



The Holy Qur'an

And

The Marriage of a Prepubescent Child

The Harmful Consequences of Forced Marriage

Incorrect Narrations

About the Marriage of Aisha (RA)

حکمتیار

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(may Allah be pleased with her)

Hekmatyar

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In the Name of Allah, the Most Compassionate, the Most Merciful

Introduction

In recent days, yet another governmental fatwa (a juristic opinion) and decree has been met with a wave of criticism and controversy. The matter escalated to the point of drawing strong condemnation from the United Nations and international human rights organizations, while the enemies of Islam seized upon it as a propaganda tool to launch widespread attacks against Islam itself. This fatwa appeared to suggest that the marriage of underage girls was permissible. Government-appointed muftis promoted it as being consistent with the Hanafi school of jurisprudence, and government spokesmen declared that they were merely acting in accordance with their madhhab.

I therefore wished to write a brief treatise on this subject and place before the readers the clear and explicit Qur'anic verse that makes the validity of marriage conditional, physically, upon reaching the age of maturity and adulthood, and intellectually and morally upon attaining sound judgment and maturity of mind. I also wished to remind readers of the guidance of the Messenger of Allah ﷺ, who stated that the marriage of both a previously married woman and a virgin girl is valid only when they have been consulted and have consented to it. Furthermore, I wished to point out that Islamic law, in addition to the fundamental requirement of offer and acceptance, considers the specification of the dowry and the presence of at least two witnesses essential conditions for the validity of a marriage contract. In light of these explicit teachings and rulings, how can anyone dare to declare the marriage of a prepubescent child, or a marriage based upon coercion and compulsion, to be permissible?

I sent my initial draft to several knowledgeable and religiously

informed friends for their comments and advice. In light of their observations and the importance of the issue, I found it necessary to discuss the matter in somewhat greater detail. During this period, I heard brief accounts of three incidents from various individuals, which further motivated me to examine the subject more thoroughly:

First Incident: In Khyber Pakhtunkhwa, a Pashtun girl was married off by her family against her will and without her consent to a man for whom she had no affection whatsoever. Unlike some other oppressed girls, she could neither escape nor bring herself to commit suicide. Eventually, she decided to poison her husband. She mixed poison into a glass of traditional buttermilk, but her husband returned home late. She therefore placed the glass in the refrigerator. When he finally arrived, the entire family had gathered for dinner, and buttermilk had been prepared for everyone. Unaware of the danger, someone poured the poisoned glass into the common supply. As a result, her husband, father-in-law, mother-in-law, two brothers-in-law, and ten other individuals—eight of whom were children—drank from it. Fifteen people lost their lives, and three others were hospitalized. The primary and underlying cause of this tragic catastrophe was a forced marriage.

The second case occurred in Paktia. Another young woman had likewise been married off against her will. Prior to the wedding ceremony, she fled with the young man whom she loved. Her family was unable to locate and bring her back. Eventually, they sent her a message promising that if she returned home, she would be honourably married to the very man she loved. Trusting their promise, she returned. However, her family murdered both her and the young man.

The third case concerns a Hazara family. A young woman from this family was also forced into marriage with a man whom she despised. Until the very last moment, she tried to persuade her parents to prevent the marriage, but without success. The wedding took place, and according to local custom, the bride was seated upon a decorated horse. The groom held the reins while the wedding procession travelled from her father's home to her husband's residence. Upon arriving at their destination and

attempting to help the bride dismount, they discovered that she had already died. It was later learned that she had taken poison beforehand.

These incidents demonstrate the extent to which forced marriages have spread and how painful, ugly, and deadly their consequences can be. The primary causes are ignorance, lack of awareness of Islamic teachings, and erroneous fatwas. Responsibility for such tragedies rests upon those mullahs and muftis who consider both coercive marriages and the marriages of children and underage girls to be permissible.

This is despite the fact that the Qur'an—the illuminating and manifest Book of our Lord—regards both maturity and sound judgment as essential conditions of marriage, and considers marriages based upon coercion and compulsion incompatible with genuine faith in Allah and the Last Day. The Messenger of Allah ﷺ likewise taught that neither a previously married woman nor a virgin girl may be married without her consent and approval, and he annulled a marriage that had been contracted without the girl's consent.

I hope that through the writing of this treatise I may have fulfilled part of my religious responsibility in calling to goodness, enjoining what is right, and forbidding what is wrong. I ask Allah the Exalted to grant the Muslim Ummah in general, and the people of Afghanistan in particular, the ability to confront these tribulations, un-Islamic practices, and erroneous fatwas through an effective and informed struggle, so that they may protect themselves and their families from their harmful consequences and defend the oppressed throughout the Muslim world. Amin.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, the Most Compassionate, the Most Merciful

The Qur'an and the Conditions for the Validity of Marriage

Is puberty (reaching the age of maturity and adulthood) an essential condition for the validity of marriage, or is the marriage of a young girl also permissible?

What is meant by the requirement of offer and acceptance (ijab and qabul) for the validity of marriage? Does the marriage of children and minors not conflict with this condition?

What we commonly call puberty, by what expression does the Qur'an describe this state? Is there anything in the guidance of the Qur'an that regards the marriage of every physically mature person as valid, even if he or she is so deficient in reason and judgment that they are incapable of establishing and managing a sound family?

If the marriage of a person who is sexually incapable and disabled is considered problematic from a legal and religious perspective, then how can the marriage of a person who is mentally incapable be regarded as valid?

Is the consent and agreement of the parties not an essential condition for the validity of every financial and social contract and covenant? If so, then how can the contract of a child be deemed permissible?

Why does the Qur'an use the term muhsinin for men who marry and muhsanat for women who are married? What is the meaning of these expressions?

These are questions whose precise answers help us understand the true nature of marriage from the perspective of Islam.

The bond of marriage between two human beings is so important and valuable that no other human contract can equal it. It is a contract through which the foundation of a sound and constructive family may be established; a family whose health guarantees and secures the well-being of the greater human society. The family is the first fundamental brick in the structure of human society; if this brick is weak and laid crookedly, it will lead to the collapse of the entire building.

Islam accords such significance and value to the marriage covenant that its dissolution is portrayed as the greatest desire of Iblis, the chief of the devils. The Messenger of Allah (peace and blessings be upon him) illustrated this matter through the following instructive example:

عَنْ جَابِرٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "إِنَّ إِبْلِيسَ يَضَعُ عَرْشَهُ عَلَى الْمَاءِ، ثُمَّ يَبْعَثُ سَرَايَاهُ، (وفي رواية: فَيَفْتِنُونَ النَّاسَ) فَأَذْنَاهُمْ مِنْهُ مَنَزِلَةً أَعْظَمُهُمْ فِتْنَةً، يَجِيءُ أَحَدَهُمْ، فَيَقُولُ: فَعَلْتَ كَذَا وَكَذَا، فَيَقُولُ: مَا صَنَعْتَ شَيْئًا، قَالَ: وَيَجِيءُ أَحَدَهُمْ، فَيَقُولُ: مَا تَرَكْتَهُ حَتَّى فَرَّقْتُ بَيْنَهُ وَبَيْنَ أَهْلِهِ، قَالَ: فَيُذْنِيهِ مِنْهُ وَيَقُولُ: نِعَمَ أَنْتَ أَنْتَ"

“Narrated by Jabir (may Allah be pleased with him) that the Messenger of Allah (peace and blessings be upon him) said: Indeed, Iblis places his throne upon the water, then sends forth his detachments (and in another narration: they tempt and corrupt the people). The one nearest to him in rank is the one who causes the greatest trial and corruption. One of them comes and says: ‘I did such and such.’ He replies: ‘You have done nothing.’ Then another comes and says: ‘I did not leave him until I separated him from his wife.’ Thereupon Iblis draws him close to himself and says: ‘Excellent! You are the one!’” (Musnad Ahmad)

This means that, in the eyes of Iblis; the leader of the devils; a trial that results in the destruction of a family and the separation of a wife from her husband is more valuable and important than adultery, theft, drinking intoxicants, gambling, and many other major sins. He knows that a healthy family produces a healthy

society, while the collapse of the family leads to the collapse of society.

The family is a school and a secure fortress for the upbringing of children and for protecting them from corruption and temptations. When it is destroyed, society itself is destroyed. Just as the establishment of a healthy family requires the physical and sexual capability of both spouses, it requires even more; and prior to that; soundness of intellect, morality, and spirituality; or, in the terminology of the Qur'an, *rushd* (maturity of judgment and sound discretion).

