

The Relationship Between the Objectives of Islamic Sharia and Psychiatry in Pregnancy, Menstruation and Puerperium Issues

HAFSAH YOUSUF SULYMAN ALMUSRATI

Email: fekna1996@gmail.com

DR. KAWTHAR ABDALLA BAYOUMI

Email: amkawthar@utm.my

DR. MUHAMMAD NAQIB HAMDAN

Email: mohammadnaqib@utm.my

DR. MUHAMMAD IHSAN GHAZALI

Email: alikhshan.kl@utm.my

Academy of Islamic Civilization, Faculty of Social and Islamic Sciences, UTM. Malaysia.

Abstract

The period that a woman goes through during pregnancy, menstruation and puerperium is a special period in which the woman's status is physically disturbed because of the effect that this has on her health as it is medically proven by experience. Likewise, she goes through a special physiological situation, in which the level of hormones changes, as stated by psychiatry experts. Therefore, we believe that the Almighty Allah has singled out women for the situations they go through with specific texts and provisions in Islamic legislation, which resulted in an alleviation of the provisions of worship and transactions for women in that period. This proves the wisdom of the divine providence and how Allah singled women out with the provisions in which the sharia objectives (maqasid) are manifested by taking into account their nature and the physical and psychological changes that occur to them. Therefore, Sharia, on the one hand, has its own approach in this case, and, on the other hand, psychiatry experts have their own scientific reports regarding women. Thus, it is important to define the relationship between the sharia objectives related to the pregnancy, menstruation, puerperium, and psychiatric reports, and determine how to use it in formulating sharia rulings. This relationship is less researched and there are less efforts to show the relationship and the consequences of its employment at the sharia and scientific levels, which in turn increases the importance of this research. This research adopts the functional, inductive and documentary method, as it searches for the relationship between two sciences in order to document their evidence sharing and address the issues common between them. The researcher, according to this methodology, can prove the relationship, define it, and then determine the impact of this relationship and how to employ it. This research is also a positive and valuable scientific step in stimulating the renewal of the mechanism of scientific research in Islamic jurisprudence, especially considering the sciences that share intertwined issues as well as use the benefit of empirical science.

key words: Sharia objectives, Psychiatry reports, Pregnant, menstruating and puerperal women.

Introduction

Allah has enacted rulings for His servants, and assigned them to obey, because He is aware of their conditions. Islamic legal rulings and mandates are based on removing embarrassment and harm to people and achieving their interests. There is no Islamic rule that does not have a sublime, hidden or apparent purpose. Thus, we find that one of the greatness of this legislation is the observance of rights despite their differences as evident by the legal rulings related to those who are exempted from obligations, and that the greater the harm to a person, the greater the mitigation in the ruling. One of the general rules of Islamic law is the observance of the rights of pregnant, menstruating and puerperal women, by virtue of the excuses. Sharia has arranged its own texts detailing its provisions. In these provisions, the lofty objectives of Sharia are manifested in taking into account her physical and psychological condition alike.

Therefore, the research aims to look at the relationship between Islamic Sharia rulings and psychiatry reports and the extent of their impact on special provisions related to pregnant menstruating and puerperal women. The Islamic Sharia taking into account the psychological and physical condition of the menstruating pregnant woman and puerperal woman, and this is evident from the legal texts, defining and clarifying the relationship between them and psychiatry is the thesis of the research. Accordingly, the research examines three topics. The first topic sheds light on the objectives of Sharia texts relating to pregnant, menstruating and puerperal women, and the extent of mitigation in these texts. The second topic deals with determining the psychiatric view of the condition of

pregnant, menstruating and puerperal women. The third topic highlights the relationship between the objectives of Sharia texts related to pregnant, menstruating and puerperal women, and the reports of psychiatrists. The last topic is the conclusion and includes the most important recommendations and results

Research Methodology

This research is considered a qualitative research because it combines two types of sciences: the science of the objectives of Islamic law and psychology. The research thus relies on the documentary inductive functional approach, as it searches to find relationships between disparate sciences, in order to prove the functional link between them. The research examines the relationship of the objectives of the legal texts related to the pregnant, menstruating and puerperal woman with the corresponding psychiatric reports, and thus the results can be used to solve legal, jurisprudence, judicial and scientific issues.

