

Celene Ayat Lizzio

*Gendering Ritual:  
A Muslima's Reading of  
the Laws of Purity  
and Ritual Preclusion*

*A Critical Perspective on  
Menstrual Etiquette in Ritual Law*

In their concern with sexual access, bodily purity, and pious compliance with juristic opinion, female reproductive-related rulings within *fiqh* constitute a key substratum for regulating female expression within devotional life and beyond.<sup>1</sup> In this essay I examine rules pertaining to the preclusion of menstruating females from select Muslim devotional rites. I rely primarily on Internet *fatāwā*<sup>2</sup> and contemporary pamphlets treating the subject of female im/purity by Sunni and Shi'a legal specialists.<sup>3</sup> The gendered aspects of purity regulations

1 I am indebted to Baber Johansen for enhancing my understanding of the classical *fiqh* rulings on purity as well as to the Prince Alwaleed Bin Talal Program in Islamic Studies at Harvard University for sponsoring a workshop in which I presented an earlier version of this paper. I would also like to thank Leila Ahmed, Ahmed Ragab, Susan Abraham, and Naila Baloch for their feedback. Any shortcomings or errors in interpretation are my own.

2 *Fatāwā* (s. *fatwā*) are opinions issued by religious authorities, typically in response to a question of contemporary social concern.

3 For normative Sunni perspectives I rely primarily on Abu Ameenah Bilaal Philips, *Aḥkām dimā' al-ma'ra al-ḥabī'iyya, Islamic Rules on Menstruation and Post-natal Bleeding*, 2nd ed. (Riyadh: International Islamic Publishing House, 2005); for majority Shi'a perspectives I rely primarily on Sayyid Muhammad Rizvi, *Ṭahāra al-nisā', The Ritual Ablutions for Women: a comprehensive book on the shari'a laws pertaining to the ritual ablutions for women according to the Shi'a Ja'fari school of jurisprudence* (Richmond, BC, Canada: SMR Publications, 1985). Other manuals and fatwas consulted in the preparation of this paper (see bibliography) show virtually no differences of opinion on the issues discussed here, except where specifically mentioned in my analysis.

within Muslim legal discourse represent an underdeveloped area of analysis within critical Muslim feminist literatures.<sup>4</sup> This is in contrast to a wealth of literature on the topic by Christian, Jewish, and secular scholars who analyze stigmas related to female reproductive bleeding and develop alternative perspectives.<sup>5</sup> Much could be said on the topic from interreligious or comparative perspectives; however, this paper focuses on particular theological claims from which are derived normative rules excluding menstruating and post-partum Muslim females from key rituals of devotion.

Much variation is to be found among legal specialists when it comes to discussing the textual and non-textual rationales for female menstrual and post-partum etiquette. In all, contemporary specialists on the matter of female purity (the utter majority of whom are *not* female) are more devoted to preserving rules exhumed from medieval debates than in deriving rulings based on either female well being or contemporary knowledge of human reproductive physiology.<sup>6</sup> This is not surprising, given the gendered nature of epistemic authority across disciplines of religious knowledge. Etin Anwar picks up on this theme in her work on gender and the experience of selfhood, noting:

Women are used to receiving and implementing the power and knowledge produced by men. Women have, as a result, constantly been the object of religious interpretation and have continually been excluded from the quest for knowledge, genealogy, history, jurisprudence, and religious views.<sup>7</sup>

4 To date, the issue of menstruation has not been taken up at length by any contemporary author who treats the topic of sex and gender within Muslim legal traditions. Notably, Mohja Kahf offered a parody of the jurists' rulings on menstruation entitled "Lost Pages from Sahih al-Bukhari's Chapter on Menstruation," *Muslim Wake-up!* (2004); for analysis see Martina Nosková, "Sex and the Umma': Sex and Religion Lived in Mohja Kahf's Columns," *Theory and Practice in English Studies* 4 (2005): 115–119.

