



## Debunking the Myth Series (2)

### **DEBUNKING THE MYTH THAT ANGELS CURSE THE WOMAN** **WHO REJECTS HER HUSBAND'S SEXUAL DEMANDS**

*“If a husband calls his wife to his bed and she refuses, the Angels will curse her until she gets up in the morning.” Sahih al-Bukhari*

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#### ***I. Introductory Remarks***

This is the second installment in our white paper series entitled “Debunking the Myth.” The series addresses religiously significant issues that are of special concern to Muslim women. In this paper, we address the above-captioned *hadith* (saying of the Prophet Muhammad (PBUH)) that Muslims interpret as requiring wives to accede to their husbands’ sexual demands, or be cursed by angels (the “*Angels Hadith*”). Several women, particularly working mothers in the US and abroad, have expressed their anxiety at offending their religion by turning down sexual overtures by their husbands. Yet, after returning from a long day at work, followed by housework and childcare at home, these women usually look forward to a deserved evening of rest. Instead, they find themselves torn between the religious pressures of acceding to their husbands’ sexual demands and the demands of their own health and physical needs.

This disturbing state of affairs has also a darker side, as illustrated by the New Jersey case S.D. v. M.J.R.<sup>1</sup>. The case exposes a more fundamental problem generated by misinterpretations of gender relations in Islam. It involves a Moroccan couple living in the U.S. In their short-lived marriage, the husband committed various acts of domestic violence against his bride, including

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<sup>1</sup> 2 A.3d 412 (N.J. Super. Ct. App. Div. 2010).

egregious instances of sexual, emotional, and financial abuse, such as nonconsensual sex (marital rape).<sup>2</sup> In justifying his behavior, the husband told his wife:

“...*this is according to our religion. You are my wife, I [can] do anything to you. The woman, she should submit and do anything I ask her to do.*”<sup>3</sup>

This shocking point of view goes well beyond what the *Angels Hadith* could be interpreted as saying. Nevertheless, it draws attention to the existence of misogynistic interpretations of religious texts that totally distort the Islamic view of gender relations. These interpretations have developed over the centuries a far reaching oppressive architecture of gender relations in Islam. Remarkably, while this architecture flatly contradicts the religion’s very essence, it has been very hard to shake off in Muslim societies that are used it. This should not surprise the reader. Other religions have suffered from the same problem, and women of various faiths have been speaking out to defend their liberty and regain their rights within their own faith.

Given the anxieties of some Muslim women about the *Angels Hadith* and the sense of absolute entitlement some men feel because they misunderstand religious texts, we have decided to make the *Angels Hadith* the subject of the second white paper in this series. However, we shall soon address in subsequent white papers issues related to domestic violence, marital rape, and the sexual rights of women in Islam. Together, these white papers will help us dismantle the misogynistic and oppressive architecture that has harmed so many women and cabined their energies for so long.

In addressing the *Angels Hadith*, we shall first lay proper foundations for the discussion, such as introducing the concept of *hadith*, its importance, and methods of examining it. This will be accomplished in sections II and III below. In section IV, we shall introduce all major versions of the *Angels Hadith*. The evaluation of the *Angels Hadith* begins in section V with an analysis of its *matn* (content) in light of the Qur’an and the *sunnah* (generally, words and deeds) of the Prophet Muhammad (PBUH). It continues in section VI where the chains of narrators of the various versions of the *Angels Hadith* are critically examined for reliability. Our conclusion is stated in

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 416.

section VII. Those who are familiar with the introductory material in sections II and III can go directly to section IV.

## **II. Importance of Hadith**

We start our discussion with a brief introduction about the place of prophetic *hadith* (or simply, *hadith*) in the religion.<sup>4</sup> *Hadith* augments our understanding of the Qur'an. Furthermore, the Prophet's *sunnah* (literally, his way) is the second major source of Islamic *shari'ah* (law). More precisely, the *sunnah* includes the Prophet's *hadith*, as well as his actions, example, silences and indications that have significance in explaining and regulating the religion.<sup>5</sup> Addressing the Prophet, the Qur'an states:

*“And We have sent down the Message so that you may explain clearly to people what has been revealed to them.”* (Qur'an 16:44)

As the Word of God, the Qur'an is the sacred book on which Islam is based. It is Islam's ultimate arbiter.<sup>6</sup> For this reason, in the early days of the revelation, the Prophet prohibited the recording of his *hadith* so that it would not be confused with the Qur'an. Therefore, a significant part of *hadith* was not recorded until the 9<sup>th</sup> and 10<sup>th</sup> centuries A.D., a full two to three centuries after the Prophet's death.<sup>7</sup> Thus, reliance on *hadith* to support a ruling requires special care and training. It requires knowledge of various matters related to a *hadith*, such as its degree of authenticity, soundness of its *matn* (content) and *isnad* (chain of narration), knowing the biographies and reputations of its narrators, its modes of transmission, context, and any

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<sup>4</sup> The word “*hadith*” refer to a single *hadith* (plural, *hadiths*) or to the whole collection of Prophetic *hadiths*, depending on the context.

<sup>5</sup> “*Sunnah*” is currently defined as including the “*hadith*.” However, until the second *hijri* century, “*sunnah*” was used to refer to the Prophet's actions, and “*hadith*” was used to refer to the Prophet's words. See Noor al-Din al-'Etir, *Manhaj al-Naqid fi 'Ulum al-Hadith* [Methodology of Criticism in *Hadith* Sciences] Reprint. (Damascus: Dar al-Fikr, 1997), 27-28.

<sup>6</sup> See Azizah al-Hibri, *The Islamic World View*, (Chicago: ABA Publishing, 2015), vol. 1, 46.

<sup>7</sup> Muhammad Abu Shahbah, *Difa'on 'an al-Sunnah* [A Defense of the *Sunnah*] (Beirut: Dar al-Jil, 1991), vol.6, 19-23.

interpretations and critiques relating to it, as well as familiarity with classical Arabic as used in the Qur'an.<sup>8</sup>

Among the major collections of *hadith*, two are most known and referenced: *Sahih al-Bukhari* and *Sahih Muslim*. *Hadiths* that occur in *both* these collections are considered by many scholars as belonging to the highest rank of the *sahih* (authentic) category. Indeed, some scholars flatly reject any critique of such *hadiths* because they consider them unimpeachable by virtue of the authority of those who deemed them authentic. It is worth noting that while this position has a great deal to recommend it, it is in tension with a core belief held by these same scholars, namely that of human fallibility.<sup>9</sup> The Prophet himself emphasized this belief in the *hadith*: “I am human. If I order you in a matter of your religion, then follow it, but if I order you in a [worldly] matter of my own opinion, I am human.”<sup>10</sup> For, only God has perfect knowledge. For this reason, famous scholars of past always ended their comments with the phrase “*Wallahu a'lam.*” Literally, the phrase means, “And God knows best.”

Emphasizing belief in the fallibility of human beings, the pre-eminent jurist Imam Malik [d. 795] said, as he pointed to the tomb of the Prophet, that everyone's statements were subject to acceptance or rejection, “except those of the one to whom this tomb belongs.”<sup>11</sup> The famous scholars of jurisprudence and *hadith* Abu Yusuf [d. 798] and Zafar [d. 775] also stated: “it is impermissible for someone to adopt our statements unless such person knows how we arrived at them.”<sup>12</sup> The great Imam Ahmad [d. 855] stated: “Do not imitate me, and do not imitate Malik, or al-Shafi'i or al-Ouza'i, or al-Thawri, [instead] take from [the sources] they took from.”<sup>13</sup>

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<sup>8</sup> Musfer Ghurm Allah al-Dumaini, *Maqayees Naqd Mutoun al-Sunnah* [Criteria for Critiquing the Contents [of *Hadith*] in the *Sunnah*] (Riyadh: Maktabat al-'Ulum wa al-Hikam, 1995), 49, 99, 140, 193, & 219. See also, al-Hibri, *supra* note 6, vol. 1, 54.

<sup>9</sup> *Hadith*: “All of the children of Adam fall into error, and the best of those who err are the ones who repent.” Abu 'Abdullah Ibn Majah [d. 887], *Sunnan Ibn Majah* [*Sunnahs* of Ibn Majah] Reprint. (Beirut: Dar al-Kutub al-'Ilmiyyah, n.d.), vol. 2, 1420.

