Introduction

Muslims have long debated sexual ethics in Islam. Certain notions of gender and sexuality which are permitted in Islam by either the words of the Quran or the actions of the Prophet (PBUH) have been later deemed inappropriate for the modern age by esteemed religious scholars and renowned feminist intellectuals. Exegetical analysis of religious texts and traditions has shed light upon controversial and conflicting topics of marriage, divorce, slavery, same-sex relationships, female genital mutilation and Islamic ethics in today’s day and age.

Issues that form the bedrock of controversy and emanate from the commonplace academic discussions have recently made their way to books published by well-known authors and religious feminists. Pakistan is yet to see an elaborate yet intricate text from a Pakistani Muslim scholar determined to answer the most contentious debates of sexuality in Islam. However, in the context of 21st century, Kecia Ali, an American Muslim, gifts Muslims all over the world a book which provides readers with an experience of understanding sexual ethics from the history of religious texts and the given interpretation guarded by the works of jurists and scholars such as Imam al-Shafi and Imam al-Ghazali.

Ali is an Associate Professor at Boston University, College of Arts and Sciences, and has a PhD in Religion from Duke University. Her research includes topics on Islamic law, and primarily focuses on women, gender, ethics and culture. Ali’s book Sexual Ethics and Islam\(^1\) traces the history of Islam, contemplates the reductionist language used in Islamic texts to describe the status of wives, the role of women in marriage, the dominant views of traditional Islamic scholars that have long focused on

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the element of choice between men and women and instances of divorce being only a man’s prerogative.

The first edition of Ali’s book was published a while before she joined Boston University. She credits this new and revised edition to the immense support and interest her colleagues showed in helping her become more involved in the American Academy of Religion and Society for the Study of Muslim Ethics. Here Ali had the good fortune to connect with various intellectual minds and build a conversation leading up to this book. Ali’s book is a by-product of conversations with scholars such as Scott Kugle, Amina Wadud, Muhammad Fadel, Ayesha Chaudhry and others who helped shape her thinking. It outlines a number of perspectives, constructive criticism, helpful feedback, and suggested clarifications by well-known authors such as Laury Silvers who have later shed light on Ali’s scholarship in their reviews.

Ali’s research and analysis has primarily pivoted upon the lives of American Muslims with extrapolated scholarly debates that wrap around the broad ethical dilemmas of the Muslim community and multiple interpretations that have been deeply intertwined in patriarchal notions of law.

**An Overview of the Book**

In her book, Ali presents the view regarding paradoxical terms “Islam” and the “West” where she believes both hold an opposing and contradictory value and yet are interdependent. She resonates with the idea of the renegotiation of “Western Muslims” which involves exploring the relationship between the Muslim entity and the practice of Islam in a Western community. Ali’s remarks on the issue of a woman’s identity and appearance take a significant jab at the particular kind of image media portrays of Muslim women in the society. While a Muslim woman may be viewed as the one in a hijab or veil, downtrodden and more susceptible to oppression, the media is unnecessarily active in making comparisons of

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3 Ibid.
4 Ibid, xiii.
5 Ibid, xxii.
6 Ibid.
the same with a Western woman living in a liberated modern society. In contemporary times, a Muslim women’s rugged and distant images have been used to exaggerate their sexual symbolism, whereby their appearance is attached to the seclusion they face within the society, and gradually, their way of life becomes an extension of a critique of their sexuality.\(^7\) Furthermore, the book also calls to attention the fact that the relationship between enforceable duties and ethical obligations has been further blurred in the Islamic sphere, where legal institutions do not function as they used to in classical and medieval periods.\(^8\)

In the introduction of her book, Ali has slightly touched upon the nature of marriage and the role of the doctrine of ownership, control, dominion – *milk* in Islam. While Muslim marriages are observed to be drenched in a relationship of control, she has pointed out various instances where the realm of marriage, *milk al-nikah* (dominion within marriage) does not exist alone, but as a flavour of and in relation to *milk al-yamin*, dominion under slavery.\(^9\) The context discussed by Ali is substantiated with the fact that slavery is no longer practiced anywhere. Yet the legal and religious regulations governing slavery that fall forthwith have been considered by Ali as playing an important role within the dominion of marriage. She makes reference to observations where the male agency had the power to control the sexuality of a woman within the marriage and could tune it according to his own values. The idea of consent outlines this classical jurisprudential doctrine, where a man’s sexual desire is enough to assume permissibility to the person of his female slave. Ali has portrayed a plethora of concepts in relation to the notion of ethical sex; where a man’s sexual desires are said to be better satisfied with a female slave who does not have the opportunity to grant or withhold sex, rather than having illicit sex with a willing woman, which in and of itself is said to impeach the profound sanctity and honour of Islam.\(^10\) Ali also gives an impression

