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THE RELIGIOUS AND MARITAL IMPLICATIONS OF WOMEN MENSTRUATION: AN ISLAMIC JURISPRUDENTS' VIEWPOINT

Adebayo, Rafiu Ibrahim

Introduction

The issue of inequality between male and female, the subjection of women to indignities and humiliation, as well as reference to them as mothers of all human ills and sources of misery and dishonour to the family by some cultures and civilizations was largely attributed to their monthly menstrual flow consequent upon the consumption of the forbidden fruit by Eve.¹ The status of women in the society was thus hampered by the monthly menstrual discharge over which they have no power to stop or control. There are myths associated with women menstruation. To the Jews, a woman in her menstruation period is unclean and so should not be touched or else that person would also become unclean. Apart from being unclean, her chairs, boudoir, bed and clothes are also unclean. Whoever touches her bed shall wash his clothes and bathe himself in water (The Holy Bible: Leviticus 15; 19-33). To guard against this however, many people go to the extreme of avoiding any physical contact with menstruating women. Al-Qaradawi reported that during the pre-Islamic period, when women were menstruating, the Arabs would not eat, drink or sit with them. Some even went to the extent of sending them out of their abode and they were allowed back to their domicile only after their menstruation.²

In Yorubaland, a woman in menstruation is considered dangerous, and as such, she is not allowed to go to farm because if she does, she could damage crops, and if she enters a poultry or animal farm, she could cause them to abort. Her presence in any ritual sacrifice could make it unacceptable and could render any charm ineffective.³ In some cultures, a menstruating woman is not allowed to touch any raw food or even cooked ones; and it is equally believed that mere fall of her shadow on a pregnant woman could lead to miscarriage in such a woman.⁴ In Bengali culture, a menstruating woman should keep in-door, as she may be attacked by evil spirits that can make her infertile. She should not also take certain food, meat, egg, fish and leafy vegetables during her menses, as they are believed to increase her polluted state. It is equally in this culture that a menstruating woman is not only considered unclean, but also harmful to her husband, hence, she should not sleep with him. She must not go near cows, because if she does, the cows would produce less milk and become ill. She should not also visit ill people or mothers who have just put to bed, as this could bring harm or cause illness. Mere touching of the container where rice is stored by a menstruating

woman may adversely affect rice production and this may have devastating effect on the entire family.⁵

Apart from this attitude to menstruation and menstruating women in some cultures, some still go to the extreme of having sexual intercourse with menstruating women with no regard for the blood. Such people see no medical implication on having sexual cohabitation with menstruating women.⁶ To them, there is no danger in that. The big question therefore is, which of these views must a Muslim share? Which camp must he belong? Without much sweat, Islam, as comprehensive as it is, leaves no stone unturned; it has a say on menstruation and menstruating women. The concern of this paper therefore is to consider the stand of Islam on this issue, so that Muslims may not be wobbled by various beliefs of other unIslamic cultures.

Genesis of Menstruation

Menstruation is as old as women. With all the available materials within our reach, it is not easy to say when precisely it started. However, Naysaburiy quoted Tha^clabi as saying that the monthly blood discharge of women came as a result of the consumption of the forbidden fruit by Adam and Eve.⁷ The story has it that it was Eve who first took the fruit, and when it got to her stomach, it started bleeding, and thus, Allah concluded that Eve should be bleeding every month just as the fruit bled. This story is subject to debate, as one is not sure whether Eve actually menstruated or not in the Garden prior to this. We are not equally sure of the number of years the couples spent in the Garden before their exit, to be able to determine whether or not Eve attained the age of puberty when the blood discharge was supposed to start.

Scientifically, menstruation occurs due to non-fertilization of the ovum produced from the ovary of a woman twelve or fourteen days after the release of the egg once in about four weeks. During the time of ovulation, the lining of the uterus becomes thicker with additional layers of cells into which the ovum sinks if fertilized. During this time also, blood supply is increased. As a result of the non-fertilization of the ovum, the new uterine lining disintegrates and the unwanted cells, a certain amount of blood and mucus are lost through the cervix and vagina and this is what is being referred to as menstrual flow.

