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From Body to Substance: Islamic Menstruation Laws in the Shadow of Late Antiquity?

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Abstract

This essay traces the development of the Islamic legal discourse on menstruation (*ḥayd*) in the formative and classical periods of Islamic law (until approximately 1200 CE). I argue that, unlike their late antique predecessors and contemporaries, Muslim jurists parsed menstrual blood, with its perceived ability to travel and pollute other bodies and substances, as a generically polluting substance (the "substance-thesis"). This development marked a noteworthy departure from rabbinic law, in which the menstruating female body was regarded as inherently impure. The complex and sophisticated conceptual shift in Islamic legal discourse involved the participation of Muslim jurists, exegetes, theologians, and grammarians, who constructed and justified the new social boundaries between men and menstruant women in their respective disciplines. By treating menstruation laws as part of a comprehensive cultural regime governing the body, I seek to understand the nexus between Islamic menstruation laws and the social worlds they constituted, historically examining the conceptual shifts in the logic of making such laws. The essay puts sociological and anthropological theories in conversation with a wide array of Islamic legal and quasi-legal sources, offering a model for understanding the legal and cultural process by which Islamic (menstruation) laws became codified against the backdrop of much older late antique legal epistemologies.

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menstruation – purity – blood – late antiquity – Talmudic law – Mary Douglas – substance – menstrual blood – legal origins

أَجَالَتْ حَصَاهُنَّ الذَّوَارِي وَحَيَّضَتْ

عَلَيْهُنَّ حَيْضَاتُ السُّيُولِ الطَوَاحِمِ[1]

The winds knock around their pebbles,
and rushing torrents gush forth from them.
(Ibn ʿAqīl, 3rd/9th ct.)

1 Introduction

In his commentary on the Qur'ān's menstruation verse (Q 2:222), Fakhr al-Dīn al-Rāzī (d. 606/1209) describes the late antique milieu[2] in which the Medinan verse—if one follows the traditional Islamic historical narrative—was revealed:

> It is said that the Jews and the Zoroastrians went to great lengths to remove themselves from menstruating women, but that the Christians would have sex with them and were not concerned about menstruation at all. The pre-Islamic Arab tribes (*ahl al-jāhilīya*) would not eat, drink, or sit on the same rug with a woman when she was menstruating, and like the Jews and Zoroastrians, they would not dwell in the same house with her.[3]

1 Ibn ʿAqīl, cited in Ibn Qudāma, *al-Mughnī: Sharḥ Mukhtaṣar al-Khiraqī*, 15 vols. (al-Riyāḍ: Dār ʿĀlam al-Kutub, 1997), 1:386.

2 In this essay, I use 'late antiquity' to refer to the end of classical antiquity that coincided with a decisive shift of the cultural, political, and religious moment away from Western Europe towards the Eastern Mediterranean beginning in the fifth century. Scholars who define late antiquity temporally often, but not always, mark its end with the Abbasid Revolution (750). See, most prominently, Peter Brown, *The World of Late Antiquity: From Marcus Aurelius to Muhammad* (London: Thames and Hudson, 1971).

3 Fakhr al-Dīn al-Rāzī, *Tafsīr al-Fakhr al-Rāzī al-mushtahir bi-l-tafsīr al-kabīr wa-mafātīḥ al-ghayb*, 32 vols. (Beirut: Dār al-Fikr, 1981), 6:67. Variations of this tradition can be found in earlier exegetical works. See, for example, al-Thaʿlabī, *al-Kashf wa-l-bayān ʿan tafsīr al-Qur'ān*, 33 vols. (Jeddah: Dār al-Tafsīr, 2010), 6:55; al-Wāḥidī, *al-Tafsīr al-Basīṭ*, 25 vols. (ʿImādat al-Baḥth al-ʿIlmī, 2014), 4:175; and al-Zamakhsharī, *al-Kashshāf* (Beirut: Dār al-Maʿrifa, 2009), 129.

Al-Rāzī refers to a pre-Islamic situation of heterogenous menstrual customs, each with its idiosyncratic cultural sensibilities and rationales. Rhetorically, he links the origins of early Islamic menstrual customs and laws to the traditions and epistemological horizons of the late antique world, gesturing towards the well-known argument that Islam chose a "middle way" between those traditions, as encapsulated in the term *mukhālafa* (lit. "to differ from").[4]

In Islamic law, the appearance of menstrual blood is the cause (*sabab*) of several ritual and profane prohibitions. To illustrate, Ibn Qudāma's (d. 620/1223) detailed list of legal "rulings" (*aḥkām*) associated with menstruation begins with the prohibitions of vaginal intercourse, prayer, and fasting, followed by the cancellation of the individual duty to pray (but not to fast!), and the prohibitions of reciting the Qur'ān, tarrying in the mosque (*al-lubth fī al-masjid*), and circumambulating the Kaʿba.[5] Arguably driven by concerns over paternity, Muslim jurists also mandated that three menstrual flows are required for a divorced wife's completion of her waiting-period (*ʿidda*), during which the woman is required to abstain from intercourse with her husband.[6] For some women, the appearance of menstrual blood is legally transformative. For instance, a slave woman (*jāriya*) who has been ordered to abstain from sex for one month to ascertain whether her womb is "empty" (*istibrā'*) knows that she is being prepared for transfer to a new owner or release from servitude. If she has her regular flow, that constitutes reasonable proof of her nonpregnancy and the validity of her transfer or manumission (*ʿitq*). However, if a slave woman misses a menstrual period, there is probable cause of a pregnancy on the basis of which she may immediately claim the status of mother of the child (*umm walad*), a status that entitles her to manumission upon her master's death. However, the absence of the menstrual flow alone must be

4 The doctrine of "contrariety" (*mukhālafa*) is based on Q 2:143: "Thus, we have appointed you as a median nation (*ummat*^{an} *wasaṭ*^{an}), to be witnesses for mankind, and the Prophet to be a witness for you." *The Qur'an*, tr. Tarif Khalidi (London: Penguin, 2008), 21. See Ignác Goldziher, "Usages juifs d'après la littérature religieuse des Musulmans," *Revue des études juives* 28:55 (1894), 75–94; Arent J. Wensinck, "Die Entstehung der muslimischen Reinheitsgesetzgebung," *Der Islam* 5:1 (1914), 62–80; Georges Vajda, "Juifs et Musulmans selon le Ḥadīṯ," *Journal Asiatique* 229 (1937), 57–127; Meir J. Kister, "'Do Not Assimilate Yourselves …' *Lā Tashabbahū* …," *Jerusalem Studies in Arabic and Islam* 12 (1989), 321–371; and Haggai Mazuz, "Menstruation and Differentiation: How Muslims Differentiated Themselves from Jews Regarding the Laws of Menstruation," *Der Islam*, 87 (2012), 206. For a critical appraisal of the scholarly use of the *mukhālafa* doctrine to explain religious and cultural differences between Muslims and others, see Ze'ev Maghen, "Dead Tradition: Joseph Schacht and the Origins of 'Popular Practice,'" *Islamic Law and Society* 10:3 (2003), 276–347.

5 Ibn Qudāma, *al-Mughnī*, 1:386–87.

6 *EI*^{2}, s.v. 'Idda (Y. Linant de Bellefonds).

supported by further evidence, for instance, her master's testimony that he has had intercourse with her.[7]

The study of late antique menstrual practices has been undertaken by scholars in different subfields, including ancient Iranian, Zoroastrian, Jewish, Biblical, comparative Semitic, Arabic, and Islamic studies, with particular attention to interreligious borrowings and isolation rituals for menstruants. Focusing on purity in classical Zoroastrian texts, Jamsheed Choksy argues that the Zoroastrian practice of isolating menstruants cannot be fully understood if one focuses exclusively on the confinement of menstruating women. In the Zoroastrian liturgical and ritual texts, menstruation posed an imminent threat to the internal order and workings of the cosmos. The high priests (*mowbedan*) understood menstruation as an affliction for women introduced by the forces of Ahriman to compromise the human race in its battle against evil. According to this conception of purity, blood is generically pure, but may become polluting when it flows out of human bodies. The rationale behind the isolation of menstruants was to prevent their liminal bodies from spreading contagion.[8] As for pre-Islamic Arabia, in the late 19th century, the German Biblical scholar Julius Wellhausen demonstrated that the Arabs practiced isolation rituals for impure persons, likely including men, and that menstruating women were excluded from festivities and sacrificial rites, and widows and postnatal women were confined to small huts.[9] The literature on menstruation in the Christian, Jewish, and Islamic traditions is more abundant and will be discussed in due course.[10]

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7 Cf. Rainer Oßwald, *Das islamische Sklavenrecht* 40, Mitteilungen zur Sozial- und Kulturgeschichte der islamischen Welt (Würzburg: Ergon Verlag, 2017), 233–34. Muslim jurists disagreed on the status of a pregnant slave woman, cf. *EI*^{2}, s.v. Umm al-Walad (Joseph Schacht). See also Baber Johansen, "The Valorization of the Human Body in Muslim Sunni Law," in *Law and Society in Islam*, ed. Devin J. Stewart, Baber Johansen, and Amy Singer (Princeton: Markus Wiener Publishers, 1996), 90–91.

8 Jamsheed K. Choksy, *Purity and Pollution in Zoroastrianism: Triumph over Evil* (Austin: University of Texas Press, 1989), 94–103. The threat to the cosmic order posed by menstruation is reflected in severe punishments for transgressing menstrual laws. For instance, according to the *Vidēvdāt*, sexual intercourse with a menstruating woman (without the release of semen) is to be penalized with as many as ninety stripes with a horsewhip and ninety with a footwhip. See *Wrestling with the Demons of the Pahlavi Widēwdād*, tr. Mahnaz Moazami (Leiden and Boston: Brill, 2014), 389, 16.16 (C).

9 Julius Wellhausen, *Reste Arabischen Heidentums* (Berlin: Georg Reimer, 1897), 170–71. Wellhausen hints at exclusion rituals for men suffering from certain diseases such as leprosy. For the Sabaic inscriptions regarding ritual purity in pre-Islamic Arabia, see Ahmad Al-Jallad, *The Religion and Rituals of the Nomads of Pre-Islamic Arabia: A Reconstruction Based on the Safaitic Inscriptions* (Leiden and Boston: Brill, 2022), 44–46.

10 See, for example, Rahel R. Wasserfall, ed., *Women and Water: Menstruation in Jewish Life and Law* (Hanover and London: Brandeis University Press, 1999); Ra'anan S. Boustan and Annette Yoshiko Reed, "Introduction to the Theme-Issue: Blood and the Boundaries

Outside these historical subfields, anthropologists, sociologists, biologists, and scholars of psychoanalysis have all made significant contributions to the study of menstrual taboos and regulations as social phenomena that operate in a variety of cultural settings around the world.[11] The term menstrual "taboo" is most likely of Polynesian origin.[12] Note, however, that one should refrain from parsing menstrual taboos and regulations in negative terms only, since they can take on a range of social meanings beyond the confinement of women and have consequences on the social activities of men as well.[13] In addition, the presumption that menstrual regulations restrict women's agency suggests that men designed menstrual taboos to control women's activities and that they possessed the power to do so. While this may sometimes have been the case, such a narrow focus fails to acknowledge the social domains in which women have the ability to advance their own claims about menstruation.[14] Throughout history, we find a range of biological and sociobiological explanations of menstruation: from its perception as a disease to ideas promoting its healthy

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of Jewish and Christian Identities in Late Antiquity," *Henoch* 30:2 (2008), 229–242; and Charlotte Elisheva Fonrobert, "Blood and Law: Uterine Fluids and Rabbinic Maps of Identity," *Henoch* 30:2 (2008), 243–66.

11 Rita Montgomery observes an inverse relation between men's perceived role in reproduction rituals and menstrual taboos. In social settings in which men participate or are perceived to participate in practices surrounding reproduction, menstrual restrictions tend to be lower than in societies in which men's reproductive role is generally regarded as low. It follows, according to Montgomery, that men are jealous of women's reproductive capacities, and that their jealousy is the reason for menstrual taboos. Rita E. Montgomery, "A Cross-Cultural Study of Menstruation, Menstrual Taboos, and Related Social Variable," *Ethos. Journal of the Society for Psychological Anthropology* 2:2 (1974), 137–170, at 138, 155–156. Montgomery's work is situated in the psychoanalytic tradition, specifically, Bruno Bettelheim's concept of vagina envy, according to which men are innately jealous of women's sexual organs. Bruno Bettelheim, *Symbolic Wounds: Puberty Rites and the Envious Male* (New York: Collier Books, 1962 [1954]), 30–32.

12 Franz Steiner, *Taboo* (London: Penguin Books, 1967 [1956]), 31–32.

13 Among the Beng in the Ivory Coast, for example, menstruating women seclude themselves, disregard regular social expectations, and spend leisure time, e.g. by cooking together with their friends. Gottlieb, "Menstrual Cosmology among the Beng of Ivory Coast," 72. Menstruation rituals often have consequences for the social activities and behaviors of men. Cf. Choksy, *Purity and Pollution in Zoroastrianism*, 94–103; Judith R. Baskin, *Midrashic Women: Formations of the Feminine in Rabbinic Literature* (Hanover and London: University Press of New England and Brandeis University Press, 2002).

