

ГЕНДЕРНЫЕ И СЕКСУАЛЬНЫЕ ПРАВА В РАННЕМ ИСЛАМЕ

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Когда ранние исламские юристы излагали законы о браке, произошла кодификация гендерной модели супружеских прав и обязанностей, которая наделила мужчин большими привилегиями, нежели женщин. Аналогичное развитие произошло и в отношении сексуальных прав, поскольку идея сексуального удовлетворения женщин получила лишь второстепенное значение. Специалисты этого периода исламской истории утверждают, что гендерные идеологии, преобладавшие в раннем аббасидском обществе, которые позволили андроцентрическое определение ислама, следует рассматривать как главную причину создания такого неравенства в системе института брака. Однако гендерные идеологии Аббасидов, вопреки распространенным представлениям, не были однородными. Данная статья обсуждает две основные тенденции в понимании женской сексуальности, существовавшие в ранний период Аббасидской империи. Первая, андроцентрическая, тенденция преследует в первую очередь обеспечение сексуального удовлетворения мужчин. Эта тенденция была противоположна другому подходу, который в большей мере учитывал потребности женщин. Этот подход развивался в ряде литературных жанров, включая медицинскую, популярную, просветительскую литературу и труды по этике. Такого рода работы подчеркивали важность женского сексуального здоровья и продвигали идею женского удовольствия как необходимого элемента крепкого брака и супружеского счастья. Как видно из источников, проанализированных в данной статье, некоторые аспекты этого более благоприятного для женщин подхода к сексуальности были приняты во внимание в более поздних юридических заключениях, направленных на исправление явных ситуаций неравенства в социальном институте брака.

Ключевые слова: сексуальные права, женщины, брак, империя Аббасидов, хадисы, медицина

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GENDER AND SEXUAL RIGHTS IN EARLY ISLAM

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DOI: <http://dx.doi.org/10.24848/islmlg.11.1.03>

When early Islamic jurists outlined the marriage law, they codified a gendered model of conjugal rights and duties that privileged men over women. A similar development also took place regarding sexual rights as women's pleasure and sexual gratification became secondary to those of men. Specialists in this period of Islamic history have argued that the gender ideologies prevalent in the early Abbasid society, which enabled an androcentric definition of Islam, should be seen as the primary cause for the inequality within the Islamic marriage system. This paper aims to show that Abbasid gender ideologies, contrary to popular descriptions, were not homogenous. Two major trends in understanding female sexuality during the early Abbasid period will be discussed. The first, androcentric trend that focused primarily on male sexual gratification was in conflict with a more women-friendly attitude; the latter was advocated in a number of literary genres, including medical handbooks, popular stories, educational and ethics literature. These works accentuated the importance of female sexual health and favoured female pleasure as a necessary element for mutual sexual satisfaction and marital happiness. The paper illustrates that some aspects from this more women-friendly approach to sexuality were adopted in later legal opinions that sought to correct the most visible cases of inequality in the social institution of marriage.

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Keywords: *Sexual rights, women, marriage, Abbasid empire, ḥadīth, medicine*

INTRODUCTION: ABBASID SOCIETY AND WOMEN'S RIGHTS

When discussing women's sexual rights in Islam, many scholars and activists have pointed out the crucial role of Abbasid society, especially the first centuries of Abbasid rule (750 — c. 950 CE), in formalising what came to be regarded as 'permitted' and 'prohibited' in Muslims' marital life. It was during this period that Islam became the majority religion in many of the regions governed by Muslim rulers. Moreover, the early Abbasid era witnessed the end of the formative period of Islamic law and brought about the classical period of *tafsīr* tradition and early canonisation of Sunni and Shi'i *ḥadīth* traditions. As Islamic

law gradually became formalised in the Abbasid empire, mores and values of its society influenced individual agents, such as jurists selecting *hadīths* and Qur'an interpretations for legal guidance. Egyptian-American scholar Leila Ahmed, in her seminal book *Women and Gender in Islam* (1992) that analyses the roots of gender inequality in the Islamic legal system, argues that the gender ideology of the Abbasid society enabled an androcentric definition of Islam, as Abbasid legal authorities “interpreted the religion as intending to institute androcentric laws and an androcentric vision in all Muslim societies through time” (p. 67). These androcentric laws allowed men an easy divorce, sexual access to four wives and an unlimited number of slave concubines (and for Shi'i men, also an unlimited number of temporary wives); whereas Muslim women had to be compliant and (almost) constantly sexually available. According to Ahmed, the gender ideology in Abbasid society, especially among its dominant urban classes, was the product of an unfortunate combination of misogynist attitudes and practices that existed in the area before the Islamic conquests and the enormous wealth and slaves that were brought in by the conquests. Slavery existed worldwide at the time, but due to its riches, the Abbasid empire became a leading market for the slave trade. Moreover, concubinage with slave women was considered legal and became the standard practice for affluent men. This context enabled rich men to keep large harems with numerous slave concubines, in line with earlier practices among Persian elites (pp. 83-87).

