce of a girl who does not have periods - because she is young and has not yet reached puberty - three months. This clearly indicates that Allaah has made this a valid marriage.

Yet, in the very same ruling, the Shaykh finished by saying:

Al-Dawoodi said: `Ai'ishah (may Allah be pleased with her) had reached physical maturity (at the time when her marriage was consummated).

From this, we can see the two usages of the word “puberty”. Shaykh Salih al-Munajjid is basically saying that it does not matter if a girl has had menarche [first usage of the word

The emphasis then is on sexual maturity, not any specific age, since girls develop at different rates. Shaykh Salih al-Munajjid wrote:

There is nothing...that forbid(s) that [consummation] in the case of a girl who is able for it before the age of nine, or to allow it in the case of a girl who is not able for it and has reached the age of nine.

In other words, age does not matter; all that matters is that the girl has undergone the pubertal changes that would allow her to endure sexual intercourse without bringing any harm to herself. Islamic Law (*Shari'ah*) is beautiful: all the emphasis is on the safety and well-being of the girl. If sex would be harmful to the girl in any way whatsoever, then it would be forbidden (*haram*) to have sex with her. In the words of Mufti Maulana Husain Kadodia:

This shows the paramount importance that the *Shari'ah* gives to the rights of the girl, by making her safety, health, and well-being the precondition for marriage. This is in the spirit of *Shari'ah* to remove any harm that may come to the girl.

(Maulana Mufti Husain Kadodia, www.Ask-Imam.com)

By harm, we mean any harm *whatsoever*, physical as well as psychological. Islam recognizes psychiatry as a legitimate branch of medicine. The evidence for this is that it is permissible (*halal*) to use medicines containing forbidden (*haram*) ingredients in them for the purpose of treating clinical depression, a psychiatric disease. Of course, the psychological harm must be real, documented, and have proof in the medical sciences.

Most Westerners claim that marriage at such a young age is *always* harmful, and they look down on past civilizations who engaged in that. In their collective hubris, these Westerners judge all of humanity past and present based on their own society's norms. Yet, they should have some humility and be more self-critical. In the words of Abdullah Squirres, the West has "been swallowed up (possibly unknowingly) by the ugly monster of 'moral relativism.'" In the West, for example, homosexual relationships are now being considered normal, whereas large age gaps between man and wife are considered

abnormal. Christians would gawk at a ninety year old man married to a twelve year old girl, but barely raise an eyebrow at Adam and Steve.

Yet, their own Bible categorically condemns homosexuality; God was so outraged by this “abomination” that He sent “fire and brimstone” to destroy the society that engaged in it. On the other hand, large age gaps are the norm in Biblical narratives. The Biblical Prophet Abraham was eighty-six years old when he married someone some sixty or seventy years younger than him. The Biblical King David, the man who slew Goliath, was an old man on his deathbed when he married a young virgin. The Biblical Prophet Isaac was forty years old when he married a three year old Rebecca! According to the Christian narrative, the ninety year old Joseph married the twelve year old Mary. Saint Augustine at the age of thirty-one betrothed a ten year old girl whom he married two years later. And other examples abound.

Yet, suddenly when it comes to Prophet Muhammad (peace be upon), the disingenuous Christians are up in arms! Is their criticism honest or is it merely the result of their ignorance, arrogance, and Islamaphobia? Should we really judge all of humanity based on the West's ideals? Somehow the Westerners cannot understand how a sixty year old man would find a fifteen year old girl to be attractive, yet they somehow understand how one man would be attracted to another man. This is merely a case of moral relativism, and based on Western society's cultural mores. Yet, not every society feels the same way, and the Westerners should realize this! For example, Prophet Muhammad (peace be upon him) told his disciples about the story of Prophet Lot (peace be upon him) and how the people of Sodom engaged in the sin of homosexuality. Being attracted to another man was so unacceptable amongst the Arabs that many of the Prophet's disciples were shocked and told him that they had previously thought it impossible for a man to be attracted to another man.

Another example of the West's selective bias is their scorning of cousin marriages; somehow it is considered biologically normal to be attracted to the same sex, yet it is backwards to be attracted to a cousin! Is it not possible, we ask these people, that not all cultures are alike? What is considered acceptable by you may not be acceptable to others

and vice/versa. In the West, for example, fornication is considered acceptable, or at least normal. In the United States and parts of Europe, the average age at which girls engage in sexual foreplay (kissing, fondling, oral sex, etc.) is shockingly low; by the age of twelve, about half of American girls have become unchaste, and some have even lost their virginity. In fact, most Western readers will probably think that a girl having her first kiss on her junior prom is “cute”; few Westerners realize that this is fornication as condemned in their Bible. In fact, the Westerners are more accustomed to and okay with fornication than they are of marriage; so an American girl who has oral sex at fourteen gets only nominal criticism and is considered “more normal” than a Muslim girl who gets married at the same age!

The idea that absolutely no girl is ready to be married at the age of nine, ten, or twelve is completely false. The proof against this claim is that many American girls are voluntarily becoming sexually active at those ages. But hey, reason the Westerners, that is okay so long as it is illegal fornication and not the lawful sexual intercourse of marriage! If a high school girl engages in lesbian activity with another girl, that's okay they say, so long as her partner is around the same age! On the other hand, normal heterosexual sex between an older man and a young wife is considered atrocious. It becomes understandable for a girl to be attracted to another girl, but completely unacceptable for an elderly man to find a young girl attractive.

Ancient (and not so ancient) cultures used to prize virginity. That is why men used to marry girls as soon as they turned sexually capable, in order that they marry girls who have not been “defiled” by other men. On the other hand, girls favored socially well-established males; this meant that girls tended to favor elderly men, instead of financially struggling younger ones. This is why there was a huge age gap back in those days. Today, on the other hand, Western guys could care less about the virginity or chastity of their brides; in fact, most of them express interest in finding a (sexually) “experienced” girl. Furthermore, whereas once society had valued age in males, now the older you are, the more chance you have of being accused of senility! And thus the age gap disappears. But this should be understood as a cultural trend, and not a moral fact of life. Yes, girls today are disgusted by the thought of marrying old men, but was the Biblical Hagar

insulted at marrying the eighty-six year old Abraham? Was the Biblical Mary, the mother of Jesus, disgusted by the thought of marrying a widower in his nineties? Was the ten year old girl fiancé of Saint Augustine disgusted by the thought of marrying a thirty plus male? Was the seven year old French princess disgusted by the thought of marrying a Christian King, Richard II? Far from it. All of these girls were very pleased with their marriages to such noble men, just as Aisha (peace be upon him) was pleased with her marriage to the Mercy of all the Worlds, the Seal of the Prophets, and the best human in the world.

Yes, today it seems difficult to believe that a nine or ten year old would be ready for consummation of marriage, but Prophet Muhammad (peace be upon him) married her over a thousand years ago. Is it not conceivable that we judge him by the standard of his time and not the cultural norms of today? In any case, such a marriage is valid according to Jewish, Christian, and Islamic Law. As such, there is no issue.

Was Aisha Pre- or Post-Pubertal?

This is a huge debate between some well-meaning Muslim laypersons on the one hand, and Islamaphobes on the other. Some Muslim laypersons insist that Aisha (peace be upon her) was post-pubertal (*baligh*) when she married the Prophet (peace be upon him). Like I said earlier, this statement can either be true or false. If we take the meaning of “post-pubertal” (*baligh*) to be post-menarchal (after the onset of menses), then there is no way to prove this either way. And as such, Muslims should not insist upon this as if it is incontrovertible fact. But Islamaphobes should not get too happy at me saying this, because neither can anyone claim to know for sure that she was *not* post-menarchal. More on this later.

Yet, if we take the second usage of post-pubertal—which involves the physical changes and maturity that comes about due to puberty—then we know with *certainty* that Aisha (peace be upon her) had reached this stage. It is a requirement of Islamic Law (*Shari'ah*) that a girl reach physical maturity before marriage is consummated; what then is the level of sexual maturity that must be reached? The answer is simple: the girl must be sexually mature enough that sexual activity will not be harmful to her in any way *whatsoever*.

This means that when Aisha (peace be upon her) consummated the marriage with the Prophet (peace be upon her), she had reached a stage at which it was not harmful for her. We know this for certain because that is the very reason that Prophet Muhammad (peace be upon him) delayed consummating the marriage with her for three or four years. If he had not cared about her safety, then nothing prevented him from consummating the marriage in those three years. Instead, the Prophet (peace be upon him) waited until she was ready for it.