14 In Portugal, menstruants are prohibited to gaze at pigs during the *matança* (lit. "the slaughter"), a local ritual during which pork is processed into sausages; rural women defend this prohibition on the grounds that their gaze will spoil the meat. Denise Lawrence, "Menstrual Politics: Women and Pigs in Rural Portugal," in *Blood Magic: the Anthropology of Menstruation*, ed. Thomas Buckley and Alma Gottlieb (Berkeley: University of California Press, 1988), 134–135.

and life-bringing qualities. Hippocrates considered menstruation to be an illness, arguing that to restore the balance of the four humors (blood, phlegm, black bile, and yellow bile), the body of a female, whose blood is warmer than that of a male, regularly discharges blood to prevent severe pain.[15]

The study of menstruation in Islamicate[16] societies has advanced moderately over the last fifty years,[17] and this scholarship can be clustered into two groups. The first group is generally concerned with interreligious borrowings and the origins of Islamic menstruation and purity laws. In 1972, Jacques Ryckmans analyzed Sabean inscriptions and the notions of purity they convey, focusing on their relationship to Islamic concepts of ritual purity. Ryckmans raised the question of whether the Jewish or Old South Arabian legal corpus was more influential for the development of the Qur'ānic legal corpus. Recently, Suleyman Dost revisited this question using a larger number of South Arabian inscriptions.[18] In his 1997 dissertation, Ze'ev Maghen comprehensively examined the origins of Sunni legal thought on ritual, noting that apart from the resemblance of certain legal categories regarding menstruation, there is only circumstantial evidence to substantiate direct borrowings from Jewish law.[19] The scholarly concern with origins and borrowings is not specific to

15 Hippocrates observed: "And when the body of a woman—whose flesh is soft—happens to be full of blood and if that blood does not go off from her body, pain occurs, whenever her flesh is full and becomes heated. A woman has warmer blood and therefore she is warmer than a man. If the existing surplus of blood should go off, no pain results from the blood." Ann Ellis Hanson, "Hippocrates; 'Diseases of Women 1,'" translation of Hippocrates's *Diseases of Women* 1, *Signs* 1:2 (1975), 567–584, at 572. See also Etienne Van de Walle, "Menstrual Catharsis and the Greek Physician," in *Regulating Menstruation: Beliefs, Practices, Interpretations*, ed. Etienne Van de Walle and Elisha P. Renne (Chicago and London: The University of Chicago Press, 2001), 18. In Sumerian mythology, by contrast, menstrual blood possesses healing qualities that benefited even the male gods. For example, the goddess Ninhursag (Ki) restored Enki to health by seating him next to her vulva and generating deities to cure him. See Jennifer Rose, "Menstruation," in *Encyclopedia of Sex and Gender*, ed. Fedwa Malti-Douglas, 4 vols. (Detroit: Macmillan Reference USA, 2007), 3:1000.

16 Jacques Ryckmans, "Les confessions publiques sabéennes: Le code sud-arabe du pureté rituelle," *Annali dell'Istituto orientale di Napoli* 22 (1972), 1–15.

17 Marshall G. S. Hodgson defines 'Islamicate' as referring "not directly to the religion, Islam, itself but to the social and cultural complex historically associated with Islam and the Muslims, both among Muslims themselves and even when found among non-Muslims;" *The Venture of Islam: Conscience and History in a World Civilization*, 3 vols. (Chicago and London: University of Chicago Press, 1958), 1:59.

18 Suleyman Dost, "Language of Ritual Purity in the Qur'ān and Old South Arabian," in *Scripts and Scripture: Writing and Religion in Arabia circa 500–700 CE*, ed. Fred M. Donner and Rebecca Hasselbach-Andee (Chicago: Oriental Institute, 2022), 157–173.

19 William Avi Maghen, "Al-Taharah Shatir Al-Iman: An Inquiry into the Historical Evolution of the Islamic System of Ritual Purity," (PhD diss., Columbia University, 1997), 180.

menstruation or purity but reflects a common penchant in the field of early Islamic legal and historical studies.

The second group primarily engages with Mary Douglas's 1966 monograph *Purity and Danger*.[20] In a landmark article on Islamic purity, Kevin Reinhart made an important methodological appeal, attempting "to connect Islamicists to the conversation that has developed around Douglas's work."[21] Reinhart was skeptical about the applicability of Douglas's theory to Islamic ritual laws, pointing to the aspirational nature of the *sharīʿa* (and *halakhah*) and the ways in which Islamic ritual practices (at least in theory) transcend social organization. Be that as it may, he did concede the need for a systemic approach to Islamic ritual laws. In 2002, Richard Gauvain made a firm case against Douglas, arguing that Islamic ritual laws do not fit the generalizing tenor of Western theories on ritual practices. Gauvain emphasized the "egalitarian" function of purity rules in the Islamic tradition and the presence of "a variety of strategies [that] explicitly rule out the chance of hierarchisation along pollution lines."[22] Following the lead of Douglas to understand the metaphysical and social consequences of purity laws, Marion Katz writes, "the eternally frustrated human desire for control lies at the heart of the law of ritual purity."[23] Katz observes that as an orderly, rule-oriented system, the Sunni laws of ritual purity can be understood as the ontological reversal of the human creation myth, an attempt to control the permanent instability of human life after the Fall.[24] Based on an examination of Jewish, Christian, and Muslim dietary laws, David Freidenreich has used Douglas's notion of impurity as "matter out of

20 In her analysis of the symbolic realm and lived social structures, Douglas assumes that religious beliefs are reproduced in the social forms that shape interactions between people. If so, then one suspects that Islamic menstruation laws, like any other cultural regime governing the body, may have served a double function: on the one hand, the construction of a symbolic grammar consisting of signs and meanings organizing individuals' relations with the unseen world (the metaphysical function), and, on the other, the regulation of relations between members of society and the forms of sociality they might engage in with each other (the social control function). Douglas argues that pollution ideas work on two levels: "expressive" and "instrumental." On the expressive level, concepts of pollution and contagion uphold or create moral value systems. On the instrumental level, they influence the behaviors of members of society. Both correspond to functions that I refer to as "metaphysical" and "social control." Mary Douglas, *Purity and Danger: An Analysis of Concept of Pollution and Taboo* (London and Henley: Routledge & Kegan Paul, 1966), 3–4.

21 A. Kevin Reinhart, "Impurity/No Danger," *History of Religions* 30:1 (1990), 3.

22 Richard Gauvain, "An Analysis of the Sunni Islamic Concept of Ritual Pollution in Light of Previous Research into Pollution Ideas" (PhD diss., University of Glasgow, 2002), 275–276.

23 Marion H. Katz, *Body of Text: The Emergence of the Sunnī Law of Ritual Purity* (Albany: State University of New York Press, 2002), 203.

24 Ibid.

place" to demonstrate how religious authorities actively employ concepts of impurity for the purpose of drawing communal boundaries, specifically with respect to "foreigners."[25]

Overall, the field has adopted a more holistic approach to menstruation laws, either by seeking to identify their internal logic within the Islamic purity system, their social function, or a combination of both. Reinhart and Gauvain's nod towards the *sharīʿa*'s eschewance of the socially differentiating effects of other purity systems is problematic on two counts. First, it takes at face value a normative juristic claim made by Muslim jurists, whose roles as interpreters (and arguably makers) of the law give us reason to doubt this position. Even if, in theory, Islamic law does not make gradations as to degrees of ritual purity and even if, in fact, women do strategize and use menstrual laws to their social advantage, it is, to my mind, difficult to disregard the ways in which these laws structure social relations between the genders and, as I will illustrate here, their symbolic relationship with the divine.[26] Second, both Reinhart and Gauvain establish the *raison d'être* of ritual purity laws in the realm of religious morality.[27] The intention (*niyya*) required for acts of ritual purification and worship highlights the inward, moral nature of Islamic ritual;[28] yet, the argument implies that these rituals exist somehow beyond historical time and space. I am too much of a structuralist and too historically minded not to discern at least some continuities between Islamic rituals and the purity laws of the late antique world. I do not question in the slightest the religious morality inscribed in these laws, nor the *sui generis* evolution

25 David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley and Los Angeles: University of California Press, 2011), 27–28.

26 Reinhart points to the "space" between the performance of Islamic ritual and ordinary spheres of life, arguing that the detachment of ritual from ordinary life enabled Muslim societies to accommodate very different personal cosmologies; Reinhart, "Impurity/No Danger," 21–22.

27 According to Gauvain, Reinhart concludes his article by saying that "Islam's purity code has *nothing to do with immorality or danger* [Gauvain's emphasis]." I disagree. Indeed, Reinhart does not mention morality but only that in Islamic ritual law, those precluded from performing acts of worship are not dangerous in the sense that they can pass on the impurity to others; Richard Gauvain, "Ritual Rewards: A Consideration of Three Recent Approaches to Sunni Purity Law," *Islamic Law and Society* 12:3 (2005), 348–349. See Reinhart, "Impurity/No Danger," 23–24.

28 Abū Ḥanīfa (d. 150/767) and Sufyān al-Thawrī (d. 161/778) disagreed, arguing that purification with water does not require intention; Qāḍī ʿAbd al-Wahhāb, *ʿUyūn al-masāʾil* (Dār Ibn Ḥazm, 2009), 62; al-Māwardī, *al-Ḥāwī al-kabīr*, 19 vols. (Beirut: Dār al-Kutub al-ʿIlmīya, 1999), 1:87.

of specific aspects of Islamic ritual.[29] But we cannot adequately understand Islamic menstruation laws by limiting our scholarly analysis to Islamic sources, without paying at least some attention to the late antique epistemologies with which Muslim jurists engaged.

My essay begins by analyzing Islamic and Talmudic menstruation laws and parsing them with regard to the internal logics of purity within these two traditions. I examine the formative process of the codification of Islamic law, as part of which Muslim jurists defined the legal categories of menstruation, established norms, and engaged with the conceptual horizons they found in other late antique traditions.[30] Methodologically, the essay builds on existing scholarship by taking a holistic, systemic approach to legal discourses on menstruation, not only the system of purity rules that Muslim jurists constructed but also the social worlds in which those rules operated. I invite readers to envision menstrual customs as a bodily and social regime that generates multiple effects and ways of claim-making for women and men—in the domains of law, society, and the unseen world.[31]

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29 As I have shown elsewhere, it is not my goal to make simplistic arguments about the origins of Islamic laws; Tobias Scheunchen, *Cosmology, Law, and Elites in Late Antiquity: Marriage and Slavery in Zoroastrianism, Eastern Christianity, and Islam* (Baden-Baden: Ergon, 2019).

30 Despite my focus on legal discourse, I do not mean to suggest that legal sources are a privileged or even the most appropriate genre for research on menstruation. Other textual genres, such as medical literature, may yield important insights. Nor does my law-centered approach mean that Muslim menstrual practices were predominantly articulated or enforced through the law. After all, menstruation practices are often, though not always, a private affair, which, as Sharon Koren states with reference to Jewish menstruation laws, "by their very nature were observed (or not) in the privacy of the bedroom." Sharon Koren, "Mystical Rationales for the Laws of *Niddah*," in *Women and Water*, 102. My focus on normative legal texts raises questions about the relationship between legal text and "social reality." One cannot assume that legal discourse accurately reflects the lived experience of law. For instance, Lawrence Rosen argues that approaches to Islamic law that focus exclusively on the output of Muslim jurists is insufficient. In addition to the study of *fiqh* and *fatwā*s, he suggests, we must pay attention to observations about the daily life of Muslim courts and ordinary people's rationalizations of the law. Lawrence Rosen, *Islam and the Rule of Justice: Image and Reality in Muslim Law and Culture* (Chicago: The University of Chicago Press, 2018), 3, 26. It is best, therefore, to think of legal discourse as a project of worldmaking that replicates established, professionally agreed-upon hermeneutical and epistemic forms within that discourse. Jurists reproduce, expand upon or modify available signs, categories, meanings, and methods, thus creating a set of rules and norms that is aspirational and not identical with the "real" world.

31 Cf. Tova Hartman and Naomi Marmon, "Lived Regulation, Systemic Attributions: Menstrual Separation and Ritual Immersion in the Experience of Orthodox Jewish Women," in *Gender and Society* 18:3 (2004), 389–408, at 390.

The essay raises several questions about Islamic menstruation laws: How did classical Muslim jurists imagine and conceptualize the biological phenomenon of menstruation? What legal and hermeneutic parameters did they use to define the boundaries of legal discourse? And what subjective worlds did menstrual regulations engender, that is to say, what social and cultural rhythms and configurations of womanhood (and manhood) resulted from these practices?

