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Response to the lies and distortions of christian missionaries about the position of women in islam



Part 3, Written by Kevin el-Karim

"The most perfect of believers are those most perfect of character; and the best of you are the best of you to your spouses." Tirmidhi, Ibn Hibban

"None but a noble man treats women in an honourable manner. And none but an ignoble treats women disgracefully" At-Tirmithy

He wrote:

Here is a reference permitting to rape captive women:

Also prohibited are women already married, except those whom your right hands possess: Thus hath God ordained prohibitions against you: Except for these, all others are lawful, provided ye seek them in marriage with gifts from your property, - desiring chastity, not lust, seeing that ye derive benefit from them, give them their dowers at least as prescribed; but if, after a dower is prescribed, agree Mutually to vary it, there is no blame on you, and God is all-knowing, all-wise. - Soerah 4:24 Yusuf. Ali

The above passage emphatically allows for the raping of women that are taken captive, even if these captives happened to be married. It did not remain an abstract theoretical right, but was readily put into practice by the Muslim jihadists:

Abu Sirma said to Abu Sa'id al Khadri: O Abu Sa'id, did you hear Allah's Messenger mentioning al-'azl ? He said: Yes, and added: We went out with Allah's Messenger on the expedition to the Bi'l-Mustaliq and took captive some excellent Arab women; and we desired them, for we were suffering from the absence of our wives, but at the same time we also desired ransom for them. So we decided to have sexual intercourse with them but by observing 'azl (withdrawing the male sexual organ before emission of semen to avoid conception). But we said: We are doing an act whereas Allah's Messenger is amongst us; why not ask him? So we asked Allah's Messenger, and he said: It does not matter if you do not do it, for every soul that is to be born up to the Day of Resurrection will be born. - Sahih Muslim, Book 008, Number 3371

Abu Said al-Khudri said: The apostle of Allah sent a military expedition to Awtas on the occasion of the battle of Hunain. They met their enemy and fought with them. They defeated them and took them captives. Some of the Companions of the Apostle of Allah were reluctant to have intercourse with the female captives in the presence of their husbands who were unbelievers. So Allah, the Exalted, sent down the Quranic verse, 'And all married women (are forbidden) unto you save those (captives) whom your right hand possesses'. That is to say, they are lawful for them when they complete their waiting period. - Sunan Abu Dawud, Volume 2, Number 2150

Response:

Before explaining the reason why slavery was allowed in islam etc. , i first want to show and proof the reader that raping of female slaves is forbidden in islam. Islam gave men permission to have sexual intercourse with their slave-girl for a reason i will explain later. However female slaves could not be forced to sexual intercourse or raped, this was forbidden since islam commanded slave owners to treat their slaves well with respect and dignity, like one's brother or sister, which clearly shows that rape of female slaves was forbidden and is not allowed in islam. The next hadith proof this moreover:

Related by Al-Daraqutni, Ibn Majah and Ahmad.

The Prophet said: "There shall be no infliction of harm on oneself or others".

The word 'others' includes all people, so also slavegirls ! Raping a slavegirl is clearly doing her harm emotional and physical, which would be a big sin for a muslim to commit and a violation of the above hadith. Moreover the prophet commanded muslims to treat their slaves well and with respect, which clearly proofs that rape of female slaves is forbidden in islam. The prophet said:

Bukhari, Iman, 22; Adab, 44; Muslim, Iman, 38–40; Abu Dawud, Adab, 124

Your servants and your slaves are your brothers. Anyone who has slaves should give them from what he eats and wears. He should not charge them with work beyond their capabilities. If you must set them to hard work, in any case I advise you to help them.

Al-Adab al-Mufrad Al-Bukhari , Nr. 158

Ali reported that the last words of the Prophet, may Allah bless him and grant him peace, were: "The prayer ! The prayer! Fear Allah concerning your slaves !

Al-Adab al-Mufrad Al-Bukhari , Nr. 188

Jabir ibn 'Abdullah said, "The Prophet, may Allah bless him and grant him peace, advised that slaves should be well-treated. He said, 'Feed them from what you eat and clothe them from what you wear. Do not punish what Allah has created. "

Al-Adab al-Mufrad Al-Bukhari , Nr. 190.

Sallam ibn 'Amr reported from one of the Companions of the Prophet, may Allah bless him and grant him peace, said, "Your slaves are your brothers, so treat him well. Ask for their help in what is too much for you and help them in what is too much for them."

Al-Adab al-Mufrad Al-Bukhari , Nr. 192

Abu Hurayra reported that the Prophet, may Allah bless him and grant him peace, said: "The slave has his food and clothing. Do not burden a slave with work which he is incapable of doing."

Ibn Hanbal, Musnad, 2 ,4

Not one of you should [when introducing someone] say ‘This is my slave’ , ‘This is my concubine’. He should call them ‘my daughter’ or ‘my son’ or ‘my brother’.

For this reason Umar and his servant took it in turns to ride on the camel from Madina to Jerusalem on their journey to take control of Masjid al-Aqsa. While he was the head of the state, Uthman had his servant pull his own ears in front of the people since he had pulled his. Abu Dharr, applying the hadith literally, made his servant wear one half of his suit while he himself wore the other half. From these instances, it was being demonstrated to succeeding generations of Muslims, and a pattern of conduct established, that a slave is fully a human being, not different from other people in his need for respect and dignity and justice, in Al-Tabataba'i's tafsir we read:

Al-Tabataba'i, Tafsir 16:338-358

The masters were obliged not to put slaves under hardship; slaves were not to be tortured, abused or treated unjustly. They could marry among “themselves with their master's permission - or with free men or women ! They could appear as witnesses and participate with free men in all “affairs. Many of them were appointed as governors, commanders of army and administrators. In the eyes of Islam, a pious slave has precedence over “an impious free man

The Prophet had stipulated in his last pilgrimage speech:

And your slaves ! see that you feed them such food as you eat yourselves and dress them what you yourself wear. And if they commit a mistake “which you are not inclined to forgive then sell them, for they are the servants of Allah and are not to be tormented !

