

ANALYTICAL STUDY OF FORBIDDEN ACTS FOR WOMEN UNDER MENSTRUAL AND POST-NATAL BLEEDING

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INTRODUCTION

It is an established and undisputable fact that Menstrual and post-natal bleeds are impurities. "They ask there concerning women's courses. Say: they are a hurt and a pollution.." ⁽¹⁾ Q2: 222. And that no ritual act is valid in the absence of purity. The messenger of Allah said "purity is half of the faith". Allah also says in the Qur'an "And thy garments keep free from dirt". (74: 4) he also said "Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean". (2: 222) Any woman in either of the two conditions is likened to a sexually defiled person who is yet to purify himself. Therefore according to al-Jaziri all ritual acts that are forbidden for a sexually defiled person are equally prohibited for her. There are as well other prohibited acts peculiar to these conditions alone. These are as follow:

SALAT (PRAYER): Scholars of all schools of thought without any disparity agreed that prayer of all sort, compulsory or supererogatory is forbidden for a woman in either of these conditions. Prophet Muhammad said; "prayer observed in a state of impurity is invalid".

لا يقبل الله الصلاة بغير طهور

She is not however, required to recompense for the missed prayers subsequent to her purity. This is because Salat is a repeated act on daily basis, reversing such prayers will be too cumbersome and tedious for her to cope with Islam unlike other religions is a very simple religion that does not place burden on its adherents beyond their capabilities. "...And had imposed no difficulties on you in religion..." (22: 78) "

وما جعل عليكم في الدين من حرج..."

Mu^oazhat reported that a woman asked "Aishah" should a menstruating woman pay back the missed prayers"? she (Aishah) responded "are you a Ahruriyah member? The Prophet never asked us to recompense for the missed prayers while he was alive"⁽²⁾.

A related act to Salat is the Tawaf i.e. circumambulation of Ka^obah during Hajj, Humrah or on ordinary days. Ibn Abbas reported that the Prophet (peace be upon him) said "Tawaf is (similar to) a prayer... but Allah, the Almighty, has made talking for one (engaged in Tawaf) possible. So, who so speaks (while performing Tawaf) should utter only good words"³. Purity from minor and major impurities is thereby a condition for validity of Tawaf.

Aishah reported that the Prophet (peace be upon him) entered her room and found her weeping. He asked her, "has your monthly course set in? she replied, "yes", upon this the Prophet said "This is a matter inscribed by Allah for all daughters of Adam, you should perform all the rights of Hajj except Tawaf, which you should perform after taking a complete bath (when you are clean"⁴. Base on these evidences, Tawaf is made forbidden for a menstruating woman and one experiencing post-natal bleeding unanimously.

2. TOUCHING AND READING THE QUR'AN:

According to al-Jaziry⁵, it is unanimously agreed upon by the four Sunni School of thought that touching and reading the Qur'an is forbidden for a menstruating woman and women experiencing post-natal bleeding even though it was not substantiality with any proof from either

the Qur'an or Hadith, the same stand is maintained by Ahmad as he writes "...It is likewise unlawful to recite any of the Qur'an, even part of a single verse, though it is permissible to use its invocation (Dhikr) when the intention is not Qur'an recital... if one intends Qur'an recital, it is disobedience..." Al-Jazairy is also of the same view as he said menstrual and post-natal bleeding debar a woman from reading the Qur'an. This is due to the Prophet statement "No Junub nor menstruating woman should recite any portion of the Qur'an"⁶. To buttress this stand further Sayyid Sabiq said "All acts forbidden for a person who has not yet cleansed himself from sex or wet dream are prohibited to women in these two conditions, as these are considered major impurities⁷." The position of Isma'il is not different from others, he writes "Acts such as prayer (Salat), Tawaf, staying inside the mosque, recitation and touching the Qur'an which are forbidden for a Junub are also forbidden for woman experiencing menstrual and post-natal bleeding"⁸. He also like Ahmad gives permission for her to read little portion of the Qur'an for the purpose of Dhikr, invocation or supplication, legal verdict (Fatwa) and protection.