There is no single "Islamic" discourse or law about menstruation, but only scattered, intertwined, and competing viewpoints. In its developed form, the classical purity (*ṭahāra*) system distinguishes between two forms of impurity: *ḥadath* and *najāsa*. The former denotes a *state* of impurity for persons, while the latter denotes *substances* considered impure. Acts leading to *ḥadath* include most bodily functions, such as urination, defecation, menstruation, and sleeping. Sperm is considered a major impurity (*al-ḥadath al-akbar*) and contact with it results in a state of *janāba* (preclusion). A *ḥadath* impurity can be lifted by performing the minor (*wuḍūʾ*) or major ablution (*ghusl*) or *tayammum* (i.e. the purification using sand or stone, typically in the absence of water), depending on the degree of impurity. Substances of the *najāsa* category include pus, vomit, blood, and other excrements.[32] These substances are both defiling and defiled. Logically, it is tempting to create a causal link between impure substances (*najāsa* or *khabath*) and ritual impurity (*ḥadath*), as Abū Ḥanīfa (d. 150/767) and some other jurists did. However, the majority opinion within classical Islamic law, pioneered by al-Shāfiʿī (d. 204/820), is that a *ḥadath* impurity cannot be explained by reference to *najāsa*.[33] These logics had thoroughly different implications on the ritual and social expectations of women.

Muslim transmitters and jurists constantly reframed, reshuffled, and reformulated earlier traditions in response to changing historical circumstances and needs.[34] Thus, different attitudes towards menstruation can be explained not only by different conceptual understandings that underpin purity law but also by the impact of specific sociopolitical and cultural realities on the development of purity law. As Janina Safran argues, in ninth-century al-Andalus, Mālikī jurists responded to a state of Muslim "cultural

32 See Reinhart, "Impurity/No Danger," 7; Gauvain, "Ritual Pollution," 181–183.

33 Ibn Rushd, *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*, 4 vols. (Cairo: Dār al-Ḥadīth, 2004), 1:40.

34 Shamma Friedman uses the concept of "creative transmitters" to illustrate how the Bavli authors appropriated and reformulated earlier traditions to "improve" them. Shamma Friedman, "On the Formation of Textual Variation in the Bavli," *Sidra* 7 (1991), 67–102. On Friedman's use of this concept, see the extensive footnote in Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton: Princeton University Press, 2014), 4, note 8.

vulnerability" relating to whether the Christian is defiling (*najas*).[35] Shifting territorial borders and social pressures in the multiconfessional Islamic West likely propelled more exclusionary juristic attitudes towards the presence of non-Muslims in mosques. That said, the Islamic legal tradition is cumulative, by which I mean that later jurists built on the opinions and analyses of earlier jurists, whose viewpoints often help illuminate the historical development of juristic discussions.[36]

The essay has three parts. Part 1, which is descriptive, outlines the parameters of the emergence of Islamic legal discourse on menstruation against the background of Talmudic menstruation laws (*niddah*), with special attention to the technicalities of that discourse: the length of menstrual flows, how to recognize them, and recommendations to women who experience heavy menstrual or non-menstrual bleeding. Here I argue that Islamic menstruation laws developed in stark contrast to Jewish menstruation laws, as Muslim jurists resignified legal categories to serve a new and different logic of purity. In Part 2, I reflect on the contribution of menstruation discourses to the creation of social boundaries and to the reorganization and structuring of the social order. Jurists advised menstruants to refrain from religious rituals, while encouraging them to engage in most mundane activities, except vaginal intercourse. I argue that Muslim jurists did not construct the menstruating female body as inherently impure, nor did they see the female body itself as a source of pollution. Instead, the evidence suggests that over time jurists came to regard menstrual blood, with its perceived ability to pollute other bodies and substances, as a generically polluting substance (the "substance-thesis").[37]

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35 Janina Safran, "Rules of Purity and Confessional Boundaries: Maliki Debates about the Pollution of the Christian," *History of Religions* 42:3 (2003), 197–212.

36 Despite my analytical focus on the formative (ca. 610–800 CE) and the classical period (ca. 800–1200 CE), not all of the historical sources used here are from these time periods, for two reasons: First, early legal positions are often summarized and abridged in classical and post-classical (after 1200 CE) works; and, second, these much later sources tend to be more argumentative, and thus analytically useful, than earlier works. One may object that later sources reflect the sensitivities of later authors and times. However, personal sensitivities, political attitudes, and social conditions are not the only factors that influence the reception of earlier material. As Ahmed El Shamsy has observed, by the late 19th century, much of classical Arabic literature had become marginalized, and its rediscovery and integration into the canon of "classics" were contingent on the introduction of print and the concomitant redactions and preferences of modern editors and reformers. For this reason, later sources should not be categorically dismissed as unreliable. Ahmed El Shamsy, *Rediscovering the Islamic Classics: How Editors and Print Culture Transformed an Intellectual Tradition* (Princeton and Oxford: Princeton University Press, 2020), 240.

37 Regarding the "substance-thesis", I have profited from Elizabeth Faithorn's research on the Kafe, an indigenous group in the Highlands of New Guinea. Rather than regarding one of the sexes as generically polluting, she argues that the Kafe's intersexual behavior is

My "substance-thesis" serves as the basis for discussing the social ramifications of menstrual laws; specifically, I ask: by partially excluding women from ritual performance, did menstrual laws contribute to the creation of male-centered ritual? In Part 3, I explain how exegetes and jurists linked the legal discourse on menstruation to symbolic value systems, and, specifically, how theological ideas and concerns animated some of the conceptual shifts in Muslim legal discussions of menstruation. I argue that the complex and sophisticated conceptual shift away from late antique notions, according to which the female body is inherently impure, towards regarding menstrual blood itself as a source of impurity, involved the participation of Muslim jurists, exegetes, theologians, and grammarians, who constructed and justified the new social boundaries between men and menstruant women in their respective disciplines.

2 Menstruation Defined: Temporality, Substance, Limits

2.1 *Blood Colors and the Jewish Tradition*

In late antique societies, distinguishing women based on the phases of their menstrual cycle (i.e. the monthly hormonal cycle of the female body from the first day of the menstrual period to the day before the next menstrual period) served the dual purposes of regulating participation in ritual practices and controlling the boundaries of permissible sex. These distinctions are also found in Islamic legal discussions of menstruants. Muslim jurists typically distinguish at least three phases in the menstrual cycle: menstrual bleeding (*ḥayḍ*); breakthrough or non-menstrual bleeding (*istiḥāḍa*: lit. "to continue to have a flow of blood,"[38] i.e. metrorrhagia), which usually occurs outside but

regulated by the notion that some body fluids belong to a class of dangerous substances. Elizabeth Faithorn, "Women as Persons: Aspects of Female Life and Male-Female Relations among the Kafe," in *Man and Woman in the New Guinea Highlands*, ed. Paula Brown and Georgeda Buchbinder (American Anthropological Association, 1976), 94. Fatima Mernissi observes that although Muslim jurists regard menstruation as an "extraordinary event," its occurrence does not turn women into "negative poles" that upset the divine order. Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (Cambridge: Perseus, 1991 [1987]), 74. Kevin Reinhart argues along similar lines when he notes that in the Islamic purity system, the menstruant "is not impure if by impure we mean dangerous or ontically transformed." Reinhart, "Impurity/No Danger," 15. My argument about the substantive impurity of menstrual blood contrasts with the observation of Joseph Lowry, who notes that "the qurʾānic notion of substantive impurity appears particularly abstract and ideological rather than matter-driven." Joseph Lowry, "Ritual Purity," in *Encyclopaedia of the Qurʾān*, ed. Jane D. McAuliffe (Leiden: Brill, 2004), 4:498–508.

38 Edward W. Lane, *Arabic-English Lexicon*, 8 pts. (London: Willams & Norgate 1867), 1, pt. 2:687.

sometimes occurs during the menstrual period; and days of purity (*ṭuhr*). Some add a fourth phase, which I will call 'precaution days' (*istiẓhār*). A *ḥadīth* in al-Bukhārī (d. 256/870) defines the temporal limits of menstruation (*ḥayḍ*) as follows: We are told that women used to send their *durja*s to the Prophet Muḥammad's wife ʿĀ'isha. These were small rags made of cotton (*al-kursuf*) that were inserted into the vagina to determine the phase of a woman's menstrual cycle.[39] If a woman sees that a *durja* is soaked in yellowish menstrual blood (*al-ṣufra*), ʿĀ'isha would advise patience until the discharge became white (*qaṣṣa al-bayḍā'*).[40] White discharge, the jurists claimed, signifies purification (*ṭuhr*) and thus marks the end of the menstrual period.[41] Ibn al-Qāsim (d. 191/806) expanded upon this position, stating that "if she does not see white discharge, but observes dryness (*al-jufūf*), she should perform the ablution and pray." Dryness, he added, exists when a *khirqa* (=*durja*) that is inserted into the vagina is dry when removed.[42]

The attention paid by Muslim jurists to menstrual colors is arguably based on late antique precedent. According to Arent J. Wensinck, Muslim classifications of the different types of discharges that are reckoned as menstrual echo the Jewish tradition, in which the rabbis identify as impure five types of menstrual blood—red, black, yellow, murky, and reddish.[43] Some Muslim jurists hold that relying on blood colors alone suffices for determining the phase of a woman's menstrual cycle. According to Mālik (d. 179/796), "a woman who sees yellow or cloudy discharge (*al-ṣufra aw-l-kudra*) during the days of her menstrual period or on days when she does not menstruate can be sure it is menstrual blood."[44] The Shāfiʿī jurist al-Nawawī (d. 676/1277) concurs, stating that vaginal discharge that "is yellow or cloudy is menstrual (*al-ṣufra wa-l-kudra ḥayḍ*)."[45]

But the notion that blood colors alone are signs of the phases of menstruation was not accepted by all Muslim jurists. For example, the Shāfiʿīs

39 Lane defines *durja* as "a piece of rag stuffed with cotton, which a woman in the time of the menses puts into her vulva, […] to see if there be any remains of the blood." Lane, *Arabic-English Lexicon*, 1, pt. 3:869.

40 Al-Nawawī notes that "*al-qaṣṣa* […] is gypsum. The purified undisturbed moistness [when the *qaṣṣa* appears] resembles gypsum (*jiṣṣ*)." Muḥyī al-Dīn al-Nawawī, *Kitāb al-majmūʿ: Sharḥ al-muhadhdhab li-l-Shīrāzī*, 23 vols. (Jeddah: Maktabat al-Irshād), 2:416.

41 Al-Bukhārī, *Ṣaḥīḥ* (Damascus and Beirut: Dār Ibn Kathīr, 2002), 88 (no. 19).

42 Saḥnūn b. Saʿīd al-Tanūkhī, *al-Mudawwana al-Kubrā*, 4 vols. (Beirut: Dār al-Kutub al-ʿIlmīya, 1994), 1:152. See also the report transmitted by ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaf*, 10 vols. (Dār al-Ta'ṣīl, 2013), 2:36 (no. 1261).

43 Wensinck, "Reinheitsgesetzgebung," 74; Haggai Mazuz, "Islamic and Jewish Law on the Colors of Menstrual Blood," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 164:1 (2014), 97–106.

44 Saḥnūn, *al-Mudawwana al-Kubrā*, 1:152.

45 Al-Nawawī, *Minhāj al-ṭālibīn wa-ʿumdat al-muftīn* (Jeddah: Dār al-Minhāj, 2005), 88.

Abū Saʿīd al-Iṣṭakhrī (d. 328/939) and Ibn al-Qāṣṣ (d. 336/947) rejected the idea that a yellowish and cloudy discharge that occurs outside the regular window of the menstrual period (i.e. the days during which a woman would expect her menstruation) is menstrual blood.[46] They based their views on a cluster of *ḥadīth*s that are at odds with the opinion of Mālik. For example, in a report found in the *Sunan* of Abū Dāwūd (d. 202/889), Umm ʿAtīya relates that women did not count a muddy-blackish or yellow vaginal discharge after a menstrual flow had ended (*baʿd al-ṭuhr*) as a marker of menstruation.[47] The Umm ʿAtīya report implies that women who bleed before or after their menstrual period may participate in ritual performances without restriction. This lack of unanimity concerning color classifications points to a substantial disagreement over the precise boundaries between menstrual and non-menstrual (i.e. breakthrough) bleedings.

Of the Prophet's Companions, at least three women, including Fāṭima bt. Abī Ḥubaysh, Ḥamna bt. Jaḥsh, and Umm Ḥabība, were irregular bleeders (*mustaḥāḍāt*).[48] According to the jurists, the transition from menstrual to non-menstrual bleeding is marked by a liminal point that is called purification (*ṭuhr*).[49] As noted, that point is marked by a white discharge or dryness of the vagina. However, if menstrual and non-menstrual bleeding overlap, the jurists' task becomes more complicated because they must find a way to distinguish menstrual from non-menstrual blood.

As noted by Wensinck, Muslim jurists use the same legal categories for menstruants as the Jewish rabbis do. These categories are based on a blood flow's temporality, whether it occurs during the regular days of menstruation or outside of them.[50] However, Muslim jurists did not accept the social consequences the rabbis specified for women with menstrual and non-menstrual bleeding. In other words, although the rabbinic categories informed the conceptual horizon of Muslim juristic discussions, they did not determine

46 Al-Nawawī, *Kitāb al-majmūʿ*, 2:418. Other jurists, including Abū ʿAlī al-Ṭabarī (d. 350/961), argued that if black or red menstrual blood immediately precedes the yellowish or cloudy discharge, it counts towards the menstrual days. Ibid.