And again in another hadith the prophet, peace be upon him, made clear that raping female slaves is forbidden. The prophet, peace be upon him, said:

Related by Al-Bukhari and Muslim on the authority of Abu Tharr

The Prophet said: “You must refrain from dealing wickedly with others, for that would count as a benefaction you do to yourself“

Related by Ibn Majah and Abu Dawood on the authority of Abu Sirmah:

The Prophet, peace and blessings be upon him, said: "Whoever causes harm to others subjects himself to harm caused by God"

The word 'others' includes all people, so also slavegirls ! Raping a slavegirl is clearly doing her harm, emotional and physical , which would be a major sin for a muslim to commit and violation of the above hadith. Allah swt also commands muslims in the Qur'an to treat their male and female slaves kindly and with respect:

Surah An Nisa, verse 36

Serve God, and join not any partners with Him ; and do good to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours "who are strangers, the Companion by your side, the way-farer (ye meet), And what your right hands possess : for God loveth not the arrogant, the "vainglorious

The phrase "What your right hands possess" refers to one's male and female slaves. Allah swt ordains the kind treatment of slaves in the same verse where He commands man to worship Him and to treat his parents, relations and neighbours generously, and this signifies the importance of the command to treat slaves good, well and with respect.

Status of Slave Women in Islam

When Islam was revealed to Prophet Muhammad, peace and blessings be upon him, slavery was a worldwide common social phenomenon; it was much older than Islam. Slavery was deeply rooted in every society to the extent that it was impossible to imagine a civilized society without slaves.

In spite of this social fact, Islam was the first religion to recognize slavery as a social illness that needed to be addressed. Since slavery was deeply rooted in the society, Islam did not abolish it at once. Rather, Islam treated slavery in the same manner it treated other social illnesses. Islam followed the same methodology of gradual elimination in dealing with this social disease as it did with other social illnesses, for example: the prohibition of alcohol in three steps.

Concerning having slave women, we would like to let you know that it happens to be a practice necessitated by the condition in which early Muslims found themselves vis-a-vis non-Muslims, as both parties engaged in wars. Slave women or milk al-yameen are referred to in the Qur'an as "Those whom your right hand possess" or "ma malakat aymanukum"; they are those taken as captives during conquests and subsequently became slaves, or those who were descendants of slaves.

Thus, it was a war custom in the past to take men and women as captives and then turn them into slaves. Islam did not initiate it, rather, it was something in practice long ago before the advent of Islam. And when Islam came, it tried to eradicate this practice, bit by bit. So it first restricted it to the reciprocal practice of war, in the sense that Muslims took war captives just as the enemies did with Muslims.

But as it aimed at putting an end to such issue, Islam laid down rules which would eventually lead to eradicating the practice. So it allowed Muslims to have intercourse with slave women taken as captives of just and legitimate wars. In so doing, the woman would automatically become free if she got pregnant. What's more, her child would also become free.

Not only that, Islam also ordered a Muslim to treat the slave woman in every respect as if she were his wife. She should be well fed, clothed and given due protection. In the family environment, she had the opportunity to learn about Islam and was free to accept it or reject it. She also had the opportunity to earn her freedom for she could be ransomed.

In the light of the above-mentioned facts, and the nature of the question posed by people, it's clear that some people misunderstand the wisdom behind the permissibility of having female slaves and think that it is meant to unleash men's desires and give them more enjoyment. Never! That is not the point! It is, rather, means of freeing slaves; and this is clarified above in the fact that if a master got a female slave pregnant, then he could neither sell her nor give her away as a present. And if he died, she would not be considered part of his property. She'd receive her freedom and her baby would also be free.

But, we have to stress that this case should not be confused with that of female servants or maids, for they are free and not slaves. Therefore, it is forbidden to engage in sexual relations with them except through an Islamic marriage.

Slavery has been abolished by international conventions, and goes in line with aims and objectives of Islam, as it has called for centuries ago. As for marrying slaves, it is something permissible under two conditions: first, if one is unable to pay the dowry of a free woman. Second, if there is fear of committing adultery if one doesn't get married. This is clarified by the following verse:

An-Nisaa: 25

And whose is not able to afford to marry free, believing women, let them marry from the believing maids whom your right hands possess. This is “for him among you who feareth to commit sin. But to have patience would be better for you

This verse shows that Muslim men should abstain from illicit relations and seek enjoyment through marriage to free women or through their female slaves. In conclusion, Allah has forbidden certain types of behavior and permitted other kinds of behavior as a safeguard to the individual and to the society. Allah has forbidden fornication and adultery. However, in the case of captives whom your right hands possess, it's something necessitated by the special circumstances which were created when the Muslims were at war.”¹

He wrote:

Ibn Kathir wrote: (except those whom your right hands possess) except those women whom you acquire through war, for you are allowed such women after making sure they are not pregnant.

Imam Ahmad recorded that Abu Sa'id Al-Khudri said, "We captured some women from the area of Awtas who were already married, and we disliked having sexual relations with them because they already had husbands. So, we asked the Prophet about this matter, and this Ayah was revealed...

(Also forbidden are women already married, except those whom your right hands possess). Consequently, we had sexual relations with these women." This is the wording collected by AT-Tirmidhi, An-Nasa'i, Ibn Jarir and Muslim in his Sahih. (Tafsir Ibn Kathir Volume 2, Parts 3, 4 & 5 , p. 422)

Response:

After their return to Islamic territory. Each soldier was then entitled to have relations only with the slave girl over which he was given the right of ownership and not with those slave girls that were not in his possession. This right of ownership was given to him by the Head of the Islamic state. Due to this right of ownership, It became lawful for the owner of a slave girl to have intercourse with her.

Note:

In my previous responses I showed that this permission for intercourse, clearly was not a permission to rape them, since Islam forbids Muslims to harm others and slave women were to be treated with respect and good care, see page 25. Also Islam came to erase this practice, like the scholars of Islamonline said:

But as it aimed at putting an end to such issue, Islam laid down rules which would eventually lead to eradicating the practice. So it allowed Muslims to have intercourse with slave women taken as captives of just and legitimate wars. In so doing, the woman would automatically become free if she got pregnant. What's more, her child would also become free.

Not only that, Islam also ordered a Muslim to treat the slave woman in every respect as if she were his wife. She should be well fed, clothed and given due protection. In the family environment, she had the opportunity to learn about Islam and was free to accept it or reject it. She also had the opportunity to earn her freedom for she could be ransomed. See also page 2 t/m 7.

If a slave woman was married previously in enemy territory to a non-Muslim, and is then captured alone, i.e. without her husband, it is not permissible for any Muslim to have relations with her until her previous marriage is nullified, and that is done by bringing her to an Islamic country and making her the legal possession of a Muslim. Bringing her into Islamic territory necessitates the rendering of her previous marriage as null and void by Islamic law because with her husband in enemy territory and she in Islamic territory, it becomes virtually impossible for them to meet and live as man and wife. That is why it is not permissible to have intercourse with a woman whose husband is also taken into captivity and put into slavery with her. Another resemblance between the two is that, just as a divorcee has to spend a period called "Iddat" before another man is allowed to marry her, similarly, a slave woman has to spend a period called "Istibraa" before her owner can have coition with her.