Consequently, the research addresses the impact of this relationship on the rulings of jurisprudence, as well as benefiting from it in the judicial arena. The data has been collected through extrapolation, documentation and conclusion, and this is determined by the nature of the scientific problem of research.

Research Hypothesis

Since Allah is the legislator of texts and rulings, and that these legal texts have lofty objectives that take care of the people and their affairs, the acts of worship and rulings in their entirety are purely for the interest of the servants. In addition, since psychiatry considers women in this case according to their psychological health, thinking, behaviour and accompanying psychological peculiarities, the research thus hypothesizes that there is an existing relationship between the objectives of the legal texts related to the condition of pregnant, menstruating and puerperal women and psychiatry reports. The research also hypothesizes that linking the objectives of Sharia texts related to the condition of pregnant, menstruating and puerperal women with psychiatric reports in diagnosing their condition has an impact on the formulation of Sharia rulings related to them.

Literature review

Scientific research related to tracing the relationships between legal rulings and other sciences, such as psychology, is rare, and it may be non-existent, although there are simple efforts dealing with legal issues from the point of view of gynaecology, especially from a jurisprudential perspective. However, looking at the psychological aspect of pregnant, menstruating and puerperal women and their impact on the legal texts is one of the topics that are almost not researched. This research may be the first attempt in this context.

Accordingly, there are few previous literary reviews on the same subject. Nevertheless, the researchers addressed the subject from separate perspectives, such as researching it from the perspective of Sharia, or researching it from the perspective of gynaecology, or from the perspective of psychology, or from a medical jurisprudential perspective. Therefore, after extensive perusal of the previous literary reviews; I found them, in their entirety, to be almost one-sided

They all address the subject from one perspective, mostly, either from the perspective of the legal texts or from the perspective of the legal rulings related to them. We find that most of the studies are on the rulings imposed on women in terms of worship and transactions, or from a gynaecological perspective, or from a purely psychological perspective, as is the case with the study of (Al-Turki, 2006), and the study (Khoury, 2006). There are studies that addressed the psychological state of women during menstruation only or from the perspective of women's mental health in general, such as a study of (Mahdi, 2007), and the study of (Al-Nuaimi, 2006). However, the study of (Youssef, 1982) focused on the psychological state of women during the puerperium period. Some researchers have examined the subject from the perspective of the judiciary, felonies and crime, as in the study of (Mamdouh Al-Adwan, 2015) and (Al-(Majdoub, 1976).

This is a pattern I found in all the previous studies that I have reviewed. Therefore, researching the relationship between the two sciences is considered an important step in linking psychiatry reports on the condition of a menstruating and puerperium pregnant woman with the objectives of Islamic Sharia texts. It also helps to reach results that benefit the researcher, the jurist and the psychiatrist.

Data collection and analysis

The objectives of Sharia texts related to pregnant, menstruating and puerperal women and the concept of mercy and exemption regarding Sharia duties. The texts of Islamic Sharia have been made to achieve the interests of people in general and those who are accountable in particular, in this world and the hereafter. Every Islamic rule has a specific objective one of which is regulating the life of the individual in all its aspects. Recognizing the objectives of the texts contributes to the identifying the benefits and evils, in the light of which the rulings are based (Al-Muftah, 2010).

Accordingly, this topic deals with the analysis of some examples of the objectives of Sharia texts related to pregnant, menstruating and puerperal women, which in total stipulate the mitigation or exemption in ruling. The

researcher in the texts related to pregnant, menstruating, and puerperal women notices that the Sharia has made for women their own special conditions in worship and transactions. During menstruation and postpartum, women are exempted from prayers and judiciary are waived. Allah has exempted the performance of these prayers out of mercy for her and with the intention of removing hardship and embarrassment, since if she had been asked to make up for what she missed, this would have been hard on her, especially in the case of postpartum. Regarding fasting, women are exempted from the obligation and she makes it up on other days, and this is a relief from God, because fasting is only a month in the year.

Likewise, women have their own rulings regarding the rituals of Hajj, ranging from exemption to mitigation. With regard to the issue of marriage, Sharia prohibits the divorce of the menstruating woman and the puerperal woman, and the divorce is considered an innovated divorce. This has a great purpose, as the jurists stipulate that this is taking into account the interest of the woman by reducing the days of her waiting period. During her waiting period, the woman is prevented from marrying, and if the divorce takes place during her menstruation or puerperium period, she will wait for the end of her menstrual cycle to begin her waiting period after that, and in doing so she complies with these provisions that have been designated for her by God Almighty (Mahjoub, 2010).