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\(^9\) (n 1) xxxiv.

\(^10\) Ibid, xxxv.
that Islam, however, does not create a distinction between consensual and non-consensual sexual relations with slaves, hence not providing slaves with a certain humanistic identity which females otherwise possess. Perhaps the reason for this lies along the lines of the sexual purpose which slaves are meant to fulfil. Hence, this leads them not being accustomed to a will of their own.

The basic theme of consent was also given a flavour of gender equality along with sexual morality in Ali’s book. She focuses on the idea of individual consent and draws a distinction between classical Muslim legal tradition and modern statements. According to old traditions, fathers were allowed to marry off their minor daughters and sons without their consent. However, a recent Saudi fatwa declares that children should be consulted with and asked for their permission in marriage, in order to abide by the Prophetic commandments.11 Ali successfully mentions some widely studied concepts which form classroom discussions in Pakistan too. For example, an analysis of her book allows the reader to review the landmark judgment of the Saima Waheed case where the Supreme Court of Pakistan held that girls can marry of their own will with the consent of the guardian not necessary to be sought.12 It is the detailed analysis of the multitude of concepts in her book which has given readers an answer towards a liberal Islam.

Discussion and Analysis of the Book

Ali’s book comprises of nine chapters and almost every chapter ends with a Coda which coherently submits Ali’s concluding remarks in the form of a case study on a specific debate. The book’s first chapter labelled ‘Marriage, Money and Sex’ discusses the sexual etiquettes that emanate from a marriage and how socio-economic, cultural, historical and geographical differences govern a certain solemn affair. Holistically speaking, Ali’s views on marriage have been observed as elevating the status of women and wives more so than ever before. It recognises a pattern of inequality in Islamic context yet within a positive discourse. An example of this paradox arises from the fact that familial and financial backgrounds matter significantly at the time of marriage. While in Islam a

11 Ibid, xxxiii.
12 Abdul Waheed v Asma Jehangir, PLD 1997 Lah 301.
woman is not required to be well-off and well-settled above and beyond the standard a man sets for himself, it is undeniably true that the man cannot experience the same luxury or pleasure when it comes to marrying a woman. Ali indicates that his status in terms of the socio-cultural background he has, as well as the financial standing he possesses, all matter while measuring his situation and calibre in accordance with his economically disadvantaged or financially-deprived wife.\textsuperscript{13} The man must be better equipped to look after his mistress; however, no reciprocation is expected of the wife who marries him. In addition to this, Ali also explains another important debate within the context of marriage and money. A great portion of this chapter deals with the concept of intermarriages in Islam.\textsuperscript{14} While permission is granted to Muslim men to marry non-Muslim women, People of the Book, there is a wide overall discourse on marriage which does not support marriage of Muslim women to non-Muslim men. Ali mentions the clarified version of the Quranic language that forbids such a marriage, hence if the forbidden marriage takes place, divorce is the only viable solution according to many interpretations of the Quran. However, debates have ensued where a number of scholars and jurists have given reasonable interpretations as to when Muslim women have not been placed on the same pedestal and have not been granted permission to convene such a marriage, divorcing may not be the only option available.\textsuperscript{15} An example of this is outlined when a non-Muslim woman converts to Islam and faces two options, either to leave Islam or divorce her non-Muslim husband. It is instances such as these where Ali has beautifully portrayed not just the character of a woman alone, but the dependence of such a character on the notion of family. A strong link is created where familial ties do not break but strengthen in case a woman who recently converted to Islam realises that her young children need a father figure more, than her just attempting to solely and religiously follow her faith. Hence, we notice in the context of the importance of marriage and family, the discussion Ali has employed on sexual discourse starts to make sense.\textsuperscript{16} It is in the observance of the obligations and rights of a Muslim husband and wife, which in doctrine and practice give way to and