Rasulullah, Sallallahu Alayhi Wasallam, enjoined his followers to treat the slaves kindly, gently, and, above all, to regard them as members of the family. In this way, they were made to feel wanted; which was far better than treating them as outcasts and leaving them to wander the streets of a strange society in a peniless, destitute condition. Such treatment would have ultimately forced them to take up evil occupations such as prostitution in the case of slave woman in order to fill their hungry stomachs. The First World War in 1914 was a clear reflection of the evils involved in setting captive women free to roam about in a strange society with strange surroundings. During that war, German and English women prisoners on either side were set free to roam the streets with no-one to feed them. The result was obvious that they resorted to other unrefined and uncivilised methods of income on the streets. Thus, it is evident that the Islamic treatment of women prisoners of war was conducive towards better social relations and led to the refinement of their overall social lives. Over and above all this, history will show that Islam did not encourage slavery but rather encouraged moves towards the extirpation of slavery. Rasulallah, Sallallahu Alayhi Wasallam, said:

Sahih Bukhari, Food, Meals, Volume 7, Book 65, Number 286:

Give food to the hungry, pay a visit to the sick and release (set free) the one in captivity (by paying his ransom)

If a slave woman becomes pregnant from her owner, and delivers his child, she automatically gets her freedom after the death of her master whose child she gave birth to. Moreover, there are many wrongs and sins for which the liberation of a slave serves as a compensation and atonement. This was a further incentive for the extirpation of slavery. Rasulallah, Sallallahu Alayhi Wasallam, also taught that whosoever teaches good manners to his slave girl, adorns her with politeness and good education, then frees her and gets married to her, for him there is double recompense and reward. These encouraging teachings served as incentives towards the emancipation of slaves and slaves were liberated by the thousands.

- Rasulallah Sallallahu Alayhi Wasallam himself freed 63 slaves
- Hazrat Abu Bakr Radhiallahu Anhu freed 63
- Hazrat Abdur-Rahman bin Auf Radhiallahu Anhu 30,000
- Hazrat Hakim bin Huzam Radhiallahu Anhu 100;
- Hazrat Abbas Radhiallahu Anhu 70;
- Hazrat Ayesha Radhiallahu Anha 69;
- Hazrat Abdullah bin Umar Radhiallahu Anhu 100;
- Hazrat Uthman Radhiallahu Anhu used to free one slave every Friday and he would say that he would free any slave who performed his prayers with humility.
- Hazrat Zul-Kilah Radhiallahu Anhu freed 8,000 slaves in a single day.
- Hazrat Umar Radhiallahu Anhu passed certain laws during his Khilafat which led to the emancipation of thousands of slaves, and to the prevention of certain specific forms of slavery.

As a result of all these laws, there came a time when slavery was totally extirpated. But of course, this extirpation came about after a gradual process because that was the only safe and expedient way of tackling the problem. Read also:

<http://www.answering-christianity.com/equality.htm>

http://www.answering-christianity.com/request_freedom.htm

http://www.answering-christianity.com/right_hand_possession.htm

He wrote:

The Holy Bible, however, prohibits the raping of captive women and condemns adultery completely. Note what God's true Word says about the treatment of captive women:

Response:

We have clearly seen that rape of female slaves is forbidden in islam. After my response to the false claims of the christian missionary about his bible, the reader will find out then it is the bible which allows rape of female slaves and total humiliation. Moreover since we are dealing with human lives here , it is important to look at which religion offers female slaves a good life, safe and well future. The reader will be shocked after finding out which destiny and horrible future female slaves had in the bible and christianity. On the next pages of my booklet the reader can check these facts.

He wrote:

When you go to war against your enemies and the Lord your God delivers them into your hands and you take captives, if you notice among the captives a beautiful woman and are attracted to her, you may take her as your wife. Bring her into your home and have her shave her head, trim her nails and put aside the clothes she was wearing when captured. After she has lived in your house and mourned her father and mother for a full month, then you may go to her and be her husband and she shall be your wife. If you are not pleased with her, let her go wherever she wishes. You must not sell her or treat her as a slave, since you have dishonored her. - Deuteronomy 21:10-14

M.G. Kline, considered one of the leading old testament theologians of the last century, wrote regarding God's ruling in Deuteronomy 21:10-14: This first of three stipulations concerned with the authority of the head of the household deals with the limits of the husband's authority over his wife. The case of a captive woman is used as a case in point for establishing the rights of the wife, perhaps because the principle would obviously apply, a fortiori in the case of an Israelite wife. On the purificatory acts of verses 12b, 13a, which signified removal from captive-slave status, compare Lev. 14:8; Num. 8:7.

On the month's mourning, see Num 20:29 and Deut 34:8. This period would provide for the achieving of inward composure for beginning a new life, as well as for an appropriate expression of filial piety. 14. Thou shalt not sell her. A wife might not be reduced to slave status, not even the wife who had been raised from slave status... then thou shalt let her go whither she will. The severance of the marriage relationship is mention here only incidentally to the statement of the main principle that a man's authority did not extend to the right of reducing his wife to a slave. This dissolution of the marriage would have to be accomplished according to the laws of divorce in the theocracy. Not the divorce was mandatory, but the granting of freedom in case the man should determine to divorce his wife according to the permission granted by Moses because of the hardness of their hearts. - Wycliffe Bible Commentary p. 184

The late chief rabbi of the British Empire, Chief Rabbi J. H. Hertz noted regarding this passage: "A female war-captive was not to be made a concubine till after an interval of a month. The bitter moments of the captive's first grief had to be respected. She must not subsequently be sold or treated as a slave. 12. bring her home. This law inculcates thoughtfulness and forbearance under circumstances in which the warrior, elated by victory, might deem himself at liberty to act as he pleased. 'After the countless rapes of conquered women with which recent history has made us so painfully familiar, it is like hearing soft music to read of the warrior's duty to the enemy woman, of the necessary marriage with its set ritual and its due delay. And the Legislator proceeds to trace the course of the husband's duty in the event of the conquered alien woman failing to bring him the expected delight. 'Then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not deal with her as a slave, because thou hast humbled her" ... 13. she shall be thy wife. And enjoy the full rights and duties of a Jewish wife; Exodus xxi, 10.14. no delight in her, i.e. no longer any delight in her. The Rabbis deemed such a marriage a concession to human weakness, as a preventive against worse manifestations of the unbridled passions of man...humbled her. Dishonored her." - Pentateuch & Haftorahs, edited by Dr. J H Hertz, p. 840

Thus, we can clearly see that the Holy Bible even dignified captive gentile women by elevating them to the same status as that of married Israelite women.

