

Women in Islam

by Ken Wade

Islam began in a mountain cave near the Arabian city of Mecca in the year 610AD. It began with a single revelatory flash that, after a sputtering start, ignited a religious conflagration whose initial spread no interdiction could contain. In less than 150 years an Islamic empire had been established with boundaries extending west to the Atlantic Ocean, north to the Black Sea, and east to the borders of China and India.¹ The vigour of Arab arms can explain the speedy territorial conquests. The relative willingness of many of the conquered peoples to embrace the Islamic faith requires different account.²

The Qur'an states specifically that "there should be no compulsion in religion"(2:256).³ And, in general, the new Islamic empire extended greater sufferance to other religions than its Persian or Byzantine counterparts. Yet the non-Muslim still suffered certain disabilities, such as higher taxation and inferior legal status, which encouraged conversion.⁴ A further incentive to convert can be found in the Islamic concept of the *ummah*, or 'nation of equals'.⁵ This ideal recognises no ethnic, linguistic, or aristocratic boundaries between believers.⁶ Needless to say, this ideal has not always been met, but the notion of equality among believers remains a fundamental principle of Islam.⁷

This essay will propose, however, that Islam betrays even this notional ideal by sanctifying a position of inferiority for fully half its community—namely women. Certainly a basic understanding of Islam and the circumstances surrounding its codification and transmission is essential to understanding the vital situational context—without which, the larger issue cannot properly be understood. To that end, this exploration will begin with a brief investigation of Islam itself, followed by a short examination of its two most fundamental authorities—the Qur'an and the *hadith*. Finally, this essay will conclude by attempting to present evidence which will reveal the demonstrably inferior status of women within Islam. In this process, the relative areas examined will include God and the eternal; inheritance and legal testimony; marriage, divorce, sexual relations, seclusion and the veil.

To the Christian and Jew, Islam is, at best, no more than a derivative of the Judaeo-Christian religious tradition. To the Muslim it is the primordial monotheistic religion.⁸ Its message as revealed by God to the Prophet Muhammad, is essentially one of tolerance, rectitude, patience and charity. Believers are enjoined to deal fairly with others, to render succour to the poor, and to bear the trials and tribulations of life

¹ Seyyed Hossein Nasr, "Islam", in *Our Religion*, ed. A. Sharma (New York: Harper Collins, 1995), p. 452; B. Lewis, *The Middle East*, (London: Phoenix, 1996), pp. 53-55; 400-01; 410-11.

² W. Montgomery Watt, "Muhammad", in *The Cambridge History of Islam*, Vol. 1. ed. P. M. Holt (London: Cambridge University Press, 1970), pp. 53-55; Lewis, *The Middle East*, p. 56.

³ N. J. Dawood, trans. *The Koran*, 5th ed. (London: Penguin, 1995), p. 38.

⁴ Lewis, *The Middle East*, p. 54 and 211.

⁵ F. Mernissi, *Women and Islam: An Historical and Theological Enquiry*, trans. Mary Jo Lakeland (Oxford: Blackwell, 1991), p. 182.

⁶ Lewis, *The Middle East*, p. 205.

⁷ *Ibid.*, pp. 57; 205-06; 317.

⁸ A. Guillaume, *Islam*, 2nd ed. (London: Penguin, 1956), pp. 60-62; Seyyed Hossein Nasr, *op. cit.*, p. 451.

with fortitude and equanimity.⁹ God is compassionate and forgiving, but stern in retribution.¹⁰ A paradise filled with green fields and running streams awaits the virtuous. A burning hell whose inmates are forced to drink scalding water awaits the inveterate sinner.¹¹

There are five duties incumbent upon all followers of Islam: the profession of faith, daily prayer, almsgiving, fasting during the holy month of Ramadan, and pilgrimage to the holy city of Mecca.¹² But Islam is much more than the performance of a few simple rituals or ceremonies. Islam asserts that every human thought and action is related to the divine principle.¹³ Nothing can legitimately operate outside of its realm. Religion exists to provide forgetful humankind “concrete guidance so that men and women can live according to the Will of God ...”.¹⁴

This submission of all human thought and action to the divine will is reflected in the very term ‘Islam’, which means ‘surrender’.¹⁵ Its expression can be found in the etiquette which governs many aspects of the devout Muslim’s daily life. For example, the formal procedure covering ablution before entering a mosque, the sort of clothing and ornaments that may be worn, and the type of salutation that should be offered are all prescribed.¹⁶ For guidance on these matters and many more, there are two fundamental sources to which the Muslim may turn—the Qur’an and the *hadith*.¹⁷

The Qur’an is the most sacred text in Islamic religious literature. According to Islamic tradition, it is a faithful record of the verbatim word of God revealed to the Prophet Muhammad through the agency of an angelic messenger.¹⁸ The Qur’an forms the basic foundation of all legitimate Islamic theology and law.¹⁹ It is not, however, a document crammed with prescriptive minutiae. Apart from a handful of areas, the Qur’an is a document thick with general principle, but thin on regulatory detail. For the precepts governing the details and conduct of day to day life, the practicing Muslim must turn to the *hadith*.²⁰

The *hadith* represents the recorded tradition of the sayings and deeds of the Prophet Muhammad.²¹ It has been argued that the *hadith* are in essence ‘commentaries’ on the Qur’an.²² Without reference to them many aspects of the Qur’an are deemed to be unintelligible.²³ The authentic *hadith* is considered to be “nothing short of revelation”.²⁴

⁹ Guillaume, *op. cit.*, p. 64.

¹⁰ *Ibid.*, p. 60.

¹¹ Guillaume, *op. cit.*, p. 60.

¹² Mernissi, *op. cit.*, p. 27.

¹³ Seyyed Hossein Nasr, *op. cit.*, p. 440.

¹⁴ *Ibid.*

¹⁵ Lewis, *The Middle East*, p. 219.

¹⁶ Guillaume, *op. cit.*, pp. 67-68.

¹⁷ Guillaume, *op. cit.*, p. 88; Mernissi, *op. cit.*, p. 1.