47 Abū Dāwūd, *Ṣaḥīḥ Sunan Abī Dāwūd* (al-Riyāḍ: Maktabat al-Maʿārif), 1:92 (no. 119).

48 Abū Bakr b. al-ʿArabī also mentions Zaynab bt. Jaḥsh, Sawda bt. Zamʿa, and Sahla bt. Sahīl as irregular bleeders. According to Mālik, however, an authentic (*ṣaḥīḥ*) tradition confirms only the abovementioned three and a fourth unspecified woman as irregular bleeders. Abū Bakr b. al-ʿArabī, *al-Masālik fī sharḥ Muwaṭṭaʾ Mālik*, 8 vols. (Dār al-Gharb al-Islāmī, 2007), 2:255.

49 Cf. Haggai Mazuz, "Revisiting Islamic Laws of *Istiḥāḍa*," *Journal of the Royal Asiatic Society* 30:2 (2020), 223–229.

50 Wensinck, "Reinheitsgesetzgebung," 75.

Islamic substantive law.[51] To illustrate, in both traditions, jurists distinguish between menstruants (*niddah*/*ḥāʾiḍ*) and women with irregular bleedings (*zavah*/*mustaḥāḍa*). But the legal consequences of the respective categories differ, resulting in a distinct logic of purity. Jewish law regards irregular discharges as sources of uncleanliness and contagion, the same effects that are attributed to menstrual flows. According to Lev. 15:25–26:

> If a woman has a discharge of blood for many days, not at the time of her purity, or if she has a discharge beyond the time of her impurity, all the days of the discharge she shall continue in uncleanness; as in the days of her impurity, she shall be unclean. Every bed on which she lies during all the days of her discharge shall be treated as the bed of her impurity; and everything on which she sits shall be unclean, as in the uncleanness of her impurity.[52]

Thus, irregular bleedings are as contagious as menstrual ones. The Babylonian Talmud envisions the same consequence for *niddah* and *zavah*: in both cases, the woman must wait seven days after the end of her discharge before taking the ritual bath (*mikvah*).[53] During the tannaitic (until 220 CE) and early amoraic periods (third to sixth century CE), stringency regarding the rabbinic

51 This argument challenges Maghen's discussion of blood (not just menstrual blood) in his dissertation, where he notes that "we would consequently have to accept the somewhat absurd proposition that the *fuqaha'* in the case of blood were exposed to and adopted both a Jewish precept *and* the particular science of discursive thought which modified and elaborated upon it, but nevertheless managed somehow to reach the *diametrically opposite* legal position—that blood is impure—in the end;" Maghen, "Al-Taharah Shatir Al-Iman," 110. For reasons I explain above, I find acceptable the suggestion that rabbinic law shaped the conceptual horizon of Islamic law without at the same time determining its substance.

52 *The New Oxford Annotated Bible: New Revised Standard Version with the Apocrypha. An Ecumenical Study Bible*, ed. Michael D. Coogan, Marc Z. Brettler, Carol A. Newsom, and Pheme Perkins (Oxford: Oxford University Press, 2010), 168.

53 BT Berakhot 31a:7: "The Gemara offers several examples: Abaye said: One like this *halakha* of Rabbi Zeira, as Rabbi Zeira said: The daughters of Israel were stringent with themselves; to the extent that even if they see a drop of blood corresponding to the size of a mustard seed she sits seven clean days for it. By Torah law, a woman who witnesses the emission of blood during the eleven days following her fixed menstrual period is not considered a menstruating woman; rather she immerses herself and is purified the next day. However, the women of Israel accepted the stringency upon themselves that if they see any blood whatsoever, they act as it if were the blood of a *zava*, which obligates her to count seven more clean days before becoming ritually pure;" BT Niddah 66a; and BT Megillah 28b. See also Koren, "Mystical Rationales," 102.

regulation of menstrual and non-menstrual bleeding increased, a trend that began with Rabbi Yehuda ha-Nasi (d. ca. 220). Accordingly, all uterine bleeding was now reckoned abnormal (*zavah*), a position that went far beyond the biblical requirements for menstruating women.[54] By treating both types of blood as impure, the rabbis shortened the permissible window for both ritual performance and sexual intercourse. Heavy and frequent bleeding before and after a woman's regular period significantly reduces the time window for sexual activity, procreation, and participating in rituals.

The Talmud's identification of women with irregular bleeding as impure/dangerous signals the difference between the Jewish and Islamic purity system. Indeed, Mālik and al-Nawawī held that yellow or cloudy discharge is a sign of menstruation, irrespective of timing. But other Muslim exegetes and jurists used the rule-of-thumb method, according to which white discharge marks the end of a menstrual period. As will be shown, Muslim jurists generally dismissed irregular bleeding as non-consequential with regard to women's purity status. The permissibility of sexual intercourse was likely a concern. But so was ritual: Muslim jurists had to accommodate women who bleed frequently and irregularly so that they might complete the individual legal obligations (*furūḍ al-ʿayn*) that are incumbent on all Muslims.

In Mālik's *Muwaṭṭaʾ*, the concern over women's protracted exclusion from ritual is articulated in several narratives, and the evidence suggests that the Prophet encouraged female Companions to disregard irregular bleedings. For instance, Fāṭima bt. Abī Hubaysh, who was known for her continuous bleeding, asked the Prophet how she could perform her duty to pray.[55] Explaining that she had a hereditary disposition (*ʿirq*), which meant that her situation was unlikely to change, the Prophet told her not to pray during her regular (or what would have been her regular) monthly period, but that at other times, she should wash off the blood and pray.[56] The proposed solution was pragmatic: when nature does not follow its regular course, a woman who bleeds irregularly should act as if it does.

54 Tirẓah Meacham, "An Abbreviated History of the Development of the Jewish Menstrual Laws," in *Women and Water*, 30–31.

55 Fāṭima bt. Abī Hubaysh reportedly experienced vaginal bleeding for seven consecutive years.

56 Mālik b. Anas, *Muwaṭṭaʾ* (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 1985), 61 (no. 106). Marion Katz mentions that ʿUrwa b. al-Zubayr advised his son Hishām that he could pray if his boils continued bleeding after performing the minor ablution (*wuḍūʾ*). Generally speaking, the same logic applies to continuous flows of blood that do not stop. Katz, *Body of Text*, 138.

We must qualify Wensinck's argument that Muslim jurists adopted the color classification of menstrual blood from Jewish law. The distinction made by Muslim jurists between menstrual and non-menstrual blood and their reliance on blood colors to distinguish the phases of the menstrual cycle do echo Talmudic legal discourse. However, not all Muslim jurists held that non-menstrual blood has the same social and symbolic consequences as those in Talmudic law. Rather, by the third/ninth century, Muslim jurists increasingly regarded non-menstrual bleeding as insignificant for the Islamic purity system. By contrast to Talmudic law, not every yellowish or cloudy discharge was regarded as menstrual. Instead, the jurists used the white discharge rule-of-thumb as the primary method for determining the temporal boundaries of menstruation.

2.2 *The Length of the Menstrual Period*

Fakhr al-Dīn al-Rāzī notes a lack of consensus among Muslim jurists concerning the length of the menstrual period (*muddat al-ḥayḍ*). He refers to the canonical view shared by al-Shāfiʿī, ʿAlī b. Abī Ṭālib (d. 40/661), ʿAtāʾ b. Abī Rabāḥ (d. 114 or 115/732 or 733), al-Awzāʿī (d. 157/774), Aḥmad b. Ḥanbal (d. 241/855) and Isḥaq b. Rāhwayh (d. 238/853), according to which the minimum duration of menstruation is one day and one night and the maximum is fifteen. By contrast, Abū Ḥanīfa holds the minimum to be three days and nights, and the maximum to be ten. Al-Rāzī mentions that Abū Ḥanīfa initially held the canonical view, but revised it.[57] According to these jurists, blood that flows for less than the minimum number of days required for menstruation is non-menstrual and has no legal consequences.[58]

57 Al-Rāzī, *Tafsīr*, 6:69–70.

58 We must exercise caution when analyzing the canonical position in Islamic law (menstruation lasts up to fifteen days) from the perspective of modern medical knowledge. Many women experience fluctuations in their menstrual cycles, and nutrition, physical activity, stress, and even climate may influence the length of the menstrual period. And yet nowadays, menstrual bleeding lasting for 15 days seems to be rare. In a 1997 study of more than 1000 healthy women, the median maximum length of menstruation among women of all ages was 7–8 days. Only 5% of women under the age of 40 had menstrual bleeding for 9–12 days, and only 5% of those over 40 experienced them for 12–17 days. Elizabeth M. Belsex, Alain P.Y. Pinol, and Task Force on Long-Acting Systemic Agents for Fertility Regulation, "Menstrual Bleeding Patterns in Untreated Women," *Contraception* 55:2 (February 1997), 60. While there is no data to compare the average maximum length of contemporary women's menstruation with that of women in late antique and medieval Islamicate societies, these variations can be explained. Anthropologists Thomas Buckley and Alma Gottlieb argue that scientific knowledge about menstruation is not a transhistorical, biological truth, and that menstrual patterns cannot be assumed to have remained stable throughout history. They observe that the available data about menstrual frequency and regularity is predominantly based on the experiences of Western women in

By contrast, Mālik held that even one hour of bleeding or bleeding that continues over an extended period (as in the case of Fāṭima bt. Abī Hubaysh) should be reckoned as menstrual.[59] In an astute observation, Abū Bakr al-Rāzi (d. 313/915 or 323/935) points out that Mālik's position on this issue, as well as his suggestion that any yellowish or cloudy discharge should be classified as menstrual, places a heavy burden on the Islamic purity system. He asserts that:

> if one neglects the minimum and maximum amounts [viz., the number of days for blood to be regarded as menstrual], *any* blood discharged by a woman is menstrual blood, and no woman on earth would have non-menstrual bleeding (*mustaḥāḍa*), because according to this position, all this blood is menstrual blood. But this [opinion] is invalid according to the consensus of the community (*bāṭil bi-ijmāʿ al-umma*).[60]

Abū Bakr al-Rāzī's argument must have been persuasive because most subsequent jurists held that menstrual and non-menstrual blood originate from different sources: menstrual blood comes from the womb (*raḥm*), whereas blood that flows during irregular bleeding originates in the blood vessels (*ʿurūq*) before flowing into the depths of the womb.[61]

In addition to the menstrual period (*ḥayḍ*) and purification (*ṭuhr*), some jurists discuss precaution days (*istiẓhār*). This concept creates a time buffer of one to three days during which a woman is expected to look out for potential signs of blood to ensure that her menstrual period has indeed ceased. At stake is epistemic certainty.[62] Ibn al-Qāsim, for example, held that every woman

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modern industrial societies. That is to say, the typical length of the menstrual period is not a historical constant. Thus, to make evidence-based claims about the length of women's menstruation in the early and classical Islamic period, one would have to gather data about menstrual patterns from similar historical, sociological, and cultural environments. Thomas Buckley and Alma Gottlieb, "A Critical Appraisal of Theories of Menstrual Symbolism," in *Blood Magic: the Anthropology of Menstruation* (Berkeley: University of California Press, 1988), 44–45. On Islamic juristic discussions on postpartum bleeding, see Haggai Mazuz, "Islamic Laws of Lochia," *Journal Asiatique* 303:2 (2015), 239–246.

59 Al-Rāzī, *Tafsīr*, 6:70.

60 Ibid.

61 Ibid., 6:69.

62 According to Aron Zysow, Muslim jurists connected the legitimacy of laws to epistemology. They developed a hermeneutical apparatus to distinguish between knowledge that is certain, and thus authoritative, and knowledge that is only probable, and thus less reliable for questions of positive law. I use the categories of *certainty* and *probability* to chart the historical development of the Islamic legal discussions of menstruation. Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory* (Atlanta: Lockwood Press, 2013), 1–3.

whose menstruation lasts less than 15 days should observe precaution days: three days if her menstruation is 12 days or less, two if it lasts 13 days, one if 14, and none if 15.[63] When observing these days, a woman is obligated to follow the same rules regarding abstention from ritual customs and sexual intercourse that are incumbent upon her during her menstrual period. Precaution days were already introduced by the rabbis to prevent inadvertently sinful behavior, and they are known in Talmudic law as "days of whitening" (*libun*) or "clean days" (*neqiyim*). A woman is expected to wait for seven additional days after her menstrual period ceases before resuming sexual contact with her husband.[64] In Saḥnūn's *Mudawwana*, it is reported that Mālik changed his mind on the issue of whether a 15-day menstruant is required to observe additional precaution days. While he initially advised that a woman becomes ritually pure after the passing of 15 days, he later renounced that opinion, adding three extra precaution days and thus reducing the days during which she is regarded as pure.[65]

To summarize: when determining the length of the menstrual period, Muslim jurists had to balance the need for a sound hermeneutic method for differentiating menstrual from non-menstrual blood against the exclusion of women from rituals and sexual activity. Epistemic certainty about when a woman is ritually pure was central to the jurists' discussions of when a menstrual flow ideally should be considered ended. That is to say, the juristic objective of attaining epistemic certainty competed with social anxieties concerning a woman's ritual deprivation and, as will be discussed in Part 3, a man's desire for intercourse. But jurists had to make other choices, some of which I have not yet mentioned: the data they used to define, assess, and regulate women's menstruation could not be based solely on legal fiction or rational argument, because jurists had to account for irregularities in women's uterine cycles, and at times they struggled to subsume deviations from the biological norm under their legal categories.