5 For a Jewish feminist perspective see Kathleen O'Grady, "The Semantics of Taboo: Menstrual Prohibitions in the Hebrew Bible," in *Wholly Woman, Holy Blood: A Feminist Critique of Purity and Impurity*, eds. Kristin De Troyer et al., 1–28 (Harrisburg, PA: Trinity Press International, 2003); see also Charlotte Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender* (Stanford, CA: Stanford University Press, 2000); for feminist sociological perspectives see Chris Bobel, *Third-Wave Feminism and the Politics of Menstruation* (New Brunswick, NJ: Rutgers University Press, 2010); see also Sophie Laws, *Issues of Blood: The Politics of Menstruation* (London: The Macmillan Press LTD, 1990). For a consideration of how evolving menstrual control technologies have affected culture see Lara Freidenfelds, *The Modern Period: Menstruation in Twentieth-Century America* (Baltimore: Johns Hopkins University Press, 2009).

6 Several authors, including Marion Holmes Katz, Ze'ev Maghen, and Kevin Reinhart (see volume bibliography for titles) have noted that Muslim discourses on ritual purity are often lacking in continuity and not based on empirical logic. More generally, ritually defiling substances often have to do with loss of bodily control or are substances that are considered "out of place."

7 Etin Anwar, *Gender and Self in Islam* (London and New York: Routledge, 2006), 19–20.

Given this trend toward androcentrism within religious discourse, articulating female-centric priorities vis-à-vis scripture and religious ethics more broadly conceived is a priority for contemporary theology. Meena Sharify-Funk notes:

Muslims must reformulate their understandings of early and medieval Islam, extract essential Islamic values, principles and goals from the root sources, and move beyond legalistic reduction towards a more integrated, systematic and reflective methodology. Basically, Muslims must carefully examine relations between the sacred text and the contemporary, experiential contexts in which precepts must be translated into practice ... A new hermeneutic field is opening within the contemporary *Ummah*. Though still struggling for recognition and legitimacy—may continue to deny its authenticity, and thereby put innovative interpreters on the defensive—an increasing number of Muslim interpreters are grappling with profound questions that demand hermeneutical engagement and scholarly sophistication.<sup>8</sup>

Within this new hermeneutic field described above by Sharify-Funk, female-centric approaches are needed to reevaluate norms of inherited tradition. Hence, in this critique of purity norms I situate myself within the emerging field of what may be called *Muslima* Theology, a branch of theological studies conversant with other confessional and/or regionally situated theological discourses which advance *female-stream*<sup>9</sup> contemplations of piety, female-centric modes of leadership, and female epistemological authority, in this case as inspired by engagement with Islamicate heritages. The gynocentrism of a field such as *Muslima* Theology does not represent the social ideal of female superiority at the exclusion and expense of male engagement; gynocentrism is aimed at creating a discourse wherein the contributions and perspectives of women in the sphere of religion are valued and actively solicited, not merely within the sphere of exclusively “women’s issues” but across a spectrum of theological, judicial, and social issues. This said, menstruation and post-partum bleeding are a prime area of inquiry for female-centric theology as they relate *primarily*, though not exclusively (as we shall see below), to the experience of females.

8 Meena Sharify-Funk, “From Dichotomies to Dialogues: Trends in Contemporary Islamic Hermeneutics,” in *Contemporary Islam: Dynamic, Not Static*, eds. Abdul Aziz Said, Mohammed Abu-Nimer and Meena Sharify-Funk, 64–80 (London and New York: Routledge, 2006), 74–75.

9 In formulating a working conception of *Muslima* theology, I am indebted to the mentorship of Elisabeth Schüssler Fiorenza.

I proceed with a general description of menstruation-related rules in *fiqh*, explore the medieval methods for derivation of these rules, and then proceed to analyze the implications of the rules for gendered conceptions of purity and piety.