<sup>10</sup> *Id.* at 825. See also, al-'Asqalani, *Fath al-Bari: Sharh Sahih al-Bukhari* [The Authentic *Hadiths* of (i.e., compiled by) Muhammad al-Bukhari, with Exegesis by al-'Asqalani] Reprint. (Beirut: Dar al-Kutub al-'Ilmiyyah, 1989), vol. 12, 419-420. See also, Abu Dawud Sulayman al-Sijistani [d. 889], *Sunan Abu Dawud* [*Sunnahs of Abu Dawud*], Reprint. (Beirut: Dar al-Jil, 1988), vol. 3, 300.

<sup>11</sup> Abu Shamah al-Maqdisi [d. 1267]. *Al-Mu'ammal fi'l-Radd Ila al-Amr al-Awwal* [Abridged (Version) of “The Expected (Book) on Returning to the Early Sources”] (Kuwait: Maktabat al-Sahwa al-'Islamiyyah, n.d.), 7.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

All of these statements by great imams show that while we should accord great weight to the views of major scholars of Islam, we should not do so blindly. We should try instead to learn how they arrived at their conclusions. After all, the Qur'an itself insists that Muslims should ponder and use their God-given rational faculties.<sup>14</sup> Logic and reasoning is the basis of Islamic laws; as stated by al-Shatibi [d. 1388] in his book about the fundamentals of *al-Shari'ah*. Accordingly, Islamic laws cannot by any means contradict logic and reason.<sup>15</sup>

So, in this paper, we approach our task of studying the *Angels Hadith* with a great deal of respect and awe for the work of those giants before us, while simultaneously balancing it with the established Islamic right to examine their arguments, as expressed by the great imams quoted above. In doing so, we adhere to the classical methodology of evaluating the *hadith*.

### ***III. Methodology for Evaluating Hadith***

Before embarking on the task of evaluating the *Angels Hadith*, a highly technical endeavor, we shall first familiarize the reader with *hadith* scholarship, and its processes for evaluating *hadiths* in general. Using this established methodology, scholars are able to determine whether a *hadith* is authentic, fabricated, inaccurate or simply unreliable.

To evaluate the authenticity and the reliability of a *hadith*, two separate analyses must be undertaken:

- (1) Determining the soundness of the *matn* (content) of the *hadith*.
- (2) Determining the soundness of the *isnad* (chain of narrators) of the *hadith*.

Both of these analyses are important for determining the reliability of a *hadith*. If either the *matn* or *isnad* analysis reveals a serious defect, the *hadith* is deemed no longer reliable nor does it have full jurisprudential force and effect.<sup>16</sup>

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<sup>14</sup> Qur'an 47:24; 4:82; and 2:219-220.

<sup>15</sup> Ibrahim bin Musa al-Shatibi [d. 1388], *Al-Muwafaqat fi Usul al-Shari'ah* [Concordances in the Fundamentals of Shari'ah] Reprint. (Beirut: Dar al-Ma'rifah, n.d.), vol. 3, 27.

<sup>16</sup> 'Uthman bin 'Abd al-Rahman al-Shahrazuri [1245], known as Ibn al-Salah, '*Ulum al-Hadith* [Science of *Hadith*] Reprint. (Damascus: Dar al-Fikr, 1986), 11-29. See also, Muhammad Jamal al-Din al-Qasimi, *Qawa'id al-Tahdith* [Rules (the Discipline) of Narration of *Hadith*] (Beirut: Dar al-Nafa'is, 1987), 81-82. See also, Subhi al-Salih, '*Ulum*

Examination of the *matn* is undertaken to establish whether the *hadith* is (a) consistent with Qur'anic verses, or more generally Qur'anic themes or principles, (b) logically makes sense, (c) contradicts other equally or more reliable *hadiths*, and finally, (d) consistent with facts, such as the Prophet's manners and diction.<sup>17</sup> The *sahabah* (companions of the Prophet) differed among themselves on the methodology of assessing the *matn* of a *hadith*. Their approach, however, generally revolved around examining the *hadith* in light of the following four different criteria:

1. Consistency with the Qur'an.
2. Consistency with the authentic *sunnah*.
3. Consistency with logic and life experiences.
4. Consistency with historical events and facts.<sup>18</sup>

If a *hadith* fails to pass any one of these four criteria, it is deemed unreliable.

There is disagreement among *hadith* scholars and the jurists on the details of these criteria. These disagreements, however, are beyond the scope of this paper and will not impact our analysis in a significant way.

One more important point is worth mentioning: A *hadith* may be reported by more than one source, and the wording may differ from one version to another depending on various factors. Therefore, it is important to identify the various versions of a *hadith*, so that they will all be included in the analysis and evaluation. For, while one version may be troubling and deemed weak or false, another may have no such problems at all.

In this paper, we shall assess the *matn* of the *Angels Hadith* (common to all the versions) by utilizing the above general guidelines. Our assessment will show that, the traditional interpretation of its *matn* violates the very first criterion for assessing the soundness of the *matn* of a *hadith*,

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*al-Hadith* [Science of *Hadith*] (Beirut: Dar al-'Ilm li'l Malayin, 1959), 141-155. See also, al-Hibri, *supra* note 6, vol.1, 47-50.

<sup>17</sup> Al-Dumaini, *supra* note 8, 6-7. See also, Muhammad Taher al-Jawabi, *Juhud al-Muhadditheen fi Naqd Matn al-Hadith al-Nabawi al-Sharif* [*Hadith Scholars' Efforts in Critiquing the Matn of the Noble Prophetic Hadith*] (Tunisia: Mu'assasat Abdul Kareem bin Abdul Allah, 1986), 460.

<sup>18</sup> Rif'at Fawzi Abdul Muttalib, *Tawthiq al-Sunnah fi al-Qarn al-Thani al-Hijri* [Sunnah Documentation in the Second Hijri Century] (Cairo: Maktabat al-Khanji, 1981), 38.

namely that of being consistent with the Qur'an. Hence, we deem the *hadith*, as traditionally interpreted unreliable. However, we shall discuss an alternative conditional interpretation provided by other ancient scholars that presents a more reasonable interpretation that is better aligned with the Qur'an and *sunnah*. We shall show that, while this interpretation is an improvement over the traditional interpretation, it does not go far enough in meeting the requirements of the core Islamic principles. For this reason, we conclude our analysis by providing a gender equitable conditional interpretation that satisfies all these requirements. We shall then examine the *isnad* of the *hadith* to complete our analysis.

#### **IV. Introducing the Hadith in its Various Versions**

After this introduction, we now turn to studying the *Angels Hadith*. It has been often misinterpreted as a religious mandate that empowers the husband to make sexual demands on his wife and expect her to comply or face divine retribution.

To determine the other major versions, we examined the “Six *Sihah*” [The Six *Sahih*]. These are the six books of *hadith* widely recognized as the major references on this topic.<sup>19</sup> They are: *Sahih al-Bukhari*, *Sahih Muslim*, *Sunan al-Nasa'i*, *Sunan Abu Dawud*, *Sunan al-Tirmidhi*, and *Sunan Ibn Majah*. We have also examined *Al-Muwatta' of Imam Malik*, and *Musnad Ahmad*, two additional highly respected sources of *hadith*. Our review revealed that this *hadith* does not occur in either *Sunan al-Nasa'i*, *Sunan Ibn Majah*, or *al-Muwatta' of Imam Malik*.

So, in this section we shall focus on examining the *hadith* as it is reported in *Sahih al-Bukhari*, *Sahih Muslim*, *Musnad Ahmad*, and *Sunan Abu Dawud*, with a comment on the *hadith* as it appears in *Sunan al-Tirmidhi*.

Three versions of the *Angels Hadith* are reported in *Sahih al-Bukhari*. Three more versions are reported in *Sahih Muslim*, as well as two in *Musnad Ahmad*, and one in *Sunan Abu Dawud*. All these versions are deemed *sahih* (authentic) in these volumes, and they all assert the duty of the wife to satisfy her husband's sexual desires on demand.