¹⁸ *Ibid.*, pp. 51-52; A. Jones, Introduction to Rodwell, *op. cit.*, p. xix; Seyyed Hossein Nasr, *op. cit.*, pp. 445-48.

¹⁹ Seyyed Hossein Nasr, p. 446.

²⁰ Guillaume, *op. cit.*, p. 88.

²¹ Maul na Muhammad ‘Ali, *The Religion of Isl m*, (Lahore: The Ahmadiyyah Anjuman Ish ‘at Isl m, 1950), p. 58.

²² M. Rafiqul-Haqq and P. Newton, *The Place of Women in Pure Islam*, (<http://debate.domini.org/newton/womeng.html>), [1996], p. 1.

²³ *Ibid.*

²⁴ Mishkat al-Masabih, the English translation, Book 1, the importance of the Qur’an and Hadith, pp. 2-3 quoted in *Ibid.*

*Thus, next to the Holy Quran, the Hadith is the second source of the Islamic Law of social and personal behaviour, because the commandments of the Holy Prophet are as binding on the believers as the commandments of Allah.*²⁵

Between them the Qur'an and *hadith* constitute the standard for distinguishing truth from falsehood, and the permitted from the forbidden.²⁶ Considering this, and the important part both have played in determining the status of women, a basic understanding of their development and the uncertainties surrounding this process is illuminating.

As previously stated, Muslims believe the Qur'an to be a verbatim transcript of the word of God. The possibility of contributions or alterations of a secular nature are not admitted, though its early history hints strongly at the possibility of such intrusions.²⁷

Revealed sequentially over ten years, the Qur'an was committed first to memory and then to writing. The written record was initially somewhat haphazard, being made on materials as diverse as animal bone, stones and palm leaves. The final compilation of all these sources, written and memorised, was not completed until well after the Prophet's death.²⁸ This process, by definition, required human participation, replete with its potential for error and interpretation.²⁹ These potentialities were compounded by the plastic nature of the alphabet used to make the recordings. The Arabic script of the day did not represent vowels, and the system of diacritical dots which identified consonants had not been established. This meant that reading the Qur'an involved a substantial amount of educated guesswork, which magnified the possibility for interpretative divergence.³⁰

Within little more than a decade of the Prophet's death, this divergence had progressed so far that Islam's division into warring sects seemed imminent. To stave off this eventuality, Uthmān (the third Caliph, or 'successor' to the Prophet) promulgated an official version of the Qur'an.³¹ The stubbornness with which the inhabitants of Kufa resisted its imposition indicates the disparities between the authorised edition and their own.³²

Similar uncertainties surround the codification of the *hadith*. Tradition reports that the Prophet urged his followers to observe and relate his ways. It also reports that he discouraged their written record, fearing that a general compilation would be mistaken for Qur'anic verse.³³ After his death proliferation of false *hadith* abounded. Every vested interest seeking prophetic authority for power, privilege or a point of view invented *hadith* to support its cause. Passages from the Old and New Testaments, rabbinic sayings, even maxims of Persian and Indian wisdom entered Islam disguised as *hadith*.³⁴ The problem reached such proportions that criteria were

²⁵ Sahih Muslim, Introduction to English translation, p. ii quoted in Rafiqul-Haqq and Newton, *op. cit.*, p. 1.

²⁶ Mernissi, *op. cit.*, p. 1.

²⁷ L. Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Dilemma*, (New Haven, Conn: Yale University Press, 1992), p. 55.

²⁸ Guillaume, *op. cit.*, pp. 59-61.

²⁹ Ahmed, *op. cit.*, p. 94.

³⁰ *Ibid.*, pp. 93-94.

³¹ Guillaume, *op. cit.*, pp. 57-58.

³² *Ibid.*, pp. 57-58; Ahmed, *op. cit.*, p. 93.

³³ Ali, *op. cit.*, pp. 59-63.

³⁴ I. Goldziher, *Introduction to Islamic Theology and Law*, trans. A. and R. Hamori (Princeton: Princeton University Press, 1981), pp. 39-40.

established to classify inventors of false *hadith*.³⁵ Codification and authentication of prophetic tradition had become essential to prevent dissolution of the Islamic state.³⁶

A number of collections of *hadith* were prepared after Muhammad's death. But the first to attain canonical authority and to set the standard by which all others were judged was the *Sahih* (the genuine) of al-Bukhari (d. 870AD).³⁷ Bukhari was renowned for his honesty, objectivity, and the rigour of his investigative technique. During the preparation of his collection, he examined 600,000 *hadith* and found only 3,275 to be genuine.³⁸

Essential to the value of every *hadith* is an authenticated line of transmission traceable to the Prophet or one of his companions. In addition the character of each of the transmitters must be established beyond reproach.³⁹ According to these criteria, even some of Bukhari's genuine *hadith* are questionable. Bukhari reports that Abu Bakra, one of the Prophet's companions, claimed to hear the Prophet say, "Those who entrust their affairs to a woman will never know prosperity."⁴⁰ Ibn al-Athir, one of Abu Bakra's biographers, reports that during the Caliphate of Umar, Abu Bakra was convicted of and flogged for giving false testimony,⁴¹ This conviction should immediately disqualify Abu Bakra as a source of reliable tradition. Yet the meticulous Bukhari quotes him confidently as a source of genuine *hadith*.⁴²

It would not seem unreasonable to suggest, therefore, that the human hand may have put its own self-serving imprint upon Islam's most authoritative texts. But as matters stand, the Qur'an and *hadith*, however imperfect, are the authorities we have and it is from these we must proceed.

