

Believers! If you marry believing women and then divorce them before you touch them,<sup>1</sup> you will have no waiting period to calculate for them. Give them compensation, and release them well.

Surat Al-Aḥzāb, 33:49, The Quran.

And those who no longer expect menstruation among your females – if you doubt, then their waiting period is three months, as it is for those who have not menstruated. And for those who are pregnant, their term is until they give birth. And whoever fears God – He will make his affairs easy for him.

Surat At-Talāq, 65:4, The Quran

- 1) No minimum age for sexual relations is found in the Quran, hadiths, or tafsir.
- 2) As a result, no minimum age for sexual relations exists under Muhammad's laws.
- 3) The Quran (Al-Aḥzāb 33:49) specifies that waiting periods after divorce apply only to wives who have had sexual relations with their husband.
- 4) The Quran (Aṭ-Ṭalāq 65:4) specifies a waiting period after divorce for those who have not menstruated.
- 5) The Tafsīr of Ibn 'Abbās on Aṭ-Ṭalāq 65:4 refers to a hadith:  
Another man asked:  
"O Messenger of God! What about the waiting period of those who have not menstruated because they are too young?"  
"If it is because of young age, their waiting period is three months."
- 6) The Tafsīr of Ibn Kathīr on Aṭ-Ṭalāq 65:4:  
It is the same for the little ones ( الصغار ) who have not reached menstruation ( لم يبلغن من الحيض ):  
Their waiting period is three months like those in menopause. <sup>2</sup>
- 7) The Tafsīr of Aṭ-Ṭabari on Aṭ-Ṭalāq 65:4:  
The same applies to the waiting period for those who do not menstruate because they are small girls before puberty ( من الجوارى لصغر ),<sup>3</sup> if their husbands divorce them after penetration. <sup>4</sup>
- 8) The Reliance of the Traveller, a standard manual of Islamic Law, specifies that the waiting period applies after sexual intercourse which has occurred before puberty (Section on Divorce, n9.1, n9.2):  
There is no waiting period for a woman divorced before having had sexual intercourse with her husband. A waiting period is obligatory for a woman divorced after intercourse, whether the husband & wife have not reached puberty, or have reached puberty, or one has & the other has not.
- 9) The Sharh of Al-Kharashi:  
It is not required that she has reached puberty, because, from her enduring sexual intercourse, the man receives complete pleasure. <sup>5</sup>

1 *تَمَسُّوهُنَّ* (*tamassūhunna*) indicates intimacy and is variously translated as "before the marriage is consummated" [Ruwwad Center, Maulana Wahiduddin Khan], "before you have sexual intercourse with them" [Muhammad Taqī-ud-Dīn al-Hilālī & Muhammad Muhsin Khan], and "before you have touched them" [Pickthall, Yusuf Ali, etc.]. Translators using "touch" may add an explaining note: Dr. Mustafa Khattab adds "Before the marriage is consummated" and Bridge's Translation adds "In sexual intercourse."

2 Ibn Kathīr, *Tafsīr al-Qur'ān*, Dār al-Andalus, Beirut, 1966; Vol.7, p.40, line 3. (If using instead the edition published by Dār Taybah, see: Vol.8, p.149.)

3 "من" from / because of; "الجوارى" the girls / girlhood; "ل" to / for / of; "صغر" smallness.

4 Al-Ṭabarī, *Tafsīr al-Ṭabarī*, Dār al-Salām, Cairo, 2007; Vol. 10, item 34163 (see also item 34164)

5 *Sharh Al-Kharashi*, Al-Matba'ah Al-Kubra, Al-Maktabah Al-Shamilah, vol.3, p.258. As Grand Imām of Al-Ahzar, Cairo, Al-Kharashi was the foremost Islamic scholar of the Fatimid Caliphate.