2.3 *New, Regular, Prolonged, and Forgetful Bleeders*

There are real juristic limits to the degree of probability or certainty that menstrual regulations create about the ritual purity of women. Some women, e.g. those with abnormal bleedings and pubescent girls without established bleeding patterns, challenge the suitability of the legal categories

63 Saḥnūn, *al-Mudawwana al-Kubrā*, 1:151.

64 Rahel R. Wasserfall, "Introduction: Menstrual Blood into Jewish Blood," in *Women and Water*, 5.

65 Saḥnūn, *al-Mudawwana al-Kubrā*, 1:151–152.

for menstruants. In the case of menstruation laws, jurists adopted a range of approaches to deal with exceptions to the biological norm—often of a pragmatic nature—attempting to fit women like Fāṭima bt. Abī Hubaysh, who experienced prolonged bleeding, into standing legal categories.

Consider, for example, the case of pubescent girls who experience their first bleeding (*mubtadi'a* or menarche). How does one determine precisely when a girl can be considered a *mubtadi'a*? According to the Baghdadi Shāfiʿī jurist Ibn Surayj (d. 306/918), after her initial blood flow, a girl must continue her prayers for at least one full day. Consistent with the abovementioned canonical view that the minimum length of menstruation is one day, Ibn Surayj states that if a girl bleeds for more than one day, she should withdraw from her ritual obligations. If the bleeding ceases before a day has passed, one can be certain that the blood is not menstrual. Ibn Surayj reasons that doubt does not justify negligence (e.g. *fa-lā yajūz tark al-ṣalāt bi-l-shakk*).[66] To summarize his view: a girl should not suspend ritual performance merely because the blood flowing from her body *might* be menstrual. What is needed is epistemic certainty, not mere probability. Abū al-Ḥasan al-Māwardī (d. 450/1058) disagreed. He reasoned that a woman who is expecting her regular monthly period (*muʿtāda*) because she has had her menstrual period before (i.e. she is not a *mubtadi'a*) also does not continue her prayers when her bleeding begins, despite the possibility that her bleeding is not menstrual.[67] The epistemic certainty required by Ibn Surayj comes at the risk of obligating a girl to pray when she is ritually impure.

Women who experience menstrual and non-menstrual bleeding, either sequentially or synchronously, fall into the category of *mumayyiza* (lit.: "a woman with a distinctive mark"), a condition that overlaps in part with metrorrhagia (irregular menstrual bleeding). In his commentary on al-Khiraqī's *Mukhtaṣar*, Ibn Qudāma notes that a *mumayyiza* will notice the onset and end of blood flows (*iqbāl wa-idbār*), some of them black, thick and bad-smelling (*aswad thakhīn muntin*), and some shiny red (*aḥmar mushriq*), yellow (*aṣfar*), or without odor (*lā rā'iḥa*). But whenever menstrual (*ḥayḍ*/*qawī*) and non-menstrual (*istiḥāḍa*/*ḍaʿīf*) bleeding is not neatly distinguished by the markers of purification (*ṭuhr*)—indicated by white discharge or vaginal dryness—it is difficult to distinguish the menstrual period. As a last resort, Ibn Qudāma reintroduces the notion of blood colors, advising *mumayyiza*s to pay attention to the color differences in order to identify the phase of the menstrual cycle they are in. Accordingly, if a woman's blood is black, she can be certain the

66 Al-Nawawī, *Kitāb al-majmūʿ*, 2:417.

67 Ibid., 2:417–418.

blood is her menstrual flow. If it turns yellow and soft (*wa-kāna ilā al-ṣufra wa-l-riqqa*), she should regard it as non-menstrual.[68]

In the *Minhāj*, al-Nawawī mentions women who are "confused" (*mutaḥayyira*) because they "have forgotten the quality (*qadr*^{an}) and timing (*waqt*^{an}) of their period."[69] Because their ritual status is uncertain, they are subject to the duty of precaution (*wujūb al-iḥtiyāṭ*). They are in a middle position: prohibited from intercourse or touching the Qur'ān, other than for purposes of prayer, but nevertheless obligated to pray mandatory prayers, perform the greater ablution before each of them, and fast. With regard to these "confused" women, al-Nawawī resolves the legal balancing act by requiring them to follow the ritual obligations of non-menstruating women and the profane prohibitions imposed on menstruating women.[70]

2.4 *The Legal Discourse on Menstruation: a Bird's-Eye View*

To establish legal categories that regulate menstruation effectively, Muslim jurists had to account for biological, intralegal, and intercommunal limits and boundaries. The biological limits were determined by the complexity of a woman's menstrual cycle, the occurrence of menstrual, irregular, and heavy bleeding, and the range in color of the discharges of blood. The discussion of the menstrual cycle was not merely an intellectual exercise in hypothetical reasoning, but rather an attempt to capture in precise terms the real experiences of women.

On the intralegal level, jurists attempted to strike a balance between establishing epistemic certainty about the ritual status of women and pragmatic solutions. As stated, one solution assumes that the observation of white discharge, irrespective of subsequent bleeding, signals the end of menstruation. Mālik's positions, both his suggestion to treat all yellow and cloudy liquid as menstrual and his view concerning precaution days, were scrutinized by others who favored solutions that widened the *ṭuhr* window. Notably, Mālik's positions on menstruation seem to be more in line with regulations in the Jewish purity system than those of his contemporaries.

The similarity of legal categories in Jewish and Islamic legal discussions of menstruation point to cultural and legal contact between Jews and Muslims.[71]

68 Ibn Qudāma, *al-Mughnī*, 1:392.

69 Al-Nawawī, *Minhāj al-ṭālibīn*, 88. Abū Bakr b. al-'Arabī distinguishes between menarche (*mubtadi'a*), desperate (*yā'isa*), habitual (*mu'tāda*), mixed (*mukhtaliṭa*), and confused (*mutaḥayyira*) bleeders. Abū Bakr b. al-'Arabī, *al-Masālik fī sharḥ Muwaṭṭa' Mālik*, 2:255.

70 Ibid.

71 See, for instance, Uriel Simonsohn, *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam* (Philadelphia: University of Pennsylvania Press, 2011), and Lev E. Weitz, *Between Christ and Caliph: Law, Marriage, and Christian Community in Early Islam* (Philadelphia: University of Pennsylvania Press, 2018).

However, an examination of the social and symbolic systems underlying legal categories reveals that these categories carry distinct connotations, reflecting their diverse functions. In Jewish law, for example, the legal consequences for a woman with non-menstrual bleeding are the same as those for a menstruant. In Islamic law, by contrast, the majority of jurists dismissed irregular bleeding as legally insignificant. The anthropologist Gottlieb astutely observes that

> the specific meanings of menstruation in a given culture can by no means be presupposed, even in the presence of menstrual taboos. They can be determined only through sustained and particularistic analysis of the case at hand.[72]

That is to say, similarities concerning the menstrual customs in religious traditions should be studied holistically, with a view to their function in the respective purity regime. In Section 3, I analyze how Muslim jurists created social boundaries through menstruation laws and how, compared to Talmudic law, they increased women's participation in rituals and opportunities for sexual intimacy. They accomplished this in two ways: First, they declared non-menstrual blood as inconsequential. Second, they shifted the definition of 'being polluted' from women to menstrual blood itself.

3 Menstruation and the Social Order

3.1 *The Social Efficacy of Menstrual Laws: Mālik's Muwaṭṭa' as a Case Study*

Which social domains did menstruation laws influence? And how did they affect relationships between men and women? As noted at the beginning of the essay, the occurrence or absence of a menstrual flow is central to several legal rulings (*aḥkām*; e.g. the well-known prohibition of praying or touching the Qur'ān). But one finds references to menstrual and non-menstrual bleeding throughout the *fiqh* compendiums. By identifying the legal and social domains in which these references appear, one gains a better understanding of how these regulations created distinct and meaningful interactions in the societies in which they were devised and practiced. A simple way of identifying those domains is by running a search of all inflections (i.e. all possible lexical

72 Alma Gottlieb, "Menstrual Cosmology among the Beng of Ivory Coast," in *Blood Magic: the Anthropology of Menstruation*, ed. Thomas Buckley and Alma Gottlieb (Berkeley: University of California Press, 1988), 74.

forms) of the Arabic root *ḥ-y-ḍ* in a *fiqh* compendium, using software such as al-Maktaba al-Shāmila. To that end, I have selected Mālik b. Anas's *Muwaṭṭa'* (see Appendix).[73]

An electronic search of all known inflections of the root *ḥ-y-ḍ* (*ḥayḍ*, *ḥā'iḍ*, *ḥayḍa*, *mustaḥāḍa*, *maḥīḍ*, …, etc.) in the *Muwaṭṭa'* produced 83 instances of that root. The most frequent inflection is *al-ḥayḍa*, which occurs twelve times, followed by *ḥā'iḍ* and *ḥāḍat* ten times each, *al-mustaḥāda* six times, and *al-ḥā'iḍ* and *taḥīḍu* five times each. Note, however, that the Qur'ānic form *maḥīḍ*, discussed in the following section, appears only twice. Also surprising is the fact that the highest in-chapter-usage of the root *ḥ-y-ḍ* occurs in the domain of rules that govern the relationships between human beings (*muʿāmalāt*) in the chapter "The waiting-period after a divorce in general." The second highest usage is in the chapter "The circumambulation of the Kaʿba on the day of the sacrifice during the pilgrimage (*ṭawāf al-ifāḍa*)." The legal references to menstrual and non-menstrual flows in the *Muwaṭṭa'* are distributed evenly between ritual laws (*ʿibādāt*) and *muʿāmalāt*, with 46 instances in the former, and 37 in the latter. In the *ʿibādāt* section, the root occurs most frequently in the chapters on purity (*ṭahāra*) and pilgrimage (*ḥajj*). In the *muʿāmalāt* section, almost all references occur in the chapter on divorce (*ṭalāq*), except for two in the chapter on marriage, and one in the chapter on punishments.

A preliminary glance at the legal treatment of menstruation in both domains (*ʿibādāt* and *muʿāmalāt*) suggests that Muslim jurists applied double standards in their discussions of menstruation: some jurists held that it is permissible to be sexually intimate with a menstruant woman (albeit not vaginal intercourse), but not to share ablution water with her. Why? Is there a shared, underlying principle that justifies the apparent tension between legal laxity towards menstruation in *muʿāmalāt* and strictness in *ʿibādāt*? In the remainder of the essay, I argue that this apparent tension is not the result of

73 I have chosen the *Muwaṭṭa'* for an overview of the occurrences of *ḥ-y-ḍ* for three reasons: First, it is one of the earliest comprehensive legal compendiums that systematically arranges legal issues according to legal topics. Cf. Ahmed El Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History* (New York: Cambridge University Press, 2013), 37. Second, Mālik's opinions circulated widely, and later scholars extended and revised them. Third, the *Muwaṭṭa'*'s size is moderate compared to later *fiqh* works such as Saḥnūn's *Mudawwana* or al-Shāfiʿī's *Umm*. It should be noted, however, that a quantitative analysis has its limitations. For example, it does not provide an accurate picture of all the social domains in which menstrual and non-menstrual bleeding may have been meaningful, only those in which legal discourse imagined them to be. Additionally, the object of legal discourse is itself defined by cultural assumptions about what law can regulate. In other words, law does not, and sometimes cannot, manage many areas of social life.

a different approach to menstruation in profane as opposed to ritual matters, but rather a consequence of a reconceptualization of menstrual blood in the Islamic legal tradition. According to this reconceptualization, impurity came to be more closely associated with menstrual blood as a substance, thereby departing from the late antique tradition of parsing the bodies of menstruants as inherently impure.

3.2 *Gendering and Structuring Society: Sex and Ritual*

3.2.1 *Ḥadath* versus *najāsa*

As mentioned, the classical Islamic purity system distinguishes between two forms of impurity: *ḥadath*, which denotes the ritually impure *state* of a person, and *najāsa*, an umbrella term that subsumes several defiling substances including menstrual blood. For Abū Ḥanīfa, every *ḥadath* is logically caused by the negation of the previous ablution through the presence of an impure substance (*najāsa*) and, therefore, the removal of said impure substance, such as menstrual blood, lifts the state of ritual impurity.[74] Other jurists disagreed. According to Ibn Rushd (d. 595/1198), three legal viewpoints (*madhāhib*) emerged regarding how the state of purity is negated (*fī intiqāḍ al-wuḍūʾ*):[75]

1. Abū Ḥanīfa, his followers, al-Thawrī (d. 161/778), Aḥmad b. Ḥanbal, and others: every impure substance flowing from and exiting the body (e.g. blood, nosebleed, bloodletting, cupping, vomit, but not phlegm) negates the state of purity.
2. Al-Shāfiʿī, his followers, and Muḥammad b. ʿAbd al-Ḥakam (d. 268/881): the decisive point is not the substance itself but whether the substance exits through the penis (*al-dhakar*) or the anus (*al-dubr*). If it flows from one of these body openings, the state of purity is negated.
3. Mālik and the majority of his followers: everything that exits the penis or the anus and does so habitually (*muʿtād*) and in a healthy manner (*ʿalā wajh al-ṣiḥḥa*), such as urine, feces, pre-seminal fluid (*madhī*), post-urinal discharge (*wadī*), or flatus, leads to ritual impurity. However, impurity does not result from blood, gallstones (*ḥasāh*), or urine exiting due to incontinence.