\textsuperscript{13} (n 1) 4-5.
\textsuperscript{14} Ibid, 14-22.
\textsuperscript{15} Ibid, 18-19.
\textsuperscript{16} Ibid, 6-13.
rise to spousal support and sexual availability. This chapter has also focused to financial support where Ali distinguishes between *mahr* (dower) in pre-Islamic Arabia and its prevalence later on after the spread of Islam. *Mahr* which was originally the compensation paid to the wife’s family for the exchange of their offspring (*mahr or sadaq*), is now paid to the wife rather than her family, as a modification of this practice. Dower, however, was not viewed as an Islamic innovation but was seen as an instance of the way Islam had to selectively sanction the practices of tribal Arabs when they would try to move away from customary and traditional responsibilities.

The second chapter of the book delves into a comprehensive discussion on the legal and religious aspect of divorce - which according to the Prophet is one of the most unacceptable yet lawful things in the eyes of God. Divorce has become a widely contested issue in Muslim nations; however, it aims to solicit the minute differences between various schools of thought and as Ali observes, multiple interpretations ought to decide the validity of various types of divorce. Ali’s significant focus lies in the issue of the husband divorcing the wife three times, which is also known as “triple *talaq*” in today’s world. The chapter revolves around Ali’s analysis of the power a wife can possess in the instance divorce is pronounced to her. Even though, in both ancient and contemporary Islam divorce is a man’s prerogative, Ali has highlighted viable options such as judicial *khula* also called no-fault based divorce. This might be seen as a beginning to empower women to escape their unpleasant marriages. Ali has consolidated the idea that despite the inherent male-favoured approach of Islam in providing a man the final say in dissolution of marriage, wives are not left alone but have been given autonomy to decide the fate of their marriages too. However, Ali also refers to an element of stopping a man from sexually accessing a woman, which may be required in extreme circumstances and only after a wife is certain to have been divorced by her husband thrice. In the instance he denies divorcing her, the wife, in order

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17 Ibid, 7.
18 Ibid, 3-4. Also see Sayyid Muhammad Rizvi, *Marriage and Morals in Islam* (Islamic Education & Information Center, 1994).
19 Ibid, 32.
20 Ibid, 39.
21 Ibid, 33-38.
to protect and safeguard her virtue, is allowed under Islamic injunctions to kill her husband if he tries to access her person without legally being entitled to do so. Such a man has been referred to in the chapter as her “would-be rapist”.\textsuperscript{22} Further, this defence has been allowed by way of preventing the husband from having access to the body of a woman who once used to be his wife.\textsuperscript{23} However, while she prevents mischief to her person, it is proper that she “kill him with drugs and not with an instrument of death; because if the woman should kill him with an instrument which inflicts wound, she shall be put to death by way of qisas (or retaliation)”.\textsuperscript{24} Ali’s analysis in her book is formed as a result of multiple fatawa, scholarly reports and articles, interviews, and a wide range of books and scholarship. Hence, with a number of sources being combined together, she carefully understands the authenticity of a particular source and draws a distinction between what is old, new, and acceptable. While examining the jurisprudential thoughts of scholars on triple talaq, Ali supports the view that after a husband has divorced his wife three times, sexual relations between them are to be considered completely unlawful, especially so that he does not try to gain access to her person as a result of ever-increasing ambiguity in the concept of triple talaq. This book informs the reader about the defences Islam provides to a woman, whose person is in danger by the hands of her divorced husband but accepts that all Islamic text must be interpreted in accordance with the practice of Islamic law in each State.