Menstruation and the Jurists

Muslim jurists have tried to give a vivid description of women menstrual blood. In their studies, they are able to identify different colours of the blood, the signs of its approach and duration of its discharge. These are discussed briefly here.

i. *Colour of menstruation blood:*

According to San^cani, menstrual flow can be dark in colour. At times, it may be reddish, yellowish or dingy in colour.⁹ This is equally confirmed by Abu Dawud who claimed that the blood is a dark recognizable blood.¹⁰

ii. *Age of menstruation:*

It is unanimously agreed upon by scholars that the minimum age for commencing menstruation is eight years. Expectedly, a girl under this age and a woman in her after-birth-bleeding cannot menstruate. Scholars are not unanimous as per the maximum age for women to reach menopause. According to Abu Hanifah, it is between fifty-five and sixty years, while to Ahmad, it is fifty years.¹¹ However, the view of Imam Malik that the menopause age could not be actually determined appeals to us, as the climatic and environmental conditions of an area could be a determinant factor for this.¹² Meanwhile, this view should be understood on the fact that a universal menopause age may not be applicable to all, but it can be determined for those areas within the same climatic and environmental conditions.

iii. *Duration:*

According to Imam Shafi'i and Imam Ahmad, the minimum duration for observing menstruation is a day and a night, and its maximum is fifteen days. To Imam Abu Hanifah, the minimum duration is three days while the maximum is ten. In the opinion of Imam Malik, the duration of menses of a woman depends on the nature of such a woman. To him, the minimum duration could not be fixed, as it could be for an hour or even a gush of blood. For a woman who is a beginner (someone who has just commenced menstruation for the first time in her life), the longest period of menstruation is fifteen days and for a woman who is accustomed to it, it is her usual number of days which is between three and fifteen days.¹⁴

As for a pregnant woman who has miscarriage after three months of pregnancy, her *hayd* (menstruation) lasts fifteen days or thereabout. If it happens after six months, the blood may flow for about twenty days. If the blood flows intermittently, then she adds up the number of the days until she completes her normal menstrual period.¹⁵

The menses stops when the pad becomes dried or with the discharge of whitish lotion from the private part of the woman. However, if the blood does not stop after fifteen days, which is the maximum number of days allowed for menstruation in Islam, the woman should seek medical assistance. She should perform the ritual bath of *hayd* and resumes her religious activities, as she is no longer considered to be menstruating, but rather, she is hemorrhagic. This is in line with an *hadith* narrated by 'Aishah that when Fatimah bint Abu Hubaish had her blood of menses kept flowing beyond the normal days, the Prophet ordered her to perform ablution and pray.¹⁶

Significance of Menstruation

The flow of menstruation in a woman is a sign to show that she has reached the age of puberty and this marks the beginning of her religious responsibility. A woman of this age is expected not to display her adornment

which includes both natural features such as the hair and other attractive parts of the body; and artificial enhancement of beauty such as the dress, ornaments, make-up and the like. Once 'Aishah's sister came to the Prophet dressed in transparent clothes which revealed her body. The Prophet averted his gaze and told her: "Asma', when a woman begins to menstruate, nothing should be seen of her except this and this;" and he pointed to his face and hands,¹⁷

Apart from the above, the flow of menstruation is a sign that the woman is ripe enough to be legally cohabited with, and a time during which marriage can be consummated. A good example of this is that of 'Aishah who was married to the Prophet at a tender age of six. By this age, she was too small to be cohabited with; hence the Prophet did not touch her until she was nine years old when probably she commenced her menstruation.¹⁸

Furthermore, menstruation indicates to a woman that she is still in the period of life when she can conceive children, and it is an indication that she has not conceived. It is as a result of this that it is prescribed in Islam that if a woman of this stage is divorced by her husband, she has to observe '*iddah*' to determine whether she is pregnant or not. '*Iddah*' is a term of probation before a divorced woman can remarry. The length of the term is that of three periods of purity in the case of a free woman, and of two in case of a slave woman. If after accomplishing the '*iddah*', a repudiated woman remarries and has a child within six months, the child will be affiliated to the husband for whom she kept the '*iddah*', while her second marriage is voided by judicial decree. Therefore, menstruation is an effective measure of calculating the '*iddah*' of a woman in that category. As such, the '*iddah*' of a woman who still menstruates is three menstrual periods; for the one who has passed the age of menstruation it is three months, while that of a woman who does not menstruate due to her pregnancy is until she delivers what is in her womb.