### *Fiqh Menstruation-Related Rules, in Brief*

Exclusions from devotional rituals during the period of menses (*ḥayḍ*) are mandated across major Muslim schools of legal discourse extending from the formative period to the present. However, among jurists there are many disagreements upon the details of menstruation-related rules. These include disagreements over stipulated minimum and maximum durations of cycle-length, the im/permissibility of a menstruating female to recite or touch Qur'anic text and the im/permissibility of her presence in mosques and other sanctified places. In most respects, menstruating females may participate in the activities of the larger devotional community, and there are no prohibitions on her engaging in non-obligatory devotional activities, such as non-ritual prayers of supplication (*du'ā'*). However, as a normative position across Muslim schools of legal thought, the menstruating female is excluded from the foundational rites (*arkān*) of ritual prayer (*ṣalāt*), fasting (*ṣawm*), and the central pilgrimage rite of circumambulation (*ṭawāf*). During menses coitus is also forbidden.<sup>10</sup>

In the female purity manuals consulted, the finer points of menses etiquette, as overviewed below, are typically given epistemic authority by citing reports of the normative practices of the female companions of the Prophet Muhammad. For instance, females are not obliged to make up for missed obligatory daily prayers due to menses.<sup>11</sup> In contrast, females are obliged within ritual law to make up for missed days of obligatory fasting; making up for obligatory fasting is said to

<sup>10</sup> The legal rules of divorce and filiation are other areas of the law where menstruation has importance; however, my primary interest here is in menstruation (and post-partum bleeding) as pertains to the rules of ritual purity.

<sup>11</sup> In an oft-quoted tradition in Sunni sources, 'Ā'isha when asked about making up prayers missed during menses is reported to have said: "Are you a Ḥārūrīte [referring to one of the early sects seen by Sunnis as deviant]?" *Ṣaḥīḥ Muslim*, vol. 1, no. 662, as cited in Philips, 34–35; for other oft-quoted Sunni *ḥadīth* see the chapter, "Hygiene," in *Women in Islam: An Anthology from the Qur'an and Ḥadīth*, 2nd ed., trans. and ed. Nicholas Awde (New York: Hippocrene Books, 2005), 11–13.

be only a small burden in comparison to making up for obligatory prayer, based on the authoritative opinion of legal specialists. If the onset of menstruation occurs during pilgrimage, the female may wait for her menstruation to end and resume the pilgrimage where she left off, according to dominant opinions. In the opinion of a small minority of jurists, the prohibition on the menstruating female performing circumambulation during pilgrimage may be overridden in a situation of necessity.<sup>12</sup> Given that Hajj travel logistics are determined well in advance, incentives are laid for the pious menstruating female to medically suppress her cycle to achieve the normative standard of purity.<sup>13</sup> For instance, on popular Internet forums where devotees write in with questions to Muslim legal authorities, a notable number of contemporary fatwas assert the permissibility of suppressing bleeding during the weeks of obligatory fasting and pilgrimage.<sup>14</sup>

The ending of menstruation is a point which jurists have some difficulty determining due to variability in menses onset and length. Thus, there is considerable disagreement, nearing confusion, over precisely when a female is eligible to regain a state of ritual purity (*tahāra*). Jurists' deliberations are further complicated by special considerations within the law for non-menstrual, non-prenatal, vaginal bleeding (*istihāda*), which does not fall under the same rubric as menstruation and does not typically necessitate an exclusion from prayer, fasting, or circumambulation (see discussion below). Solutions to dilemmas involved in specifying which bleeding counts as menstrual bleeding are grounded on legal, not physiological considerations. The legal authorities have fixed set minimum and maximum menstrual durations so as to declare all vaginal bleeding that exceeds the maximum (or does not meet the minimum) as non-menstrual. For example, Sunni jurists of the Ḥanafī tradition have a minimum and maximum duration of menses from three to ten days respectively, and several Sunni jurists

12 This opinion is highly contested and does not form part of the mainstream understanding. The legal methodology behind this opinion, attributed to Ḥanbali scholar Ibn Taymiyya (d. 1328), states that an act can still be legally valid if a condition for the validity of the act cannot be met, e.g. ritual purity is not possible for the menstruating woman, yet she may perform circumambulation if no other means for completion of the rite are available. See 'Abd Allah b. Bayyih, "A Menstruating Woman Circumambulating the Ka'ba," [n.d.], <http://en.islamtoday.net/artshow-405-3394.htm> (accessed February 22, 2010).