The third chapter deals with slave concubinage in Muslim texts and discourses. Ali shows the different interpretations of Muslim men purportedly having a legal right of taking as many concubines from their female slaves as they want, and their wives not having a right to prohibit them from doing so. However, in Quranic verses, such ownership was called “ownership by the right hand” or “property by the right hand”. Furthermore, the Quran has also mentioned these servants, captives, and slaves in overlapping categories, but pushes for them to be freed, especially if they are “believing” slaves, associating sufficient personhood with them and enough for them to have their individual faith.\textsuperscript{25} In

\textsuperscript{22} Ibid, 34.
\textsuperscript{23} Ibid, 34-35.
\textsuperscript{24} Ibid, 33.
\textsuperscript{25} Ibid, 50-55.
December 2014, the mass media in United States and Europe made much of a “sex-slavery manual” promulgated by the Islamic State (IS) Research and Fatwa Department, to answer the horrifying questions regarding the permissibility of sex with non-Muslim slaves and young girls. Although Islam does not forbid sexual slavery with obvious exceptions, it may, as an Islamic State, neglect the oppression faced by women (female slaves) at the hands of their owners. This leads to a patriarchal and gender-biased society, with unjust imbalance being provoked by the actions of the male gender.

Chapters four and five respectively deal with illicit sex and the alleged prohibition of same-sex activities in Islam. Muslims consider sex to be a personal, private and profound act, but it can also be categorised as a social activity in today’s day and age. This can be understood by the two prevalent concepts of *zina* (illicit sex between a man and a woman) and *zina bil jabr* (*zina* by force) as pointed out by Ali. Ali’s discourse on consent makes way through this chapter where she has holistically presented the idea that consent itself decides whether a certain sexual activity is immoral or not. With the overarching conviction of many scholars and jurists that sex is an idea and activity built and pushed forth by men, Ali is constantly seen repeating Hadith and texts where men are particularly advised to have sexual intercourse with their legally wedded wives in case their hearts are captivated by those women with whom sex is not permitted or illicit in such a situation. According to Ali, such classical texts protect the chastity of Muslim men and women and promote lawful sex with legal partners. Ali further lists down different Muslim scholars such as Ibn Hajar Haytami, Abu Talib Makki and al-Dhahabi, who are well-known for having categorized sins of illicit sex, such as that between a man and a woman (*zina*), anal intercourse between men (*liwat*), having intercourse with livestock (*ityan al-baha’im*), having anal intercourse with a female stranger (*ityan al-mar’a al-qinabiyya fi dubriha*), tribadism (*musahaat al-nisa*), and a husband having intercourse with his wife’s corpse. With the acts and actions having been committed

26 Ibid, 67-68.
27 Ibid, 72-73.
28 Ibid, 75-77.
29 Ibid, 76-82
30 Ibid, 96.
by Muslims who have delved into these sins, Ali has discussed whether there will still be place for such Muslims in the diaspora of Islam after having committed the illicit sexual activities. She places focus on the legalistic and pragmatic approach towards living life as a Muslim. Even though jurists all over the world have given leeway to many Muslims who become involved in illegal sexual activities, it is only after enough and satisfactory discussion that any condemnation should begin, or any acceptance given in the Muslim society.\(^{31}\) For Muslims to have a better idea and clearer view of ethics in sex, sexual morality needs to be recognized and practiced communally.

In chapter five, Ali uses the phrase “don’t ask, don’t tell” to deal with the problem of same-sex desires between men and male youths. The issue is not that of the approval when it comes to homosexuality, rather, according to Steven Murray, it is that of the unwillingness not to acknowledge what is an open secret the “will not to know”.\(^{32}\) Society has closed its eyes to shun what they seem to assume was always condemned in Islamic legal pretexts. Ali does show both sides of the arguments regarding same-sex desires but does admit that for any interaction to be worldly i.e. accepted according to the societal norms, as well as after-worldly, accepted on the Day of Judgment, such an act should be acceptable in the sight of God. Hence, light shall be shed upon who is involved, in the relationship under the purview of Islam, rather than how the person is involved.\(^{33}\)

In the sixth chapter, Ali puts an interesting topic under the spotlight by trying to answer one of the most neglected issues of Islamic history and jurisprudence – female circumcision. Ali draws a distinction between the beliefs of the Swedish Muslim leader, Shaikh Omar Ahmed, who says that female genital mutilation (FGM) is a matter of abuse to the female body and hence prohibited in Islam.\(^{34}\) However, the Shafi legal manual states that the idea of female circumcision (cutting the clitoris and calling it reduction) is obligatory in Islam.\(^{35}\) The on-going controversial

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\(^{31}\) Ibid, 102, 106-107.