The conceptual tension between making the state of ritual impurity contingent on the presence of the substance itself (Abū Ḥanīfa, al-Thawrī, Aḥmad b. Ḥanbal), the body parts through which the substance exits (al-Shāfiʿī, Ibn ʿAbd al-Ḥakam), or a combination of both (Mālik) pervades Muslim juristic

74 See the extensive discussion and references on this point in Gauvain, "Ritual Pollution," 181–184.

75 Ibn Rushd, *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*, 4 vols. (Cairo: Dār al-Ḥadīth, 2004), 1:40.

discussions on menstruation and considerations of socially permissible interactions with menstruants, including sexual intercourse.

3.2.2 The Limits of Sexual Intimacy

The primary legal reference in the Qur'ān to the boundaries of sexual intimacy between men and menstruant women is undoubtedly Q 2:222:

> They ask you about *al-maḥīḍ*. Say it is impure, and keep away from women in *al-maḥīḍ* and do not come near them until they become purified. When purified, approach them from where God ordered you. God loves those who repent and those who are purified.[76]

In this verse, the word *maḥīḍ* is ambiguous. Fakhr al-Dīn al-Rāzī notes that most exegetes held that *maḥīḍ* here is a verbal noun (*maṣdar mīmī*) and, by implication, is synonymous with *ḥayd*, i.e. "the time of menstruation (*zamān al-ḥayḍ*)." Al-Rāzī disagrees. He argues that if *al-maḥīd* were a *maṣdar*, then Q 2:222 would signify that one must "keep away from women during their menstruation." The verse's apparent meaning (*ẓāhiruhu*) would thus be that husbands must avoid physical contact with menstruating women altogether, or as al-Rāzī says, they would have to "abstain from seeking pleasure in that which is *above* the navel and *below* [my emphasis] the knees" (in addition to that which is below the navel and above the knees, namely the female sexual organs).[77] But the view that menstruants must be physically secluded, which brings to mind the Jewish and Zoroastrian traditions, went against the Muslim scholarly consensus (*bi-khilāf al-ijmāʿ*), according to which menstruants may be approached intimately, so long as one avoids those parts that are located "below the navel and above the knees."[78]

Is scholarly consensus a reliable form of proof and assurance against error? During al-Rāzī's era, it was acceptable to have physical contact with menstruating women, and by asserting that *maḥīḍ* is not a *maṣdar*, he seeks

76 Text: "*wa-yasʾalūnaka ʿani l-maḥīḍi qul huwa adhan fa-ʿtazilū l-nisāʾa fī l-maḥīdi wa-lā taqrabūhunna ḥattā yaṭhurna fa-idhā taṭahharna fa-atūhunna min ḥaythu amarakumu Allāhu inna Allāha yuḥibbu al-tawwābīna wa-yuḥibbu al-mutaṭahhirīna.*" *The Qurʾān*, https://quran.com/2/222-232.

77 Al-Rāzī, *Tafsīr*, 6:67–68. Marmaduke Pickthall, Yusuf Ali, Arthur Arberry, and Tarif Khalidi translate the first *maḥīḍ* in Q 2:222 as "menstruation," "women's courses," "the monthly course," and "menstruation," respectively; the second as "such times," "their courses," "the monthly course," and "menstruation," respectively. All four assume that *maḥīḍ* is a verbal noun (*maṣdar mīmī*), and thus refers to the days during which a woman is menstruating.

78 Ibn Qudāma, *al-Mughnī*, 1:414–15.

to rationalize this societal norm, as suggested by his argumentation. Muslim jurists often rationalized societal norms by referring to their establishment by consensus (*ijmāʿ*). As early as the third/ninth century, al-Shāfiʿī critiqued Ibn ʿUlayya's (d. 218/834) legal argument, according to which consensus of the learned is an assurance against error, suggesting that this epistemic claim is fraught with danger.[79] Al-Rāzī formulates the problem in hermeneutical terms: "since this prohibition [of avoiding menstruants altogether] is not the established one (*ghayr thābit*), one must address the issue of abrogation (*naskh*) or specification (*takhṣīṣ*) of the verse" to explain why the custom that menstruants should not be approached is not the prevailing one.[80] His argument is as follows: it is possible to read *maḥīḍ* as a *maṣdar*. However, if we do so, we must assume that a second Qurʾān verse (or tradition) abrogates or restricts Q 2:222, and by implication, the practice of isolating menstruants. Since no such verse exists, the isolation of menstruants is contrary to established rules (*khilāf al-aṣl*).

However, there was another, more compelling reason why al-Rāzī avoided reading the verse in broad terms. Earlier in his commentary, when discussing the occasion of the verse's revelation (*sabab al-nuzūl*), he recounts a Prophetic tradition which suggests that the believers initially understood the verse in precisely such broad terms:

> When the verse was revealed, the Muslims understood it by its apparent meaning (*bi-ẓāhir al-āya*), sending them [i.e. menstruants] away (*akhrajūhunna*) from their houses. Some Arabs said: Oh Messenger of God, the cold is intense, and the garments are few. If we favor them with the garments, the rest of the household will perish. If we favor ourselves, the menstruants will perish. So, he—may praise and peace be upon him—explained: "I commanded you to refrain from sexual intercourse (*bi-jimāʿatihinna*) with them when they menstruate. But I did not order you to send them away from their houses, as the Persians used to do."[81]

79 For al-Shāfiʿī's critique of Ibn ʿUlayya's legal theory of consensus, see El Shamsy, *The Canonization of Islamic Law*, 55–63.

80 Al-Rāzī, *Tafsīr*, 6:68.

81 Ibid., 6:67. Shuruq Naguib has located the same passage in al-Zamakhsharī's *al-Kashshāf*. Shuruq Naguib, "Horizons and Limitations of Muslim Feminist Hermeneutics: Reflections on the Menstruation Verse," in *New Topics in Feminist Philosophy of Religion. Contestations and Transcendence Incarnate*, ed. Pamela Sue Anderson (Dordrecht: Springer, 2010), 33–49, at 37–38.

According to al-Rāzī, Q 2:222 was revealed to put an end to the widespread practice of isolating menstruants, and it cannot plausibly be construed as producing the outcome it is trying to remedy. Thus, the report about the Prophet's clarification of the meaning of the verse supports al-Rāzī's claim that *maḥīḍ* is not synonymous with *ḥayd*.

Al-Rāzī, Ibn Qudāma, and other Muslim scholars treated *maḥīḍ* as a noun of place (*ism makān*) that specifies "the place of menstruation (*mawḍiʿ al-ḥayḍ/ism li-makān al-ḥayḍ*)."[82] According to this reading, the term refers to a woman's sexual organ (*farj*), the place from which menstrual blood emerges. This interpretation supports the majority view that only vaginal intercourse with menstruants is impermissible.[83] I suspect that the explicit and implicit social ramifications of this interpretation were at least twofold. On the one hand, it mitigated the imagined and real social distance between men and menstruant women, bringing the latter back into ordinary social life. On the other hand, it eliminated the ability of women to withdraw from social life and retreat into private activities, at the expense of their obligations to engage in sexual relations with their husbands.

The argument that *maḥīḍ* is an *ism makān* was not merely a linguistic one. Rather, it was central to the cultural process of resignifying late antique women's bodies and menstrual blood within the metaphysical universe of the Islamic purity system. Whereas in Jewish, Zoroastrian, and some pre-Islamic Arabic purity systems, menstruants' bodies were regarded as inherently polluting, Muslim jurists identified impurity only with menstrual blood. By transferring impurity to menstrual blood itself, Muslim jurists made physical contact with menstruants acceptable in the larger system of Islamic purity rules, without undermining the rationale of abstaining from intercourse.

The cultural and legal process of resignifying menstruant women's bodies as permissible sites of social interaction could not be based on a single Qurʾānic reference. It is perhaps not surprising then that Muslim jurists summoned a host of Prophetic traditions to reinforce the notion that menstrual blood is a polluting substance and to construct the new boundaries of physical intimacy with menstruants. Distancing themselves from the notion of seclusion rituals, Muslim jurists had to delineate the kind of social norms—the public and intimate behaviors—they envisioned in their stead. As will be shown in the next section, this work of boundary reconstruction had implications not only for physical contact between men and women but also for ritual matters.

82 Al-Rāzī, *Tafsīr*, 6:68; Ibn Qudāma, *al-Mughnī*, 1:415.

83 Ibn Taymiyya, *Fatāwā al-nisāʾ* (al-Qāhira: Maktabat al-Qurʾān), 25–26.

How exactly did classical Muslim jurists configure the boundaries of intimacy with menstruants? A well-known *ḥadīth* in Mālik's *Muwaṭṭa'* mentions an occasion of sexual intimacy between the Prophet and his favorite wife, ʿĀ'isha. When ʿĀ'isha realizes that she is menstruating, Muḥammad orders her to put on a loincloth (*izāra*) and return to bed (*ʿūdī ilā maḍjaʿik*). The report reads as follows:

> [Yaḥyā] related to me from Mālik from Rabīʿa b. Abī ʿAbd al-Raḥmān that ʿĀ'isha, the wife of the Prophet, was lying down (*muḍṭajiʿat*^{an}) with the Messenger of God under one blanket. Then suddenly, she leaped aside. The Messenger of God asked her: What is wrong with you? Are you menstruating (*nafistī yaʿnī al-ḥayḍ*)? She said: Yes. He said: Tie your loincloth (*izāra*) around yourself and come back to bed (*maḍjaʿik*).[84]

The word *muḍṭajiʿat*^{an}, the active participle of the eighth form of *ḍ-j-ʿ*, may signify either "sleeping next to him" or having sex with him. If they were only sleeping next to each other, then we may assume that ʿĀ'isha began to menstruate, and the Prophet advised her to tie the loincloth around herself so that the blood would not contact the bed. If they were engaging in sexual intercourse, then ʿĀ'isha's realization of some menstrual symptom (perhaps cramping or the appearance of menstrual blood) resulted in suspension of the sexual act. It is not clear, however, what happened after she tied the loincloth around herself. Did they continue vaginal intercourse? Did they engage in other forms of sexual intimacy?

That mutual rubbing or direct skin-to-skin contact (*mubāshara*), and likely more than that, was considered acceptable practice between men and menstruant women is indicated by several Muslim juristic opinions.[85] When asked whether a husband may rub his menstruant wife, Saḥnūn (d. 240/855) states: "he should tie the loincloth around the lower part of her body (*ʿalā asfalihā*), then he can have direct physical contact with her (*yubāshiruhā*) as he pleases."[86] Ibn Taymiyya (d. 728/1328) puts the matter in candid terms:

> Yet he may seek pleasure from a menstruant or a woman in childbirth (*nafsā'*) in that which is above the loincloth (*izār*). Similarly, he may seek

84 Mālik b. Anas, *Muwaṭṭa'*, 58 (no. 94).

85 On heavy petting (*mulāmasa*) and its legal implications, see Ze'ev Maghen, *Virtues of the Flesh: Passion and Purity in Early Islamic Jurisprudence*, Studies in Islamic Law and Society, 23 (Leiden: Brill, 2005), 35–37; 206–207.

86 Saḥnūn, *al-Mudawwana al-Kubrā*, 1:153.

> pleasure from her with her mouth, hand, or foot. If he rubs [his penis] on her belly (*waṭi'a fī baṭnihā*), it is lawful. As for between her thighs, there is disagreement about its lawfulness among the scholars. And God knows best.[87]

Compared to Jewish and Zoroastrian late antique menstrual customs, the imagined boundaries of physical intimacy with menstruants had expanded considerably.

Haggai Mazuz argues that the exception created by Muslim jurists regarding the touching of the female genitalia is consistent with the *mukhālafa* argument that Muslims were keen to distinguish their social practices from those of Jews and Christians by choosing a "middle path."[88] Yet the shift in menstrual customs we observe in the classical Islamic laws on menstruation was a complicated and sophisticated process. In order to establish the "new" menstrual customs, it was necessary to erase the social stigma associated with menstruant bodies. To make plausible the notion that menstruants could be approached socially, and to some extent sexually, jurists like Abū Ḥanīfa shifted the stigma of pollution from women to menstrual blood. This discursive shift and epistemic reframing of menstrual blood as an inherently impure substance that can pollute other substances and bodies produced a distinct set of problems in matters of ritual law.