It is however, apposite to state at this juncture that this view is the majority's view. The scholars of this view treated the state of Junaba and the two conditions of menstruation and post-natal impurities alike, they therefore made purity from both minor (Ablution) and major (Ghusl) impurities a prerequisite for touching and reading the Qur'an.

It is also interesting to note that permission was granted to read little portion of the Qur'an for the purpose of Dhikr, legal ruling (Fatwa), supplication as well as protection while in state of any of the impurities so long the intention is not for Qur'an recital likewise, woman experiencing menstruation or post-natal bleeding is allowed or permitted to recite the Qur'an from her heart so as to guide its disappearance from the memory⁹. This is perhaps in consideration of the long duration these courses take and for re-occurring nature particularly menstruation.

It is equally note worthy that some scholars of Maliki school of thought and some al-Zairiyyah were of the opinion that menstruating woman or woman experiencing post-natal bleeding could be excused from the ban due to the peculiarity of her situation. It should therefore be treated separately from Janabah. The substance of their view is on the fact that unlike a Junub it is not possible for menstruating woman or one in post-natal period to purify herself at will except at the expiration of the course¹⁰.

As regards holding the Qur'an they (majority) vehemently forbids it for menstruating women and woman experiencing post-natal bleeding base-on the verse of the Qur'an which reads "None shall touch (the Qur'an) but those who are clean" (56: 79)

لا يمسه إلا المطهرون.

And some ahadith such as narrated by Amr bn Azm that the Prophet wrote "None shall touch the Qur'an save who is pure" in a letter to the people of Yemen¹¹.

However, a solid contradictory opinion narrated from another group of scholars, though minority, base on the same verse cited by the majority. The basis of their disintegration is connected to their different perception and interpretation of the said verse. The points of divergence on the verse are; the pronoun "it" refers to the protect tablet (Laow al-Mahfaz) the world "al-Mutaharun" refers to the Angels as against the Qur'an and human beings respectively claimed by the majority.

However, the Mufasssirun gave their own contribution on this matter. Sayyid Qutb explained that the verse was revealed to debunk the claim of the Kafar that the Qur'an was being revealed to the Prophet by Shaytan. His word:

"The infidels ascert that the Qur'an being revealed (to Muhammad) by the devil (Shaytan). This (verse) is a repulsion to their claim. Shaytan can never gain access to this well guarded Book,

rather, it is the incorruptible Angel who used to descend with (to Muhammad)... This is the most upheld interpretation of the verse... a for the compiled copies of the Qur'an on earth, both pure and defiled, Muslims as well as non-Muslims would make grasp of it". He stated further the immediate following verse "A revelation from the Lord of the worlds"... Not revelation from the Shaytan confirms and stressed this interpretation". He also, on the authority of Ibn Kathir debunked the Hadith "Non-Shall touch the Qur'an save who is pure" on the basis of Isnad¹².

This some opinion of Qutb was maintained by Salim when he postulates "As far as the verse is concerned, it is not appropriate as evidence unless the pronoun "it" is twisted to mean the Qur'an. But the obvious reality upon which most Mufasssirun stand is that the pronoun "it" refers to guarded Book in the heaven i.e. Laohual-Mahfuz and the word "al-Mutaharrum refers to non but the Angels". He also commented on the same Hadith saying "Regarding the Hadith, it is weak and therefore not sufficient a proof because the letter in which it was claimed to be written is very remote and more so its chain of transmission is controversial"¹³. He therefore postulates "we are unaware of any convincing proof that hinder a menstruating woman from touching the Qur'an, even though majority of scholars are of the view". He further stated quoting Ibn Azm "Recitation of the Qur'an and its prostration, touching the Qur'an, Remembrance of Allah (Dhikr) are but vitreous and rewardable deeds. Convincing evidence is thereby required of whoever proclaims that people in certain state of impurity are forbidden from engaging in any of these acts"¹⁴.

In the same vain, Ibn Baz states "There is no sin in a menstruating woman or a woman with post-natal bleeding reading the prescribed application during the rites of Hajj, nor is there any objection in it, nor is there any objection to her reciting from the Qur'an according to the most correct view, because there is no authentic evidence forbidding the menstruating woman or the woman with post-natal bleeding from reciting the Qur'an¹⁵. He thus disapproved the Hadith narrated on the authority of Ibn Umar that "The menstruating woman and the one who is Junub should not read the Qur'an" as being weak because it is a narration of Ismail bn Ayyash from the people of Hijaz, and he is weak when he reports from them.