Humanity begins in Islam, as it does in Judaeo-Christian tradition, with Adam and Eve.⁴³ For women it is a propitious beginning. Both sexes are created from a single soul, and there is no suggestion that one is preferred over the other. The Qur'an states: "Men, have fear of your Lord, who created you from a single soul. From that soul He created its mate, and from them He bestrewed the earth with countless men and women"(4:1).⁴⁴

Another shared feature is the tale of humanity's eviction from paradise. According to Judaeo-Christian tradition, Adam and Eve were cast from the Garden of Eden for eating fruit from the one tree God forbade them. Tradition relates that a serpent coaxed Eve to eat the fruit. Eve then persuaded Adam to try it (*Genesis* 2:15-3:19)⁴⁵. This account is confirmed by Adam, who, when God asked why he had eaten the fruit, somewhat pusillanimously replied: "The woman you gave me for a companion, she gave me fruit from the tree and I ate it" (*Genesis* 3:12-13).⁴⁶ All of the blame for what is termed 'original sin' is attributed to Eve. Adam is merely the hapless victim of her wicked and treacherous wiles.⁴⁷

³⁵ Mernissi, *op. cit.*, p. 45.

³⁶ *Ibid.*, p. 36.

³⁷ Guillaume, *op. cit.*, pp. 89 and 91.

³⁸ Mernissi, *op. cit.*, pp. 43-45.

³⁹ *Ibid.*, pp. 58-60.

⁴⁰ Bukhari, *Sahih*, vol. 1, p. 99 quoted in *Ibid.*, p. 56.

⁴¹ *Ibid.*, pp. 60 and 203.

⁴² *Ibid.*, pp. 56 and 60.

⁴³ Sherif Abdel Azeem, *Women in Islam Versus Women in the Judaeo-Christian Tradition*, (<http://doktor.jfmed.uniba.sk/1asfoor/Women.html>), [1997], p. 3.

⁴⁴ Dawood, *op. cit.*, p. 62.

⁴⁵ *The New English Bible: The Old Testament*, (Cambridge: Cambridge University Press, 1970), pp. 3-5.

⁴⁶ *Ibid.*, p. 4.

⁴⁷ Azeem, *op. cit.*, p. 4.

For her sin Eve was sentenced to the ‘labour’ and ‘groaning’ of child-bearing and menstruation, and was eternally subordinated to man. For allowing himself to be tempted, Adam was sentenced to toil miserably all his days in order to win from the ground their means of subsistence. To increase his labours, the earth was cursed, to make it rank, and reluctant to the ministrations of humanity (*Genesis* 3:16-19).⁴⁸ But worst of all, the responsibility and punishment for ‘original sin’ were made heritable. This makes not only Eve, but **all** women responsible for the entirety of humanity’s suffering.⁴⁹ The position is neatly summed by Tertullian, a venerated second-century Christian Saint:

*Do you not know that you [women] are each an Eve? The sentence of God on this sex of yours lives in this age: the guilt must of necessity live too. You are the Devil’s gateway: You are the unsealer of the forbidden tree: You are the first deserter of the divine law: You are she who persuaded him whom the devil was not valiant enough to attack.*⁵⁰

The Qur’an is even neater. It states that “no soul shall bear another’s burden.”(53:39).⁵¹ Quickly and crisply it discards the notion that the guilt and punishment for sin are heritable. In addition the Qur’an relates the events culminating in humanity’s expulsion from Eden differently from the Old Testament. The Qur’anic version states that Satan spoke to Adam *and* Eve about the forbidden fruit. They then made a joint decision to try it. When God discovered the transgression, they each accepted an equal share of the blame.

...Satan tempted them, so that he might reveal to them their nakedness, which they had never seen before. He said: ‘Your Lord has forbidden you to approach this tree only to prevent you from becoming angels or immortals.’ Then he swore to them that he would give them friendly counsel. Thus did he cunningly seduce them.

And when they had eaten of the tree...their Lord called out to them, saying, ‘Did I not forbid you to approach that tree, and did I not warn you that Satan was your inveterate foe?’

*They replied: ‘Lord, we have wronged our souls. Pardon us and have mercy on us, or we shall surely be among the lost’ (7:20-24).*⁵²

Though, in the end, Adam and Eve are still cast from Paradise, Eve does not bear sole responsibility for their eviction. Adam must shoulder an equal portion of the blame.⁵³ Combined with Islam’s refusal to accept the heritability of sin, this liberates all women in the related traditions from the stigma of ‘original sin’. Moreover, it absolves them of responsibility for the earthly torments of humankind.⁵⁴

Similar standards of equity are applied in the afterlife. Dispositions in Paradise and Perdition are determined solely according to an individual’s deeds. Gender is immaterial. The Qur’an states:

⁴⁸ *Ibid.*; “The Old Testament”, *op. cit.*, pp. 3-4.

⁴⁹ Azeem, *op. cit.*, p. 4.

⁵⁰ K. Armstrong, *The Gospel According to Woman*, (London: Elm Tree Books, 1986), pp. 52-62 quoted in *Ibid.*

⁵¹ Dawood, *op. cit.*, p. 373.

⁵² *Ibid.*, p. 110.

⁵³ Azeem, *op. cit.*, p. 3.

⁵⁴ *Ibid.*, p. 4.

*Whoso shall have wrought evil shall not be recompensed but with its like; but whoso shall have done the things that are right, whether male or female, and is a believer - these shall enter paradise: good things unreckoned shall they enjoy therein (40:43).*⁵⁵

It is at this seemingly favourable juncture, however, that the first of the inferiorities women suffer in comparison with men becomes evident. According to the Qur'an, men will be wed to dark eyed, plump breasted virgins in Paradise.

*As for the righteous [men], they shall be lodged in peace together amidst gardens and fountains, arrayed in rich silks and fine brocade. Yes, and we shall wed them to dark-eyed houris(44:51-54).*⁵⁶

*As for the righteous they shall surely triumph. Theirs shall be gardens and vineyards, and high-bosomed maidens for companions: a truly overflowing cup(78:31).*⁵⁷

This enticing picture is reproduced in the *Sahih* of Abul Hussain Muslim, a ninth-century scholar whose collection of *hadith* is regarded as second in authority only to that of al-Bukhari.⁵⁸ Muslim records a *hadith* that promises every man who enters Paradise “two wives (so beautiful) that the marrow of their shanks would glimmer beneath the flesh”.⁵⁹ Other *hadith* report that a man could expect access to as many as 72 women in paradise.⁶⁰ He could also expect to be endowed with the strength of 100 men so that he could enjoy unlimited sexual pleasure with his consorts.⁶¹ No such detailed promises are made to women about the delights they may anticipate. Apparently the best a woman can hope for is remarriage to her former husband and an eternity spent as one of the many women he enjoys.⁶²

Not that there is much hope of women ever making it to Paradise. *Hadith* recorded by Muslim and Bukhari assert that women dominate Hell and represent a minority in Paradise. Muhammad is reported to have said, “I looked at Paradise and saw that the majority of its residents were the poor; and I looked at the (Hell) Fire and saw that the majority of its residents were women.”⁶³ He darkened this already gloomy picture, with: “Amongst the inmates of Paradise the women would form the minority.”⁶⁴ When concerned women quizzed Muhammad for the cause of their predominance in Hell, he reputedly replied, “You curse too much and are ungrateful to your spouses.”⁶⁵

⁵⁵ Rodwell, *op. cit.*, p. 316.