Response:

Notice very carefully how these verses in deuteronomy say 'you may take her as your wife' instead of 'you may ask her to be your wife or propose marriage to her'. Now why does the verse on the end says: 'since you have dishonored her'. The hebrew word which is translated as dishonored is: 'anah', which means humiliated.

What does this mean ?

2 Samuel 13:12

And she answered him, Nay, my brother, do not *force (anah)* me; for no such thing ought to be done in Israel: do not thou this folly.

2 Samuel 13:14

Howbeit he would not hearken unto her voice: but, being stronger than she, *forced (anah)* her, and lay with her.

2 Samuel 13:22

And Absalom spake unto his brother Amnon neither good nor bad: for Absalom hated Amnon, because he had *forced (anah)* his sister Tamar.

2 Samuel 13:32

And Jonadab, the son of Shimeah David's brother, answered and said, Let not my lord suppose [that] they have slain all the young men the king's sons; for Amnon only is dead : for by the appointment of Absalom this hath been determined from the day that he *forced (anah)* his sister Tamar.

Genesis 34:2

And when Shechem the son of Hamor the Hivite, prince of the country, saw her, he took her, and lay with her, and *defiled (anah)* her.

Strong's Hebrew Dictionary: 'Anah'

1: to be occupied, be busied with

2: to afflict, oppress, humble, be afflicted, be bowed down

a:

1. to be put down, become low

2. to be depressed, be downcast

3. to be afflicted

4. to stoop

b:

1. to humble oneself, bow down

2. to be afflicted, be humbled

c:

1. to humble, mishandle, afflict

2. to humble, be humiliated

3. to afflict

4. to humble, weaken oneself

d:

1. to be afflicted

2. to be humbled

Source: Strong's Hebrew Dictionary²

What is the Nature of the Sexual Act Contemplated in Deut. 21:10-14 ?

Deut. 21:10-14 provides as follows:

When you go forth to war against your enemies, and the Lord your God has delivered them into your hands, and you have taken them captive, And you see among the captives a beautiful woman, and desire her, and take her for a wife - Then you shall bring her home to your house, and she shall shave her head and do her nails, And she shall remove the garment of her captivity from her, and remain in your house and weep for her father and mother a for month, and after that you may approach her and have intercourse with her, and she shall be your wife. And if you do not want her, you shall send her out on her own; you shall not sell her at all for money, you shall not treat her as a slave, because you "violated" her.

We shall focus on the expression "violated her," *'initah* in Hebrew, from the root *'anah*. It is in the translation of this word that an attitudinal difference between the Targumim becomes apparent. In 2 Samuel 13:11-14, the story of Amnon and Tamar, the root *'anah* is used twice: "do not violate me," and then "he overpowered her, he violated her, and he lay with her." If we understand "and he lay with her" to mean "and he had intercourse with her," we may understand from the juxtaposition of the two concepts that *'anah* can be considered sexual violence. That is, in this instance the use of *'anah* together with "had intercourse" seems to imply actual rape.

This seems to be the case as well in Gen.34:2, the story of Dinah and Shechem. There the text says: "He [Shechem] took her, and he lay with [had intercourse] with her and he violated her [*vaye'anehah*]." *'Anah* alone would not mean necessarily rape, but simply sexual violence of some sort. Rape is again implied here by the use of *'anah* and "had intercourse" together.

The idea of rape may also be expressed with other terminology. In Deuteronomy 22:25, 28 we find the verb "had intercourse" used with the verbs "took hold of," "grabbed", to imply the idea of forced intercourse i.e. rape. The verb *'anah* is used alone in Lamentations 5:11, Ezekiel 22:10, and Judges 19:25, and from the context in these instances seems to imply rape.

We must recognize, however, that though it is important to determine what is meant by *'anah* in Deuteronomy 21:14, rape is only one way of exerting sexual violence. Clearly sexual violence is conveyed in all the quoted instances where *'anah* is used. Thus although there is no specific mention of rape in Deuteronomy 21:14, the word *'initah* implies that the woman's consent (if any) to intercourse was due to her circumstances.

The expression *'initah* is particularly poignant, a point that seems to have been recognized in both the Onqelos and Neophyti Targums. Onqelos actually uses the root *'anah* in his translation, while Neophyti 1 has "you have exercised your power/authority [*reshut*] over her." Targum Pseudo-Jonathan, on the other hand, considers *'anah* to be only actual intercourse, translating with the verb *shamash*, and thus failing to transmit the Bible's sensitivity to the captive's powerlessness.

Source: Deuteronomy 21:10-14: The Beautiful Captive Woman, Pearl Elman, page 1 & 2

It's clear that these slave women were humiliated. She was powerless and clearly could be forced into marriage. Notice also that Deuteronomy 21:14 nowhere says that it is forbidden to have sexual intercourse with your female slave. The verse only says 'you make take her as your wife'. In other words the verse only confirmed that it is allowed for the Israeli soldiers to marry female slaves if they want. Since these marriages with non-jewish women were disliked, a waiting period of 30 days was made, and some rituals were required. In this period no intercourse would be allowed (according to most Jewish commentaries), since this could increase his desire to marry her, which was disliked. However nowhere does the verse forbid rape before these rituals or after the battle etc. The verse only tells us that it is permissible to take female captives as wives, that's all. And if they want them to marry, then intercourse is not allowed for 30 days, and some rituals have to be performed. If still Christians cannot accept this, they have to accept the fact that clearly these women were forced into marriage, since the verse says 'you have humiliated her'. Now let us look at the next comments:

Is Deut. 21: 10-14 Anti-Rape Legislation ?

Clearly, biblically and post-biblically, it was understood that intercourse, even once, was an oppression to the captive. Sifrei states as a commentary to the biblical "*because you have violated her*": "even once." Midrash Tannaim explains that this conclusion is derived from Gen. 34: 2 - the story of Dinah and Shechem, and the mention there of the term '*anah*'. That the sages chose to interpret intercourse as oppression displays sensitivity to the captive's plight.

Rape of captive women by soldiers has been the inevitable consequence of military action throughout history, as has been highlighted by recent events in Croatia. Can Deut. 21: 10ff be considered anti-rape legislation for soldiers at war ? The answer is: not as it was eventually developed.

Biblically, it seems the captive woman, by virtue of being a captive, has no choice but to go home with her captor. He is only allowed to have intercourse with her after a period of thirty days during which time she stays in his house. Clearly, immediate rape is not allowed. It can be understood that biblically we may be looking at anti-rape legislation for soldiers at war.

We see actual anti-rape legislation for soldiers directly after battle in the Yerushalmi in Makkot 2: 6 - no intercourse is allowed with the captive unless all the rituals demanded biblically have been performed.