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<sup>19</sup> Subhi al-Salih, *supra* note 16, 115-125.

A seventh version of the *Angels Hadith* is reported in *Sunan al-Tirmidhi*.<sup>20</sup> We are not going to analyze this version because it is not deemed *sahih* by al-Tirmidhi himself, but rather *hassan gharib* (good but strange).<sup>21</sup> Many *hadith* scholars held that most of the *hadiths* classified as *hassan* by al-Tirmidhi tended to be weak.<sup>22</sup> For example, al-Dhahabi [d.1348], a distinguished critic and expert examiner of the *hadith*, said in his book *Al-Mizaan*, “after investigation, most of the *hadiths* classified as *hassan* (good) by al-Tirmidhi turn out to be weak. Thus, one should not be deceived by al-Tirmidhi's declaration of a *hadith* as *hassan*.”<sup>23</sup> For these reasons, we shall not consider this seventh version reliable, and will concentrate instead on the other versions.

#### **A. A Comparative Table of All the Major Versions of the *Angels Hadith***

To facilitate comparison among the various versions of the *Angels Hadith*, we have organized them in a table by source and version. (Appendix A at the end of this paper provides the corresponding table of the major versions of the *Angels Hadith* in the original Arabic language).

Our commentary about the similarities and differences among the various versions of the *hadith* follows the table.

[Table follows on next page]

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<sup>20</sup> Muhammad Ibn Isa al-Tirmidhi, *Al-Jami' al-Sahih: wa Huwa Sunan al-Tirmidhi* [Comprehensive Compilation of the *Sahih* (*hadiths*), and it is *Sunnahs* of al-Tirmidhi] (Beirut: Dar al-Kutub al-'Ilmiyyah, 2000), vol. 1, 268. *See also*, al-Tirmidhi, vol. 2, 223.

<sup>21</sup> *Id.*

<sup>22</sup> Ibn al-Salah presented various scholars' opinions about the classification of *hassan hadith* by al-Tirmidhi. The main idea he focused on is that the narrators of the *hassan hadith* are not as reliable as the narrators of the *sahih hadith*. *See* Ibn al-Salah, *supra* note 16, 30-40.

<sup>23</sup> Abu Abdallah Muhammed al-Dhahabi, *Mizan al-I'tidal* [The Scales of Moderation] Reprint. (Beirut: Dar al-Fikr, n.d.), vol. 4, 416.



*The Various Versions of the Angels Hadith in the Four Major Sources* <sup>24</sup>

<b>SOURCE</b>	<b>Version 1</b>	<b>Version 2</b>	<b>Version 3</b>
<b>Al-Bukhari</b>	If a husband calls his wife to his bed and she refuses, the angels will curse her until she gets up in the morning. <sup>25</sup>	If a husband calls his wife to his bed and she refuses, and he slept angry with her, the angels will curse her until she gets up in the morning. <sup>26</sup>	If a woman spends the night deserting her husband's bed, then the angels curse her until she returns [to the marital bed]. <sup>27</sup>
<b>Muslim</b>	If a woman spends the night deserting her husband's bed, then the angels curse her until she gets up in the morning. <sup>28</sup>	If a husband calls his wife to his bed and she does not come to him, and he slept angry with her, the angels will curse her until she gets up in the morning. <sup>29</sup>	By the One in Whose Hand is my soul, there is no man who calls his wife to her bed and she refuses, but [that her refusal causes] the One Who is above in Heaven [i.e. God] to be angry with her, until he [her husband] is pleased with her. <sup>30</sup>
<b>Ahmad Ibn Hanbal</b>	If a woman spends the night deserting her husband's bed, the angels will continue to curse her until she returns [to the marital bed]. <sup>31</sup>	If a husband calls his wife to his bed and she refuses, and he slept angry with her, the angels will curse her until he gets up in the morning. <sup>32</sup>	
<b>Abu Dawud</b>	If a husband calls his wife to his bed and she refuses, and he slept angry with her, the angels will curse her until she gets up in morning. <sup>33</sup>		

<sup>24</sup> The Arabic versions of the *hadiths* with the Arabic footnotes sources have been provided in Appendix A to this paper.

<sup>25</sup> Al-‘Asqalani, *supra* note 10, vol. 9, 366.

<sup>26</sup> *Id.* at vol. 6, 385-386.

<sup>27</sup> *Id.* at vol. 9, 366.

<sup>28</sup> Muhyi al-Din Abu Zakariya al-Nawawi, *Sahih Muslim bi Sharh al-Nawawi*, [The Authentic *Hadiths* of (compiled by) Muslim, with Exegesis by al-Nawawi] Reprint. (Beirut: Dar Ihya’ al-Turath al-‘Arabi, n.d.), vol.10, 7.

<sup>29</sup> *Id.* at 8.

<sup>30</sup> *Id.* at 7-8.

<sup>31</sup> Ahmad bin Hanbal, *Musnad Ahmad* [The Supported (*Hadiths* collected by) Ahmad], in *Al-Fath al-Rabbani* [The Sublime Revelation], ed. Ahmad al-Banna, (Cairo: Dar al-Shihab, n.d.), vol. 16, 226.

<sup>32</sup> *Id.*

<sup>33</sup> Abu Dawud, *supra* note 10, vol. 2, 251.

## **B. Comparing All *Hadith* Versions in the Major Sources**

### **(i) The Three Versions in *Sahih al-Bukhari***

The first two versions in *Sahih al-Bukhari* are almost identical and differ only slightly from each other. The third version differs in that it focuses on the wife's behavior. We shall next compare the versions in *Sahih al-Bukhari* with the other versions.

### **(ii) The Three Versions in *Sahih Muslim***

Three versions of the *Angels Hadith* are reported in *Sahih Muslim*. Two of them are similar to those reported in *Sahih al-Bukhari* with a slight difference in wording.

The first version in *Sahih Muslim* is similar to the third version in *Sahih al-Bukhari* with one difference. The third version suggests that the angels' cursing continues "till [the wife] returns to the marital bed." However, according to this first version in *Sahih Muslim*, the cursing continues "till she [the wife] gets up in the morning."

The second version in *Sahih Muslim* is almost identical to the second version in *Sahih al-Bukhari* with a slight difference. The latter uses the verb "*Abat*" (refused to comply), while this second version in *Sahih Muslim* uses the verbal phrase "*lam ta'tih*" (does not come to him). The two verbs in both versions convey the same meaning in that the wife does not respond positively to her husband's demand.

The third version in *Sahih Muslim* is different from all the others because its focus is not on the angels' cursing, but on God's wrath upon the wife for not responding to her husband's desire.

### **(iii) The Two Versions in *Musnad Ahmad*:**

The first version in *Musnad Ahmad* and the third version in *Sahih al-Bukhari* are almost identical. Both are similar to the first version in *Sahih Muslim* with one difference. The first version in *Musnad Ahmad* and the third version in *Sahih al-Bukhari* imply that the cursing continues until the wife changes her mind and returns to the marital bed. However, according to this first version in *Sahih Muslim*, the cursing continues until the wife gets up the following morning.

The second version in *Musnad Ahmad* is identical to the second version in *Sahih al-Bukhari* and the second version in *Sahih Muslim* with a slight difference. In both *Sahih al-Bukhari* and *Sahih Muslim*'s second versions, the cursing continues until the wife gets up the following morning. While in second version in *Musnad Ahmad*, the cursing continues until the husband gets up the following morning.

**(iv) The Only Version in Sunan Abu Dawud:**

This version in *Sunan Abu Dawud* is similar to the second version in *Sahih al-Bukhari*, the second version in *Sahih Muslim*, and the second version in *Musnad Ahmad* with a slight wording difference. The cursing in this version, like in the second version in *Sahih al-Bukhari* and the second version in *Sahih Muslim*, continues until the wife gets up the following morning.

Now that we have introduced the various versions of the *Angels Hadith*, we are ready to begin our evaluation of its reliability.

**V. Evaluating the Matn of the Angels Hadith:**

As described in section II on Methodology, we shall first evaluate the *matn* (content) of the *Angels Hadith* and then turn to its *isnad* (chain of narrators). Basically, the *matn* of the *hadith* is the same in all the above versions with slight difference in wording. Thus, we are going to study and analyze the content of the first version of the *Angels Hadith* in *Sahih al-Bukhari*, and then apply the same analysis to all the other versions. We can do this because the difference in wording among these versions does not affect our *matn* analysis.