13 Suppressing monthly bleeding is increasingly prevalent among other communities of women as well; see Elizabeth Aubeny, "Are Monthly Menstrual Periods Optional? A European Perspective," in *Reproductive Health Matters* 15 (2007): 183.

14 E.g. Muḥammad ibn 'Abd al-'Azīz Musnid, ed., *Islamic Fatawa Regarding Women* (Riyadh, Saudi Arabia: Darussalam Publishers, 1996), 149.

of the Shāfi‘ī tradition fix the maximum at fifteen days, partially on the authority of a tradition that suggests a woman spends half of her life precluded from prayer. Ja‘farī scholars representing the majority of Shiite jurists typically fix the minimum at three and the maximum at ten. Related discussions involve legal calculations for the minimum and maximum ages for the occurrence of menstruation (for instance nine to around fifty lunar years in Ja‘farī opinion). The color, texture, and categories of vaginal discharge, including bleeding related to loss of virginity, are all discussed at great length in contemporary female hygiene manuals. It is not uncommon for contemporary female hygiene manuals to supply extensive charts to aid in determining which legal category the vaginal discharge should fall under and whether it is defiling (*najas*) or not. These manuals are predominantly authored by men with references to the reports of the first generation of Muslim women, or with references to medieval legal debates among jurists.

*Legal Methodology  
for Deriving Rules Related to  
Reproductive Defilements*

The Qur’an does *not* specify the exclusion of females from any pillars (*arkān*) of ritual devotion. According to my canvas of the literature, there do not seem to be any statements which have been transmitted directly from the Prophet which proscribe menstruating or post-partum females from any rituals of devotion. In the Qur’an, the drunkard and the person defiled from coitus or ejaculation are instructed not to approach prayer until bathing, but this verse laying out purity rules does not explicitly address the menstruating woman (Q 5:6; see also Q 4:43).<sup>15</sup> As the Qur’an does not mention a prohibition on devotional acts for menstruating females, discussions may invoke the authority of a verse on sexual intercourse with menstruating females (Q 2:222). This verse in the Qur’an recognizes the potential for menstruation (*al-mahīd*) to cause discomfort (*adhā*). The verse then instructs its audience to remain aloof (*fa-tazilū*) from females experiencing menstruation and not to approach them (*lā taqrabūhunna*) until

15 For a thorough analysis of this verse see Katz, 32–36.

they are cleansed (*yaṭhurna*).<sup>16</sup> Here the Qur'anic stress is clearly on securing the well being of the female. Yet, the menstruating female is barred from prayer, often with reference to this verse. Females experiencing post-partum bleeding (*nifās*) are also included in this grouping of defiled persons. What results is a legal system of purity norms that identifies four major defilements (*janāba*): coitus, ejaculation of sexual fluids, menstruation, and post-partum bleeding.<sup>17</sup> Notably all are reproductive-related, yet only ejaculation and coitus are specifically mentioned in the Qur'an as impediments to the ritual prayer.

The exclusively female categories of *janāba* (menstruation and post-partum bleeding) have a unique defiling potential. For instance, a person who has become defiled though coitus or the ejaculation of reproductive fluids can wash as prescribed and be immediately eligible for ritual performance. Females experiencing menstruation or post-partum bleeding cannot wash and be ritually clean until the period of bleeding is deemed fully complete according to the normative purity rules. In other words, persons (male or female) who are ritually impure from coitus or the ejaculation of reproductive fluids are subject to one set of norms, while females who are impure from menses or post-partum bleeding are subject to even more limiting norms. Furthermore, non-menstrual, non-prenatal, vaginal bleeding *does not* preclude females from coitus or ritual performance according to a normative consensus among jurists. Simply put, females deemed to be experiencing menses or post-partum bleeding are a categorical exception to what is otherwise a purity code based on the premise that persons may achieve ritual purity simply by washing at will. The menstruating or post-partum female on the other hand is required to wait until the cycle of bleeding stops, or she reaches the legally prescribed maximum.