Ahmed was not the first scholar to emphasise the detrimental impact of the Abbasid slave system on the rights of free Muslim women. The pioneering scholar of Arab women's history, Nabia Abbott, argued in her book on Abbasid imperial women that “the trio of polygamy, concubinage, and seclusion of women” under the early Abbasids resulted in circumscribed lives for free-born women and had a degenerative effect on upper-class men (Abbott, 1946, p. 8). According to her, these social phenomena brought about a decline in social and moral standards — a process that had begun already in the early Umayyad caliphate, when the normalisation of slave concubinage and large harems among the elite jeopardised the dignity of free Arab women. Ahmed, who builds on Abbott's scholarship, adds that the access to slave concubines during the Abbasid era was a contributing factor to gender discrimination in the emerging legal system. Men became used to this kind of relationship with women in which they were, by definition, masters; the result was a blurring of the categories of ‘woman’ and ‘slave’ (Ahmed, 1992, pp. 85, 86). The Moroccan feminist Fatima Mernissi also suggested that the sexual mores of Abbasid high society in general and the institution of slave concubinage, in particular, had a long-standing impact on women's rights in Islam. Free Arab women in the early Islamic community and the Umayyad caliphate were, in Mernissi's view, independent and they often exerted political influence. However, women's political position changed profoundly during the Abbasid era due to the emergence of influential royal concubines: “From this point on, on the political stage, women were no longer anything but courtesans” (Mernissi, 1996, p. 84).

In her study on marriage and slavery in early Islam, the American scholar Kecia Ali (2010) examined Abbasid legal texts on marriage and argued that they constructed an idea of marriage as a form of ownership. Many legal terms in marriage law were taken from the semantic field of commercial transactions, and the same terminology was used for signifying both the process of buying a slave and marrying a woman. For example, the term *milk* (‘ownership’) is used both for ownership of slaves and for a man's authority over a woman after paying the dowry, which gives him *milk* over his wife's sexual capacity. It was the *milk* over a woman that made sex with her lawful, whether she was a wife or a slave concubine (Ali, 2010).

In my book, *Female Sexuality in the Early Medieval Islamic World* (2020), I set out to investigate theories about and attitudes towards female sexuality in a broader range of literary works produced in the ninth and tenth centuries (the third and fourth *hijrī* centuries). I argue that the ‘gender ideology’ of the Abbasid empire was not a homogenous but complex phenomenon and that there were conflicting views on women’s sexual rights. In fact, the androcentric focus on male sexual gratification, demonstrated by the asymmetrical division of legal rights and duties in regard to sexual pleasure and satisfaction, was in contest with a more women-friendly attitude to sexuality in other disciplines. In this article, I discuss two major tendencies regarding attitudes towards female sexuality during this period. Both these tendencies can be labelled as Islamic in the sense that their advocates were Muslims (or they wrote for Muslim patrons), and they, likely, believed that their writings were in line with Islamic norms. The first tendency is the above-mentioned predisposition towards androcentric interpretations of authoritative texts, predominantly represented by jurisprudence, which disregarded women’s need for intimacy and focused primarily on that of men. The other tendency, to the contrary, accentuated the importance of female sexual health and promoted female pleasure as a necessary element for mutual sexual satisfaction and marital happiness. This second tendency was represented by a broader range of texts, including medical handbooks, belles-lettres, ethical-educational anthologies, and manuals that targeted the upper classes and were written by scholars and writers active in the imperial court. Therefore, this second tendency seems to represent an equally if not more influential gender ideology among the Abbasid elite in the period under discussion.

ABBASID MEDICAL DISCOURSE ON SEXUALITY

AS the legal principles regulating sexuality and marriage were taking their definite shape, the Abbasid caliphs initiated an extraordinary translation movement. This movement instigated the development of natural sciences, medicine, and philosophy in the Islamic world. A systematic Islamic medicine based on Greek medical science took form, and Islamic physicians embraced medical theories that circulated in the area since late Antiquity, such as ideas on sex differences and reproduction. One of the prominent theories of this kind in the field of sexuality was the emphasis on sexual health and pleasure. Following their Greek predecessors, writers of Islamic medical handbooks discussed reproductive health and connections between sexual activity and general health; these handbooks were full of suggested medical treatments for sexual dysfunctions and recipes for aphrodisiacs. Muslim physicians believed that abstinence could cause health problems and that sexual health was a central element impacting the general state of the human body. It was generally considered that sexual intercourse with moderation was necessary for good physical and mental health (Myrne, 2020, pp. 34-37).

