

An Analysis of the Legal Provisions of Entering the Mosque for Menstruated Women

Kadınların Hayız Halindeyken Camiye Girip Giremeyeceklerine Dair Fikhî Hükmün Analizi

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ABSTRACT

There are some main prohibitions placed upon the menstruating woman in Islamic Law. One of these prohibitions mentioned in classical books is known that women cannot enter the mosque while they are menstruating. However, there are many fatwas given that women can enter the mosque when they are menstruating, especially today. In this paper, we investigate the question of the permissibility of entering a mosque for menstruating women according to Islamic law. Our paper consists of three main chapters. After establishing a general framework, in the second chapter, we will shortly discuss the positions of all four Sunnî schools of law on this issue. Also in the second chapter, we will especially present the related opinions of the members of the Shâfiî school of law, as they include detailed issues in this regard and gave the basis for the fatwas given in the modern period. Finally, we will elaborate on the general framework and revisit contemporary positions with their supporting proofs and arguments. Thereby we will offer a systematic examination of the juristic ruling of entering a mosque for menstruating women.

Keywords: Islamic Law, Worship, Menstruation, Mosque, Shâfiî, al-Minhâj.

ÖZ

Klasik fikh eserlerine göre hayız halindeyken kadınların bazı ibadetleri yapması yasaktır. Bu yasaklardan bir tanesi de hayız halindeyken camiye girilmemesidir. Ancak günümüzde kadınların hayız halinde olsalar bile camiye girebileceklerine dair verilmiş bir çok fetva vardır. Bu makalede, kadınların hayız haliydeyken mescide girip giremeyeceklerine dair klasik görüşler ve bu görüşlerin delilleri analiz edilecektir. Makalemiz üç ana bölümden oluşmaktadır. Birinci bölümde hayızın asgari ve azami süresi gibi konu ile irtibatlı genel bilgiler, ikinci bölümde hayız döneminde kadınların yapmaması gereken ibadetler ve camiye girme meselesi ile dört mezhep ulemasının delilleri tartışılacaktır. Ayrıca ikinci bölümde Şâfiî mezhebinin bu hususta önemli ayrıntılara yer vermeleri ve modern dönemde verilen fetvalara temel oluşturmaları bakımından ilgili görüşleri özellikle sunulacaktır. Son bölümde ise modern dönemde verilen fetvalar incelenecektir. Böylece kadınların hayız durumunda camiye girmelerine ilişkin fikhî hükmün sistematik olarak incelenmesi sunulacaktır.

Anahtar Kelimeler: İslam Hukuku, İbadet, Hayız, Cami, Şâfiî, Minhâc.

INTRODUCTION

From the time of the Prophet Muhammad, (peace be upon him) until today, mosques are not only places of worship but multifunctional venues that serve educational, cultural, touristic, political, and social purposes.¹ The fact that mosques are a significant part of life beyond worshipping is not only true for men but women as well. For this reason, the question of how women's connection to the mosque would be under different circumstances is very important, as it demonstrates not only the nature of women's connection to the mosque in states exceptional to them but also the approach of Islam towards menstruating women. Within this context, we will identify the fundamental concepts and issues in the literature of Islamic law on this subject and reveal the logical connections between them. In this way, we will study the case of menstruating women entering the mosque within the framework of a comprehensive and coherent theory as we raise critical questions.

In Islam, women are required to abstain from certain acts of worship, such as praying and reading the Qur'an while they are menstruating. The fact that women stay away from some worships while they are menstruating does not mean that women are excluded in Islamic thought. As women perform prayers following Allah's command to "perform as-salah"(al-Baqarah 2/110), and also they stay away from salah by following another command while they are menstruating. One of the things that should be avoided during menstruation, such as prayer, is the issue of entering the mosque. There is no explicit restriction in the Qur'an for women to go to the mosque while they are menstruating. Jurisprudence on this subject based on the nar-

¹ For example, while examining the views of Imam Malik, Karz shows that women also go to mosques for judicial reasons. For detailed information see Marion Holmes Katz, *Women in the Mosque: A History of Legal Thought and Social Practice* (New York: Columbia University Press, 2014), 22.

rations from the Prophet and the interpretation of these narrations. However, the existence of various hadiths related to the subject caused conflict among the fuqaha. Likewise, the different interpretations of some verses that are not clear have also caused conflicts.

There are various approaches in Sunni sects about whether women can enter the mosque while they are menstruating. According to some jurists, a menstruating woman should not be able to enter the mosque, while according to some scholars it is permissible to enter the mosque. In addition to these views, a third view thinks that in case of need it is permissible for them to enter the mosque unless the mosque is contaminated. Each group has put forward evidence supporting their views. For example, those who advocate this opinion base their argument on a narration by Jabir b. Abdullah (697 CE/78 AH) that says they passed through the mosque in that state, as well as the statement of Zayd Ibn Aslam, “the companions of Prophet used to pass through the mosques while they were in the state of major ritual impurity”² and the hadith “a Muslim is never dirty”.³ Besides, it was narrated by Ata Ibn Yesar (721 CE/103 AH) that he saw companions sitting in the mosques in that state. Ibn Kathir (1373 CE/AH 774) who is a highly influential historian, exegete, and scholar during the Mamluk era said that the narrative is sahih (authentic) according to the standards of Muslim.⁴ Those who oppose it convey their views by bringing evidence from the hadith in the same way. In our article, these views and their evidence will be examined and it will be questioned whether it is possible to re-evaluate it, especially in the changing world order. Because today women go to mosques more frequently for various occasions such as Qur’an education, religious education, sermons, meetings, cultural events, resting, or touristic visits. For this reason, a clear answer should be given to this problem that women, who are more visible in society from the business world to education, face quite frequently today.