16 Here, the meaning of "refrain aloof from" in the Qur'anic verse is commonly qualified to imply that *only* coitus is prohibited (see my discussion below). For a concise overview of commentary pertaining to this verse see Marian Holmes Katz, "Menstruation," in *Encyclopedia of the Qur'an* 3, ed. Jane Dammen McAuliffe, 375–377 (Leiden; Boston: Brill, 2003). For a listing of the various occurrences of the Arabic term for purity/cleanliness/purify/cleanse see Hanna E Kassis, *A Concordance of the Qur'an* (Berkeley and Los Angeles: University of California Press, 1983), 1233–1234. For a formative discussion of this verse in the early legal tradition see Muḥammad ibn Idrīs al-Shāfi'ī, *Kitāb al-Umm* I, ed. Muḥammad Zuhri Al-Najjar (Beirut: Dār al-Ma'rifa, 1975), 59–60. Citation provided by Baber Johansen in his course at Harvard Divinity School in 2009.

17 A. Kevin Reinhart, "Impurity/No Danger," *History of Religions* 30, no. 1 (1990–91), 13–14.

## *Somatic Indicator of Gender Difference*

We have seen how in normative legal discourses the menstruating and post-partum female is proscribed from ritual prayer (*ṣalā*), fasting (*ṣawm*), and circumambulation (*ṭawāf*). The periodic preclusion of the female from such key ritual performances defines her pietistic capacity in *her difference* from the normative male who experiences no such reoccurring mandated interruption of devotion routines.<sup>18</sup> In this way, the perception of female irregularity contributes to the formation of a social hierarchy of genders based on the “appropriateness paradigm,”<sup>19</sup> i.e., it is appropriate for the female to not pray, fast, or complete pilgrimage during menses due to an essential aspect of her reproductive function. The situation quickly becomes tautological with claims being made that women, as a gender category, are lesser in religion compared to men because they regularly do not participate in devotional rituals—namely obligatory prayer.<sup>20</sup> Indeed, this claim exists as part of the body of authoritative knowledge attributed to the Prophet Muhammad within mainstream Muslim sources.<sup>21</sup>

Some discussions of menstruation reveal a hyper-sensitivity regarding even the remote possibility of potential contact with menstrual blood. For instance, Rizvi, on the authority of the Jaʿfarī school of thought, asserts that it is forbidden for a menstruating woman to enter a mosque. Furthermore, according to Rizvi, “putting something in a mosque—even if she is standing outside” is prohibited; however, “she may take out something from it—provided she does not enter it.”<sup>22</sup> Other opinions permit the menstruating female to enter the mosque, so long as she does not engage in the prayer ritual. For in-

18 As Sa’diyya Shaikh notes: “The concomitant implication of having a male human being at the center of religious discourse is that the female human becomes the Other, thereby diminishing a human wholeness and spiritual potential” (107), in “Knowledge, Women and Gender in the Hadith,” *Islam and Christian-Muslim Relations* 15, no. 1 (2004): 99–108.

19 For an elaboration of this concept see Christine Delphy, “Rethinking Sex and Gender,” in *Feminist Theory Reader: Local and Global Perspectives*, eds. Carole R. Mcann and Seung-Kyung Kim, 57–67 (New York and London: Routledge, 2003), here 65.

20 Khaled Abou el-Fadl highlights this derogatory use in his chapter: “Faith-based assumptions and determinations demeaning to women,” in *Speaking in God’s Name: Islamic Law, Authority and Women*, 209–263 (Oxford: Oneworld, 2003). Ziba Mir-Hosseini touches on this issue briefly in *Islam and Gender: The Religious Debate in Contemporary Iran* (Princeton: Princeton University Press, 1999), 222–226.

