

mercy for mankind

EBUH



**REFUTING THE CLAIM THAT
PROPHET MUHAMMAD
WAS A PEDOPHILE**

Designed and Directed by Rasoulallahnet Team
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Prophet
Muhammad
was a Pedophile

ibn Al-Hashimi

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Introduction

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](http://www.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), evidently understood to mean that if one’s children were married, they would not succumb to sexual temptation” (Biale, 1997:p4995](50-]

(G.U.S.: A World Reference Atlas, <http://www2.rz.huberlin.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.huberlin.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 nərāh, 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.huberlin.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-Mi wot,» 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/viewjsp?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 e 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.

1 O>Dea, 13-; Rush, 303-

(Age of Consent: A Historical Overview, <http://www.haworthpress.com/store/ArticleAbstract.asp?sid=XH16E3FKBF7Q9P3MKLPC82LUJNKC4IU5&ID=87429>)

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 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

2 Rush, 3234-

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

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=YXsIA_xAXp8C&pg=PA37&lpq=PA37&dq=noblewomen+married+early&source=web&ots=q6KGHQigfa&sig=0Pv95S0Z7pBtjVz9GZHbuWc53ho#PPPI,MI)

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]

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), 14244-.

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 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]

6 V.H.H. Green, *Medieval Civilization in Western Europe* (London: Edward Arnold Ltd., 1971), 18485-

7 William J. Fielding, *Strange Customs of Courtship and Marriage* (New York: The New Home Library, 1942), 16668-

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.

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)

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.

10 O>Dea, 46-

(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=ht tp://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)

<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.103104-, <http://books.google.com/books?id=F549XluX9DQC&pg=PA104&lpg=PA104&dq=average+age+of+marriage+ancient&source=web&ots=YzZVYI4Ok6&sig=Jm uMAO3YgRnYQFVLOcsHCu QDFd8#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/200605-/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, girls'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.huberlin.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 (prepubertal marriages) were not exceptional and were condoned.

(The Age of Roman Girls at Marriage, <http://links.jstor.org/sici?sici=0032-47283%2918%28196503%A33%C3093%ATAORGA%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.huberlin.de/sexology/GESUND/ARCHIV/GUS/HISTORYCHHS.HTM#_Toc26337)

172)

The Islamaphobe's Glass House Hashimi
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.huberlin.de/sexology/GESUND/ARCHIV/GUS/HISTORYCHHS.HTM#_Toc26337

172)

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-](http://links.jstor.org/sici?sici=0075-4269(1966)863%2C2503%2FADLIGAT%3E2.0.CO%3B2-W)

[4269\(1966\)863%2C2503%2FADLIGAT%3E2.0.CO%3B2-W](http://www.richeast.org/htwm/Greeks/marriage/marriage.html) , <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, MolloyCollege'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.

(MolloyCollege, 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=I6YNQ4uUvZ0C&pg=PA44&lpg=PA44&dq=nobility+married+early&source=web&ots=K6CD_](http://books.google.com/books?id=I6YNQ4uUvZ0C&pg=PA44&lpg=PA44&dq=nobility+married+early&source=web&ots=K6CD_RPNNC&sig=rug6ZIFREdsmFAKkjPIboKsd2KI)

[RPNNC&sig=rug6ZIFREdsmFAKkjPIboKsd2KI](http://books.google.com/books?id=I6YNQ4uUvZ0C&pg=PA44&lpg=PA44&dq=nobility+married+early&source=web&ots=K6CD_))

The History at Minnesotawebsite 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:

I. 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 (354-430 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)

The Islamaphobe's Glass House Hashimi 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.domesticchurch.com/CONTENT.](http://www.domesticchurch.com/CONTENT.DCC/19980101/SAINTS/STAGNES.HTM)

[DCC/19980101/SAINTS/STAGNES.HTM](http://www.domesticchurch.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. Glass House
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/extr 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 refers to a girl of at least 12 years of age!

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

Muslim apologists use a strikingly similar argument. We cite the example of Understanding-Islam.com, a Muslim website that takes unorthodox opinions:

All those who know the Arabic language, are aware that the word «bikr» in the Arabic language is not used for an immature nine-year old girl. The correct word 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://understandingislam.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 picture of Joseph as a courageous, faithful, God-centred elderly widower rings true. It also tells us that «old people» are quite capable of being chosen for and embarking upon extraordinary adventures in which they obtain remarkable success by God's mercy and provision.

This picture may not be very attractive - particularly in a youth-fixated culture such as ours in which «old» has become a pejorative expression. One can understand the appeal of the youthful Joseph. But truth may have an attraction all its own.