Closely related to the above is the association of menstruation to '*istibra*'. '*Istibra*' is the term of purification which a woman who has illicit intercourse with a man other than her husband will observe to ascertain whether she is pregnant or not. It is equally imposed upon a Muslim on acquiring a female slave, or when proposing to sell or marry her. In such a case, its duration is that of one menstrual period.²⁰

Finally, the menstrual period is used to calculate date of delivery of a pregnant woman. This can be done by adding ten days to the date of the first day of the last menstrual period, subtracting three months from the month in which the period occurred, and then adding one year.²¹ By illustration, if the last menstrual period of a pregnant woman is 4th April 2008, when is the woman due for delivery?

Last menstrual period	4 / 4 / 2008
Add 10 days	<u>+10</u>

14 / 4 / 2008

Subtract 3 months	$\begin{array}{r} - 3 \\ \hline 14/ 1 /2008 \end{array}$
Add 1 year	$\begin{array}{r} + 1 \\ \hline 14/ 1 /2009 \end{array}$
Estimated date of delivery	

Religious Implications of Menstruation

A menstruating woman is not expected to perform *salat* until when the menstruation blood stops and she takes bath. It is narrated by A'ishah that Fatimah bint Abi Hubaish used to have bleeding in between the periods. So, she asked the Prophet and he replied that she should give up the prayers when the real menses begin and when it has stopped she should take bath and start praying.²² Though the case reported to the Prophet was a case of hemorrhage, the response of the Prophet indicates that a menstruating woman should forgo her prayers during the period. By implication, she will not make up any *salat* she did not perform during the period. Just like *salat*, a menstruating woman is not expected to fast, but if she misses any number of days during the obligatory Ramadan fast, she has to make up the missed fast after Ramadan. This is in line with the *Hadith* recorded by both Bukhari and Muslim and narrated by 'Ai'shah that:

When we had our menses during the lifetime of the Messenger of Allah, we were ordered to make up the days of fasting that we had missed but we were not ordered to make up the prayers that we had missed.²³

In the same vein, it is unlawful for a menstruating woman to circumambulate the *Ka'bah*, It is on record that 'Aishah reported that the Prophet entered her apartment and found her crying. He then suspected that her inability to carry out her religious rites of *hajj* because of her monthly course was the cause of her weeping. After confirming this, the Prophet remarked:

This is a matter inscribed by Allah Almighty, for all daughters of Adam. You should perform all the rites of *hajj*, except *tawaf*, which you should perform after taking a complete bath (when you are clean).²⁴

Also a woman in her menses should not embark on spiritual retreat (*I'tikaf*). If her menstruation starts while she is still in *I'tikaf*, she should stop it and go out of the mosque only to restart it after the stoppage of the blood.

The Holy Qur'an declares that "this indeed is a noble Qur'an in a well preserved Book. None shall touch it except those who are in state of purity" (Q56: 77-79). To this end, a menstruating woman is not allowed to carry, handle or touch a complete Qur'an. She is however allowed to touch a part of it or recite it only when necessary.

Marital Implications of Menstruation

One of the conditions to be fulfilled before marriage could be considered repudiated is that it must take place whilst the wife is in a state of purity and not during the period of menstruation. If a husband repudiates his wife during her menstrual period, he shall be constrained to take her back. A pointer to this happened during the lifetime of the Prophet when Ibn 'Umar divorced his wife while she was menstruating. When this was brought to the notice of the Prophet, he declared the divorce as illegal and asked Ibn 'Umar to take her back.²⁶ Our observation is that this step is a measure to discourage divorce in Islam. It is a measure to guard against divorce, which might be aggravated by the husband's non-accessibility to sexual intercourse with the wife while she is menstruating. In a plain language, reconciliation may be difficult between the husband and the wife while she is in her menstrual period owing to the temporary cessation of sexual relations between them. That apart, it is discovered that some women become hot and bad tempered during their menses and this may develop to unwarranted emotion which may be offensive to the husband and which if care is not taken, may lead to the repudiation of the marriage, hence such a condition is stipulated.

Scholars like Derek and Werner do not believe that menstruating women are in a state of impurity, and that there is no medical reason why a woman who desires sexual intercourse during menstruation should not have it. The Jews on the other hand abstain totally from their women during the period. The Qur'an however, states on menstruation thus:

They ask you (O Muhammad.) concerning menstruation. Say: It is a hurt, so keep away from women in their courses, and do not approach them until they are clean. But when they have purified themselves, you may approach them as ordained for you by Allah, for Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean (Q2: 222).

