

AL-ISLAM FATWA BANK - (Marital issues)

Title of Fatwa	Level of Intimacy with a Menstruating Wife
Topic Of Fatwa	Menstruation
Question of Fatwa	Dear scholars, As-Salamu `alaykum. I read somewhere that during the woman's menstrual period, it is <i>haram</i> to do sex below the woman's waist, while it is <i>halal</i> above the waist and there is nothing wrong taking part in sex with husband with upper body only. Is this correct in the light of true Islamic teachings? Jazakum Allah khayran.
Name of Mufti	Group of Muftis
Content of Reply	<p>Wa `alaykum As-Salamu wa Rahmatullahi wa Barakatuh.</p> <p>In the Name of Allah, Most Gracious, Most Merciful.</p> <p>All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.</p> <p>Dear questioner, we commend your pursuit of knowledge and your eagerness to seek what is lawful and avoid what is not. We earnestly implore Allah to bless your efforts in this honorable way.</p> <p>First it should be clarified that women are not unclean during their menstrual periods or post-partum bleeding. They do not have to stay in separate quarters or eat from separate dishes apart from their husbands, as was the case with the ancient Jews. They can retain their normal daily interactions and intimacies with the exception of sexual intercourse, as elaborated below.</p> <p>As for the question regarding the level of intimacy between a husband and his menstruating wife, Sheikh Ahmad Kutty, a senior lecturer and Islamic scholar at the Islamic Institute of Toronto, Ontario, Canada, states:</p> <p>"In Islam we are not allowed to engage in sexual intercourse with our wives during their monthly periods. Allah says in the Qur'an, "They ask you about menstruation; say, it is 'a kind of hurt'; so abstain from sexual intercourse with them until (their period expires and) they have purified themselves." (Al-Baqarah: 222). This interdict from Allah applies only to sexual intercourse; this has been clearly established in the authentic Sunnah as reported in the well-attested traditions from the Prophet (peace and blessings be upon him).</p>

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	<p>The Prophet (peace and blessings be upon him) was once asked by one of his companions, what was permissible for a husband in terms of conjugal relations with his wife during her period. His reply was, “Do everything except sexual intercourse.” In other words, couples are allowed to enjoy companionship including intimate relations so long as they stay away from sexual intercourse. Therefore, all forms of legitimate sexual satisfactions other than intercourse are considered permissible. `A'ishah, the beloved wife of the Prophet, and the mother of the faithful, said, “The Prophet used to cohabit with me while I was menstruating; he would abstain only from sexual intercourse.”</p> <p>Elaborating on the question of whether prohibition applies to the area between the navel and knees or not, Sheikh M. S. Al-Munajjid, a prominent Saudi Muslim lecturer and author, states:</p> <p>“The correct view is that the man may be intimate with his wife when she is menstruating in all ways apart from intercourse (based on the evidence in the above Fatwa).</p> <p>Many of the scholars were of the view that it is <i>haram</i> for a man to be intimate with his wife during her menses with regard to the area between the navel and the knees, and they quoted evidence for that, but this view has some flaws. There is a Hadith to the effect that the husband is allowed to enjoy his menstruating wife regarding the area above the waist. Abu Dawud narrated from Haram ibn Hakim that his paternal uncle asked the Messenger of Allah (peace and blessings be upon him), “What is permissible for me to do with my wife when she is menstruating?” He said, “Whatever is above the waist.”</p> <p>According to several scholars, the Hadith is regarded as weak or not authentic. Even if the Hadith is authentic, it does not constitute evidence that this is not permissible to engage in intimacy between the navel and the knees because of the following:</p> <ol style="list-style-type: none">1. The hadith means that it is desirable to avoid the area, not that it is obligatory to do so.2. It may be interpreted as applying to the one who is not able to control himself, because if he is allowed to be intimate with the area between the thighs, for example, he may not be able to control himself and may have intercourse in the vagina, so he would be doing something
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	<p><i>haram</i>, either because he is lacking in religious commitment, or because his desire is too strong. So the Hadiths that indicate that it is permissible apply to the one who can control himself, and the Hadith that indicates that it is not allowed apply to the one who fears that he may fall into <i>haram</i>."</p> <p>Excerpted, with modifications, from: www.islam-qa.com</p>
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