He stated further "...and menstruation and postpartum bleeding require days before they finish. This is why it has been permitted for them to recite the Qu'ran, so they do not forget it, and so that they do not miss the virtue of recitation and the study of legal rulings from the Book of Allah¹⁶".

However, at the juncture some points worth probing. The Qur'an is a universal Book of knowledge, it is addressed to all and sundry regardless of religious dichotomy, tribal geographical, and gender disparities "we did not send you except as mercy to the whole worlds"

وما أرسلناك الا رحمة للعالمين

Knowledge is not exclusive of male gender, rather it was made mandatory on both genders, male and female, therefore an attempt to restrict a woman an access to the Qur'an on account of a natural course beyond her control is tantamount to denial of her natural right, لا يكلف الله نفسا الا وسعها, and Islam does not recognize superiority on the basis of race or colour, tribe except on Taqwah (piety) menstruation and post-natal bleeding do not render parts of "woman's body except her genital part impure as against the belief and practice of the Jews which led to the revelation of the verse "They ask thee concerning menstruation" Thabit bn Qays reported that the Prophet said "Do everything (romance) except cohabitation with your menstruating wives¹⁷". The fact that the Prophet told Aishah to do everything except Tawaf in Hajj justify that not the hand with which she holds the Qur'an nor the mouth and voice through which the Qur'an is recited are affected with the menstrual or post-natal blood.

Further still Qur'an being a universal Book of knowledge is accessible to everyman regardless of religious affiliation. The fascinating nature of the Qur'an, its beauty and majesty, the nobility of its call and magnanimity of its call and magnanimity of its message has attracted many non-Muslims to Islam. This happens commonly in the west (Europe and America). For instance, a convert, an American, Jim by name said "My Buddhist girl friend rushed to the market to pick a Christmas gift for me. There she came across a book which appeared to her somewhat philosophical she said to herself, 'Jim may like this book since he is always expressing strange and novel ideas; I started reading this book after receiving it as a present from her. It happened to be an English translation of the Qur'an. I liked to read it every day. It posed many new questions in my mind. The Muslim students answered my daily questions very reasonably. It enhanced my interest in Islam. Finally I was fully satisfied with the Muslims way of life. I contacted members of Muslim students association of my university campus. They explained to me the Islamic pledge to enter Islam. I very eagerly accepted Islam Alhamdulillah¹⁸.

Another convert, Kathy also said "I started reading it. It happened to be an English translation of the Qur'an. It was fascinating. The more I read the more curious I became about Islam. It was totally different from what my professors thought me in the university. I said to myself "were my professors lying?" Any how the true Islamic values offered by the Qur'an satisfied my mind and conscience, I said to myself "if this is Islam, it is wonderful. I want to become a Muslim¹⁹".

Furthermore it is evident that many non-Muslim Islamic scholars particularly the orientalist males and females thoroughly read the Qur'an and wrote extensively about it. Many of their work serve as reference materials in academic circle till the present. What do we have to say about this perpetual situation. It is not in any way possible to put a stop into this. This is because the Qur'an is not an exclusive of the Muslims alone. Perhaps, this is part of the reasons why Qutb concluded that everybody Muslim or not, pure or impure is free to read the Qur'an. And postulation of Ismail that all the evidences put up against touching and reading the Qur'an by a menstruating woman or one in post-natal bleeding are not convincing enough.

AL-I^cTIKAF

I^ctikaf literally means to stick to something, whether good or evil, and to block out everything else. *ما هذه تماثيل التي أنتم لها عاكفون* Islamically, it refers to seclusion in the mosque with the intention of becoming closer to Allah²⁰. *ولا تباسرهن وانتم عاكفون في المساجد*

All scholars agree on it's legitimacy for both male and female and it is highly recommended during the last ten days of Ramadan. Abu Hurayrah related that the Prophet upon whom be peace and blessing used to seclude himself for the last ten days of Ramadan and in the year that he died he secluded himself for twenty days²¹. The Prophets companions and wives performed I^ctikaf with him and continued to do so after his death.

