Does Verse 65:4 Provide Consent to Consummate a Marriage with a Female Minor?

Joseph A. Islam

This, in my view, is one of the most abused interpretations of the Quranic verses by some Muslim theologians. The implication of such an unwarranted interpretation is so serious that it can pave way to serious child abuse.

In fact, the verse has been used and ratified by some Muslim clerics to sanction the consummation of marriages with pre-menstruating female children (minors) by garnering further support from Islamic secondary sources and in particular, Ayesha’s asserted young age.

This interpretation is also used by those individuals that attempt to attack the veracity of the Quran often relying on these Muslim interpretations.

Let us first note the verse:

065:004
Such of your women as despair of menstruation (Arabic: ya'isna mina-l-mahidi), for them the prescribed period if you have any doubts (Arabic: ini ir'tabtum) is three months and for those who have no courses (Arabic: lam yahidna) (it is the same): for those who are pregnant, their period is until they deliver their burdens and for those who fear God, He will make their path easy.
The argument proceeds as follows:

Verse 33:49, instructs believers that there is no 'waiting period' (iddat) for women who have not had their marriages consummated.

033:049 (Part)
"O you who believe! When you marry believing women, and then divorce them before you have touched them, then there is no waiting period (Arabic: iddatin) that you should count concerning them..."

Therefore, verse 65:4, by virtue of a 'waiting period' (iddat) being present, is only dealing with 'consummated marriages'.

Up and until this point, the assertion is sound and correct.

However, it is then further asserted that the phrase 'lam yahidna' (no courses) implies young girls that are not yet menstruating. Therefore, as this phrase is present in the verse dealing with consummated marriages, it is then asserted that consummation of marriage is allowed with prepubescent young girls, regardless of what age the child may be (minors).

This has led to some of the most destructive opinions by some Muslims clerics which have seen marriages with female minors being sanctioned including sordid details on how to deal with them during consummation.

THE QURAN

There are three categories of women that are noted in verse 65:4:

(1) ya'isna mina-l-mahidi (Despair of menstruation)
(2) lam yahidna (Do not menstruate, not menstruated)
(3) wa-ulatul-ahmali (Those that are pregnant)
(1)  ‘ya’isna mina-l-mahidi’ (Despair of menstruation)

The first point to note is that often translators restrict the meaning of 'ya'isna mina-l-mahidi' (despair of menstruation) to women who are passed the age of menstruation (menopausal). This is an unnecessary restriction and unwarranted by the Quran’s own context. If this term was restricted to menopausal or old aged women, then the Arabic term which proceeds it "ini ir’tabtum' (if you have any doubts) would become superfluous.

An old aged woman or a woman who has become menopausal would not have any doubt as to the condition of her menstruation.

Clearly, the main purpose of verse 65:4 is to capture those women whose menstrual cycles cannot be determined in contrast with verse 2:228. If cycles are determinable then verse 2:228 would clearly apply.

002:228
"Divorced women shall wait concerning themselves for three monthly periods (Arabic: thalathata qurin)...
"

Therefore, the term 'ya isna mina-l-mahdi' captures those women who for one reason or another, do not menstruate anymore or with any degree of regularity. Of course, this will include menopausal women as well as old aged women, but it is not necessarily restricted to just them.

(2)  'lam yahidna' (Do not menstruate, not menstruated)

More importantly for the purposes of this article, the term 'lam yahidna' (no courses) is not a reference to pre-pubescent young girls. Instead, it captures all those women that for one reason or another have never had courses, or, though they expect to menstruate, have not done so for a number of reasons.

It is well known that there exists a category of those women that despite their age have not yet begun menstruation. Other women for one reason or another simply do not menstruate.

All these women and conditions are perfectly captured in the term 'lam yahidna'

For example, medical practitioners will be familiar with the condition 'Amenorrhea' which is the absence or abnormal stoppage of a menstrual cycle. There are many subtypes of amenorrhea which can induce such a condition.

There are also artificially induced stoppages such as those caused by the modern pill.
Therefore, to even consider 'lām yahīdna' as prepubescent female minors is absolutely not warranted by the Quranic text.

Please see related article below with regards marriageable age in the Quran.

**LOOKING DEEPER AT 'LAM YAHIDNA'**

A breakdown of the Arabic words are provided for analysis.

"...wa-allai (and the ones who) lām (did not) yahīdna (menstruate)...

'Haid' simply means to menstruate, but readers will note that it preceded with a prefix 'ya' and the suffix subject pronoun 'na' to denote a feminine plural imperfect verb in the 3rd person.

The imperfect verb by itself will not denote a particular tense. The negative particle 'lām' would be used to decide the overall tense of the imperfect verb. The verb is also in the jussive sense which is a grammatical mood which expresses some form of intention or hope. However, the rules governing the Jussive mood in Arabic can appear somewhat complex and will not be elaborated here. (Please see study tools section for grammar sources for those interested).

Simply:

<table>
<thead>
<tr>
<th>Verb</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lām</td>
<td>is a negation in the past tense</td>
</tr>
<tr>
<td>Lan</td>
<td>is a negation in the future tense</td>
</tr>
<tr>
<td>La</td>
<td>is a negation in the present tense</td>
</tr>
</tbody>
</table>
For example, in the Quran one reads in verse 2:196 with regards the sacrifice at Hajj for those who 'lam yajid' (not find), a fast prescribed for three days and seven on return.

002:196
"And whosoever (can) not find (Arabic: lam yajid), then a fast of three days while on the pilgrimage, and of seven when you have returned; that is, ten in all"

Here one will note that the verb ‘yajid’ is also in the 3rd person imperfect verb form (albeit masculine singular) and also in the jussive mood. This is similar to 65:4 and the verb "yahidna' (menstruate).

Therefore, the phrase 'lam yahidna' is better translated as 'those who did not (negation in the past tense) menstruate', albeit they may still expect or intend to given the jussive mood.

This clearly indicates women who are in their late teens or older or simply those who do not menstruate.

This certainly does not imply young prepubescent female children.

FINAL THOUGHTS

To consider 'lam yahidna' as a reference to a prepubescent female minor is absolutely not warranted by the Quranic text.

Related Articles:

(1) Was Ayesha Really a Child Bride? - Marriageable Age from the Quran
(2) Nikaah - The Contract of Marriage

Joseph Islam
© 2010 Quransmessage.com  All Rights Reserved