⁵⁶ Dawood, *op. cit.*, p. 350

⁵⁷ *Ibid.*, p. 416.

⁵⁸ Ali, *op. cit.*, p. 75.

⁵⁹ Muslim, *Sahih*, English translation, Hadith No. 6793 quoted in Rafiqul-Haqq and Newton, *op. cit.*, pp. 15-16.

⁶⁰ Rafiqul-Haqq and Newton, *op. cit.*, p. 16

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ Bukhari, *Sahih*, trans. M. Muhsin Khan, MSA-USC Hadith Database, (<http://www.usc.edu/dept/msa/reference/searchhadith.html>), Vol. 7, Bk. 62, No. 126.

⁶⁴ Muslim, English translation, Kitab Al-Riqaq, Chapter MCXL, Hadith No. 6600 quoted in Rafiqul-Haqq and Newton, *op. cit.*, p.21

⁶⁵ Muslim, *Sahih*, trans. Abdul Hamid Siddiqui. MSA-USC Hadith Database, (<http://www.usc.edu/dept/msa/reference/searchhadith.html>), Bk. 3, No. 0592.

Clearly then, though women may hope to attain Paradise after death, once there they can expect to occupy a subordinate position relative to the men who dominate its population. To make matters worse, even their prospects for admittance appear inferior to those of men thanks to their naturally flawed characters.

This unflattering representation is supported by numerous *hadith*.⁶⁶ I shall relate only a small selection. Bukhari reports that the Prophet said, “After me I have not left any affliction more harmful to men than women.”⁶⁷ And: “If at all there is bad omen, it is in the horse, the woman, and the house.”⁶⁸ The bad luck women bring and the affliction they cause are not their only drawbacks. Apparently the Prophet also found them deficient in intellect and religious devotion. Bukhari reports an address Muhammad made to a group of women in which he said, “I have not seen anyone more deficient in intelligence and religion than you.”⁶⁹ This *hadith* would seem to conflict with Muhammad’s own experience. Several of the Prophet’s wives were renowned for their intellect, and he was known to consult with them regularly about important matters.⁷⁰ Furthermore, after Muhammad’s death his wives became important and highly valued sources of prophetic tradition.⁷¹ This would seem to imply substantial regard for female intellectual capacity. Nevertheless, the *hadith* denigrating their intelligence remains, and it is reported in the most authoritative collection. It was Muslim, however, who recorded the Prophet at his most succinct and scathing, when he catalogued the *hadith*: “Woman is a vile beast.”⁷²

The Qur’an echoes this demeaning tone in the passages known as the ‘satanic verses’. Tradition relates that these verses were revealed during Islam’s earliest stage, and granted powers of intercession to three Meccan Goddesses. It is claimed Satan insinuated these verses into Muhammad’s mind in an attempt to corrupt the fledgling monotheism. In response, God dispatched a number of genuine, abrogatory verses.⁷³ Their general tenor unmistakably disparages women:

“What! Has your Lord blessed you with sons and himself with daughters from among the angels? A monstrous blasphemy is that which you utter (17:40).”⁷⁴

Verily man is an open ingrate!

Hath God adopted daughters from among those he hath created, and chosen sons for you?

But when that is announced to any one of them, which he affirms to be the case with the God of Mercy, his face settleth into darkness and he is silent-sad.

What! make they a being to be the offspring of God who is brought up among trinkets and is ever contentious without reason?(43;14-17).⁷⁵

⁶⁶ H. Dagher, The Position of Women in Islam, (<http://www.light-of-life.com/eng/reveal/r5405efc.htm>), [1996], pp. 7-8.

⁶⁷ Bukhari, MSA-USC Database, Vol. 7, Bk. 62, No. 32.

⁶⁸ Ibid., Vol. 7, Bk. 62, No. 33.

⁶⁹ Bukhari, Vol. 1 Hadith No. 301 quoted in Rafiqul-Haqq and Newton, op. cit., p. 3.

⁷⁰ Mernissi, op. cit., pp. 115-18.

⁷¹ Ahmed, op. cit., pp. 72-73.

⁷² Muslim, *Salat* 269 quoted in Dagher, p. 7.

⁷³ Watt, op. cit., p. 37.

⁷⁴ Dawood, op. cit., p. 200.

⁷⁵ Rodwell, op. cit., p. 329.

The Qur'an erodes female character further in the verse: "O ye who believe! Verily, in your wives and your children ye have an enemy: wherefore beware of them"(64:14).⁷⁶ Bukhari claims this warning refers to the disruptive influence of women, which can divert men "from the obedience of Allah".⁷⁷ In this neat fashion women are relegated to the humiliating status of a dangerous distraction. Their character is redeemed somewhat by verse 4:23 in which men are urged to "associate kindly with them".⁷⁸ To do otherwise, would be to risk estrangement from "that in which God placed abundant good".⁷⁹ But the clinching revelation, which affirms once and for all the inferior status of women, is contained in verse 4:34. This states: "Men have authority over women because God has made the one superior to the other."⁸⁰

This superiority is made manifest in a number of ways. Foremost among these is a man's right to polygamous marriage.⁸¹ Qur'an 4:3 states:

*"If you fear that you cannot treat orphans with fairness, then you may marry other women who seem good to you: two, three, or four of them. But if you fear that you cannot maintain equality among them marry one only or any slave-girls you may own."*⁸²

Polygamy is not presented as a commandment, but as an option open to those with the impartiality and financial resources to equitably maintain it.⁸³ Monogamy would appear to be the preferred alternative, given the problems of maintaining harmony in a polygamous relationship.⁸⁴

The Prophet himself was well aware of these problems, and of the emotional distress polygamy could cause the women involved. Bukhari records a *hadith* in which one of the Prophets wives sent a meal to the apartment of a second wife with whom Muhammad was dining. The second wife was so jealous she knocked the meal on to the floor.⁸⁵ In another *hadith*, Bukhari records Muhammad's reaction to the idea that his daughter Fatima's husband should have a second wife. The Prophet refused to allow the marriage to proceed unless his son-in-law first divorced his daughter.⁸⁶ He gave as his reason the emotional distress such a relationship would cause his child. "I don't give permission...because Fatima is a part of my body, and I hate what she hates to see, and what hurts her, hurts me."⁸⁷

Nonetheless at the time of his death the Prophet had nine wives.⁸⁸ Permission to exceed the regulation number of four was granted by divine dispensation.⁸⁹ But it is not the total number of wives Muhammad maintained concurrently that is important so much as his initial decision to adopt polygamy. Since the Prophet is commended as the ideal to be followed,⁹⁰ his precedent set an influential example for a lifestyle

⁷⁶ *Ibid.*, p. 382.

⁷⁷ Bukhari, *MSA-USC Database*, Vol. 7, Bk. 22, No. 69.

⁷⁸ Rodwell, *op. cit.*, p. 51.

⁷⁹ *Ibid.*

⁸⁰ Dawood, *op. cit.*, p. 64.

⁸¹ Rafiqul-Haqq and Newton, *op. cit.*, pp. 7-14.

⁸² Dawood, *op. cit.*, p. 62.

⁸³ Ahmed, *op. cit.*, p. 88.

⁸⁴ Azeem, *op. cit.*, p. 20.

⁸⁵ Bukhari, *MSA-USC Database*, Vol. 7, Bk. 62, No. 142.

⁸⁶ *Ibid.*, No. 164.

⁸⁷ *Ibid.*

⁸⁸ Dagher, *op. cit.*, p. 65.

⁸⁹ Dawood, *op. cit.*, p. 297.

⁹⁰ *Ibid.*, p. 295.

which the Qur'an permits, without recommending.⁹¹ Thus the acceptability of polygamy was undoubtedly enhanced at a time when women's rights to polyandrous marriage had been definitively denied.⁹²

Women find themselves in a similarly disadvantaged position in the matter of sexual relations. Islam legitimises sex for women only within marriage.⁹³ This offers a man living in a polygamous relationship considerably greater opportunity for sexual satisfaction than is available to his wives. This inequality is compounded by Qur'anic Scripture which makes it legal for a man to have sex with slaves. Verse 23:1-5 states:

*"Blessed are the believers...who restrain their carnal desires (except with their wives and slave-girls, for these are lawful to them: transgressors are those who lust after other than these)."*⁹⁴

During the first vigorous phase of Muslim expansion, thousands of slaves flooded into the burgeoning Islamic empire. A common soldier might expect to have up to ten menials attending him; a senior officer or official a thousand or more. Consequently the potential for male sexual gratification was commensurately large.⁹⁵ Considering the fact that slavery was common in the middle-east until the nineteenth-century, this was a prerogative Islamic men enjoyed until relatively recently.⁹⁶ A prerogative, needless to say, utterly forbidden to women, though slave ownership was not.⁹⁷

Perhaps the most telling Qur'anic passage with regard to sexual relations is verse 2:223. This states: "Your wives are your field; go in, therefore, to your field as ye will."⁹⁸ This passage has been conservatively interpreted to mean that men may have sex with their wives when they wish and in the positions they wish.⁹⁹ Extreme interpretations have claimed it sanctifies a husband's right to sodomise his wife.¹⁰⁰ Certainly it places a husband in a dominant position where sex becomes a virtual duty which a wife has little right to refuse.¹⁰¹

Authenticated *hadith* support the position of male dominance in sexual relations. Reporting Muhammad's comments on the civil contract used to conclude Islamic marriages,¹⁰² Bukhari writes: "The stipulations most entitled to be abided by are those with which you [men] are given the right to enjoy the (women's) private parts."¹⁰³ Even the Angels are recruited to support a man's right to unchallenged access to his wife's body. Bukhari writes: "The Prophet said, 'If a woman spends the night deserting her husband's bed (does not sleep with him), the Angels send their curses on her (till she comes back (to her husband)).'"¹⁰⁴

⁹¹ Dagher, *op. cit.*, p. 34.

⁹² *ibid.*; Mernissi, *op. cit.*, pp. 123-24.

⁹³ Mernissi, *op. cit.*, p. 52.

⁹⁴ Dawood, *op. cit.*, pp. 240-241.

⁹⁵ Ahmed, *op. cit.*, p. 80.

⁹⁶ Lewis, *The Middle East*, p. 318; B. Lewis, *Race and Slavery in the Middle East*, (Oxford University Press: 1994) Chapter 1, taken from (<http://www.fordham.edu/halsall/med/lewis1/html/>), [1996], p. 1.

⁹⁷ Lewis, *Slavery in the Middle East*, p. 8.

⁹⁸ Rodwell, *op. cit.*, p. 23.

⁹⁹ Mernissi, *op. cit.*, p. 148.

¹⁰⁰ *Ibid.*, pp. 146-47.

¹⁰¹ *Ibid.*, pp. 145-48; Rafiqul-Haqq and Newton, *op. cit.*, pp. 6-8.

¹⁰² Dagher, *op. cit.*, p. 12.

¹⁰³ Bukhari, *MSA-USC Database*, Vol. 7, Bk. 62, No. 81.

¹⁰⁴ *Ibid.*, Vol. 7, Bk. 62, No. 122.