I^ctikaf is of two types: obligatory and Sunnah. The obligatory I^ctikaf is that which the person makes obligatory upon himself by an oath while the Sunnah I^ctikaf is that which the Muslim performs by following the acts of the Prophet, especially during the last ten days of Ramadan.

One of the conditions for soundness and acceptance of I^ctikaf is freedom from sexual defilement, menstruation and post-natal bleeding. This means it is prohibited for one in any of these state of defilement to engage in I^ctikaf until he/she becomes purified. This according to al-Jaziri is expressly in line with the views of Shafi and Hambali schools of thought. But to Hanafi school of thought freedom from menstruation and post-natal bleeding is a condition for obligatory I^ctikaf alone because it is associated with fasting while the reverse is the case is the case of Sunnah

I'tiqaf. This view to us is the case is the case of Sunnah I'tiqaf. This view to us is subject to examination in the sense that the reason and evidence for glueing fasting with obligatory I'tiqaf is not supplied. The standing order for the obligatory I'tiqaf is that based on the case of Umar being instructed by the Prophet to secluded himself for one night since he had made a vow to do so²². The likely inference from this is that it is possible to seclude oneself without fasting. And as far as Sunnah I'tiqaf is concern, the obvious is that mostly its used to be in the last ten days of Ramadan as practiced by the Prophet. It could therefore be more appropriate to make fasting conditional to Sunnah I'tiqaf than obligatory I'tiqaf.

On the other hand, Maliki school of thought attached fasting with I'tiqaf and thus makes freedom from menstruation and post-natal bleeding a condition for validity of I'tiqaf. This is due to the fact that menstruation and post-natal bleeding invalidate fasting. Therefore, woman in either state is prohibited from I'tiqaf.

Generally speaking, I'tikaf is forbidden for menstruating woman and only permissible for women having prolong bleeding outside of menses. The Prophet's wife 'Aishah said "one of the Prophet's wives did I'tikaf along with him while she was bleeding between periods. She used to see blood and put a dish under her while she prayed (to prevent the blood from soiling the floor f the mosque²³.

Menstruating woman or one experiencing post-natal bleeding is however permitted to enter the mosque when necessity demands. Aisha said" "The messenger of Allah once told me to get his mat from the mosque and I said "I am menstruating!" He replied, "your menses is not on your hands²⁴".

It becomes partiment to state that the prohibited acts analysed below are peculiar to menstruation and post-natal bleeding alone.

SAWM (FASTING): It is controversy free that fasting of all sort is prohibited for menstruating woman and woman under post-natal bleeding, if they fast, it will be considered null and void. The appearance of menstruation or delivery of a baby at any hour of the day terminates her fast.

Abu Sa'id al-Khudri quoted the messenger of Allah as saying "...is it not true that a woman can neither pray nor fast during her menses?"²⁵.

However, she must unlike Salah make up for the number of missed days in the case of Ramadan after the expiration of the month. Mu'adhah said "I asked Aishah, 'why must we make up the fasts missed due to our menstruation, and not the prayer? She said, "That was what the messenger of Allah told us to do, we were ordered to make up the fasts, and we were ordered not to make up the prayers", (related by the group²⁶). This is because fast is once a year while prayer is daily activities.

The wisdom behind this bar may not be unconnected with the verse regulating the observance of fast. "...But if any one of you is ill, or on a journey, the prescribed number (should be made up) from days later". (2: 184) A menstruating woman is more or less a sick person because of the pains and weakness they pass through during the period. Likewise a woman observing post-natal bleeding her own situation is even more complicated due to breastfeed of the baby. This makes her body system demands for food steadily in order to remain agile to serve the baby and take care of herself. "...And he has imposed no difficulties on you in religion..." (22: 73)

DIVORCE (TALAQ): No controversy existed among scholars concerning divorcing a menstruating woman. It is prohibited to pronounce divorce when a woman is on her menses, instead she must be in a period of purity (between) menses in which her husband has not had sexual cohabitation with her. "Abdullahi Ibn Umar narrated that he divorced his wife while she was in her menstrual period, his father (Umar Bn Khatab) related the matter to the Prophet who inturn-

instructed him thus “instruct your son to return her home and keep her until she menstruates and becomes clean again, if he then wishes to keep her, he may do so, and if he wishes to divorce her, he may do so without having sexual intercourse with her. That is the period which Allah prescribed for divorcing women²⁷”.