Before tackling the opinions of scholars of the Sunnī school, we address the general speculations of the jurists on this issue. In our analysis of these opinions, rather than limiting the sources by specifying a period or school, we referred to the general literature of four Sunnī schools of jurisprudence. Furthermore, instead of going through all the views in these schools, we focused on the accepted and established views that are regarded as the cornerstones within the schools. We tried to present the development of the issue and the main tendencies of the doctrines concerning it as we tackled different views in chronological order. As we analyzed the issue of women entering the mosques, we followed a comparative method by summarizing the views of the opponents, supporters, and those who partially support it and listing the proofs and evidence of these views. In this way, aside from presenting these views, we help readers to have an idea of their framework.

In the the classical sources, the question of entering a mosque for a menstruating woman is explained through the rulings preventing a person in the state of ritual impurity. In the modern sources, however, the topic had not received much attention and this question is only briefly addressed under the title of the things a menstruating woman cannot do. Unfortunately, the works that address this issue broadly by providing the related evidence are limited.⁵ The studies published in English exhibit poor access to the classical works of Islamic Law whereas works in the Arabic language observe a negative undertone without presenting a sufficient analysis of the issue. In this article, we handle this issue from the perspective of a woman and offer not only the views on this issue but also the proofs of these views based on the classical sources of jurisprudence.

1. THE ISSUE OF MENSTRUATING WOMEN ENTERING THE MOSQUE

Beginning from the time of the Prophet, the religion of Islam has brought regulations improving the social status of women with principles inherent to itself. In addition, the open nature of these regulations invites Muslims to continue making improvements. For instance, unless they are on their menses, there are no restrictions for women to enter the mosques. The Prophet warns those who put restrictions on women when he states, “Do not keep women, who are the servants of God, from entering the mosques”.⁶

Menstruation is considered as an excuse, legally, it is considered a restraint to certain acts of worship such as performing the ritual prayers, fasting, reading the Qur’an and circumambulating Kaaba, and to sexual intercourse. Although there are clear statements in Qur’an that indicate the kinds of acts a menstruating woman is restrained to perform, there is no clear provision about the permissibility of entering a mosque. The discussions on this subject are based on hadiths and the Qur’anic verse that contains the expression “do not approach prayer”.⁷ In the commentaries of this verse, the sentence “do not approach prayer” was interpreted to mean a restriction to approach the places of prayer, and from this verse, the legal ruling preventing menstruating women or any person in a state of major ritual impurity, janaba, from approaching the mosque was deduced. Some commentaries discussed this issue in detail and offered explanations similar to the following: The Arabic version of the part that is translated as “except passengers is “abir al-sebil” and the literal

2 Muhammad Ibn Ali Ibn Muhammad Ibn Abdullah al-Shawkānī, *Nayl al-Awtar Sharh Muntaqa al-Akhbar* (Lebanon: Bayt al-afkar ad-duvali 2004), 163.

3 Abū ‘Abd Allāh Muḥammad ibn Ismā‘īl ibn Ibrāhīm ibn al-Mughīrah ibn Bardizbah al-Ju‘fī al-Bukhārī, *Ṣaḥīḥ al-Bukhārī: al-Jāmi‘ al-Musnad al-Sahīḥ al-Mukhtaṣar min umūr Rasūl Allāh wa sunnanihi wa ayyāmihi* (Riyadh: Dar al-Salam 1999), “al-Gusl”, 23. Besides, it was narrated by Ata Ibn Yesar (721 CE/103 AH) that he saw companions sitting in the mosques in that state. Ibn Kathir (1373 CE/AH 774) who is a highly influential historian, exegete, and scholar during the Mamluk era said that the narrative is sahih (authentic) according to the standards of Muslim. Abū al-Fiḍā ‘Imād Ad-Dīn Ismā‘īl Ibn ‘Umar Ibn Kathīr al-Qurashī, *Tafseer al-Qur’ān al-Azeem*, trans. Bekir Karlıḡa - Bedrettin Çetiner (Istanbul: Çağın Puplication, 1994), 4/1704.

4 al-Qurashī, *Tafseer al-Qur’ān al-Azeem*, 4/1704.