Western audiences should only be indignant if the girl was harmed, yet Aisha (peace be upon her) was not harmed in any *whatsoever*; so it is a non-issue. Sure, it sounds strange that a nine or ten year old girl would be ready for sexual intercourse, but this was over one thousand years ago, when people used to have an average lifespan in their twenties. I've already cited numerous examples of venerated Christian figures who married girls of

a similar age, as well as provided extensive quotes and references which show that far from being unheard of, it was the *norm* all over the world to have such young marriages.

It is problematic to judge ancient civilizations based on our current cultural mores. To give just one example, in ancient civilizations it was not at all uncommon for people to go months without taking a shower. In fact, Prophet Muhammad (peace be upon him) commanded his followers to shower at least once a week. Only once a week, you say! Back then, this was considered a lot and the Prophet's command to shower once a week made the Muslims the cleanest of people in Arabia. The matter was no different in Europe; in fact, the Muslims are the ones who introduced soap to the Europeans, who had hitherto never used it. By today's standards, someone who does not shower for an entire week is considered "gross". Yet, back in those days, once a week with soap would put the person in the finicky clean category. Just as showering once a week or even once a month was business as usual, so too was marrying young girls.

In any case, Aisha (peace be upon her) was most definitely post-pubertal if we use the word "puberty" in its second usage, i.e. sexual maturity. In other words, her body went through the physical changes and maturation that puberty brings, such that her body had become ready for sexual intercourse. There is a very strong proof we can use to show that Aisha (peace be upon her) had reached physical maturity before she moved into the Prophet's house, and this is Aisha's own statement in which she said:

When the girl reaches nine years of age, she is a woman.

(Sunan al-Tirmidhi, Kitab al-Nikah)

From this, we can see that Aisha (peace be upon her) had the body of a woman when she consummated her marriage with the Prophet (peace be upon him). She was mature, and not immature, as the Islamaphobes claim. But if by post-pubertal (*baligh*) we mean post-menarchal, which is the way that Islamic scholars use the term, then we can never know for certain if Aisha (peace be upon her) was this or not. The reason is because there is no single *hadeeth* (narration) which informs us when Aisha (peace be upon her) experienced her first period. It is, however, largely irrelevant, because some girls menstruate long

after their bodies have physically matured; some girls don't menstruate until in their twenties.

In any case, the evidence seems to indicate that Aisha (peace be upon her) was in fact post-menarchal. However, we can't know for sure, so I think it is fruitless to argue this point, especially since it doesn't matter. What matters is whether or not Aisha (peace be upon her) was physically mature or not, and she definitely was, and all Islamic scholars have consensus (*Ijma*) on that.

Aisha's Dolls

Aisha (peace be upon her) brought her dolls along when she moved into the Prophet's house. The Islamaphobes use this as a proof, as if Aisha (peace be upon her) bringing her dolls proves that she was an immature girl. However, this is not true. Aisha (peace be upon her) was a mature *woman*, as she stated in her own words. The fact that she brought along her dolls does not at all disprove this.

Many mature girls have dolls; we just call them “stuffed animals” nowadays. It is well-known that sexually active young women in America love to receive stuffed animals—such as teddy bears—from their lovers. In fact, a recent survey carried out by *Travelodge* and published in *Sky News* showed that 15% of *adult* women sleep with their teddy bears. [13] I don't think I really need to prove this, since everyone knows that young adult women love teddy bears and other stuffed animals.

But just for the sake of being thorough, I cite the example of the surgeon at the University of California Irvine who would hand out teddy bears to women fighting breast cancer. This same idea was adopted at many other hospitals; Wendy Mitchell, the former program manager for the Center for Women's Health, commented about the patients: “Their eyes well up with tears of joy. They take the teddy bear and hold it to their chests hoping this teddy bear from their doctor, this power of touch, will get them through this.” [14]

The point is that Aisha (peace be upon her) bringing her dolls along—or even playing with them—does not prove anything at all, especially when we factor in that she lived over a thousand years ago. According to *About.com*, it was just a couple decades ago that girls used to play with Barbie dolls up until their teenage years. Denise Van Patten writes:

13 http://www.ananova.com/news/story/sm_2240697.html

14 <http://www.ohsuwomenshealth.com/news/bears.html>

It was with great reluctance that I packed up my Barbie dolls in their doll trunk for the last time at 14. Back in Barbie's early heyday, in the 1960s and 1970s, my story wasn't unusual—girls often played with Barbie until their early teens.

(About.com, <http://collectdolls.about.com/cs/barbiemodern/a/barbieoutgrow.htm>)

So we see that in the 1970s, girls as old as 14 were playing with Barbie dolls. And a *hundred* years ago, the average age at which girls stopped playing with dolls was substantially older. And a *thousand* years ago, girls—and even young women—had few other ways to spend their free time, and thus, playing with dolls was routine. They had no other source of entertainment—no MTV, no shopping malls, no internet. Today, girls outgrow dolls very fast, because of all the other more catchy gizmos people have to entertain themselves with. One reference website states:

The toy dolls that existed before the 1700's served chiefly as playthings for adults as well as for children...The first dolls specifically for children probably were made in the 1700's.

(How Stuff Works, <http://reference.howstuffworks.com/doll-encyclopedia.htm>)

So in ancient (and not so ancient times), it was not at all unusual to see young adult women playing with dolls. As we can see, the fact that Aisha (peace be upon her) played with dolls does not in and of itself prove that she was an immature girl.

[Aisha's Dolls: Round Two!](#)

An Islamophobic website furthers another argument, which goes as follows:

- 1) Islamic Law (*Shari'ah*) forbids post-pubertal girls from playing with dolls. Only pre-pubertal girls are allowed to play with dolls.
- 2) There are *hadeeth* (narrations) in which we see Aisha playing with dolls after she moved into the Prophet's house.
- 3) This proves that she was pre-pubertal even after she moved into the Prophet's house and consummated the marriage with Aisha.

To properly understand why this argument is a weak one, we need to clarify a few things. First of all, the Islamic Law (*Shari'ah*) comes from the Quran and the authentic *hadeeths* (Prophetic sayings); these two texts—the Word of God (Quran) and His Messenger (*hadeeths*)—are considered the Islamic canon. However, it should be known that there is absolutely no directive in the Quran or the *hadeeths* that says dolls are permissible to pre-pubertal girls and forbidden to post-pubertal girls. No statement like such can be attributed to either God or His Messenger.

So what *did* Prophet Muhammad (peace be upon him) say? Actually, we have a *hadeeth* (Prophetic saying) in which he categorically forbade people from making graven images of living things. In this narration, Prophet Muhammad says that the angels do not enter houses in which there are such sculptures. [As an interesting aside, the Bible also carries such a prohibition: “You shall not make for yourself a graven image, or any likeness of anything that is in the heaven above, or that is in the earth beneath, or that is in the water under the earth.” (Deut. 5:8)]

The consequences of this command from Prophet Muhammad (peace be upon him) is that Muslims are forbidden to make or keep sculptors of living things. It was feared that people would start worshipping them as idols, and hence the prohibition. Additionally, the only Creator is God, and it does not befit the creation to create any living thing, or even an image of a living thing. This is to “compete” with God's Power, and God will

challenge such a person to bring the living thing to life. In any case, this *hadeeth* (Prophetic saying) clearly prohibits the creation of three dimensional figures that resemble human beings or animals.

However, we have another *hadeeth* in which Aisha (peace be upon her) is playing with dolls and the Prophet (peace be upon him) does not rebuke her for that. So the question arises: how do we reconcile these two narrations? After all, is not a doll a sculptor and hence forbidden? The Islamic scholars debated on how to reconcile between these two narrations. *One* of these views was that perhaps Aisha was pre-pubertal and pre-pubertal girls were exempted from this prohibition since they were younger than the age of accountability. This was one of the views stated by Ibn Hajar in *Fath al-Bari*. Now what the Islamaphobes do is pretend that this is the one and only view amongst Islamic scholars. It is important to recognize that Islamic scholars differ on many things, and it would be incorrect to present a monolithic view on the matter.