Among the peculiarities of the rulings for women is the prohibition of intercourse during menstruation and postpartum, because of the harm that this involves for both men and women, which was confirmed by scholars (Ibn Ashour, 2008). (Ibn Ashour, 2008) indicates in his interpretation of the menstruation verse that common sense turns away from intercourse during this period, as it is a period not suitable for intimacy, and it is also a period in which pregnancy is not achieved, unlike intercourse in the state of purity in which natural pleasure and pregnancy are achieved. This is an assignment bound by the command of God, and it is forbidden for a Muslim to violate common sense

The lofty objectives of Islam invalidate the myths of the pre-Islamic era, when they did not approach women during menstruation, which is the reason that prompted Muslims to ask what they should do during menstruation and postpartum. God sent down Qur'anic verses to them, and abolished the extravagance and restriction of women during the Jahiliyyah, as they considered women to be impure (Al-Qurtubi, 1964), and whoever touched her was considered impure for a period of time and she was shunned (Ibn Ashour, 2008). In the chapter on Hajj regarding women, the Prophet, may God bless him and grant him peace, treated his women well.

For example, Aisha, may God be pleased with her, told the story of her pilgrimage with him, may God's prayers and peace be upon him'. A'isha said: We went out with the Prophet mentioning nothing but the hajj, and when we were at Sarif (A place near at-Tan'im) I began to menstruate. The Prophet came in and finding me weeping, he said "Perhaps you are menstruating". When I replied that I was, he said "That is something which God has decreed for the daughters of Adam; but do what the pilgrims do, with the exception of going round the House, till you are purified". (Bukhari, 294). Sharia eases the rituals of Hajj for women, as it is too difficult for the woman, because that may cause embarrassment. Furthermore, If the work of a Muslim violates an intention of the legislation, his work is considered void, and it will not be accepted or rewarded) (Al-Shatibi, 2007).

In the Chapter of limits, the story of Al-Ghamdiyah who committed fornication is the best example of the Prophet's dealings and teachings, which reflects the objectives of wise Sharia. When the woman came to the Messenger, may God bless him and grant him peace, asking him to perform the hadd punishment on her, he constantly refused, may God's prayers and peace be upon him. The Prophet, may God's prayers and peace be upon him, did not perform the hadd punishment on her during pregnancy for fear of her death and the death of the baby, nor during the puerperium period due to the particularity of her condition and the infant's need for her, and even until she completed breastfeeding her child, and even when she brought the evidence with her (Ibn Hibban, 4442).

Ibn Al-Qayyim, may God have mercy on him, says: delaying the hadd punishment for an accident is something that was mentioned in Sharia, as well as delaying the hadd punishment for the pregnant and breastfeeding woman, and for the time of heat, cold and sickness (Ibn Al-Qayyim, 2017), where the outcome of this may be the death of those in these cases, and the Sharia intends to discipline and rebuke, not destroy. Hence, the objectives of the Shariah become clear and the interests are realized considering the consequences. Jurist, as stated by (Ibn Ashour, 2013), need to know the objectives of Sharia, as it helps the mujtahid, the judge and the jurist in directing the fatwa. Whoever invokes these objectives from the rulings is obliged to comply and abide by them in directing his fatwa and deflecting suspicions (Atiya, 2003)

Psychiatric view of pregnant, menstruating and puerperal women

The psychological state of women during pregnancy, menstruation and puerperium has its own specificity, which made psychiatrists do research and books in which they track the disorders that women go through, which is something that has been noticed since ancient times, (Mohamed Mahdi, 2007). During the menstrual cycle, the woman experiences hormonal disturbances, which is reflected on her psyche, and this makes intercourse during this

period harmful to both physical and psychological health (Omar, 2018). The Sharia has enacted provisions for this as it was clarified in the previous research when it commanded Muslims not to have intercourse with women during this period (Ibn Ashour, 2008).