5 For details, please see ‘Abd al-Karīm Zaydān, *al-Mufaṣṣal fi ahkām al-mar’a wa l-bayt al-muslim fi l-shar‘a al-islāmīya* (Beirut: Mu’assasat al-Risāla, 1420/2000); Abdurrahman Haçkalı, “Adetli Kadının Namaz Kılması, Oruç Tutması, Tavaf Etmesi ve Mescide Girmesi”, *Güncel Dini Meseleler İstişare Toplantısı-V İbadetler ve Aile Hayatı ile İlgili Bazı Meseleler* (30.11.2012 - 02.12.2012 Afyonkarahisar), tsh. Hacı Duran Namılı (Ankara: Diyanet İşleri Başkanlığı, 2018), 283-298; A. Kevin Reinhart, “When Women Went to Mosques: al-Aydini on the Duration of Assessments”, *Islamic Legal Interpretation: Muftis and Their Fatwas*, ed. Muhammad Khalid Masud et al. (Cambridge, MA: Harvard University Press, 1996); Ali Yüsek, “İslam Fikhına Göre Kadınların Âdet ve Lohusalık Günlerinde Mescitlere Giriş Sorunu”, *Ondokuz Mayıs Üniversitesi İlahiyat Fakültesi Dergisi* 41 (Ocak 2017): 77-97; Khaled Abou El Fadl, *Speaking in God’s Name: Islamic Law, Authority and Women* (Oxford, UK: Oneworld, 2001); Lois, Beck, “The Religious Lives of Muslim Women.” *Women in Contemporary Muslim Societies*, ed. Jane I. Smith (Lewisburg, PA: Bucknell University Press, 1980); Marion Holmes Katz, *Women in the Mosque: A History of Legal Thought and Social Practice* (New York: Columbia University Press, 2014); Sulayman Nasr ad-Din, “Hukm ad-Dukhul al-Junub wa al-Haid” (Accessed 17 April 2022); Şule Soyal Şenol, “Kadınların Özel Hallerinde Mescide Girmesini İlgilendiren Rivayetlerin Tahliili ve Değerlendirilmesi”, *Karabük Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 9/1 (Mart 2019), 241-264; Yasir Almuwais, “The (Fiqh) Rulings on the Natural Blood of Women (in Islam)” (Accessed 16 April 2022); Zafer Koç, “Âdetli Kadının Mescide Girmesi, Tavaf Yapması, İddet Bekleyen Kadının Evden Çıkması ve Hacceetmesi”, *Güncel Dini Meseleler İstişare Toplantısı-V İbadetler ve Aile Hayatı ile İlgili Bazı Meseleler* (30.11.2012 - 02.12.2012 Afyonkarahisar), tsh. Hacı Duran Namılı (Ankara: Diyanet İşleri Başkanlığı, 2018), 243-286.

6 Abū al-Ḥusayn Asâkir ad-Dīn Muslim Ibn al-Ḥajjāj Ibn Muslim Ibn Ward Ibn Kawshādh al-Qushayrī an-Naysâbüri Muslim, *Ṣaḥīḥ Muslim: al-Musnad al-Sahīhi bi Naklii Adli* (Riyadh: Dar al-Salam, 2000), “Salat”, 135.

7 An-Nisa 4/43.

translation is “those who are passing through.” Just after this, the expression “ala sefer” is used to point out to passengers. As this expression is used to indicate the passengers, the meaning of “abir al-sebil” should be something else.⁸ The commentators who thought this way and benefitted from some explanatory narratives took it as “those who are passing through, who enter a mosque from a side and exit from another and keep going”.

While some scholars discuss the meaning of the expression “abir al-sebil” in the verse, many scholars today question whether this issue is related to the socio-cultural side. Thus, some classical texts of Islamic jurisprudence emphasize the socio-cultural aspect of menstruation generally. For example, Imam Ash-Shāfiī (820 CE/ 767 AH), provides regional references to the question of the earliest age of a woman’s menstruation. According to him, the women who observe menstruation at the earliest age are those of the *Tihāmah* region, who start menstruating at the age of nine.⁹ Both in terms of its duration and the ages in which it can start and end menstruation can vary significantly according to the physical structure, genetics, environment, and climate conditions. On the other hand, scholars of Islamic law have made observations and put in a lot of effort to determine the starting and ending ages of menstruation and its duration as it is closely related to various religious and legal provisions. Shirbīnī (1570 CE /977 AH) who is one of the important Shāfiī scholars, said that if there are no restrictions regarding a subject in the religion and if there is no limitation in the language either, the real conditions of the outside world are taken as the basis.¹⁰ Shirbīnī sees menstruation as part of being a woman. He narrated a hadith that describes menstruation as “something with which Allah destined the daughters of Adam”.¹¹

Shirbīnī statement that the real conditions should be taken into consideration for a subject matter of the religion is very important as it underpins the fact that a provision in the law would inevitably change if the entailing conditions change. This detail provides us with a foundation to reconsider both the state of menstruating women and the issue of entering the mosque under the current conditions. Because socio-economic and environmental factors have a separate place in women’s menstruation or menopause. Research on this subject clearly demonstrates this. According to a study, with the improvement of living conditions in countries, the age of puberty has gradually shifted earlier. Today, there is no significant change in the age of puberty in countries where living conditions have greatly improved, but the trend towards earlier puberty still continues in developing countries.¹²

2. VIEWS OF ISLAMIC SCHOLARS

After the immigration to Madinah, the first structure to be built was a mosque. Around the mosque, houses of some of the companions of the Prophet were located, and the paths to the city from these houses were via the mosque. Therefore, at some point, they may have had to pass through the mosques while they were in a state of major ritual impurity. The verse allowed for this situation, but according to certain narratives, the Prophet had changed the paths with a few exceptions.¹³ According to those who accept this narration, the word prayer in the verse “do not approach to prayer”¹⁴ refers to the prayer as an act of worship for those who are intoxicated and to the place of prayer, the mosque for those who are in a state of major ritual impurity. The latter group said that they could enter and exit the mosque whenever needed with the condition of not sitting in it. One of the scholars who adopt this explanation is Imam Shāfiī.¹⁵ According to the others, including Abū Ḥanīfa, the expression “those who are passing through” indicates the passengers.¹⁶

There are three main approaches in the discussions on this subject in the classical literature. The evidence for these approaches will be explained in detail later. These approaches are briefly as follows: First, those who think it is permissible for a menstruating woman to enter a mosque. This opinion is held by certain scholars including Dawud b. Ali al-Zāhirī (815–883/4 CE, 199-269/270 AH) who is widely regarded as the founder of the Zāhirī school of thought, and other Zāhirī scholars.¹⁷