However, this changes in the Bavli. The Bavli does not understand this section of Deuteronomy in the same way as the Yerushalmi. Rather we see in Kiddushin 21b the general agreement that a soldier is allowed one act of intercourse with a captive, but not on the battlefield. Whether he is allowed to have intercourse with her again before he brings her home is a matter of divided opinion. As the Bavli allows the soldier this one act of intercourse, what was biblical anti-rape legislation for soldiers after a battle can no longer be perceived as such.

The Yerushalmi and the Bavli clearly disagree on this issue. As the Bavli is the authoritative Talmud halakhically, it is the Bavli's position that prevails. Thus Deut. 24: 10ff cannot be understood as anti-rape under current halakhah.

Source: Deuteronomy 21:10-14: The Beautiful Captive Woman, Pearl Elman, page 12

Commentary on Deuteronomy 21:10-14, when is rape allowed ?

Maimonides, Hilkhhot Melakhim 8: 3ff, seems to interpret the passage discussed in the following way: a warrior is allowed one act of intercourse which must be in a private place. It seems a priest is allowed this act without any responsibility as he is not allowed to marry her. This opinion is quoted by Nahmanides in his commentary on Deuteronomy. He states that the simple meaning of the Bible is to prohibit intercourse until after the entire conversion procedure is complete, and that the Yerushalmi agrees with the simple meaning. He explains that the Bavli Kiddushin prohibition against oppression on the battlefield means that the soldier takes her home, has intercourse with her once, and then cannot have intercourse again with her until the entire conversion procedure is complete. Nahmanides, like the other commentators, does not address the issue of the priests and the captive woman.

A biblical imperative is sacrosanct, but the sages were unhappy with the situation of a heathen captive woman attached to an Israelite soldier.

According to the Bavli sages in Kiddushin 21b, the permission offered to the soldier in this case is an accommodation to lust. The captive woman then becomes the vehicle for the satisfaction of his evil inclination. In bHullin 109b it is explained that the Torah forbids a man a non-Jewess, but permits him the captive woman. Not only is she the vehicle by which he releases his lust, she is not even his first choice. The captive woman can be described as a consolation prize.

There was no uniform opinion as to when the first intercourse was permitted. The timing varied from immediately after the battle, but in a private place, to not until after thirty days and conversion. Clearly, there was coercion in both cases, whether physical or psychological or both.

According to the Bavli, first intercourse could occur before the captive arrived at the man's home, perhaps as soon as the actual fighting stopped. The journey to his home could be lengthy, as she was taken from a city far away (Deut. 20: 15). It might occur that very shortly after she arrived at the man's home she would discover that she was pregnant. Even if she was not, her options were very limited. In order to simply survive, she might choose to be converted and remain in the household. It can be understood that a woman in these circumstances would be unhappy and resentful, and possibly full of hatred against the one she perceived to be the cause of her unfortunate circumstances. Possibly the sages were sensitive to this when they claimed that the marriage would not be a happy one.

Source: Deuteronomy 21:10-14: The Beautiful Captive Woman , Pearl Elman , page 8, 13 &14

Female captives under biblical law have hardly any rights. The debate moreover is when the act of "rape" is allowed. Even if we for the sake of argument accept "the waiting period of one month" before the act of "rape" could be done, it still doesn't change the fact that the captive woman is raped and even worsen "forced into marriage". Harold C. Washington, Professor of Hebrew Bible, Saint Paul School of Theology, writes:

Harold C. Washington "Lest He Die in the Battle and Another Man Take Her" , page 205

The fact that the man must wait for a month before penetrating the woman... does not make the sexual relationship something other than "rape"... Only in the most masculinist of readings does the month-long waiting period give a satisfactory veneer of peaceful domesticity to a sequence of defeat, bereavement, and rape."

Besides rape the woman is forced into marriage. Nowhere does the bible speaks about a woman's consent to it.

29sn *You have humiliated her.*

Since divorce was considered rejection, the wife subjected to it would "lose face" in addition to the already humiliating event of having become a wife by force (21:11-13).

Furthermore, the Hebrew verb translated "humiliated" here (*anah*), commonly used to speak of rape (cf. Gen 34:2; 2 Sam 13:12, 14, 22, 32; Judg 19:24), likely has sexual overtones as well. The woman may not be enslaved or abused after the divorce because it would be double humiliation (see also E. H. Merrill, *Deuteronomy* [NAC], 291).

Source:

http://www.bible.org/netbible/deu21_notes.htm#2129

Laws concerning captive women taken as sexual consorts:

Deuteronomy 21:10 When thou goest forth to war against thine enemies, and the Lord thy God hath delivered them into thine hands, and thou hast taken them captive, (11) And seest among the captives a beautiful woman, and hast a desire unto her, that thou wouldest have her to thy wife; (12) Then thou shalt bring her home to thine house; and she shall shave her head, and pare her nails; (13) And she shall put the raiment of her captivity from off her, and shall remain in thine house, and bewail her father and her mother a full month; and after that thou shalt go in unto her, and be her husband, and she shall be thy wife. (14) And it shall be, if thou have no delight in her, then thou shalt let her go whither she will; but thou shalt not sell her at all for money, thou shalt not make merchandise of her, because thou hast humbled [dishonored/humiliated] her.

There seems to be a loose use of the term "wife" here. There is no betrothal, no marriage ceremony, no bill of divorcement required to terminate the relationship, etc. Also, in this case, no mention of the rights of her children. Probably what we have here is a "concubine"--a kind of lower-level, secondary sort of wife--a woman with whom it is legitimate (as indicated here) to have sex (and, no doubt, children).

Source:

<http://www.d.umn.edu/~jbelote/biblekin.html#captivewomen>

The Islamic attitude, the attitude of our beloved prophet Muhammed was completely different than the attitude of the bible towards female captives of war. If a man wanted to marry a female captive, he could do a proposal instead of taking her home, shaving her head and forcing her into marriage by an act of intercourse. The Islamic attitude is completely different, which can be seen from the story of Muhammed and Safiyya, who became a female captive after the battle of Khaybar. The prophet later asked her to marry him, instead of the biblical way of taking her home, shaving her head and forcing her into marriage by an act of intercourse. No, in Islam female captives were treated with respect, dignity and human rights. The prophet's proposal to Safiyya can be read in Marlin Lings famous book about the life of our beloved Prophet Muhammad. I shall quote from this book now:

Martin Lings, *Muhammad: His Life Based On The Earliest Sources* (George Allen & Unwin, 1983) , p. 269

He [the Prophet Muhammad - Ed.] then told Safiyyah that he was prepared to set her free, and he offered her the choice between remaining a Jewess and returning to her people or entering Islam and becoming his wife. "I choose God and His Messenger," she said; and they were married at the first halt on the homeward march.