3.2.3 Menstruation and Islamic Ritual

By as early as the late second/eighth century, Muslim jurists seem to have agreed upon several restrictions with regard to menstruants in the domain of ritual laws. In this section, I argue that the ritual laws applying to menstruants were a logical extension of the conceptual shift towards viewing menstrual blood as an inherently polluting substance, rather than the result of juristic double standards towards *ʿibādāt* and *muʿāmalāt*.

Muslim jurists who write about menstruation are highly ambivalent regarding the legal rationales for ritual prohibitions. This ambivalence is a sign of judicial conflict and negotiation, pointing to the intrinsic tensions of a

87 Ibn Taymiyya, *Fatāwā al-nisā'*, 26.

88 Wensinck concluded that the regulation not to touch the private parts of the female body during menstruation developed in opposition to Jewish law. See Wensinck, "Reinheitsgesetzgebung," 74. Cf. Mazuz, "Menstruation and Differentiation," 206; idem, "Qur'ānic Commentators on Jewish and Zoroastrian Approaches to Menstruation," *The Review of Rabbinic Judaism* 15 (2012), 89–98. Note that the doctrine of contrariety is primarily concerned with affairs of high public visibility, such as eating pork and keeping dogs.

legal discourse which, although seemingly unanimous in terms of demarcating the boundaries of sexual intimacy, is equivocal concerning menstruants' participation in the ritual order of things. These internal tensions suggest that the process of agreeing on menstrual laws was not straightforward, uninterrupted, or inevitable and did not have a predefined objective.

As noted, Ibn Qudāma argued that menstruants are prohibited from participating in ritual prayer, fasting, and circumambulating the Kaʿba. The continued discharge of menstrual blood, jurists held, prevents women from attaining a state of ritual purity, a necessary requirement for the valid performance of ritual. Since the female body is host to an impure substance, a woman cannot attain ritual purity because the continued presence of menstrual blood invalidates her state of ritual purity. It is not the menstruant herself but the blood that is the source of pollution. In other words, a woman is only the temporary carrier of an inherently polluting substance.

In matters of ritual, jurists regarded the physical shielding from menstrual blood—for example, through a loincloth—ineffective to prevent the spread of ritual pollution. A report by Mālik in the *Muwaṭṭa'* indicates that one should not use ablution water used previously by a menstruant:

> Yaḥyā related to me from Nāfiʿ that ʿAbd Allāh b. ʿUmar used to say: There is no objection to performing the major ablution (*ghusl*) with water used by a woman, unless she is menstruating (*ḥāʾiḍ*^{an}) or precluded [from ritual worship] (*junub*^{an}).[89]

I interpret the report as follows: due to its liquidity, water, unlike a loincloth, cannot prevent the spread of ritual pollution unless it flows or exists in large quantities.[90] Thus, sharing *ghusl* water with menstruants exposes one to impurity since pollution can pass from substance to substance (blood to water) and from substance to body (contaminated water to person). Saḥnūn notes a different opinion of Mālik's regarding the minor ablution (*wuḍūʾ*): he does not object to sharing *wuḍū'* water with a menstruant, unless she has a defiling substance (*najas*) on her hands.[91] Both reports reflect a concern with

89 Mālik b. Anas, *Muwaṭṭa'*, 52 (no. 86).

90 Ibn Qudāma notes that if the quantity of water (which is "created pure, cleansed of impurities and contaminants") is more than two *qulla* (≈108 *raṭl*s of Damascus) or if the water flows, "nothing can contaminate it except that which changes its color, its taste, or its odor;" Ibn Qudāma, *al-ʿUmda* (Cairo: al-Maṭbaʿa al-Salafiyya, 1965), 6. On Islamic water law and purity, see Michael E. Norvelle, "Water Use and Ownership According to the Texts of Ḥanbalī Fiqh" (PhD diss., McGill University, 1980), 86–87.

91 Saḥnūn, *al-Mudawwana al-Kubrā*, 1:122.

menstrual blood entering water that is used for ablution. The difference is that the performance of the major ablution is guided by a higher standard of precaution: because *ghusl* water touches the genitals, a menstruant who comes in contact with such water almost certainly pollutes it, rendering it unfit for others completing the major ablution, because the water is now incapable of purification (*ghayr muṭahhir*). The same logic, according to Mālik, applies to *wuḍū'* water if the menstruant has blood on her hands.

Other jurists suggest lower degrees of strictness in ritual matters. For example, menstruants are permitted to assist men in preparation for ritual prayer. ʿAbd Allāh b. ʿUmar reportedly had his feet washed regularly by his menstruating slave women, who also used to bring him the prayer mat (*khumra*).[92] This report might suggest that jurists reckoned the possibility of menstruants smearing blood on a prayer mat as extremely low, or that the prior use of water decreased the possibility that the pollution would spread. To summarize: the legal opinions on the shared use of ablution water with menstruants are not unanimous, and Muslim jurists approached ritual matters with different levels of precaution.

A different legal logic applies to public ritual. In one of his *fatwā*s on women's issues, Ibn Taymiyya explains the widespread view that menstruants must not circumambulate (*ṭawāf*) the Kaʿba because they must not enter mosques.[93] His argument is based on two assumptions. First, menstruants may not participate in the public ritual in which Muslims gather in mosque premises (*iʿtikāf*) because they are prohibited from entering mosques during their menstrual period. Second, the circumambulation of the Kaʿba requires the same degree of ritual purity as mosque gatherings, as suggested by Q 2:125, where God says to Abraham and Ishmael, "Purify my house for those who perform *ṭawāf* and those who do *iʿtikāf* and those who bow and prostrate [in prayer]."[94] Thus, Ibn Taymiyya concludes that menstruants are prohibited from circumambulating the Kaʿba because they are prohibited from entering mosques. This explains why a Prophetic tradition states: "the menstruant should perform all the pilgrimage ceremonies (*al-manāsik*), but she must not circumambulate the Kaʿba."[95]

92 Mālik b. Anas, *Muwaṭṭa'*, 52 (no. 88).

93 Ibn Taymiyya issued a landmark opinion giving women permission to perform the *ṭawāf al-ifāḍa*. Yahya Nurgat, "Menstruation and the *Ṭawāf al-Ifāḍa*: A Study of Ibn Taymiyya's Landmark Ruling of Permissibility," *Hawwa: Journal of Women of the Middle East and the Islamic World* 20 (2022), 256–275.

94 The full verse (Q 2:125) states: "*wa-idh jaʿalnā l-bayta mathābat^{an} li-l-nāsi wa-amn^{an} wa-ittakhidhū min maqāmi Ibrāhīma muṣallan wa-ʿahidnā ilā Ibrāhīma wa-Ismāʿīla an ṭahhirā baytiya li-l-ṭāʾifīna wa-l-ʿākifīna wa-l-rukkaʿi l-sujūdi.*" *The Quran*, https://quran.com/2?startingVerse=125. Ibn Taymiyya, *Fatāwā al-nisā'*, 17.

95 Ibid., 17.

Social considerations may have solidified the analogy to mosque gatherings. Because gathering in a mosque is a public experience, the danger of menstrual blood coming into contact with the mosque or the Kaʿba is real, even if the woman wears a loincloth. At stake is the spread into those premises of a substance that jurists had declared to be intrinsically polluting, thus rendering those premises impure too. Jurists accepted the risk of pollution in the private lives of believers, but not when it implicated public infrastructure and large numbers of people.

The restrictive approach to public rituals may be explained by what the anthropologist Marilyn Strathern calls *collectivized dependency*. This term signifies that the separation of the sexes in public ritual performances results in males recognizing other males as the same, and females other females as the same. For that reason, according to Strathern, the sexes begin to form ideational relationships with other members of the same sex.[96] In the case of menstruation rituals, members of society recognize sameness in terms of either (1) their physical inability to menstruate (men), or (2) their ability to menstruate (women). Strathern notes that in gendered ritual performances:

> The opposite sex is not, however, simply there [through its symbolic presence] in the sense that every performance needs an audience, nor in the sense that leaders need followers: they are there as vital processors of the information the actors are seeking about themselves.[97]

The absence of menstruants in public rituals conveys to men that the bodies of those women who are menstruating are marked and gestures to the cultural, social, and biological possibilities signaled by those marked bodies, including fertility ("a free womb"), marriageability (in the case of pubescent girls), social alliances, and even wealth. Similarly, in the Jewish tradition, as Shaye Cohen observes, the consequences of public separation rituals are that "public sacred space is male space, and the exclusion of menstruants from that space confirms that women, because they are women, are not its natural occupants."[98]

The conceptual shift towards regarding blood as an inherently polluting substance that characterizes the classical Islamic legal discourse on menstruation renders intelligible many of the jurists' opinions in the field of ritual laws, for example, the issue of sharing ablution water. Since *ghusl* water

96 Marilyn Strathern, *The Gender of the Gift: Problems with Women and Problems with Society in Melanesia* (Berkeley: University of California Press, 1990 [1988]), 102–103.

97 Ibid., 121.

98 Shaye Cohen, "Purity and Piety: The Separation of Menstruants from the Sancta," in *Daughters of the King: Women and the Synagogue* (Philadelphia and Jerusalem: The Jewish Publication Society, 1992), 113.

comes into contact with a menstruant's genitalia, the locus of menstrual blood, jurists prohibit it. By contrast, there is nothing reprehensible in sharing *wuḍū'* water with a menstruant because the possibility of vestiges of blood on her hands is low, and thus others are unlikely to be polluted. The exclusion of menstruants from public rituals reflects a juristic concern with the possibility of menstrual blood coming in contact with a sacred space. The public nature of these rituals and the distinct ways in which menstrual bodies are marked by exclusion from them merits close attention and study, particularly with regard to the social consequences and opportunities created by their exclusion.

Discrepancies between Muslim juristic opinions on menstruation aside, the historical reasons behind the conceptual shift towards parsing menstrual blood as an inherently polluting substance may be much less intellectual in origin than the juristic concern with the purity system's structural coherence. While conjectural, it is conceivable that the jurists' position developed in response to the social practices and expectations of the populace and that after following the lead of ordinary Muslims, jurists merely provided the ammunition to support these practices. This point does not so much negate the utility of a structural functionalist approach (i.e. regarding menstruation laws as part of a comprehensive system of purity rules) to menstruation laws as it adds an important additional layer to it by conceding that purity rules do not merely constitute social realities but also are in a constant feedback loop with them. In the final section of this essay, I examine how the legal discourse on menstruation reflects and is propelled by theological arguments.

4 Menstruation and the Unseen World

In a treatise by the Mālikī scholar Abū l-Ḥusayn ʿAlī b. Saʿīd al-Rajrājī (d. ca. 633/1235), the author claims that menstruation was designed as a punishment for women:

> Menstruation is something that God has decreed for the daughters of Adam. He ordered it to preserve kinship and to indicate that [their] wombs are free. And yet, it is a punishment (*ʿuqūba*) and [source of] harm (*nikāya*) for them in the observance of acts of worship (*ʿibādāt*) and customs (*ʿādāt*).[99]

99 Abū l-Ḥusayn ʿAlī b. Saʿīd al-Rajrājī, *Manāhij al-taḥṣīl wa-natāʾij li-ṭāʾif al-taʾwīl fī sharḥ al-mudawwana wa-ḥall mushkilātihā*, 10 vols. (Beirut: Dār Ibn Ḥazm, 2007), 1:158.

Al-Rajrājī claims that menstruation serves the purpose of identifying free wombs (see above) while at the same time creating obstacles for women in performing their ritual worship and customs. Menstruation, he argues, is not just the symbolic legacy of divine punishment but rather an ongoing, continuous method of penalizing women *because* they are women, as reflected in the reduced reward (*ajr*) that women accumulate for performing rituals. Because performing rituals after their appointed time (*baʿd waqtihā*) results in a reduction of the reward (*niqṣān al-ajr*) in the afterlife, the reward that a Muslim woman accumulates, for example, for postponed fasting is decisively lower than it would have been had she performed the ritual at its due time.[100]

A report in ʿAbd al-Razzāq al-Ṣanʿānī's (d. 211/827) *Muṣannaf* appears to have triggered the debate on whether menstruation is a punishment (*ʿuqūba*): ʿAbdallāh b. Masʿūd (d. ca. 32–3/652–4) relates that the women of the Banū Isrāʾīl used to pray together with men. However, one day, one of them wore a pair of wooden sandals (*al-qālibayn*) in order to tower over (*tuṭawwil bihimā*) her friend. As a result, God punished women with menstruation (*ulqiya ʿalayhinna al-ḥayḍ*).[101] Another report, related by ʿĀʾisha, states that the women of the Banū Isrāʾīl used to wear wooden sandals in the "houses of worship" (*fī al-masājid*) to elevate themselves above men (*yatasharrafna li-l-rijāl*), a custom that God terminated by imposing menstruation on them in order to keep them away from houses of worship.[102] The story, which is likely of Jewish origin, contains a Judeo-Christian motif: the punishment of descendants for the failings of their ancestors. In his commentary on Mālik's *Muwaṭṭaʾ*, Abū Bakr b. al-ʿArabī (d. 543/1148) observes that the first of these two traditions is weak (*ḍaʿīf*), and that a different tradition going back to ʿĀʾisha is authentic (*ṣaḥīḥ*): when, during her menstrual period, she felt severe pain to the point of crying, the Prophet told her that menstruation "was decreed by God for the daughters of Adam (*banāt Ādam*)."[103] Some jurists, including Mālik, associated the origins of menstruation with the story of Zakariah and his wife Elizabeth, citing Q 21:90 as proof (*ḥujja*) that the menstrual period was a divine response to Elizabeth's childlessness, allowing her to know when she was pregnant.[104]

100 Ibid.

101 ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaf*, 3:418–419 (no. 5260).