Second, those who think it is permissible for a menstruating woman to only pass through the mosque given the certainty that the mosque would not be polluted in any way. The opinion of Shāfiī school is in line with this.¹⁸ It is also narrated that Ahmad Ibn Hanbal (855 CE/ 241 AH), and Imam Mālik (795 CE/ 179 AH), thinks the same way.¹⁹ Additionally, according to this group, it is permissible to pass through the mosque once the menstruation is over but before the ritual bath, ghusl.²⁰

Third, those who think it is forbidden for a menstruating woman to enter the mosque. In case it is necessary to pass through the mosque, she should take tayammum according to Hanafī and Mālikī school.²¹ Shāfiīs and Hanbelīs think that taking an ablution is not compulsory even if there is no necessity.²²

2.1. Arguments on the Juristic Ruling of Entering the Mosque

The argument of the Hanafī scholars who think that a menstruating woman cannot enter or pass through a mosque is based on a narration according to which the Prophet had the doors of the houses near to the mosque closed and explained with his words “I do not

8 Abū Abd Allah Fakhr al-Din Muhammad b. Omar b. Husayn Fakhr al-Din al-Rāzi, *at-Tafsīr al-Kabīr*, trans. Suat Yıldırım et al. (İstanbul: Huzur Yayınevi, 2013), 8/51.

9 Shams al-Din Muhammad Ibn Ahmad al-Khātib al-Shirbīnī, *Mughni al-muhtāj ila ma'rifat al-ma'ani al-faz sharh al-Minhāj*, Critical ed. Muhammad Muhammad Tamir-Shaykh Sharif Abd Allah (Cairo: Dar al-Hadith, 2006), 1/272-3.

10 Shirbīnī, *Mughni al-muhtāj*, 1/273.

11 Shirbīnī, *Mughni al-muhtāj*, 1/272-3.

12 H. Nurçin Saka - Olcay Neyzi, “Püberte başlangıç yaşı değişiyor mu?”, *Türk Pediatri Arşivi* 40 (2005): 7- 14.

13 Abū Dawud, “Taharat”, 94.

14 An-Nisa 4/43.

15 Abū 'Abdillāh Muhammad Ibn Idrīs ash-Shāfiī, *al-Umm* (Dar al-Vafa, 2001), 2/114.

16 Abū Bekr b. Mesūd b. Ahmed al-Qāsānī, *Badā'ī al-Sana'i fī Tartīb al-Sharai* (Beirut: Dār al-Kutub al-Ilmiyye, 1997), 1/151.

17 Ibn Rushd, Muhammad b. Ahmad b. Muhammad al-Qurtubī, *Bidayāt al-Mujtahid Wanihayāt al-Muqtasid*, Critical ed. Al-Sheikh Ali Muhammad Muawwad - Adil Ahmad Abdul-Mawjud (Beirut: Dar al-Kotob al-Ilmiyyah 2013), 52.

18 Abū Zakariyyā Yahyā Ibn Sharaf al-Nawawī, *al-Majmu' sharh al-Muhadhab*, Critical ed. Muhammad Najeb al-Mutui (Jeddah: Maktabah al-Irshad, 2008), 2/199.

19 Shawkānī, *Nayl al-Awtar*, 163.

20 Haçkali, “Adetli Kadının Namaz Kılması, Oruç Tutması, Tavaf Etmesi ve Mescide Girmesi”, 297.

21 Qāsānī, *Badā'ī al-Sana'i*; 151; Shawkānī, *Nayl al-Awtar*, 163.

22 Nawawī, *al-Majmu'*; 2/199.

allow anyone who is menstruating or *junub* in the mosque”.²³ Some regard this hadith as daif (of weak accuracy) and those who think it is not. Zaylāi thinks it is ḥasan.²⁴ In addition, Hanafī scholars do not accept the statement of Jabir confirming they would pass through the mosque in the given state as valid proof. According to them, the same applies to the narrative from Ata Ibn Yasar stating that some of the companions would take ablution when they were *junub* and sit in the mosque to have a conversation.²⁵

Hanafīs emphasize that if it is forbidden to enter a mosque to pay respect, it is also forbidden to pass through it. The expression in the verse, “until they find water, those who are *junub*”, indicates that a person who cannot find water should take a dry ablution, *tayammum*. However, Jaṣṣāṣ (981 CE/ 370 AH), does not agree with this approach for the verse refers to these solutions concerning the ritual prayer and it would not be correct to take it out of its context and apply it to the case of passing through a mosque. According to him, the expression in the verse, “until you know what you are saying”, indicates that it is related to prayer. Therefore, it is about the passengers, not about those who pass through the mosque.²⁶

Those who hold that it is permissible to pass through the mosque also have some hadith as their proofs. For example, according to Ibn Hazm az-Zāhirī (1064 CE/ 456 AH), it is permissible for a woman who is menstruating or has postnatal bleeding to enter a mosque. Ibn Hazm bases his opinion on the hadith “a believer cannot be impure”.²⁷ Ibn Hazm argues that the verse of the Qur’an (Qur’an 4/43) brought as evidence of the rule that it is not permissible for a menstruating woman to enter the mosque is not relevant. Because he believes what is intended from the statement “do not come near prayer” is prayer itself and should not be interpreted as the place of worship. The verse poses a restriction to the action of praying and not the place, the mosque. He furthermore makes the point that “if it were impermissible to enter a mosque during menstruation, Aisha, the wife of the Prophet Muhammad, would not be prohibited to perform circumambulation by herself during pilgrimage.”²⁸