One of the ideas inherited from Greek medicine and natural philosophy was the two-seed theory, which maintained that both men and women emitted sperms and that these sperms had to mingle in order for a child to be conceived. The theory was contested in Greek natural philosophy, but Islamic physicians in the Abbasid caliphate seemed to have adopted it unanimously. The theory was also accepted by Islamic jurists, which had an impact on purity laws. For example, the mandatory full-body ritual purification (*ghuzl*) after nocturnal emission (*ihtilām*), that is, ejaculation other than during intercourse, was also applied to women and supported by *hadīths* included in all canonical collections. Notably, according to this theory, women’s orgasm was essential for procreation. Medical authors’ interest in sexual

medicine in general and acceptance of the two-seed idea, in particular, fostered a focus on female sexuality. Most medical handbooks devoted a section to gynaecology and women's reproductive health. Women were believed to face higher risks of contracting dangerous diseases if they abstained from sexual intercourse. One such disease, mentioned by all early Islamic physicians, was uterine suffocation (Myrne, 2020, pp. 28-31). This illness was believed to be caused either by dangerous vapours produced by the dammed-up semen or by an upward womb contraction, which blocked the respiratory tract and caused suffocation. Female bodies were, therefore, seen as more vulnerable to consequences of sexual abstinence than male bodies.

The unanimous acceptance of the two-seed theory led physicians to emphasise the importance of mutual sexual pleasure, as both partners had to ejaculate sperms in order for conception to take place, preferably simultaneously. Regular sexual intercourse was also seen as the best way to prevent diseases in women caused by dammed-up semen. Therefore, al-Rāzī (d. 925 or 932), a prominent Islamic medical author from the early period, among others, gave advice to men on how to stimulate their female partner and how to recognise the signs of her reaching climax (Myrne, 2020, p. 34). Intercourse was seen as particularly beneficial for women's health in other circumstances as well. For example, some physicians claimed that intercourse was essential during pregnancy in order to keep the body temperature balanced and avoid miscarriage. Al-Rāzī, in particular, recommended intercourse for pregnant women approaching their delivery date, arguing that the resulting moist would facilitate childbirth (Myrne, 2020, p. 29).

THE FOCUS ON WOMEN'S PLEASURE IN LITERARY WORKS

AS we have seen above, the medical theory that enjoyed widespread application in the ninth and tenth centuries, emphasised the importance of sexual gratification for physical and mental health: physicians even advised men on how to ensure their wives' pleasure. These kinds of ideas were taken up also by literary works of the period. Although Abbasid society was clearly patriarchal — marriages were male-dominated, and women were supposed to obey their husbands — Abbasid belletrist and popular literature was rich with stories and anecdotes favouring female sexual pleasure: for instance, according to popular Arabic accounts, sexual intercourse is the best means of reconciliation between spouses (Myrne, 2010, pp. 152-153). Such stories were often gathered in *adab* compendia (ethical-educational and entertaining anthologies).

There was also a recurrent idea that women, by nature, had more sexual desire than men. Hypersexual women featured in many popular stories and literary traditions, many of which suggested that sexual abstinence could cause madness in women. This idea was most likely inherited from the works produced in Late Antiquity. One particular saying that circulated in Arabic-language literature claimed that if the sexual desire was divided into ten parts, then women enjoyed nine of the ten and men only one.¹ A similar idea was transmitted through

1. The idea was probably borrowed from Greek mythology. In Greek sources, it was attributed to prophet Tiresias, who lived as a woman for seven years. This Greek myth is found in *Bibliotheca*, attributed to Pseudo-Apollodorus, probably written in the first or second century CE (Myrne, 2020, pp. 57-59). A similar story from India of the same historical period introduced a man who was transformed into a woman against his will but preferred to maintain his feminine nature when given a chance to become a man again. More information on the story is available in *Anushasana Parva*, the thirteenth book of *Mahabharata*. Cf. Dhand, 2008, p. 139. In Muslim literature, the story has a Persian pre-Islamic origin and features a wise woman called Bunyāndukht, who gives advice on sex and shares her expertise. Cf. Ibn al-Nadīm, 2014; Ibn Naṣr, 2019.