SEXUAL COHABITATION: - Sexual cohabitation with woman during either of the courses is expressly forbidden.

It was related that Anas Ibn Malik said: Among the Jews, when a woman menstruated, they ejected her from the house, and they did not eat nor drink with her, nor did they associate with her in their houses, so the messenger of Allah was questioned about that practice. Allah then revealed the verse: “They ask thee concerning women’s course say: they are a hurt and a pollution: so keep away from woman in their courses, and do not approach them until they are clean..” (2: 222)

With this ordinance, it became obvious that sexual intercourse is forbidden pending the time the menses or post-natal bleeding terminates and she purifies herself by performing the prescribed ritual bath or Tayamam in case of non-availability of water or inability to make use of water. This is the consensus verdict except to the Hanafites who opined that considering the long waiting period of ten and forty days or there about respectively, sexual intercourse becomes lawful the moment the bleeding ends regardless of whether or not she takes ritual bath or Tayamam²⁸.

The reason for abstainance from sex during this period is explained by Philips thus “menstruation is the process of shedding uterine tissue that the body had produced to receive a fertilized egg. Since the fertilized egg did not embed. Since the fertilized egg did not embed itself in the tissue, the body slaughts it off in order to prepare for the next cycle of ovulation. The woman’s reproductive system is not in a state of readiness for intercourse, because it is preoccupied with this process. Stimulation of her reproductive system by intercourse at this time can cause uterine congestion and increase the menstrual flow. The tissue of the vaginal walls is more susceptible at this time to flaking away from the abrasion of intercourse. An orgasm during menstruation may encourage a backward flow of menstrual blood through the fallopian tubes into the abdominal cavity, which could lead to endometriosis, the growth of interline living tissue outside the uterus, a condition associated with painful menses and anal bleeding. Intercourse at this time can be harmful to the man as well. Menstrual blood is a nutrient-rich medium for bacteria. If some of it enters the man’s urethra, it can result in an inflammation with gonorrhea-like symptoms²⁹”.

FONDLING: Menstruating woman or woman in post-natal period is not considered defiled such that she will defile objects or others whom she comes in contact with, as the case in Judeo-Christian tradition. She is regarded fundamentally clean. The Prophet said “The believer can never become defiled”.

The Prophet then said “Associate with them in your houses and do everything except sexual cohabitation”. Base on this al-Jazizri said scholars agreed that her nudity can be founded with except what is between the navel down to the knee, that must be covered up tightly with thick cloth. This is probably to put man’s sexual desire under control as Aisha said “whenever Allah’s Apostle wanted to fondle anyone of us during her periods (menses) he used to order her to put on an Izar and start fondling her” Aisha added, “None of you could control his sexual desires as the Prophet could³⁰”.

On the contrary, the Hambali scholars and part of Maliki scholars put no demarcation in fondling wither nudity but sex must be avoided.

CONCLUSION

Islam as a simple and all encompassing religion has left nothing un-touch in man's life. It has treated every human group based on their peculiarities. One of the peculiarities of woman folk is seen in their monthly course which is divinely designed to cleanse their reproductive system in preparation and readiness for conception of a baby. Similar process still continues after the baby is being delivered, but this time around to cleanse the system of all deposited blood and debris left behind. These excretions are regarded as impurities. As a result of this situation women in either of the two periods is exempted from certain ritual activities, such as prayers, Tawaf i.e. circumambulation of the sacred house; Ka^cabah, fasting, I^tiqaf, Talaq and sex majority in their own interest and partially in the interest of others around them and the society at large.

However, in further consideration of their interest, and so as not to be eluded of the rewards associated with meritorious deeds, they are therefore, required to expiate for the missed compulsory Ramadan fast, since it comes once a year, allowed to recite the Qur'an like their male counterparts would do. In order to relieve them of unnecessary burden, they are permitted to enter the mosque when necessity demands as fondling with their husbands is as well granted. This depicts the balance of equality between man and woman maintained by Islam.