Islam views marriage as a commitment and a covenant through which two human beings; a man and a woman; lay the foundation of a new shared life, establish a new family, create the conditions for the continuation of future generations, provide a secure environment for the upbringing and education of children, and commit themselves to fulfilling their sexual needs through a lawful and pure means; a need which, if not properly regulated and managed through a legitimate framework, becomes a source of temptation, turmoil, and bloodshed.

Through the marriage covenant, both parties undertake to walk together on the journey of life. Their companionship is to be founded upon loyalty, sincerity, affection, and truthfulness. The embrace of each should become a refuge for the other, protecting them from many harms, including sexual deviations and moral corruption.

This translation preserves the argumentative, scholarly, and persuasive tone of the original while maintaining formal academic English.

Islam, in addition to requiring the sincere agreement and commitment of the man and woman, also requires that marriage be concluded with the consent and agreement of their families and guardians. Its purpose should be the establishment of a family and the bearing of children. The marriage contract should be public and lawful, and others should be aware of it.

For this reason, Islam regards the wedding feast (*walimah*) and inviting people to it as a commendable *Sunnah*. It has even

permitted the use of the duff (tambourine) so that people may become aware of this covenant and commitment. Once such a marriage has been publicly announced, all members of society are expected to respect it and observe its legal boundaries, just as they respect the lawful property rights of themselves and others and regard any violation of those rights as transgression and injustice.

Islam teaches that marriage should be entered into with the aim of establishing a family and having children, not merely for the satisfaction of sexual desire. Those who marry should be (muḥṣinīn) and (muḥṣanāt), not (musāfiḥīn) and (musāfiḥāt). For this reason, the Qur'an describes marrying men as (muḥṣinīn) and marrying women as (muḥṣanāt).

Both terms are derived from (ḥiṣn), meaning a fortress or a strong fortified structure. Thus, a (muḥṣin) is one who stands within that strong fortress as the guardian of his family, while a (muḥṣanah) is a woman protected and safeguarded within it. Marriage is therefore portrayed as a strong and secure fortress through which a man and a woman establish a firm and enduring bond and lay the foundations of a stable family. Its purpose is the continuation of the human race and the raising of children. This covenant is neither fragile, temporary, nor merely a means of momentary sexual gratification.

The Noble Qur'an expresses this reality through the following wise guidance:

وَمَنْ لَّمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحِ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَّا
 مَلَكَتْ أَيْمَانُكُمْ مِّنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ
 مِن بَعْضٍ فَأَنْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَعَثْوَهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ
 غَيْرٍ مُّسَفِّحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ... ﴿٥٥﴾ النساء

"And whoever among you does not possess the financial means to marry believing free women, then let him marry from among the believing slave women whom your right hands possess. Allah knows best the reality of your faith. You are all from one another. So marry them with the permission of their guardians and give them

their dowries in a fair manner, as chaste women, not as women given to promiscuity, nor as those who take secret lovers..." (An-Nisa ٤:٢٥)

In this verse, the discussion concerns those who lack sufficient financial means. They are unable to pay the dowry of a free woman or to bear the expenses of supporting her. The Qur'an therefore provides the following guidance:

- They may marry believing slave women.
- They should be satisfied with the outward appearance of their faith, for none knows the reality within human hearts except Allah the Exalted.
- They should not regard marriage to a slave woman as a source of shame or disgrace, for she too is a human being like themselves.
- Such a marriage must be concluded with the permission of her owner.
- Her dowry must be paid in an honorable and appropriate manner.
- The purpose of the marriage should be entry into the institution of marriage and the establishment of a family.
- The marriage must not be a temporary or short-term arrangement for the gratification of sexual desire in a way that resembles "legalized fornication".
- The covenant must be public, pure, and official, not a secret relationship resembling the taking of a hidden lover.

It should be noted that several key terms are employed in these verses to convey specific concepts. The word *ujur* (literally "wages" or "compensation") has been chosen here to refer to the dowry. In every Qur'anic verse relating to marriage in which the term *ujur* appears, its meaning is exclusively the dowry (*mahr*) and nothing else. In all six verses where this word is used in connection with marriage, it refers to the dowry alone.

Those who interpret *ujur* not as dowry but as payment for a temporary marital or sexual relationship commit a highly objectionable and repugnant distortion of the Qur'anic text. This is because the Qur'an also says regarding the Messenger of Allah

(peace and blessings be upon him):

يَأْتِيهَا النَّبِيُّ إِنَّا أَحْلَلْنَا لَكَ أَزْوَاجَكَ الَّتِي ءَاتَيْتَ أَجُورَهُنَّ ... ﴿٥٠﴾ الأَحْزَابِ

"O Prophet! We have made lawful for you your wives whose dowries you have given..." (Al-Ahzab ٣٣:٥٠)

Likewise, concerning the believers, the Qur'an commands:

.... فَآتُوهُنَّ أَجُورَهُنَّ فَرِيضَةً ۖ ﴿١٤﴾ النِّسَاءِ

..."Then give them their dowries as an obligatory duty..." (An-Nisa ٤:٢٤)

In verses ٢٤ and ٢٥ of Surah An-Nisa, the women entering marriage are described as muhsanat. This demonstrates with complete clarity and certainty that the marriage being discussed is neither temporary nor weak nor provisional.

The phrase ghayra musafihat ("not women given to promiscuity") further clarifies that this marriage is not intended merely for the temporary satisfaction of sexual desire.

The phrase wa la muttakhidhati akhdan ("nor those who take secret lovers") makes it clear that such a relationship must not take the form of a hidden romantic or sexual liaison.

These conditions are not prescribed only for women; they are equally imposed upon men. Thus, the Qur'an states:

الْيَوْمَ أُحْلِلَ لَكُمْ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ وَالْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ وَالْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ إِذَا ءَاتَيْتُمُوهُنَّ أَجُورَهُنَّ مُحْصِنِينَ غَيْرَ مُسْفِحِينَ وَلَا مُتَّخِذِي أَخْدَانٍ ۖ ﴿٥٠﴾ المَائِدَةِ

"Today all good and pure things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them. And lawful for you are the chaste women from among the believers and the chaste women from among those who were given the Scripture before you, provided that you give them their dowries, while being men seeking

marriage, not committing fornication, and not taking secret lovers..." (Al-Ma'idah ۞:۞)

This verse states that today all pure things have been made lawful for you, including chaste believing women and chaste women from among the People of the Book who were given the Scripture before you, provided that:

- You pay their dowries.
- You seek lawful marriage.
- You are not promiscuous or fornicators.
- You are not among those who maintain secret lovers and hidden relationships.

In this blessed verse, the issue of lawful and unlawful matters is addressed from another perspective as well, whether something is in the possession of a believer or a non-believer. In this regard, several guidelines are provided:

- Today, all pure and wholesome things have been made lawful for you.
- The pure food of the People of the Book is also lawful for you.
- Your food is likewise lawful for them; and you are permitted to offer them food.
- Just as marriage to Muslim women is lawful for you, marriage to chaste women from among the People of the Book is also lawful; women who wish to establish a shared family with you through the firm covenant of marriage. However, this is subject to several conditions:
 - You must give them their dowries.
 - You should take them as wives within the framework of marriage for protection and companionship, not merely to satisfy your sexual desires for a few days, nor in a manner that makes the marriage resemble a temporary or secret sexual relationship.
 - Be careful that such a marriage does not incline you toward disbelief; and do not marry women from the People of the Book who may harm your faith and ruin your Hereafter.

It is truly astonishing that someone may believe in the Qur'an,

have seen and read these clear verses, and have understood their meanings, yet still speak of the permissibility of temporary marriage and the permissibility of child marriage! Alas for those who put forward such false claims; and a hundred times alas for those who accept statements that contradict the Qur'an, reason, and human nature.

Indeed, parents have many rights over their children; however, several rights have not been granted to them:

- Parents do not have the right to kill their children, whether because of existing poverty or out of fear of possible future poverty.
- They do not have the right to sell their children.
- They do not have the right to force their children into marriage without their consent and approval; neither during youth and maturity nor before that.

If parents do not possess such a right when their children have reached youth and maturity, then, a fortiori, they do not possess it during childhood.

Child marriage is an act that is inconsistent with human nature, contrary to the clear guidance of the Qur'an which regards *rushd* (maturity and sound judgment) as a condition for the validity of marriage, and contrary to the purpose that the Qur'an has established for marriage, namely, the formation of a family and the bearing of children. Moreover, such marriages constitute oppression and injustice toward both boys and girls and amount to playing with their lives and destinies.