The Sharia has come with texts with the intent of educating people according to the periods and conditions in which interests are achieved. Also, as indicated by (Mahdi, 2007) that women go through biological and psychological fluctuations because, since puberty, they go through several stages and changes that make them physically and psychologically unstable. During pregnancy, menstruation, and postpartum, she goes through hormonal disturbances and changes that affect her psyche, making her more emotional and in turn affecting her health. A woman is exposed to several pains, and the tension increases according to the pain, and this limits her physical and emotional activity, (Reform Movement, 2018).

Studies confirm that the percentage of psychological repercussions on women is not at the same rate so that it can be measured, but rather varies according to the differences in women and their conditions. This increases the importance of studying her case and spreading awareness in communities for others to understand. The Sharia got a head start in refining these teachings, when it commanded that women be treated kindly in any case, especially during pregnancy, menstruation and puerperium (Nariman, 2015). It is noticed on women during pregnancy, menstruation and puerperium physical and psychological weakness (Riyad, 2004).

Therefore, it is important for women to receive special nutritional care, as well as psychological care. Here it becomes clear what is the purpose of the Sharia is exempting woman from fasting during her menstruation and puerperium period. Likewise, it is permissible for her to break the fast when she is pregnant, fearing for herself or her baby. (Al-Rajbeh, 2000) explains that women have characteristics that make them different from men in several ways. They have organic characteristics that differ from men, which are reflected in their psyche and conscience, due to physical and formative differences, mental and behavioural differences, and psychological and emotional differences. These characteristics do not underestimate them, and do not place them in the group of lunatics or those whose actions are not recorded. Rather, it is a welcome contrast in which the noble Sharia objectives are manifested, whereby the integration, balance and harmony between them and the nature of man are achieved, (Al-Rajba, 2000).

During puerperium period, the woman experiences goes through puerperium sadness (Al-Nuaimi, 2006), because of the various factors that she experiences that affect the frequency of sadness or depression (Amal, 2012). One of the causes of puerperium depression is that she is very afraid for the health of her new-born (Tahoun, 1984). The frequency of depression may increase and might reach the stage of puerperal psychosis. During the puerperal period, women are more susceptible to mental illness than other periods, (Ismail, 1982), and hence the wisdom of Sharia in describing the condition of women during pregnancy and childbirth involuntarily (Al-Qurtubi, 1964).

The relationship between the objectives of Sharia texts related to pregnant, menstruating and puerperal women and the reports of psychiatrists

Based on the previous two sections, the relationship between the objectives of the legal texts and what has been approved by psychiatry in the case of pregnant, menstruating and puerperal women is evident, as is the agreement of the two sciences on the special conditions of women from their respective sides. All of the foregoing acknowledges that Islamic Sharia takes precedence in considering the privacy of women, and shows the importance of the inter-research mechanism for the student of jurisprudence in particular. The reader of the objectives of the special texts will find that they deal with the preservation of mutual rights and are not specific to women only, as the rulings of women in these cases overlap with many issues of jurisprudence, including worship and transactions alike, which by complying with a person is absolved of duty.

The objectives of Sharia balance between the safety of the individual and the safety of religion alike, and between the purpose of worship and the objective of mitigation of the provisions to relieve hardship (Nasef, 2017). Likewise, in the special provisions, the balance is evident between the woman's interest in preserving her physical and psychological health from harm, as well as preserving the interest of others, such as the jurisprudence of transactions and the rulings on marriage, divorce and limits. Therefore, the hierarchy of lofty objectives in the privacy of judgments becomes clear, and this confirms the importance of following the objectives for students of jurisprudence in particular, as well as teaching them to people (Rafi, 2021). These examples, which are intended for theorizing, not limiting and briefing, otherwise there are many objectives that the research is not able to address, the texts of Sharia, rulings and their objectives acknowledge the importance of knowing the objectives of the texts relating to the pregnant, menstruating and puerperal woman, and comparing them with psychiatric reports, which in turn acknowledges the specificity of their condition.

It should be known that this does not mean that the woman is not required to comply with the texts of Sharia, as she does not fall into the category of the mentally ill. Rather, this particularity is due to the occasional disturbances that she experiences for limited periods, and taking into account the consequences that this has on both

her physical and psychological health (Mahdi, 2007). Accordingly, women conditions are considered according to these dimensions and repercussions, and the ruling is drawn up according to the objectives of Sharia. Thus, the Islamic law has abolished the pre-Islamic customs that were unfair to women. Women are charged, like the man, with the legal duties, except for the exceptions that are specific to her in the Sharia, and this only increases her status and honour (Qutb, 1978).