When the above verse was revealed to the Prophet, some people did not understand the phrase "keep away from women ..." thinking that they were not to allow them to be in the same house during the menstrual period." The Prophet thus explained this further, saying: "I ordered you to refrain from having intercourse with menstruating women and did not tell you to send them out of the house as the foreigners do."²⁷

Some *ahadith* on menstruation and men's attitude to it suggest that the Muslims needed some clarification as per their relationship with their wives during the period, and to which the Prophet took pain to properly explain to them. It is on record that a man asked the Apostle of Allah whether it was right for him to approach his wife when she was menstruating. The Prophet answered; "Tie over her drawers or skirts and then you may press over those."²⁸ This is a clear

manifestation of the fact that women are not demons that must be run away from during their menses. It is equally reported that once 'Umar came to the Prophet' saying: "Messenger of Allah, I am ruined." "What has ruined you?" asked the Prophet. He replied: "Last night I turned my wife over"; meaning that he had _ vaginal intercourse with his wife from the back. The Prophet did not say anything to him until the verse "your wives are tilth to you, so go to your tilth as you will" was revealed. Then he told him: "from the front or the back, but avoid the anus and intercourse during menstruation."²⁹

The Prophet was fully aware of the existing conflicting beliefs of different cultures on menstruation and the likely transference of such to Muslims. He thus demonstrated to them the extent of dealing with women while in that state. Once his wife, Aishah was lying with him, covered with the same cloth when she suddenly jumped out and broke apart. The Prophet sensed what had happened and said: "perhaps your menses have started"; to which she answered in the affirmative. The Prophet then said, "Put on a skirt and come and lie down here again."³⁰ In another *hadith*, 'A'ishah was reported to have said: "I used to comb the hair of the head of Allah's messenger while menstruating"³¹ These are indications to show that there is nothing wrong with fondling and enjoying the menstruating woman, avoiding only the place of hurt. Therefore, Islam maintains a middle course between two extremes. Man is not to abandon his menstruating wife and at the same time must not have intercourse with her until she cleans herself.

Current Discourse on Women Menstruation

According to Qaradawi, recent medical researchers have discovered that the menstrual flow contains a toxic substance which if not discharged, may be harmful to the body.³² He also quotes from Abdul Aziz Isma'il's *'Islam and Modern Medicine'* that intercourse during this period may irritate them, possibly impede the menstrual flow and cause inflammation of the sexual organ, as the reproductive organs become highly congested and the nerves very sensitive due to the secretion of the glands during the period.³³ These are also confirmed by the scientists who still claim that menstrual flow should not prevent intercourse.³⁴ To confirm the attitude of women during menstrual period, a study made in Sydney in 1984 shows that over three quarters of 1,200 adolescent women surveyed preferred not to menstruate should there be other reversible methods.³⁵ Derek also confirms that prior to the commencement of the menses, the woman may have headache, her stomach may feel swollen, may feel tired or irritable, may have a pressure feeling in her pelvis and may feel 'off colour'.³⁶ He therefore prescribes some drugs such as Aspirin, Novalgin, Paracetamol, Barelgin and Spasmocibalgin, among others. Where the pain is much, Volteran and Indocid are prescribed.³⁷ From this, one can say that, it is an act of wickedness, selfishness and non-consideration for woman on the part of men who try to satisfy their sexual urge

with menstruating women, forgetting that the place of hurt should be considered and left to rest for some days.

At this juncture, one needs to demarcate between the beliefs of those who see nothing wrong in having sexual intercourse with a menstruating woman and the divine injunction, which prohibits it. People who out of excessive lust for sex and who do not care to lick the private part of a woman with their tongues may see nothing wrong in having sexual intercourse with a woman in her menses. Menstruation is like the product of a rotten egg that comes out of women when the egg could not be fertilized, and so to have intercourse with a woman during the period is like going headlong into a pit full of harmful objects.