21 See *Ṣaḥīḥ al-Bukhārī*, vol. 1, Book 6, no. 301.

22 Rizvi, 21.

stance, Saud al-Funaysan, former Dean of Islamic Law at al-Imam Mohamed Ibn Saud Islamic University in Saudi Arabia, argues at length for permitting menstruating women to enter mosques by evoking prominent classical authorities (including opinions by Mālik in *Fatḥ al-Bārī* and Ibn Taymiyya in *Majmū' al-Fatāwā*). Al-Funaysan posits that the benefit of females hearing sermons and engaging in mosque-based pedagogical activities merits consideration over the potential of defiled blood soiling the mosque.<sup>23</sup> In contrast to this position, Islam Web (created in 2000 with the sponsorship of the Qatari Endowment Association and recognized by a World Summit Award issued by the United Nations' World Summit on Information Society), features several opinions that explicitly forbid menstruating females' presence in mosques.<sup>24</sup> The im/permissibility of the menstruating female touching, writing, or reciting Qur'anic text are also discussed among legal specialists with no clear consensus and much confusion is expressed by women who write to the (typically male) legal authorities seeking guidance with regard to menstrual etiquette.<sup>25</sup>

### *Problematizing Male Epistemological Authority over Female Bodies*

By specifying when females can or cannot validly perform central devotional acts, jurists (the vast majority of them male) reserve for themselves the authority to declare an act "invalid" regardless of personal intent. For instance, the menstruating female could have intentionally gone from sunrise to sunset without food, drink, and coitus; however

23 Specifically he writes: "They (females) will be prevented from seeking Islamic knowledge [by being barred from the mosque during menses]. Many talented women will be frustrated, disheartened and lose enthusiasm," *Islam Today* [n.d.], <http://www.islamopediaonline.org/fatwa/ruling-permitting-menstruating-women-recite-quran-and-enter-mosque> (accessed January 11, 2010).

24 For instance, one woman explains in an Internet inquiry that her menstrual cycle began while she was in the mosque, and she remained in the mosque so as to not become separated from her family. The anonymous cleric responded by chiding her for remaining in the mosque: "Dear sister, you are to repent, to be more afraid of Allah and to avoid being driven by fear of people that which leads you to sin," Anonymous, "Menses started while in Mosque," *IslamWeb*, posted March 3, 2000, <http://www.islamweb.net/ver2/fatwa/ShowFatwa.php?lang=E&id=81522&Option=Fatwald> (accessed January 11, 2010).

25 See several examples in Musnid, 81–100; see also a collection of nearly 100 opinions on different clerical opinions on menstrual etiquette in "Menstruation and Confinement," *IslamWeb*, <http://www.islamweb.net/emainpage/index.php?page=fatwa&tab=1&vPart=581> (accessed January 11, 2010).

due to her menstrual period this fast would not be accepted (by God) in the view of the legal specialists. Various jurists even claim that performing one of the forbidden ritual acts while menstruating is disobedient (to God). For example, in his hygiene and purity manual Abu Ameenah Bilal Philips asserts:

It is very important for women to fear Allah and be very meticulous with regard to *ṭahāra* [purity], because formal prayer is not acceptable without *ṭahāra* even if it is done one hundred times. In fact, some scholars hold that one who does formal prayer without *ṭahāra* is a disbeliever, because it is a form of holding Allah's religion in contempt.<sup>26</sup>

Such a comment is suggestive of the authority with which legal specialists endow their exercise of interpretation as well as its desired effect on the pietistic female. Likewise, Sayyid Muhammad Rizvi begins his manual on purity for females by asserting that knowledge of female purity laws is “an essential duty of every Muslim woman.” Yet, he goes on to immediately suggest that knowledge of the rules is “almost impossible” for many women due to the “complication of the laws of menstruation.”<sup>27</sup>

The rules concerning menstruation posit jurists as a locus of authority over the female, her body, her comportment, and her devotions, combining religious and scientific discourses for the desired effect. For instance, Rizvi details the pathway of an ovum, ending with the assertion: “From this biological explanation it is clear that menstruation is neither ‘the curse’ on woman nor a result of the so-called original sin of Eve. Rather it is a very normal biological process that ensured the perpetuation of the human race.”<sup>28</sup> This characterization of menstruation as “very normal” is clearly in tension with the very purpose of a forty page manual detailing special ritual precautions and a host of legislation aimed at keeping menstrual blood and the menstruating female set apart. It is with this ethic that menstruating females are forbidden to participate in central rituals of devotion, despite the absence of direct Qur’anic or direct Prophetic commandments.