Notice how the prophet also offered her to return to her people. Moreover the prophet only asked her for marriage, he clearly did not force her. She was never forced, on the contrary she was free to decide and choose what was best in her eyes. She freely choosed to marry the prophet.

Muhammad Fathi Mus'ad, *The Wives of the Prophet Muhammad: Their Strives and Their Lives*, p. 172

Safiyyah moved to the house of the Prophet. He loved, appreciated and honored her to the extent that he made her say, "I have never seen a good-natured person as the Messenger of Allah. (see also; Abu Ya'la al-Mawsili, Musnad, vol. 13, p. 38)

After the prophet's good treatment, love and respect for safiyya, their marriage became one of the most beautiful marriages in history. The next example shows u show much Safiyya loved the prophet:

Muhammad Fathi Mus'ad, *The Wives of the Prophet Muhammad: Their Strives and Their Lives*, p. 175

The Prophet acknowledged the honesty of Safiyyah and what a great acknowledgement it was as it came from the most honest person on earth. Zayd ibn Aslam said, "When the Prophet was so sick and on the verge of death his wives gathered around him. Safiyyah bint Huyayyay said, 'O Messenger of Allah, by Allah, I would like to be in your place.' Hearing her utterance, the Prophet's wives winked at her. The Prophet saw them and said, 'Rinse your mouths.' They said, 'For what, Messenger of Allah?' He said, 'For your winking at her, by Allah, she is telling the truth.'"

The prophet here gave us muslims the islamic manner on how to treat female captives of war. The way of how the prophet treated Safiyya as female captive is the way muslims should treat female captives in war. From this attitude we can see that that muslims must treat their female captives with respect, honor, dignity, and no force or coercion. The example of the prophet is the example muslims must follow. Allah swt makes this clear to us the glorious qu'ran:

Qu'ran 33:22

Verily in the messenger of Allah ye have a good example for him who looketh unto Allah and the Last Day, and remembereth Allah much.

Moreover islam made clear that abusing female captives was forbidden:

Related by Al-Daraqutni, Ibn Majah and Ahmad.

The Prophet said: "There shall be no infliction of harm on oneself or others".

The word 'others' includes all people, so also female captives. Therefor any form of abuse towards a female captive would clearly be a violation of the above hadith. Moreover in another quranic ayah a specific command is given to treat female slaves/captives good:

Surah An Nisa, verse 36

Serve God, and join not any partners with Him ; and do good to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours "who are strangers, the Companion by your side, the way-farer (ye meet), And what your right hands possess : for God loveth not the arrogant, the "vainglorious

The phrase "What your right hands possess" refers to one's male and female slaves / captives. Allah swt ordains the kind treatment of slaves in the same verse where He commands man to worship Him and to treat his parents, relations and neighbours generously, and this signifies the importance of the command to treat slaves good, well and with respect. The biblical attitude towards female captives was far from respectfull, and different:

Deut. 21:10-14

When you go forth to war against your enemies, and the Lord your God has delivered them into your hands, and you have taken them captive, And you see among the captives a beautiful woman, and desire her, and take her for a wife - Then you shall bring her home to your house, and she shall shave her head and do her nails, And she shall remove the garment of her captivity from her, and remain in your house and weep for her father and mother a for month, and after that you may approach her and have intercourse with her, and she shall be your wife. And if you do not want her, you shall send her out on her own; you shall not sell her at all for money, you shall not treat her as a slave, because you "violated / humiliated" her.

Comment:

The Talmud states that a warrior can take only one captive, and he has the right to marry her. The Bavli here does not seem to address the possibility that the warrior may not want to marry her at all, as this would contravene the biblical text. It would seem from the context that she has no right to refuse, probably because of her status as a captive.

Source: Deuteronomy 21:10-14: The Beautiful Captive Woman , Pearl Elman , page 11

So rape was legal if a man was at war and saw a foreign woman that he wanted. According to the law, all he had to do was capture her and take her home, shave her head, trim her nails and strip her naked. After 30 days of captivity he could consider her his wife by going into her ! The act "going into her" after 30 days was to become her husband. And if she didn't please him he was free to kick her out. Nowhere does it mention getting the woman's consent, even worse nowhere does it mention not to harm or abuse her. And again we have seen the word 'anah' used in deuteronomy 21:14 implies sexual violence and the powerlessness situation of the female captive. Notice also how the word 'anah' is used in the same verse where the soldier becomes the husband of the female slave by "going into her" , which moreover proves that this happened without her consent since she was powerlessness. The act of intercourse is nothing compared to the fact she is forced into marriage with her captor. It would be a nightmare for any woman to be forced into marriage with a man you don't like for the rest of your life. Now if everything was done with consent of the women, then certainly the verse would have never said at the end ' since you have humiliated (anah) her ' , which clearly shows she was forced and oppressed.

Notice also that the soldier could kick the female slave out of his house when he was not pleased with her. So after the humiliating event of becoming a wife by force, the female slave could be kicked out. Nowhere does the bible provide any protection for these female slaves. When they were kicked out of the house of the soldier (after being raped) , they had nothing ! They had no house, no food, no money ! By this we see that the female captive actually had no other choice than accept a marriage with the soldier by force, otherwise she would be kicked out of the house and had nothing to survive. The bible grants the soldier the right to kick his female slave out of the house whenever he was not pleased with her. One can imagine that these female slaves (after being kicked out of the house) were becoming victims of theft and rape in the society. They had nothing and no protection, and therefore were an easy victim for criminals and rapists. Islam on the other hand protected these female slaves, they were never kicked out of the house of their masters. On the contrary the qu'ran says:

Qu'ran 24:33

Let those who find not the wherewithal for marriage keep themselves chaste, until God gives them means out of His grace. And if any of your slaves ask for a deed in writing (to enable them to earn their freedom for a certain sum), give them such a deed if ye know any good in them: yea, give them something yourselves out of the means which God has given to you. But force not your maids to prostitution when they desire chastity, in order that ye may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is God, Oft-Forgiving, Most Merciful (to them)

In this Noble Verse, we see that if a slave requests his freedom from his Muslim master, then his master not only must help him earn his freedom if there is good in the Slave, but also pay him money so the slave can have a good start in his free life. This a complete different attitude towards female slaves than the bible ! In the bible female slaves could be kicked out of the house with nothing to survive. Islam is far superior than christianity in treatment of others. Notice the commentary note of Abdullah Yusuf Ali on this soerah:

The Meaning of the Holy Qur'an, Yusuf Ali, Note 2991, page 875.