In addition to what Ibn Hazm narrates, the most significant evidence in support of the permissibility of entering mosques for menstruating women is the hadiths narrated by the wives of the Prophet. According to one of the hadiths that hold such merit, Āisha narrates “the Messenger of Allah (peace be upon him) said to me: bring me the mat from the mosque. I said: I am menstruating. Upon this he (peace be upon him) remarked: Your menstruation is not in your hand”.²⁹ As it can be understood from this hadith, the Prophet (peace be upon him) asked his wife Āisha to bring him the prayer even though she was menstruating. This shows that as long as there is no likelihood that her menstrual blood will come into contact with the mosque, it is permissible for a woman to enter the mosque during her menses.

Another hadith related by the wife of the Prophet (peace be upon him) Maymouna states: “Even if one of us were in our menses, the Messenger of God would rest his head on her lap and recite Qur’an. Also, even if we were menstruating we would take the mat and spread it inside the mosque”.³⁰ Similar to this hadith also states that the wives of the Prophet (peace be upon him) while they were menstruating would go inside the mosque to lay out a mat for the Prophet (peace be upon him) to pray on. Furthermore, according to another hadith that is narrated by Umm Atiyya, at the time of Eid al-Fitr and Eid al-Adha the Prophet (peace be upon him) would take women, young and old, covered and menstruating, to the place of Eid, and the menstruating women would not join the ritual prayer but would take part in the charitable actions and invitations.³¹

Some scholars, referring to the hadiths mentioned above, attribute two conditions to women entering the mosque while they are menstruating. The first of these is the need, and the second is the absence of the concern of contamination with blood. This view was expressed by many Islamic jurist today, as well as by Shāfiī school in the classical period.³² For this reason we will discuss the Shāfiī’s view in more detail in the next chapter, in order to examine whether this approach can be an answer to today’s concerns.

2.2. Al-Minhāj and Its Commentaries on Entering the Mosque

Having mentioned the nature of the discussions in general, to give more detail to the question, we would like to present the related opinions of the members of the Shāfiī school of law, as they include detailed issues in this regard and it forms the basis for the fatwas given in the modern period. To do this, we choose Nawawī’s *al-Minhāj* and its commentaries that were one of the highly demanded books among the late Shāfiī scholars. Also among the most widely researched works in the Shāfiī school, *al-Minhāj* had a distinctive role in the development of the later legal acquis. Therefore, this work is significant in understanding the approach of the Shāfiī school which is one of the four traditional schools of jurisprudence in Islam.

With references to the things that were rendered forbidden for menstruating women, Nawawī firstly states a general principle. According to him, everything prohibited for those who are in the state of ritual impurity (*Junub*) is also prohibited for menstruating women.³³ This is indicated by the fact that certain things that are not forbidden for those who are in this state were forbidden for menstruating women. For instance, it is impermissible for a menstruating woman to pass through a mosque while it is permissible for a man in a state of ritual impurity. Nawawī elaborates this issue in detail instead of discussing it in a general manner and makes two main distinctions. The first is whether there is a possibility that the menstrual blood may get in contact with the mosque. As it is known, in Islamic law, blood is regarded as impure. If there is an impurity present in the mosque, this affects the validity of the prayers offered in the mosque,

23 Abū Dawūd, “Taharat”, 94.

24 Abdullah b. Yusuf Zaylāi, *Nasb al-Raya* (Jeddah: Dār al-Qibla al-sakafah al-Islamiyyah, n.d.), 1/194.

25 Zaylāi, *Nasb al-Raya*, 1/194.

26 Abū Bakr Aḥmad Ibn ‘Alī al-Rāzī al-Jaṣṣāṣ, *Aḥkām al-Qur’ān*, ed. Muhammad al-Sadiq (Beirut, Libanon: Dār al-Kutub al-Ilmiyyah, 2001), 1/458.

27 Bukhārī, “al-Gusl”, 23.

28 Abū Muḥammad ‘Alī Ibn Aḥmad Ibn Sa‘īd Ibn Hazm, *al-Muhalla*, ed. Abd al-Gaffar Suleyman (Beirut, Libanon: Dār al-Kotob al-Ilmiyyah, 2003), 1/401.

29 Muslim, “Hayz”, 11.

30 Muslim, “Hayz”, 15.

31 Muslim, “Salat al-Idayn”, 10.

32 Nawawī, *al-Majmu’*, 2/199.

33 Abū Zakariyyā Yaḥyā Ibn Sharaf al-Nawawī, *al-Minhāj* (np.: Dār al-Ilmiyyah, nd.), 80.

as the purity of the place of the prayer is one of the preconditions of the ritual prayer. Nawawī's approach to this issue is based on this perspective. He firstly discusses the case of a menstruating woman who fears to soil the mosque as she passes through it.³⁴ If the woman thinks that there is a likelihood that a drop of blood will fall onto the ground, it is impermissible to pass through the mosque for it should be protected from impurities. This is not particular to menstruating women as the same ruling applies to everyone who carries something impure on her or him.³⁵ On the other hand, if a woman in her menses is sure that this would not happen, it would be permissible for her to pass through the mosque similar to a person who is in a state of ritual impurity but is disliked *makrūh* to do so as ruled by the consensus *ijmā*.