From the above, it becomes clear how psychiatry clarifies the condition of menstruating and puerperal women in a scientific manner, which is benefited from the point of view of Sharia. Likewise, psychiatry determines the extent of this influence, which is useful in recognizing the special cases of women and the consequent impact on the formulation of special provisions for them. Additionally, This is also a method of collecting data that addresses the privacy of women's issues, as this topic lacks sufficient data despite the many parties benefiting from this data, from the jurist and judge, as well as the psychiatrist and Muslims in general (Youssef, 1982).

Conclusion

This study concludes with several results, the most important of which are:

- The texts of Islamic law in general and the texts related to pregnant , menstruating women and the puerperal woman in particular have lofty objectives based in their entirety on achieving interests and repelling evils, as Islam is great and all its texts have goals which are to achieve the interests of people.
- Islam has abolished the myths of the Jahiliyyah that undermined women and has established provisions that preserved their rights.
- Sharia rulings for pregnancy, menstruation and puerperal women have well-known and reasonable objectives that should be noted and highlighted in the jurisprudence research on women.
- The objectives of Sharia texts related to pregnant, menstruating, and puerperal women are compatible with what has been approved by psychiatry regarding the specificity of their case.
- Recognizing the objectives of Sharia and putting them side by side with empirical sciences highlights the wisdom of Sharia, and emphasizes that Sharia has had always been at the forefront. However, rulings can be reinforced with human sciences that will serve the interests of people and help them in their religion and their worldly affairs.

Most important recommendations:

- Diligence in showing the objectives of Sharia in the texts and linking them with modern sciences to demonstrate the precedence of the Sharia and to indicate miraculousness of the Glorious Qur'an
- Students of Sharia and jurisprudence, in particular, should research the modern sciences gynaecology, as well as psychiatry that help in collecting data in the intertwined issues to assess the condition of the menstruating pregnant woman and the puerperal woman in particular, and benefit from them in arranging rulings
- Organizing legal and jurisprudential seminars and encouraging students of Sharia and jurisprudence, in particular, to benefit from the humanities that serve Islamic Sharia
- Urging scientific research and articles that show the scientific miracles of Islamic legislation.
- Employing the common understanding between jurisprudence and psychiatry for pregnant, menstruating, and puerperal women, and elaborating rulings according to their requirements
- Publishing research that deals with the implementation of modern sciences such as psychology in controlling and consolidating rulings in matters of pregnancy, menstruation and postpartum

References

- Tahoun, M. (1984). The nature of puerperal psychosis and its relationship to pregnancy, Master's thesis in neurological and psychiatric diseases, Faculty of Medicine, Ain Shams University.
- Mahjoub, T. (2010). The Legitimate Objectives in the Noble Qur'an, and the Deduction of what was mentioned from them in Suras Al-Fatihah and Al-Baqarah, Master's Thesis, Umm Al-Qura University.
- Amal, E. (2012). Psychological stress among pregnant women who are about to give birth for the first time, Ministry of Higher Education and Scientific Research.
- Al-Adwan, M. (2015). Postpartum Women's Psychological Disorders and Their Impact on Crime and Punishment in Jordanian Criminal Legislation, Journal of Sharia and Law Sciences Studies, Volume 42, Issue 2, 20015.
- Khoury, S. (2006). The Impact of Psychological Factors on Menstrual Problems in Women, Specialist in Obstetrics and Gynecology, Circulating Article.
- Abu Hadid, B. (2009) The Role of Purposes in Guiding Judgment between Will and Permission, Master's Thesis, Islamic University of Gaza, Department of Fundamentals of Religion.
- Mahdi, M. (2007). Women's Mental Health, Al-Azhar University, Dar Al-Yaqin.