In recent time, some scholars disregard the teaching of the Prophet on abstinence of menstruating women from their daily religious practices like fasting and *salat* considering such as an aberration of human equality and accountability.³⁸ Such scholars hold tenaciously to the Qur'anic verse, which only prohibits intercourse with them during the period. Disregarding the practice of the Prophet in this regard could not help the situation. This is because the Prophet was a role model and interpreter of the Qur'an. The fact that abstinence from religious rituals during the period is not mentioned in the Qur'an does not mean the injunction is un-Islamic, after all, it is nowhere mentioned that menstruating women during the time of the Prophet did perform the rituals. Such scholars should not also lose sight of the focus and content of the verse on menstruation. The verse commences with the phrase: "They will ask you (O Muhammad!) concerning menstruation. This implies that those who would come for clarification on women menstruation were confused of the numerous myths associated with it, especially on the stand of the Jews which preached total abstinence from women, even in the form of eating or living in the same room with them as against that of the Christians who make no difference between the menstrual period of woman and other than that. So, one should not expect more response than the one given by the Prophet, as he gave them answer to what they actually wanted clarification on.

The argument that in Islam, a state of menstruation is not looked upon as a state of impurity as claimed by Muhammad Ali may not strike a balance between two extremes. This belief of his, makes him to conclude that women in a state of menstruation could handle the Qur'an and enter mosque.³⁹ Why is it recommended that after the menstruation, women should take ritual bath? Why then are they exempted from praying, fasting and engaging in *tawaf* during the period? These are questions for the renowned scholar to answer to substantiate his claim. His claim that women in a state of menstruation could handle the Qur'an is against the view of Ibn 'Umar that a menstruating woman should not read anything from the Qur'an,⁴⁰ which, to us, is another extreme. Nowadays, the Qur'an is being recorded on the mobile phone, CDs, cassettes, flash drives, computer sets and even wristwatches. The question then is whether menstruating

women are forbidden from handling those electronic materials merely because they contain Qur'an in them or not.

It is not disputable that the Prophet used to recite the Qur'an while sitting in close contact with his wife who had her courses on. That, notwithstanding, one should note also that menstrual flow is not transferable. As such, a man who handles the Qur'an can at the same time handle his wife who is having her courses on. We can equally argue that the Prophet did not recite or handle the Qur'an in such a manner, as by then the Qur'an was yet to be compiled in a book form as we have it today, and the materials upon which it was written by then made it impossible to be handled wholly.

On the issue of menstruating women entering mosque, one wonders what can compel one to enter mosque other than *salat*. "I do not make the mosque lawful for a menstruating woman or for a person who is under an obligation to perform a total ablution (*ghusl*)", says the Prophet.⁴¹ Our conclusion therefore, is that anything that deprives a woman from performing her religious duties equally deprives her of entering a mosque, as the mosque is purposely meant for religious activities. However, the fact that the mosque is the cultural centre of the Muslim community where social, intellectual, cultural and religious activities take place, explains why menstruating women are not prevented from entering the vicinity of the mosque if it becomes necessary. The *hadith* which allows a menstruating woman to perform all the rites of *hajj* except *tawaf* is a pointer to the fact that she may enter the vicinity of mosque and perform other religious activities except *tawaf*. That-notwithstanding, menstruation flow does not prevent a woman from occupying the same bed with her husband, from bathing in the same basin with him, from drinking or eating in the same plate with him, from handling such materials as mat, rosary, turban, and any other man-made materials and from other social activities which she has been performing prior to the menstruation.

Conclusion

The Noble Qur'an and the *Sunnah* of the Prophet are the backbone of Islamic law, which covers every aspect of human life. Anything contrary to the teachings of these divine guidelines is un-Islamic and therefore rejected. Muslims are being referred to as the community of middle course, which do not fall into either of the two extremes. While some cultures regard a woman in her menstrual period as devil who should be totally boycotted during the period, some believe that there is no harm in dealing with them sexually during the period, an action which can be likened to the foolish decision of a man to deliberately passes through a fierce battleground when he has the option of waiting a little bit for the battle to be over. However, Islam recognizes the fact that a woman who is menstruating is undergoing a period during which she must be allowed to take some rest in her religious as well as marital responsibilities for physiological and biological

reasons. She is exempted from religious activities because she is not pure for those purposes. She must not be divorced during the period for psychological reasons, and she should not engage in sexual intercourse because what is coming out of her is harmful and the passage is hurt. So, if a serious Muslim could abstain from food, drink and sexual intercourse during the days in Ramadan; if he could afford to leave his family and property to embark on pilgrimage to the Holy Land; if he could endure sharing part of his wealth with the poor then, he should be able to forgo sexual intercourse with his wife during her menstrual period.

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