In fact, Ibn Hajar himself mentioned *numerous* views of this issue in *Fath al-Bari*. Actually the problem is that Islamaphobes are unfamiliar with Ibn Hajar's writing style or with his book. Whenever he used to discuss a controversial issue, Ibn Hajar would list all the various views on the matter; many of the views would in fact be contradictory. His intention was not to be dogmatic, but rather to share with the reader the various views. Therefore, it would be incorrect to claim that just because one view is in Ibn Hajar's book that this is *his* view. In fact, in the very same book, Ibn Hajar wrote:

If the doll of Aisha (Allah be pleased with her) had clear features, then this was before the prohibition of picture-making.

(Ibn Hajar in *Fath al-Bari*)

In other words, there are two ways to reconcile the two narrations: (1) pre-pubertal girls are exempted from the prohibition, or (2) Aisha (peace be upon her) was playing with the dolls *before* God informed Prophet Muhammad to forbid people from it. This was stated by Shaykh Muhammad ibn Adam al-Kawthari who said:

Some commentators of Hadith explain that Aisha (R.A.) used to play with dolls *before* the prohibition of *Tasweer* (picture-making), and the Hadith was abrogated by the Narrations which prohibit picture-making.

In other words, the idea—that perhaps Aisha (peace be upon her) was pre-pubertal—is not the only possible explanation of the two seemingly “contradictory” narrations. Rather, it could have been that Aisha (peace be upon her) was playing with dolls before the prohibition came down to forbid it. And there are many examples of this: for example, there is a *hadeeth* (narration) in which one of the Prophet’s disciples is drinking alcohol. This *hadeeth* is easily reconciled with another *hadeeth*—in which alcohol is forbidden—by saying that the first *hadeeth* occurred before the second one. In other words, the Prophet’s disciple drank alcohol before it was forbidden. Another example is that of temporary marriage which many of the Prophet’s disciples engaged in until it was forbidden by God and His Messenger.

There is a third view—which is also mentioned by the same Ibn Hajar (!!!) as well as by many other scholars. The two narrations—one forbidding statues resembling living creatures and the other mentioning Aisha playing with dolls—can be reconciled by mentioning a third narration in which the Arch-Angel Gabriel refuses to enter the Prophet’s house because there is a statue by its door. So Gabriel commands Prophet Muhammad:

Order that the head of the sculpture be broken off so that it resembles the trunk of a tree.

(Abu Dawood, al-Nisai, al-Tirmidhi, and Ibn Hibban)

After the head of the sculpture is disfigured so that it does not have clear facial features, Arch-Angel Gabriel enters the Prophet’s house. Applying this *hadeeth* (narration), it is possible to reconcile the conflict between the prohibition of sculptures and Aisha’s dolls. The prohibition on sculptures did not apply to those whose heads were disfigured. Therefore, it is likely that Aisha’s dolls did not have clear facial features, and as such the creator of these dolls is not “competing” with God by copying His creation. It is known

that the dolls back then were just made of wool, so they were more like sock puppets than intricately designed Barbie dolls. This is confirmed by the following *hadeeth*:

We used to make toys of wool for the boys, and if anyone of them cried, he was given those toys until it was time of the breaking of the fast.

(Bukhari, Volume 3, Book 31, Number 181)

Bassam Zawadi comments:

The above Hadeeth proves that dolls of children were nothing like what we know as dolls nowadays, since they are nothing but stick wrapped with wool that take no shape and if someone looked at it he won't be able to recognize what they symbolize. Knowing that, we can explain why the Prophet (peace be upon him) did not recognize the toy of Aisha (he didn't know that it was a horse), therefore inquired about it to the extent that he could not tell the wings as it was just extra piece of wool or sheet added to the toy.

Shaykh Salih al-Munajjid was asked about Aisha's dolls to which he said:

Those toys which are made of wool are not considered to be [graven] images, because they do not have a head apart from a piece of wool, and it does not have the features of the faces such as eyes, nose, mouth, or ears. If an image does not have a head or any [distinct] facial features, it is exempt from the ruling prohibiting images.

Ibn Abbas also narrated that an image without a head does not come into the category of forbidden images. Shaykh Muhammad ibn Adam al-Kawthari said:

If the dolls do not have a head, meaning they do not have eyes, ears, nose, and mouth which make them incomplete, then it will be permissible to make them...It has been narrated from Ibn Abbas, Abu Huraira (may Allah be pleased with them) and others, that a picture without a head is not a picture, thus permissible...The dolls which Aisha (Allah be pleased with her) played with was not of the type we have today. Her dolls were made out of rags without any prominent features.

Many commentators of Hadith have explained that the doll of Aisha (Radhi Allahu Anha) was not of the type that its features and organs of the body could be clearly seen; rather it was made from cloth and cotton as how it is generally made in the villages.

This explanation was also given as one possibility by Ibn Hajar who said:

The doll did not have prominent [facial] features.

(Ibn Hajar in *Fath al-Bari*)

So there are a few possibilities to explain why Aisha (peace be upon her) had dolls:

1. Image making was forbidden only after the *hadeeth* in which Aisha (peace be upon her) played with dolls.
2. Aisha's dolls were not forbidden because their faces did not resemble human or animal creation.
3. She was pre-pubertal, and pre-pubertal girls may not have been included in the prohibition of image making.

This third view is merely a possibility. The Islamaphobe's quote Ibn Hajar to validate their view, but in fact, Ibn Hajar said that this third opinion is seriously "questionable", and we'll see why shortly. But even if we accept the third view, this is only referring to the age of accountability, and not sexual maturity. Let us recall the words of Mufti Maulana Husain Kadodia who explained:

In reality, puberty has two usages. The first usage is with regards to physical development, whereas the second usage is with regards to menses. For (sexual) intercourse, developmental puberty is a precondition. Whereas for other rulings—such as being ordered to pray—the menses usage applies.

(Maulana Mufti Husain Kadodia, www.Ask-Imam.com)

There is no doubt that Aisha (peace be upon him) had reached puberty if we use the first usage of the word; all Islamic scholars are agreed upon this. The first usage is a

precondition for marriage. As for the second usage of the word “puberty”, then once this stage is reached, then the age of accountability begins. As we have discussed earlier, when Islamic scholars use the word “puberty” (*bulooḡh*), then they are referring to this second usage (i.e. the age of accountability). So when Al-Khattabi in *Fath al-Bari* said that Aisha was pre-pubertal, then by this he meant to say that Aisha had not reached the age of accountability and therefore the prohibition did not apply to her.

However, the Islamic scholars are agreed, by consensus (*Ijma*), that a girl reaches the age of accountability either when her menses occur, or when she reaches the age of fifteen—whichever of the two occurs first. The reason for this is that some girls do not have their first menstrual period until well into their twenties, whereas still others do not have any menses at all (a medical condition called *amenorrhoea*). This ruling—that a girl reaches puberty either through having menses or by attaining the age of fifteen years—is based on an authentic *hadeeth*. Shaykh Salih al-Munajjid said:

way, she would not at all be considered pre-pubertal according to Islamic Law. Hence, it cannot be said that Aisha was exempted from the prohibition on sculptures.

Let us again examine the *hadeeth* (narration) in which Aisha (peace be upon her) was playing with her dolls. (It should be noted that it is this same *hadeeth* which is used on Islamophobic websites to “prove” that Aisha was pre-pubertal.) Aisha narrated:

When the Messenger of God (peace be upon him) arrived after the expedition to Tabuk or Khaybar (the narrator is doubtful), the draught raised an end of a curtain which was hung in front of her (Aisha's) store-room, revealing some dolls which belonged to her. He (the Messenger of God) asked: “What is this?” She replied: “My dolls.” ...

(Sunan Abu Dawood, Book 41, Number 4914)

This event—Aisha with her dolls—occurred either after the expedition to Tabuk or the expedition to Khaybar. (The narrator did not remember which one it was.) If the event took place after Tabuk, then Aisha (peace be upon her) was older than fifteen years old at the time. If the event took place after Khaybar, then she had most certainly attained pubarche (growth of pubic hair). Therefore, from an Islamic perspective, she would have been considered post-pubertal (*baligh*), since fifteen years of age and pubarche are two of the four conditions. (see Shaykh Salih al-Munajjid's *fatwa* above.)