This *hadith* was recounted by Abu Hurayra, one of the Prophet's early companions.¹⁰⁵ Numerous *hadith* have been attributed to Abu Hurayra. So many, in fact, that many of his contemporaries were deeply suspicious of the facility with which he reeled them off.¹⁰⁶ A'isha, one of the most intellectual among the Prophet's wives, and herself responsible for many *hadith*, regularly contradicted Hurayra's recollections.¹⁰⁷ And Hurayra himself, who once confidently proclaimed, "he whom the dawn finds sullied [*janaban*, referring to sullyng by the sex act] may not fast",¹⁰⁸ retracted this *hadith* just before his death.¹⁰⁹ As in the case of Abu Bakra, the uncertainty attaching to the character of Hurayra should make him highly suspect as a source of legitimate tradition. Yet the *hadith* recounting the curses that accrue to a woman who refuses sex to her husband remains entrenched in the canonical collection of al-Bukhari.

The emphasis placed upon securing a husband's conjugal rights almost overshadows the recognition that a wife is entitled to expect a certain amount of satisfaction from her husband.¹¹⁰ An appropriate amount is considered to be one conjugal encounter every four days.¹¹¹ A wife is not in a position to command sex, since a husband retains the right to abstain. Though if such abstinence develops into total neglect, this could count as grounds for dissolution of the marriage.¹¹²

A husband may use his right to abstain as a means to discipline his wife.¹¹³ But if his wife attempts to withhold her body, a husband is entitled to use violence to enforce his will.¹¹⁴ Qur'an 4:38 states:

*Virtuous women are obedient, careful during the husband's absence, because God of them hath been careful. But chide those for whose refractoriness ye have cause to fear; remove them into beds apart and, scourge them.*¹¹⁵

'Refractoriness' has been defined as "all sorts of disobedience caused by recalcitrance and disdain".¹¹⁶ Included in this broad definition are: failure to dress as the husband wishes, failure to bathe before prayer, and refusing sexual intercourse when the husband demands it.¹¹⁷

The circumstances surrounding the descent of verse 4:38 disclose the Prophet's mixed feelings about its content. A woman whose husband had beaten her approached the Prophet in his role as arbiter and sought redress. Initially the Prophet sided with her.¹¹⁸ He was preparing to take retaliatory action on her behalf, when God intervened and sanctioned men's right to assault their wives.¹¹⁹ The matter taken out

¹⁰⁵ *Ibid.*; Mernissi, *op. cit.*, p. 71.

¹⁰⁶ Mernissi, *op. cit.*, p. 79.

¹⁰⁷ *Ibid.*, pp. 70-73.

¹⁰⁸ Imam Zarkashi, *Al-Ijaba*, p. 112 quoted in *ibid.*, p. 73.

¹⁰⁹ Mernissi, *op. cit.*, p. 73.

¹¹⁰ Dagher, *op. cit.*, p. 18.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ Rafiqul-Haqq and Newton, *op. cit.*, p. 9.

¹¹⁴ *Ibid.*

¹¹⁵ Rodwell, *op. cit.*, p. 53.

¹¹⁶ *Al-Manar*, 5:76 quoted in Dagher, *op. cit.*, p. 51.

¹¹⁷ Rafiqul-Haqq and Newton, *op. cit.*, p. 8.

¹¹⁸ Mernissi, *op. cit.*, p. 155.

¹¹⁹ *Ibid.*

of his hands, the Prophet summoned the woman's husband, and told him: "I wanted one thing, but Allah wanted another."¹²⁰

Though Muhammad could not overturn verse 4:38, *hadith* record his attempts to moderate its application. For example: "None of you should flog his wife as he flogs a slave, and then have intercourse with her in the last part of the day."¹²¹ "I command you good-will for your wives...God has given you permission to leave them alone in their beds and give them a bearable beating."¹²² A bearable beating was considered to be one that did not "break her bones or leave a bruise".¹²³ And in the event that regulatory parameters could not properly be applied, Muhammad made a crafty appeal to men's vanity: "The best of you are those who are best to their wives."¹²⁴ But the fact remains, that whatever moderating effect such *hadith* might have, men still possess a divine sanction to physically assault their wives. This right is not reciprocated.¹²⁵

The inequalities evident in the marital relationship are reflected in the relative ease with which either party can secure its termination. A husband may effect a divorce extrajudicially by simple unilateral pronouncement. It is enough for him to say, "I have divorced you."¹²⁶ He need provide few details of the reasons for his decision.¹²⁷ A wife must petition a court and present evidence of differences sufficiently irreconcilable to secure a dissolution of the marriage.¹²⁸ The basis on which such a dissolution may be granted differs between the four major orthodox schools of Islamic law. The Hanafite School, for example, will consider a petition for divorce only on the grounds of sexual impotence.¹²⁹ The Malikite School adds to impotence, the grounds of desertion, cruelty, failure to provide proper maintenance, and the contraction by the husband of a chronic or incurable disease which may affect his wife's health.¹³⁰ All four schools recognise a husband's right to unilateral divorce.¹³¹

That is not to say men are encouraged to frivolous divorce. Qur'an 4:35 states:

*If you fear a breach between a man and his wife, appoint an arbiter from his people and an arbiter from hers. If they wish to be reconciled God will bring them together again.*¹³²

Here the Qur'an urges arbitration in an attempt to reconcile unsettled couples before the drastic step of divorce is taken.

Another curb on ill-considered divorce is provided by the *iddah*, or 'waiting period'. This provision requires the husband to maintain his wife for three menstrual cycles after the divorce pronouncement.¹³³ The *iddah* is enforced primarily to

¹²⁰ Tabari, *Tafsir* vol. 8 quoted in *Ibid.*

¹²¹ Bukhari, *MSA-USC Database*, Vol. 7, Bk. 62, No. 132.

¹²² Muslim, *Hajj* 137 quoted in Dagher, *op. cit.*, p. 51.

¹²³ Al-Tabari, 5:68-69 quoted in Dagher, *op. cit.*, p. 51.

¹²⁴ Mishkat al-Mashabih, English translation, Bk. 1, section 'duties of husband and wife', Hadith No. 68 quoted in Rafiqul-Haqq and Newton, *op. cit.*, p. 9.