\(^{32}\) Ibid, 106.

\(^{33}\) Ibid, 108.

\(^{34}\) Ibid, 127.

\(^{35}\) Ibid, 126.
debates in different countries are trying to determine whether female genital cutting (FGC) and FGM are Islamic or un-Islamic, leading up to the context subjected to Western scrutiny and criticism. Ali’s analysis of these controversial and severe practices aims to identify the status and position of women and girls in Islam. Outrightly banning and prohibiting these practices allows others to take the hint that women in Islam are no longer subjugated or submissive in terms of their bodily autonomy.36 Where no autonomy is provided to be enjoyed and exercised in any manner the woman deems appropriate, Muslim faith and customs get weaker. Ali’s book seems to raise another important question as to whether issues and controversies such as FGM and FGC have real answers and solutions and whether answering them leads to further confusion and controversy.

In another chapter, Ali discusses female bodies and the male agency in the Quran. The way that Ali has portrayed female bodies is a true reflection of a progressive Muslim feminist’s work and the unhindered respect she believes they deserve, in both socio-political and religious aspects of life. The most admirable aspect of this chapter turns out to be her observation regarding women always being addressed in third person, also reflected in her introduction and referred to as the reductionist language used in Islam.37 Examples from the Quran include, “Lawful for you on the nights of the fasts is the approach to your wives. They are garments for you, and you are garments for them.”38 While highlighting the words of the Holy Book and noticing the asymmetry that exists, Ali reiterates that men have been referred to as “you”, while women have been called “they”. In many further instances the Quran has had verses that were gender-neutral rather than gender-specific. However, the unjust language barriers stand when the Quran gets poorly translated into another language such as English, and the words such as “insan” and “nas” get changed to “mankind” “man” or “men”.39 Ali has also positively focused on the brighter side of the interpretation by Muslim scholars who want to promote gender equality. Some scholars have often quoted verses from the Quran that mention both men and women equally,

36 Ibid, 128-132.
37 Ibid, 147-151.
38 Ibid, 146, 162.
such as, “And whoever does good deeds, whether male or female, and is a believer, will enter Paradise and not be wronged in the least.”\textsuperscript{40} Even though the word “believer” appears here in the male singular form due to grammatical convention, the meaning is clearly understandable: that God will reward both males and females accordingly. With many verses of the Quran, emphasizing individual accountability, without reference to gender, there is still greater scope for men with regards to moral agency and action vis-a-vis marriage and sex. It is the scholarly interpretation and scholarship of Islamic feminists that have long answered the questions of Islam’s apparent gender-biased nature. From Ali’s work, we gather a sense of not only understanding what she does, but we also get a taste of the high-end technicalities that are deployed in framing the right research questions before a scholar begins answering them. Ali’s profound knowledge on the subject-matter is the reason why we get an opportunity to have an informed opinion regarding the ethics in Islam. Moreover, her analysis is formed as part and parcel of Amina Wadud and Asma Barlas’s scholarship, where they have argued that the instances “where the Quran addresses men \textit{qua} men respond to the practical exigencies of an extant patriarchy – specifically, that of seventh-century Arabia”.\textsuperscript{41} This explanation sounds satisfactory for the discussion which revolves around issues of divorce, widowhood, and consent to marriage, however, Quranic commandments show that men are obliged to fulfil their obligations towards women while women are independent in action which suggests that these verses may only have an intention of reducing the familial dominion and control that men are assumed to possess. It is in the context of this language and syntax that we appreciate both the gender-neutral and gender-specific verses of the holy texts when they inherently help elevate the status of women.

In the penultimate chapter of the book, Ali discusses Prophet Muhammad, his relationship with Aishah, and modern Muslim sensibilities. Many have viewed the relationship between the Prophet and Aishah as either not well-understood or unconvincing. One of the most debatable topics related to Islam is that of the age of Aishah at which Prophet married her and consummated his marriage with her.\textsuperscript{42} There have been on-going