When it comes to jurists’ concern for the etiquette of menstruation, the question of a female’s availability for coitus is a primary concern.<sup>29</sup>

26 Philips, 49.

27 Rizvi, i.

28 Ibid.

Sunni jurists require females to take a post-menses ritual bath before re-engaging in coitus;<sup>30</sup> however, observing a female re-engaging in ritual prayer is regularly discussed by jurists as the sign of her coital availability.<sup>31</sup> Jurists are typically careful to clarify that when it comes to menstruation and post-partum bleeding it is *only* coitus, and not other forms of sexual arousal and gratification that are prohibited. For instance, in his manual on female hygiene and etiquette Rizvi addresses his readership as follows:

Of course, playing with the other parts of her body (other than the vagina and anus) is allowed. Again, it is precautionarily [*sic*] better not to play with her body between the navel and knees.<sup>32</sup>

Rather than positing the female as the protagonist (which one might expect in a volume dedicated to female hygiene), the tone and content of Rizvi's statement are indicative of the phallogocentric focus of (male) jurists' discussion of female purity norms. In these discussions, the Qur'anic command to "remain aloof from" the menstruating woman (Q 2:222) is taken to apply very narrowly; however, the same verse is taken as evidence of a broad proscription on forms of ritual participation for menstruating and post-partum females.

It must also be noted that although the defilements which are reproductive-related are assimilated in one category of persons being described as defiled (*juniib*, masc. sing.),<sup>33</sup> often the *material* filth of the excreted material is emphasized in the case of post-partum bleeding and menstruation, whereas the defiling property of semen is often seen as *immaterial*, non-physical. For example, according to at least one prominent medieval jurist,<sup>34</sup> a male ritually defiled from coitus or ejacula-

29 It is a general theme within the *fiqh* that according to a consensus of jurists, the husband (or the male slave owner) holds mastery (*mulk*) of the female's sexual organs, somewhat akin to one who holds discretionary use over rented property. Hence, for an extended discussion of this dynamic in classical legal thought see Kecia Ali, *Marriage and Slavery in Early Islam* (Cambridge: Harvard University Press, 2010).

30 See hadith no. 98 in Malik, *Muwattaʿa*, in Ruth Roded, ed., *Women in Islam and the Middle East: A Reader* (New York: I.B. Tauris Publishers, 1999), 99.

31 For a minority of jurists, a ritual bath is necessary only to resume ritual participation; the female is immediately available for intercourse once her cycle is deemed complete. For this minority it is recommended that the vaginal area first be washed in a non-ritual manner; see Rizvi, 23, on the authority of the Ja'fari school of legal thought.

32 *Ibid.*

33 The word in its various morphological forms has the sense "to turn away from"; see Kassis, 598–599.

34 al-Ghazali, *The Revival of the Religious Sciences*, in Roded, 163. Although some work has been done in this regard (see Katz, Maghen, and Reinhart), attitudes toward various sexual fluids, the transmission of disease, and the im/materiality of purity in the discussions of legal specialists constitute areas for further investigation.

tion is *not* required to take a ritual bath before engaging in coitus with another female,<sup>35</sup> whereas leprosy in offspring results from coitus with a menstruating female. Here, menstrual blood is linked to disease, yet at the same time there is a disinterest in the transmission of sexual fluid among multiple partners. This is one instance of many where reliance on medieval legal theory is inadequate to address the needs and concerns presented by contemporary realities.<sup>36</sup>

