



## The Prophet Mohammed Doesn't Need Courts to Protect Him

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The European Court of Human Rights in Strasbourg, France, made a controversial decision on Oct. 25 about an Austrian woman (publicly identified only as “E.S.”) who had publicly condemned Mohammed, the prophet of Islam, as a pedophile. For this, she was fined in 2011 by an Austrian court, which convicted her of violating a national law against “disparaging religion.” In return, she appealed to the European Court of Human Rights, arguing that her freedom of speech had been curtailed. No, not really, the ECHR responded, decreeing that her accusation against the Prophet Mohammed was wrong and offensive, and that she deserved to be fined for “stirring up prejudice and putting at risk religious peace.”

Judging by the media reaction, many Muslims seem to have welcomed the ECHR decision. And as a Muslim myself, one who deeply cares about the honor of the Prophet Mohammed, I think the substance of the court’s factual analysis was correct: I do agree that Mohammed was *not* a pedophile and that it’s wrong and offensive to depict him as such. Yet I also believe that this decision was no cause to celebrate. It neither helps Muslims nor our religion for those who believe otherwise to be silenced. Ultimately, Europe’s court interventions may serve to stoke Islamophobia, rather than promote integration.

Let’s begin with the scriptural details at issue in the Austrian woman’s case—namely, the marriage of the Prophet Mohammed with Aisha, the daughter of Abu-Bakr, who was the prophet’s closest companion and would become his first successor, or caliph. In the Islamic tradition, we read that this was a happy marriage, and when the prophet passed away in the year 632, he was in Aisha’s arms. In her later life, Aisha also became a powerful figure in early Islam, championing political causes and even leading armies.

The problem is that when she was married to the prophet, Aisha was allegedly scandalously young. This is recorded in *Sahih Bukhari*, the most authoritative collection of hadiths, or reported words and deeds of the prophet. “The Prophet engaged me when I was a girl of 6 (years),” Aisha reportedly said, adding that the marriage was consummated three years later. “Unexpectedly Allah’s Apostle came to me in the forenoon and my mother handed me over to him, and at that time I was a girl of 9 years of age.”

This, of course, is a shocking thing to read today—and has been the basis of accusations of pedophilia thrown at the Prophet Mohammed, by E.S. in Austria and some other anti-Islam activists. In return, however, there are two important points to be made.

The first is that that we do not have to accept that Aisha was really 9 years old when her marriage was consummated. Yes, it is written that way in *Sahih Bukhari*, but this was a collection of oral narratives compiled some two centuries after the fact. While it has been considered as sacrosanct by most Sunni traditionalists, it has faced many criticisms and doubts, by modern Muslims on a plenty of issues. In particular, its story of the marriage age of Aisha has been disputed by a wide range of contemporary Muslim commentators. Either by calculations based on the age of Aisha's sister, the timeline of other relevant events, or the Quranic references to the marriage age, they infer that Aisha must have been much older.

The second point is that all these Muslim second thoughts about the age of Aisha appeared in the modern age, because this issue was never previously an object of critique. The reason is that the minimum marriage age the West has in mind today, which is typically 18, is a modern achievement. Throughout much of human history, however, puberty was seen as the legitimate age for marriage. People lived much shorter lives, children had no formal education to finish, and what we abhor as “child marriage” today was simply normal.

The ECHR decision was right to point to this gap in historical context. “Child marriages were not the same as paedophilia,” the court explained, adding “[they] were not only a phenomenon of Islam, but also used to be widespread among the European ruling dynasties.” In fact, there are records of extremely young brides even in the American colonies—in Virginia, in 1689, a 9-year-old Mary Hathaway married to a man named William Williams.

So historical context matters, and the prophet Mohammed was ultimately a mortal human being who lived in the context of his own time. (He was not an “object of religious veneration,” as the ECHR decision mistakenly described him, but a mere messenger of God.) Judging him according to our modern standards would be unfair, as it would be to the Old Testament patriarchs and prophets who had polygamous marriages, even concubines.

Such are the arguments I, as a Muslim, would raise against the Austrian E.S. and others who would defame my prophet. But would I also want them to be silenced by courts?

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