Forced marriage, against the will of those concerned, has grave consequences. If consuming the property of others unjustly, especially the property of an orphan, is forbidden, then depriving a child; particularly an orphan; of the fundamental right to freely choose his or her future life partner is a crime far greater than usurping their property. Concerning this, the Qur'an says:

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَضُوا بَيْنَهُمْ بِالْمَعْرُوفِ ۗ ذَلِكَ يُوعِظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ

الْأَجْرِ ذَٰلِكُمْ أَزْكَىٰ لَكُمْ وَأَطْهَرُ ۗ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ ﴿٣٧٣﴾ البقرة

And when you divorce women and they have reached the end of their waiting period, do not prevent them from marrying their husbands if they mutually agree among themselves in a proper manner. This is an admonition for whoever among you believes in Allah and the Last Day. That is purer and more conducive to growth for you. Allah knows, whereas you do not know.

That is, do not prevent widowed women from marrying the man they desire, whether that man is their former husband or someone else. Neither family members nor a former husband should stand in their way.

To prevent moral corruption in society, the best approach is to allow widowed or divorced women the freedom to marry the man of their choice. The Qur'an describes this as both "azkā" (more conducive to growth, refinement, and purity) and "aṭhar" (purer and morally healthier).

Conversely, forced marriage and preventing women from marrying the man they desire are both inconsistent with faith in Allah and the Last Day, and they create fertile ground for temptation, discord, and moral corruption within society.

While Islam, on the one hand, instructs the guardians of a widowed or divorced woman not to prevent her from marrying the man of her choice, on the other hand, it also obliges the woman herself to take the approval of her guardian into consideration in matters of marriage. The purpose of this ruling is to ensure that marriage becomes a means of bringing families closer together and strengthening bonds between them, rather than becoming a source of hostility and resentment.

In this regard, two fundamental points must be taken into consideration:

- The guardians of a woman should not impose their own wishes upon her; they should not subject her to pressure and hardship without justification. Rather, they should allow her to marry the person she wishes. The Qur'an regards this both as a requirement of faith in Allah and the Last Day and as a means of preventing

moral corruption.

- Likewise, a woman should not undertake such a matter secretly and without the presence or knowledge of her guardians, because such behavior creates the conditions for discord and leads to resentment and hostility between families.

The following narration explains this matter well:

عَنْ قَتَادَةَ عَنِ الْحَسَنِ أَنَّ مَعْقِلَ بْنَ يَسَارٍ كَانَتْ أُخْتُهُ تَحْتِ رَجُلٍ فَطَلَّقَهَا ثُمَّ خَلَّى عَنْهَا حَتَّى انْقَضَتْ عِدَّتُهَا ثُمَّ خَطَبَهَا فَحَبَى مَعْقِلٌ مِنْ ذَلِكَ أَنْفًا فَقَالَ خَلَّى عَنْهَا وَهُوَ يَقْدِرُ عَلَيْهَا ثُمَّ يَخْطُبُهَا فَحَالَ بَيْنَهُ وَبَيْنَهَا فَأَنْزَلَ اللَّهُ { وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ } إِلَى آخِرِ الْآيَةِ فَدَعَاهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَرَأَ عَلَيْهِ فَتَرَكَ الْحِمِيَّةَ وَاسْتَقَادَ لِأَمْرِ اللَّهِ. رواه البخارى.

Qatādah narrates from al-Ḥasan that the sister of Ma‘qil ibn Yasār was married to a man. The man divorced her and left her until her waiting period (‘iddah) had ended. Then he (having regretted his action) sought her hand in marriage once again. The woman was willing to marry him, but Ma‘qil became upset and said: “He abandoned her while he had authority over her, and now he seeks to marry her again?” Thus, he stood between them and prevented the marriage. Concerning this matter, Allah the Exalted revealed the verse:

{ وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ }

...“And when you divorce women and they reach the end of their waiting period, do not prevent them from marrying their husbands”... Then the Messenger of Allah, peace and blessings be upon him, summoned Ma‘qil and recited this verse to him. As a result, Ma‘qil abandoned his misplaced sense of pride and tribal zeal and submitted to the command of Allah.

In this regard, the objection raised by those who claim that requiring the approval of parents, a guardian, or a custodian in marriage is contrary to a woman’s human rights is highly

unfounded and incorrect. They fail to appreciate how important such approval is and what problems may arise when it is disregarded.

To the extent that parents care about the future of their son or daughter and, based on their life experience, can guide them toward the right path and offer sound advice, the young man or woman themselves often lack such experience and insight. It frequently happens that a person makes decisions based on emotions and feelings, becomes influenced by physical beauty, clothing, or outward appearance, and is driven toward an emotional choice. Parents, however, generally consider many more factors and keep the future welfare and well-being of their children in mind.

At the same time, when Islam has already made the woman's consent an essential condition of marriage, what room remains for such baseless objections? These gentlemen are not willing even for their lambs and young goats to wander off on their own and join another flock, yet they tell others: "Your daughter may go away with someone without informing you and without even keeping you aware of the matter, even though you do not consider him suitable for her"!

Why should we not look at the matter from the perspective that both parents and sons and daughters ought to follow the path of consultation, mutual understanding, persuasion, and reasoned discussion rather than the path of coercion and threats? In any case, the final decision should be left to the son and daughter themselves.

Incorrect Narrations Concerning the Marriage of Aisha (may Allah be pleased with her)

The scourge and mischief of fabricated, forged, unreliable, isolated (gharīb), weak-in-chain, and textually unsound narrations that contradict the Qur'an has been one of the greatest calamities that has caused countless difficulties for Islam and the Muslim Ummah. Throughout the past fourteen centuries, the enemies of Islam have made extensive propagandistic use of such narrations. These reports have targeted both the doctrinal sanctity of Islam and its foundational principles.

Many deviations, such as:

- Undermining the principle of pure monotheism (tawḥīd);
- Mixing the worship of Allah with the veneration of personalities;
- Associating others with Allah in worship, supplication, and seeking aid;
- Attributing qualities exclusive to Allah the Exalted to saints, shaykhs, and spiritual guides;
- Describing Allah with human attributes;
- and, in the sphere of transactions and social affairs:
- Granting legitimacy to usury (ribā);
- Declaring marriage to underage girls permissible;
- Portraying tyrannical and despotic governments as legitimate;
- Issuing rulings that obedience to oppressive rulers is obligatory;
- Elevating their status above consultation and collective deliberation with the people;
- Granting them unrestricted authority over the public treasury;
- And treating opposition to them as rebellion and insurrection;

all these deviations have originated from such fabricated and invented narrations and have been strengthened through them.

May Allah the Exalted grant immense reward to the sincere scholars of hadith, who with great courage and effort examined and sifted through hundreds of thousands of narrations, identifying and removing a vast number of fabricated and invented reports. Had they not done so, it is impossible to know how far sectarian divisions within the Muslim Ummah might have gone.

Praise be to Allah that we possess the Qur'an, this radiant beacon of guidance, the precise and complete criterion for distinguishing truth from falsehood, which has reached us from the Messenger of Allah, peace and blessings be upon him, with complete fidelity and through the consensus of the Companions. Through its light, we are able to distinguish sound opinions and authentic narrations from weak and erroneous views and reports.

Let us examine this issue a little further and see what has been said in such weak narrations concerning the marriage of children and minors. Earlier, we saw what the Qur'an says about this matter; now let us see what the narrations say, what the reality is, and what reason and knowledge have to say.

The first question is this: Does the Qur'an say anything about the appropriate time for marriage and the age of the two parties to a marriage contract? Does the Qur'an provide guidance regarding the purpose and philosophy of marriage that should be taken into consideration and complied with? Does the Qur'an regard reaching puberty and youth as a condition for the validity of marriage, or does it require *rushd* (maturity), sound judgment, and the ability to discern? The short and clear answer is: Yes. The Qur'an provides a precise and clear answer to all of these questions.

Consider this verse:

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ
أَمْوَالَهُمْ... ﴿٦﴾ النساء

“And test the orphans until they reach the stage of marriage; then, if you perceive in them maturity and sound judgment, deliver to them their property”...

In this Qur'anic directive, several instructions are given to the guardians and custodians of orphans who are responsible for managing their property:

- During the period of guardianship and upbringing, continually test the orphans. Entrust them with one task at one time and another task at another time. Engage them in small buying and selling transactions. This not only contributes to their proper training, but also ensures that by the time they reach the stage of marriage they are mentally and practically prepared to manage their own affairs and have gained sufficient experience.
- Continue this testing until they reach the “stage of marriage.” The verse does not say “until they reach sexual maturity” or “until they become young adults”; rather, it uses the expression “*balaghū al-nikāḥ*”; “they have reached the stage of marriage.” The Qur'an

uses a different expression for attaining sexual maturity:

«وَإِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ»

“And when your children reach puberty”...