To prove that Aisha (peace be upon her) was older than fifteen years old after Tabuk is a simple matter. We merely need to open up *The History of at-Tabari*. Muslims date their calendar after the *Hijrah* (migration to Madeenah). Aisha (peace be upon her) consummated her marriage with Prophet Muhammad (peace be upon him) in the year 1 A.H. (after *Hijrah*). At that time, she was nine or ten years old. We read from *The History of at-Tabari*:

The Events of the Year 1: ...In this year also the Messenger of God consummated his marriage with Aisha. This was in *Dhu al-Qa'dah* eight months after his arrival in Madeenah according to some accounts, or in *Shawwal* seven months after his arrival according to others. He had married her in Mecca three years

before the *Hijrah*, after the death of Khadijah. At that time, she was six, or according to other accounts, seven years old.

(The History of at-Tabari, Vol.7, pp.6-7)

If he had married Aisha three years before the *Hijrah*, then in the year 1 A.H., Aisha was at least nine years of age. The expedition to Tabuk meanwhile took place in the year 9 A.D. We read from *The History of at-Tabari*:

The Events of the Year 9: An Account of the Military Expedition to Tabuk

...The Messenger of God ordered his companions to prepare for the military expedition against the Byzantines.

(The History of at-Tabari, Vol.9, p.47)

If Aisha was nine years old in the year 1 A.H., then she was some seventeen years old by the time of Tabuk which took place in 9 A.H. Therefore, if Aisha was playing with her dolls during the expedition of Tabuk, she was way over the age limit of fifteen and thereby considered post-pubertal by Islamic Law (*Shari'ah*). Ibn Hajar says:

As for her age at the time of the Battle of Tabuk, she had by then definitely reached the age of puberty.

(Ibn Hajar, *Fath al-Bari*)

In regards to Khaybar, we read from *The History of at-Tabari*:

The Events of the Year 7: The Expedition to Khaybar

Then the year 7 began. The Messenger of God set out for Khaybar in the remainder of al-Muharram.

(The History of at-Tabari, Vol.8, p.116)

This would mean that Aisha (peace be upon her) was at least fourteen years old at the Battle of Khaybar. The average age of pubarche (onset of pubic hair) is *eleven* years old.

More importantly, an overwhelming 97% of girls reach pubarche by thirteen years of age.

We read:

Delayed Puberty

...What's normal? Approximate mean ages for onset of various pubertal changes are as follows. Ages in parentheses are the approximate 3rd and 97th percentiles for attainment. For example, less than 3% of girls have not yet achieved thelarche by 13 years of age...

Pubarche 11y (8.5-13.5y)

(<http://www.economicexpert.com/a/Delayed:puberty.html>)

So there is an overwhelming 97% chance that Aisha had reached pubarche. In other words, there is an overwhelming 97% chance that the theory—that Aisha was exempted from the prohibition on sculptures—is false. Ibn Hajar was a great Islamic scholar, but he was not a physician or a medical expert; neither was the technological knowhow present back then to carry out such medical studies to determine the normal range of pubarche. But if Ibn Hajar were told that there is an overwhelming 97% chance that Aisha had attained pubarche, then it is more than likely that he would not have accepted it as a reasonable possibility.

It is much more likely then that Aisha was playing with dolls without distinct facial features, and as such, she was not in violation of any prohibition. Even if we say that certain dolls are forbidden to post-pubertal girls, Aisha's dolls were not of that type, evidenced by the fact that she played with them when she was most definitely post-pubertal. We leave it to the Islamaphobes to deny an overwhelming 97% probability. There is only a 50% chance that the event took place at Khaybar instead of Tabuk, meaning that the Islamaphobes are holding onto a 1.5% possibility that Aisha was pre-pubertal at the time. (Simple arithmetic: 50% chance it was Khaybar, and 3% chance she had not reached pubarche, so $0.5 \times 0.03 = 0.015$)

Al-Khattabi therefore was most certainly wrong, and Ibn Hajar didn't spot this because he did not have the medical data regarding pubarche. We respect the Islamic scholars, but no Islamic scholar is infallible. However, even if Al-Khattabi was right and Aisha was pre-pubertal, then this refers to the second usage of the word "puberty". And once again, we go back to the words of Mufti Maulana Husain Kadodia who said:

In reality, puberty has two usages. The first usage is with regards to physical development, whereas the second usage is with regards to menses. For (sexual) intercourse, developmental puberty is a precondition. Whereas for other rulings—such as being ordered to pray—the menses usage applies.

(Maulana Mufti Husain Kadodia, www.Ask-Imam.com)

So when Al-Khattabi was talking about Aisha being pre-pubertal, he was merely saying that she was pre-menarchal (i.e. she had not had her period yet), not that she was sexually immature.

In any case, the strongest view is that the dolls Aisha (peace be upon her) played with were not forbidden because they had no distinct facial features. Even if we assume that there are certain dolls that are forbidden to adults (and permissible to children), Aisha's dolls were not of this type! Shaykh Ibn Uthaymeen wrote:

With regard to those (dolls) in which the shape is incomplete, in which there is only a part of the limbs or head, but the shape is not clear, there is no doubt that these are permissible, and these are like the dolls with which Aisha used to play. (Narrated in al-Bukhari, 6130; Muslim, 2440)

But if the shape is complete, and it is as if you are looking at a person—especially if it can move or speak—then I am not entirely at ease with the idea of them being permissible, because this is a complete imitation of the creation of Allah. It seems that the dolls with which Aisha used to play were not like this, so it is preferable to avoid them. But I cannot say that they are definitely haram, because there are concessions granted to young children to play and have fun; they are not obliged to do any of the acts of worship so we cannot say that they are wasting their time

in idle play. But if a person wants to be on the safe side in such matters, he should cut off the head or hold it near the fire until it softens, then he should press it until the features disappear.

Notice that Shaykh Ibn Uthaymeen did believe that concessions were granted to children for certain dolls, but Aisha's dolls were not of this category. In other words, even if we accept the view that some dolls are permitted only to children, Aisha's dolls were a type that were permissible to children and adults, and this is because they did not have distinct facial features. (It should be noted that the safer view is that there is no distinction between children and adults, and that dolls with distinct facial features are to be avoided by all.)

It is highly probable that Aisha (peace be upon her) was post-pubertal (*baligh*) from an Islamic perspective. But even if Aisha had not yet had her first period, then this does not mean that she was pre-pubertal. She was only pre-pubertal according to the Islamic definition of the word, but not the English definition of the word! Doctors agree that many pubertal changes occur before menarche; in fact, a girl's sex organs may become sexually mature years before menarche, with some girls not having a period until their early twenties!

Although there might be a 1.5% chance that Aisha was pre-menarchal at the time of the doll incident, there is no chance at all that her body had not undergone the physical changes necessary to have sexual relations without harming herself. In fact, the marriage could not have occurred if this precondition had not been met. Aisha's body was physically mature and the issue of having a period or not is inconsequential. This leads me to another point. The Islamaphobes make a big deal about how Prophet Muhammad slept with a girl who was still playing with dolls. Yet, Aisha was at least fourteen years old when she was playing with dolls. Many fourteen year old girls have developed bodies. A recent survey conducted by a study group "found that 42 percent of the youth had engaged in vaginal intercourse by the age of 14." [15] Even today, the laws in many American states—such as Alabama, New Hampshire, New York, North Carolina, and

15 <http://www.lifesitenews.com/ldn/2006/apr/06040605.html>

South Carolina—allow for a girl to be married at the age of fourteen with parental approval. The Christian propagandists are trying to condemn the Prophet (peace be upon him) for having sexual relations with a fourteen year old whereas the mother of Jesus (peace be upon her) was betrothed at ten years of age and married at twelve.

To conclude the matter, Aisha (peace be upon her) was most likely post-menarchal. But even if she was not, that is not a big deal because her body had undergone the pubertal changes that cause physical maturity. Her sexual organs had been developed to the point at which no harm would come to her from having intercourse. Some girls don't have menarche until their twenties. Should we demand that they never have sex until that time? Surely that would be absurd, and this is why menarche is not a good indicator for the readiness for sex. There are some girls who have their first period at the age of seven whereas others have their period in their twenties, and as such, menarche is not a good indicator to use. A better gauge for readiness for sex is overall physical maturity, which Aisha (peace be upon her) most definitely possessed.