a *ḥadīth* that circulated in at least two versions, in the Sunni and Shi'i traditions. The Andalusian Māliki scholar Ibn Ḥabīb (d. 853) quoted a *ḥadīth* saying that God created ten parts of *shabwa* (sexual desire) and then embedded nine parts into women and one part – into men (cf. Ibn Ḥabīb, 1992, p. 183). The Twelver Shi'i scholar al-Kulaynī (d. 939-940) devoted a section to women's nine shares of sexual desire in his *ḥadīth* collection *Kitāb al-Kāfi*. He quoted the same *ḥadīth* as Ibn Ḥabīb but attributed it to 'Alī ibn Abī Ṭālib (d. 661), adding that God gave women bashfulness, which made it possible for them to control their desire: "God created ten parts of *shabwa*, and then made nine parts in women and one part in men. Had God not given them bashfulness in proportion to their sexual appetite, every man would have nine women clinging to him" (cf. al-Kulaynī, 1981, p. 338-339; also, Myrne, 2020, p. 58).

The notion of a hypersexual woman borders to misogyny, not the least because it presupposes that women are ruled by their bodily appetites. On the other hand, this notion obliges men to take women's desires into account. From the tenth century onwards, a specific literary genre took shape that advised men on sexual matters. It combined medical knowledge with a description of various techniques, philosophy and theology with poetry and amusing anecdotes. The works in this genre formed Islamic sexual ethics in the broadest sense, aiming at enlightening the reader and teaching him (and sometimes her) good marital behaviour and sexual etiquette. The oldest extant work in this genre, *Encyclopaedia of Pleasure (Jawāmi' al-ladhdha)*, advocates mutual satisfaction as a core ingredient in an affectionate relationship and a necessity for a happy marriage. The work was probably written in the ninth century by a certain 'Alī ibn Naṣr. Unfortunately, we do not have any information about the author, except that he was a *kātib*, a secretary, perhaps, in the Buyid administration.² He relied on ninth-century courtly Arabic literature, scientific and erotic texts, written in or translated to Arabic from Greek, Syriac, Persian, and Sanskrit. Drawing on various sources, the author argued that a loving and happy marriage could only be achieved if the wife was sexually gratified, which was the husband's responsibility. Like most scholars of his time, he acknowledged the two-seed theory, but, according to him, the mingling of the two sperms was necessary not only for conceiving a child but also for maintaining a loving and harmonious relationship. Consequently, he instructed his male readers on how to achieve simultaneous orgasm with their wives. Alī ibn Naṣr suggested that a man should seek women's love and know how to please them; but that he should never force himself upon a woman but instead endeavour to make her desire him (Myrne 2020, p. 34-35). 'Alī ibn Naṣr recognised this code of behaviour as part of Islamic sexual ethics. According to him, God granted women a greater share of desire so that they submitted to their husband's sexual advances. Thus, reproduction depended on women's readiness to have intercourse; coercion was not an option. Women's enthusiasm was also seen as a prerequisite for male sexual pleasure: because free women were expected to be bashful, authors of erotic manuals instructed men on how to recognise signs of arousal (Myrne, 2020, p. 34).

Predictably, lustful women were often featured in erotic literature, but not only there: an ideal woman was described as passionate and lascivious across many genres and disciplines (Myrne, 2020, pp. 36, 64, 82-85). Such an image was also endorsed in *ḥadīth* and *tafsīr* texts that directed women to see only their husbands as an object of lust; bashfulness and endurance were supposed to be women's instruments of controlling their excessive sexual appetite. According to a *ḥadīth* attributed by al-Kulaynī to the Prophet, an ideal woman is chaste

2. Like most works in this genre, *Jawāmi' al-ladhdha* by 'Alī ibn Naṣr lacks a critical edition. The best available edition is that of 'Abdallāh 'Abd al-Rahīm al-Sūdānī (2019). For more on the issues related to women in this book, see Myrne, 2020, Ch. 2.

(*ʿafifa*) but lustful (*ghalima*) towards her husband (al-Kulaynī, 1981, p. 324); a similar saying is attributed to ‘Alī ibn Abī Ṭālib by the ninth-century author Ibn Qutayba (cf. Ibn Qutayba, 1930, pp. 2, 4). Female companions in Paradise, described in Qur’anic exegesis, are imagined in a similar way. According to the sources quoted by al-Ṭabarī (d. 923) in his famous *tafsīr*, female companions of a righteous Muslim in Paradise, whether they are earthly wives transformed to young virgins or houris, will love and obey their husband, feel sexual attraction to him and act affectionately towards him (cf. al-Ṭabarī, 2001, pp. 323-328).³