However, in the verse under discussion, the matter does not stop there. Rather, further clarification is provided:

فَإِنْ آتَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ

“Then, if you perceive in them maturity and sound judgment, deliver to them their property”.

From the wording of the verse, it is understood that the guardians of orphans must consider whether the orphan has reached a level of maturity, intelligence, and sound judgment that enables him or her to establish a successful and healthy family and to manage its affairs. Has the person reached the level of competence required for his or her property to be entrusted to him or her, or not?

Therefore, puberty alone is not the criterion. Alongside puberty, intelligence, maturity, and sound judgment must also be taken into account.

In this verse, *rushd* (maturity) and discernment are presented as among the conditions of eligibility and validity for marriage and among the qualifications required of the two parties.

From this verse, it becomes abundantly clear that marriage has a specific stage and appropriate time. That time is not merely the attainment of sexual maturity (youth); rather, eligibility for marriage, the ability to establish a family, the capacity to manage a shared life, and what the Qur’an refers to as *rushd* are its essential conditions. As the verse states:

«...حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ...»

...“Until they reach the stage of marriage; then, if you perceive in them maturity and sound judgment, deliver to them their property”...

The arrangement of the words in the verse indicates that the phrase “بَلَغُوا النِّكَاحَ” (“they have reached the stage of marriage”) is so closely linked to the phrase “آنَسْتُمْ مِنْهُمْ رُشْدًا” (“you perceive in

them maturity”) that it becomes clear that *rushd* is the sign, consequence, and necessary implication of reaching the stage of marriage. This is because the two expressions are connected through “فَإِنْ” (“then, if”), and together they convey a single meaning: namely, that a condition for the validity and permissibility of marriage is that the guardian or custodian observes in the conduct, speech, and decisions of the young man and woman intending to marry sufficient maturity, discernment, understanding, and sound judgment to enable them jointly to establish a successful and stable family.

Is it not astonishing that despite such a clear Qur’anic directive, some people still regard child marriage as permissible, and do so on the basis of a narration that is isolated (*gharīb*) in terms of transmission, for which no supporting evidence can be found anywhere in the Qur’an, and which stands in clear and serious contradiction to explicit Qur’anic statements? Furthermore, such narrations also conflict with reports stating that the validity of the marriage of both a widow and a virgin woman is conditional upon their own consent and approval. Here I present two examples before you:

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تُنْكَحُ الْأَيِّمُ حَتَّى تُسْتَأْمَرَ، وَلَا تُنْكَحُ الْبِكْرُ حَتَّى تُسْتَأْذَنَ»، قِيلَ: يَا رَسُولَ اللَّهِ، وَكَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ تَسْكُتَ». مسند أحمد

Abu Hurayrah narrates that the Messenger of Allah ﷺ said: “A previously married woman is not to be married off until she is consulted, and a virgin is not to be married off until her permission is sought”. It was asked: “O Messenger of Allah, how is her permission given”? He replied: “By her remaining silent”.

This narration is recorded in all of the following works: Musnad Aḥmad, Ṣaḥīḥ Muslim, Sunan al-Tirmidhī, Ṣaḥīḥ Ibn Ḥibbān, Sunan al-Dārimī, al-Sunan al-Kubrā of al-Bayhaqī, Sunan al-Nasā’ī, and numerous other books and sources.

The meaning of this narration is that the marriage of a virgin girl or a previously married woman without their consent and

permission is neither lawful nor valid. If a woman expresses her disapproval verbally, by frowning, by a movement of her head or finger, or in any other way, her marriage is invalid. Silence and the absence of any expression of objection are regarded as indications of consent, provided that such silence is not the result of fear or coercion. Likewise, circumstances must not be created in which the girl is inwardly unwilling but, due to fear, pressure, or shyness, is unable to express her true wishes.

عَنِ ابْنِ عَبَّاسٍ، أَنَّ جَارِيَةً بِكَرًا أَتَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَذَكَرَتْ أَنَّ أَبَاهَا زَوَّجَهَا وَهِيَ كَارِهَةٌ، فَخَيَّرَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. مسند أحمد، سنن أبي داود، شرح السنة للبغوي، مسند أبي يعلى

الموصلی، سنن دارقطنی

Ibn ‘Abbās narrated that a virgin girl came to the Messenger of Allah, peace and blessings be upon him, and informed him that her father had married her off while she was unwilling to the marriage. Thereupon, the Messenger of Allah, peace and blessings be upon him, gave her the choice (either to continue the marriage or to dissolve it). In another narration, it is reported that he separated the two.

These narrations deserve consideration because their content is fully consistent with the guidance of the Qur’an.

Child Marriage and the Erroneous Interpretation of a Qur’anic Verse

Some people cite the fourth verse of Sūrat al-Ṭalāq in an incorrect and unjustified manner and interpret the phrase (وَالَّذِي لَمْ يَحِضْنَ) as though it refers to prepubescent girls and as though their marriage is therefore permissible. The verse reads:

وَالَّذِي يَبِيسُنَ مِنَ الْمَحِيضِ مَن نِّسَاءِكُمْ إِنِ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ
وَالَّذِي لَمْ يَحِضْنَ وَأُولَئِكَ الْأَحْمَالُ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ وَمَن يَتَّقِ اللَّهَ

يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا ﴿٤﴾ الطلاق

“And those of your women who have despaired of menstruation; if you are in doubt; their waiting period is three months; likewise those whose menstruation has ceased. And for pregnant women, their term is until they deliver their burden. And whoever fears Allah, He will make his affairs easy for him”.

Several important points concerning this verse deserve attention:

- Every first sexual intercourse causes extensive hormonal changes in a woman’s body so that the reproductive system can adapt itself to a new condition. This is a highly complex process. Specific hormones are produced in the bloodstream, and the womb is prepared to receive and sustain a new fertilized ovum. If this process does not result in pregnancy, the preparations and changes that developed in the body and womb over approximately one month disappear, and the body returns to its normal state. Menstruation is part of this process of cleansing and restoring the body to its natural balance.
- When a woman’s husband dies or a divorce takes place, her body requires sufficient time to exit its previous state and return to normal. The Qur’an calls this period ‘iddah (the waiting period).
- This verse speaks about three categories of women:

Women who have despaired of menstruation but have suddenly observed something that has caused uncertainty; for example, due to illness or another factor they have seen blood which they suspected might be menstrual blood.

Women whose menstrual cycles have completely ceased.

Women who are pregnant.

For the first two groups, a waiting period of three months is prescribed, while for pregnant women the waiting period lasts until childbirth.

From the wording, structure, and arrangement of the verse, it is clear that all three expressions;

(الَّتِي يَبْسَنَ مِنَ الْمَحِيضِ), (الَّتِي لَمْ يَحِضْنَ), (أُولَئِكَ الْأَحْمَالُ);

refer to women discussed within the framework of the rulings of 'iddah. To interpret the phrase (الَّتِي لَمْ يَحِضْنَ) as referring to girls who have not yet reached puberty is a reading that is very remote from the apparent meaning of the verse.

Is the Qur'an really so ambiguous that the permissibility of marrying a young girl must be inferred from a ruling concerning her waiting period?

The phrase «وَاللَّائِي لَمْ يَحِضْنَ» cannot be applied to underage and prepubescent girls for another reason as well: sooner or later they will reach puberty, in which case their waiting period would be three menstrual cycles, not three months. Fundamentally, the ruling of 'iddah is based upon menstruation, while the three-month waiting period is prescribed for women whose menstruation has ceased; not for children who are not even within the scope of these rulings and who do not belong to the category of women whose menstruation has stopped. The Qur'an says:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ... ﴿٣١﴾ البقرة

“Divorced women shall wait by themselves for three menstrual cycles”...

From this verse it becomes clear that the principal waiting period is three menstrual cycles; however, for women whose menstruation has ceased, a waiting period of three months has been prescribed.

Those who claim that the phrase «وَاللَّائِي لَمْ يَحِضْنَ» refers to prepubescent girls and who seek to establish the permissibility of child marriage on that basis must answer the following questions:

They should present a clear and explicit verse from the Qur'an showing that the marriage of a prepubescent child is permissible.

They should explain the meaning of «يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ» they have reached the stage of marriage. (“

How do they reconcile these two contradictory claims: that on the one hand puberty is a condition for marriage, while on the other hand the marriage of a prepubescent girl is permissible?

The Qur'an has also established *rushd* (maturity and sound judgment) as a condition for the validity of marriage. Why have they ignored this condition?