\textsuperscript{40} Ibid, 149.
\textsuperscript{41} Ibid, 162.
\textsuperscript{42} Sahih al-Bukhari, vol. 7, \textit{Book of Marriage} (Book 62), Hadith 64.
debates in Muslim gatherings to discuss the real age of Aishah, presumably for many, a young girl who was either six or nine at the time of her marriage with the Prophet. Since Ali refers to Apologists and Polemics throughout her book, it is pertinent to understand their concept before moving forward. While apologists give an argument in defence of something controversial, polemics attacking the larger more usual discourse often speak up against the unconventional. Ibrahim Hooper, a spokesperson for the prominent Council on American-Islamic Relations, suggested that the ages “six” and “nine” have been interpreted as “sixteen” and “nineteen” by many Muslim scholars. While rumours about Aishah’s age have been spread by internet sources, books, and many different people, orthodox Muslims have agreed with non-Muslim polemicists while stating that a marital relationship at such an age itself contradicts the teachings of Prophet Muhammad. This shows us that even in contemporary times, Muslims have the power and reasoning to form opinions on the basis of the sources they rely on. Ulema and Muslim scholars have interpreted the Quran and Hadith according to what seemed best to them in a certain age at a certain time. Ali has also pointed out that sexual ethics is defined and understood by many perfectly in accordance with their own sexual lives and what suits or benefits them in their daily routines. While many argue that Muhammad should not have married Aishah at such a young age, they have also been rebutted by authors at Answering Christianity that marriage at the time of puberty is allowed in Islam, and they assume Aishah had reached puberty. Puberty marks the basis of attaining physical and social maturity, and for supporters of this argument, Muhammad had not done something unacceptable or unlawful. Ali further points out that judgment should not be withheld, if a person is not to judge anachronistically.

Hence, in the light of this chapter and the conclusion which follows it, we can gather what Ali’s basic aim to publish this book was. At the end, consent and mutuality both go hand in hand. It is the need and desire for lawful sexuality, legal ethics, and defined parameters of morality that let the

43 (n 1) 176.
45 (n 1) 181.
sexual phenomena thrive in the Muslim discourse. These Islamic ethics do not only govern civil matters such as marriage or divorce, but link Muslims to a wide range of areas that bring justice home. I appreciate Ali’s nature of encouraging and facilitating dialogue. Muslim feminists these days are seen pushing boundaries and discussing, writing, conversing on topics of critical importance; it is not only their analysis, but their profound scholarship and knowledge of key areas and specific moral arguments that allow us to read into striking inconsistencies and regulate the framework of family.

**Conclusion**

Kecia Ali sets herself apart by emerging out as a strong, independent female author who does not need to censor her opinions or apologize for her content or the sources she uses in order to please any specific school of thought or faith. In her book, Ali reemphasises on the status, position, and authority of women in Islam. While the Quran and Sunnah may beautifully grant women the respect that they deserve, they also order men to consider female pleasure as well as women’s tender feelings, equal to their own, for the marital life to be successful. However, the same legal texts can also project women as objects in the sight of men facilitating their desires. But as Ali points out, it is the error in translation from Arabic to other languages which creates a misunderstanding between the real text and the one translated. As Muslim feminists increase in number today and push beyond the boundaries of the old Islamic traditions, they still feel the need of *imams, ulema*, and other Muslim scholars to start a mechanism of reinterpretation, where they talk, think, and write jointly the counterpoints of each ‘sexual-ethical’ controversy. According to Ali, as we move past the usual reading and interpretation of misogynistic sources, we must not read these as one-sided or be bound to gauge an ill-intention from the reading. Rather, we must use this experience as a chance to learn what Islam means and try to understand and interpret the text in all its possibilities without arrogance and unnecessary criticism. This is because at the end of the day, it is just the different interpretive choices that we make, instead of following a clear-cut reiteration of what Islam puts forth.

All in all, Ali’s book is one of the best written books on gender and sexual ethics in Islam. It paints a picture of the different kinds of Muslims

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46 Ibid, 193-199.
that exist; some may broadly interpret Islamic teachings, while others
would do so, so narrowly, that it may not even stand in accordance with
the literal interpretation. Hence, any of these interpretive methods can act
on or counteract what Islam says in reality. However, Ali makes her
readers realise that criticism and judgment calls are only acceptable when
one can adequately understand the status of women in Islam, the
importance of sexual morality, and have the knowledge of the kind of sex
God permits and forbids in order to know what is just.