HADĪTH AND TAFSĪR LITERATURE ON WOMEN’S PLEASURE

Although sources recognised this lustfulness in women, this knowledge did not necessarily result in advocating their right to pleasure. The main body of *ḥadīth* literature produced in the early Abbasid period focuses primarily on men’s pleasure (to be discussed further). Only occasionally was there a mention of the need to seek women’s or partners’ mutual satisfaction. For instance, one early *ḥadīth*, quoted by ‘Abd al-Razzāq al-Ṣan‘ānī (d. 827), drew attention to women’s sexual needs. According to al-Ṣan‘ānī, the Prophet Muḥammad instructed, “When the man has intercourse with his wife he should give her dowry [*mabr*], and if he accomplishes his, but she has not accomplished her want, he should not hurry her” (al-Ṣan‘ānī, 1970, p. 194). The *ḥadīth* instructs that the husband is not only obliged to give the wife monetary compensation after consummation of the marriage, but he should also see to her sexual satisfaction. The meaning is even more apparent in a later rendering of the *ḥadīth*, found in the collections of the tenth-century scholars Abū Ya‘lā al-Mawṣilī (cf. Abū Ya‘lā al-Mawṣilī, 1989, p. 208-209) and Ibn ‘Adī (cf. Ibn ‘Adī, n.d., p. 150). After “he should not hurry her”, they add, “until she accomplishes her want”, and, Ibn ‘Adī continues, “like he wants to accomplish his want”. With this addition, the *ḥadīth* puts together the payment of *mabr* and the wife’s sexual gratification and clarifies that both are her conjugal right.

As pointed out by Karen Bauer (2007), a few Qur’an commentators, drawing on verse 2:228, concluded that women had equal rights to intimacy and sex. The phrase *lahunna mithlu lladhī ‘alayhinna* (“And women shall have rights similar to the rights against them”)⁴ meant, according to them, that both men and women had the same rights to sexual gratification in marriage (Bauer 2007, pp. 63-64). Al-Shāfi‘ī, as quoted by al-Naysābūrī (d. 1065), added that free wives had their right not only to sex but also to receive it promptly and without the husband’s complaint (as much as men had the right to ask the same from their wives); a similar interpretation is offered by philologist and Qur’an interpreter al-Zajjāj (d. 923) (Bauer, 2007, 58-106).

However, these offered explanations are in contradiction to the dominant reading of this verse, which suggests that women have rights but not of the same kind as men do. This tendency to interpret this excerpt in a way unfavourable to women was prompted by the subsequent phrase to verse 2:228: *wa-lil-rijāl ‘alayhinna darajatum* (“but men have a degree (of advantage) over them”), which was understood as a legitimisation of male domination in marriage.

A discursive shift towards privileging men’s right to pleasure could also be recognised in the widely-accepted interpretation of verse 2:223 (at least in the reading of its first part): *nisā’ukum ḥarthun lakum fa-tū ḥarthakum ‘annā shi’tum* (“Your wives are as a tilth unto

3. More on the topic of female companions, see Rustomji, 2009.

4. Translation of Qur’anic verses into English here and elsewhere in the paper draws on the work by ‘Abdullah Yūsuf ‘Alī. Cf. <https://quran.com/>. Accessed November 11, 2021.

you; so approach your tilth when or how ye will”). According to the early *tafsīr* by Muqātil ibn Sulaymān (d. 767), a clash of sexual norms between the Jews and the newly arrived Muslims in Yathrib was the motive behind the revelation of verse 2:223 (cf. Ibn Sulaymān, 1975, p. 192). When the Muslims settled down in Medina, they were told by the local Jewish inhabitants that the only permitted sex position was the man-on-top position with the woman lying on her back. Muslims complained about this to the Prophet, for they were used to having more freedom in sexual matters. Then came the revelation of the verse and gave Muslims permission to have sex the way they wished, as long as it was vaginal. Muqātil’s interpretation is, above all, a polemic against the Jews; he presents Islam as a more sex-positive religion than Judaism, with more lenient rules for marital relations. Implicitly, this interpretation is also favourable for women because, at least in theory, they might also enjoy varied sex life.

However, later interpretations of this verse ensured that the freedom regarding when and how to engage in intercourse was given to men only. Dominant readings of this excerpt moved towards an invalidation of women’s consent; they also legitimised sexual coercion under the premise that men’s gain in sexual enjoyment was women’s loss. Some interpretations from the latter half of the ninth century onwards granted a man the right to choose a sex position if his wife refused to consent to his sexual wishes. Hence, a man was given the right to have sex with his wife the way he wanted, even if this happened while his wife explicitly refused to engage in the act (Myrne, 2020, pp. 73-77). Such discriminatory explanations became widespread, and in the tradition-based exegesis by al-Suyūfī (d. 911/ 1505), as many as 36 *ḥadīths* out of 101 discuss situations when one or several women oppose their husband’s sexual behaviour. This interpretational shift made women obliged to submit to their husband’s sexual wishes, even when they felt aversion.