NOTES AND REFERENCES

1. A.A.B. Philips, Islamic Rules on Menstration and Post-Natal Bleeding, Riyadh, International Islamic Publishing Houses 2005, p. 15
2. Ministry of Hajj and Endowments, The Holy Qur'an, English Translation of the Meaning and Commentary, Al-Madinah Al-Manawarah, 1410, p. 95
3. M.M. Kkan, The Translation of the Meanings of Sahih AL-Bukhari, Arabic – English vol. 1 Beirut, Dar alarabias N.D., pp. 269 – 270-, Hadith No. 327
4. M.M. Khan, Sahih Bukhari, vol. 1 p. 264, Hadith No. 318
5. M.B. Ismail, Al-Fiqh Al-wadhih Naa-l-Kitab wa Sunnah ^cAla-l-Mazaib al-Arab^ca, vol. 1, Cairo, Darul-Manar, 1997, p. 612
6. M.M. Khan op.cit vol. 1, pp. 255 – 256, Hadith No. 302
7. A.R. Al-Jaziry, Kitab al-Fiqh ^cAla Madhaib al-Arba^ca, vol. 1, Cairo, Daral-Fiqr, N.P, ND, p. 133
8. N.H.M. Keller (Trans), Reliance of the Traveller, Beltsville, Amana Publications, 1991, p. 81
9. A.J. Al-Jazairy, Minhaj al-Muslim, Al-Madinah Al-Munawarah, Maktabah al-^culum wal Hikam, 1964, p. 178
10. M.S. Dabas and J.M. Zarabozo (Trans.), Fiqh us-Sunnah, vol. 1, Indiana, American Trust publications, 1997, p. 71
11. M.B. Ismail, Al-Fiqh al-Wadhih op.cit, vol. 1, p. 103
12. M.B. Ismail, Al-Fiqh al-Wadhih op.cit, vol. 1, p. 103
13. M. Ahmad, Bidayah al-Mujtahid wa Nihayat al-Muqtazid, vol. 1, Beirut, Darul-Fakri, 2010, p. 43
14. A.K. As-Sayid Salim, Sahih Fiqh al-Sunnah wa Adilatuhu wa Tau^dhih Mazaib al-Aimah, vol. 1, Cairo, Dar al-Taofiqiyah li Turadh, 2010, Pp. 124 – 125
15. Sayyid Qubt, Fi Zilal al-Qur'an, vol. 1, Cairo, Dar al-Sharuq, 1980, p. 3 & 471
16. A.K. As-Sayyid Salim, Sahih Fiqh al-Sunnah op.cit, vol. 1, p. 125
17. A.K. As-Sayyid Salim, Sahih Fiqh al-Sunnah op.cit, vol. 1, p. 180
18. A.A. bin Abdullahi bin Baz et al, Fatawa Islamiyah, vol. 2,
19. M. Ahmad, Bidayah al-Mujtahid op.cit, vol. 1, p. 49

20. Imtiaz Ahmad, True stories of American New Muslims, Makkah Mukarrama, Al-Waheed printers, 2001, p. 43
21. Imtiaz Ahmad, True stories of American New Muslims, Op-cit. p. 12
22. M.M. Khah, Sahih Bukhari, vol. 3, Op.cit, p. 145 Hadith no. 260
24. Ibid, vol. 3, pp. 144 – 145, Hadith No 258
25. Ibid, vol. 1, p, 257, Hadith No. 306 – 307
26. Ibid, vol. 1, p. 254, Hadith No. 304
27. M.S. Dabas and J.M. Zarabozo (Trans), Fiqh us-Sunnah... op.cit, vol. 1, p. 71
28. M.M. Khan, Sahih Bukhari, vol. 1... op.cit, p. 129, Hadith No. 198
29. A.R.Al-Jaziry, Kitabal-Fiqh °Ala Maa'haib al-Aaba°, vol. 1 op.cit, p. 134
30. A.A.B. Philips, Islamic Rules on Menstruation... op.cit pp. 27 -28