[Did the Prophet's Disciple View Aisha as Immature?](#)

An Islamophobic website claims that one of the Prophet's disciples, Buraira, thought of Aisha (peace be upon her) as immature. To back this claim, the site mentions the following narrations:

Buraira said: "I cannot accuse her of any defect except that she is still a young girl who sleeps (on the job), neglecting her family's dough which the domestic goats come to eat." (Sahih al-Bukhari, Volume 3, Book 48, Number 805)

Buraira said, "No, by God Who has sent you with the Truth, I have never seen in her anything faulty except that she is a girl of immature age, who sometimes sleeps and leaves the dough for the goats to eat." (Sahih al-Bukhari, Volume 3, Book 48, Number 829)

Buraira said: "By Him Who sent you with the truth, I have seen nothing objectionable in her duty only this much that she is a young girl and she goes to sleep while kneading the flour and the lamb eats that." (Sahih al-Muslim, Book 37, Number 6673)

In fact, this is an incorrect translation; nowhere does the text say that Aisha (peace be upon her) was immature. Rather, the Arabic text merely says that Aisha (peace be upon her) was *young*.

Bassam Zawadi explains:

Looking at the Arabic text, I don't see (the) word 'immature' anywhere! It only states that she is a young girl, which we already know. But if someone is young, that does not necessarily imply that he or she is immature.

Secondly, the Companion [Buraira] was not criticizing Aisha for her age. Rather, he was saying that her fault was that she "goes to sleep while kneading the flour..." The Companion might have attributed her carelessness due to the fact

that she was young and did not take seriously her responsibility over her tasks. However, this does not imply she was immature or psychologically incapable of being married.

Even in my workplace, when we bring in new marketing research trainees who are fresh graduates and are in their early twenties, our managers would criticize them for being careless in their jobs, since they haven't matured and are too young for these kind of responsibilities and tasks. Now, in no way would that imply that these individuals are (sexually) immature or incapable of being married. However, their age and inexperience does play a role in them not being efficient and serious at the work place like someone who has been working for several years...

It is very likely that Aisha in her young age would not take her house chores seriously (just as I and many other bachelors do[n't]; if you see my room, it is a mess!), but I really do not see how this in any way shows that she was too immature to get married. Someone not taking a certain thing seriously might be said to be immature in regards to that thing, but that does not necessarily imply that he/she is immature in everything.

Therefore, the Prophet's disciple was not talking about Aisha's physical body! He was merely saying that she was acting irresponsibly. For example, we often hear how eighteen year olds are "immature kids", even though by law they are considered adults. Her "immaturity" was not that she was physically or psychologically incapable of sexual intercourse, but rather that she was irresponsible in regards to her chores. The truth is that I, like Bassam Zawadi and other bachelors, am well past the age of adulthood but I continue to be irresponsible with my household chores!

We admit that Aisha (peace be upon her) was young, but she was sexually mature and capable of having sexual intercourse without this harming her. The Islamaphobes claim that the Prophet's marriage to Aisha (peace be upon her) was a proof of his child abuse. What abuse, if they cannot cite a shred of evidence that indicates that Aisha was harmed from her marriage? Far from it! Aisha (peace be upon her) would boast about how she

of all his wives was the youngest of his wives to be married to him; this was a source of great pride for her. So the image that the Islamaphobes wish to portray—about a young girl being forced off into marriage—is highly inaccurate; in fact, Aisha was so pleased about her early marriage that she used to boast about it. The marriage may seem odd by today's standards, but it was nothing unusual 1,000 years ago.

Who Decides When a Girl is Mature?

We have agreed that the Islamic dictum states that marriage cannot be consummated with a girl until and unless she has reached sexual maturity, such that no harm may come to her from it. This of course leads to the obvious question: who decides when the girl is ready for this? If this decision were to be made by the husband, then we all know how this would result in chaos: so many husbands would rush into sexual intercourse, even before the girl is ready for that. Therefore, the Islamic Law (*Shari'ah*) does not give this right to the husband. This is a means of protecting the wellbeing of the child.

Instead, the decision is given to the father, who can decide when the girl is ready to move into her husband's house. In Islam, the decision rests with him. A father is the protector and maintainer of his daughter, and he would have the best interest of the child in mind. Who knows the daughter better than the father? A father will know how mature or immature his daughter is, and whether or not she would be ready for marriage. Oftentimes what happens in Muslim families is that the girl thinks she is ready for marriage, but the father prevents her from this, based on her young age; this is out of the father's care and concern for the child.

A critic might contend that many fathers are perverts who would have no problem in giving their immature daughters to sexual predators. However, a simple refutation of this is that the vast majority of fathers are *not* perverts. If I were a father, I certainly would care about my daughter more than anyone else on this earth, and I think that I would be the best person to protect her from harm. There might certainly be abuse by some perverted fathers, but my contention is that allowing such fathers to marry their daughters off would not do any *additional* harm that is already present.

If a father is a pervert, he is most likely *already* sexually abusing his daughter even before she is married off. Therefore, it is not like a law that prohibits fathers from marrying off their daughters would be preventing any harm, because those fathers would *already* be abusing their daughters! My point is that most fathers are the best guardians of their daughters, excepting the perverts, but they would already be abusing their

daughters so it is a non-issue. Instead of taking away the rights of the father, the authorities should take action against those errant fathers who are perverts. In other words, don't punish all fathers for the sins of a few isolated people!

Islamic Law (*Shari'ah*) is very clear on the fact that a father who is a sexual pervert—and who exposes his daughter to this perversion—is stripped of his parental rights. Shaykh Salih al-Munajjid was asked about the father who is sexually perverted with his daughter, to which he responded:

This, by Allah, is something that would make one weep. Have things become so bad that the fitrah (human nature) has been turned upside down and a father feels such things towards his daughter? There is no doubt that this father is mentally ill and sexually deviant, and he needs urgent and intense treatment for his heart and mind, both psychological and physical treatment...

Wise relatives should be informed of such actions so that matters may be dealt with. If that does not work, then you have to make a complaint to the Shari'ah court or to the security services [i.e. police] in order to stop his evil actions towards you...

It is haram (forbidden) for you to take your father's actions lightly. You have to ward him off with all the strength you have, and raise your voice in shouting for help, even if that leads you to his being shamed or imprisoned.

If none of these solutions work, then we do not advise you to stay in the house. We advise you go and live with some righteous sisters or with your relatives where can live with them in accordance with Islamic rulings.

We ask Allah to relieve your distress and to guide your father and withhold his evil from you.

To conclude the matter, the right—of deciding when a girl is ready for marriage—rests in the hands of her father. But in the case of a sexual pervert, his parental rights are stripped of him, so this would no longer apply.

In the United States today, it is the government that decides when a girl is mature enough to be married off. And as such, the state governments set arbitrary age limits, which apply to every girl in the state. But because of this, one finds great discrepancy between states, such that one state allows marriage at the age of fourteen whereas another allows it only at the age of eighteen. And in various countries, one can find even younger age limits, such as in some Asian and African countries. Therefore, it is merely a matter of moving state or country lines to marry a younger girl! For some odd reason it is acceptable to marry a fourteen year old in Alabama, but not so in another state.

The Islamic Law (*Shari'ah*), on the other hand, is more versatile than this secular law. The Islamic Law recognizes that in certain matters it is impossible to pass a blanket judgment. How can any manmade law declare when a girl is ready to get married, when in fact different girls mature at different rates? There can be no one-size-fits-all judgment! It may be that a thirteen year old girl in Africa is fitter for marriage than a seventeen year old girl in America. So blanket generalizations cannot be made, because this would be restricting in a way that is not fair to everyone. It is for this reason that we say that there is no set age limit for every single human on earth, but rather it differs based on individual cases.

To take one example, some states dictate that fifteen years old is the minimum age for marriage. This law was enacted in order that immature girls are not harmed by being placed into marriage. However, it is not true that *all* girls under the age of fifteen would be harmed from marriage. Rather, some girls might be harmed, i.e. those who are immature. On the other hand, there might be a fourteen year old who is mature enough to get married; the evidence of this is the fact that states like Alabama allow for a fourteen year old to get married! Therefore, it would not be just or proper to ban *all* fourteen year olds from getting married, just because *some* girls would be harmed at that age. Rather, it is more appropriate that we allow those fourteen year olds to be married who are ready for it, and we prohibit those girls from getting married who might be harmed from it.

Bassam Zawadi said:

This should be looked at on an individual level and not a general level. For example, eating a Big Mac for someone who has diabetes, high cholesterol, etc. is forbidden only for that person, if it will harm him. Same thing with Pepsi or Coke. However, this is not the case with everyone else, since they won't harm them. [sic] Thus, we can't make a general fatwa based on everyone, but it must be looked at individually.