(Ukrainian-Orthodoxy, http://www.unicorne.org/orthodoxy/articles/articles_a/joseph.htm)

Therefore, if the Christian West seeks to damn the Muslims for our belief in an elderly Prophet who married a young virgin, then let them cast the first stone against their own 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.toureygypt.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=5WGAzdIO6f&sig=rvR_tOggFs6yteb0Rks25Ibg-_k4#PPPI,M1](http://books.google.com/books?id=CZQRMZo956QC&pg=PA207&lpg=PA207&dq=age+of+marriage+ancient+japan&source=web&ots=5WGAzdIO6f&sig=rvR_tOggFs6yteb0Rks25Ibg-_k4#PPPI,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.huberlin.](http://www2.huberlin.de/sexology/GESUND/ARCHIV/GUS/RUSSIA.HTM#_Toc82813007)

[de/sexology/GESUND/ARCHIV/GUS/RUSSIA.HTM#_Toc82813007](http://www2.huberlin.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 Hanyi 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:p49122](2-), 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.huberlin.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:p46970-) 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 and Erhardt, 1973 / 1996:p142)[43], and, together with eventual siblings, join the husband at menarche, at age 12 or 13.

(G.U.S.: A World Atlas, [http://www2.huberlin.](http://www2.huberlin.de/sexology/GESUND/ARCHIV/GUS/ABORIGINALAUSTRALIA.HTM)

[de/sexology/GESUND/ARCHIV/GUS/ABORIGINALAUSTRALIA.HTM](http://www2.huberlin.de/sexology/GESUND/ARCHIV/GUS/ABORIGINALAUSTRALIA.HTM) #_Toc82729383)

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:p315)(2-]. Quantitative analysis of these data places the average for females below the age of thirteen (G.U.S.: A World Atlas, <http://www2.huberlin.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 Caingúa, 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 (kiia) 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:p30636][7-]...

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:p7739][8-]. (G.U.S.: A World Atlas, <http://www2.huberlin.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 Igbara 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 2024- 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 (1821-).— 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 is 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 practice of child marriage was firmly established by 200 BC.

(Child Marriage in Nepal, http://www.cwin.org.np/resources/issues/child_marriage.htm)

The Encyclopedia of Religion and Ethics says:

[It was considered] sinful on the part of the [Hindu] father to allow his daughter to attain puberty without being married and the girl herself fell to the condition of a Sudra [i.e. low caste], marriage with whom involved degradation on the part of the husband...the Smrti of Manu fixes the age of husband and wife at 30 and 12 or 24 and 8 respectively; the later work of Brhaspati and the didactic portion of the Mahabharata give the wife's age in these cases as 10 and 7 respectively, while yet later texts give 4 to 6 as the lower and 8 as the upper limit. There is abundant evidence that these dates were not merely theoretical.

(Encyclopedia of Religion and Ethics, p.450, <http://books.google.com/books?id=INJl4FGelPpYC&pg=PA523&lpg=PA523&dq=manu+ix+a+girl+should+be+given+in+marriage+before+puberty&source=web>)

&ots=7WP3uyXj9V&sig=HN-O7gG0ya_0QTuwCvEUjGPQG_Y#PPA522,MI)

The Encyclopedia of Religion and Ethics says further:

We find the rule, almost universally valid in the Smritis, according to which the nagnika, i.e. a girl going naked and yet immature, is the best (wife). [6]Manu shortly afterwards (ix. 94) lays down that a man of thirty years shall marry a girl of twelve, and a man of twenty-four a girl of eight years...in Baudhayana [1] it is 58

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.522523-, http://books.google.com/books?id=INJl4FGeLpYC&pg=PA523&lpq=PA523&dq=manu+ix+a+girl+should+be+given+in+marriage+before+puberty&source=web&ots=7WP3uyXj9V&sig=HN-O7gG0ya_0QTuwCvEUjGPQG_Y#PPA522,MI)

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 Islamaphobic 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#PPPI,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.biblio.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=G64wj-pPjE3b0hrx8KYYNRKTuVxE#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

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, 9206/]
(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.

The Khul' separation is a revocation of marriage-1

...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 Hajar said: «Its line of transmission is authentic.» al-Talkhis al-Habir (3231/)].

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.» [Zad al-Ma`ad (5197/)].

Ibn Khuzaymah said: "It was never established that khul' is a divorce [al-Talkhis al-Habir (3231/)].

This is the opinion of Ibn Taymiyah. He gives strong support for this opinion in Majmu` al-Fatawa (32289/).

(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)



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