- Riyadh, S. (2004). *Women's Mental Health*. Cairo, Iqra Foundation for Publishing, Distribution and Translation.
- Al-Husseini, A. (2002). *The Health Encyclopedia of Modern Women, A medical guide to women's health and psychological problems at different ages*, Family Library.
- Saleh, A. (2011). *The rulings on menstruation, postpartum bleeding and istihaadah*, Dar bin Al-Jawzi.
- Rafie, A. (2020). *Supplementation of Shariah objectives, an applied study on some contemporary jurisprudential issues*, PhD thesis, first edition, Dar Taibah Al-Khadra.
- The Reform Movement. (2018). Department of Family and Women, the psychological state of women during menstruation, a rolling article.
- Al-Qurtubi, M. (1964). *The whole of the provisions of the Qur'an. Investigation: Al-Baroudi, Ahmed Atfayesh, Ibrahim. (i.2). (Cairo - Egypt): Egyptian Book House.*
- Qutb, S. (1978). *Interpretation in the Shadows of the Qur'an*, Dar Al-Shorouk, 2019, Dar Al-Osoul Al-Ilmia.
- Al-Nuaimi, T. (2006). *The psychology of men and women is the latest scientific study on marital problems, their causes and methods of treatment. (i.3). (Beirut, Lebanon): House of Revival of Sciences.*
- Odeh, J. (2006). *Jurisprudence of Purposes, Entrusting Sharia Laws with their Purposes*, International Institute of Islamic Thought, first edition.
- Al-Noor, M. (2007). *Pregnancy period between jurisprudence, medicine and some contemporary personal status laws. Journal of Sharia and Islamic Studies. 70, vol. 22. 271-344.*
- Haniyeh, M. (2005). *The role of contemporary scientific facts in controlling the balance of pregnancy. The Islamic University Journal of Islamic Studies. p. 1, v. 13. 65- 86.*
- Attia, J. (2003). *Towards Activating sharia objectives*, International Institute of Islamic Thought, Dar Al-Fikr for Printing, Distribution and Publishing, Syria, Damascus.
- Ibn Ashour, M. (2008). *Interpretation of Liberation and Enlightenment*. Tunisian House for Publishing and Distribution.
- Nassef, M. Tarshani, Y. (2017). *The rule of alleviating the embarrassment and its contemporary applications in the door of worship. International Islamic Science Journal. P3, Volume 1. 66-95.*
- Campbell, S. Monga, A. (2007). *Gynecology by ten professors. Translated by Sanusi, Muhammad Sanusi Muhammad and Pharaoh, Sadiq. (Damascus - Syria): The Arab Center.*
- Al-Frouji, M. (2001). *Al-Maliki's observance of the purposes of the taxpayers, theory and application*, Master's thesis, Faculty of Fundamentals of Religion, University of Algiers.
- Ibn al-Qayyim, M. (2017). *Media of the Signatories on the authority of the Lord of the Worlds*, Ibn al-Jawzi House.
- Al-Shatby, A. (2007). *approvals*, Dar Ibn Affan.
- Ansari, F. (2020). *The ABCs of Research in Forensic Sciences "An Attempt at Systematic Rooting" Controls - Curricula - Techniques - Prospects. (i.7). (Cairo - Egypt): Dar Al Salam for printing, publishing, distribution and translation.*
- Nirman, M. (2015). *Postpartum depression, a case study of a sample of women*, Master's thesis in Psychology, Faculty of Humanities and Social Sciences, Algeria.
- Al-Rajbeh, A. (2000). *Encyclopedia of the World of Women*, Dar Osama, first edition, Jordan.
- Jaghem, N. (2002). *Methods of Revealing the Intentions of the Street*. First edition, Dar Al-Nafais, Jordan.
- Ismail M. (1982). *Psychiatric Diseases in the Postpartum Period*, Master Thesis, Faculty of Medicine, Ain Shams University.
- Al-Turki, J. (2006). *Psychological disorders associated with the menstrual cycle*, translated by Suleiman Jarallah, Psychiatry France / Algeria, Journal of the Arab Psychological Science Network
- Al-Muftah, F. (2010). *The Objectives of Sharia in the Light of the New Age*, Supreme Council for Islamic Affairs, Research and Proceedings of the Twenty-Second Conference.
- Omar, S. (2018). *Six facts you should know about menstruating women*, circulating article, web medicine.
- Ibn Ashour, M. (2013). *The Objectives of Islamic Law*, Egyptian Book House, and Lebanese Book House.
- Creswell, J. (2014). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches (4th ed.)*. Thousand Oaks, CA: Sage.