When no verse can be found anywhere in the Qur'an proving the permissibility of marrying a prepubescent boy or girl, why do they sometimes rely on weak narrations and at other times interpret, with considerable strain and contrary to its apparent meaning, a verse that relates to an entirely different subject in order to prove their position?

And what will they do with this divine guidance, in which the husband is likened to a cultivator and the wife to cultivated land, and in which the purpose of marriage is presented as childbearing and the establishment of a family rather than the mere satisfaction of sexual desire? There Allah says:

«نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ وَقَدِّمُوا لِأَنفُسِكُمْ...» ﴿٣٣﴾

بقره

“Your wives are a field of cultivation for you; so approach your field as you wish, and send forth something for yourselves”... (٢:٢٢٣)

Despite this divine command and this Qur'anic guidance, how can the marriage of a young girl be justified?

Of the following three propositions, only one can be accepted:

The marriage of a young girl is permissible.

Puberty is a condition for the validity of marriage.

In addition to puberty, *rushd* (maturity and sound judgment) is also an important condition for marriage.

It can be stated with complete confidence that, according to the Qur'an, *rushd* is, in addition to puberty, a condition for the validity of marriage. Whoever says otherwise advances a claim that is in conflict with this verse:

«... حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ...»

...“Until they reach the stage of marriage; then, if you perceive in

them maturity and sound judgment, deliver to them their property”...

The reality is that the clear guidance contained in verse ٤ of Sūrat al-Ṭalāq concerns the waiting period (‘iddah) of the following categories:

Women among you who have despaired of menstruation. If uncertainty exists regarding them, their waiting period is three months. Several points deserve attention here:

The phrase «وَاللَّائِي يَيْسَنَ مِنَ الْمَجِيضِ مِنْ نِسَائِكُمْ» refers to women who have despaired of menstruation because of old age. Menstruation may cease due to advanced age, pregnancy, or certain illnesses. Therefore, for such women a waiting period of three months is prescribed instead of three menstrual cycles.

Regarding the phrase «إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ», some commentators have said that the uncertainty concerns the legal ruling itself; that is, if you were uncertain about their legal ruling, know that their waiting period is three months. However, uncertainty regarding the ruling itself does not seem to be a particularly convincing interpretation.

Others have said that the meaning is: if blood is observed and it is unclear whether it is menstrual blood or the result of illness, then their waiting period is three months. Such a situation creates uncertainty as to whether these women have reached an age at which pregnancy and childbirth are no longer possible and menstruation has permanently ceased.

From the context and meaning of the verse, it appears clearly that the second interpretation is more precise. The discussion concerns two categories of women:

Women who have despaired of menstruation but concerning whom there remains some uncertainty as to whether the condition is permanent.

Women who have definitely and conclusively passed beyond the stage of menstruation.

The waiting period for both groups is three months.

Among these discussions, some commentators have understood

the phrase «وَاللَّائِي لَمْ يَحِضْنَ» to refer to girls who have not yet reached the age of menstruation and puberty. Accordingly, they argue that their waiting period is likewise three months, just as it is for women whose menstruation has become irregular and uncertain. On the basis of this interpretation, the marriage of girls who have not yet reached puberty has been regarded as permissible.

Other commentators, however, maintain that the verse refers to two types of women:

First, women whose menstrual cycles have been disrupted by a particular condition, creating uncertainty as to whether the disruption is temporary or a sign of permanent cessation.

Second, women whose menstruation has definitively and permanently ceased.

The waiting period for both groups is the same: three months.

The verse then explicitly states that the waiting period for pregnant women continues until childbirth.

Another question must also be answered: Why are women required to wait through three menstrual cycles after divorce and four months and ten days after the death of a husband?

The answer is as follows:

Allah the Exalted has given human beings an extremely sensitive body, a remarkable physical structure, and an active and intelligent brain. Whenever any foreign substance enters the body by any route; through the mouth, nose, skin, ears, eyes, or other passages; the human body immediately and without delay produces an appropriate and necessary response. If the intruding factor is harmful, the body confronts it. If it is a microbe, bacterium, or virus, the body resists it. First, it attempts to identify it; then it determines and produces the appropriate remedy needed to eliminate it.

Within approximately six months, the human body renews all of its cells, whose number reaches into the billions. It replaces worn-out cells with new ones, produces fresh living reproductive cells, and performs tasks that all the physicians of the world, despite their advanced tools and equipment, are incapable of performing.

They can neither create a living cell nor produce a living reproductive cell. They are even unable to manufacture an effective antiviral medicine. Their most effective solution is vaccination, which in reality is nothing more than stimulating the human body's white blood cells to produce defensive substances against viruses rather than directly creating a cure in the laboratory.

Even today, in the twenty-first century, no advanced computer in the world can fully perform even a portion of the capabilities of the human brain.

It has now become scientifically evident that, with the first sexual relationship, specific changes occur within a woman's body and certain hormones are released that prepare her womb and entire body for this new union and for the reception of a new fertilized ovum. These changes and hormones are related to and associated with that particular woman, her husband, and the relationship between them.

If separation occurs between the two, the woman's body requires at least three menstrual cycles for those changes and hormonal effects to disappear and for her body to return to its previous natural condition. If, before this period has elapsed, she enters into a sexual relationship with another man and new hormones associated with that new relationship arise within her body, this may disrupt hormonal balance and create conflicts among the hormones, potentially resulting in undesirable consequences for both the woman and her child.

Today, laboratories possess the capability to examine whether a woman has had sexual relations with only one man or with two or more men. Through the analysis of relevant hormones and the differences among them, some of these realities can be detected.

Therefore, according to Islamic guidance, the waiting period ('iddah) prescribed for widows and divorced women is not intended merely to determine whether anything from a previous husband remains in the womb. Rather, it is intended to allow the woman's body to return to its natural state and to acquire the necessary readiness for the establishment of a new marital relationship. This is why a waiting period has been prescribed for them.

The Marriage of Minors and the Narrations Concerning It

If one examines the books of narrations with even a small degree of care, one quickly reaches the conclusion that there is no narration regarding the permissibility of child marriage that is worthy of reliance and citation from the standpoint of both chain of transmission and content. It is impossible that the Qur'an should say one thing and the Messenger of Allah, peace and blessings be upon him, another. The Qur'an regards not only puberty but also *rushd* (maturity and sound judgment) as a condition for marriage. How, then, could a narration contrary to this clear verse claim that the marriage of a young girl is permissible?

Unfortunately, among the common people; and even among some religious scholars whose method of thinking differs little from that of the masses; such weak views and narrations have become widespread. The most famous of these narrations is the report found in *Ṣaḥīḥ al-Bukhārī* which states:

٣٨٩٦ - عَنْ هِشَامٍ عَنْ أَبِيهِ قَالَ تُوَفِّيَتْ خَدِيجَةُ قَبْلَ مَخْرَجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى الْمَدِينَةِ بِثَلَاثِ سِنِينَ فَلَبِثَ سَنَتَيْنِ أَوْ قَرِيبًا مِنْ ذَلِكَ وَنَكَحَ عَائِشَةَ وَهِيَ بِنْتُ تِسْعِ سِنِينَ

Hishām narrates from his father that he said: “Khadijah passed away three years before the Prophet, peace and blessings be upon him, departed for Madinah. He then remained for two years, or approximately that long, and married ‘Ā’ishah when she was six years old. Thereafter, he consummated the marriage with her when she was nine years old”.

From the standpoint of transmission, this report is *gharīb* (isolated). In two levels of the chain of transmitters (the Successors and those after them), there is only a single narrator at each level; namely, the father and son, ‘Urwah and Hishām.

Furthermore, this report was transmitted from Hishām around the year ١٤٠ AH, and that too in Kūfah rather than in Madinah. In other words, until that time nobody in Madinah; including Imam

Mālik, may Allah have mercy on him; had heard such a statement from him, neither during the lifetime of the Messenger of Allah, peace and blessings be upon him, nor after his passing. No one had said that ‘Ā’ishah, may Allah be pleased with her, was married at the age of nine.

There are also serious problems in the text of this narration. The report states: «فَلَبِثَ سَنَتَيْنِ أَوْ قَرِيبًا مِنْ ذَلِكَ» meaning that after the death of Khadijah, may Allah be pleased with her, the Messenger of Allah, peace and blessings be upon him, remained without a wife for approximately two years until the time of his marriage to ‘Ā’ishah, may Allah be pleased with her.

Yet this does not accord with the historical reality. The fact is that the Messenger of Allah, peace and blessings be upon him, married Sawdah, may Allah be pleased with her, a short time after the death of Khadijah and lived with her alone for approximately three years. Therefore, the phrase:

«فَلَبِثَ سَنَتَيْنِ أَوْ قَرِيبًا مِنْ ذَلِكَ»

is incorrect and does not correspond to the historical facts.