Ustadh Ayman bin Khaled declared:

The ruling of marrying at (a) young age is allowed (*mubah*) but the ruling shift(s) from *mubah* to either dislikeable (*makrouh*) or *haram* (forbidden) or preferable or *wajib* (obligatory); (it) depends on the (individual) case. If health science (is used) to prove that nowadays women are more exposed to danger because of early marriages, then this need(s) to be considered only on those who are exposed to this danger...It is important to put in(to) consideration that bodies mature differ(ently) from one area to another due to life-style, environment, health, immunity, and so forth...The possible danger of early marriages...can be taken in[to] consideration [i.e. on a case by case basis]...Each case has to be handled separately, so if harm (is) to result by any marriage, then it (the marriage) has to be prevented.

It should be remembered that the Islamic Law (*Shari'ah*) was revealed for all time, not just our present day. It would be outlandish then for God's Divine Law to state that girls under the age of fifteen may not be married. What about all the cultures and civilizations in the pre-modern era that used to engage in such early marriages? In this book, we have thoroughly documented how it was a worldwide phenomenon in the ancient (and not so ancient) world to get married at such a young age. If the Islamic Law created an age limit like fourteen or fifteen, then this would make God's Holy Law obsolete for so many thousands of years, when all of humanity used to marry their young daughters off.

Therefore, the Islamic Law (*Shari'ah*) is more dynamic than this, and sets forth a principle, namely that a girl may be married off when she is sexually mature enough that no harm is done to her. As such, the Islamic Law is all-encompassing. There might be

some fifteen year old girls who are not ready for marriage due to their sexual immaturity, and as such, they would be forbidden from it. On the other hand, a fourteen year old girl might be ready for marriage, and thus the Islamic Law allows for that. This is a more just law, and takes into account that girls mature at different rates. As such, the best decider would be the father, who loves his daughter a great deal and would not want any harm to come to her from it.

Father Cannot Oppress Daughter

A father may only marry his daughter to a man with the intention of safeguarding her good. If he intends to abuse this privilege, in order to gain some worldly benefit—at the expense of his daughter's well-being—then this is definitely

Forced Marriages are Forbidden (Haram)

Ustadha Zaynab Ansar, a SunniPath Academy teacher, declared:

Forced marriages are not permitted in Islam.

The proof of this comes from multiple authentic Prophetic narrations (*ahadeeth*). For example, the Prophet (peace be upon him) said:

A woman without a husband (or divorced or a widow) must not be married until she is consulted, and a virgin must not be married until her permission is sought.

(Sahih al-Muslim, Kitab al-Nikah, Book 8, Number 3303)

Aisha herself (!!!) says:

I asked God's Messenger about a virgin whose marriage is solemnized by her guardian, whether it was necessary or not to consult her. God's Messenger said: "Yes, she must be consulted!"

(Sahih al-Bukhari, Book 8, Number 3305)

The Quran declares:

O you who believe! You are forbidden to inherit women against their will! Nor should you treat them with harshness...

(Quran, 4:19)

The Prophet (peace be upon him) declared:

An orphan virgin girl should be consulted about herself; if she says nothing [out of shyness] that indicates her permission, but if she refuses, the authority of the guardian cannot be exercised against her will.

(Sunan Abu Dawood, Kitab al-Nikah, Book 11, Number 2088)

And the Prophet (peace be upon him) further said:

Consult women about (the marriage of) their daughters.

(Sunan Abu Dawood, Kitab al-Nikah, Book 11, Number 2090)

Shaykh Ali Badahdah stated:

Though a child must generally obey his or her parents, this obedience does not extend to marrying an unwanted partner in life. Islamic Law permits a son or daughter to refuse entering into any marriage he or she is displeased with, no matter what their reason for refusing might be...

No one should enter into a marriage unless he or she is perfectly satisfied with it and resolved to it. The consent of both the man and the woman must be utterly free. This is the way to ensure that their married life has a good chance of happiness and not be a source of continual grief for the couple and for their respective families.

In the case of a girl being forced into marriage, she has the right to have the marriage annulled. She simply needs to present her case to the court. The proof of this is also from authentic Prophetic narrations (*ahadeeth*). One of the Prophet's disciples, Buraydah, narrated that:

Once, a woman came to the Prophet and said: "O Messenger of God, my father married me to my cousin in order to raise his social standing, but I do not want to be married to him." The Prophet (peace be upon him) gave her the option of annulment. At this point in time, she said: "I have already reconciled myself to my father's decision, but I wanted it to be known that women have a say in the matter."

(Sunan an-Nasa'i #3629, Sunan Ibn Majah #1874, and Musnad Ahmad #25043)

A similar thing is narrated elsewhere:

A virgin came to the Prophet (peace be upon him) and mentioned that her father had married her against her will, so the Prophet (peace be upon him) allowed her to exercise her choice.

(Sunan Abu Dawood, Kitab al-Nikah, Book 11, Number 2091)

Shaykh Ali Badahdah stated:

If a man knows that the family of his bride to be is coercing her to marrying him, then that man must himself refuse to enter into the marriage. It is not lawful for him to marry a woman he knows is unwilling. Such a marriage has a contractual defect in it, since the willing consent of both parties is part of the contractual basis of a lawful marriage in Islam – even if that marriage takes place in a court of law at the behest of the woman's legal guardian.

Shaykh Muhammad Ahmad al-Salih clearly writes that *both* a child and adult have a right to refuse marriage:

Question: Can a father compel his daughter to marry a man whom she dislikes? Does she have to obey her parents' wishes if they want her to marry someone?

Answered by Shaykh Muhammad Ahmad al-Salih:

An adult person, whether male or female, cannot be forced by anyone to marry against his or her will...A child must generally obey his or her parents. However, this obedience does not include a life-long commitment to an unwanted marriage partner.

http://islamtoday.com/show_detail_section.cfm?q_id=353&main_cat_id=17

Shaykh Salman al-Oudah's website has an excellent article entitled "Forced Marriages Have No Place in Islam", and the interested reader can read that article for more clarification on the matter.

Laws that Limit the Age of Marriage

Many religious Muslims living in Eastern countries oppose any laws passed by governments that regulate the age of marriage. Some Westerners wrongfully interpret this to mean that these Muslims advocate child marriages. Yet, we Muslims *recognize* that some girls are too young to consummate marriage; however, we are simply against the government being the one to decide that. We believe that it is the girl's legal guardian—usually the father—who should be given that right.

An analogy can be made to Americans who are strong supporters of state's rights. They may, for example, believe that the federal government has no right to collect taxes. This does not mean that they are against taxes. Rather, these people are against the *federal government* collecting those taxes. They believe that this is not a right to be relegated to the federal government; it is instead the right of the state government to collect taxes. Likewise, Muslims recognize that some girls should be forbidden from consummating marriage on account of their young age; however, this decision should rest with the father, and *not* the government. This is based on the idea that a father knows his daughter the best (more so than the government), and traditionally, nobody cares for a daughter's well-being more than the father.

Another example that can be cited is that of secularists who believe that adultery should not be a crime according to the law of the land; this does not mean that they advocate or encourage adultery. Rather, they believe it is up to the individual—not the government—to regulate what goes on in the bedroom. To cite another example, the government usually does not dictate at what age a child can start swimming. This does not mean that we throw infants into the water. Rather, it merely means that the right to decide this rests with the parents. One set of parents might decide that their child is not ready to swim until he is at least ten years old, whereas another set of parents might decide that their four year old is ready to swim. This decision is based on the parents' understanding of the child's individual abilities and needs, something that the government cannot realistically be cognizant of. Again, the issue is simply of relegating responsibility; the Islamic law tends to give many rights to the parent. The Islamic Law does not set a

minimum age limit to be enforced by the Islamic state; rather, the right to set a minimum age is given to the father.