Here is the first version of the *Angels Hadith* narrated in *Sahih al-Bukhari*, namely that:

“If a husband calls his wife to his bed and she refuses, the angels will curse her until she gets up in the morning.”<sup>34</sup>

"إذا دعا الرجل امرأته إلى فراشه، فأبت أن تجيء، لعنتها الملائكة حتى تصبح".

<sup>34</sup> Al-‘Asqalani, *supra* note 10, vol. 9, 366.

As mentioned earlier, the *Angels Hadith* is widely quoted to justify the behavior of husbands who pressure their wives into having sex with them even when their wives do not want to do so. In examining the content of this *hadith*, we shall follow the following approach: First, we shall introduce the traditional interpretation of the *hadith*, along with an alternative one suggested by distinguished ancient jurists. Then, we shall consider whether the traditional understanding of the *matn* of this *hadith* (henceforth, the “traditional interpretation”) is consistent with the Qur’anic view of the relationship between husband and wife, and the Qur’anic concept of dignity (*karamah*) of all humans.<sup>35</sup> Third, we shall assess whether this traditional interpretation is consistent with the *sunnah* of the Prophet as it relates to his manners and behavior with his wives. Fourth, we shall similarly examine the alternative conditional interpretation (henceforth, the “conditional interpretation”) of the *hadith* for consistency with the Qur’an and *sunnah*; and finally, we shall provide our own modified conditional interpretation and conclusion on this matter.

#### A. Juristic Interpretations and Gender Relations.

(i) The traditional interpretation. Under this interpretation of the *Angels Hadith*, the wife’s duty is absolute and unconditional (*mutlaq*). The wife is required to fulfill the sexual desire of her husband on demand, regardless of circumstances. However, this interpretation appears to contradict the Qur’anic view of marital relationships. Therefore, it is of critical importance that we consult the Qur’anic view on this matter in order to provide a proper assessment of the *matn* of this *hadith*.

God says in the Qur’an:

“And among His signs is this that He (God) created for you mates from among yourselves that you may dwell in tranquility with them and He has put love and mercy between your (hearts); verily in that are signs for those who reflect.” (Qur’an 30:21)

﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ﴾

<sup>35</sup> Qur’an 30: 21.

We shall refer to this verse as The Harmony Verse, and it gives rise to the Harmony Principle governing marital relationships. The Harmony Verse is addressed to all human beings, male and female.<sup>36</sup> Thus it is not gender specific, although it is at the same time gender symmetrical. It does not subordinate the free will or life of either spouse to the other. Rather, it describes a mutual relationship based on tranquility, affection and mercy. As we shall see later in this paper, other verses in the Qur'an and related *sunnah* support this observation.

However, there are some Qur'anic verses that have been traditionally interpreted as introducing a gendered hierarchical relationship favoring men. As such, these verses seem to conflict with the Harmony Verse on its face and as interpreted by us. Since the Qur'an is internally consistent, we need to be concerned about this apparent inconsistency. Dr. al-Hibri addressed this matter in detail in *The Islamic Worldview*. She showed there that the traditional interpretations of these seemingly conflicting verses were influenced by the patriarchal cultures of the time. It is a well-known fact that patriarchal cultures were rampant at the dawn of Islam and the Qur'an refers to this fact.<sup>37</sup> Indeed, one of the earliest acts of the Prophet was to prohibit female infanticide practiced by the pre-Islamic *Jahiliyyah* society. We shall provide now a brief comment on some of these verses.<sup>38</sup>

Traditional interpretations of Qur'anic verse 4:34 (see below) has weighed heavily on many women over the centuries. It has served to affirm inequitable gender relations within the family, and restrict women's liberties, while projecting this interpretation not as culturally biased, but rather as divinely ordained.

One traditional interpretation of verse 4:34 states in part:

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<sup>36</sup> *Azawaj* is plural of *zawj* which refers to a marital partner, whether male or female. Also, see note 36 about the phrase "he created for you mates from among yourselves."

<sup>37</sup> Indeed the Qur'an refers to this fact when it talks about those who reject the truth because they prefer to follow their fathers. See for example, *Al-Baqarah*, 2:170; and *Al-Zukhruf* 43:23-23.

<sup>38</sup> See for example our discussion below of verse 4:34, and the longer discussion of this verse in Chapter 6, *The Islamic World View*, as well as other passages such as the phrase "he created for you mates from among yourselves...". Al-Hibri, *supra* note 6, vol. 1, 154-163.

“Men are the protectors and maintainers of women, because God has given the one more (strength) than the other, and because they support them from their means.....”  
(Qur’an 4:34)

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ...﴾

In its most conservative form, the interpretation of this verse anointed men as “princes” over women.<sup>39</sup> This highly hierarchical interpretation has co-existed for centuries with more egalitarian ones, yet it remained the most popular in society precisely because it reflected the existing social perspective on gender relations.

In fact, based on Dr. al-Hibri’s analysis of the Arabic meaning of the words and the verse’s grammatical structure, it turns out that the verse imposes a limitation upon men’s perceived authority over women, rather than grant them a privilege. For a thorough analysis of this verse and its anti-patriarchal import, we refer the reader to al-Hibri’s *The Islamic Worldview*.<sup>40</sup> The fact that a patriarchal interpretation (or any other one) of a Qur’anic verse or an authentic *hadith* may extend to other verses or *hadiths* is simply a reflection of a basic fact; namely, that the verses of the Qur’an and authentic *hadiths* together constitute a web of interrelated ideas. So, if a certain perspective colors the view of the interpreter in one section of the Qur’an or *hadith*, it is likely to spread to other parts as well.

The most important statement in the Qur’an about gender relationships is that which makes very clear the original equality of all humans regardless of gender, race or class. In *Surat al-Hujurat*, the Qur’an states:

“O People! We created you from a single (pair) of a male and female, and made you into nations and tribes, so that you may know each other. Verily, the most honored of you in the sight of God is (the one who is) the most righteous among you.....” (Qur’an 49:13)

<sup>39</sup> Abu Ja’far al-Tabari, *Jami’ al-Bayan fi Tafsir al-Qur’an* [Comprehensive Exegesis of Qur’anic Interpretation] Reprint. (Beirut: Dar al-Ma’rifah, 1978) vol. 5, 37.

<sup>40</sup> Al-Hibri, *supra* note 6, vol. 1, 154-167. See also, Azizah al-Hibri, *Islam, Law, and Custom: Redefining Muslim Women’s Rights*, Reprinted with permission from 12 AM.U. J. Int’l L & Pol’y. 1 (1997), 20-21.

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ...﴾

Al-Hibri derives from this verse the Equality Principle.<sup>41</sup>

This beautiful verse which has been used to emphasize equality among all people of the world, regardless of color or race, has not been sufficiently used to emphasize gender equality. This is not acceptable since the proper method for interpreting Qur’anic verses is to give each word full force and effect.<sup>42</sup> For example, the following verse is quite clear as to the gender-egalitarian view of the Qur’an:

“Male believers and female believers are each other’s *walis* (guardians, advisors, protectors)...” (Qur’an 9:71)

﴿وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ...﴾

More importantly, the marriage relationship is defined in the Qur’an as one between equal partners who are to each other as protective garment:

“They (women) are your garment, and you (men) are theirs...” (Qur’an 2:187)

﴿هِنَّ لِبَاسٍ لَكُمْ وَأَنْتُمْ لِبَاسٍ لَهُنَّ﴾

To summarize, there is ample proof of Qur’anic gender equality, and of traditional interpretations that distort this fact. The same is true of the authentic *hadith*.

Thus, the traditional interpretation of the *Angels Hadith* appears to contradict the fundamental Qur’anic principle of marital relationships, namely the Harmony Principle. It imposes upon the wife an absolute duty to fulfil her husband’s sexual demands, regardless of the circumstances, even if she could suffer harm. Unfortunately, as al-Hibri states elsewhere, the

<sup>41</sup> Al-Hibri, *supra* note 6, vol. 1, 131-145.