### *Avenues for Further Inquiry*

Centuries of patriarchal intellectual productivity attest to the malleable nature of normative prescriptions for a far-reaching spectrum of piety-driven Muslims. Numerous epistemological divergences are found across different political, regional, and sectarian affiliations. Yet in all, “establishment Islam”<sup>37</sup> has developed as a highly androcentric enterprise, one that is perpetually self-affirming through the principle of elite consensus, and one that predicates its legitimacy as grounded in the natural order ordained by God (who is grammatically, but *not* ontologically gendered male). In efforts to derive coherent legalistic norms, dense discussions of the metaphysical and legal aspects of Divine Will have been generated; immense volumes of writing have been devoted to documenting, commenting on, and interpreting the correct actions and beliefs of Muslims. However, despite attention to principles of fairness and justice in this body of literature, in notable ways females are deemed to be inadequate for full participation.<sup>38</sup> Consequently, the fairness and suitability of the *fiqh* is constrained by this assumption.<sup>39</sup> Often too, as in the case of purity norms, reports of

35 al-Ghazali, “The Etiquette of Marriage,” in *The Revival of the Religious Sciences*, in Roded 163; see also Ismā‘īl ibn Yahya Al-Muzani, *Mukhtaṣar al-Muzani* (printed as the ninth volume of the edition of al-Shāfi‘ī, *al-Umm* cited above), 57.

36 For a discussion of legally sanctioned multiple sexual partners (for males) and the spread of venereal disease in Muslim contexts see Amina Wadud, *Inside the Gender Jihad: Women’s Reform in Islam* (Oxford: Oneworld, 2006), 233–244.

37 I have adopted this term, “establishment Islam,” from the work of Leila Ahmed, *Women and Gender in Islam: The Historical Roots of a Modern Debate* (New Haven, CT: Yale University Press, 1992), 229.

38 For an example of men’s superiority see Muḥammad ibn ‘Umar, Fakhr al-Dīn al-Rāzī (d. 1209), *Mafātiḥ al-ghayb fī tafsīr al-Qur’ān/Tafsīr al-Kabīr*, vol. 10 (Beirut: Dār al-Fikr, 1981), commentary on 4:34, 90–94; see also Barbara Freyer Stowasser, “The Status of Women in Early Islam,” in *Muslim Women*, ed. Freda Hussain, 25–39 (New York: St. Martin’s Press, 1984).

customs from the early generations of Muslims are taken to be indicative of Muslim society *par excellence*, the uniform and exemplary representative of the religious ideal.<sup>40</sup> Yet, forgoing analytical reasoning and defaulting to predominantly androcentric paradigms for discussing religious morality and ethics runs a high risk of perpetuating gendered hierarchies and reifying other social and epistemic disparities.

The intention of this inquiry has been to open a conversation by providing perspectives on what it can mean to be Muslim—and *female*. Within the realm of theology, further work is needed on the concept of purity and its implications for female-stream conceptions of piety and bodily cleanliness. For instance, it must be noted that within a Qur'anic worldview, "God purifies whoever He will" (*Allāh yuzakkī man yashā'* Q 24:21). What can this Qur'anic worldview signify in relation to the purity rules of the classical *fiqh*? It could be, for instance, that the verbal root for purity used in Q 2:222 (*ṭa-ha-ra*) pertains specifically to hygiene, and has little to do with the adequacy of a person to pray before God. In taking this vantage point, it is *not* my intention to argue that menstruating and post-natal females should be compelled to perform the rituals in question; indeed, menstruation or post-partum females may appreciate what can be interpreted as a God-given mercy during a time of relative distress—rather than an outright proscription on reciting scripture, entering places of prayer, and standing before God in worship.

39 For a skilled retrieval of gender egalitarian perspectives within the *fiqh* see Sa'diyya Shaikh, "In Search of al-Insān: Sufism, Islamic Law, and Gender," in the present volume.

40 For an analysis of this dynamic see Denise Spellberg, "The Role of Islamic Religio-Political Sources in Shaping the Modern Debate on Gender," in *Beyond the Exotic: Women's Histories in Islamic Societies*, ed. Amira El-Azhary Sonbol, 3–14 (Syracuse: Syracuse University Press, 2005).