The second question is related to the menstruating women staying in the mosque for a while, rather than passing through. According to Nawawī, it is forbidden for a menstruating woman to stay in the mosque. This is because it is forbidden for any Muslim except the Prophet (peace be upon him) to stay in the mosque when he or she is in a state of ritual impurity without an excuse. Nawawī supports this view with the proof that Ibn Abbas interpreted the expression in the verse as "do not approach to the place of prayer (Qur'an 4/43)". This is because it would not be possible to pass through the prayer, but one can pass through a place of prayer, i.e. a mosque. There are other verses where the word "pray/salat" is used to indicate the "place of prayer". Similarly, the word "pray/salat" is used in the 40th verse of Surah al-Hajj to refer to the place of prayer.³⁶

However, according to Nawawī, an important point to be considered here is that by using the expressions like staying in the mosque or wandering in the mosque, "passing through the mosque" is excluded. The proof of this is the verse above. If a menstruating woman does not fear contaminating the mosque, it is not impermissible. Moreover, if she has a purpose in passing through it— such as it being on consider the closest road to her home— it would not even be disliked (*makruh*). Additionally, it is disputed whether it would be disliked or not when there is no such specific purpose in passing through the mosque. There are three main views on this issue belonging to Shāfiīs. The first opinion holds that it is impermissible, as stated in the book titled *Rawdat al-Tālibīn*.³⁷ The second view holds that it is better to avoid that, but it is not *makruh*. The third opinion sees it as impermissible. According to Shirbīnī, the first view should be adopted if there is another way, and the second one should be adopted if there is no other. In *Tuhfat al-muhtaj*, Haytamī emphasizes what does staying in the mosque means. According to him, the expression "staying *Imeks*" may refer to a long-term staying as in *l'tikāf* or staying with peace of mind. Both options are possible.³⁸

Lastly, *al-Minhāj* and its commentaries emphasize three important issues. The first and most important one is the circumstances of passing through the mosque. According to Nawawī, a menstruating woman does not need to hurry if there is no danger to contaminate the mosque. It is enough to walk at their normal pace. Secondly, Nawawī focuses on what the term "masjid/mosque" includes and excludes. He considered that, madrasah, Islamic monasteries, and places where salat al-Eid was performed are excluded by the term. Thirdly, the issue of non-Muslims being in the mosque. Nawawī argued that, there is no problem with a non-Muslim being inside of a mosque with a purpose, because she or he does not believe in the sacredness of a mosque. However, if the non-Muslim in question is a woman and she has a fear to contaminate the mosque, she should not be in it.³⁹

As a result, considering the writings of fuqaha it can be understood that the presence of menstruating women in a mosque is not considered permissible. However, as it is stated especially in *al-Minhāj* and its commentaries, there is no problem with a menstruating woman passing through or visiting a masjid if she has no fear to contaminate it. The emphasis on the possibility of contaminating the mosque in *al-Minhāj* and its commentaries brings in the question of whether it is permissible to stay in the mosque just like passing through it if there is no such possibility.

As it can be seen, one of the main concerns of the question of the permissibility of entering a mosque during a woman's menses especially in the Shāfiī school is to keep the mosque from getting in contact with the menstrual blood. For this reason, when the Qur'anic doctrines and the general prophetic approach is taken as the basis for this issue, it would be clear that the interpretations which have a discriminative tone towards the women, depriving them of the education in the mosque do not comply with Islam. In fact, there is no difference between men and women when it comes to entering mosques, one of the most important places for Muslims, except for the specific restrictions on women's menstruation. As the scholars state, the purpose of these limitations is not to exclude women but to keep the place of worship from getting in contact with an impure substance. Hence, women who are welcomed in the mosque are asked to avoid entering a mosque in states that are specific to them. As there is no discrimination between man and woman in terms of rights and freedoms, Islam has brought certain rulings based on the differences in physical and psychological characteristics. This aspect should not be interpreted as an injustice since paying regard to gender and physical appropriateness in tasks and responsibilities are for the benefit of both parties.

3. CURRENT FATWAS ON THE SUBJECT

Today, with the re-entering of women in all areas of social life, this issue has started to occupy the agenda again. Women, who are more visible in society than in the past, ask these questions more often. For this reason, it is seen very often that fatwa committees come together and discuss this issue in many Muslim countries of the world. In this section, we will be examined some of these fatwas.

34 Nawawī, *al-Minhāj*, 80.

35 Shibab al-Dīn Abū al-Abbās Ahmad Ibn Muḥammad ibn 'Alī ibn Hajar al-Haytamī, *Tuhfat al-Muhtaj li Sharh Al-Minhāj*, ed. Abdallah Mahmud Umar (Beirut: Dār al-Kotob al-Ilmiyyah, 2011), 1/135; Shams al-Dīn Muhammad Ibn Ahmad al-Khātīb al-Shirbīnī, *Mughni al-muhtaj ila ma'rifat al-ma'ani al-faz sharh al-Minhāj*, ed. Muhammad Muhammad Tamir & Ash-Shaykh Sharif Abd Allah (Cairo: Dār al-Hadith, 2006), 1/275.

36 Nawawī, *al-Majmu*; 2/184.

37 Abū Zakariyyā Yahyā Ibn Sharaf al-Nawawī, *Rawdat al-tālibīn*, Critical ed. Zuhayr Shavesh (Beirut, Libanon: al-Maktaba al-Islamiyyah, 1991), 1/296.