¹²⁵ Rafiqul-Haqq and Newton, *op. cit.*, p. 10.

¹²⁶ Dagher, *op. cit.*, p. 39.

¹²⁷ *Ibid.*, p. 41.

¹²⁸ Ahmed, *op. cit.*, p. 91.

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² Dawood, *op. cit.*, p. 64.

¹³³ Ali, *op. cit.*, pp. 679-80.

guarantee the paternity of offspring,¹³⁴ but it can also provide a cooling-off period during which difficulties previously considered insoluble may be resolved.¹³⁵ If reconciliation is desired, it is sufficient for the husband to say, “I have returned to you.”¹³⁶ He does not need his wife’s permission to resume cohabitation.¹³⁷ This type of revocable divorce is known as ‘excellent’.¹³⁸ It may be enacted and revoked twice. The third time it is pronounced it can not be withdrawn.¹³⁹ The two other types of divorce available are the ‘good’ divorce and the ‘hateful’ divorce.¹⁴⁰ The good variety is one in which the divorce pronouncement is made at the beginning of each month of the waiting period. This achieves the irrevocable divorce in the space of one *iddah*.¹⁴¹ The hateful divorce is one where the pronouncement is uttered three times in succession. Divorce is at one step immediate and irrevocable.¹⁴²

The third and final restraint on frivolous divorce is the instrument of dowry. Islam requires that the groom pay a dowry to the bride, and not the reverse. This dowry becomes the bride’s inviolable property. The husband may derive only those benefits from it which the wife freely offers.¹⁴³ The Qur’an is clear:

*“Give women their dowry as a free gift, but if they choose to make over to you a part of it, you may regard it as lawfully yours.”(4:4).*¹⁴⁴

In the event of divorce initiated by the husband, the dowry departs with the wife.

*If you wish to replace a wife with another, do not take from her the dowry you have given her even if it be a talent of gold. That would be improper and grossly unjust(4:20).*¹⁴⁵

If the dowry was a substantial one, divorce would mean the husband lost all chance of obtaining any benefit from it. But whatever restraint loss of the dowry might apply to a hasty divorce, would depend entirely upon the money amount involved. Bukhari records the Prophet’s statement that “an iron ring” is sufficient to offer as a dowry.¹⁴⁶ This is a small price to put upon the life of another human being. And it is hardly the sort of loss that would prevent a man from repudiating his wife.

The Prophet is reported to once have said, “Never did Allah allow anything more hateful to him than divorce.”¹⁴⁷ Yet Bukhari records the *hadith*:

*A ‘man may say to his brother (in Islam), ‘Have a look at either of my wives (and if you wish), I will divorce her for you.’”*¹⁴⁸

¹³⁴ Mernissi, *op. cit.*, p. 52.

¹³⁵ Ali, *op. cit.*, p. 680.

¹³⁶ Dagher, *op. cit.*, p.40.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*, p. 39.

¹³⁹ Ali, *op. cit.*, p. 681.

¹⁴⁰ Dagher, *op. cit.*, p. 39.

¹⁴¹ Ali, *op. cit.*, p. 682.

¹⁴² *Ibid.*, p. 681.

¹⁴³ Azeem, *op. cit.*, pp. 12-13.

¹⁴⁴ Dawood, *op. cit.*, p. 60.

¹⁴⁵ *Ibid.*, p. 63.

¹⁴⁶ Bukhari, *MSA-USC Database*, Vol. 7, Bk. 62, No. 24.

¹⁴⁷ Abu Dawud, 13:3 quoted in Ali, *op. cit.*, p. 671.

¹⁴⁸ Sahih Bukhari, English translation by M. Muhsin Khan, Vol. VII , pp. 6&7 see Hadith No. 10 quoted in Rafiqul-Haqq and Newton, *op. cit.*, p. 14.

In another *hadith* Bukhari relates the conversation of 11 women who promised to describe faithfully to each other the nature of their husbands. When it came the turn of the third woman, she said, “My husband is a tall man: if I describe him (and he hears of that) he will divorce me, and if I keep quiet he will neither divorce me nor treat me like a wife.”¹⁴⁹

These *hadith* would seem to reveal the facility with which unscrupulous men might exercise their right to unilateral divorce. From this, one might infer the small value such men placed upon their wives and upon women in general. A clear standard by which that value may be determined is provided by the Qur’an. For in the important areas of testimony and inheritance it fixes a woman’s value at one half that of a man’s.¹⁵⁰

In the matter of testimony Qur’an 2:282 states:

*Believers, when you contract a debt for a fixed period...call in two male witnesses from among you, but if two men cannot be found, then one man and two women whom you judge fit to act as witnesses; so that if either of them commit an error, the other will remind her.*¹⁵¹

With regard to inheritance, the Qur’an states:

*Men shall have a share in what their parents and kinsmen leave; and women shall have a share in what their parents and kinsmen leave: whether it be little or much they shall be legally entitled to a share(4:7).*¹⁵²

But in the distribution of such shares, “a male shall inherit twice as much as a female(4:12).”¹⁵³ There is an exception to this rule in the case of the parents of the deceased, where each receives an equal share.¹⁵⁴ But in general a female share is half that of a male.¹⁵⁵

By modern standards this is an unjust division. But in Muhammad’s day it was a revolution in liberality. Prior to Islam’s advent the only role Arabian women played in the inheritance process was as a part of the property bequeathed.¹⁵⁶ Islam abolished this practise and reclassified women from heritable chattels to human beings with their own legal personalities.¹⁵⁷ But it was not prepared to press their emancipation to its just conclusion and grant them full equality with men.

The restrictions placed upon women’s legal rights were matched by those placed upon their physical freedoms. These restrictions found expression in the veil and the practice of seclusion.¹⁵⁸ On the matter of seclusion, the Qur’an says:

Wives of the Prophet, you are not like other women. If you fear God, do not be too complaisant in your speech, lest the lecherous-hearted should lust after

¹⁴⁹ Bukhari, *MSA-USC Database*, Vol. 7, Bk. 62, No. 117.