Likewise, the other part of the narration which claims that ‘Ā’ishah, may Allah be pleased with her, was six years old at the time of the marriage contract is also unfounded, because nearly five years; not two or three; separated the death of Khadijah, may Allah be pleased with her, from the marriage of ‘Ā’ishah, may Allah be pleased with her.

This same isolated narration is repeated in Ṣaḥīḥ al-Bukhārī under numbers ۳۸۹۴, ۵۱۵۶, and ۵۱۶۰. It remains an isolated report with only one narrator at each of two levels of transmission. No supporting witness from the Companions or from the Qur’an is cited for it. No one has identified a Companion who married off a very young daughter. The statement that ‘Ā’ishah, may Allah be pleased with her, was married at the age of nine has been attributed only to Hishām and his father ‘Urwah. Unfortunately, this narration has nevertheless become famous among Muslims.

Some attempt to justify this narration by arguing that girls and boys in hot climates reach puberty earlier than those in cold

climates. They too regard puberty as a condition and maintain that a girl may have reached puberty by the age of nine.

Attributing marriage to a very young child to the Messenger of Allah, peace and blessings be upon him, is not a simple or ordinary matter, particularly when such an act would not have been consistent with the customary practices of Quraysh.

Had such an event truly occurred, not only would dozens of Companions have transmitted it, but the enemies of Islam would also have written lengthy books and poems about it and used it as a weapon of attack and criticism.

Yet we find no report indicating that Quraysh ever raised this issue, nor do we find any narration besides this remarkable report that deserves attention and carries evidentiary weight.

If, according to the clear guidance of the Qur'an, the testimony of two witnesses is required to establish an ordinary financial claim, if four witnesses are required to establish a moral accusation, and if a claimant without four witnesses is described by the Qur'an as a "fāsiq" (evildoer), then how can we accept the attribution of a statement or action to the Messenger of Allah, peace and blessings be upon him, on the basis of a single individual's claim; especially when he possesses neither any witness in support of his assertion nor any proof from the Qur'an?

Why should a claim be accepted when it contradicts the explicit and unambiguous guidance of the Qur'an?

Imam al-Bukhārī, may Allah have mercy on him, faced severe opposition in Nishapur from his teacher, Imam al-Dhuhlī, may Allah have mercy on him, because of certain isolated narrations and individual opinions that differed from the views of earlier scholars. The opposition became so intense that he was compelled to leave Nishapur secretly and return to Bukhara. Later, he also encountered severe opposition in Bukhara and Samarqand until, in supplication to Allah, he wished for death.

According to these researchers, this narration of al-Bukhārī is unsound both from the standpoint of transmission and from the standpoint of rational evaluation (dirāyah). It suffers from the following fundamental problems:

١- Conflict with the Qur'an

This narration is incompatible with the clear guidance of the Qur'an. The Qur'an does not regard puberty alone as a condition for marriage; rather, it considers *rushd* (maturity and sound judgment) an essential condition as well. Yet this narration presents the marriage of a six-year-old girl as permissible and, by implication, permits the marriage of even younger girls. On the basis of such narrations, some uninformed people have even contracted marriages between infants only a few months old and other children.

٢- Conflict with Human Nature

This narration is contrary to human nature. The Lord of the worlds placed the sexual instinct within living creatures for the preservation of the species. This capacity is not activated at birth; rather, it becomes active years later, upon the attainment of puberty and youth.

Among animals and birds as well, mating takes place after maturity and for the purpose of reproduction. Before that stage, they feel no need for sexual relations. Birds, once their young have grown, developed the ability to fly, and acquired a sense of independence, drive them from the nest. Thereafter, two young birds pair together, build an independent nest, and engage in reproduction and the raising of offspring.

٣- Conflict with Other Narrations

This narration conflicts with many other reports which state that 'Ā'ishah, may Allah be pleased with her, was approximately seventeen years old at the time of the Hijrah and close to nineteen years old at the time of her marriage.

Unfortunately, *Ṣaḥīḥ al-Bukhārī* contains contradictory narrations concerning the marriage of 'Ā'ishah, may Allah be pleased with her. One narration states that the Messenger of Allah, peace and blessings be upon him, married 'Ā'ishah three years after the death of Khadijah, may Allah be pleased with her. Yet another narration indicates that this marriage took place in the second year after Hijrah and after the Battle of Badr; that is, approximately five years after the death of Khadijah, may Allah be pleased with her.

ξ- The Narration Is Isolated in Its Chain of Transmission

From the standpoint of transmission, this narration is gharīb (isolated). In the first and second levels of its chain, only one narrator appears at each level; namely, the father and son, Hishām and ‘Urwah.

Furthermore, it was transmitted from Hishām during his old age, nearly ١٣٠ years after the passing of the Messenger of Allah, peace and blessings be upon him, and in Kūfah. Prior to that, nobody in Madinah had heard this narration from him. Even Hishām's distinguished student, Imam Mālik, may Allah have mercy on him, did not hear it from him, and for that reason did not include it in his famous work, *al-Muwattaʿ*.

This raises the possibility that the disputes which ultimately led to the martyrdom of ‘Alī, may Allah be pleased with him, may also have played a role in the emergence and spread of this narration, such that it was fabricated and circulated to diminish the status and standing of ‘Ā’ishah, may Allah be pleased with her. Kūfah was its sole center of transmission, and there was no shortage of opponents of ‘Ā’ishah there.

If this narration had genuinely existed with Hishām and had truly been transmitted by him, then people in Madinah should also have heard it from him, and Imam Mālik would have been aware of it. How is it that the narration appears nearly a century and a half later, and that too in Kūfah, the center of political turmoil and factional conflict?

ο- Concerns Regarding Hishām's Memory

Although Hishām is regarded as a prominent figure and a trustworthy narrator, scholars of biographical evaluation (*‘ilm al-rijāl*) have stated that in the final years of his life his memory had weakened and that he occasionally confused reports with one another. This occurred during the period in which he resided in Kūfah.

٦- An Isolated Report Cannot Override Clear Qur’anic Guidance

In important matters; especially legal rulings and questions of lawful and unlawful conduct; one cannot rely upon such an isolated

narration: a report for which there is no supporting evidence in the Qur'an, whose apparent meaning conflicts with the Qur'an, and whose principal transmitter has been criticized for weakness of memory in old age.

٧- Marriage Requires Consent, Which Presupposes Maturity

Islam makes offer and acceptance (ijāb and qabūl) a condition for the formation of marriage. This condition presupposes both maturity and sound judgment.

Before puberty, even faith itself does not become the basis of full legal accountability. To such an extent that the children of unbelievers and polytheists, if they die before reaching puberty, are regarded as among the people of Paradise. If their faith and disbelief are not considered legally consequential at that age, then how can a marriage contract; which is itself a legal covenant and agreement; be considered valid on their behalf?

Another important question must also be answered in accordance with the Qur'an:

Have a mature young man and a mature young woman been granted the right to decide matters concerning themselves and their marriage, or not?

If they have been granted that right, at what stage may they exercise it; before puberty or after puberty?

Is puberty alone sufficient, or is rushd (maturity and sound judgment) also required?

From verse ٧ of Sūrat al-Nisā' it becomes abundantly clear that puberty alone is not sufficient for marriage; rushd is also required.

If the Qur'an's guidance regarding the transfer of an orphan's property makes that transfer conditional upon the orphan's maturity and sound judgment, then what would Allah's guidance and will concerning marriage be, and with what would He be pleased?

Certainly, the matter of marriage is far more important and valuable than determining the age at which an orphan's property should be entrusted to him or her.

There is no doubt that the first condition of marriage is puberty, and the second condition is maturity and sound judgment.

This is understood clearly and decisively from the verse, because reaching the stage of marriage is directly linked to *rushd*. Allah says:

... حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ

..."Until they reach the stage of marriage; then, if at that time you perceive in them intelligence and maturity, deliver to them their property"...

The Qur'an tells us that the purpose of marriage is the continuation of the human race and the bearing of children, not merely the satisfaction of sexual desire. Therefore, sexual relations with a girl who has not reached puberty are contrary to both religion and human nature.

The major principles of Islam regarding marriage may be summarized as follows:

- Marriage should take place after puberty, with the consent of both parties, and at a time when both have reached a level of maturity that enables them to make sound decisions and wise choices.
- The husband and wife should be suitable and compatible with one another, and their social circumstances should be relatively comparable.
- The objective of marriage should be the establishment of a family and the raising of children, not the gratification of sexual desire nor a temporary relationship.
- Mutual agreement between the two parties is the primary condition of marriage, while agreement between the families is regarded as beneficial and commendable.
- An appropriate dowry should be determined; one sufficient to safeguard the woman's future and acceptable to her. The dowry belongs entirely to the woman, and its amount depends upon her consent.
- At least two male witnesses, or one male and two female witnesses, should be present.
- The marriage should be public and not concealed.