38 Haytamī, *Tuhfat al-Muhtaj*, 1/135.

39 Shahab ad-Din Ahmad b. Ahmad b. Salama Qalyubī, Shihab ad Din Ahmad Umaira, *Hāshiyatāyn Qalyubī wa-'Umayra ala Minhāj al-Talibin* (Cairo: Maktaba Mustafa al-Babī al-Halabī, 1965), 1/64.

It is possible to classify the current views on whether women can enter the mosque while they are menstruating under three approaches. According to the first approach, which does not mention any need or necessity, it is possible for women to enter the mosque when they are menstruating. For example, the Egyptian fatwa board has a positive approach to this issue without mentioning any need.

Dar al-Ifta al-Misriyya thinks that women can enter the mosque while they are menstruating. According to the council, it is permissible for women to be in the mosque in this situation, but it is more correct for them to stand outside to make room for those who pray, especially at the time of prayer. The opinions of the council, on the subject are as follows:

“It is permissible for menstruating and postpartum women and anyone in a state of major ritual impurity to enter mosques, pass by them or attend classes held in them and so on. However, a woman, whether experiencing menstruation, postpartum bleeding or isti-hadah, must use proper hygiene products to avoid soiling the mosque. If space is limited inside a mosque, it is recommended that they leave at the time of prayers to make space for other women to perform prayers.”⁴⁰

According to the second approach, in case of need and necessity, it is permissible for women to enter the mosque while they are menstruating. As an example of this approach, we can give the opinion of the *Turkish High Board Of Religious Affairs* which is the most important official authority in Turkey. *Turkish High Board Of Religious Affairs*, which mentions classical views first, says that there are two basic views among Islamic scholars, positive and negative. Although the majority of fuqaha stated that it is not permissible for women entering the mosque while they are menstruating, *Turkish High Board Of Religious Affairs*, adopts a third view. *Turkish High Board Of Religious Affairs*, which states that women can enter the masjid, especially in case of need, summarized the issue as follows:

“According to the majority of Islamic scholars, it is not permissible for women to enter the mosque during menstruation or postpartum. Some scholars, on the other hand, considered it permissible for a menstruating woman to enter the mosque in case of need, for example, to buy an item in the mosque, or to pass through the mosque for a reason such as the road passing from the mosque is closer. In case of need, these opinions can also be acted upon.”⁴¹

The second view is also adopted by *the European Council for Fatwa and Research*. The council explains the issue with a statement similar to that of the *Turkish High Board Of Religious Affairs*. The following decisions were reached in the 24th Ordinary Session of the European Fatwa and Research Council held in Istanbul on 16 August 2014, titled “Jurisprudential Developments of the European Muslim woman”.

“As for accessing mosques to avail of their good facilities, Muslim scholars have expressed two opinions: It is prohibited and in support of this view a hadith is quoted in which the Prophet, peace be upon him, states: “Accessing mosque is forbidden for women during their monthly period and people in grave impurity.” It is permissible and in support of this view a hadith is quoted in which the ‘Aisha, may Allah be pleased with her, states: “The Prophet, peace be upon him, said to me ‘Pass me the Khumrah[6] and it is inside the mosque.’ I said: ‘I am menstruating.’ The Prophet, peace be upon him, said: ‘Your menstruation is not in your hand.’ ‘Aisha, may Allah be pleased with her, also narrates that a freed save woman lived in the mosque. The mosque was her house, where she stayed in all her circumstances including the time of her monthly period. The second opinion is preponderant as the second quoted hadith is authentic. Let alone, it is consistent with the principle that women have the right to access mosques. The first opinion is weak since it is established on a weak hadith.”⁴²

Some contemporary scholars like Jasser Auda suggest that a menstruating woman can enter a mosque for occasions such as taking courses, attending a ceremony, or visiting a mosque in a place she sees for the first time or she can take advantage of the differences in interpretations, as long as it is assured that the mosque will not get dirty.⁴³ Also, many contemporary Islamic jurists in Turkey, such as Nihat Dalgın, Hayreddin Karaman, Osman Eskicioğlu, Abdurrahman Haçkalı,⁴⁴ have a positive approach to women's going to the mosque when they are menstruating. The decision taken unanimously in the final declaration of the first Advisory Meeting on Current Religious Issues of the Presidency of Religious Affairs is in this direction.⁴⁵

Along with the positive opinions, there are also those who express negative opinions today. Contrary to the two views we have just mentioned, the fatwa committee in Jordan gives a near-negative answer. Without drawing attention to the fact that women are more involved in society today and the changing world order, the committee emphasizes that women should be bound by the Shari'a provisions. However, they did not mention in detail why it is against the Shariah provisions for women to enter the mosque while they are menstruating. In addition, they discussed the issue in a narrower framework without mentioning the conflicts in classical thought on the subject. The Board's view on the matter is briefly as follows:

“We expect from his Excellency, the Minister of religious affairs and Islamic endowments to command the people who is charge the courses' timing in which they are organized and women who are in menstruation period can abide by the rulings of Sharia and not contradicting with them while they are lecturing about the teachings of Sharia, rather they could give the courses as the menstruation blood is ceased or they can do that outside the Mosque so the hardship in this case is completely lift and they can proceed with their noble message.”⁴⁶

40 Dar al-Iftaa al-Misriya, “Entering the mosque while in a state of menstruation or major ritual impurity”, <https://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=10509> (Accessed 17 April 2022).

41 Turkish High Board Of Religious Affairs, “Can a menstruating or puerperant woman enter the mosque?” <https://kurul.diyagnet.gov.tr/Cevap-Ara/108/adetli-veya-lohusa-kadin-camiye-girebilir-mi-?enc=QisAbR4bAkZg1HlmMxXRn5PJ8DgFEAoa2xtNuyterRk%3> (Accessed 16 April 2022).