I am reminded of an incident in which an Islamic scholar defended the Islamic legal position that the government has no right to set a minimum age for marriage; an angry layperson accused the scholar of hypocrisy since he would not ever marry his own daughter at a young age. Yet, what this layperson didn't realize was that every father has the right to decide at which age his daughter is ready for marriage. Everyone agrees that not all girls are old enough to consummate marriage; this is not the issue! The issue is merely about who gets to decide this. The Western societies say the government, whereas the Islamic law says the girl's legal guardian. That is why even in those Muslim countries without a legal age limit on marriage, you will find that it is virtually unheard of for a father to marry his daughter off at an extremely young age. In fact, we ask the critics of Islam to ask themselves if they personally know of any Muslims who have married their daughters off at an incredibly young age; indeed, the average age for marriage amongst Muslim girls is in the twenties. This is therefore really a non-issue. It is a theological debate and nothing more, with no practical real application. Regardless of the pedagogic debates that Islamic scholars will have, Muslim fathers will not be marrying their daughters off at a young age.

In conclusion, the Islamic state would set no legal age for marriage. Rather, this is an issue to be decided by the legal guardian.

Average Age of Marriage in the Post-Industrial World

In agrarian societies, girls were married off at an early age. However, as industrialization took place, the average age of marriage began to increase. In the book *Social Problems in Global Perspective*, we read:

Children were affected by the move toward industrialization in several ways. In agricultural times, children were married-off at puberty—or even before! Today, with an average age of marriage in the United States around 26 years old, marriage at puberty seems unbelievably young. But if we turn it around and begin from the basis of physiology, we begin to see, in fact, the basis for some of our social problems: Human biology dictates reproduction—and therefore marriage—at puberty; that's what puberty means: a biological readiness for sexual reproduction.

Industrialization spawned a new stage in the life cycle between childhood and adulthood: adolescence. With children squeezed out of the workplace and with an increased need for more formal schooling, children no longer moved straight from the nursery to marriage. The age of responsibility and independence slowly increased. Today we have college and graduate school, and postpone marriage. At the beginning of the twentieth century, postponement of marriage to the age of eighteen seemed like a late marriage pattern to those remembering pre-industrial clan days. By the same token, many of our putative social problems related to teen pregnancy were not nearly the problems then as they are now—not because “teens” did not get pregnant, but because teens were generally *expected* to marry and move into motherhood.

(Social Problems in Global Perspective,

<http://books.google.com/books?id=ECWSVPEepOgC&pg=PA66&lpg=PA66&dq=average+age+of+marriage+puberty+industrialization&source=web&ots=QILWYFoHBc&sig=j5AotdGnLYvn18UQzMeDU-n6fzw#PPP1,M1>)

Even today, we find that the average age of marriage remains very low in countries that have not yet industrialized. This has nothing to do with religion, but rather it has to do

with the economy. In Asia, for example, the under-developed and agrarian countries have a very low average age of marriage. Conversely, the Miracle Dragon states such as Taiwan and South Korea have a much higher average age of marriage. Researchers can see the shift from early marriage to delayed marriage with their very own eyes, as many countries today begin the shift towards industrialization.

Child marriages remain prevalent in parts of the agrarian world today. According to the official website of the United Nations:

- In Ethiopia and some areas of West Africa, some girls get married as early as age 7.
- In Bangladesh, 45 per cent of young women between 25 and 29 were married by age 15.
- A 1998 survey in the Indian state of Madhya Pradesh found that nearly 14 per cent of girls were married between the ages of 10 and 14.
- In Kebbi State of northern Nigeria, the average age of marriage for girls is just over 11 years, compared to a national average of 17.

(United Nations,

http://www.unfpa.org/swp/2005/presskit/factsheets/facts_child_marriage.htm)

It would be absolute hubris for the post-modern man to look down on the sociological norms of ancient civilizations.

Pedophilia

The unscrupulous Islamaphobes label our dear Prophet Muhammad (peace be upon him) as a pedophile. Yet, we find that the Prophet (peace be upon him) could not at all fit under this description, even by today's standards! The *American Psychiatric Association* uses the *DSM-IV-TR* classification scheme in order to diagnose pedophilia. We read:

Diagnostic Criteria for Pedophilia

Pedophilia, included in the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders (DSM) since 1968, continues to be classified as a mental disorder. The DSM is the standard classification of mental disorders used by mental health professionals and provides clear, objective descriptions of mental illnesses, based upon scientific research...

The American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition Text Revision (DSM-IV-TR) criteria for Pedophilia (302.2) are: Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children...

(Medem.com,

http://www.medem.com/MedLB/article_detailb.cfm?article_ID=ZZZUZRUZGLC&sub_cat=355)

Pedophilia is diagnosed when an elderly man is involved with a pre-pubescent child. Yet, Aisha (peace be upon her) moved into the Prophet's house *after* she attained the age of puberty. The English definition of puberty is sexual maturity, and Islamic scholars are agreed that this is a precondition for marriage. This was the very reason that Aisha waited three to four years after betrothal before she moved into her husband's house. Therefore, we see that the Prophet (peace be upon him) was not at all a pedophile, even by today's standards.

It is impossible to accuse the Prophet (peace be upon) of pedophilia because at that time a nine year old pubescent girl was considered an adult, and not a child. This is stated explicitly by Aisha (peace be upon her) herself:

When the girl reaches nine years of age, she is a woman.

(Sunan al-Tirmidhi, Kitab al-Nikah)

A. Squires wrote:

In almost all societies up until a couple of centuries ago, and still some so-called “primitive” societies today, a girl who had reached puberty was not considered a “child”. Therefore, to state that someone married a “child” in a societal context in which said person was indeed not a “child” is simply both unfair and technically incorrect.

It would be incorrect to use the Islamic legal definition of the term *baligh* in order to classify someone as a pedophile. As we have discussed earlier in this book, a girl may be pre-menarchal even when she is eighteen years old! But no psychiatrist would label a man a pedophile for marrying a pre-menarchal eighteen year old. Psychiatrists use sexual maturity as a guide (i.e. developed sex organs), and *not* menarche.

In any case, psychiatrists today would admit that their classification scheme is only valid in the contemporary age. It would be invalid if applied to ancient civilizations. To do so would be to diagnose hundreds of millions of ancient people with pedophilia.

Prophet Muhammad's Marriage to Aisha

[A Socio-Political Marriage](#)

In ancient (and not so ancient) times, marriages were contracted as a means of cementing alliances. This was especially true among the nobility and ruling class. We read in the book *The Royal Bastards of Medieval England*:

Laymen in medieval Europe saw marriage as the key to both property transfer and political alliance...If the son of one house married the daughter of another house, it was a visible sign of alliance between the two houses...This political aspect of marriage explains why betrothal was so important in the Middle Ages: the betrothal indicated that the diplomatic agreements which underlay the union had been concluded...

Marriage for purposes of political alliance could not wait on age: to cement the Anglo-French peace made at Paris in 1303, it was agreed that Edward, prince of Wales (the future Edward II) should marry Isabella, the French King's daughter. Edward was nineteen at the time, but Isabella was only seven. A century later, when Richard II and Charles VI of France concluded a truce at Calais in 1396, the twenty-nine-year-old King Richard himself married a French princess, another Isabella, this time aged eight. Child-marriages, or child-betrothals, were common in the Middle Ages, particularly among royalty and aristocracy...

Marriage, then, was a contract between two houses—or kingdoms...the control of property transfer and the establishment of political alliances were therefore two of the main functions of marriage in the eyes of medieval laymen.

(The Royal Bastards of Medieval England, pp.21-23,

<http://books.google.com/books?id=xKI9AAAIAAJ&pg=PA21&lpg=PA21&dq=church+repudiate+marriage+at+puberty&source=web&ots=YP01yWWDJ5&sig=cVUs2aWOm-PWkhC3M8gLD4PMv5g>)

The marriage between Prophet Muhammad (peace be upon him) and Aisha (peace be upon her) was similarly the seal of a political alliance between the Prophet (peace be upon him) and his future successor, i.e. Abu Bakr (Aisha's father). Abu Bakr was an Arab nobleman, and he was one of the early converts to Islam who came from a powerful socio-political standing. Sir William Muir writes about Prophet Muhammad's marriage to Aisha:

He [Muhammad] contracted a second marriage with Ayesha, the young daughter of Abu Bakr—a connection mainly designed to cement the attachment with his bosom-friend [Abu Bakr].

(Sir William Muir's *The Life of Mahomet*, p.208,

<http://books.google.com/books?id=XzwBAAAAQAAJ&pg=PA208&lpg=PA208&dq=about+the+same+time+he+contracted+a+second+marriage+with+ayesha&source=web&ots=QgqQzqreSW&sig=1Yk2ltyFEtGiR2lFlz0HCFMzTL8>)

Washington Irving wrote:

He [Muhammad] sought, by this alliance, to grapple Abu Bekr still more strongly to his side.