EARLY LEGAL DISCOURSE ON SEXUAL RIGHTS

The first part of the discussion presented in this paper has shown that literary and medical work produced in the early Abbasid period did recognise women’s rights to pleasure, sexual desire and marital happiness. Yet as early jurists outlined the marriage law according to a gendered division of conjugal rights, they disregarded traditions that favoured women’s sexual gratification. Instead, the juridical norm shifted the focus to men’s right to pleasure and sexual satisfaction, grounding their legislation on selected *ḥadīths* and *tafsīr*. In doing so, they ignored the medical advice on female seed — that severe diseases could be caused by the withholding of female orgasm — despite the overall acceptance of the two-seed theory. Out of the two commitments mentioned in the *ḥadīth* quoted by ‘Abd al-Razzāq above — paying the dowry after consummation of the marriage and seeking the wife’s pleasure — only the first one became obligatory. The payment had to take place within a year, but according to the majority of early jurists, men were not legally required to have intimate relations with their wives after that. Although juridical prescriptions admitted that women might have sexual needs, they stated that wives had no legal claim to sex. Muslim wives had the right to financial support as long as they obeyed their husbands, which meant that women had to be always sexually available and did not leave the house without their husband’s permission. The wife was legally prohibited from rejecting her husband or doing anything that forbade sexual intercourse, such as performing a voluntary fast (Ali, 2010, p. 95). Moreover, polygyny was legalised as the norm and slave concubinage — endorsed, which further enhanced men’s sexual privilege.

A husband's sexual claims on his wife were supported by a number of *ḥadīths* that were later added to canonical collections. According to these *ḥadīths*, women were required to submit to their husband's sexual demands in all circumstances, even those that were not most convenient for having intercourse: for instance, when women were cooking or sitting on a camel's saddle (Myrne, 2020, pp. 72-73). The legal term for the husband's sexual claim on his wife was *istimtā'*, meaning 'enjoyment' or *istimtā' bibā* 'derive pleasure from her' (Ali, 2010, p. 71). Implicit in this legal term was his right to have sex with her in a way that gave *him* pleasure. The term acquired this meaning through the opinions of authoritative scholars who maintained that pleasing and obeying her husband were a women's obligation; wives, for instance, were required to ensure they always looked beautiful and attractive in their husbands' presence. According to Shi'i scholar al-Kulaynī, a man had the right to demand from his wife that she wore pleasant perfume and put on her most beautiful clothes; women were supposed to appear before their husbands in such a way early in the morning, as well as late in the evening (cf. al-Kulaynī, 1981, p. 508). Karen Bauer also provides an example of philologist and Qur'an interpreter al-Wāḥidī (d. 468/1076) from Nishapur, who saw as signs of wifely disobedience not only a refusal to sexual intercourse but also inattention to things that enhanced a man's sexual experience (Bauer, 2007, p. 162). By and large, sexual coercion in marriage was not prohibited, but, ideally, a woman was expected to submit to her husband willingly and even happily. Some scholars acknowledged that this was not easy to achieve. Al-Ṭabarī, for instance, admitted that men could not command their wives to love them, even if they wished that; women were legally bound only to obey them (Bauer, 2007, p. 162).

Despite this close attention to men's rights, Muslim jurists were not unaware of women's needs for intimacy. They stipulated that a wife had the right to companionship and that a husband had to divide his time equally between his free wives. A slave concubine could not make such a claim, and her master could spend as much (or as little) time with her as he wished, even if it meant relegating less time for his free wives. The claim to companionship did not necessarily mean sexual relations, and a husband did not have to treat multiple wives fairly in regard to sex. Yet, not all jurists were unanimous in this matter. Whereas al-Shāfi'ī (d. 820) denied a wife any claims to intimate relations, Mālikī jurists acknowledged that total deprivation of sexual intimacy could harm her, and could therefore become a ground for divorce (Ali, 2010, pp. 118-119). Thus, it was not so much a woman's natural desire that grounded her right to intimacy, but a possibility of harm being inflicted, caused by sexual deprivation. The kind of harm, which remained undefined, had to be evaluated individually. Jurists did not negotiate a minimum frequency for a husband to have sexual relations with his wife. As a result, women had little legal support if they wanted to escape a sexless marriage; and when they did have reasonable grounds for a court appeal, their requests had to be processed on a case-by-case basis.