- As can be seen, the Qur'an assigns a specific stage for marriage. This defined stage is not merely sexual maturity. Rather, the guidance of the verse makes it perfectly clear that alongside puberty, maturity of intellect and sound judgment must also be taken into consideration.

Unfortunately, some people have understood the phrase «بَلَغُوا» as though the word balaghū here simply means reaching youth or sexual maturity, because in our language the term bulūgh is commonly used for puberty.

However, the basic and original meaning of bulūgh is simply to reach.

It should be noted that the Qur'an refers to attaining sexual maturity in the following manner: «وَإِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ» "And when your children reach al-ḥulm; that is, youth and sexual maturity"...

And those who have not yet attained puberty are described as: «وَالَّذِينَ لَمْ يَبْلُغُوا الْحُلُمَ» "And those who have not yet reached al-ḥulm; that is, youth and sexual maturity".

From this it becomes clear that reaching the stage of marriage is different from the age at which a child reaches sexual maturity.

For marriage, in addition to puberty and youth, maturity, sound judgment, and the ability to establish and manage a family are also regarded as necessary.

In the light of these Qur'anic guidelines, it becomes easy to judge the soundness or unsoundness of narrations and opinions that have been transmitted regarding the age of the two parties to a marriage.

One of these narrations is the very report found in al-Bukhārī which states that the marriage contract of 'Ā'ishah, may Allah be pleased with her, took place when she was six years old and that the marriage was consummated when she was nine years old. The enemies of Islam have turned this narration into a major tool of propaganda, regarding it as an act contrary to human rights and a serious violation of children's rights.

Let us examine what the reality is, whether these narrations

deserve to be considered reliable, and at what age the marriage of ‘Ā’ishah, may Allah be pleased with her, actually took place.

Concerning the age of ‘Ā’ishah, may Allah be pleased with her, the books of sīrah, history, tafsīr, and hadith contain extensive contradictions and discrepancies. Her age at the time of the marriage contract has been reported as anywhere between six and sixteen years, while her age at the time of marriage has been reported as anywhere between nine and nineteen years.

Among the narrations transmitted on this subject, fourteen reports come through Hishām ibn ‘Urwah.

More astonishing still is the fact that none of the major Companions narrated this important matter in the books of history and biography. Nor did the Messenger of Allah, peace and blessings be upon him, ever say that he married ‘Ā’ishah when she was nine years old. Likewise, nothing explicit or implicit concerning this matter is found in the Qur’an.

If we examine the narrations claiming that ‘Ā’ishah, may Allah be pleased with her, was six years old at the time of the marriage contract and nine years old at the time of marriage, we find that they are neither reliable from the standpoint of transmission nor convincing from the standpoint of reason and critical evaluation (dirāyah).

Their greatest problem is that they stand in serious and profound conflict with the clear guidance of the Qur’an. The Qur’an regards not only puberty but also maturity and sound judgment as necessary both for marriage and for the management of property. It says:

“And test the orphans until they reach the stage of marriage; then, if you perceive in them maturity and wisdom, deliver to them their property”.

From this verse and Qur’anic guidance, it becomes clear that puberty alone is not sufficient for entrusting property to an orphan; intellectual maturity and sound judgment are also required.

The importance and sensitivity of marriage are far greater than those of property and require an even higher degree of intellectual maturity. Both parties must possess the ability to establish a

successful family and the capacity to raise children properly.

It is difficult to understand how anyone would dare attribute to the Messenger of Allah, peace and blessings be upon him, an action that conflicts with such a clear Qur'anic verse.

Asmā' bint Abī Bakr, the sister of 'Ā'ishah, may Allah be pleased with them both, was twenty-seven years old at the time of the migration to Madinah, while 'Ā'ishah was seventeen. The marriage of 'Ā'ishah took place after the Battle of Badr in the second year after Hijrah, when she was nineteen years old.

These statements are found in the following sources:

Ḥilyat al-Awliyā' (٥٦/٧), Mu'jam al-Ṣaḥābah by Abū Nu'aym al-Iṣfahānī, al-Istī'āb by Ibn 'Abd al-Barr (١٧٨٣/٤), Tārīkh Dimashq by Ibn 'Asākir (٨/٦٩), Asad al-Ghābah by Ibn al-Athīr (١٢/٧), al-Iṣābah by Ibn Ḥajar (٤٨٧/٧), and Tahdhīb al-Kamāl by al-Ḥāfiẓ Jamāl al-Dīn Abū al-Ḥajjāj. (١٢٥/٣٥)

Contradictions also appear among the narrations in al-Bukhārī concerning the marriage of 'Ā'ishah, may Allah be pleased with her. One narration states that the Messenger of Allah, peace and blessings be upon him, contracted marriage with 'Ā'ishah three years after the death of Khadijah, may Allah be pleased with her. Another states that Khadijah died three years before the Hijrah and that the Messenger of Allah, peace and blessings be upon him, waited nearly two more years before contracting marriage with 'Ā'ishah. There is thus a discrepancy of approximately two years between the two reports.

Among these conflicting narrations, which one is correct?

The narrations, views, and historical reports indicating that 'Ā'ishah, may Allah be pleased with her, married at approximately nineteen years of age include the following:

١- The Evidence from Asmā's Age.

Her elder sister Asmā' was ten years older than her. When the family migrated to Madinah, Asmā' was twenty-seven years old. She lived to nearly one hundred years of age and died in the year ٧٣AH. This indicates that she was twenty-seven years old in the year of the Hijrah, because: ١٠٠ = ٢٧ + ٧٣

Therefore, ‘Ā’ishah would have been seventeen years old at that time and nineteen years old in the second year after Hijrah when the marriage took place.

Ibn Ḥajar al-‘Asqalānī narrates from Abū Nu‘aym al-Iṣfahānī:

...أَنَّ أَبِي نُعَيْمِ الْأَصْبَهَانِيَّ قَالَ بِأَنَّ أَسْمَاءَ بِنْتَ أَبِي بَكْرٍ وُلِدَتْ قَبْلَ الْهِجْرَةِ
بِسَبْعٍ وَعِشْرِينَ سَنَةً.

“Abū Nu‘aym al-Iṣfahānī stated that Asmā’ bint Abī Bakr was born twenty-seven years before the Hijrah”.

٢- The Evidence from Her Early Acceptance of Islam.

Narrations state that after Khadījah, may Allah be pleased with her, the first woman to embrace Islam was Umm al-Faḍl, the wife of al-‘Abbās, may Allah be pleased with him. Then the two daughters of Abū Bakr, namely Asmā’ and ‘Ā’ishah, embraced Islam.

The implication of this report is that ‘Ā’ishah, may Allah be pleased with her, had been born before the beginning of the Prophetic mission and that she had reached an age at which she possessed sufficient understanding and awareness for her acceptance of Islam to be meaningful.

٣- The Evidence from Her Own Recollections.

‘Ā’ishah narrates that the Messenger of Allah, peace and blessings be upon him, would visit their home almost every day, either in the morning or in the evening, during the period when he had not yet openly proclaimed his mission; that is, during the first four years after the beginning of revelation.

Therefore, ‘Ā’ishah must have been old enough at that time to remember and later narrate these events.

These reports are entirely inconsistent with the narration claiming that at that time she had not yet even been born.

٤- The Proposal of Marriage Before the Hijrah.

After the death of Khadījah, may Allah be pleased with her, and two years before the Hijrah, two of the Prophet's younger daughters; Umm Kulthūm and Fāṭimah, may Allah be pleased with

them both; were still living at home, while the other two daughters were already married.

The Messenger of Allah, peace and blessings be upon him, needed a wife to help manage the household and care for his daughters. Khawlah bint Ḥakīm repeatedly encouraged him to marry.

The Messenger of Allah, peace and blessings be upon him, asked: “Whom do you suggest”? She replied: “If you desire a young woman, then ‘Ā’ishah; and if you desire a widow, then Sawdah bint Zam‘ah”. The Messenger of Allah, peace and blessings be upon him, said: “Speak to both of them on my behalf”. The meaning was that if one did not accept, the matter should be discussed with the other. Khawlah first went to Umm Rūmān bint ‘Āmir, the mother of ‘Ā’ishah, and raised the matter. She replied: “Wait until Abū Bakr returns, because Muṭ‘im ibn ‘Adī has already proposed ‘Ā’ishah for his son Jubayr”. Abū Bakr, may Allah be pleased with him, declined that proposal because he feared that his daughter might be drawn back into their false religion. Abū Bakr then told Khawlah: “Tell Muḥammad, peace and blessings be upon him, to come”.