¹⁵⁰ Dagher, *op. cit.*, pp. 42-45.

¹⁵¹ Dawood, *op. cit.*, p. 40.

¹⁵² *Ibid.*, p. 61.

¹⁵³ *Ibid.*, p. 60.

¹⁵⁴ *Ibid.*

¹⁵⁵ Azeem, *op. cit.*, p. 18.

¹⁵⁶ Mernissi, *op. cit.*, p. 120.

¹⁵⁷ Azeem, *op. cit.*, pp. 12 and 18.

¹⁵⁸ Ahmed, *op. cit.*, pp. 53-56.

*you. Show discretion in what you say. Stay in your homes and do not display your finery as women used to do in the days of ignorance(33:32-33).*¹⁵⁹

*Believers, do no enter the house of the Prophet without waiting for the proper time, unless you are given leave....If you ask his wives for anything, speak to them from behind a curtain. This is more chaste for your hearts and their hearts(33:53).*¹⁶⁰

Clearly these verses intend that a separation be established between the Prophet's wives and the general male population. The Prophet's wives are to remain indoors as much as possible, and if men should call, they are to communicate through a cloth divider. There is no suggestion that such a separation be extended to include the entire female population.

With regard to veiling, Qur'an 33:59 states:

*Prophet, enjoin your wives, your daughters and the wives of true believers to draw their veils close around them. That is more proper so that they may be recognised and not be molested.*¹⁶¹

This verse, along with those relating to seclusion, was revealed in the year 627AD, which was a very bad year for Islam. Military defeats had caused a crisis of confidence in the Prophet and his God.¹⁶² Muhammad's enemies seized this opportunity to attack him by impugning the reputation of his wives. They were accused of impropriety, and adultery, and along with other free women were openly harassed in the streets.¹⁶³ This harassment took the form of *ta'arrud*—literally assuming a stance in front of a woman on the street and asking her for sex.¹⁶⁴ This behaviour, tolerated when directed towards slaves, was unacceptable when free women were involved. When the offenders were asked to account for their actions, they defended themselves by claiming they had mistaken the free women for slaves.¹⁶⁵

To defend himself and the new faith, the Prophet needed a way to isolate his most vulnerable point—his wives—from enemy attack. And to protect free women from abuse, he needed to ensure they could be clearly distinguished from slaves. In response God revealed the verses requiring the seclusion of the Prophet's wives, and the veiling of free women in public.¹⁶⁶

These measures were reactions to problems peculiar to the city of Medina in the crisis year 627.¹⁶⁷ It is uncertain whether their widespread adoption was ever intended. Yet, aided by the prevalence of veiling and seclusion in the conquered Byzantine and Persian territories, and the adoption of Muhammad's wives as models, the practises spread.¹⁶⁸ Within a short time of the Prophet's death, it had become a

¹⁵⁹ Dawood, *op. cit.*, p. 296.

¹⁶⁰ *Ibid.*, p. 298.

¹⁶¹ *Ibid.*, p. 299.

¹⁶² Mernissi, *op. cit.*, pp. 163-65.

¹⁶³ *Ibid.*, pp. 106 and 162.

¹⁶⁴ *Ibid.*, p. 18

¹⁶⁵ *Ibid.*, p. 186.

¹⁶⁶ *Ibid.*, pp. 178-79; 184-85; 187-88.

¹⁶⁷ Mernissi, *op. cit.*, pp. 162-65.

¹⁶⁸ Ahmed, *op. cit.*, p. 56.

woman's duty to remain indoors unless expressly granted permission to go out.¹⁶⁹ When she did venture abroad, it was only permitted beneath the shrouding canopy of the veil.¹⁷⁰

As to what the veil should cover, the Qur'an tells women to "draw their veils over their bosoms and not to reveal their finery except to their husbands ..." (24:31).¹⁷¹ Later authorities are more demanding. The eminent eighth-century jurists Malik Ibn Anas and Abu Hanifa, founders of two of the four orthodox schools of Islamic law, require everything but the face and hands be covered.¹⁷² The highly influential tenth-century scholar al-Tabari narrates that everything must be covered but the left eye.¹⁷³

So, Islam began in the year 610AD and it promised a community of equals in which religious belief was the sole criterion by which its members were judged. Early indications might have given women cause to hope that it would live up to its egalitarian claims. Creation mythology stated that men and women were formed from a single soul and that neither was preferred over the other. Adam and Eve accepted equal responsibility for humanity's eviction from Eden, and admittance to Paradise in the afterlife was extended to both sexes according to their deeds. But here the bright promise faded. For the afterlife was dominated by men, and women could hope for little more than membership of the heavenly harems that attended their former husbands.

Men's predominance in Paradise is explained by the inherent flaws in a woman's character, which make them ungrateful, distracting afflictions. Women are also intellectually deficient and have only a superficial commitment to religion.

Women's numerous deficiencies are accompanied by a set of legal disabilities which permit a man to have four wives, but allow a woman only one husband. A man is permitted to beat his wife for a variety of reasons, including refusal to submit to sex. A man who is dissatisfied with his wife may divorce her by simple unilateral pronouncement. A woman who finds life with her husband intolerable must petition a court for a separation. The grounds upon which such a separation may be granted are few. A woman's legal testimony is worth half that of a man's, and, in general, she is entitled to inherit half the share of a man. In addition to all of this, a woman must obtain her husband's permission to leave the home, and when outside she must wear a veil.

If this is equality, it must be of the variety elaborated by George Orwell in his classic novel *Animal Farm*. Here, in a revolutionary world where animals aspire to global dominance, "all animals are equal, but some animals are more equal than others".¹⁷⁴

¹⁶⁹ Dagher, *op. cit.*, pp. 14-15.

¹⁷⁰ *Ibid.*, p. 57.

¹⁷¹ Dawood, *op. cit.*, p. 248.

¹⁷² Dagher, *op. cit.*, p. 58.

¹⁷³ *Ibid.*, p. 59.

¹⁷⁴ George Orwell, *Animal Farm*, (London: Everyman's Library, 1993), p. 88.

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