We can assume that Muslim jurists regarded a husband's sexual intimacy with his wives as an issue of moral duty. However, as long as only men's rights were legally valid and endorsed, the resulting inequality was blatant. The asymmetric division of sexual rights and responsibilities in early Islamic legal discourse affects the overall institute of marriage. Some jurists, despite the majority consensus, however, made some concessions to accommodate women's non-material needs: eventually, in a number of legal schools, a wife was given the right to have conjugal relations with her husband at least once within a fixed period, commonly every fourth month (Ali, 2010). Another example of a concession to women's rights is a legal discussion around a common method of contraception through withdrawal (*coitus interruptus*).

If early jurists justified the practice primarily by arguing that men had the right to engage in sexual relations with their slaves without necessarily begetting children, in the debates of the later period, a woman's right to pleasure was placed higher: a husband was legally required to get permission from his wife before withdrawing, for free women could claim their right to have children and experience satisfaction of their sexual desire. Such a view was, for instance, advocated by twelfth-century Ḥanafī jurist al-Kāsānī (cf. al-Kāsānī, 2003, p. 334) and Ḥanbalī jurist Ibn Qudāma (d. 1223). The latter wrote that the practice of *coitus interruptus* with free wives was *makrūb* (a disliked but not forbidden act) because it resulted in less progeny and “cut the pleasure of a woman” (cf. Ibn Qudāma, 1997, p. 228). Shāfi'ī jurist al-Shīrāzī (d. 1083), to the contrary, maintained that a man did not need his wives' consent, because free women had only the right to pleasure (which they still could experience), but not to children (cf. al-Shīrāzī, 1992, p. 235).

DISCUSSION AND CONCLUSION

The discussion presented in the paper shows that in the early period of Islam, several major assumptions constituted the basis for safeguarding women's sexual satisfaction in marriage: ideas borrowed from medical discourse about possible health risks connected to sexual abstinence; a popular notion of women possessing higher (or a bigger share of) libido than men; and requirements postulated in ethics literature that it was a husband's duty to satisfy his wives' sexual desires. Legal discourse, as long as it recognised the notion of female seed, implicitly suggested that women were particularly vulnerable to health risks caused by sexual deprivation. However, the dominant voice among early Islamic jurists advocated a gendered model of conjugal rights and duties. As a result, men were given practically exclusive rights to sexual satisfaction, whereas women could by law claim means of material support. Such a division of rights was grounded in interpretations of a number of selected *ḥadīths* that privileged men, in general, whereas other traditions that could be seen as promoting mutual pleasure were disregarded. This development was remarkable considering the weight that was put on women's sexual appetite and desire in the early Islamic world. Also, there were examples from other patriarchal societies, where legislators handled women's need for sexual satisfaction without necessarily challenging the gender hierarchy: in Jewish law, for instance, a wife's duty was to manage the household, not to be sexually available; it also prohibited sexual coercion and allowed a wife to claim regular sex if she desired it (Biale, 1984; Boyarin, 1993).

The question is: why did Islamic jurists opt for such an asymmetric distribution of conjugal rights and duties? This probably happened because the legal community was strictly homosocial, i.e. male-dominated, and it provided responses to 'social illnesses' from a clearly androcentric perspective. In order to confront the presumably 'loose' morals in Abbasid urban centres, early Islamic law standardised marital behaviour that minimised risks of engaging in extramarital sex. A wife was restricted from going out on her own and, usually, had few chances to do so. A man, who could move freely, was believed to face many temptations, for instance, through the accessibility of courtesans and possibilities to engage in relations with slaves of both genders. It is against this background that we should understand the jurists' appeal to Muslim wives to be sexually attractive and make efforts to seduce their husbands.

The outcome, which was obviously disadvantageous for women, drew on a combination of two systems, i.e., two different conceptions of sexual rights. As Azam (2015) identified

them, these systems were specific to the Near East in the period of the Late Antiquity. The first system – the “proprietary conception” – regarded a woman’s sexuality as a commodity that belonged to the male kin or her husband. When a woman was married off, the groom typically paid a bridewealth to her father or other male kin. The bridewealth was the price for her sexual, and thereby reproductive, capacity. According to the second conception, which Azam labelled as the “theocentric conception”, sexuality was governed by divine law. Each individual, regardless of gender, was seen as a moral agent accountable to God for their actions. Consequently, a woman, not her kin, was the ‘owner’ of her sexuality, as she was responsible in front of God for what she did with it. The theocentric conception came to the Near East with the early monotheistic religions and was later embraced by Islam.