The law of slavery in the legal sense of the term is now obsolete. While it had any meaning, Islam made the slave's lot as easy as possible. A slave, male or female, could ask for conditional manumission by a written deed fixing the amount required for manumission and allowing the slave meanwhile to earn money by lawful means and perhaps marry and bring up a family. Such a deed was not to be refused if the request was genuine and the slave had character. Not only that, but the master is directed to help with money out of his own resources in order to enable the slave to earn his or her own liberty.

So here we see that the slaves were helped by giving them jobs where they could earn money to free themselves. The fact that these slaves were given jobs, means they were given a future. The slaves who were given a job could earn money for themselves in the future, so when they were free men they had means to live and were safe. They could support and take care of themselves and their families. In the qu'ran the owners of the slaves are even commanded to give their slaves money, Notice the words of Allah in the qu'ran "And give them something out of the wealth of Allah which He has bestowed upon you."

Ibn Kathir in his tafsir comments on this:

This is the share of the wealth of Zakah that Allah stated to be their right. This is the opinion of Al-Hasan, Abdur-Rahman bin Zayd bin Aslam and his father and Muqatil bin Hayyan. It was also the opinion favored by Ibn Jarir.

Ibrahim An-Nakha'i said, "This is urging the people, their masters and others." This was also the view of Buraydah bin Al-Husayb Al-Aslami and Qatadah. Ibn `Abbas said: "Allah commanded the believers to help in freeing slaves." ³

So Islam commands people to give money to slaves. So they could earn their freedom and start a life with the wealth they were given, a right which can be never found in Christianity !

Maulana Muhammad Ali Comments:

33b. The word *kitab*, translated *writing*, as used here, stands for *mukatabah*, which is an infinitive noun of *kataba*, signifying *he (a slave) made a written (or other) contract with him (his master), that he (the former) should pay a certain sum as the price of himself, and on the payment thereof be free (LL)*; also *he (a master) made such a contract with him (his slave)*. It was called a *kitab* (or writing) because of the obligation which the master imposed on himself. The money was paid in two or more instalments. Thus every possible facility was afforded to the slave to earn his freedom. Though the practice of the master making such a contract with the slave prevailed before the advent of Islam, the important reform introduced by Islam was that, when a slave desired such a contract to be made, the master could not refuse it. Twelve centuries before any attempt was made by any individual or community to legislate for the liberty of slaves, a dweller in the Arabian desert had laid down this noble institution, that, if a slave asked for a writing of freedom, he was not only to be given that writing by the master, but he was also to be provided with money to purchase his freedom, the only condition being *if you know any good in them*, i.e., if he is fit for work and able to earn his livelihood. And, in addition, the duty was imposed upon the State of spending a part of the collection of the poor-rate for this object, as stated in 9:60. ⁴

The Islamic state helped male and female slaves to earn a living. They were protected from harm and slaves were to be treated with respect, dignity and honor:

Maulana Muhammad Asad comments on soerah 24:33

[The noun kitab is, in this context, an equivalent of kitabah or mukatabah (lit., “mutual agreement in writing”), a juridical term signifying a “deed of freedom” or “of manumission” executed on the basis of an agreement between a slave and his or her owner, to the effect that the slave undertakes to purchase his or her freedom for an equitable sum of money payable in installments before or after the manumission, or, alternatively, by rendering a clearly specified service or services to his or her owner. With this end in view, the slave is legally entitled to engage in any legitimate, gainful work or to obtain the necessary sum of money by any other lawful means (e.g., through a loan or a gift from a third person). In view of the imperative form of the verb katibuhum (“write it out for them”), the deed of manumission cannot be refused by the owner, the only pre-condition being an evidence - to be established, if necessary, by an unbiased arbiter or arbiters - of the slave’s good character and ability to fulfill his or her contractual obligations. The stipulation that such a deed of manumission may not be refused, and the establishment of precise juridical directives to this end, clearly indicates that Islamic Law has from its very beginning aimed at an abolition of slavery as a social institution, and that its prohibition in modern times constitutes no more than a final implementation of that aim. (See also next note, as well as note on 2: 177.) *and give them [their share of the wealth of God which He has given you.* [According to all the authorities, this relates

A:

to a moral obligation on the part of the owner to promote the slave’s efforts to obtain the necessary revenues by helping him or her to achieve an independent economic status and/or by remitting part of the agreed-upon compensation, and

B:

to the obligation of the state treasury (bayt al-mal) to finance the freeing of slaves in accordance with the Quranic principle - enunciated in 9: 60 - that the revenues obtained through the obligatory tax called zakah are to be utilized, among other purposes, “for the freeing of human beings from bondage” (fi r-riqab, an expression explained in note on 2: 177). Hence, Zamakhshari holds that the above clause is addressed not merely to persons owning slaves but to the community as a whole - The expression “the wealth of God” contains an allusion to the principle that “God has bought of the believers their lives and their possessions, promising them paradise in return” (9: 111) - implying that all of man’s possessions are vested in God, and that man is entitled to no more than their usufruct.]⁵

Here we have seen that islam’s treatment of female slaves is far superior to the low treatment of slaves in christianity and the bible. The female slave in the bible could either be forced to marriage with the israeli soldier, and therefor be married for the rest of her life to person whom she not likes (which would be a nightmare) or she could be kicked out of his house without any wealth or money. The last option for her would be a nightmare too, since she likely would have to sell her body on the street to earn a living. Secondly the female slaves that were kicked out of the owners house, would be an easy victim for criminals and rapists, since she had no protection and place to live. So biblically female slaves were victim of a nightmare in both options. Anyone with common sense can see that female slaves had no other choice then to marry the soldier by force, which would by a synonym for selling her body to the owner, in order to survive and escape the danger of falling into prostitution or a street victim. The last option would be the case when she not married him and /or was kicked out of his house.