The Messenger of Allah, peace and blessings be upon him, came to propose marriage, and an agreement was reached. However, the marriage ceremony took place three years later.

From this account it becomes clear that ‘Ā’ishah, may Allah be pleased with her, had already reached the age of youth, since Muṭ‘im ibn ‘Adī had previously sought her hand in marriage for his son.

The customary practice of Quraysh was not to marry off their daughters before they reached maturity. They considered it shameful to send a young child away in marriage.

This is why we find that none of the Quraysh; neither friend nor foe; raised any objection or criticism concerning the marriage of ‘Ā’ishah, may Allah be pleased with her.

This indicates that the marriage took place at an age of maturity and in accordance with the established customs of Quraysh.

It should also be noted that Khawlah was proposing marriage to the Messenger of Allah, peace and blessings be upon him, so that someone could help care for his young daughters. How then could it be accepted that the same Khawlah would recommend another small child for him?

The text of the report indicates that Khawlah also spoke with Sawdah bint Zam‘ah, who agreed to the proposal.

The Messenger of Allah, peace and blessings be upon him, married Sawdah because she was an experienced widow capable of caring for and looking after his daughters.

The Messenger of Allah, peace and blessings be upon him, lived exclusively with Sawdah, may Allah be pleased with her, for a full three years and took no other wife during that period.

Thus, until approximately the age of fifty-five, he spent twenty-five years exclusively with Khadijah, may Allah be pleased with her, and three years exclusively with Sawdah, may Allah be pleased with her.

Only during the final eight years of his blessed life did he have more than one wife.

Among all of his wives, only ‘Ā’ishah, may Allah be pleased with her, was a virgin. All the others were widows, and some of them were advanced in age and had children.

This reality demonstrates that the philosophy and purpose behind the Prophet's multiple marriages were social considerations and wise objectives rather than sexual motives.

His marriage to Umm Salamah, may Allah be pleased with her, is a clear example of this reality.

Umm Salamah, may Allah be pleased with her, had six children. Her husband was wounded at the Battle of Uḥud, and in one of the later campaigns his old wound reopened, resulting in his death.

The Messenger of Allah, peace and blessings be upon him, was so saddened by his death that tears flowed from his eyes.

More than four months after his death, the Prophet, peace and blessings be upon him, sent someone to propose marriage to Umm

Salamah. In response, she offered an excuse and said: “I am an elderly woman, I have many children, and I do not wish to become a burden upon you”.

However, the Messenger of Allah, peace and blessings be upon him, wished through this marriage to present to the Muslims an unforgettable example of loyalty to brothers in faith and of caring for widowed women and orphans. Thus, he persuaded Umm Salamah, and the marriage took place.

In essence, the philosophy of polygyny in Islam is precisely this: to provide a just and humane solution for the problems of orphans and widowed women, not to satisfy sexual desires. Unfortunately, some people have made such use of this permission; originally established for the realization of justice; that they have exposed Islam to difficult questions.

When opponents see ministers, governors, commanders, shaykhs, muftis, imams, smugglers, usurpers of lands and mines, and other possessors of power and wealth taking four wives each, building a separate house for each of them, spending lavishly and wastefully on splendid wedding ceremonies and banquets, using government armored vehicles and even helicopters in wedding processions, while at the same time widowed women are still deprived of access to their inheritance and dowries and are prevented from choosing the husbands they desire; and while seventy to eighty percent of the people live below the poverty line and struggle with severe economic hardships, the enemies attribute all of this to Islam.

They seek in this way to confront the problem that has arisen for them from the awakening of the Muslim Ummah and the rapid spread of the Islamic movement. The defeat and collapse of the Soviet Union at the hands of the Mujāhidīn, followed by the defeat of NATO under American leadership, has inclined the younger generation of the Muslim Ummah; and even many young people across the world; toward Islam.

The least costly and easiest way to stop this inclination is to bring to power, in the name of Islam, a group whose conduct causes Islam to be defamed and makes the younger and truth-seeking generation feel aversion toward it.

The Motives and Factors Behind the Accusations and Propaganda Against Aisha (RA)

In reality, the outstanding personality of ‘Ā’ishah, may Allah be pleased with her, and her brilliant and unparalleled role in the affairs of Islamic da‘wah have caused internal and external enemies to continue spreading poisonous and false propaganda against her to this day.

More than ٢,٢١٠ hadiths have been narrated from ‘Ā’ishah, may Allah be pleased with her, of which ٣١٦ appear in Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim. The number of principal hadiths in Ṣaḥīḥ al-Bukhārī is also approximately ٢,٢٢٥.

‘Ā’ishah’s contribution to the transmission and dissemination of religious rulings and the hadiths of the Messenger of Allah, peace and blessings be upon him, was so immense that al-Ḥākim al-Nīsābūrī writes in al-Mustadrak:

«إِنَّ رُبْعَ أَحْكَامِ الشَّرِيعَةِ نُقِلَتْ عَنِ السَّيِّدَةِ عَائِشَةَ»

“One fourth of the rulings of the Sharī‘ah have been transmitted from ‘Ā’ishah”.

The senior Companions would refer to her in difficult and complex matters. Abū Mūsā al-Ash‘arī says:

«مَا أَشْكَلَ عَلَيْنَا أَصْحَابَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَدِيثٌ قَطُّ فَسَأَلْنَا عَائِشَةَ إِلَّا وَجَدْنَا عِنْدَهَا مِنْهُ عِلْمًا»

“No hadith ever became difficult or unclear for us, the Companions of the Messenger of Allah, peace and blessings be upon him, except that we asked ‘Ā’ishah about it and found knowledge of it with her”.

She also held a distinguished position in eloquence and rhetorical excellence. Aḥnaf ibn Qays says:

«سَمِعْتُ خُطْبَةَ أَبِي بَكْرٍ الصِّدِّيقِ، وَعُمَرَ بْنِ الْخَطَّابِ، وَعُثْمَانَ بْنَ عَفَّانَ، وَعَلِيَّ بْنَ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُمْ وَالْخُلَفَاءِ هَلُمَّ جَرًّا إِلَى يَوْمِي هَذَا، فَمَا

سَمِعْتُ الْكَلَامَ مِنْ فَمِ مَخْلُوقٍ أَفْخَمَ وَلَا أَحْسَنَ مِنْ فِي عَائِشَةَ رَضِيَ اللَّهُ
عَنْهَا»

“I have heard the speeches of Abū Bakr al-Ṣiddīq, ‘Umar ibn al-Khaṭṭāb, ‘Uthmān ibn ‘Affān, ‘Alī ibn Abī Ṭālib, may Allah be pleased with them, and the caliphs after them down to this day, yet I have never heard speech from the mouth of any created being more majestic or more beautiful than that of ‘Ā’ishah, may Allah be pleased with her”.

Aḥnaf ibn Qays himself was among the greatest of the Tābi‘īn and among the most renowned figures in understanding, insight, and wisdom, to the extent that he was regarded in his own time as an almost unparalleled example.

It should be noted that eloquence and rhetorical excellence are divine gifts which Allah the Exalted grants, together with knowledge, insight, discernment, sincerity, and truthfulness, to His chosen servants.

The motive and source of hostility toward ‘Ā’ishah, may Allah be pleased with her, the accusations against her, and the false propaganda directed at her were tied to her lofty status and immense rank. Enemies, both internal and external, knew that if they could demolish this firm pillar and this exalted personality, they imagined that they could also destroy the fortress of Islam.

We pray that Allah the Exalted may bring about a day when the Muslim Ummah possesses a single, agreed-upon book of narrations; a book in which every narration is authentic both in content and text and in chain of transmission, and fully consistent with the guidance of the Qur’an, just as today we possess one single muṣḥaf and have no disagreement over any of its words.

However, this will only become possible when the leadership of the Ummah is in the hands of a ruler who is a believer, committed to Islam, knowledgeable of the religion, truthful, and sincere like ‘Uthmān, may Allah be pleased with him.

It can be said with certainty that the Ummah needs a leader like ‘Uthmān, may Allah be pleased with him; someone who will carry

out in the field of organizing and carefully refining hadith the same work that he carried out regarding the muṣḥaf.

May that day come.

وَالسَّلَامُ عَلَىٰ مَنْ أَتَّبَعَ الْهُدَىٰ

And peace be upon those who follow the guidance.