The classical Islamic schools of law adopted a mix of both conceptions. A woman was regarded as an individual moral subject, but she could not contract a marriage herself; her father or another close male relative had to be her guardian and marry her off.⁵ If she was a virgin, her consent was not needed, which meant that her father could legally marry her off against her will. Dowry and maintenance were understood as monetary compensation, in accordance with the proprietary conception, for a husband’s exclusive right to a woman’s sexual capacity and progeny. However, the compensation had to be paid to the woman and not her male kin. The husband’s maintenance of his wife during the marriage – paying for food, clothes, and other needs in accordance with her social standing – was obligatory only as long as she was sexually available to him. For the early jurists, maintenance was linked to the wife’s sexual availability, that is, her willingness to submit to sex. According to the early legal texts, the wife was not obliged to do household chores, and the husband could not withdraw his maintenance if she refused to do cleaning and cooking duties.

The proprietary conception of female sexuality is most evident in regard to female slaves: the idea of ownership gave a man the legal right to sexual intercourse with his slave if she was unmarried. Even if the slave was married, the owner had some property rights to her sexual capacity. The owner, for instance, had the right to marry her off without her consent; the dowry became then the owner’s property (Ali, 2010, pp. 40, 67). The slave masters also had property rights to any child born in the marriages that included their female slave, regardless of whether the father was their slave or not. Perhaps it was precisely the analogy between marriage and slavery that made Islamic jurists often completely ignore women’s needs and desires. The dominant perception was that upon receiving the monetary compensation, dowry and maintenance, women had traded their sexual capacity and had no longer a say over it (Ali, 2010).

Clearly, the system produced by this analogy could be barely tolerated by free Muslim women. Therefore, we see that some later jurists slightly moderated the most blatant inequalities: for example, women were given the legal right to intercourse at least once every fourth month. The fact that legal discourse changed over time shows that it adapted to a prevailing sense of justice in society, in this case, to more women-friendly ideas that were promoted in medical and ethical discourses. However, the marriage system, with its gendered distribution of rights and duties, remained hierarchical. Whereas men’s right to sexual pleasure was safeguarded in legal literature, religious scholars who acknowledged women’s needs for intimacy had to rely on non-legal discourses. For instance, when al-Ghazālī (d. 1111) in his

5. The jurists did not unanimously agree on this matter; however, the majority of the Ḥanafī school authorised women to marry without guardians (Ali, 2010, pp. 41-42).

Iḥyā' instructed men to ensure that their wives were satisfied, he was probably influenced by ideas on the importance of female sexual satisfaction promoted in medical discourse, as well as, indirectly, by the advice gathered in a tenth-century manual of sexual etiquette and medicine, the *Encyclopaedia of Pleasure* (Myrne, 2020, pp. 86-87). A *ḥadīth* cited by al-Ghazālī, which contains a similar message, was not quoted in the previous extant *ḥadīth* compendia. While the *Encyclopaedia of Pleasure* was directed to cultured bureaucrats in the urban centres of the Abbasid empire, the advice in *Iḥyā'* was modified to suit a broader and more pious readership. Elements considered un-Islamic — such as homosexual desire and extramarital love, which were tolerated in the world of the *Encyclopaedia of Pleasure* — were obviously eliminated in *Iḥyā'*. Some centuries later, the Shāfi'ī scholar al-Suyūṭī (d. 1505) relied explicitly on the *Encyclopaedia of Pleasure* in his works on matrimonial sexual relations (Myrne, 2018). Like al-Ghazālī, he erased all references to extramarital sexual relationships (including homosexual ones); but unlike the predecessor, he did not dissuade sexual excess as long as the activities remained within legal bounds. The first part of his marriage manual *al-Wishāḥ fī fawā'id al-nikāḥ* focuses solely on men's right to indulge in sexual pleasure (including with slave concubines) based on *ḥadīths* and opinions advocated by religious authorities. The latter part of the book that relies on the *Encyclopaedia of Pleasure*, medicine and belletrist literature, treats, among other things, women's needs for pleasure and provides advice on how to satisfy them.

Though scattered across various sources, these examples illustrate the enduring need in Muslim societies to look beyond legal norms rooted in a particular historical setting when addressing people's needs and concerns. They also show that what I have labelled as a "women-friendly attitude" in some (Arab-Islamic) discourses was a living tradition. Early Abbasid sources were reused and adapted to new readerships, but the main idea remained the same: marital happiness was not possible without taking the needs of both partners into account.

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