<sup>42</sup> Hameed al-Din Farahi, *Nizam al-Qur’an* [Exordium to Coherence in the Qur’an] Trans. Tariq Mahmood Hashmi (Lahore: al-Mawrid, n.d.), 13-26.

traditional interpretation of the *Angels Hadith* has “encouraged oppressive males to move away from the Islamic ideal of marital relationships and adversely affected the development of healthy gender relations in society.”<sup>43</sup> In particular, this interpretation was adopted by patriarchal men, such as the defendant in *S.D. v. M.J.R.*, who found in it implicit validation of their right to subject their wives to coercive or oppressive demands for sex.

Indeed, most traditional jurists viewed the wife’s refusal to comply with her husband’s demand as an act of disobedience. Basing their arguments on the Qur’an and *hadith*, these jurists argued, more generally, that any woman who disobeys her husband angers God.<sup>44</sup> Thus, the wife’s obedience (*ta’ah*) of her husband was categorized as closely related to the obedience of God. Jurists however did qualify their stance by adding that “there is no duty to obey [one’s husband] when what is being demanded is against God’s orders.”<sup>45</sup> Nevertheless, carving out only a divine exception to the *ta’ah* rule simply emphasizes the glaring absence of human-related exceptions. The legal order, which also penalizes a disobedient wife, works to further drill this view of utter obedience by the wife to her husband into the social order.

The *Angels Hadith*, under the traditional interpretation, is also inconsistent with another prophetic *hadith* which states:

“Whenever one of you has intercourse with his wife, he shall not rush her until she satisfies her needs, in the same way he likes to be satisfied.”<sup>46</sup>

Clearly, trying to fulfil the guidance of this *hadith* at a time when the woman is strongly averse to intercourse is hardly possible. It may even be torturous and highly oppressive to the woman.

Actually, the *sunnah* of the Prophet on spousal sexual relations is unambiguous. For example, when the Prophet married Safiyyah, she declined to engage in sexual relations with him on her

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<sup>43</sup> A. al-Hibri and R. al-Habti, section on Islam, in *Sex, Marriage, and Family in world Religions*, ed. Don S. Browning, M. Christian Green, and John Witte Jr. (New York: Columbia University Press, 2006), 178 – 179.

<sup>44</sup> Muhammad Fakhr al-Din al-Razi, *Tafsir Fakhr al-Din al-Razi* [The Exegesis of al-Razi] Reprint. (Dar al-Fikr, 1985), vol. 5, 91-92. (Al-Razi explained the word *Qanitat* in verse 34 in *Surat Al-Nisa’* to mean obedience by the women of God and her husband).

<sup>45</sup> Muhammad Ibn Ahmad al-Ansari al-Qurtubi, *Al-Jaami’ Li Ahkam al-Qur’an* [Compilation of Qur’anic Rulings] Reprint. (Beirut: Dar Ihya’ al-Turath al-‘Arabi, 1985), 259-260.

<sup>46</sup> See Muwaffaq al-Din Ibn Qudamah [d. 1223], *Al-Mughni*, [The Enricher/or Sufficient] Reprint. (Beirut: Dar al-Kitab al-‘Arabi, n.d.) vol. 8,136.



wedding night. The Prophet did not force himself on her, nor did he admonish her or even question her about the reason for her refusal. Most interestingly, he did not tell her that angels would curse her till morning. Instead, he let her be. He treated her with courteousness, gentleness, and affection.<sup>47</sup> This *sunnah* of the Prophet deserves to be the controlling precedent in marital sexual relations, especially since it honors a core Islamic concept, namely that of *ridha* (full and genuine consent), which will be discussed in the next section.

Furthermore, the Prophet repeatedly advised Muslim men to be gentle and kind to their wives. He said:

“The best believers in faith are the ones who have the best manners (ethics, morals), and the best among you are those who are best to their wives in manners.”<sup>48</sup>

عن أبي هريرة قال: قال رسول الله صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: " أكمل المؤمنين إيماناً أحسنهم خلقاً، وخياركم خياركم لنسائهم خلقاً".

Also, it is worth noting that ‘Aishah, the wife of the Prophet, described him as follows:

“The morals of the Prophet were [an embodiment of] the Qur’an itself.”<sup>49</sup>

"فإن خلق نبي الله صلى الله عليه وسلم كان القرآن"

As Muslims, we must take the Qur’anic message and the *sunnah* of the Prophet seriously. We should not permit ourselves to be swayed by powerful cultural influences. For this reason, we should examine the *matn* of the *Angels Hadith* directly on its own merits in light of the clear pronouncements in the Qur’an and *sunnah*, and not in light of culturally biased traditional interpretations, regardless of their social weight.

<sup>47</sup> Umar Rida Kahalah, *A’lam al-Nisa’ fi ‘Alamayy al-‘Arab wa’l Islam* [Prominent Women in the Arab and Muslim Worlds] Reprint. (Beirut: Mu’assasat al-Risalah, 1977), vol.2, 334.

<sup>48</sup> Al-Tirmidhi, *supra* note 20, vol. 2, 224.

<sup>49</sup> Al-Nawawi, *supra* note 28, vol.6, 26.

(ii) The Concept of *Ridha*. *Ridha* is generally defined by jurists as consent, but some jurists went further and defined it as the “fullness of choice.”<sup>50</sup> They included in this definition emotional and psychological dimensions of consent, and not just its formal aspects.<sup>51</sup> This is especially true of the marriage contract, described by the Prophet as the contract most worthy of fulfillment.<sup>52</sup> The *ridha* of both parties to the marriage contract is a requirement for its validity.<sup>53</sup> Yet, some jurists and parents, influenced by their patriarchal cultures, substituted in some instances the consent of the father for that of the daughter despite the fact that there is a clear prophetic precedent to the contrary.

According to this precedent, a young woman came to the Prophet to complain about the fact that her father married her to her cousin to improve the cousin’s social status. The Prophet gave the young woman the option to void the marriage. She responded: “I ratify my father’s choice, but I wanted women to know that fathers have nothing to do with such matters.”<sup>54</sup>

The concept of *ridha* does not apply only to the marriage contract, executed at the outset of the marital relationship. Indeed, it is also an enduring concept within the marriage itself. The story of the wife of Thabit Ibn Qais, a companion of the Prophet, is a case in point. She came to the Prophet and said: “O Messenger of God! I do not find fault in Thabit ibn Qais regarding his morals or faith, but I fear that [if I stay with him] I may transgress the limits of my faith.” This was a polite way of expressing the concern that staying married to a man she did not love could cause her to take interest in other men. The Prophet asked her: “Would you return to him his garden?” (Thabit had apparently given his wife a garden as *mahr* or marital gift). The woman answered: “Yes.” So, the Prophet ordered her to return the garden, and ordered Thabit to divorce her.<sup>55</sup> The Prophet’s judgment illustrates that the absence of *ridha* in marriage is cause for ending the marital relationship.

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<sup>50</sup> ‘Abd al-Razzaq al-Sanhuri, *Masader al-Haq fi al-Fiqh al-Islami* [Sources of Rights in Islamic Jurisprudence], (Beirut: Dar Ihya’ al-Turath al-‘Arabi, 1954), vol.3, 177.

<sup>51</sup> Wahbah al-Zuhayli, *Al-Fiqh al-Islami wa Adillatuhu* [Islamic Jurisprudence and Its Evidence], (Damascus: Dar al-Fikr) vol. 5, 370. *See also*, al-Sanhuri, *supra* note 50, vol.3, 203-206.

<sup>52</sup> Al-‘Asqalani, *supra* note 10, vol. 5, 404.

<sup>53</sup> Al-Zuhayli, *supra* note 51, vol. 9, 6521.

<sup>54</sup> Ibn Hanbal, *supra* note 31, vol. 16, 163.

<sup>55</sup> Al-‘Asqalani, *supra* note 10, vol. 9, 494.