102 Ibid., 3:418 (no. 5259).

103 Abū Bakr b. al-ʿArabī, *al-Masālik fī sharḥ Muwaṭṭaʾ Mālik*, 2:254; Ibn Baṭṭāl, *Sharḥ Ṣaḥīḥ al-Bukhārī*, 10 vols. (al-Riyāḍ: Maktabat al-Rushd, 2003), 1:411. On "the idea that (with the exception of sleep) the bodily functions requiring ablution originated with the disobedience of Adam and Eve and their expulsion from Paradise," see Katz, *Body of Text*, esp. 186–187, 198–200.

104 Abū Bakr b. al-ʿArabī, *al-Masālik fī sharḥ Muwaṭṭaʾ Mālik*, 2:254.

However, other jurists argue that the story has no probative value because Zakariah is of the lineage of Jacob (Israel), not that of Ismāʿīl. For that reason, they imply, the punishment does not extend to Arabs.[105] Rather, they assert, the definitive proof (*al-ḥujja al-qāṭiʿa*) is the story of Abraham's wife, Sarah, receiving glad tidings of the birth of her son Isaac and her grandson Jacob. These jurists construe her laughing in Q 11:71 ("and his wife was standing there, and she laughed") as signifying that she menstruated.[106] Qatāda explains: "It [viz., the word *ḍaḥikat*] means she menstruated. As is well known, one says *ḍaḥikat al-marʾa* when she menstruates."[107] Thus, there was a difference of opinion regarding the origins and purpose of menstruation, and al-Rajrājī's claim that it penalizes women was neither the only argument nor the preferred one. The notion may have originated in a Jewish cultural milieu, possibly in Mesopotamia or the Arabian Peninsula. The majority of Muslim jurists rejected the claim that menstruation is a punishment for women, favoring the view that God ordained menstruation for the purpose of indicating a pregnancy or to "mark" a free womb.

Al-Rajrājī's cynical explanation for the development of Islamic menstrual customs conceals the shift in Islamic legal discourse away from late antique notions of purity, according to which the bodies of menstruating women had long been regarded as polluting. He failed to notice that Muslim jurists departed from the isolation rituals that had shaped the lives of Jewish, Zoroastrian, and pre-Islamic Arab women. In addition, al-Rajrājī's explanation puts to the test the idea of God's justice (*ʿadl*): on the one hand, menstruating women are prohibited from performing acts of religious worship; on the other hand, they are punished for not performing them by accumulating a smaller reward in the afterlife. Yet, like men, women are promised impartiality on the Day of Judgment (*yawm al-dīn*/*yawm al-qiyāma*) based on the rewards they accumulate—a theological paradox that al-Rajrājī does not resolve.

5 Conclusion

The consolidation of the classical Islamic opinions on menstruation was not simply the result of finding a middle way between the Jewish and Christian

105 These jurists assume that Muslims are Arabs.

106 The full verse (Q 11:71) states: *"wa-imraʾatuhu qāʾimatᵘⁿ fa-ḍaḥikat fa-bashsharnāhā bi-Isḥāqa wa-min warāʾi Isḥāqa Yaʿqūba." The Qurʾān*, https://quran.com/11?startingVerse=71.

107 Ibn Baṭṭāl, *Sharḥ Ṣaḥīḥ al-Bukhārī*, 1:411. Cf. Lane, *Arabic-English Lexicon* (London: Willams & Norgate 1874), 1, pt. 5:1771.

legal traditions, and transferring impurity from the female body to menstrual blood was not a straightforward, uninterrupted, or inevitable historical development. The conceptual shift, which resulted in the classification of menstrual blood as an impure substance, was a complex and sophisticated process that involved exegetes, jurists, linguists, and theologians. Muslim jurists may have used Jewish legal hermeneutics as a starting point for their legal discourse, as evidenced by the presence of Talmudic legal notions in Muslim juristic discussions of menstruation: in both traditions, jurists used the division of the menstrual cycle into menstrual, non-menstrual, purity, and precaution days; and the notion that women can rely on the color of blood to identify the phase of the menstrual cycle. Although Muslim jurists abandoned the criterion of blood colors, it did reverberate in their legal discussions. Be that as it may, Muslim jurists departed from the rabbinic position that women with non-menstrual bleeding are impure, and they dismissed the appearance of non-menstrual blood as inconsequential for the performance of ritual, as well as for sexual intercourse.

Initially, some exegetes construed Q 2:222 as meaning that women should isolate themselves during their menstrual period, while others argued that they need only abstain from vaginal intercourse. These opinions were the result of a debate among exegetes over whether *maḥīḍ* is a verbal noun that refers to "the time of menstruation" or a noun of place that refers to "the place of menstruation." Over the first three centuries AH, Muslim jurists detached themselves from late-antique notions of purity. By the seventh/thirteenth century, Ibn Taymiyya stated that some Muslim jurists considered it permissible to insert the penis between the thighs of a menstruant, albeit not into her vulva.

In this essay, I have attempted to encourage holistic inquiries into menstrual practices in the Islamicate world. Future research may identify the multiple effects that these customs produced, and how they connected members of society to a complex web of mutual relationships, obligations, and responsibilities. By retrieving the intellectual and social contexts in which ideas about menstruation circulated, scholars may unearth the cultural factors that affected changes in the status of female bodies and menstrual blood in the Islamic purity system. During the last decade, there has been renewed interest in the social consequences of menstruation for Muslim women on social media platforms.[108] The work of examining the complexity and contentiousness

108 Muslim feminists have renewed the debate about the permissibility of praying during menstruation, and some women have publicly posted images of their polished nails during their menstrual periods. See Krista Riley, "'You Don't Need a Fatwa': Muslim Feminist Blogging as Religious Interpretation" (PhD diss., Concordia University, 2016),

of the processes that shaped the formation of Islamic menstrual laws is, I believe, critical to making "a disciplined argument for a *different* historical consciousness and imagination" and situating contemporary Muslim debates about menstruation historically.[109]

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159–202. Some contemporary Muslim authorities interpret Q 2:222 to mean that sexual intimacy with menstruants is allowed but their participation in rituals prohibited. See Celene Ayat Lizzio, "Gendering Ritual: A Muslima's Reading of the Laws of Purity and Ritual Preclusion," in *Muslima Theology: The Voices of Muslim Women Theologians*, ed. Ednan Aslan, Marcia Hermansen, Elif Medeni (Frankfurt: Peter Lang, 2013), 167–179, esp. 176–177. In Kashmir, some Muslim women defend their right to be excused from fasting during their menstrual periods, resisting the expectations of male family members that they continue the fast. See Sadaf Shabir and Fahim Mattoo, "Kashmiri Women's Fight Against Stigmatising Menstruation In Ramadan," *Feminism in India* (March 31, 2023), https://feminisminindia.com/2023/03/31/kashmiri-women-s-fight-against-stigmatising-menstruation-in-ramadan/ (accessed June 29, 2023).

109 Elisabeth Schüssler Fiorenza, "Text and Reality—Reality as Text: The Problem of a Feminist Historical and Social Reconstruction Based on Texts," *Studia Theologica—Nordic Journal of Theology* 43:1 (1989), 19–34, at 31.

Appendix: Occurrences of the Root *ḥ-y-ḍ* in Mālik b. Anas's *Muwaṭṭa'*

The table contains four columns. The first column indicates the inflection, the second the chapter number based on 'Abd al-Bāqī's edition of the *Muwaṭṭa'*, the third the name of the chapter, and the fourth the book/subchapter in which the inflection appears.

شكل ***Form***	رقم الكتاب، رقم الحديث ***Book no., ḥadīth no.***	اسم الباب ***Chapter name***	كتاب ***Book***
حائضًا	2, 86	باب جامع غسل الجنابة	الطهارة
حيض	2, 88	Ablution from a major ritual impurity	Purity
حائض	2, 93	باب ما يحل للرجل من امرأته وهي حائض	
الحيضة	2, 94	What is permissible for a man with respect to his wife, when she is menstruating	
حائض	2, 95		
الحائض	2, 96		
الحيضة	2, 97	باب طهر الحائض	
الحائض	2, 99	Purification of the menstruant	
حائض	2, 102	باب جامع الحيضة	
الحيضة	2, 103	Menstruation in general	
الحيضة			
بالحيضة	2, 104	باب المستحاضة	
الحيضة		Women with irregular bleedings	
تحيضهن	2, 105		
تستحاض	2, 106		
المستحاضة	2, 107		
المستحاضة	2, 108		

كتاب *Book*	اسم الباب *Chapter name*	رقم الكتاب، رقم الحديث *Book no., ḥadīth no.*	شكل *Form*
			المستحاضة
			المستحاضة
			المستحاضة
القرآن Qurʾān	باب ماجاء في سجود القرآن Prostrations during recitation of the Qurʾān (*sujūd al-Qurʾān*)	15, 16	حائض
الصيام Fasting	باب مايفعل من قدم من سفر أوأراده في رمضان What someone who has returned from a journey or wants to travel during Ramaḍān should do	18, 27	حيضها
	باب صيام الذي يقتل خطأ أو يتظاهر The fast of someone who kills by mistake or pronounces the oath of divorce (*ẓihār*)	18, 40	حيضةٍ حاضت
	باب ماجاء في قضاء رمضان والكفارات Completing the Ramaḍān fast and expiating sins	18, 49	حيضها حيضتها الحيضة
الاعتكاف Mosque retreat (*iʿtikāf*)	باب قضاء الاعتكاف Performing mosque retreats	19, 7	فتحيض حاضت
الحج Pilgrimage	باب ماتفعل الحائض في الحج What menstruants should do during the pilgrimage	20, 54	الحائض
	باب وقوف الرجل وهو غير طاهرٍ، ووقوفه على دابته	20, 168	الحائض

شكل *Form*	رقم الكتاب، رقم الحديث *Book no., ḥadīth no.*	اسم الباب *Chapter name*	كتاب *Book*
		The halting in ʿArafāt during the pilgrimage (*wuqūf*) of a man who is impure and his performance of the *wuqūf* on a riding animal	
حائض	20, 223	باب دخول الحائض مكة	
حيضتها	20, 224	The entrance of a menstruant into Mecca	
حائض			
حائض			
الحائض			
حاضت	20, 225	باب إفاضة الحائض	
حاضت	20, 226	The menstruant's circumambulation of the Kaʿba on the day of the sacrifice (*ṭawāf al-ifāḍa*)	
حيض	20, 227		
حاضت	20, 228		
حائض			
تحيض	20, 229		
وحاضت			
فحاضت			
حاضت			
للحائض			
حيضتها	28, 27	باب جامع مالا يجوز من النكاح Everything that is not permitted in marriage	النكاح Marriage

شكل *Form*	رقم الكتاب، رقم الحديث *Book no., ḥadīth no.*	اسم الباب *Chapter name*	كتاب *Book*
حائض	28, 37	باب النهي عن أن يصيب الرجل أمة كانت لأبيه The prohibition of a man's obtaining a slave-woman who had been the property of his father	
المحيض	29, 108	باب ما جاء في الإحداد	الطلاق
المحيض		The mourning period	Divorce
حيض	29, 50	باب ما جاء في طلاق العبد	
حيضتان		The divorce of the slave	
تحيض	29, 53	باب ما جاء في الأقراء وعدة الطلاق وطلاق الحائض	
حائض		The pregnant woman, the waiting-period after divorce, and the divorce of a menstruant	
الحيضة	29, 54		
الحيضة	29, 56		
الحيضة			
الحيضة	29, 57		
الحيضة	29, 58		
الحيضة	29, 59		
حاضت	29, 62		
حيضتين	29, 69	باب ما جاء في عدة الأمة من طلاق زوجها The waiting-period of a slave-woman after being divorced by her husband	

كتاب *Book*	اسم الباب *Chapter name*	رقم الكتاب، رقم الحديث *Book no., ḥadīth no.*	شكل *Form*
	باب جامع عدة الطلاق Everything on the waiting-period after a divorce	29, 70	حيضة
			حيضتين
			حيضتها
			فحاضت
		29, 71	حيضتها
			الحيض
			تحيض
			الحيض
			تحيض
			الحيض
			المستحاضة
			حاضت
			حاضت
			حاضت
	باب عدة أم الولد إذا توفي عنها سيدها The waiting-period of the mother of a child (*umm walad*) when her master dies	29, 91	حيضةٍ
			حيضتين
		29, 92	حيضة
			حيضة
			تحيض
الحدود Legal punishments	باب ما جاء في المغتصبة A woman who has been sexually violated	41	حيضٍ
			حيضتها