(Washington Irving's *Life of Muhammad*)

Rev. W. Montgomery Watt states:

Since Muhammad had a political aim in nearly all his marriages, he must have seen in this one a means of strengthening the ties between himself and Abu Bakr, his chief follower.

(Quoted in *Encyclopedia of Islam*)

It should be known that Abu Bakr (peace be upon him) was the first Caliph of the Muslims, and the successor of the Prophet. The Prophet also married the daughter of his second successor, Hafsa (peace be upon her), the daughter of Umar ibn al-Khattab (peace

be upon him). Hafsa was a widow (and a grown woman) when the Prophet (peace be upon him) married her. Therefore, we can see that the matter had nothing to do with the ages of the daughters; it was not that the Prophet (peace be upon him) had some pedophilic desire to marry a young child. These were *socio-political* marriages and they were contracted in order to cement ties between families. Both Abu Bakr and Umar (peace be upon them) came from strong families, and marriage was the ultimate seal of union between households.

The Prophet's marriages to Aisha and Hafsa (peace be upon them) were contracted when the pagans were persecuting the Prophet's followers. These marriages were political in nature, arranged in order to strengthen and protect the Prophetic household in this time of persecution. Similarly did the Prophet wed Juwriyyah, a marriage which cemented his ties to the clan of Bani al-Mustaliq and their allies. He also married Mariyya the Copt and by doing so he formed a political alliance with a very powerful monarch. In fact, the first four successors (i.e. Caliphs) of the Prophet either married the Prophet's daughters or married their daughters to him. So none of these were marriages of desire, but rather they were socio-political marriages! As such, allegations of pedophilia are baseless, as there was no desire involved.

The Islamaphobes claim that the Prophet (peace be upon him) was a pedophile; if this were the case, then is it merely a coincidence that the *only* young girl he married just happened to be the daughter of the nobleman Abu Bakr, his immediate successor? If the Prophet (peace be upon him) had some pedophilic desire, then why was the marriage contracted three to four years *before* Aisha (peace be upon her) moved into her husband's house? If Prophet Muhammad was a pedophile, then it would not make sense why he would wait until Aisha passed through the age of puberty. Furthermore, Prophet Muhammad had no reason to wait at all; he could simply have married another young girl whom wouldn't make him wait three to four years at all. Why didn't he? The answer is obvious: the marriage was political, and it was merely happenstance that Abu Bakr's only daughter was young at the time. The political need to cement family ties was so great that the betrothal was done years before the actual marriage. The fact that the

marriage contract was rushed three to four years before the contract was executed, shows that there was an urgent political need that this marriage fulfilled.



Nothing Much Ado

Before she was betrothed to Prophet Muhammad, Aisha (peace be upon her) was first engaged to another man, a Non-Muslim named Jubayr ibn Mut'im. Jubayr was a fervent enemy of Islam, and when Aisha's father became a Muslim, Mut'im cancelled the marriage. From this, we can see that there was nothing much ado about Prophet Muhammad's proposal to Aisha, since she had other suitors as well. Aisha's parents certainly did not see this as pedophilia; otherwise, they would not have agreed to marry her off to Jubayr or Prophet Muhammad. In fact, Aisha's parents were very pleased with the marriage, and Aisha herself would boast about it throughout her life.

Far from the victim of pedophilia, Aisha (peace be upon her) was a very possessive wife who used to talk with great pride about her close relationship with the Prophet of Islam. Aisha became one of the greatest scholars of Islam, and she is revered by Muslims as the Mother of the Believers. The Christians revere Mary as a matriarch of Christianity, who was only twelve years of age when she supposedly married Joseph. The Muslims similarly revere Mary, as well as Aisha (peace be upon them both). What then is the issue when both Christians and Muslims revere matriarchs who were young girls when they married?

It is narrated in *Musnad Ahmad* that the name of Aisha was first proposed to Prophet Muhammad by a woman named Khaulah. This proves two points: firstly, had the marriage been considered pedophilia, then certainly a woman would not have proposed the idea. Khaulah certainly saw nothing amiss about the marriage. The second point—of great importance here—is that Prophet Muhammad (peace be upon him) did not himself bring up Aisha's name, so there is no question about any pedophilic desires. Rather, someone else brought up her name, and most likely due to the fact that she had just lost her fiancé. What a loss Abu Bakr must have felt when his daughter's betrothal was broken off. And so, Prophet Muhammad offered to marry Aisha himself, and how elated Abu Bakr must have been!

Not a single person at the time—neither Muslim, Jew, Christian, pagan, friend or

enemy—took issue with the Prophet's marriage to Aisha. Had marrying Aisha at such a young age been considered inappropriate at that time, then the Quraysh infidels would have used this polemic against him. It is known that the Quraysh idolaters at the time left no stone unturned in their insults against Prophet Muhammad: they used to criticize each and every one of his actions, whenever and wherever they could. Yet, the Quraysh never *once* mentioned his marriage to Aisha. And why should they when it was the cultural norm? There are countless examples of young brides in those days, such as Umm Kulthoom bint Ali, Fatima bint al-Mundhir, Bint `Izz al-Dawla Bakhtyar, and many others! This was more than just a regional and cultural norm, but rather it was the normative practice of humanity before the industrial era.

Interestingly, the Christian missionaries during the Middle Ages never used this polemic against the Prophet. We find that they would oftentimes accuse Prophet Muhammad of being a polygamist but never did they refer to him as a pedophile or anything of that sort. It was only in the post-industrial era that the Christians began slandering the Prophet for his marriage to Aisha, forgetting the reality that their own Christian history is full of their prophets, kings, nobles, and saints who would marry young brides of the same age as Aisha. Therefore, we find that the post-modern man attacking ancient civilizations for something that is a result of necessity is nothing short of unsophisticated idiocy and oafish buffoonery. Early marriage was a necessity in order to maximize the years of childbearing so as to counter incredibly high infant mortality rates. As we have established earlier in this book, the average human lifespan was in the twenties just a thousand years ago.

Conclusion

This prejudiced attitude of some of the Jews and Christians—whereby they unfairly target the Prophet of Islam—is one of the reasons for the atmosphere of distrust between the West and the Muslim East. Why, the Muslims ask, is our dear Prophet under such scrutiny for his marriage to Aisha when the Christian saints, kings, nobles, prophets, and leaders similarly contracted such marriages? We Muslims never attack the Prophets of the Judeo-Christian tradition, and yet the Christians single out ours, and this is something that is not fair nor proper, and it is an attitude that must change if there is to be goodwill between peoples on this earth.

The Jewish and Christian polemicists must stop throwing stones when they themselves live in a glass house. In the Bible, we read:

How can you say to your brother, “Brother, let me remove the splinter in your eye,” when you do not even notice the wooden beam in your own eye? You hypocrite! Remove the wooden beam from your eye first; then you will see clearly to remove the splinter in your brother's eye.

(Luke 6:42)

I seek refuge in God Almighty from the blasphemy attributed to Prophet Muhammad (peace be upon him). Those who slander our Prophet are nothing short of hypocrites and ignorant simpletons who will be punished in the deepest abyss of Hellfire along with all those who used to attack God's Prophets. Did these Jews and Christians not read their own Bible, and see how God dealt with those who rejected His Prophets and Messengers? And not a single messenger roamed this earth but that he was attacked viciously with vile propaganda. Only a few believed, and the rest disbelieved, and to God is all judgment.

I testify that there is no deity worthy of worship but God Almighty alone, and I believe in and respect all of the Prophets of God, including Adam, Noah, Abraham, Jesus, and Muhammad (may Allah be pleased with them all), among many others. Nobody has the right to attack any one of them, and those who do so earn the wrath of God Almighty.

In this book, I have responded to the hypocrisy of the Islamaphobes, and have exposed their arrogance and profound ignorance. I have, with the Grace of God, defended the Prophet against the enemies of Islam, not by the sword but by the word. I have used the pen as a mighty lance that pierces through their wicked lies. I have responded like with like, fire against fire, and iron against iron. I have exonerated Prophet Muhammad of the slander, and established the proof against the slanderers. I have used their own books, journals, and articles to expose their deception. I have thrown rocks that have shattered that great big glass house that they live in, and the shards from that glass will cut their hearts open.

and God Almighty is the Source of all strength!

Ibn al-Hashimi