The concept of *ridha* also permeates various aspects of the marital relationship, and affects its sexual dimension. For example, major ancient jurists recognized the right of both spouses to full sexual enjoyment. As a result, if the husband decides to engage in *coitus interruptus*, many jurists require him to obtain his wife's permission first because his action would detract from her enjoyment. Some jurists even required the husband to make reparations to his wife each time he engaged in such action.<sup>56</sup>

In light of the above discussion, based on the Qur'anic Harmony and Equality Principles, as well as the *sunnah* of the Prophet and the concept of *ridha* in marital relations, we conclude that there is clear inconsistency between the *matn* of the *Angels Hadith*, as traditionally interpreted, on the one hand, and the Qur'an and the *sunnah* of the Prophet on the other.

(iii) The Conditional Interpretation. For similar reasons as the ones mentioned above, some ancient scholars who accepted the *Angels Hadith* as authentic allowed for the wife to reject her husband's advances in some cases without adverse consequences.<sup>57</sup> In other words, they interpreted the *Angels Hadith* as imposing a conditional (*muqayyad*) obligation upon the wife, and not an absolute (*mutlaq*) one. We shall refer to these interpretations collectively as the "conditional interpretation."

For example, al-Nawawi [d. 1277] states in his commentary on the first version of the *hadith* mentioned in *Sahih Muslim*: "This [*hadith*] is proof that it is impermissible (*haraam*) for the wife to refuse her husband's sexual demand *without a religiously valid excuse* [*'uthr shar'i*]."<sup>58</sup> [Emphasis added.] However, he drastically limits what counts as an excuse.<sup>59</sup>

Also, in his commentary on the third version of the *hadith* mentioned in *Sahih al-Bukhari*, Ibn Hajar al-'Asqalani [d. 1449] states that the woman may not desert her husband's bed *without*

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<sup>56</sup> Al-'Asqalani, *supra* note 10, vol. 9, 385. See also, Abdel Rahim Omran, *Family Planning in the Legacy of Islam* (Routledge, London, 1992), 155 & 165. See also B.F. Mussallam, *Sex and Society in Islam* (Cambridge University Press, Cambridge, 1983), 32.

<sup>57</sup> See *infra* note 58 & 60.

<sup>58</sup> Al-Nawawi, *supra* note 28, vol. 10, 7-8.

<sup>59</sup> *Id.* Al-Nawawi excludes menstruation as a valid excuse on the basis that the husband can still enjoy the upper half of his wife's body. Other jurists disagree. *Kuwaiti Encyclopedia of Fiqh*, Reprint. (Kuwait: Ministry of Endowment and Islamic Affairs, 1990), vol. 44, 38.

*a reason*.<sup>60</sup> [Emphasis added.] To the extent his conditional interpretation leaves the scope of reasons unrestricted, it appears to be *prima facie* less restrictive than the interpretation of al-Nawawi.<sup>61</sup>

Other jurists who share this view elaborate further on reasons that constitute a religiously valid excuse.<sup>62</sup> Generally, these reasons were limited to physical or religious ones, such as those relating to hajj or the post-partum period following child delivery.<sup>63</sup> So, although the conditional interpretation viewed the wife's obligation in the *hadith* as conditional (*muqayyad*), it remained severely culturally bound in defining what counted for them as "valid excuses." This fact is especially important, since these jurists were all male, and they were thus defining these "valid excuses" not from within the experience of a female body, psyche and soul, but from an outsider's perspective of what appears debilitating to the wife. It is therefore important to review this interpretation from our own vantage point as women, and update it by taking into account current social circumstances.

So, to summarize, despite the severely limited scope of reasons recognized by some major ancient jurists in their conditional interpretation of the *Angels Hadith*, their approach opened the door for important contributions to our discussion in modern times.

We reiterate our observations about these contributions and note that:

1. The ancient line of reasoning, namely that the duty of the wife in the *Angels Hadith* is conditional and not absolute, is an important one;
2. Placing emphasis on certain physical excuses to the exclusion of others in these conditional interpretations reflects an age in which male jurists determined those experiences they viewed as debilitating to women, and at a time when psychological, emotional, and other harms to women (or "valid excuses") were not yet fully appreciated or recognized in society;<sup>64</sup>

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<sup>60</sup> Al-'Asqalani, *supra* note 10, vol. 9, 367.

<sup>61</sup> *Id.*

<sup>62</sup> See for example, Ibn Taymiyyah, al-Dhahabi, al-Rafi'i and other scholars. For detailed views of these scholars, see *Kuwaiti Encyclopedia of Fiqh*, *supra* note 59, vol. 44, 38.

<sup>63</sup> *Id.*

<sup>64</sup> This is not unique to this group of scholars. It is only recently that our American society, for example, began recognizing non-physical forms of abuse in marital relationships.

3. The patriarchal view of women as subservient to men was rampant in the ancient world as part of the culture, not the religion; and women were viewed as having been created for the service of men;<sup>65</sup>
4. The full agency of the woman as a human being endowed with free will and dignity, as taught by the Qur'an, has not been fully understood, let alone internalized; and finally;<sup>66</sup>
5. Today, we are not bound by cultural limitations of the past and furthermore, we write from within our direct female experience, hence we provide a more accurate determination of "valid excuses" that give full force and effect to the Qur'anic message.

Based on these factors, we shall attempt now to reexamine and enhance the ancient scope of reasons or "valid excuses" to better align them with the Qur'anic view of gender relations and our modern society. As noted earlier, the guiding principle of marital relations as articulated by the Qur'an is that of dwelling together in tranquility, love and mercy.<sup>67</sup>

(iv) A Gender Equitable Interpretation. We note first that across the world today, women work to help support their families. As mentioned at the outset of this paper, many women return to their homes already physically exhausted, emotionally drained, or even psychologically depressed or upset about conditions at work. Yet, they have to cook and care for the children. To add to all of these pressures, sexual demands on the women at the end of the day is at minimum inconsiderate, if not downright oppressive.

Indeed, there are many other reasons than those mentioned by ancient jurists as to why a woman may reject a sexual demand from her husband at some point. For example, she may have just been fired, or had a fight with her husband. Also, like her husband, she is entitled not to be in the mood for sex for various other reasons or no reason. This is a very human condition, as the Prophet recognized on his wedding night with Safiyyah.

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<sup>65</sup> See for example al-Hibri's discussion about the creation of Eve in Chapter 5 in her book *The Islamic Worldview*. Al-Hibri, *supra* note 6, vol. 1, 131-146.

<sup>66</sup> *Id.*

<sup>67</sup> Qur'an 30: 21.

Some ancient jurists argued that the woman's situation in such a case is not gender symmetrical because women can engage in sex even when they are not so inclined, while men cannot.<sup>68</sup> Such comments reflect the fact that these jurists did not really understand the woman's body or her psyche. They did not comprehend that requiring her, a human being divinely endowed with a free will, to make herself available for sex under the threat of angels' curses is hardly conducive to the Harmony Principle articulated in the Qur'an.

We shall therefore introduce now an interpretation of the *hadith* that is consistent with both the Qur'an and the *sunnah*, and is based on the core insights articulated by al-'Asqalani, al-Nawawi and others.

First, we should ask the following question: Given the Harmony and Equality principles, what could the *Angels Hadith* possibly mean? This is the crux of the matter. The behavior prohibited in this *hadith* cannot be the usual behavior between spouses in their daily lives. Rather, it is the behavior of a wife who rejects her husband's sexual approaches capriciously and oppressively (*ta'assuf*). For example, the wife may be using sex as a power tool to achieve certain ends. Such behavior contradicts the Islamic view of marital relations based on affection and mercy. It also contradicts the very core of the marital relationship, and violates the core Islamic principle of '*Adalah* (Justice).<sup>69</sup>

The *Angels Hadith* would thus apply to a wife's arbitrary rejection of sexual relations, when such a rejection is intended to oppress the husband or manipulate the relationship. After all, marital relations are not supposed to be power struggles. Instead, they should be based on mutual consideration and affection, as articulated in the Harmony Principle. *Ta'assuf* (whether by the husband or wife) is unjust, and hence unacceptable Islamically, and a violation of a core Qur'anic principle, that of '*Adalah* (Justice).<sup>70</sup> The fact that the *Angels Hadith* was directed to women only is simply a reflection of the circumstances surrounding that *hadith*. So, under our interpretation, the *matn* of the *Angels Hadith* would now have a meaning consistent with core Islamic principles.