Surah An Nisa, verse 36

Serve God, and join not any partners with Him ; and do good to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours “who are strangers, the Companion by your side, the way-farer (ye meet), And what your right hands possess : for God loveth not the arrogant, the “vainglorious

The phrase "What your right hands possess" refers to one's male and female slaves. Allah swt ordains the kind treatment of slaves in the same verse where He commands man to worship Him and to treat his parents, relations and neighbours generously, and this signifies the importance of the command to treat slaves good, well and with respect. Also remember that the bible believes in slaves for life:

Leviticus 25:44-46

Your male and female slaves are to come from the nations around you; from them you may buy slaves. You may also buy some of the temporary residents living among you and members of their clans born in your country, and they will become your property. You can will them to your children as inherited property and can make them slaves for life, but you must not rule over your fellow Israelites ruthlessly

What kind of a human value does the Bible give to slaves ? If slaves and their children must be inherited and passed down to newer generations as slaves, then how in the world will they ever gain their freedom ? Does the Bible believe in Freedom ? Does the Bible believe in liberating human beings from slavery ? Apparently it does not ! Notice also how the verse only commands not to rule ruthlessly over fellow Israelites, what about gentiles and non Isrealites, clearly the bible doesn't care much about them. Since those female slaves mentioned in the bible were non – Isrealites, when can even imagine more how much these slave women were humiliated and forced into marriage our kicked out of the house with nothing to live for or to survive in society. Her only optio to survive in this situation was prostitution. Moreover the bible teaches that female slaves had to obey their masters in all things (which would include being forced into marriage) .

Colossians 3:22

Slaves, in all things obey those who are your masters on earth, not with external service, as those who merely please men, but with sincerity of heart, fearing the Lord

Since we have seen before how easily slave women could be kicked out of the house before marriage, or divorced and kicked out of the house after marriage, it's interesting to see that a free women after divorce by her husband in the bible wasn't in a much better condition then a female slave. We shall discuss this issue on the next page.

The bill of divorce in the Hebrew Old Testament:

Deuteronomy 24:1-2: This book recapped much of the history of the ancient Hebrews that was covered in the first four books of the Pentateuch: Genesis, Exodus, Leviticus and Numbers. Deuteronomy 24 contains the first reference to divorce in the Bible. The King James Version translates these verses as:

Deuteronomy 24:1-2:

When A man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.

The phrase "*bill of divorcement*" is a translation of the Hebrew word "*keriythuwth*" It was a document that formally terminated the marriage bond. The word appears in only two other locations in the Hebrew Scriptures. In both passages it refers to God giving the ancient Hebrews, the Children of Israel, a bill of divorcement:

Isaiah 50:1:

Thus saith the LORD, Where is the bill of your mother's divorcement, whom I have put away ?..

Jeremiah 3:8:

And I saw, when for all the causes whereby backsliding Israel committed adultery I had put her away, and given her a bill of divorce...

To "*send her out*" translates the Hebrew word "*shalach*." It means that the husband has abandoned her by either passively letting her leave, or actively by casting her out. If the wife were ejected permanently from the house without receiving a bill of divorcement, she would remain married to her husband. Of course, he could remarry by taking an additional wife. Family styles among the ancient Hebrews were very flexible. Solomon had 700 wives of royal birth, along with hundreds of concubines.

If no bill of divorcement was given by the husband, a wife would face the next problems that would bring her moreover in an untenable position:

- she could not go back to her husband, because he did not want her.
- she could not seek another man to take her in because she was still married to her original husband. To live with another man could get both of them executed for committing adultery.
- she could not exist on her own, because there really were only two roles for a woman at the time: to be owned as a piece of property by her father, or to be owned by her husband. She may have not have had access to a social safety network to help her survive.

The bill of divorcement only released her bond to her original husband, she still had no acces to a social safety network to help her surive, she was send away with nothing and therefor it would became difficult for her to survive. However the bible still gave husbands also the right to send their wives away without a bill of divorce:

The bill of divorce was not necessary

The Old Testament law concerning divorce, apparently quite clear, is recorded most fully in Deuteronomy 24:1 ff. A perusal of the commentaries will, nevertheless, convince anyone that there are difficulties of interpretation. The careful reader will notice that the renderings of the King James Version and the Revised Version (British and American) differ materially. the King James Version reads in the second part of Deuteronomy 24:1 : "then let him write a bill," etc., the Revised Version (British and American) has "that he shall write," etc., while the Hebrew original has neither "then" nor "that," but the simple conjunction "and." There is certainly no command in the words of Moses.....

The fact that Joseph had in mind the putting away of his espoused wife, Mary, without the formality of a bill or at least of a public procedure proves that a decree was not regarded as absolutely necessary (Matthew 1:19)

Source:

International Standard Bible Encyclopedia

The New Commentary on the Whole Bible states:

The abandonment of one's wife in the ancient Near East usually meant that she and her children would suffer poverty and oppression. In order to survive they were often forced into slavery.

Source:

J.D. Douglas, ed., "*Old Testament Volume: New Commentary on the Whole Bible*," Tyndale House, (1997). Page 1368.

In islam on the other hand, women are protected against this cruel situation because according to the Noble Quran a husband is to pay his divorced wife maintenance:

Qur'an 2:241

For divorced women Maintenance (should be provided) On a reasonable (scale). This is a duty On the righteous

Here already we see that islam is far superior then christianity when it comes to the rights and protection of women. Muslim men had to take care for their wives even after divorce, so their ex-wives wouldn't become victims of society, or were forced into forbidden things to earn a living. Islam clearly protected women against this cruel practise and situation, which was kept open in the bible.

Muhammad Asad comments:

The amount of alimony - payable unless and until they remarry - has been left unspecified since it must depend on the husband's financial circumstances and on the social conditions of the time.⁶

Maulana Muhammad Ali comments:

Note that this provision is in addition to the dowry which must be paid to them. Just as in the previous verse the widow is given an additional benefit, here a provision in addition to her dowry is recommended for the divorced woman. This shows how liberal are the injunctions of the Holy Qur'an regarding women.⁷

Moreover women in islam have to right to re-marry after divorce. No document written by the husband is needed for that. Islam also teaches us that if there is a dispute between the married couple, a member of each family can be brought in to resolve it.

Qur'an 4:35

And if you fear disunity between them, then send an arbiter from his side and an arbiter from her side. If they wish for reconciliation God will affect harmony between them, surely God is All-knowing, Al-Aware."

Finally i would like to point out that the new testament turned the rules regarding divorce more into a nightmare for women. In the final rule given in the New Testament divorce women cannot divorce their husbands when they are sad and unhappy in their marriage and are abused by their husand ! The new testament clearly tells us that the only reason for divorce is described as fornication/ adultery.

Mathew 19:9

And I say unto you, Whosoever shall put away his wife, except [it be] for fornication, and shall marry another, committeth adultery: and whoso "marrieth her which is put away doth commit adultery

Mark 19:12

Also, if she divorces her husband and marries another, she commits adultery

Notice, that still after fornication of their husbands, women still have no right to any financial maintenance of their husband after divorce. Moreover the nightmare is already complete, since she can only divorce him for fornication, any other reason is forbidden. This rule has brought women even more in a uncomfortable position. Imagine how it would be for a woman to stay married for the rest of her life to an abusive husband, the bible specifcly mentions that only fornication is a ground for divorce and nothing else !

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