42 European Council for Fatwa “Jurisprudential Developments of the European Muslim woman” <https://www.e-cfr.org/en/2020/06/23/the-24th-ordinary-session-of-the-european-council-for-fatwa-and-research-held-in-istanbul/> (Accessed 17 April 2022).

43 Jasser Auda, “Reciting Quran & Tawaf: Women In Menses Excluded?”, <https://www.jasserauda.net/portal/reciting-quran-tawaf-women-menses-excluded/?lang=en> (Accessed 16 April 2022).

44 Haçkalı, “Adetli Kadının Namaz Kılması, Oruç Tutması, Tavaf Etmesi ve Mescide Girmesi”, 297-298.

45 Yüksek, “İslam Fıkıhına Göre Kadınların Adet ve Lohusalık Günlerinde Mescitlere Giriş Sorunu”, 93.

46 Iftaa' Department at Jordan, “A Menstruating Woman is Prohibited to Enter a Mosque” <https://aliftaa.jo/QuestionEn.aspx?QuestionId=730#.Yls4JShBw2w> (Accessed 17 April 2022).

As a result it can be understood from the current fatwas mentioned above, there are three different views on whether women can enter the mosque while they are menstruating. According to some opinions, it is permissible for women to enter the mosque while they are menstruating, but according to others it is not. A moderate view advocated by the *Turkish High Board Of Religious Affairs* and the *European Council for Fatwa and Research* is that women can enter the mosque even when they are menstruating, but this is limited to necessity.

As we stated at the beginning of our article, women are more involved in many fields from education to the business world, unlike in the previous period. Although mosques were at the center of their lives for both women, men, and children in the early days of Islam, this centrality lost its importance in the following centuries. However, today, mosques have become places of visit in many respects, from worship to conversation, from education to touristic trips. The demand that has emerged today have led to a rethinking of the general acceptance that women cannot enter the mosque while they are menstruating. As a result of this, it is seen that a more positive attitude is reflected in the fatwas. For instance, although *Turkish High Board Of Religious Affairs* closely follows the Hanafī sect, the council concluded that women could enter the mosque while they were menstruating when needed.

One of the most important reasons for the *Diyanet* to express such an opinion is the place of women in the changing socio-economic order. This change is clearly seen ten years ago when the issue of whether women can enter the mosque while menstruating was discussed at the *Contemporary Religious Issues Consultation Meeting* held in Afyon. In this meeting, the approaches of women working in the *Turkish High Board of Religious Affairs*, such as Ülfet Görgülü, are very important. Görgülü emphasized that theoretical discourse creates some problems in practice today.⁴⁷ For example, she stated that some problems arose when it was said that the women sent as guides during the hajj or umrah could not enter the masjid while they were menstruating. For this reason, she emphasized that the approaches of the classical fuqaha should be reviewed. While evaluating these views, today's terms and conditions should also be taken into account.

CONCLUSION

There is a difference of opinion among the scholars concerning the question of entering a mosque for menstruating women. Some view it impermissible and those who rule for its permissibility under certain conditions. Scholars of the Shāfī school of law come first to rule for the permissibility of passing through a mosque during a woman's menses as long as there is no fear of soiling the mosque. The main concern of the thinkers who approached it as the Shāfī jurists was to keep the mosque from being soiled by the blood. The hadiths that report the wife of the Prophet (peace be upon him) Aisha taking a prayer mat from the mosque during her menses, and Maymouna entering the mosque to lay out a mat in the same state, as well as the narration of Umm Atiyya about the menstruating women coming to the place of Eid and doing the acts of charity other than performing the ritual prayer shows that it is permissible for women to enter the mosque in that state.

According to some scholars, it is not permissible for menstruating women to be in mosques for long or short periods. However, it is understood that the discussions in these works are generally related to the idea of preventing women from being in the mosque while they are menstruating, to prevent the mosque from being contaminated with blood, which is considered impure. Some works express this clearly, while others do not. Today, the approach that women can enter the mosque while they are menstruating finds more supporters in the discussions on the subject and in the fatwas given. It is stated that nowadays women go to mosque more frequently and especially the risk of polluting mosques is less.

Additionally, we have pointed out the basis of Shirbīnī's opinion about the minimum period of menstruation. Since it is not the main topic of this article, the issue has not been entered into details. However, due to the importance of this issue, it is necessary to emphasize Shirbīnī's views again. According to him, if there are no restrictions regarding a subject in the religion and there is no limitation in the language either, the real conditions of the outside world are taken as the basis. Upon this remark, I would like to conclude my article with the following question: would it be possible to reconsider this issue within the framework of conditions of today's world, on the same basis as Shirbīnī's? The reason for asking this question is that I think we cannot reach the correct answers if we ask the wrong questions and look for the solution in the wrong places. While discussing whether menstruating women can enter the masjid or not, the right questions should be asked and answered accordingly. Otherwise, wrong questions and answers would be pursued and if today's terms and conditions are not taken into account, women's ties with the mosque can be cut.

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47 Ülfet Görgülü, *Güncel Dini Meseleler İstişare Toplantısı-V İbadetler ve Aile Hayatı ile İlgili Bazı Meseleler* (30.11.2012 - 02.12.2012 Afyonkarahisar), tsh. Hacı Duran Namılı (Ankara: Diyanet İşleri Başkanlığı, 2018), 305.

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