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<sup>68</sup> See Ahmad bin Omar bin Ibrahim al-Qurtubi, *Al-Mufhim Lima Ashkala Min Talkhis Kitab Muslim* [The Tutorial for Problematic Issues in the Summary of Muslim's Book] Reprint. (Beirut: Dar Ibn Kathir, n.d.), vol. 4, 161. See also, *Kuwaiti Encyclopedia of Fiqh*, *supra* note 59, vol. 44, 39.

<sup>69</sup> For more on the Qur'anic '*Adalah* Principle, see al-Hibri, *supra* note 6, vol. 1, 112- 115.

<sup>70</sup> *Id.*

To summarize, the sexual relationship between the husband and wife is a symmetrical one based on mutual understanding, regard for one another, as well as affection and mercy, not capriciousness and oppression. Therefore, just as the husband has the right to reasonably demand that his wife satisfy his sexual needs, the wife has an analogous right, and neither may deny the other his/ her sexual rights capriciously and oppressively.

That the wife also has the right that her husband not use sex as a tool of oppression or coercion (*ta'assuf*) is clear from *Surat al-Bakarah*.<sup>71</sup> Verse 2:228 states:

“Women have rights similar to the rights [men have] against them, according to what is equitable...”<sup>72</sup> (Qur’an 2:228)

﴿وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ...﴾

In light of the above discussion, we conclude that our interpretation of the *Angels Hadith* meets Qur’anic criteria, while the traditional and original conditional ones do not. Thus, our interpretation presents the best interpretation of the above three for our times because it is consistent with the Qur’anic view of marital relations, the prophetic *sunnah*, and the current conditions of our Muslim societies.

## **VI. Evaluating the Isnad of the Angels Hadith:**

Jurists have had diverse opinions about the *isnad* of the *Angels Hadith* and some of these views are controversial. However, before launching into our discussion about *isnad*, we introduce below two important concepts: ‘*an’annah* and *tadlis*.

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<sup>71</sup> We shall revisit the issue of the sexual rights of women in greater detail in a future white paper on “The Sexual Rights of the Muslim Wife.” It will also be discussed more comprehensively in Dr. al-Hibri’s forthcoming book on the Islamic view of the family.

<sup>72</sup> For those who refer to the second part of this verse (i.e., men have a *darajah* over women) to contest the above statement, we refer them as well to our analysis of that second part in al-Hibri, *supra* note 6, vol. 1, 167-168.

### The Concepts of “An’annah” and “Tadlis”:

*An’annah* is where narrator A states that the narration was transmitted “‘an” (i.e., comes from) narrator B. “ ‘An” is a general term that does not indicate whether A met B, or whether A heard the *hadith* from B. To indicate that the narrator actually heard the *hadith* from B, A would have to use the term *sami’tu* (i.e., ‘I heard’) or *haddathany* (i.e., I was told by). *Hadith* scholars have generally accepted ‘*an’annah hadiths* on two conditions: (i) if A and B have actually met each other (a fact that could be established from other sources), and (ii) A, who based his narration on B’s narration, is not known for *tadlis*.<sup>73</sup>

There are two types of *tadlis*:

- a. *Tadlis al-isnad*: where the narrator leaves the audience with the impression that he had heard the narration directly from the previous narrator, when in fact he has not; and
- b. *Tadlis al-shuyukh*: where the narrator refers to the other narrators in the chain in ways that confuse the audience as to their true identity.<sup>74</sup>

In this paper, the various versions of the *Angels Hadith* listed earlier include *tadlis* of the first type. Most *hadith* scholars have ruled that the first type of *tadlis* is *makruh jiddan* (very disliked), and was highly condemned by them.<sup>75</sup> For example, Imam al-Shafi’i [d. 820] noted that the well-known *muhaddith* (one who narrates or recounts *hadith*) Shu’bah bin al-Hajjaj [d. 777] said: “*Tadlis* is the brother of lying.”<sup>76</sup> Still, scholars disagree about accepting the narration from the narrator who is known for *tadlis*. Most scholars refuse to accept the narration of a *mudallis* (one who is known for *tadlis*).<sup>77</sup>

### The Isnad of the Angels Hadith:

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<sup>73</sup> Ibn al-Salah, *supra* note 16, 61. *See also*, al-Hibri, *supra* note 6, 52.

<sup>74</sup> Ibn al-Salah, *supra* note 16, 73-76. *See also*, al-Hibri, *supra* note 6, 52.

<sup>75</sup> Ibn al-Salah, *supra* note 16, 74. *See also*, al-Hibri, *supra* note 6, 52.

<sup>76</sup> Ibn al-Salah, ‘*supra* note 16, 74.

<sup>77</sup> *Id.* at 75.



Two important facts about the *isnad* of the *Angels Hadith* (in its various versions) are that: (a) all the reports were transmitted through “‘*an’ anah*” and (b) every one of the chains of narration contains a traditionally recognized *mudallis*. (The name of each *mudallis* below will be printed in bold letters to draw attention to him.)

For example, in one segment of the chain of narration of the first version as it occurs in *Sahih al-Bukhari*, it is reported that **Sulayman** narrated the *hadith* ‘*an* Abi Hazem who narrated it ‘*an* Abi Hurairah. Although **Sulayman** bin Mahran [d. 765], known also as **al-A’ mash**, was a scholar in *hadith* science, he was a *mudallis* (one who was known for *tadlis*).<sup>78</sup> Al-Dhahabi reports that Ahmad bin Hanbal impugned narrations by al-A’ mash, and judged him to be quite *mudtarib* (has discrepancies with other narrators of equal or better reliability).<sup>79</sup> Other well-known commentators, quoted by al-Dhahabi, concluded that al-A’ mash’s narration was unreliable. These commentators included al-Jawzajani [d. 872], and Abu Dawud.<sup>80</sup> As scholars have noted, al-A’ mash’s unreliability did not arise from a bad motive, “but rather from lack of precision, sufficient knowledge about the situation, or *wahm* (faulty imagination or memory).”<sup>81</sup>

Another example is the chain of narration for the third version as it occurs in *Sahih Muslim*. This version of the *hadith* is also transmitted through ‘*an’ anah*: ‘*an* – **YAZID** – ‘*an* – Abi Hazem – ‘*an* – Abi Hurairah. **Yazid bin Kaisan** is a narrator whose narration is not reliable as stated by al-Bukhari himself.<sup>82</sup> Although some scholars stated that Yazid was *thiqah* (reliable), many well-known scholars did not rely on his narration.<sup>83</sup> For example, Abd al-Rahman bin Abi Hatem [d. 938], a famous *muhaddith* (narrator of *hadith*), does not validate Yazid bin Kaisan’s narration. He

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<sup>78</sup> Muhammad Abu ‘Abdallah al-Dhahabi, *Siyar A’lam al-Nubala’* [The Lives of Noble Figures] Reprint. (Cairo: Dar al-Hadith, 2006), vol. 6, 344.

<sup>79</sup> Al-Dhahabi, *supra* note 23, at 224.

<sup>80</sup> *Id.*

<sup>81</sup> Al-Hibri, *supra* note 6, vol. 1, 185.

<sup>82</sup> Muhammad al-Bukhari, *Al-Tarikh Al-Kabir* [The Great History] Reprint. (n.p: n.d.), vol. 4, 354.

<sup>83</sup> Abu ‘Abdallah Muhammad al-Dhahabi, *al-Jarh wa al-Ta’dil* [The Science of Narrators Criticism] Reprint. (n.p.: Maktabat Al-Farouq al-Hadithah, 2003), vol. 9, 285-286. *See also*, Abu Hatim Muhammad ibn Idris al-Razi [d. 890], *al-Jarh wa al-Ta’dil* [The Science of Narrator Assessment] Reprint. (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1952), vol. 4, 285.

states that while some of the narrations of Yazid bin Kaisan are authentic, others are not.<sup>84</sup> Moreover, al-Bukhari included him in his book *The Du'afa'* [The Weak Narrators].<sup>85</sup>

According to scholars of *hadith*, if a *mudallis* is present in a chain of attribution, then barring exculpatory information, the chain as a whole becomes unreliable. However, other scholars have argued that the mere presence of these *hadiths* in the two major *hadith* collections, namely *Sahih al-Bukhari* and *Sahih Muslim*, suffices to indicate that the authors had collateral information that helped them conclude that the *hadith* is *sahih* despite this obvious defect. Unfortunately, this collateral information has not been preserved, and hence is no longer available for examination and evaluation.

Our analysis of the *isnad* of all these versions in *Sahih al-Bukhari*, *Sahih Muslim*, *Musnad Ahmad*, and *Sunan Abu Dawud* yielded very similar results. It showed that all these versions were transmitted through '*an'annah*. So, we have the problem of not knowing whether the narrated information was heard directly from the previous narrator or not. In addition, every chain of narration included a *mudallis*.<sup>86</sup> These two facts together raise serious concerns about the *isnad* of the *Angels Hadith*. However, we hesitate to reach in this paper a conclusion about this matter, given the special weight jurists give to the books of *Sahih al-Bukhari* and *Sahih Muslim*. We leave a discussion of this matter for another day.

One further observation may be of interest to the reader. Looking back at the chains of narration of all the above versions, we note that all of them were transmitted by Abu Hurayrah [d. 681]. Abu Hanifah [d. 767], founder of the Hanafi school of thought, had reservations about *hadiths* narrated by Abu Hurayrah. He stated clearly that Abu Hurayrah used to narrate everything

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<sup>84</sup> Al-'Asqalani, *Tahdhib al-Tahdhib* [Refining the [Book of] Refining] (India: Matba'at Majlis Da'irat al-Ma'arif al-Nizamiyyah, 1909), vol. 11, 356. This book is an abbreviation of *Tahdhib al-Kamal fi Asma' al-Rijal*. See *infra* note 85.

<sup>85</sup> Yusuf bin Abd al-Rahman al-Mizzi (d. 1341), *Tahdhib al-Kamal fi Asma' al-Rijal* [Biographical Evaluation of *Hadith* Narrators] Reprint. (Beirut: Mu'assasat al-Risalah, 1992) vol. 32, 232.

<sup>86</sup> The chain of the narration of the first and the second versions in *Sahih al-Bukhari* includes al-A'mash, while the third version includes Qatada bin Du'ama who is known as a *mudallis*. For more information on Qatada see al-'Asqalani, *supra* note 83, vol. 8, 355. The chain of narration of the first version in *Sahih Muslim* includes Qatada, the second version includes al-A'mash, and the third version includes Yazid bin Kaisan. The chain of narration of the first version in *Musnad Ahmad* includes Qatada, and the second version includes al-A'mash. The chain of narration of the version in *Sunan Abu Dawud* includes al-A'mash. All of these men are, as noted above, *mudalliseen*.

he heard without thinking deeply or reasoning about the meaning of what he was narrating. In addition, he did not know *al-nasikh wa al-mansukh* (abrogating and abrogated *hadiths*), an important concept in passing judgment over *hadith*.<sup>87</sup>

Major jurists have differed with Abu Hanifah on his critique of Abu Hurayrah. This and other facts make an *isnad* analysis and critique not only highly technical and complicated, but also controversial. For example, al-Bukhari, Muslim, Ahmad and Abu Dawud, have all deemed the *Angels Hadith sahih* despite the fact that the *isnad* of each of its versions included Abu Hurayrah and the *mudallisin* mentioned in this paper. As a result, some jurists have argued that the scholars mentioned above, al-Bukhari, Muslim, Ahmad and Abu Dawud, must have had rebuttals and other evidence in favor of their classifications. Unfortunately, as mentioned earlier, such rebuttals and evidence, if they existed, have not come down to us and thus are not available for evaluation. Furthermore, what was available for us to analyze does not suffice to establish the soundness of the *isnad* of the *hadith*.

Given this result, our analysis of the *isnad* of this *hadith* has not led us to a definitive conclusion about the soundness of the *Angels Hadith*. However, our conclusion of the *hadith*'s *matn* analysis provided an interpretation that is consistent with the Qur'an, the *sunnah*, and our current social conditions. Consequently, we conclude that if the *hadith* is *sahih*, as judged by al-Bukhari and Muslim, our interpretation of its *matn* of the *hadith* is the most suitable for our times.

## **VII. Conclusion**

We have established that the traditional interpretation of *the Angels Hadith* directly contradicts major Qur'anic principles, as well as the authentic *sunnah*, on gender equality and harmony. In Islam, men have rights over women and women have rights over men.<sup>88</sup> There are etiquettes of marital intimacy to which both men and women are entitled. Islam has commanded both, the husband and the wife who are united in the bond of marriage, to respect and honor each

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<sup>87</sup> Al-Maqdisi, *supra* note 11, 63.

<sup>88</sup> Qur'an 2:228.

other's rights. Muslim husbands should remember that, as the Qur'an makes clear, their wives have full humanity and dignity.<sup>89</sup>

We have also established, that conditional interpretations of the *Angels Hadith*, such as those of al-'Asqalani and al-Nawawi, while better aligned with Qur'anic principles of gender relations, do not go far enough. For, the relationship between the husband and wife, as exemplified by the Prophet, is supposed to be one of mutual understanding, regard for one another, as well as love, and kindness. Our gender equitable interpretation gives full effect to core Qur'anic principles and the Prophetic *sunnah*.

In conclusion, it is important to understand the *Angels Hadith* in light of the egalitarian nature of sexual rights as defined in the Qur'an and *sunnah*. In particular, as this paper argues, neither husband nor wife has the right to oppressively withhold sex from the other capriciously or oppressively. We note that God has given equal dignity for every human being, including women. Based on these facts, we reject culturally biased interpretations of religious texts that veer away from Qur'anic principles and the *sunnah* of the Prophet. Such interpretations are inconsistent with the overall Islamic architecture of human rights and gender relations.<sup>90</sup> It is also out of touch with our times. It is our duty as leaders and scholars to relieve injustice, to assist the victims, and to stand against any inequitable treatment against women or men.

[Appendix A follows]

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<sup>89</sup> For more on Gender and the Qur'anic Equality Principle, see al-Hibri, *supra* note 6, vol. 1, 131- 145.

<sup>90</sup> *Id.* at 153- 168.

## Appendix A

<b>SOURCE</b>	<b>Version 1</b>	<b>Version 2</b>	<b>Version 3</b>
<b>Al-Bukhari</b>	"إذا دعا الرجل امرأته إلى فراشه، فأبّت أن تجيء، لعنتها الملائكة حتى تصبح." 91	"إذا دعا الرجل امرأته إلى فراشه فأبّت، فبات غضبان عليها، لعنتها الملائكة حتى تصبح." 92	"إذا باتت المرأة مهاجرةً فراش زوجها لعنتها الملائكة حتى ترجع." 93
<b>Muslim</b>	"إذا باتت المرأة مهاجرةً فراش زوجها لعنتها الملائكة حتى تصبح." 94	"إذا دعا الرجل امرأته إلى فراشه فلم تأت فبات غضبان عليها لعنتها الملائكة حتى تصبح." 95	"والذي نفسي بيده ما من رجل يدعو امرأته إلى فراشها فتأبى عليه إلا كان الذي في السماء ساخطاً عليها حتى يرضى عنها." 96
<b>Ahmad Ibn Hanbal</b>	" إذا باتت المرأة هاجرةً فراش زوجها باتت تلعنّها الملائكة حتى ترجع." 97	"إذا دعا الرجل امرأته إلى فراشه فأبّت عليه، فبات وهو غضبان (وفي لفظ وهو عليها ساخط)، لعنتها الملائكة حتى يصبح." 98	
<b>Abu Dawud</b>	"إذا دعا الرجل امرأته إلى فراشه [فأبّت] فلم تأت فبات غضبان عليها لعنتها الملائكة حتى تصبح." 99		

91 Al-‘Asqalani, *supra* note 10, vol. 9, 366.

92 *Id.* at vol. 6, 385-386.

93 *Id.* at vol. 9, 366.

94 Al-Nawawi, *supra* note 28, vol.10, 7.

95 *Id.* at 8.

96 *Id.* at 7-8.

97 Ibn Hanbal, *supra* note 31, vol. 16, 226.

98 *Id.*

99 Abu Dawud, *supra* note 10, vol. 2, 251.